

Mornington Peninsula Shire

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SUMMARY OF PLANNING APPLICATION

The report sets out the relevant State and Local Planning Policies and provides an assessment of the proposal against the objectives of the Overlays and Mornington Peninsula Planning Scheme.

Site Address	82 Palm Beach Grove Somers
Title Details	Lot No. 84 Subdivision 011951
Proposed Works	Minor 7 sqm bathroom extension to existing house. Proposed cladding to match existing. Overall extension height 3.28m. Increase to existing building footprint 2%.
Vegetation Site Area Zones	No vegetation removal is proposed 1441 sqm <u>GENERAL RESIDENTIAL ZONE (GRZ)</u> <u>GENERAL RESIDENTIAL ZONE - SCHEDULE 1 (GRZ1)</u>
Overlays	<u>DESIGN AND DEVELOPMENT OVERLAY (DDO)</u> <u>DESIGN AND DEVELOPMENT OVERLAY - SCHEDULE 3 (DDO3)</u> <u>VEGETATION PROTECTION OVERLAY (VPO)</u> <u>VEGETATION PROTECTION OVERLAY - SCHEDULE 1 (VPO1)</u> <u>ENVIRONMENTAL SIGNIFICANCE OVERLAY (ESO)</u> <u>ENVIRONMENTAL SIGNIFICANCE OVERLAY - SCHEDULE 21 (ESO21)</u> <u>SIGNIFICANT LANDSCAPE OVERLAY (SLO)</u> <u>SIGNIFICANT LANDSCAPE OVERLAY - SCHEDULE 2 (SLO2)</u> <u>ENVIRONMENTAL SIGNIFICANCE OVERLAY - SCHEDULE 28 (ESO28)</u> <u>HERITAGE OVERLAY (HO)</u> <u>HERITAGE OVERLAY (HO290)</u>
Statutory Mapping	THE SITE IS <u>NOT</u> IN A BUSHFIRE PRONE AREA
Planning Permit Trigger	ESO, ESO21, SLO2, ESO28, HO
Particular Provisions	A permit is required by: • Clause 42.01-2 Construct a building or construct or carry out works. This does not apply if a schedule to this overlay specifically states that a permit is not required. • Clause 42.03-2 Construct a building or construct or carry out works.
Proposed Garden Area %	80% - Complies
Proposed Site Coverage %	23.7% - Complies with Clause 54
Proposed Permeability %	73.8% - Complies DD018 – Requires 20% permeability

1. THE PROPOSAL

1.1. SUMMARY OF DESIGN RESPONSE

- The proposal is a single storey bathroom extension to an existing single storey dwelling towards the rear of the property. Works are not visible from the street. No vegetation is proposed to be removed.
- The proposed maximum building height does not exceed 6 metres, and wall heights remain below the 5.5 metre limit to comply with neighbourhood character objectives. Overall extension height 3.28m.
- Site permeability is maximised with 73.8% of the lot remaining pervious and significant garden area retained (73.8% of site).
- The proposed design matches the existing horizontal shiplap cladding.
- The new works are limited to less than an approximate 2% increase to floor area

2. PLANNING CONTROLS AND TRIGGERS ASSESSMENT

2.1. ZONES

- **GENERAL RESIDENTIAL ZONE (GRZ) AND GRZ SCHEDULE 1 (GRZ1)**

Applicable Clause 32.08-5 Construction and extension of one dwelling on a lot

Permit not required under this Clause, as follows:

A permit is required to construct or extend one dwelling on a lot less than 300 square metres. – **Not applicable**

A permit is required to construct or extend a front fence within 3 metres of a street if the fence is associated with one dwelling on a lot less than 300 square metres and the fence exceeds the maximum height specified in Clause 54.06-2. – **Not applicable**

A development must meet the requirements of Clause 54 – **Refer to the following section. Complies with all clauses.**

Requirements of Clause 54			
Clause	Description	Response	
54.01-1	Neighbourhood and site description	The township reads as a homogenous, low-rise village: conventional detached dwellings on individual lots, generally one to two storeys, with generous setbacks and space between buildings. There is an absence of higher-density built form, and the community is explicitly protective of this low-intensity character and wary of inappropriate intensification or overdevelopment.	Complies
54.01-2	Neighbourhood character objective	The 7 sqm addition is single storey and not visible from the street. The style is in keeping with the existing house and it is not visible from the street.	Complies
54.03-1	Street setback objective	The existing setback remains unchanged.	Complies
54.03-2	Building height objective	The building height is 3.28m.	Complies
54.03-3	Site coverage objective	The proposed site coverage of 23.7% is well under the 60% maximum site coverage	Complies
54.03-4	Permeability objectives	The site area covered by the pervious surfaces is at least 20% of the site, at 73.8%.	Complies
54.03-5	Energy efficiency protection objectives	The layout of the residence allows good solar access to the north, maximising the solar access in the cooler months. Shading is provided through the incorporated porch.	Complies

54.03-6	Significant trees objectives	No tree removal is proposed.	Complies
54.04-1	Side and rear setbacks objective	The proposed rear setback matches the existing. The proposed side setback complies at 8.2m.	Complies
54.04-2	Walls on boundaries objective	Not applicable	Complies
54.04-3	Daylight to existing windows objective	There is no impact on the amenity of existing dwellings.	Complies
54.04-4	North-facing windows objective	There is no impact on the amenity of existing dwellings.	Complies
54.04-5	Overshadowing open space objective	There is no impact on the amenity of existing dwellings as the proposal meets the requirements for this standard. No overshadowing to open space occurs.	Complies
54.04-6	Overlooking objective	No overlooking is proposed. There are no habitable windows within 9m of the proposed development.	Complies
54.05-1	Daylight to new windows objective	Habitable room windows face outdoor space clear to the sky, meeting the objectives of this clause.	Complies
54.05-2	Private open space objective	There is ample private open space proposed with 70% proposed.	Complies

54.05-3	Solar access to open space objective	Ample solar access is allowed into the secluded private open space.	Complies
54.06-1	Design detail objective	There is no change to the front façade of the building.	Complies
54.06-2	Front fences objective	There is no change to the front façade of the building.	Complies

Clause 32.08 General Residential Zone Schedule 1

The proposal is not exempt from the minimum garden area requirement, but well exceeds this requirement of 35% Garden Area, proposing 73.8%.

There are no specific requirements for Clause 54 under the Schedule 1.

Therefore , no permit is triggered under General Residential Zone GRZ & GRZ Schedule 1

3. OVERLAYS

Our response to the applicable Overlays are provided in the following sections:

- [DESIGN AND DEVELOPMENT OVERLAY \(DDO\)](#)
- [DESIGN AND DEVELOPMENT OVERLAY - SCHEDULE 3 \(DDO3\)](#)
- **No permit is triggered under this overlay, as per the response to the general requirements below:**

General Requirement of DDO	Response
• All buildings and works must be located on land with a slope of less than 20 percent. • Buildings must not be located on a ridge. • No building may exceed a wall height of 5.5 metres or a building height of 6 metres. • The difference between finished ground level and natural ground level as a result of excavation and filling must not exceed one metre	The wall height is 3.280m so does not exceed the general requirement. No excavation or filling exceeds 1m. The extension is at the rear of the property. Proposed cladding matches the existing horizontal shiplap hardwood cladding.

<i>and must be properly battered or retained.</i> <i>• All buildings must be located at least 10 metres from any land within a Public Park and Recreation Zone, Public Conservation and Resource Zone, Special Use Zone Schedule 8, Transport Zone 2 or Transport Zone 3 and at least 6 metres from any cliff edge.</i> <i>• Buildings must be setback at least 7.5 metres from a road frontage and 3 metres from any side road boundary. Where a dwelling on an adjoining lot that fronts the same road is set back less than 7.5 metres, the minimum setback is the same as that of the adjoining dwelling.</i> <i>• On a lot with frontage to Rendlesham Avenue, Rosserdale Crescent or Canadian Bay Rd, Mount Eliza, a building must be set back from any boundary which adjoins a Special Use Zone at least 10 metres or the average of the setbacks of any buildings on abutting lots, whichever is the greater.</i> <i>• A building containing more than one storey must not provide access to a roof area, deck, verandah or the like which has a level higher than the floor level of the upper storey.</i> <i>• More than half of the external wall cladding of any dwelling must consist of brick, masonry, timber, simulated weatherboards or other materials approved by the responsible authority.</i> <i>• 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 percent reflectivity) to minimise glare and reflection of light. This requirement includes roofing materials, unless the pitch of the</i>	
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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 percent, the colours may match that of the existing development. • A building must not be a relocated building or moveable structure such as a tramcar or the like. This does not apply to a dependent person's unit or a newly pre-fabricated building. Where a minimum setback distance for a building or buildings is specified in any of the General Requirements, sunblinds, verandahs, eaves, fascias, gutters, masonry chimneys, flues, pipes, domestic fuel or water tanks, and heating and cooling equipment or other services may encroach not more than 0.5 metres into the specified setback distances.	
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- [VEGETATION PROTECTION OVERLAY \(VPO\)](#)
- [VEGETATION PROTECTION OVERLAY - SCHEDULE 1 \(VPO1\)](#)
- **No vegetation is proposed to be removed. A permit is not triggered by this overlay.**
- [ENVIRONMENTAL SIGNIFICANCE OVERLAY \(ESO\)](#)
- [ENVIRONMENTAL SIGNIFICANCE OVERLAY - SCHEDULE 21 \(ESO21\)](#)

Decision guidelines	Response:
The following decision guidelines apply to an application for a permit under Clause 42.01, in addition to those specified in Clause 42.01 and elsewhere in the scheme which must be considered, as appropriate, by the responsible authority: • The environmental objectives of this schedule. • The means of treatment and disposal of all sewerage, sullage and other wastes where connection to a reticulated sewerage system is not viable. • The existing use of the land and the purpose of the proposed buildings and works in relation to the existing use. • Whether there is any reasonable alternative site for the proposed buildings and works outside of the overlay area that would better meet the objectives of this schedule.	The land is already developed with a single dwelling, and the proposal is for a very modest 7 m² extension directly attached to that dwelling, so it remains clearly ancillary to the established residential use and does not increase the intensity of development in any

• The possible effect of buildings and works on the stability of the soil and vegetation communities. • The protection of coastal areas for their recreational value. • The comments of all relevant drainage, stream or catchment management authorities	meaningful way. The land is connected to reticulated sewer, with new plumbing to be connected in accordance with the NCC and AS/NZS 3500, so no on-site effluent disposal or associated disturbance of soil and vegetation is required.
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- [**SIGNIFICANT LANDSCAPE OVERLAY \(SLO\)**](#)
- [**SIGNIFICANT LANDSCAPE OVERLAY - SCHEDULE 2 \(SLO2\)**](#)

Decision guidelines	Response
<i>Before deciding on an application, in addition to the decision guidelines in Clause 65, the responsible authority must consider, as appropriate:</i> • The Municipal Planning Strategy and the Planning Policy Framework. • The statement of the nature and key elements of the landscape and the landscape character objective contained in a schedule to this overlay. • The conservation and enhancement of the landscape values of the area. • The need to remove, destroy or lop vegetation to create a defensible space to reduce the risk of bushfire to life and property. • The impact of the proposed buildings and works on the landscape due to height, bulk, colour, general appearance or the need to remove vegetation. • The extent to which the buildings and works are designed to enhance or promote the landscape character objectives of the area. • The impact of buildings and works on significant views. • Any other matters specified in a schedule to this overlay.	No landscape is affected or removed by the proposal.

- [**ENVIRONMENTAL SIGNIFICANCE OVERLAY - SCHEDULE 28 \(ESO28\)**](#)

The following application requirements apply to an application for a permit under Clause 42.01, in addition to those specified elsewhere in the scheme and must accompany an application, as appropriate, to the satisfaction of the responsible authority:

- Applications to locate dwellings within bushland areas must include a site plan indicating the areas for the dwelling, access driveways, fire hazard clearing, areas for effluent disposal and other areas of site development in addition to the plan requirements specified below.

- An application to remove native vegetation must:
 - Indicate the total extent of native vegetation on the property, the extent and purpose of proposed clearing, the location of any watercourse on the property, and, if relevant, the location of areas where the ground slope exceeds 20 per cent.
 - Demonstrate that the proposed removal of native vegetation has been minimised to the maximum extent that is reasonable and practical.
 - Specify measures to protect and improve the condition of native habitat, including proposals for revegetation, indicating proposed species, methods of ground stabilisation and measures to prevent or manage invasion by environmental weeds.
- If the area of proposed clearing exceeds 4000 square metres, a report on the vegetation and habitat significance of the area to be cleared must be provided to the satisfaction of the responsible authority.

• **Refer Site Plan A03.2. Proposed works do not require vegetation removal.**

Response to decision guidelines under Clause 42.01:

- **The proposal has minimal environmental effect as no vegetation is to be removed. The footprint increase is 2%.**

The following decision guidelines apply to an application for a permit under Clause 42.01, in addition to those specified in Clause 42.01 and elsewhere in the scheme which must be considered, as appropriate, by the responsible authority: • The environmental objectives of this schedule. • Any relevant regional catchment strategy or regional vegetation plan. • The need for a report, by a properly qualified person and to the satisfaction of the responsible authority, on the vegetation and habitat significance of the vegetation to be removed. • The botanical and habitat value of the vegetation in terms of physical condition, rarity or diversity. This includes recognition of the role of dead vegetation and tree hollows in providing habitat. • The environmental value of the vegetation in terms of protecting stream quality and wetlands. • Whether there is any reasonable alternative site for proposed buildings and works outside of the overlay area that would better meet the objectives of this schedule. • The extent of the proposed vegetation removal and the likely effect on the stability of the site and soils, particularly along streamlines or in erosion prone areas. • The siting and design of buildings and works to avoid the removal of remnant vegetation, including the disturbance of root zones. • The extent to which the removal of vegetation is necessary to achieve proper fire management. • The likely effect of any clearing on the habitat value and long term viability of remnant bushland areas.	The proposal has minimal environmental effect as no vegetation is to be removed. The footprint increase is 2%.
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• Whether the siting of a proposed dwelling is likely to generate demand for future removal of vegetation associated with fire hazard clearing, areas for ancillary uses and the like. • The extent to which proposed clearing may expose remaining areas to weed invasion. • The landscape impact of the proposed removal, destruction or lopping of vegetation. • The purpose of removing native vegetation and whether there are any alternative land management or construction practices that would better meet the objectives of this schedule. • The comments of any relevant coastal management fire prevention, catchment protection, land management or soil conservation authority. • The benefit of conditions requiring planting or replanting or other treatment of any part of the land, including the opportunity to achieve a net increase in the area of native vegetation. • The benefit of requiring locally indigenous species in replanting and the need to exclude environmental weeds.	
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- **HERITAGE OVERLAY (HO)**
- **The proposal does not exceed 5 meters and is finished using muted tones and colors to match the existing horizontal shiplap hardwood cladding.**
- **The 7 sqm extension is not visible from the street.**
- **No external changes are proposed to the primary street facing elevation**
- **HERITAGE OVERLAY (HO290)**
- **External paint control colours do not apply**

PS map ref	Heritage place	External point controls apply?	Internal alteration controls apply?	Tree controls apply?	Solar energy system controls apply?	Outbuildings or fences not exempt under Clause 43.01-4	Included on the Victorian Heritage Register under the Heritage Act 2017?	Prohibited uses permitted?	Aboriginal heritage place?
HO290	<i>Palm Beach Estate</i> Alexandra Avenue, Bonview Avenue, Camp Hill Road, The Boulevard, Somers Incorporated plan: Plan No. 3 Palm Beach Estate, Somers, February 2005	No	No	Yes	Yes	No	No	No	No

4. CONCLUSION

The proposed 7 sqm single-storey bathroom extension at the rear of the existing dwelling at 82 Palm Beach Grove, Somers represents a minor (approximately 2%) increase in building footprint on a 1,441 sqm lot and has been designed to fully comply with the provisions of the General Residential Zone Schedule 1 and Clause 54, including site coverage (approximately 23.7%), permeability (73.8%) and garden area (around 73.8%, exceeding the 35% minimum).

The works maintain the existing front setback, are not visible from the street, and achieve a maximum building height of 3.28 m, comfortably within the 5.5 m wall and 6 m overall height parameters under DDO3, thereby preserving the established low-scale coastal village character.

No vegetation removal is proposed and all new plumbing will connect to the reticulated sewerage system, ensuring the objectives of VPO1, ESO21, ESO28 and SLO2 are met with negligible impact on soil stability, drainage, habitat or significant landscape values.

The extension adopts horizontal shiplap timber cladding and muted, low-reflectivity finishes consistent with the existing dwelling, responds appropriately to the design and siting objectives of the Design and Development Overlay and Heritage Overlay HO290, and will not give rise to any unreasonable off-site amenity impacts in terms of overshadowing, overlooking or daylight access, such that the proposal is consistent with the objectives of the planning scheme and should be supported by the Responsible Authority.