

Mornington Peninsula Shire

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Planning Submission

5 The Glen, Rye

Version 1 – May 2026

Application for Planning Permit:

Development of a new dwelling, vegetation removal and associated works

Planning Scheme: Mornington Peninsula

Zone: General Residential Zone – Schedule 1 (GRZ1)

Overlays: Design and Development Overlay – Schedule 2 (DDO2)
Vegetation Protection Overlay – Schedule 1 (VPO1)

EXECUTIVE SUMMARY

Introduction

This report has been prepared on behalf of the landowner in support of the proposal at **5 The Glen, Rye** (the Subject Site).

The subject site is a residential allotment, and this application seeks permission for the development of a new dwelling, vegetation removal and associated works

Planning permit triggers:

Clause 42.04 – Vegetation Protection Overlay – Schedule 1 (VP01)

A planning permit is required for the removal, destruction or lopping of vegetation

Clause 52.37 Canopy Trees

A planning permit is required for the removal, destruction or lopping of a canopy tree

Clause 43.02 – Design and Development Overlay – Schedule 2 (DDO2)

A planning permit is required to vary the following General Requirements of DDO2:

- *Use of non-muted reflective tone*

Mandatory maximum building height of 8m applies.

Project team

Planning: Nepean Planning Consultants

Designer: Henley

Conclusion

This report addresses the key relevant planning considerations and concludes that the proposed development appropriately responds to the relevant Victorian Planning Provisions and Local Planning Policy Framework and is entirely worthy of Council support.

Version		
Version	Date	Details
1	May 2026	Original Version

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1 THE PROPOSAL

1.1 Proposed Dwelling

The application proposes a new double storey dwelling on the subject site a detailed to follow.

Figure 1 – Site Plan Extract

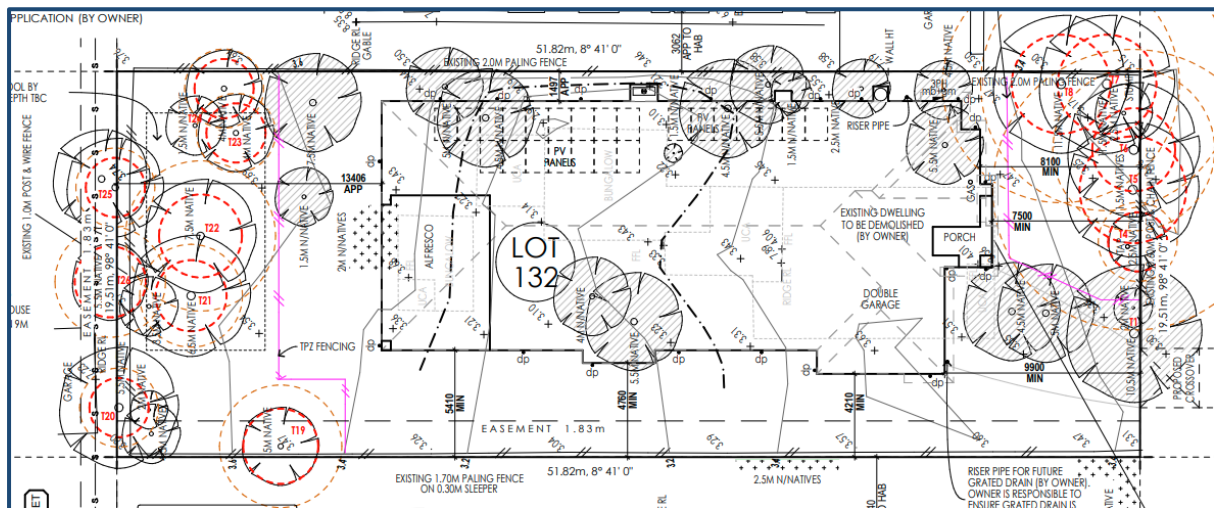


Figure 2 – Proposed north elevation

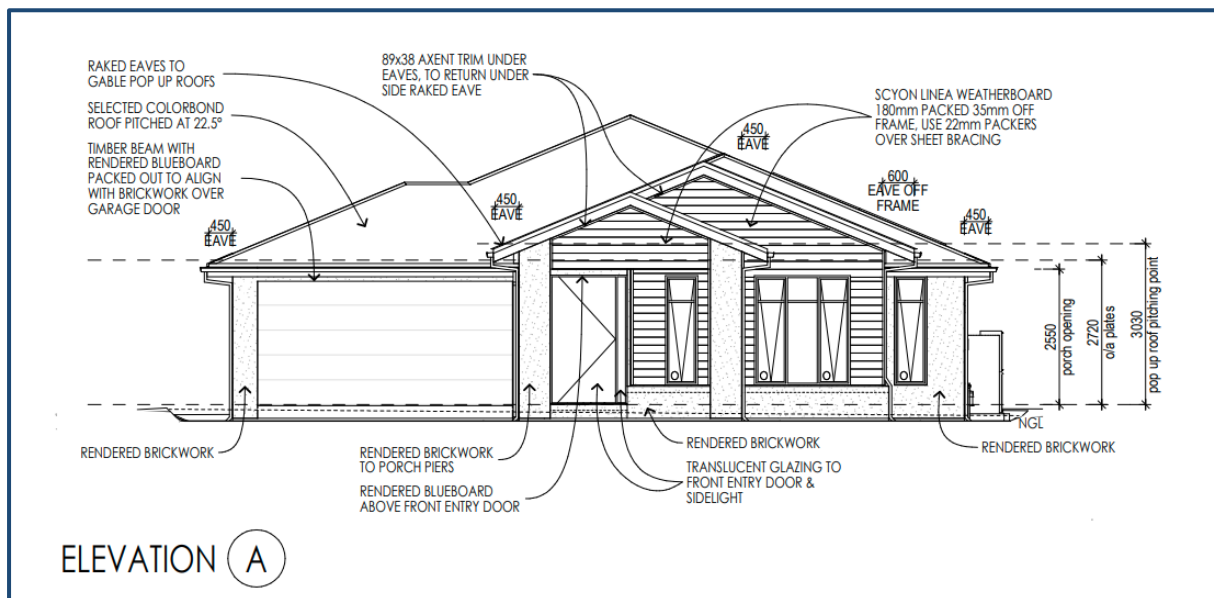


Figure 3 – Proposed east elevation

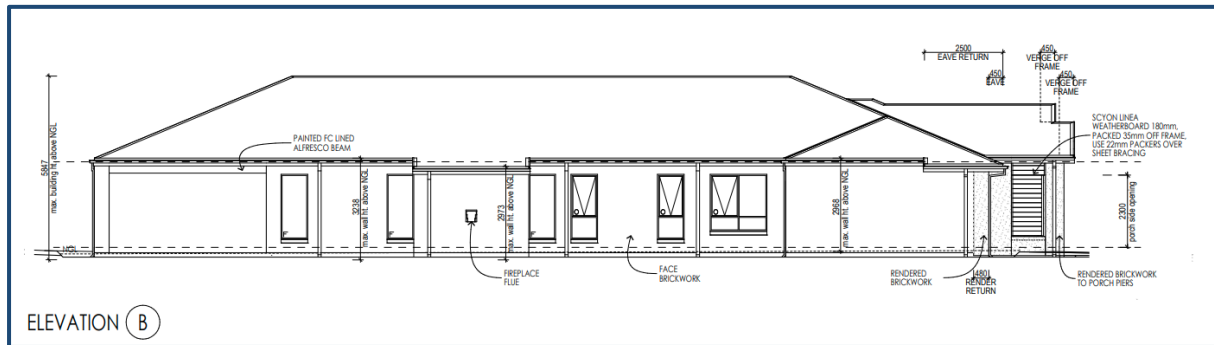


Figure 4 – Proposed south elevation

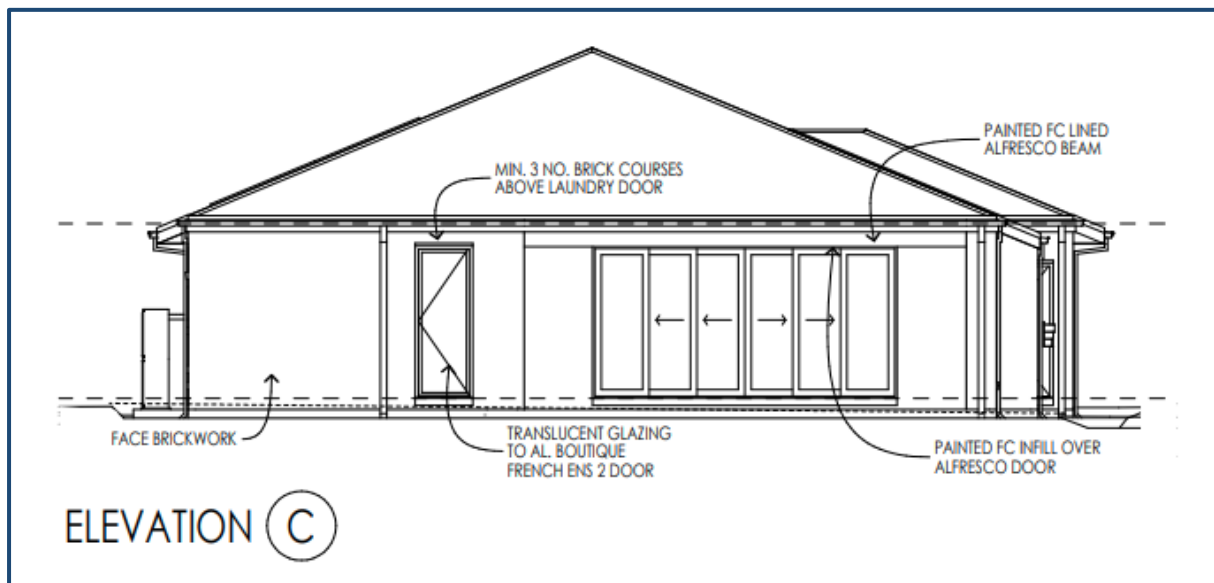


Figure 5 – Proposed west elevation

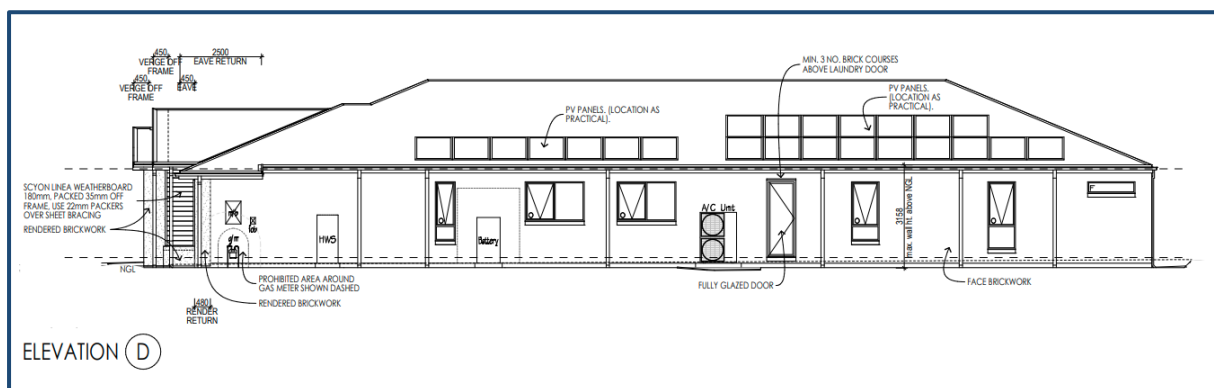


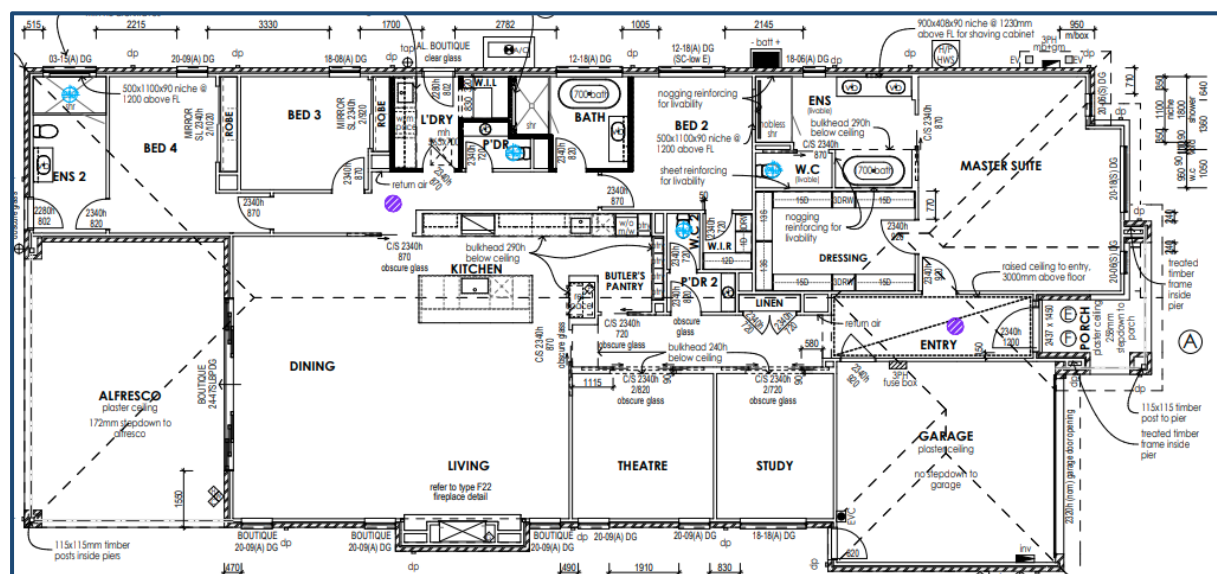
Table 1 – Summary of Key Design Details

Design Element	Proposed
Front Setback (The Glen)	North: 7.5m
Rear Setback	South: 13.406m
Minimum Side Setbacks	East: 4.760m

	West:
Maximum Building/Wall Height	5.847m
Site Coverage	385.7m ² = 38.2%
Garden Area	578m ² = 57.2%
Maximum depth earthworks	Minimal (<1m cut/fill)

The proposed dwelling contains the following internal layout:

Figure 6 – Ground floor plan



1.2 Finishing Materials

The following indicates the main external finishes and colours and appearance of the proposed dwelling:

Roof: Colorbond: Basalt *Matt* = LRV Rating 15

Walls: Bricks: Austral Bricks; Praline

Render: Cashmere = LRV Rating: 49

Linea Weatherboard Cladding: Colorbond Surfmist = LRV Rating: 70

Figure 7 – Materials schedule

	Bricks	Praline (Skye Brilliant Super Off White Mortar Is Highly Recommended With This Brick) Austral Bricks
	Mortar Joints	Roller - Skye Brilliant Super Off White
	Main Cladding	Linea Weatherboard Cladding James Hardie
	Main Cladding Colour	Colorbond Surfmist Taubmans All Weather Low Sheen CB 23
	Feature Cladding 1	Linea Weatherboard Cladding - Gable James Hardie
	Colorbond Roof (Inc. Whirley Bird if required)	Basalt - Matt SA 0.71 Colorbond

1.3 Vegetation Removal

Vegetation removal is proposed to accommodate the development of a dwelling and associated works including a new crossover. Proposed removal is detailed in the above site plan and consists of the removal of:

- Tree 1 (boundary canopy)
- Trees 2 & 3
- Trees 9-18

An AIA prepared by Sustainable Tree Management provides an assessment alongside the commentary within this submission as to the extent of reasonable vegetation removal and steps necessary to ensure the protection of vegetation to be retained.

1.4 Other works

A new 3m wide crossover will be constructed to allow vehicle access to the site as no formalised crossover currently exists.

Side boundary fencing consists of existing timber paling, of which the eastern side is made of 1.7m paling on a 0.3m sleeper and the west side is made of 2.0m paling. 1.0m post & wire fencing exists to the rear. No front fencing is currently present.

No changes to side, rear or front fencing are proposed, with side boundary fencing reaching a minimum height of 2m to avoid unreasonable overlooking from the ground level. Ample setbacks and extensive vegetation screening ensure unreasonable overlooking is avoided between the subject site & 8 Waratah Street.

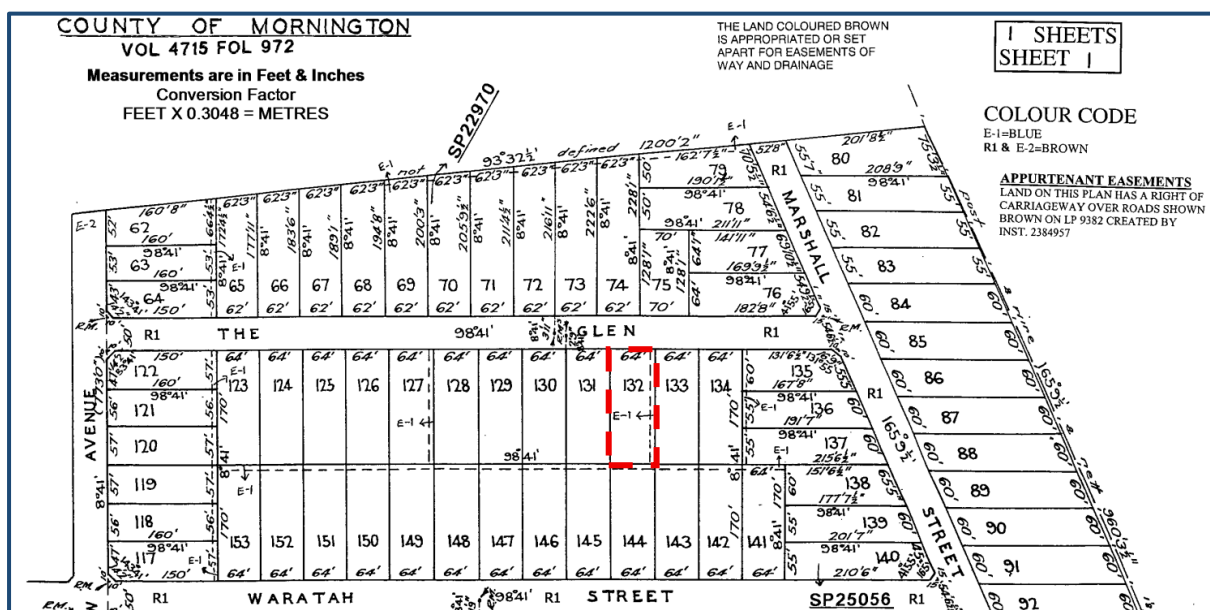
2 SUBJECT SITE

2.1 Title details

The subject site is known as **Lot 132 on Plan of Subdivision 021135** contained within **Volume 12315 Folio 536**.

The land is affected by an easement that runs parallel the eastern boundary of the site as shown below. No works over the easement are proposed.

Figure 8 – Plan of Subdivision



The land is not affected by any encumbrances.

2.2 The subject land

The subject site is located the southern side of The Glen. The rectangular shaped lot has an area of 1011m² with a frontage of 19.5m to The Glen and a maximum depth of 51.8m.

The land is currently devoid of structures with scattered vegetation present. The land is relatively level. No existing crossover exists.

The following images illustrate the current conditions on site in greater detail:

Figure 9 – View towards subject site from The Glen



Figure 10 – View towards subject site from front boundary



Figure 11 – View towards subject site rear from front boundary



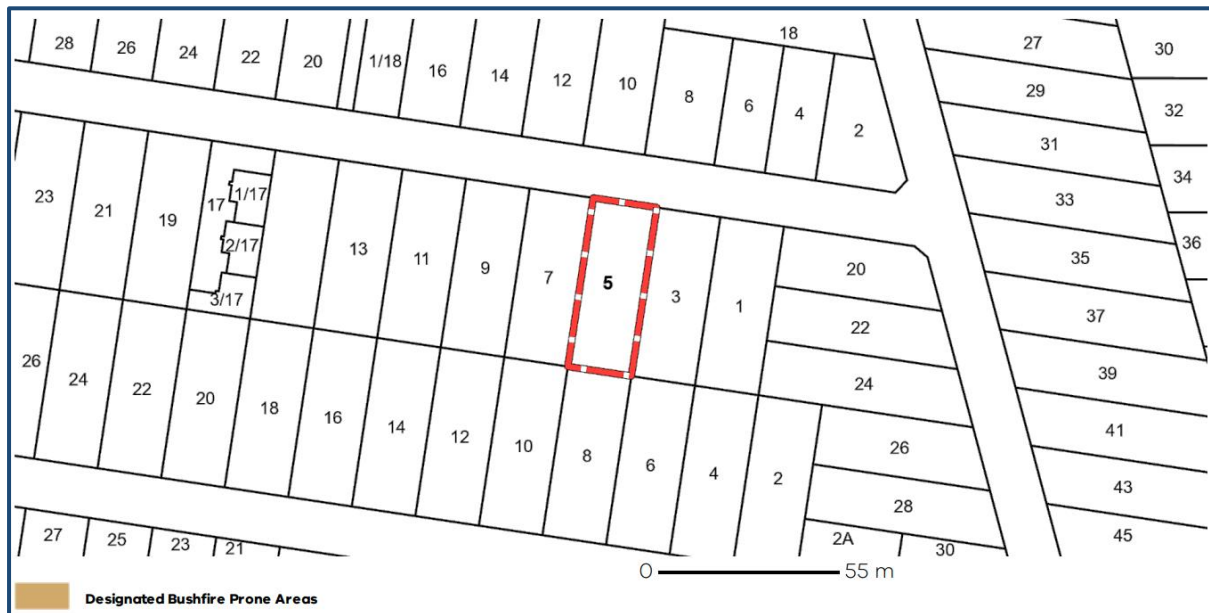
Figure 12 – View towards screening vegetation from public realm



3 SITE CONTEXT

As shown on the below map, the subject site is not located within a designated bushfire prone area.

Figure 13 – Bushfire Prone Mapping



Rye's Township Character as described within the Mornington Peninsula Township Profiles December 2017 Strategic Planning Projects is as follows:

'The town centre has a bayside village character that offers a relaxing lifestyle with recreation around the extensive foreshore. The streetscapes are predominantly lined with native trees such as the Ti-tree and Moonah. Nearly nine-tenths of general residential properties are larger than 600 m², providing sufficiently large private open space where natural or established vegetation cover tend to be retained and substantial vegetation cover is a dominant visual and environmental feature. While the streets in the bayside areas and the areas west of Dundas Street and north of Browns Road tend to follow a grid pattern, other areas tend to follow the contours of the dune topography. Around nine out of ten dwellings are detached with two or fewer storeys being the predominant type.'

The Neighbourhood Character Study Guidelines identify the area as Garden Residential 4 and prescribes the following preferred character statement:

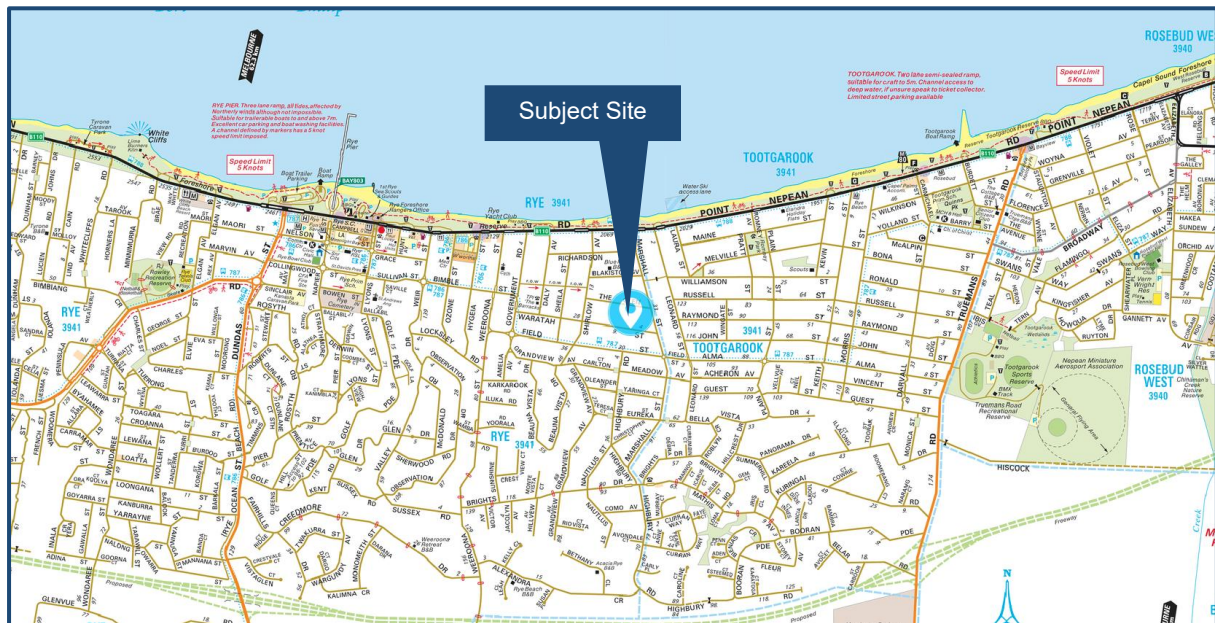
'New development reflects the low scale dwellings, using simple building forms, low pitched roofs with eaves and light building materials sympathetic to existing weatherboard and fibro dwellings. Consistent front and side setbacks create a spacious streetscape. Coastal shrubs, trees and other vegetation are incorporated into new developments, increasing the coastal character of this precinct. Low and permeable front fences allow for views to dwellings and front garden areas. The

northern part of the precinct in Rosebud exemplifies the coastal character, with its original low scale dwellings, set on compact allotments and simple garden settings.'

Upon inspection of the site and surrounds, it is observed that older holiday 'shacks' are being replaced with more substantial family homes, and the character of the area is emerging as larger dwellings are being established in the area.

Single dwellings on a lot are the predominate development pattern and vegetation cover is sporadic with most properties containing cultivated gardens. Some scattered native trees are present along the road reserves however The Glen does not contain any footpaths.

Figure 14 – Melways extract



The site maintains the following nearby services:

- Rye Township within 1km
- Rosebud Major Activity Centre within 5km
- Rye Foreshore within 500m
- Rye & Tootgarook Primary School within 1.7km
- Romney Park & Kevin Street Reserve
- 878 Bus Route available from Field Street

3.1 Neighbourhood character

The immediate character of this part of Rye is largely driven by the strong coastal character and constraints presented from striking a balance between ample coastal vegetation and built form. Adjoining and nearby lot development is varied and consists of both older and new housing stock predominantly containing single detached dwellings with varying scale, design and footprints. Vegetation on lots consists of coastal vegetation including vegetated road reserves with an absence of footpaths.

3.2 Adjoining surrounding properties

Direction	Property	Photos
West	7 The Glen (Figure 15) White/grey single storey dwelling with flat/skillion roof	
East	3 The Glen (Figure 16) Brick single storey dwelling with gable roof	

North	10 The Glen (Figure 17) Weatherboard single storey dwelling with pitched roof	
North	8 The Glen (Figure 18) Weatherboard single storey dwelling with skillion roof The Glen Road	

Figure 19 – Aerial Image (Nearmap, April 2026)



4 PLANNING PROVISIONS

The subject site is included within the Mornington Peninsula Planning Scheme and is affected by the following planning provisions, zone and controls:

4.1 Planning Policy Framework

The following relevant Planning Policy Provisions are applicable to this proposal:

- *Clause 02.03-1 Settlement*
- *Clause 02.03-2 Environmental and landscape values*
- *Clause 02.03-5 Built environment and heritage*
- *Clause 02.04 Strategic framework plan*
- *Clause 11.01-1S Settlement*
- *Clause 11.01-L-01 Settlement – Mornington Peninsula*
- *Clause 11.03-5S Distinctive areas and landscapes*
- *Clause 12.01-2S Native vegetation management*
- *Clause 12.05-2S Landscapes*
- *Clause 12.06-1S Urban forests*
- *Clause 13.03-1S Floodplain management*
- *Clause 15.01-1S Urban design*
- *Clause 15.01-1L Urban design – Mornington Peninsula*
- *Clause 15.01-2S Building design*
- *Clause 15.01-5S Neighbourhood character*
- *Clause 16.01-1S Housing supply*

4.2 General Residential Zone – Schedule 1 (GRZ1)



GRZ1 Purpose:

“To implement the Municipal Planning Strategy and the Planning Policy Framework.

To encourage development that respects the neighbourhood character of the area.

To encourage a diversity of housing types and housing growth particularly in locations offering good access to services and transport.”

Clause 32.08-5 states a permit is required to construct or extend one dwelling on:

- A lot of less than 300 square metres.
- A lot of between 300 square metres and 500 square metres if specified in a schedule to this zone.

The subject site maintains an area of 1011m²; therefore, no planning permit is triggered under the GRZ1, and consideration of this zone is not required. Full compliance with Clause 32.08-4 Garden Area must be met, detailed below.

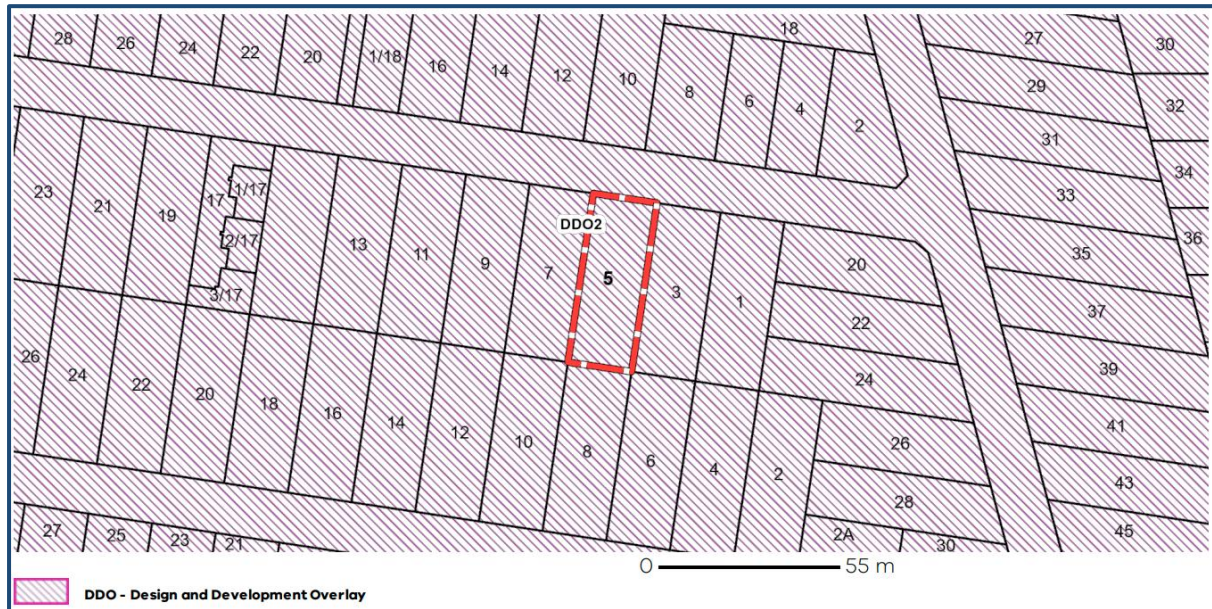
Garden Area

The proposal achieves well in excess of 35% garden area (57.2% proposed) fulfilling Clause 32.08-4 Min Garden Area requirement:

Lot size	Minimum percentage of a lot set aside as garden area
400 - 500 sqm	25%
Above 500 - 650 sqm	30%
Above 650 sqm	35%

4.3 Design and Development Overlay, Schedule 2 (DDO2)

Bayside & Village Design



General Requirements

A planning permit is required pursuant to DDO2 to “construct a building or construct or carry out works” associated with a single dwelling where variation(s) to the following general buildings and works requirements are sought:

- *Use of non-muted reflective tone*

DDO2 states that an application to construct a building or construct or carry out works should meet the general requirements of this schedule except where it has been demonstrated to the satisfaction of the responsible authority, that compliance is unreasonable or unnecessary and no significant loss of amenity will result.

In the General Residential Zone or Neighbourhood Residential Zone, an application to construct a building or construct or carry out works associated with one dwelling on a lot must comply with Clause 54. A full assessment against Clause 54 is provided at Appendix 1.

Mandatory Height Requirement

A building must have a maximum building height of no more than 8 metres and must contain no more than 2 storeys above natural ground level. No part of the proposed dwelling exceeds 8m above NGL fulfilling this mandatory requirement.

4.4 Vegetation Protection Overlay – Schedule 1 (VP01)

Township Vegetation



A planning permit is required pursuant to VPO1 to “remove, destroy or lop any vegetation [...]”

Vegetation removal is necessary to accommodate the development of a dwelling and associated works.

4.5 Other considerations

The following other relevant considerations are applicable to this proposal:

- Plan Melbourne
- Mornington Peninsula Housing and Settlement Strategy: Refresh 2020-2036
- Clause 52.37 Canopy Trees
- Clause 54: One Dwelling on a Lot
- Clause 65: Decision Guidelines

5 CONSIDERATION

In response to the provisions mentioned in Section 4 of this report, it is submitted that the subject site is within an established residential area and the development of one new dwelling is reflective of the development pattern in the surrounding residential streets and should be entirely appropriate for Council support.

Upon review of the Mornington Peninsula Planning Scheme and permit triggers the following key questions are required for consideration:

1. Does the proposal have support in Planning Policy?
2. Is the proposal responsive with the objectives and decision guidelines of VPO1, Clause 52.37 and DDO2 including Clause 54 (ResCode) particularly with regard to neighbourhood character, amenity impacts and design detail?

This report aims to address these questions and demonstrate that the proposal should receive Council's support on the basis that the development presents a high-quality design and demonstrates a well-considered balance between neighbourhood character objectives, vegetation retention and relevant design features achieving diversity of housing stock for the coastal township of Rye.

The following justification should lead to Council's support of the application.

5.1 Does the proposal have support in planning policy?

The key relevant objectives of the Planning Policy Framework policies seek:

Clause 02.03-1 Settlement

- *Protect the unique character and functions of the small coastal townships and rural villages, and maintain their compact form and amenity.*

Clause 02.03-5 Built environment and heritage

- *Ensure the location, design and construction of buildings and works are compatible with the built form and landscape character of the surrounding area.*

Clause 11.01-1S Settlement

- *To facilitate the sustainable growth and development of Victoria and deliver choice and opportunity for all Victorians through a network of settlements.*

Clause 11.03-5S Distinctive areas and landscapes

- *To recognise the importance of distinctive areas and landscapes to the people of Victoria and protect and enhance the valued attributes of identified or declared distinctive areas and landscapes.*

Clause 12.01-2S Native vegetation management

- *To ensure that there is no net loss to biodiversity as a result of the removal, destruction or lopping of native vegetation.*

Clause 12.05-2S Landscapes

- *To protect and enhance significant landscapes and open spaces that contribute to character, identity and sustainable environments.*

Clause 12.06-1S Urban forests

- *To protect and enhance tree canopy in urban areas.*

Clause 13.03-1S Floodplain management

To assist the protection of:

- *Life, property and community infrastructure from flood hazard, including coastal inundation, riverine and overland flows.*
- *The natural flood carrying capacity of rivers, streams and floodways.*
- *The flood storage function of floodplains and waterways.*
- *Floodplain areas of environmental significance or of importance to river, wetland or coastal health.*

Clause 15.01-1S Urban design

- *To create urban environments that are safe, healthy, functional and enjoyable and that contribute to a sense of place and cultural identity.*

Clause 15.01-2S Building design

- *To achieve building design and siting outcomes that contribute positively to the local context, enhance the public realm and support environmentally sustainable development.*

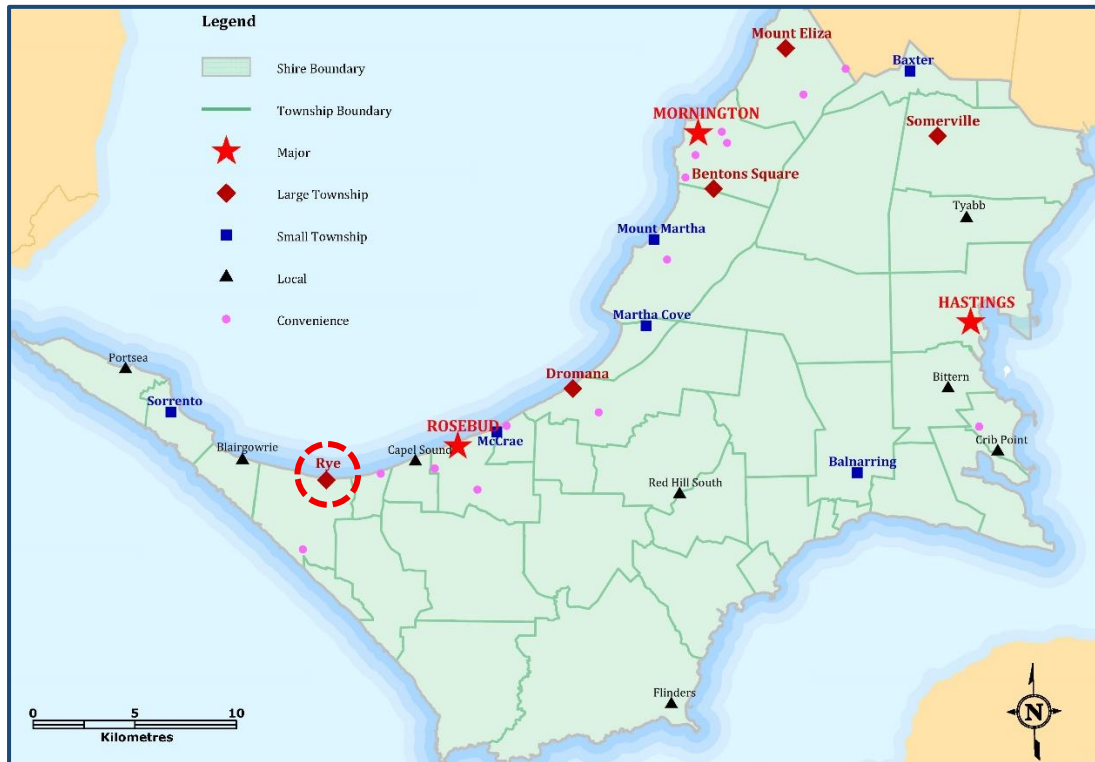
Clause 15.01-5S Neighbourhood character

- *To recognise, support and protect neighbourhood character, cultural identity, and sense of place.*

Clause 16.01-1S Housing supply

- *To facilitate well-located, integrated and diverse housing that meets community needs.*

Responding to the above-mentioned relevant objectives, this proposal is consistent with the broad Planning Policies that promote the consolidation of existing urban areas for the efficient use of existing infrastructure and services by virtue of the site's residential context and relationship to nearby activity centres, detailed to follow.

Figure 20 – Mornington Peninsula Activity Centres

As depicted above, Rye is recognised as a 'Large Township' within the hierarchy of activity centres on the Mornington Peninsula and the site itself has convenient access to both the Rye Large Township and Rosebud Major Township which provides various retail businesses, supermarket, food and drinks premises as well as the recreation values of Port Phillip Bay and Bass Strait. The subject site is located within the urban growth boundary and has existing access to all essential utilities, services, amenities and the associated infrastructure required to service the dwelling, including sewer connection.

Whilst a small amount of vegetation removal is required to accommodate a dwelling, a balance has been struck between the retention of vegetation (including canopy trees) and the expectations of the site with regard to its zone. The proposal includes the retention of a range of canopy trees and vegetation, namely along boundaries to ensure the established landscape is not unreasonably changed.

In terms of building design, it is submitted the proposed a new dwelling will add aesthetic value to the streetscape and coastal character of Rye via a new contemporary single storey dwelling which will integrate into the streetscape and will avoid presenting visually obtrusive when viewed from adjoining properties. Numerous design steps have been taken to ensure consistency with the existing neighbourhood character including a single storey form, adequate setbacks and an adherence to an overall built form that has clear precedent in the immediate area. The new dwelling will provide ample internal amenity for the landowner and will result in an appropriate built form outcome that will result in a valued contribution to the housing stock in the local area and aligns with both the township profile and preferred neighbourhood character.

The site is located within a flood prone area and accordingly report and consent to build on flood prone land will be obtained to ensure the protection of life and infrastructure.

Relevantly, the extent of works ensures a low site coverage of 38.2% with ample space for garden area (57.2%), demonstrating meaningful opportunity for landscaping. The proposal is not expected to result in an overdevelopment or cause detrimental impact on neighbouring sites or the streetscape.

The proposed works will sit comfortably in this context to balance built form, landscaping and neighbourhood character matters. It is therefore submitted that the development reinforces a sense of place and the valued features & characteristics of the local environment including being designed to achieve a high level of energy efficiency and displays appropriate sensitivity to the surrounding environment entirely consistent with planning policy.

Accordingly, the proposal is considered to satisfy all relevant objectives and key strategic directions under the Planning Policy Framework (PPF).

5.2 Is the proposal responsive with the objectives and decision guidelines of VP01, Clause 52.37 and DD02 including Clause 54 (ResCode) particularly with regard to neighbourhood character, amenity impacts and design detail?

Design and Development Overlay – Schedule 2 (DD02) – Bayside & Village Design

Pursuant to Clause 43.02 Design & Development Overlay, Schedule 2 (DDO2) the proposal seeks variation to the following *general* buildings and works requirements:

- *All cladding and trim must be coloured and maintained in muted tones of green, brown, beige or other colours approved by the responsible authority. The external finish of all buildings must be of a low reflectivity (less than 40 per cent reflectivity) to minimise glare and reflection of light. This requirement includes roofing materials, unless the pitch of the roof is 5 degrees or less and is not overlooked from any adjoining buildings, land or roadways. Solar panels are exempted. Where an extension to a dwelling is proposed which does not increase the floor area by more than 25 per cent, the colours may match that of the existing development.*

It is accepted that an application to construct a building or construct or carry out works *should* meet the above general requirements except where it has been demonstrated to the satisfaction of the responsible authority, that compliance is unreasonable or unnecessary and no significant loss of amenity will result. To this end, the following design objectives and decision guidelines must be considered where variations are sought to the general requirements of DDO2:

DD02 Design objectives:

- *To ensure that the design of subdivision and housing is responsive to the environment, landform, site conditions and character of coastal and bayside residential areas and rural villages.*
- *To ensure that development densities are compatible with the environmental and infrastructure capacities of the area, including the capacity of local streets, drainage systems and sewerage systems. Where reticulated sewerage is not available, particular consideration must be given to the ability to contain all waste water onsite and the impact of development on ground water conditions. Particular attention must be given to the impact of development on streamlines, water ways and wetlands and to avoiding the development of land susceptible to stream erosion or flooding.*
- *To recognise areas where substantial vegetation cover is a dominant visual and environmental feature of the local area by ensuring site areas are large enough to accommodate development while retaining natural or established vegetation cover and to provide substantial areas for new landscaping and open space.*
- *To ensure that new development has proper regard for the established streetscape and development pattern in terms of building height, scale and siting.*
- *To protect shared viewlines where reasonable and practical.*
- *To ensure that buildings are designed and sited to avoid being visually obtrusive, particularly in terms of creating a silhouette above a skyline or existing tree canopy line when viewed from surrounding streets and properties.*
- *To ensure that subdivision and development proposals have proper regard to heritage values, including those of areas such as the Ranelagh Estate in Mt Eliza and the Sorrento Heritage Precinct.*
- *To ensure that subdivision proposals will enable new buildings to be integrated with their site and the surrounding area in terms of the relationship to existing buildings, open space areas and the coastal landscape,*
- *To recognise areas where a lower intensity of residential activity and traffic movement contributes to the amenity of the area.*
- *To recognise areas, with limited access to infrastructure, services and facilities, including public transport, that are considered inappropriate for higher densities of occupation*

DD02 decision guidelines:

- *The design objectives of this schedule.*
- *Where an objective has been applied from Clause 54.02 to 54.06, inclusive, the relevant decision guidelines from that Clause.*
- *Any relevant development plan, heritage study, code or policy relating to the protection and development of land in the area.*

- *Whether opportunities exist to avoid a building being visually obtrusive by the use of alternative building designs, including split level and staggered building forms, that follow the natural slope of the land and reduce the need for site excavation or filling.*
- *The effect of any proposed subdivision or development on the environmental and landscape values of site and of the local area, including the effect on streamlines, foreshores, areas of remnant vegetation, areas prone to erosion.*
- *The effect of any proposed subdivision or development on the amenity and accessibility of areas of public open space.*
- *In areas where reticulated sewerage is not available, whether the applicant has submitted a report from a suitably qualified person to demonstrate whether effluent can be treated and retained on-site, without contaminating groundwater, in accordance with State Environment Protection Policies.*
- *The need to ensure that the design of development has adequate regard to fire risk and includes appropriate fire protection measures.*

DDO2 Response

Responding to the objectives and decision guidelines of DDO2 outlined above, the development must meet the requirements of Clause 54. A full assessment of Clause 54 is provided at Appendix 1 demonstrating the amenity of adjoining properties has been suitably protected.

Furthermore, in this instance, it is submitted that full compliance with the 'reflectivity' General Requirement of DDO2 is unreasonable or unnecessary and no significant loss of amenity will result from the use of lighter external finishes, based upon the following rationale:

- The proposed dwelling has been designed to orientate to The Glen and achieves the following setbacks from all boundaries, with no walls built to boundaries:
 - Front Setback to The Glen: 7.5m
 - East side: 1.497m
 - South rear: 13.406m
 - West side: 4.210m
- The proposal complies with DDO2's general 7.5m front setback requirement ensuring the dwelling is suitably sited to avoid dominating the streetscape. The appropriate front setback of 7.5m combined with the articulated design will ensure the built form does not present visually bulky when viewed from the streetscape. Ample landscaping opportunity exists as a result of the 7.5m setback to enable further 'softening' of the dwelling's relationship to the streetscape.
- The proposed single storey dwelling complies with DDO2's general height requirement of a wall height of no more than 5.5m and total building height of no more than 6m, with the proposed reaching a maximum wall height of 2.973m and maximum building height of 5.847m.

- It must be noted that DDO2 does not require buildings to be invisible when viewed from surrounding properties, instead the design objective seeks to ensure buildings are not visually obtrusive. In this instance the proposed new dwelling has been designed to satisfy the relevant 'tests' with avoiding excessive built form by virtue of its single storey form and appropriate roof style.
- The proposed new dwelling will be a positive contribution to the streetscape and broader context of The Glen and wider Rye. Whilst the proposed use of render "Cashmere" = LRV Rating: 49 and Linea Weatherboard Cladding "Colorbond Surfmist" = LRV Rating: 70 may exceed a LRV value of 40, lighter colours are commonly found in the immediate area (see below).

Figure 21 – 7 The Glen; immediately adjacent to the subject site



Figure 22 – 10 The Glen; parallel to the subject site



- The proposed darker roof external finish Colorbond “Basalt” LRV:15 will balance the lighter finishes of the walls and ensure the dwelling external materials and colours is not introducing an entirely new form of development into the area. As such, the use of lighter external materials should be deemed entirely appropriate for Council support.
- We note that the proposal fully complies with all standards outlined in Appendix A – Clause 54 Assessment and as detailed above, the proposed new dwelling should be deemed entirely appropriate in context of surrounding residential land, and the development will not alter the status quo ensuring the proposal does not unreasonably dominate The Glen streetscape.

Overall, we submit the development, as proposed, presents a positive response to the key considerations as the development is site responsive and will not unreasonably affect the amenity of the site or adjoining properties. From a planning perspective, the built form of the new dwelling responds well to the local area character and should be deemed worthy of Council's support.

Vegetation Protection Overlay – Schedule 1 (VP01) – Township vegetation

Pursuant to Clause 42.02 Vegetation Protection Overlay – Schedule 1 (VPO1) the proposal seeks permission for the removal of vegetation to accommodate the proposed dwelling and associated works.

VP01 Statement of nature and significance of vegetation to be protected:

‘There are many residential areas within the Mornington Peninsula’s where substantial vegetation cover, rather than built form, is the dominant visual and environmental feature. These areas include the Mt Eliza escarpment, areas of the Mornington and Mt Martha townships, the rural residential areas of Somerville, Hastings and Crib Point, the Westernport coastal villages, and the hillside, cliff top, sand dune and wildcoast areas of the southern Peninsula.

In these areas, the impression is of buildings within a landscape rather than that of landscaping around buildings. This balance between natural or introduced vegetation and built form contributes substantially to local character. Vegetation in these areas also serves important environmental functions in providing areas of habitat and habitat corridors, assisting soil stability, reducing the intensity of stormwater runoff and limiting the erosion and siltation of streamlines’

VP01 Objectives:

- *To recognise areas where substantial vegetation cover is the dominant visual and environmental feature.*
- *To ensure that subdivision and development proposals have proper regard to the landscape character of township areas.*
- *To ensure that new development has proper regard for the established landscape, streetscape and development pattern in terms of being consistent with the existing balance between*

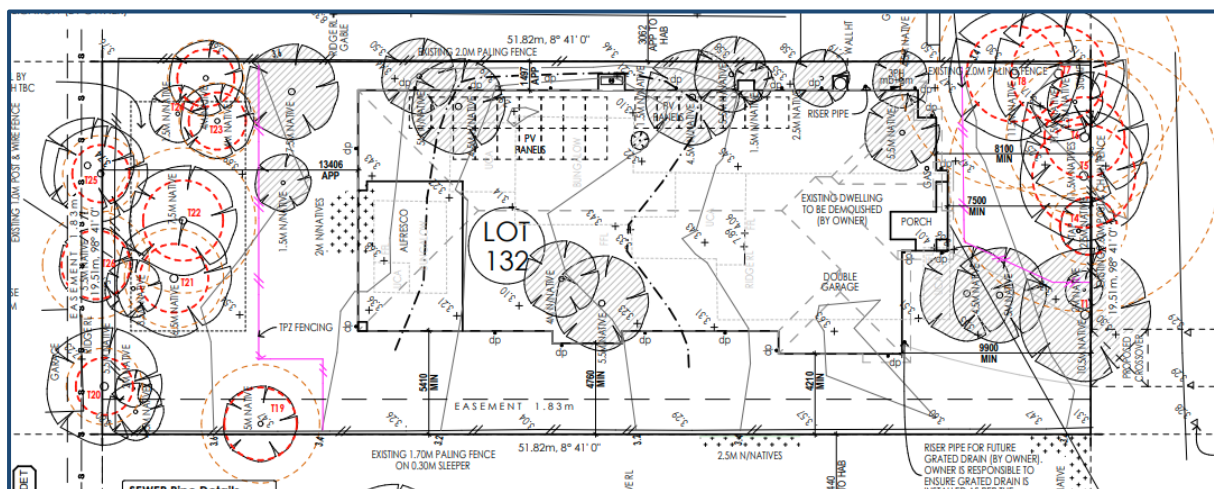
vegetation and building form in the local area and contributing to the landscape character of the area.

- To ensure that any removal of natural vegetation and works associated with development in environmentally sensitive areas, including streamline areas, is carried out with proper regard to the physical characteristics of each site and the local area.
- To avoid grazing on the steeper slopes of Arthur's Seat.
- To ensure that any removal of natural vegetation in proximity to the Point Nepean National Park or other public land has proper regard to the impact on these areas.
- To protect and conserve native vegetation, including grasses and ground flora.
- To protect and conserve the habitat value of vegetation within township areas.
- To encourage strategic replanting to provide for the long term maintenance of landscape and environmental values within townships.
- To ensure that the proposed relocation of dwellings, or other buildings, includes measures to minimise the removal of vegetation on site and from road reserves.
- To prevent the premature removal of vegetation from a site prior to consideration of design options for a proposed development.

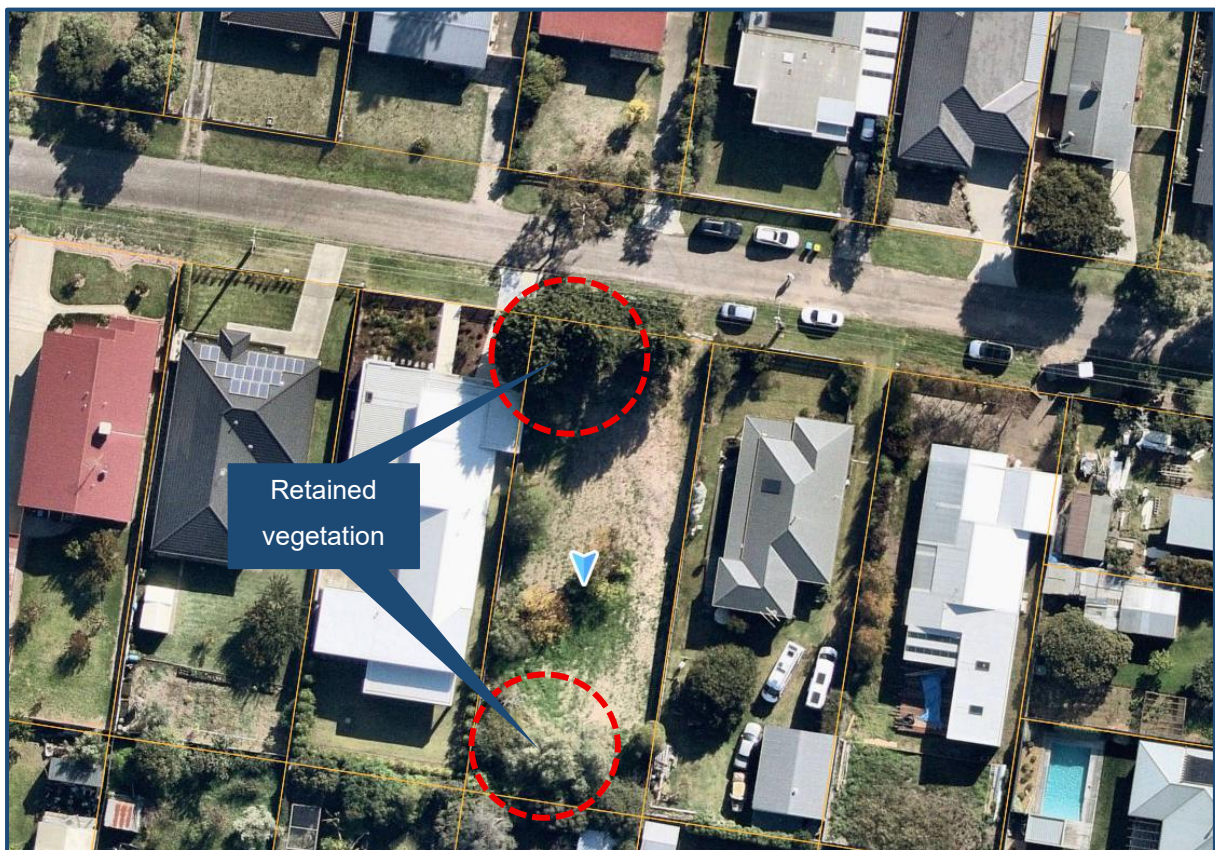
VPO1 Response

Responding to the objectives and decision guidelines of VPO1 outlined above, the development must balance any built form with the retention of vegetation and demonstrate proper regard for the established landscape.

- The proposed vegetation removal consists of thirteen (13) trees and retention of eleven (11) trees. Whilst vegetation is a contributor to the character of the area, vegetation removal is only proposed where necessary to accommodate the proposed dwelling including new crossover. Vegetation to the site's rear and front has been retained as visible below.



- Repositioning the new crossover further east would not allow safe and efficient access into the garage. Given no crossover exists, the proposed crossover including new driveway location is considered the most appropriate to gain entry into the new dwelling's garage.
- Of vegetation proposed to be removed, two present a medium retention value and eleven present a low retention value as detailed in the supporting arborist report. No tree to be removed presents 'good' health, and five present poor health. Furthermore, a majority of the vegetation to be removed is exotic.
- It is important to note that the outcome of the proposed removal and development will result in substantially more vegetation, including frontage screening vegetation than surrounding properties (see below).



- Furthermore, the extent of vegetation to be retained still allows for screening to the site and vegetation to be removed is classified as of minimal landscape significance.
- The high amount of proposed garden area (57.2%) presents ample opportunity for future landscaping endeavours.
- Vegetation that is not included in proposed removal has been protected via TPZ fencing and a design that minimises encroachments almost entirely. Of the eleven trees on site and two neighbouring trees to be retained, a single encroachment of 2% exists (Tree 8).

- Considering the above, the proposal presents a balance between necessary vegetation removal to accommodate the objective of the zone whilst ensuring the established landscape character is retained through a mixture of ample garden space and vegetation retention where suitable.

Clause 52.37 Canopy Trees

A permit is required to remove, destroy or lop a canopy tree in the Mixed Use Zone, Residential Growth Zone, General Residential Zone, Neighbourhood Residential Zone, and Housing Choice and Transport Zone.

As the site maintains a size of more than 1000sqm, total site canopy cover should be equal to at least 20% of the site area (202sqm).

52.37 Decision guidelines:

General:

- *The purpose of the clause 52.37.*
- *The extent to which the existing and new canopy trees contribute to a greener environment and reduce urban heat.*
- *The existing, proposed or likely future development of the site and adjacent land.*
- *The species, type and growth characteristics of existing and new canopy trees.*
- *Whether existing or new canopy tree will adversely impact or be impacted by pedestrian and vehicle access to the site, easements, overhead power cables, buried infrastructure such as sewer pipes, building foundations and other structures.*
- *Any physical constraints, such as topography, soil and drainage conditions which may prevent the planting or growth of the required number of trees.*
- *The impact of existing or new canopy trees on solar access to windows on the site and any existing solar energy system.*
- *If the site is in a designated bushfire prone area as determined under section 192A of the Building Act 1993, the need to create a defendable space to reduce the risk of bushfire to life and property.*

Removal of canopy trees:

- *The health and stability of the canopy tree proposed to be removed.*
- *Whether the canopy tree is causing, or at risk of causing, damage to an existing building, works or infrastructure.*
- *The number, size and location of the canopy trees to be retained on the site.*
- *If the removal of the canopy tree is associated with the development of the site, whether the proposed development has been sited or designed to minimise the impact on canopy trees.*
- *The cumulative impact of reducing existing canopy trees, if canopy trees on the site have been removed, destroyed or lopped within the past 12 months.*

52.37 Response

- Seven (7) canopy trees will be retained as part of the development, with the removal of one (1) boundary canopy tree (Tree 1) necessary to facilitate the new crossover and afford safe and efficient vehicle access to the site. The retention of Tree 1 would otherwise present large risks in terms of encroachment.
- The associated Arborist Report identifies Tree 1 as in 'Fair' health and 'Poor' structure. Given the trees relative position to proposed buildings and works, its retention would present future risks to both the tree's stability and unreasonably impact site access.
- It is submitted that the proposed canopy coverage is adequate when considering the site and its surrounds. Lots with a size greater than 1000sqm should maintain 20% canopy coverage; however, the proposal includes the retention of seven (7) canopy trees, three (3) non-canopy trees and two (2) neighbouring trees. Accordingly, the integration of both vegetation and canopy coverage on site will be substantial and will present a better outcome than most surrounding sites.
- In judging the appropriateness of canopy coverage, it is important to consider the parameters of requirements. Lots between a size of 701sqm and 1000sqm require six (6) canopy trees. The subject site barely exceeds this classification, by 11sqm and provides seven (7) canopy trees.
- Furthermore, the ample garden space provided presents future opportunities for the planting of canopy trees, of which it would not be a challenge to bridge the gap between existing coverage and the desired 20%. However, given the small 'gap' to bridge, this should not present as an immediate concern or necessary action.
- On merit, it should be recognised that a suitable amount of canopy coverage will exist on the site, and the outcome will result in more substantial canopy coverage than the average amount in the immediate area. If Council deem necessary, we accept that a Landscape Plan may form a condition as part of a permit.

Other Considerations

Clause 54 – One Dwelling on a Lot Response

Clause 54 states, a development must meet all of the applicable objectives contained in this clause. If a development meets a standard:

- The corresponding objective is deemed to be met;
- The responsible authority is not required to consider the corresponding decision guidelines.

If a development does not meet a standard, the responsible authority must consider the applicable decision guidelines in determining whether the corresponding objective is met.

Note: the objectives contained in clauses 54.02-8 and 54.03-5 do not apply to one dwelling on a lot.

A full assessment of Clause 54 is provided at Appendix 1.

6 EXPECTATIONS

6.1 Referrals

Given the nature of the application, it is expected that the application will be referred internally to the relevant departments, as necessary.

As indicated in the below figure, the subject site is located within Council's flood-prone area, accordingly an application for Report and Consent to build on flood prone land is required.

Figure 23 – Flood Map (blue showing flood prone areas)

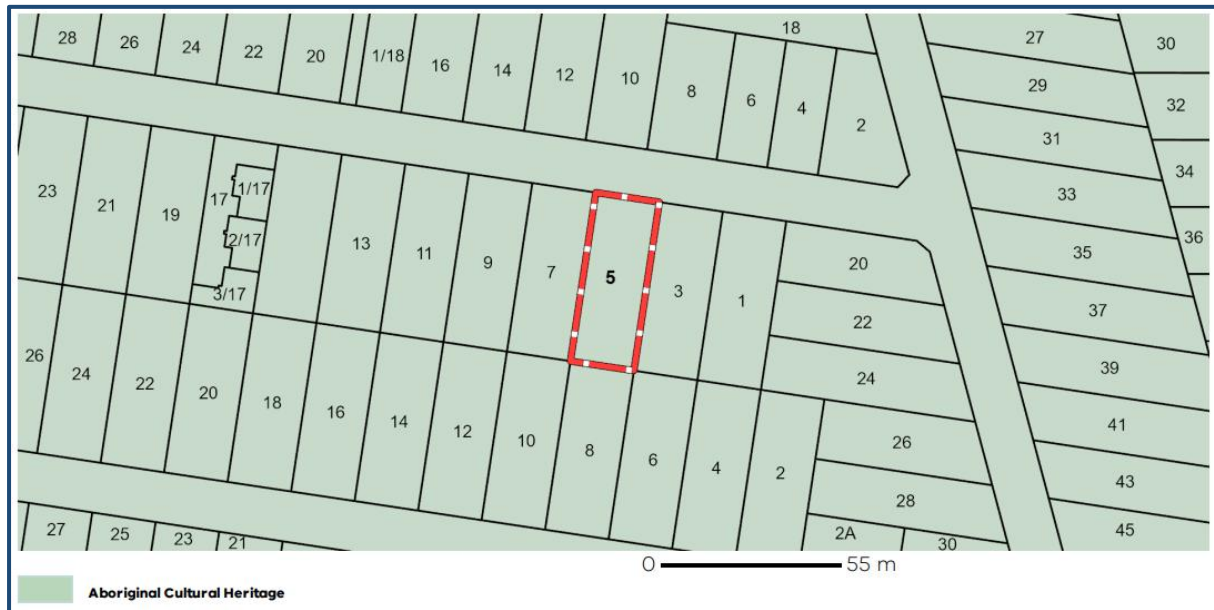


6.2 Advertising notice

As the proposal is not exempt from the notice and review requirements of Section 52(1) (a), (b), and (d) of the Planning and Environment Act 1987 it is expected that the application will be advertised by way of letters and sign. We kindly request that the application progress to public notice without delay.

6.3 Aboriginal Heritage

Whilst the land is located in an area of Cultural Heritage Sensitivity, the proposal is deemed an exempt activity under the Aboriginal Heritage Regulations 2018 given the development is not for three or more dwellings on a lot or allotment less than 0.11 hectares in size. There is no requirement to provide a Cultural Heritage Management Plan.

Figure 24 – Aboriginal Cultural Heritage Map

6.4 Decision timeframe

Pursuant to Section 79 of The Act and Regulation 31 (1) of the Planning and Environment Regulations 2005 the prescribed timeframe for a decision is 60 days.

It is expected that the decision will be issued within the prescribed timeframe of 60 days

7 CONCLUSION

As demonstrated within this report, the proposed development of a new dwelling results in an orderly planning outcome that is responsive to the objectives of the Mornington Peninsula Planning Scheme and is entirely worthy of support as:

- The application is responsive to the planning controls affecting that site and is consistent with the strategic policy direction for residential areas of Rye.
- The new dwelling and associated works are responsive to the objectives and decision guidelines of the GRZ1, VPO1, DDO2 including Clause 54 and Clause 52.37 Canopy Trees.
- The design of the new dwelling will provide a quality outcome for the site which provides a valued and practical home for the owners in keeping with neighbourhood character.

On this basis, it is respectfully submitted to the responsible authority that the proposal is considered appropriate for approval, and that a planning permit should be granted.

APPENDIX A CLAUSE 54 ASSESSMENT

One dwelling or small second dwelling on a lot – Written Statement Checklist

Under Clause 54.01 (Application requirements) of the planning scheme an application must be accompanied by:

- ✓ A site description, as described within Sections 2 & 3 of this planning submission.
- ✓ A design response, as detailed in the supporting development plans submitted to accompany this application.
- ✓ A written statement outlining which standards are met and which are not met. If a standard is not met, the written statement must include an explanation of how the development meets the corresponding objective having regard to the corresponding decision guidelines – see below:

Note: where the applicable standard is shaded in grey are met, an objector has no right of appeal.

Standard	Is standard fully met?	Does an objector have a right of appeal?	Describe whether the standard is met or not met. If the standard is not met, provide a written statement that includes an explanation of how the development meets the corresponding objective having regard to the corresponding decision guidelines
Standard A2-1 Street setback (Clause 54.02-1)	☒ Yes ☐ No	☐ Yes, if standard not met ☒ No, if standard met	If there is a building on the abutting allotment facing the front street, the same distance as the setback of the front wall of the existing building on the abutting allotment facing the front street or 6 metres, whichever is the lesser. Complies = 7.5m front setback proposed.
Standard A2-2 Building height (Clause 54.02-2)	☒ Yes ☐ No	☐ Yes, if standard not met ☒ No, if standard met	The maximum building height does not exceed the maximum height specified in the zone (11m), schedule to the zone or an overlay (DDO2 = 8m) that applies to the land. Complies = 5.847m max building height proposed.
Standard A2-3 Side and rear setbacks (Clause 54.02-3)	☒ Yes ☐ No	☐ Yes, if standard not met ☒ No, if standard met	A new building not on or within 200mm of a boundary is set back from side or rear boundaries, at least 1 metre, plus 0.3 metres for every metre of height over 3.6 metres up to 6.9 metres, plus 1 metre for every metre of height over 6.9 metres.

				Max wall height = 3.238m, 1m side & rear setbacks required. Complies = All side and rear setbacks are in excess of 1m
Standard A2-4 Walls on boundaries (Clause 54.02-4)	☒ Yes ☐ No	☐ Yes, if standard not met ☒ No, if standard met		A new wall constructed on or within 200mm of a side or rear boundary of a lot or a carport constructed on or within 1 metre of a side or rear boundary of a lot does not abut the boundary for a length that exceeds the greater of the following distances: – 10 metres plus 25 per cent of the remaining length of the boundary of an adjoining lot, or – The length of existing or simultaneously constructed walls or carports abutting the boundary on an abutting lot. Complies = N/A – no walls on any boundary.
Standard A2-5 Site coverage (Clause 54.02-5)	☒ Yes ☐ No	☐ Yes, if standard not met ☒ No, if standard met		GRZ requires 65% maximum site coverage Complies = 38.2% site coverage proposed.
Standard A2-6 Tree canopy (Clause 54.02-6)	☒ Yes ☐ No	☐ Yes, if standard not met ☒ No, if standard met		Site area above 300m ² , table A2-4 is not applicable. Complies = N/A.
Standard A2-7 Front fences (Clause 54.02-7)	☒ Yes ☐ No	☐ Yes, if standard not met ☒ No, if standard met		Maximum front fence height of 1.5m. Complies = No new front fence proposed
Standard 54.02-8 Building setback for small second dwellings (Clause 54.02-8)	☒ Yes ☐ No	☐ Yes, if standard not met ☒ No, if standard met		Walls of a small second dwelling are setback behind the front wall of the existing dwelling on the lot, facing the frontage. Complies = N/A

Standard A3-1 Street integration (Clause 54.03-1)	☒ ☐	Yes No	No, irrespective of whether the standard is met or not.	Where a development fronts a street, a vehicle accessway or abuts public open space, passive surveillance is provided by a direct view from a balcony or a habitable room window to each street, vehicle accessway and public open space. Complies = Line of direct sight achieved to The Glen from master suite & entry door
Standard A3-2 Private open space (Clause 54.03-2)	☒ ☐	Yes No	No, irrespective of whether the standard is met or not.	A dwelling has private open space with direct access from a living area, dining area or kitchen consisting of: – An area of 20 per cent of the area of the lot, but not less than 25 square metres. At least one part of the private open space consists of secluded private open space with a minimum area of 25 square metres and a minimum dimension of 3 metres width; or – A balcony with at least the area and dimensions specified in Table A3-2; or – An area on a roof of at least 10 square metres, with a minimum dimension of 2 metres width. Complies = Ample ground level POS is provided at the side and rear of the dwelling in excess of 25m2 with minimum dimensions of at least 3m.
Standard A3-3 Solar access to open space (Clause 55.03-3)	☒ ☐	Yes No	No, irrespective of whether the standard is met or not.	The southern boundary of secluded private open space is set back from any wall on the north of the space at least $(2 + 0.9h)$ metres, where 'h' is the height of the wall. Max wall height = 3.238m, 4.9m setback required Complies = 13.406m setback from southern SPOS boundary to northern wall
Standard A3-4 Daylight to new windows (Clause 54.03-4)	☒ ☐	Yes No	No, irrespective of whether the standard is met or not.	A window in an external wall of the building is provided to all habitable rooms. Habitable rooms in a dwelling have a window that faces: – An outdoor space clear to the sky or a light court with a minimum area of 3 square metres and minimum dimension of 1 metre clear to the sky, not including land on an abutting lot; or – A verandah provided it is open for at least one third of its perimeter; or

				– A carport provided it has two or more open sides and is open for at least one third of its perimeter. Complies = 1m clear to the sky is provided with a minimum area of 3m² to all habitable room windows.
Standard A3-5 Safety and accessibility for small second dwellings (Clause 54.03-5)	☒ Yes ☐ No	☒ Yes ☐ No	No, irrespective of whether the standard is met or not.	A small second dwelling is provided with a clear and unobstructed path from the frontage that: • Has a minimum width of at least 1 metre, with no encroachments. If the path is longer than 30 metres, the minimum width of the path is at least 1.8 metres. • Has a minimum clear height of at least 2 metres, with no encroachments. • Has a gradient no steeper than 1 in 14. • Has a cross fall no steeper than 1 in 40. • Is sealed or has all-weather access. Complies = N/A.
Standard A4-1 Daylight to existing windows (Clause 54.04-1)	☒ Yes ☐ No	☒ Yes ☐ No	☐ Yes, if standard not met ☒ No, if standard met	Buildings opposite an existing habitable room window provide for a light court to the existing window that has a minimum area of 3 square metres and minimum dimension of 1 metre clear to the sky. The calculation of the area may include land on the abutting lot. Complies = 1m clear to the sky is provided with a minimum area of 3m² to all adjoining dwelling habitable room windows.
Standard A4-2 Existing north-facing windows (Clause 54.04-2)	☒ Yes ☐ No	☒ Yes ☐ No	☐ Yes, if standard not met ☒ No, if standard met	Where a north-facing habitable room window of a neighbouring dwelling or small second dwelling is within 3 metres of a boundary on an abutting lot, a new building is to be set back from the boundary by at least 1 metre, plus 0.6 metres for every metre of height over 3.6 metres up to 6.9 metres, plus 1 metre for every metre of height over 6.9 metres. This setback is to be provided for a distance of at least 3 metres from the edge of each side of the window.

				Complies = no adjoining dwelling habitable room north-facing windows are located within 3m of the southern title boundary of the subject site.
Standard A4-3 Overshadowing secluded open space (Clause 54.04-3)	☒ Yes ☐ No	☐ Yes, if standard not met ☒ No, if standard met		The area of secluded private open space that is not overshadowed by the new development is greater than 50 per cent, or 25 square metres with a minimum dimension of 3 metres, whichever is the lesser area, for a minimum of five hours between 9 am and 3 pm on 22 September. Complies = 25m² of adjoining properties SPOS remain unaffected by overshadowing between 9am and 3pm on 22 September as a result of single storey form
Standard A4-4 Overlooking (Clause 54.04-4)	☒ Yes ☐ No	☐ Yes, if standard not met ☒ No, if standard met		In clause 54.04-4 a habitable room does not include a bedroom. This standard does not apply to a new habitable room window, balcony, terrace, deck or patio which faces a property boundary where there is a visual barrier at least 1.8 metres high and the floor level of the habitable room, balcony, terrace, deck or patio is less than 0.8 metres above ground level at the boundary. Complies = Boundary fencing with a height of at least 1.8m avoids unreasonable overlooking from the proposed first storey dwelling with FFL not higher than 800mm above NGL.
Standard A5-1 Permeability (Clause 54.05-1)	☒ Yes ☐ No	No, irrespective of whether the standard is met or not.		The site area covered by the pervious surfaces is at least 20 percent of the site. Complies = 61.8% permeability proposed.
Standard A5-2 Overshadowing	☒ Yes ☐ No	☐ Yes, if standard not met ☒ No, if standard met		Any part of a new building that will reduce the sunlight at any time between 9am and 4 pm on 22 September to an existing domestic solar energy system on the roof of a building on an adjoining lot be set back from the boundary to that lot by at least 1 metre at 3.6 metres

domestic solar energy systems (Clause 54.05-2)				above ground level, plus 0.3 metres for every metre of building height over 3.6 metres up to 6.9 metres, plus 1 metre for every metre of height over 6.9 metres. Complies = Adjacent properties with rooftop solar generation systems are unaffected by the proposal given its single storey form.
Standard A5-3 Rooftop solar energy generation area (Clause 54.05-3)	☒ ☐	Yes No	No, irrespective of whether the standard is met or not.	An area on the roof is capable of siting a rooftop solar energy area for each dwelling which: – Has a minimum dimension of 1.7 metres. – Has a minimum area in accordance with Table A5-3. – Is oriented to the north, west or east. – Is positioned on the top two thirds of a pitched roof. – Can be a contiguous area or multiple smaller areas. – Is free of obstructions on the roof of the dwelling within twice the height of each obstruction (H), measured horizontally (D) from the centre point of the base of the obstruction to the nearest point of the rooftop solar energy area. Complies = The dwelling contains 4 bedrooms, in excess of 34m2 of roof area is available for solar energy generation.
Standard A5-4 Solar protection to new north-facing windows (Clause 54.05-4)	☒ ☐	Yes No	No, irrespective of whether the standard is met or not.	North facing windows are shaded by eaves, fixed horizontal shading devices or fixed awnings with a minimum horizontal depth of 0.25 times the window height. Complies = Eaves are proposed along the northern elevation of the dwelling.

End of Clause 54 Assessment