

20 October 2026

Reference Number: PDPSPAMEND-2024/048902

Department: City Planning

Ms. Sandra Hogue
Delegate (Chair)
Tasmanian Planning Commission

Via e-mail – tpc@planning.tas.goc.au

Dear Ms. Hogue

Tasmanian Planning Scheme – Clarence
Draft amendment and permit PDPSPAEMND-2024-048902
471 Cambridge Rd, Mornington and 528 and 540 Pass Rd, Cambridge

I am responding to your letter of 5 October 2026 providing directions following the hearing held on 30 September 2026.

1. Provide joint or separate submission with the applicant, to address bushfire hazard management via permit conditions in the draft permit.

Council's preference as expressed at the hearing is to include a separate condition specifying the requirements for the Hazard Management Area (HMA) of balance lots to be maintained in a low fuel state by landowners, until the site is fully developed.

This is not the preference of the applicant.

Accordingly, Council makes a separate submission of the revised draft planning permit (Attachment A) that:

- Modifies Condition 24 to ensure the landscape plan condition is aligned with the council's Bushfire Policy 2024.
- Include a new Condition 25 for bushfire hazard and maintenance of the two residential lots and balance lot created by the proposed subdivision.



2. Attachment B, is a redrafted Specific Area Plan (SAP), developed in consultation with the applicant although differences remain as outlined in council's final submission in section 5 below. As discussed at the hearing the SAP introduces:
 - Modified SAP purpose statement to better align with SAP clause objectives
 - precinct provisions within the Mornington Park master plan,
 - provisions to enable a variety of housing types, and built forms, including increased density to respond to the inclusion of the 5000m² public open space, and Local Business area (approximately 3000m²), to create a walkable local centre, and
 - changes to align the SAP drafting with the requirements of Practice Note 8 and
 - include a rationale for each of the clause changes (refer Attachment B1).

NB: for simplicity of tracking changes, except for the SAP and Open Space Clause Figures, the redrafted SAP is based on the applicant's submitted SAP Revision E, rather than the SAP version agreed to by Council, and as advertised.

3. Council's further submission on how the revised SAP satisfies section 32(4)(b) of the Land Use Planning and Approvals Act 1993, including why they are necessary to achieve the intended outcome, rather than using the standards in the underlying General Residential Zone, is provided in Attachment C.
4. The revised draft planning permit (Attachment A) includes modified drafting of conditions 3 and 10 to ensure certainty and finality.

In relation to permit condition 22, council's governance team has confirmed that the condition does not require redrafting if the SAP is not approved as part of the application. However, the team did suggest the inclusion of an additional sentence, to ensure that the condition would also bind future landowners.

The changes to conditions 3, 10 and 22 are included as track changes.

5. Council's final submission is provided below.

Residential development of the site is considered a logical extension within the Metropolitan Urban Boundary (MUB), with the topology of the land providing appropriate protection and separation from the industrial land to the south.

The sites location does not meet zone application guidelines¹ for the application of the Inner Residential Zone (IRZ), but does meet the application guidelines for the General Residential Zone (GRZ) which is therefore considered the most appropriate underlying residential zone.

Council has identified the need for additional public open space to serve the needs of the local Mornington residents, and is committed to acquiring 5000m² of public open space to serve as a local park to be embellished to a regional park level, with facilities similar to Bellerive Park as shown in Figure 1 below.



Figure 1- aerial view of Bellerive Park facilities, 15 Derwent Street, Bellerive

The planned acquisition and provisions of public open space, the inclusion of an area of Local Business Zone (LBZ), and the strategic location of the site at the intersection of Cambridge Road and Pass Road, create the basis for establishing a Local Centre to support the community in its immediate areas.

Future residential development on the site will be within 400m walkable distance of the Local Centre facilities. Accordingly, council considers that enabling a variety of housing types, and greater density on the site, than what would normally be considered in the GRZ, will benefit future residents and create critical demand to support future local businesses.

¹ Tasmanian Planning Commission - Guideline No. 1 – Local Provision Schedule (LPS): zone and code application (May 2025)

Hence the proposed Mornington Park SAP, is drafted to enable and encourage future residential development that takes advantage of the Local Centre function, by providing 'No Permit' required or 'Permitted' pathways for certain denser development forms than would normally be allowed for in the GRZ.

The use of Precincts further guides the spatial extent of desired levels of density, in particular based on the proximity to the future public open space and LBZ land while still providing flexibility for future development to respond to market demand and conditions.

The SAP provisions are drafted to maintain appropriate levels of residential amenity, and encourage a distinct streetscape to enhance the neighbourhood feel of future development.

Whilst council has consulted with the applicant on the revised SAP drafting, there remain points of difference, including:

- Revised SAP purpose statements,
- That the Use Table does not limit future residential uses to only dwellings;
- The use of Local Area Objectives (LOA) for the SAP and Precincts, to assist in assessment of Performance Criteria, especially given the SAP seeks to encourage built forms that would not generally be considered compatible with the surrounding area;
- Included built form provisions;
- The need to modify the SAP figures to comply with Practice Note 7, to clearly show the LOA;
- Removal of CLA-SXX.7.6 Fencing for all dwellings in the Multiple Dwellings and Villa Precincts, given the SPP:
 - Table 4.6 Miscellaneous exemptions for fences, and
 - operational clause 5.3.3, the proposed fencing clause is considered contrary to the requirements of the SPPs. and
- Inclusion of landscaping provisions for the precinct and subdivision provisions.



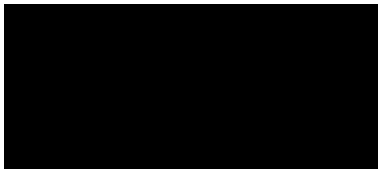
Whilst not included in the Commission Directions letter of 5 October, I have sought advice from council's governance team on the Attenuation Code matter discussed at the hearing. Namely, the potential use of the Noise Assessment Report (undertaken by Noise Vibration Consulting, dated 27 February 2025) provided as part of this combined rezoning and subdivision proposal to be available to future developers of the site, to minimise future development costs.

The advice received is that as the report does not require anything to be done, it does not serve a proper planning purpose other than providing the SPP Code assessment for the lots being created as part of the approved subdivision. Furthermore, as the report only relates to noise, but the code considers a variety of emissions, and the existing development and uses on the industrial land to the south may change over time, it would be difficult to draft a valid permit condition to give effect to the reuse of the Noise Assessment Report by future developers. Finally, the Noise Assessment Report was not provided for such a purpose, and it is considered that copyright and privacy legislation prevent it from being used in this way.

For similar reasons, it was not considered practical to include a provision in the draft SAP in substitution or addition to the existing SPP Attenuation Code provisions.

I trust this provides the information the Commission requested. If you have any questions, please contact me.

Yours sincerely,



Indra Boss

Strategic Planner

Encl: Attachment A – modified draft Planning Permit (word)

Attachment B – modified draft Mornington Park Specific Area Plan (word)

Attachment B1 – rationale for each SAP clause (pdf)

Attachment C – council rationale for compliance with s32(4)(b) (pdf)



21 October 2026

Reference Number: PDPSPAMEND-2024/048902

Department: City Planning

Ms. Sandra Hogue
Delegate (Chair)
Tasmanian Planning Commission

Via e-mail – tpc@planning.tas.goc.au

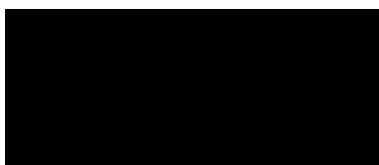
Dear Ms. Hogue

Tasmanian Planning Scheme – Clarence
Draft amendment and permit PDPSPAEMND-2024-048902
471 Cambridge Rd, Mornington and 528 and 540 Pass Rd, Cambridge

Further to my letter of 20 October 2026, I am providing updated versions of the modified Mornington Park Specific Area Plan, both in word with tracked changed (superseding Attachment B), and a version where all the changes have been accepted for improved legibility (new attachment B2).

I trust the information is of assistance to the Commission. If you have any questions, please contact me.

Yours sincerely,



Indra Boss
Strategic Planner

Encl: Attachment B – modified draft Mornington Park Specific Area Plan (word)

Attachment B2 – modified draft Mornington Park Specific Area Plan (pdf)





Clarence... a brighter place

Clarence City Council

DRAFT PLANNING PERMIT

LAND USE PLANNING AND APPROVALS ACT 1993

Development No: PDPSPAMEND-2024/048902

Approval Date:

Description: Five Lot Subdivision (2 residential lots, 1 public open space lot, 1 road lot, and 1 balance lot with two existing dwellings)

Address: 471 Cambridge Road, Mornington, 528 & 540 Pass Road, Cambridge

This permit is granted, subject to the following conditions:

General Conditions:

- 1 The use or development must only be undertaken in accordance with the endorsed plans:
 - Proposed subdivision plans version C dated 10/01/25, prepared by Rogerson & Birch,
 - Concept Services – General Arrangement, Dwg No. 1 version DA4, dated 28/01/26 prepared by Johnston McGee & Gandy Pty Ltd,
 - Bushfire Hazard Report, version 4, dated 14/02/25, prepared by Mat Clark (BFP-P)and any permit conditions and must not be altered without the consent of Council.
- 2 Each lot must be provided with a minimum 3.6m wide constructed and sealed access from the road carriageway to the property boundary in accordance with Tasmanian Standard Drawing or its relevant equivalent operating at the time the works are being undertaken (copy available from Council). This access must be inspected by council prior to sealing or pouring new concrete.

Following construction, the crossover must be maintained or repaired by the owner at the owner's expense in accordance with any directions given by council to the owner and in accordance with the relevant Council's local highways standards By-Law operating from time to time.

Unless within a new subdivision, a permit to carry out works within Council's Road reservation, is required for the purposes of this condition. An application form is available on Council's website.

3 Engineering designs, prepared by a suitably qualified person, are required for:

- road design (including line marking, signage and any traffic devices);
- traffic calming design;
- stormwater drainage including upgrade of stormwater main along Cambridge Road and detention design;
- footpaths and pedestrian infrastructure; and

lot accesses and must show the extent of any vegetation removal proposed for these works and be designed in conjunction with any landscaping plan requirement. Such engineering designs must be compliant with all Council By-Laws and adopted standards applicable at the time of lodgement of the engineering designs. These engineering designs, together with the safety in design report, must be submitted and approved by Council's Chief Executive Officer or delegate clearly describing works that are being undertaken for each approved stage of the development.

An engineering assessment fee, in accordance with Council's adopted fee schedule, must be paid prior to the approval of the engineering designs. A 'Start of Works' authority must be obtained prior to the commencement of any works.

For the Final Engineering Design Plans to be sealed prior to the completion of the works or the expiry of the "On-Maintenance" period a bond must be paid, in accordance with Council bonding Policy. Please note that the bond for the "On-Maintenance" period is 5% of the construction cost.

Works for all stages shown on the engineering designs must be commenced within 2 years of the date of the approval or the engineering designs will be required to be resubmitted.

As construction drawings and necessary CCTV reports for Council's infrastructures must be submitted prior to the issue of the Certificate of Practical Completion.

4 Driveways, parking areas and other areas accessible to vehicles must be constructed in a suitable impervious surface, and provide for adequate stormwater drainage prior to the commencement of the use. Details of the construction must be submitted to, and approved by, Council's Chief Executive Officer or delegate prior to the commencement of any works.

5 An erosion and sedimentation control plan, in accordance with the Derwent Estuary Programme Soil and Water Management on Building and Construction Sites document, must be submitted and approved by Council's Chief Executive Officer or delegate when lodging the 'Start of Works Notice' to council. All debris/construction materials must be contained within the property. All works must be carried out in compliance with the approved erosion and sediment control plan.

- 6 The owner or developer must not deposit, stockpile or store any soil, fill or other material on any lot after the completion of civil works, except where expressly approved in writing by the planning authority for landscaping or construction purposes.

Any unauthorised fill must be removed within 14 days of written notice. Failure to comply constitutes a breach of this permit. The planning authority may issue infringement notices and penalties or undertake remedial works at the owner's

- 7 The Final Plan and accompanying Schedule of Easements must describe all existing easements and any additional easements required in respect of all council infrastructure required to service the lots in a form to the satisfaction of Council's Chief Executive Officer or delegate.

- 8 The Final Plan and accompanying Schedule of Easements must describe all existing easements and any additional easements required in respect of all utilities infrastructure required to service the lots in a form to the satisfaction of the relevant utility service provider.

- 9 Prior to commencing any works on-site, a filling plan shall be prepared by a suitably qualified person and submitted to and approved by Council's Head of Infrastructure and Natural Assets. The plan is to conform with principles outlined in AS3798-2007 – Guidelines on Earthworks for Commercial and Residential Developments and is to include start and end dates, a staging plan (if applicable) and a rehabilitation plan.

Filling of the land shall be fit for the purposes of those future uses reasonably expected on the land and must be undertaken in a manner which does not create nuisance by way of dust, noise, traffic movements or weed dispersal, either during the filling operation or after completion.

Upon completion of filling operations, the works shall be certified by a suitably qualified person as being carried out in accordance with the approved filling plan and rehabilitation plan and is fit for purpose and free of deleterious matter or hazardous/controlled substances.

An as constructed topographical survey plan at a suitable scale is to be provided to Council upon completion of the works.

- 10 Street construction, including line marking, traffic devices, street lighting, concrete kerbs, gutters, footpaths, shared paths with asphalt roads, must be carried out to the requirements of council's Local Highways Standard Requirements By-Law and must be approved by council's Head of Infrastructure and Natural Assets. Pavement designs must be based upon laboratory-soaked California Bearing Ratio (CBR) values. Line marking must be in thermoplastic material.
- 11 Suitable barriers must be erected during the stages of construction and at access points to the balance land to prevent unauthorised vehicle access.
- 12 Appropriate temporary turning heads are to be provided with sealed surfaces at the end of each road stage to facilitate adequate vehicle manoeuvrability. Appropriate

signage signifying the temporary turning head is required. Appropriate and sustainable drainage must be provided for these temporary facilities.

- 13 The owner must, at their expense, repair any council services (e.g. pipes, drains) and any road, crossover, footpath or other council infrastructure that is damaged because of any works carried out by the developer, or their contractors or agents pursuant to this permit. These repairs must be in accordance with any directions given by the council and in accordance with the council's Local Highways Standard Requirements By-Law.

If the owner does not undertake the required repair works within the timeframe specified by council, the council may arrange for the works to be carried out at the owner's expense.

- 14 Any lots described as "public open space", "public access way", "road", "to be acquired by the Highway Authority" or other land designated to become public land on the Final Plan must be transferred to the Council for a nominal sum of \$1.00 and must be accompanied by a Memorandum of Transfer to the Clarence City Council, all documentation in relation to discharges of any Mortgages, withdrawal of caveats, and all other relevant registrable dealings.

This Transfer must be executed by the vendor, identifying the lot(s) to be transferred and the applicant is responsible for all Land Titles Office fees and charges and duty in relation to the document.

The applicant remains responsible for ensuring that any Land Titles Office requisitions are effectively resolved and the applicant must meet the costs of such requisitions.

- 15 All proposed waterway crossings must be designed and constructed in a manner to ensure the waterway is not obstructed in any way. A hydraulic analysis of the catchment must be provided to demonstrate the adequacy of the crossing to meet Council's adopted Stormwater Management Procedure for New Development. Engineering designs and drawings must be prepared for approval of Council's Chief Executive Officer or delegate prior to the commencement of works.

The works must be completed in accordance with the approved plans prior to the sealing of the final plan of survey.

- 16 A minimum 150mm diameter stormwater drainage connection to council's main must be provided prior to the commencement of the use / prior to the issue of a certificate of likely compliance (CLC) for building works/ issue of title whichever occurs first. An extension to council's stormwater main may be required at the developer's expense.

- 17 All existing services on the land must be contained within a single lot. For any services extending beyond the property boundary, a suitable easement must be created on the affected titles.

- 18 All new power and telecommunication services, including applicable street lighting, must be underground and within the road reserve or subject of a suitable easement approved by Council's Chief Executive Officer or delegate. Trenchless installations

must incorporate the installation of a conduit to accommodate the services. These conduits are to extend beyond all trafficable areas and surface drainage, inclusive of footpaths and table drains, with a minimum cover of 1.2 metres. The above works must be to the satisfaction of Council's Chief Executive Officer or delegate and completed prior to the sealing of the Final Plan of Survey.

- 19 Prior to the sealing of the final plan, the developer must supply the City of Clarence with as-installed services plan(s) clearly indicating the location and details of all relevant services (entirely contained within their respective lots or appropriate easements). The as-installed services plan(s) must be submitted by a suitable qualified expert as confirmation that all engineering work required by this permit has been completed.

- 20 Where subdivision or development works are approved to be undertaken in stages, all works for each stage must comply with the most current Council By-Laws, adopted policies and Standards in force at the time the engineering drawings for that stage are lodged for approval.

If any previously completed works do not comply with the current Council By-Laws, adopted policies and Standards and require modification to integrate with subsequent stages, the permit holder must reconstruct or upgrade those works to achieve compliance and ensure seamless integration between stages.

All costs associated with such reconstruction or upgrade works are the responsibility of the permit holder.

- 21 All public open space/reserve areas (other than roads) must be included in the first stage of the development.

- 22 Council has formed the opinion that the subdivision is to provide for public open space as shown on the subdivision proposal plan, where the POS lot area of 5000m² exceeds the 5% contribution minimum requirement of s116(a) of the *Local Government (Building and Miscellaneous Provisions) Act 1993*.

Council has negotiated an agreement with Mornington Park Estate Pty Ltd, for the purchase of the land in excess of the 5% contribution, as per the terms and conditions of the Deed executed on 22 April 2026 or in accordance with S116 of the *Local Government (Building and Miscellaneous Provisions) Act 1993*.

In the event Mornington Park Estate Pty Ltd is no longer the landowner of the POS lot area, Mornington Park Estate Pty Ltd is to assign the deed executed on 22 April 2026 in accordance with clause 12 of that deed, subject to the satisfaction of council's Chief Executive Officer.

- 23 All public recreation space areas must be shown as lots on the Final Plan and noted as "Public Open Space".

All public open space lots must be fenced by the subdivider, and suitable fire breaks created, to satisfaction of Council's Manager City Planning. The Final Plan and Schedule of Easements will not be sealed until this work is complete or a suitable Bond and Guarantee for the work is lodged.

The bond is to be for an amount of 1.5 times the estimated cost of construction and may be a cash deposit or a bank guarantee. The work is to be completed within 6 months of the lodging of the bond. If the works are not completed within this time, Council may have the fencing work undertaken and may recover those costs incurred from the bonded amount.

24

A Landscape and Earthworks Plan for all areas of Public Open Space (POS) shown on the Plan of Subdivision must be submitted to and approved by Council's Chief Executive Officer or delegate prior to the issue of a Certificate of Likely Compliance (CLC) for building works or commencement of works within the POS, whichever occurs first.

1. The Landscape and Earthworks Plan must clearly document the following:

- finished surface contours at 0.1 metre intervals and spot levels sufficient to demonstrate final landform and drainage patterns;
- the detailed shaping of all swales, low points and overland flow paths to demonstrate that the land will function as usable public open space while accommodating stormwater conveyance;
- cross sections and long sections of proposed swales and overland flow paths at intervals sufficient to demonstrate batter slopes, depths and integration with surrounding landforms;
- finished surface treatments including turfing, topsoil depths and soil preparation for all disturbed areas;
- establishment specifications for turf and planted areas, including soil preparation, turf type, installation method and establishment requirements sufficient to achieve practical completion prior to handover;
- the location of any proposed paths, furniture or landscape features (if applicable);
- a staging and implementation schedule for the landscape works.

In addition, the plan must include:

- a north point and site boundaries;
- existing site features including buildings, services and structures;
- the identification of existing trees as retained or removed, and Tree Protection Zones for retained trees in accordance with AS 4970-2009;
- areas of proposed hard and soft landscape treatments;
- planting schedules identifying species, quantities and installation details;
- an annotation stating that any damage to the nature strip during construction will be suitably remediated;
- the location of water connection points; and
- a proposed maintenance schedule for landscaped areas prior to handover.

2. The design must demonstrate, to the satisfaction of Council's Chief Executive Officer or delegate, that:

- stormwater conveyance infrastructure within the POS area is integrated into the landform in a manner that minimises visual and functional impacts and enables the primary use of the land as public recreation space; and
 - the finished grading, shaping and levels provide safe, usable and maintainable recreational land suitable for public access and routine maintenance and
3. it will be maintained in accordance council's Bushfire Policy 2024 available on council's website <https://assets.ccc.tas.gov.au/uploads/2024/08/Bushfire-Mitigation-Policy-2024.pdf> Prior to sealing of the Final Plan of Survey, an as-constructed topographical survey plan certified by a suitably qualified surveyor must be submitted to and approved by Council's Chief Executive Officer or delegate demonstrating that the works have been completed in accordance with the approved Landscape and Earthworks Plan.
- 25 The Final Plan and accompanying Schedule of Easements must include a covenant that runs with the land, that describes the following lot owner obligations for the two residential lots, and any balance lot:
- to maintain the Hazard Management Area (HMA) in a minimal fuel condition in accordance with the endorsed Bushfire Hazard Management Plan prepared (BHMP) by MC Planners (February 2025) or any subsequent BHMP endorsed by Tasmanian Fire Services, without relying on the POS lot for bushfire hazard mitigation,
 - on adjoining or adjacent lots to the POS lot development must be to a BAL with separation distances that must not depend on council maintaining the POS in a particular vegetation condition, and
 - These obligations must continue for as long as the relevant bushfire protection measures are required.
- 26 The development must meet all required Conditions of Approval specified by TasWater notice, dated 03/03/2026 (TWDA 2023/01137-CCC).

The following advice is also provided:

- a. This Permit will lapse after 2 years from the date on which it is granted unless the development / use has been substantially commenced. Upon request, under Section 53(5A) of the *Land Use Planning and Approvals Act 1993* Council may grant an extension of time for a further 2 years. A further 2 years may be granted upon request under Section 53(5B) of the *Land Use Planning and Approvals Act 1993*. Any such requests must be made in writing and within 6 months of the day on which the permit has lapsed.
- b. This is a town planning permit only. Please be aware that a building permit and / or a plumbing certificate of likely compliance or plumbing permit may be required before the development can proceed. It is recommended that you contact Council's Building

Department on (03) 6217 9580 to discuss the requirement for any additional permits or certification.

- c. The proposed lots are located within a mapped bushfire prone area and as such a bushfire assessment and BAL must be provided by a suitably qualified person and form part of the certified documents for individual building applications.
- d. The proposed works are located within a mapped overland flow path and prone to flood. Please refer to council's flood mapping system <https://www.ccc.tas.gov.au/flood-maps/>
- e. The site may contain relics which are protected under the Aboriginal Relics Act 1975 and the applicant is therefore responsible to ensure compliance with the provisions of that Act. Applicants are advised to seek independent technical advice in relation to identification and protection of any relics.
- f. Based on the information provided, the use/development is not likely to adversely affect TasNetworks' operations. As with any subdivision of this magnitude, consideration should be given to the electrical infrastructure works that will be required to ensure a supply of electricity can be provided to each lot. To understand what these requirements may entail, it is recommended that the developer contacts TasNetworks on 1300 137 008 or the Negotiated Connections team at Negotiated.Connections@tasnetworks.com.au at their earliest convenience.
- g. The Department of Primary Industries, Parks, Water and Environment, Threatened Species Unit has advised that the property may contain species identified in the schedules of the *Threatened Species Protection Act 1995*. I have enclosed a copy of the Department's letter. It is your responsibility to comply with the legislation and therefore you should contact the Department to determine whether there will be any issues which may arise under that Act in relation to the development.
- h. Hobart Airport received application number PDPSAMEND-2024/048902 471 Cambridge Road Mornington and 528 & 540 Pass Road, Cambridge for a development that may be considered a Controlled Activity as stated Airports (Protection of Airspace) Regulations. Hobart Airport as the aerodrome operator has completed the initial assessment of this application as required in the Regulations. Based on the information supplied it does not appear that this proposal is classed as a controlled activity, as defined in the Regulations. Hobart Airport does not object to this proposal which may create occasional pooling of water in the proposed open space, during flood events, which may increase wildlife activity (e.g. attracting birds).

Controlled activities are also defined as any activities causing intrusions into the protected airspace through glare from artificial light or reflected sunlight, air turbulence from stacks or vents, smoke, dust, steam or other gases or particulate matter. Details will need to be provided to Hobart Airport for consideration if this proposal may subject the protected airspace around Hobart Airport to one or more of these items. Please note that further to the above, any structures used in the construction process, such as

cranes, may in fact be controlled activities and require separate approval under the Regulations. Please note this commentary is from an aerodrome airspace perspective (only) and Hobart Airport may separately submit additional representations within the advertised timeframe.

- i. Non-compliance with this permit is an offence under Section 63 of the *Land Use Planning and Approvals Act 1993* and may result in enforcement action under Division 4A of the *Land Use Planning and Approvals Act 1993* which provides for substantial fines and daily penalties.

Daniel Marr

HEAD OF CITY PLANNING

THIS APPROVAL IS GIVEN UNDER DELEGATION GRANTED BY COUNCIL ON 14 DECEMBER 2020

CLA-SXX.0 Mornington Park Specific Area Plan

CLA-SXX.1 Plan Purpose

The purpose of the Mornington Park Specific Area Plan is:

- ~~CLA-SXX.1.1 To encourage a cohesive structure to the development of residential land, at a sufficient density to support a suburban level activity centre around the regional Mornington Park facility;~~
- ~~CLA-SXX.1.2 To facilitate the optimum physical layout, combining accessible urban form through a range of residential housing types and densities, reduced street crossovers and traffic, and maximise park side living;~~
- ~~CLA-SXX.1.3 To provide a high level of amenity to residents by facilitating built forms which respond to the streetscape and park settings;~~
- ~~CLA-SXX.1.4 Provide for a regional open space that includes:
 - (i) Recreation and social activities, and
 - (ii) Parkland to enhance the residential environment, and
 - (iii) The management of stormwater systems;~~
- ~~CLA-SXX.1.5 To facilitate an integrated planning framework to guide the development of land in different ownerships.~~
- ~~CLA-SXX.1.6 To provide for a walkable neighbourhood, characterised by pedestrian links to open spaces, and businesses which serve the local community.~~
- ~~CLA-SXX.1.1 To provide a coordinated framework for the development of land within Mornington Park that integrates residential development, regional public open space, local services and movement networks.~~
- ~~CLA-SXX.1.2 To provide for a range of residential densities, dwelling types and built forms that make efficient use of land and creating a distinct local streetscape and respond to public open space.~~
- ~~CLA-SXX.1.3 To provide for regional public open space that supports recreation and social activities, enhances the residential environment and contributes to stormwater management.~~
- ~~CLA-SXX.1.4 To provide for a high level of residential amenity through a walkable neighbourhood with landscaped streets and pedestrian connections between residential areas, public open space and local services.~~
- ~~CLA-SXX.1.5 To provide an integrated planning framework for the coordinated development of land in different ownership.~~

CLA-SXX.2 Application of this Plan

- ~~CLA-SXX.2.1 The specific area plan applies to the area of land designated as the Mornington Park Specific Area Plan on the overlay maps and in Figure CLA.SXX.1~~
- ~~CLA-SXX.2.2 The Multiple Dwelling Precinct applies to the area designated as Multiple Dwelling Precinct in Figure CLA.SXX.24 Mornington Park Development Plan - Precinct Plan, and on the overlay maps as Figure CLA-SXX.3.1~~
- ~~CLA-SXX.2.3 The Single Dwelling Villa Precinct applies to the area designated as Villa Precinct and Residential Precinct in Figure CLA.SXX.24 Mornington Park Development Plan - Precinct Plan, and on the overlay maps as CLA-SXX.3.2~~
- ~~CLA-SXX.2.2 In the area of and to which this plan applies to, the provisions of the specific area plan are in substitution for, or in addition to, the provisions of the General Residential~~

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~~Zone and the Parking and Sustainable Access Code, as specified in the relevant provision.~~

CLA-SXX.3 Local Area Objectives

CLA-SXX.3.1 Local area objectives

Sub-clause	Area Description	Local Area Objectives
CLA-SXX.3.1.1	Mornington Park Specific Area Plan overlay map shown in Figure CLA-SXX.1.	<p>(a) To provide for high-quality urban spaces, incorporating good urban design, and streetscape enhancement.</p> <p>(b) To encourage a diversity of dwelling types, lot configurations and built forms, providing for varied housing opportunities and avoiding an overly uniform development pattern.</p> <p>(c) To maintain a landscaped residential character by providing for vegetation, landscaping and pervious surfaces as an integral part of development.</p> <p>(d) To ensure buildings are designed to interact with streets and public spaces and contribute to connected, safe and attractive streetscapes.</p>
CLA-SXX.3.1.2	Multiple Dwellings Precinct, shown in Figure CLA-SXX.24.	<p>To provide a coordinated higher-density residential precinct that:</p> <p>(a) accommodates a range of dwelling sizes, types and built forms;</p> <p>(b) avoids an unduly repetitive or uniform development pattern;</p> <p>(c) provides landscaped frontages that contribute positively to the streetscape and public open space; and</p> <p>(d) provides buildings that address and interact with adjoining streets and public open space.</p>

CLA - SXX.3 Local Area Objectives

~~This sub-clause is not used in this specific area plan.~~

CLA - SXX.4 Definition of Terms

CLA-SXX.4.1 In this specific area plan, unless the contrary intention appears:

Terms	Definition
Building Edge	means a continuous building line (excluding minor protrusions) parallel to the Primary Façade or a boundary adjoining public open space. means a continuous building line (excluding minor variations) parallel to the Primary Street Façade or Park Façade.
Grouped Housing	Means multiple dwellings that do not share a common wall with any other dwelling on the same lot. May be single or double storey and share common property, such as road access, service easements, and common utility or open spaces.
Multiple Dwellings Lots Precinct	mean those lots that area indicated as within the Multiple Dwellings Precinct, in Figure CLA-SXX.1.
Primary Façade	means the boundaries designated as a Primary Façade in Figure CLA-SXX.32.

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Secondary Facade	means the boundaries designated as a Secondary Façade in Figure CLA-SXX.32.
Townhouse	Means a multiple dwelling that: <ol style="list-style-type: none"> shares at least one common wall with an adjoining dwelling on the same lot, spans two or more levels, has its own direct private street-level pedestrian entrance, has its own private open space, includes shared rear vehicular road access, and may include common service easements and utility spaces.
Villa LotPrecinct	means that area indicated as the Villa Precinct in Figure CLA-SXX.21, with Villa Housing the dominant dwelling type. means those lots that area indicated as Type A or B Villa Precinct in Figure CLA-SXX.1.

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CLA - SXX.5 Use Table

This clause is in substitution for Clause 8.2 of the General Residential Zone.

Use Class	Qualification
No Permit Required	
Natural and Cultural Values Management	
Passive Recreation	
Residential	<p>If for a single dwelling or a secondary residence</p> <p>-If</p> <p>(a) a multiple dwelling located in the Multiple Dwellings Precinct.</p> <p>Or</p> <p>(b)</p> <p>If for a single dwelling and not in the Multiple Dwellings Precinct.</p>
Utilities	If for minor utilities.
Permitted	
Residential	If for multiple dwellings and if not on a located in a Villa LotPrecinct.
Visitor Accommodation	If located within a Single Dwelling.
Discretionary	

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<u>Residential</u>	<u>If not listed as No Permit Required, or Permitted</u>
Utilities	If not listed as No Permit Required.
Visitor Accommodation	<u>If located within the Multiple Dwellings Precinct, for a boarding house, a hostel or serviced apartment.</u>
Prohibited	
All Other Uses	

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CLA - SXX.6 Use Standards

This sub-clause is not used in this specific area plan.

CLA - SXX.7 Development Standards for Buildings and Works

CLA - SXX.7.1 Residential density for in the Multiple Dwellings Lots Precinct

This clause is in ~~substitution~~ addition ~~substitution~~ for General Residential Zone - clauses 8.4.1 Residential density for multiple dwellings, ~~for in the Multiple Dwellings Lots Precinct.~~

Objective:	
That the density of multiple dwellings:	
(a) makes efficient use of land for housing; and	
(b) optimises the use of infrastructure and community services, <u>and</u>	
(c) <u>facilitates a range of dwelling sizes, types and built forms within the Multiple Dwellings Precinct.</u>	
Acceptable Solutions	Performance Criteria
<u>A1.1</u> Multiple dwellings <u>If for a Townhouse development</u> must have a site area per dwelling of not less than 200m ² .	<u>P1.1</u> <u>In Townhouse development must only have a site area per dwelling less than 200m² if:</u>
<u>OR</u>	<u>(a) it will not exceed the capacity of infrastructure services</u>
<u>A1.2</u> <u>If for a Group Housing development must have a site area per dwelling of not less than 300m²</u>	<u>(b) it is wholly or partly within 400m walking distance of a public transport stop, and</u>
	<u>(c) has regard to Multiple Dwelling Precinct Local Area Objectives.</u>
	<u>P1.2</u> <u>In Group Housing development must only have a site per dwelling less than 300m² if:</u>
	<u>(a) It will not exceed the capacity of infrastructure services,</u>
	<u>(b) It is wholly or partly within 400m walking distance of a public transport stop, and</u>

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	<p><u>(c) Has regard to the Multiple Dwelling Precinct Local Area Objectives.</u></p> <p>P1.</p> <p>Multiple dwellings must only have a site area per dwelling less than 200m² if:</p> <p>(a) the development contributes to a range of dwelling types and sizes appropriate to the surrounding area; or</p> <p>(b) the development provides for a specific accommodation need with significant social or community benefit.</p>
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CLA - SXX.7.2 Dwelling and built-form diversity in the Multiple Dwellings Precinct

This clause is in addition to [General Residential Zone clause 8.4 of the General Residential Zone Development Standards for Dwellings](#) for development within the Multiple Dwellings Precinct shown in Figure CLA-SXX.24.

<p><u>Objective:</u></p> <p><u>That multiple dwelling development:</u></p> <p><u>(a) contributes to a range of dwelling sizes, types and built forms within the Multiple Dwellings Precinct;</u></p> <p><u>(b) avoids an unduly repetitive or uniform built form when viewed from a road or public open space; and</u></p> <p><u>(c) provides architectural variation while maintaining a coherent streetscape.</u></p>	
<u>Acceptable Solutions</u>	<u>Performance Criteria</u>
<p><u>A1</u></p> <p><u>A multiple dwelling development containing 4 or more dwellings must include variation between dwellings through not less than 3 of the following:</u></p> <p><u>(a) dwelling floor areas;</u></p> <p><u>(b) number of bedrooms;</u></p> <p><u>(c) building height or number of storeys;</u></p> <p><u>(d) front setback, excluding variations of less than 0.5m;</u></p> <p><u>(e) building alignment or orientation;</u></p> <p><u>(f) roof form;</u></p> <p><u>(g) location of pedestrian entrances; or</u></p> <p><u>(h) the arrangement of private open space.</u></p>	<p><u>P1</u></p> <p><u>A multiple dwelling development must provide a range of dwelling sizes, types or built forms appropriate to the scale of the development and the Multiple Dwellings Precinct, having regard to:</u></p> <p><u>(a) the number of dwellings proposed;</u></p> <p><u>(b) variation in dwelling floor area and internal configuration;</u></p> <p><u>(c) variation in building height, setbacks, orientation, roof form and architectural expression;</u></p> <p><u>(d) the appearance of the development when viewed from a road or public open space;</u></p> <p><u>(e) whether repetition is relieved through changes in building form, materials, detailing or landscaping; and</u></p> <p><u>(f) the Local Area Objective for the Multiple Dwellings Precinct.</u></p>

CLA - SXX.7.23 Setbacks and building height for all dwellings ~~on~~ in the Multiple Dwellings Lots Precinct, and Villa Lots Precinct

This clause is in substitution for General Residential Zone clause 8.4.2 Setbacks and building envelope and clause ~~9~~8.4.4 Sunlight to private open space of multiple dwellings, and 8.4.6 Privacy for all

dwellings ~~for in the~~ Multiple Dwellings ~~Lots~~Precinct and Villa ~~Lots~~Precinct, designated in Figure CLA-SXX.24.

Objective:	
<p><i>The siting and scale of dwellings:</i></p> <p>(a) provides reasonably consistent separation between dwellings and their frontage within a street;</p> <p>(b) provides consistency in the apparent scale, bulk, massing and proportion of dwellings;</p> <p>(c) provides separation between dwellings on adjoining properties to allow reasonable opportunity for daylight and sunlight to enter habitable rooms and private open space; and</p> <p>(d) provides reasonable access to sunlight for existing solar energy installations.</p>	
Acceptable Solutions	Performance Criteria
<p>A1.1</p> <p>For the Multiple Dwellings LotsPrecinct:</p> <p>A dwelling, excluding garages, carports and protrusions that extend not more than 0.59m into the frontage setback, must have a setback from a frontage that is not less than 1m.</p>	<p>P1</p> <p>A dwelling must have a setback from a frontage that is compatible with the streetscape, having regard to any topographical constraints and the local area objectives for the area.</p>
<p>A1.2</p> <p>For the Villa Housing LotsPrecinct:</p> <p>A dwelling, excluding garages, carports and protrusions that extend not more than 0.9m into the frontage setback, must have a setback from a frontage that is:</p> <p>(a) if the frontage is a primary frontage, not less than 3m, or, if the setback from the primary frontage is less than 3m, not less than the setback, from the primary frontage, of any existing dwelling on the site;</p> <p>(b) if the frontage is not a primary frontage, not less than 2m, or, if the setback from the frontage is less than 2m, not less than the setback, from a frontage that is not a primary frontage, of any existing dwelling on the site.</p>	
<p>A2.1</p> <p>For the Multiple Dwellings LotsPrecinct:</p> <p>A garage or carport for a dwelling must only be accessed from, and have a 1.5m setback to, the rear boundary not be accessed from a Primary Frontage shown on Figure CLA-SXX.2.</p>	<p>P2.1</p> <p>For the Multiple Dwelling LotsPrecinct there is no Performance Criterion.</p>
<p>A2.2</p> <p>For the Villa Housing LotsPrecinct:</p> <p>A garage or carport for a dwelling must have a setback from a primary frontage of not less than:</p> <p>(a) 4m, or alternatively 1m behind the building line;</p> <p>(b) the same as the building line, if a portion of the dwelling gross floor area is located above the garage or carport; or</p> <p>(c) 1m, if the existing ground level slopes up or down at a gradient steeper than 1 in 5 for a distance of 10m from the frontage.</p>	<p>P2.2</p> <p>For the Villa Housing LotsPrecinct, a garage or carport for a dwelling must have a setback from a primary frontage that is compatible with the setbacks of existing garages or carports in the street, having regard to any topographical constraints and the local area objectives for the area constraints.</p>

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<p>A3.1</p> <p>For <u>the Multiple Dwellings LotsPrecinct</u>:</p> <p>(a) have a setback from a Primary FacadeFrontage of not less than 1m;</p> <p>(b) if adjoining the public open space shown in Figure CLA-SXX.42, have a setback from the boundary with the public open space of not less than 3m.</p> <p>(a) a dwelling, excluding outbuildings, may be built to the side boundary, but must:</p> <p>i) be set back from the rear boundary 4.5m; and</p> <p>ii) have a height not greater than 9.5m; and</p> <p>(b) a dwelling, including outbuildings, located within 15m of the public open space shown in Figure CLA-SXX.1 must be:</p> <p>i) built with a setback of 3m from that boundary; and</p> <p>have a height of no more than 6m.</p> <p>A3.2</p> <p>For <u>the Villa LotsPrecinct</u>:</p> <p>A dwelling, excluding outbuildings with a building height of not more than 2.4m and protrusions that extend not more than 0.9m horizontally beyond the building envelope, must:</p> <p>(a) be contained within a building envelope determined by:</p> <p>(i) a distance equal to the frontage setback; and</p> <p>(ii) projecting a line at an angle of 45 degrees from the horizontal at a height of 3m above existing ground level at the side and rear boundaries to a building height of not more than 9.5m above existing ground level; and</p> <p>(b) only have a setback within 1.5m of a side or rear boundary if the dwelling:</p> <p>(i) does not extend beyond an existing building built on or within 0.2m of the boundary of the adjoining property; or</p> <p>(ii) does not exceed a total length of 9m or one-third the length of the side boundary (whichever is the lesser).</p>	<p>P3</p> <p>The siting and scale of a dwelling must have regard to:</p> <p>(a) providing a building edge along the boundary with the public open space shown in Figure CLA-SXX.24;</p> <p>(b) not causing an unreasonable loss of amenity to adjoining properties, having regard to:</p> <p>(iii) reduction in sunlight to a habitable room (other than a bedroom) of a dwelling on an adjoining property;</p> <p>(iv) overshadowing the private open space of a dwelling on an adjoining property;</p> <p>(v) overshadowing of an adjoining vacant property; and</p> <p>(vi) visual impacts caused by the apparent scale, bulk or proportions of the dwelling when viewed from an adjoining property;</p> <p>(c) providing separation between dwellings on adjoining properties that is consistent with that existing on established properties in the area <u>the intended built form and Local Area Objective for the area</u>; and</p> <p>(d) not causing an unreasonable reduction in sunlight to an existing solar energy installation on:</p> <p>(i) an adjoining property; or</p> <p>(ii) another dwelling on the same site.</p>
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CLA - SXX.7.34 Site coverage and private open space for all dwellings on-in the Multiple Dwellings LotsPrecinct, and the Villa LotsPrecinct

This clause is in substitution for General Residential Zone clause 8.4.3 Site coverage for all dwellings for the Multiple Dwellings LotsPrecinct, and Villa LotsPrecinct, designated in Figure CLA-SXX.1.

Objective:

That dwellings provide:

- (a) for outdoor recreation and the operational needs of the residents;
- (b) reasonable opportunity for privacy for dwellings;
- (c) opportunities for the planting of gardens and landscaping; and
- (d) private open space that is conveniently located and has access to sunlight.

Acceptable Solutions	Performance Criteria
<p>A1</p> <p>Dwellings must:</p> <ul style="list-style-type: none"> (a) For In the Multiple Dwellings Lots Precinct, have a lot-site coverage of not more than 80% of the lot area; or (b) For In the Villa Lots Precinct, have a lot-site coverage of not more than 65% (excluding eaves up to 0.6m wide). 	<p>P1</p> <p>Dwellings must have:</p> <ul style="list-style-type: none"> (a) site coverage consistent with that existing on established properties properties lots of the same lot type within in the same precinct; (b) private open space that is of a size and with dimensions that are appropriate for the size of the dwelling and is able to accommodate: <ul style="list-style-type: none"> (i) outdoor recreational space consistent with the projected requirements of the occupants and, for multiple dwellings, take into account any common open space provided for this purpose within the development; and (ii) operational needs, such as clothes drying and storage; and (c) reasonable space for the planting of gardens and landscaping.
<p>A2.1</p> <p>For the Multiple Dwellings Precinct Lots, a dwelling must have private open space <u>in one location</u> with a minimum area of 9m² and a minimum horizontal dimension of 3m;</p> <p>A2.2</p> <p>For the Villa Housing Lots Precinct, a dwelling must have private open space that:</p> <ul style="list-style-type: none"> (a) is in one location and is not less than: <ul style="list-style-type: none"> (i) 24m²; or (ii) 12m², if the dwelling is a multiple dwelling with a finished floor level that is entirely more than 1.8m above the finished ground level (excluding a garage, carport or entry foyer); (b) has a minimum horizontal dimension of: <ul style="list-style-type: none"> (i) 4m; or (ii) 2m, if the dwelling is a multiple dwelling with a finished floor level that is entirely more than 1.8m above the finished ground level (excluding a garage, carport or entry foyer); (c) is located between the dwelling and the frontage only if the frontage is orientated between 30 degrees west of true north and 30 degrees east of true north; and (d) has a gradient not steeper than 1 in 10. 	<p>P2</p> <p>A dwelling must have private open space that includes an area capable of serving as an extension of the dwelling for outdoor relaxation, dining, entertaining and children's play and is:</p> <ul style="list-style-type: none"> (a) conveniently located in relation to a living area of the dwelling; and (b) orientated to take advantage of sunlight.
<p>A3</p> <p><u>A balcony, deck, roof terrace, parking space carport (whether freestanding or part of the dwelling), window or glazed door to a habitable</u></p>	<p>P3</p> <p>No performance Criterion</p> <p><u>The layout and design of the dwelling must minimise unreasonable impacts on the amenity of</u></p>

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room, for a dwelling must be screened, or otherwise designed, to avoid overlooking of: (a) the private open space of a dwelling on an adjoining property or another dwelling on the same site; and (b) a window or glazed door, to a habitable room of another dwelling.	surrounding dwellings, having regard to the location of frequently used private areas.
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CLA - SXX.7.54 Storage for all dwellings ~~on-in the Multiple Dwellings Precinct or Villa Housing Lots Precinct~~

This clause is in addition to [General Residential Zone](#) clause 8.4 ~~Development Standards for dwelling in the General Residential Zone for the Multiple Dwellings Precinct and Villa Precinct~~ Lots, designated in Figure CLA-SXX.24.

Objective:	
(a) To provide for the storage of waste and recycling bins for all dwellings; and (b) To provide adequate and useable storage areas for the needs of residents To provide adequate and useable storage areas for the needs of residents.	
Acceptable Solutions	Performance Criteria
A1 Each dwelling must be provided with a dedicated and secure storage space of no less than 6m ² .	P1 No Performance Criterion. Demonstrated that Each dwelling must have has suitable dedicated storage space that meets the likely requirements and needs of the occupants.
A2 Each dwelling must have a storage area for waste and recycling bins, that is an area of not less than 4.5m² and not within the area in front of the dwelling¹.	P2 No Performance Criterion.

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CLA - SXX.7.56 Façade design ~~for-in the Multiple Dwellings Lots Precinct and Villa Housing Lots Precinct~~

This clause is in addition to [General Residential Zone](#) clause ~~8.4 Development Standards for Dwellings~~ s-in the General Residential Zone

Objective:	
(a) To create a highly articulated streetscape; and (b) To achieve diversity in front façade designs <u>within the streetscape.</u>	
Acceptable Solutions	Performance Criteria
A1 For a dwelling on a lot with a Primary Façade, any building elevation facing the Primary Façade must include: (a) a varied plan shape from adjoining dwellings with frontage to the same	P1 Dwelling design for lots adjoining the Primary Façade has regard to: (a) varied plan shape from dwellings with frontage to the same street;

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<p>street (including steps, curves, recesses, projections or splays);</p> <p>(b) variations in vertical profile from adjoining dwellings or multiple dwellings on the same street (including steps or slopes at different levels);</p> <p>(c) patterning or sun protection devices on windows;</p> <p>(d) recessing or projecting of windows, structural framing, grilles, panel details (such as stucco);</p> <p>balustrades, balconies, verandahs or terraces; and</p> <p>(e) integrated planting on podiums, balconies, terraces or low level roof decks.</p> <p><u>A building elevation facing a Primary Façade must incorporate not less than 3 of the following:</u></p> <p>(a) variation in building alignment;</p> <p>(b) a porch, verandah, balcony or terrace;</p> <p>(c) variation in material or colour;</p> <p>(d) recessed or projecting windows or building elements;</p> <p>(e) variation in roof form; or</p> <p>(f) integrated landscaping visible from the Primary Frontage</p>	<p>(b) varied vertical profile from dwellings on the same street;</p> <p>(c) window and façade articulation;</p> <p>(d) planting visible from the street; and</p> <p>(e) a high level of articulation when viewed from public open space areas; and-</p> <p>(e)(f) the local area objectives for the area.</p>
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CLA – SXX.7.6 Fencing for all dwellings on in the Multiple Dwellings and Villa Precincts Lots, and Villa Lots

This clause is in substitution for clause 8.4.7 Frontage fences for all dwellings in the General Residential Zone for in the Multiple Dwellings Lots, Precinct and Villa Lots Type A and BPrecinct, designated in Figure CLA-SXX.1.

Objective:	
(a) To create a highly articulated streetscape; and (b) To promote personalisation of fencing design.	
Acceptable Solutions	Performance Criteria
A1 A dwelling on a lot with a Primary Façade or a Secondary Façade must be provided with a 1.2m high painted picket fence along that boundary (excluding vehicle access areas).	P1 A fence (including a free-standing wall) on a Primary Façade or a Secondary Façade must: (a) provide for passive surveillance of the road or park; and (a) be compatible with the height and transparency of fences in the street, having regard to the topography of the site.

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CLA-SXX.7.6 Landscaping

This clause is in addition to General Residential Zone - clause 8.4 Development Standards for Dwellings.

Objective:	
That residential development provides landscaped frontages and contributes to an attractive and vegetated streetscape.	
Acceptable Solutions	Performance Criteria
A1	P1
Landscaping along the frontage of a site is not required if the following apply:	Landscaping must enhance the appearance of the development and complement the streetscape, having regard to:
(a) the building extends across the width of the frontage, (except for vehicular access ways); and	(a) a range of plant height and forms used to create diversity, interest and amenity;
(b) the building has a setback from the frontage of no more than 1m and paving is proposed in the setback; and	(b) avoiding concealed entrapment spaces; and
(c) Not a Primary Facade.	(c) the local area objectives for the area.

CLA - SXX.8 Development Standards for Subdivision

CLA - SXXX.8.1 Lot design

This clause is in substitution for General Residential Zone - clause 8.6.1 Lot design.

Objective:	
That each lot:	
(a) has an area and dimensions appropriate for use and development in the zone;	
(b) is provided with appropriate access to a road; and	
(c) contains areas which are suitable for development appropriate to the zone purpose, located to avoid natural hazards.	
Acceptable Solutions	Performance criteria
A1	P1
Each lot, or a lot proposed in a plan of subdivision, must:	Each lot, or a lot proposed in a plan of subdivision, must have sufficient useable area and dimensions suitable for its intended use, having regard to:
(a) In the Multiple Dwellings Precinct have an area of not less than 200m ² or in the Villa Housing Precinct have an area of not less than 300m ² and;	(a) the relevant requirements for development of buildings on the lots;
(i) be able to contain a minimum area of 10m x 12m with a gradient not steeper than 1 in 5, clear of;	(b) the intended location of buildings on the lots;
a. all setbacks required by clause CLA - SXX.7.32; and	(c) the topography of the site;
b. easements or other title restrictions that limit or restrict development; and	(d) the presence of any natural hazards;
	(e) adequate provision of private open space; and

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<p><u>(b) be required for public use by the Crown, a council or a State authority;</u></p> <p><u>(c) be required for the provision of Utilities; or</u></p> <p><u>(d) be for the consolidation of a lot with another lot provided each lot is within the same zone.</u></p>	<p><u>(f) the pattern of development existing on established properties in the area; and</u></p> <p>(a) <u>(g) the local area objectives for the area.</u></p>
<p>A2</p> <p><u>Each lot, or a lot proposed in a plan of subdivision, excluding for public open space, a riparian or littoral reserve or Utilities, must have a frontage not less than 3.6m.</u></p>	<p>P2</p> <p><u>Each lot, or a lot proposed in a plan of subdivision, excluding for public open space, a riparian or littoral reserve or Utilities, must be provided with a frontage or legal connection to a road by a right of carriageway, that is sufficient for the intended use, having regard to:</u></p> <p>(a) <u>the width of frontage proposed, if any;</u></p> <p>(b) <u>the number of other lots which have the and subject to the right of carriageway as their sole or principal means of access;</u></p> <p>(c) <u>the topography of the site;</u></p> <p>(d) <u>the functionality and useability of the frontage;</u></p> <p>(e) <u>the ability to manoeuvre vehicles on the site; and</u></p> <p>(a) <u>(f) the pattern of development existing on established properties in the area.</u></p>
<p>A3</p> <p><u>Each lot, or a lot proposed in a plan of subdivision, must be provided with a vehicular access from the boundary of the lot to a road in accordance with the requirements of the road authority.</u></p>	<p>P3</p> <p><u>Each lot, or a lot proposed in a plan of subdivision, must be provided with reasonable vehicular access to a boundary of a lot or building area on the lot, if any, having regard to:</u></p> <p>(a) <u>the topography of the site;</u></p> <p>(b) <u>the distance between the lot or building area and the carriageway;</u></p> <p>(c) <u>the nature of the road and the traffic;</u></p> <p>(d) <u>the anticipated nature of vehicles likely to access the site; and</u></p> <p>(e) <u>the ability for emergency services to access the site.</u></p>
<p>A4</p> <p><u>Public Open Space provision must:</u></p> <p>(a) be consistent with Figure CLA-SXX.1</p> <p>(b) is deemed to meet the Council requirements for public open space contribution; and</p> <p>(c) must not be provided as cash in lieu.</p>	<p>P4</p> <p>Public open space must meet the Council requirements for public open space by being provided generally in accordance with Figure CLA-SXX.1 having regard to:</p> <p>(a) the topography of the site;</p> <p>(b) any natural or landscape values;</p>

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<u>Public open space must be provided in the location shown in Figure CLA-SXX.41 and must not be provided by way of a cash contribution in lieu.</u>	(c) adequate provision of public open space; (d) the purpose of the public open space; and must not be provided as cash in lieu.
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CLA - SXX.8.2 Roads

This clause is in substitution for General Residential Zone [clause 8.6.2 Roads](#)

Objective:	
<p>That the arrangement of new roads within a subdivision provides for:</p> <p><u>(a) safe, convenient and efficient connections to assist accessibility and mobility of the community;</u> (a)(b) <u>provide street trees to provide high quality urban space and hence streetscapes;</u> (b)(c) <u>the adequate accommodation of vehicular, pedestrian, cycling and public transport traffic;</u> and (c)(d) <u>the efficient ultimate subdivision of the entirety of the land and of surrounding land</u></p>	
Acceptable Solutions	Performance criteria
<p>A1</p> <p>Roads within the subdivision are consistent with Figure CLA-SXX.1.</p>	<p>P1</p> <p>The arrangement and construction of roads within a subdivision must provide an appropriate level of access, connectivity, safety and convenience for vehicles, pedestrians and cyclists, having regard to:</p> <ul style="list-style-type: none"> (a) any road network plan adopted by the council; (b) the existing and proposed road hierarchy; (c) the need for connecting roads and pedestrian and cycling paths, to common boundaries with adjoining land, to facilitate future subdivision potential; (d) maximising connectivity with the surrounding road, pedestrian, cycling and public transport networks; (e) minimising the travel distance between key destinations such as shops and services and public transport routes; (f) access to public transport; (g) the efficient and safe movement of pedestrians, cyclists and public transport; (h) the need to provide bicycle infrastructure on new arterial and collector roads in accordance with the <i>Guide to Road Design Part 6A: Paths for Walking and Cycling 2016</i>; (i) the topography of the site; and (j) the future subdivision potential of any balance lots on adjoining or adjacent land.
<p>A2</p> <p><u>A plan of subdivision must provide a minimum of one tree capable of contributing to the streetscape at maturity and be provided:</u> <u>(g) in front of each lot; or</u></p>	<p>P2</p> <p><u>A subdivision must include landscaping treatment that:</u> <u>(a) enhances the appearance of development and provide for a high quality</u></p>

<p>(h) <u>at an appropriate ratio to shade the street and footpath at maturity; and establish a consistent avenue of street trees.</u></p>	<p><u>streetscape and visual amenity within the Mornington Park Specific Area Plan;</u></p> <p>(b) <u>enhances amenity and interest having regard to species, diversity, a range of plant height, forms, density and maintenance requirements;</u></p> <p>(c) <u>seeks to establish avenue type plantings adjacent to the road boundaries; and</u></p> <p>(d) <u>does not create concealed entrapment spaces.</u></p>
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CLA - SXX.9 Car Parking Requirements for all dwellings in the Multiple Dwellings and Villa Precincts

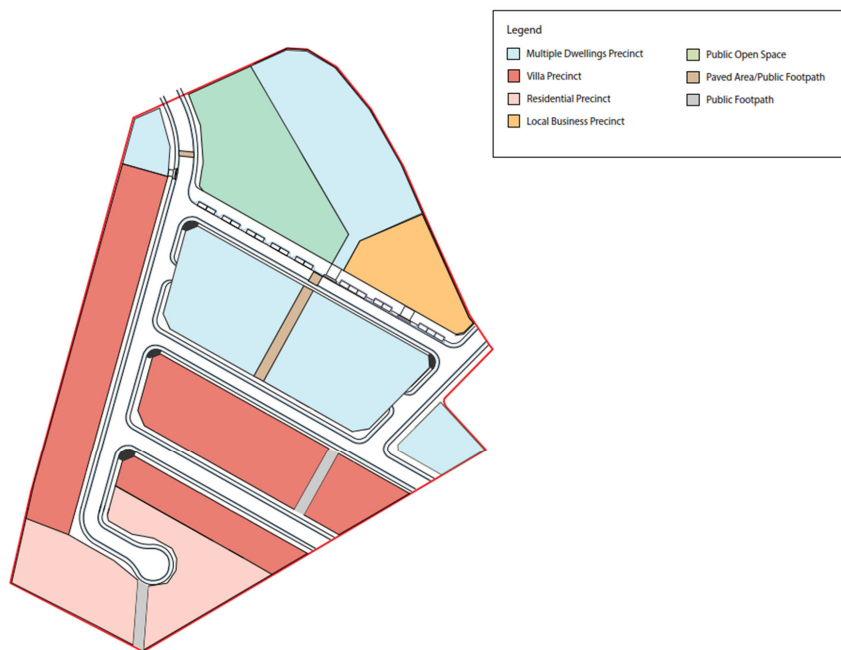
This clause is in substitution for the Parking and Sustainable Access Code C2.5.1 Car parking spaces, for all dwellings in the Multiple Dwellings and Villa Precincts.

Objective:	
That an appropriate level of car parking spaces <u>is-are</u> provided to meet the needs of the use.	
Acceptable Solutions	Performance criteria
<p>A1</p> <p>The number of on-site car parking spaces must be no less than one space per dwelling; and</p> <p>No visitor parking is required.</p> <p><u>The number of on-site car parking spaces for Residential use must:</u></p> <p><u>(a) be not less than 1 space per dwelling; and</u></p> <p><u>(b) not require provision of visitor parking.</u></p>	<p>P1</p> <p>The number of car parking spaces for dwellings must meet the reasonable needs of the use, having regard to:</p> <p>(a)(i) the nature and intensity of the use and car parking required;</p> <p>(b)(i) the size of the dwelling and the number of bedrooms; and</p> <p>(c)(k) the pattern of parking in the surrounding area.</p>

Figure CLA-SXX.1 Mornington Park Specific Area Plan - SAP Area Map

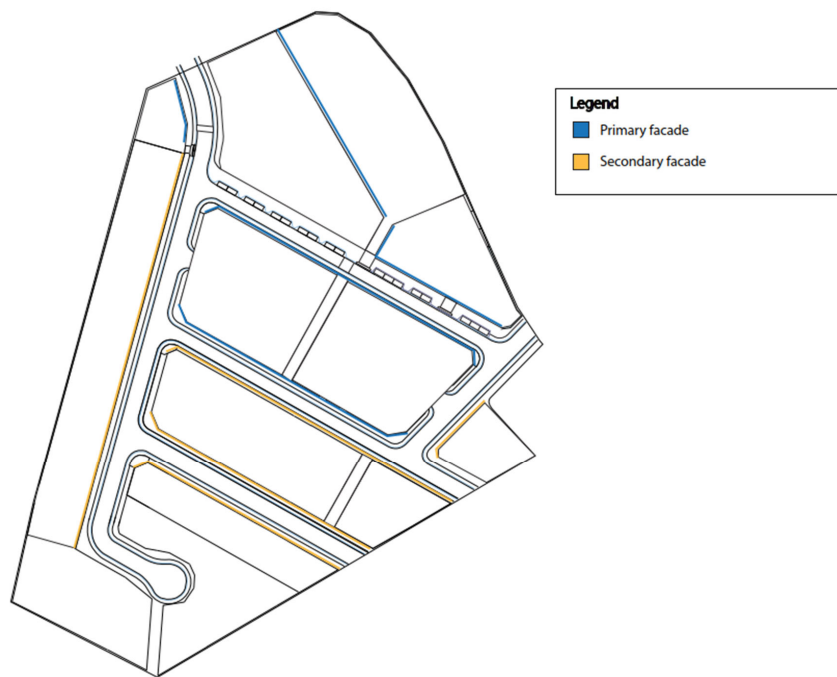


Figure CLA-SXX.24 Mornington Park [Development Plan - Precinct Plan](#) [Specific Area Plan Master Plan](#)



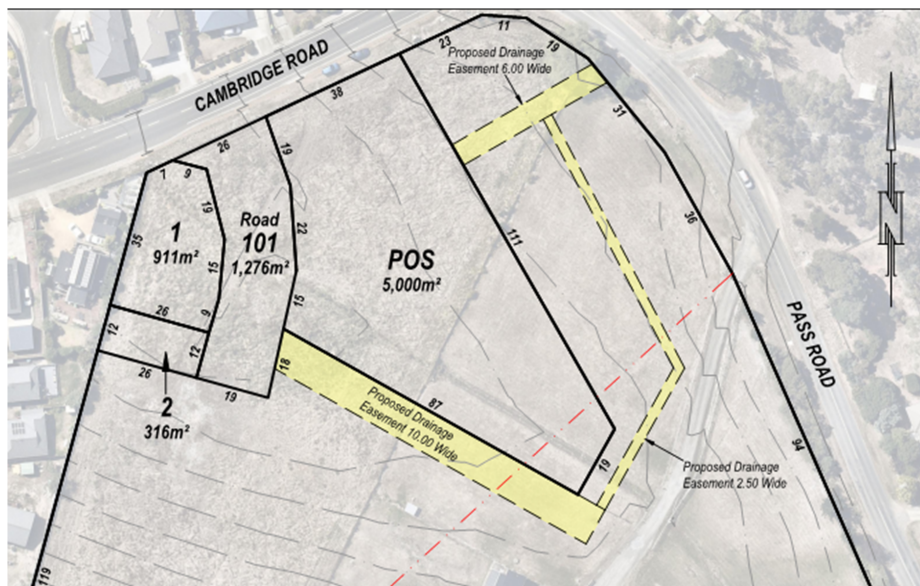
Commented [IB1]: The SAP does not refer to Residential or Local Business Precinct - hence these references should be removed from the Masterplan Precinct Plan map. Suggest refer to underlying zones only.

Figure CLA-SXX.32 Mornington Park Specific Area Plan Primary Façades and Secondary Façades



Commented [182]: Not sure colours will be clear enough - may need a different kind of representation. Hashed area or dotted areas. Also needs to remove Primary Façade from the Local Business Zone frontages.

Figure CLA-SXX.4 Mornington Point Specific Area Plan - Open Space Provision



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Attachment B1 – Council rationale for compliance with s32(4)(b)

SAP Assessment

The following provides an articulated rationale for each provision:

1. CLA-SXX.1 Plan Purpose

Rationale

The purpose provisions are trying to explain **why Mornington Park needs a SAP** rather than simply relying on the underlying zones. The key themes are:

- coordinated development across the site land;
- higher residential density around the regional open space and local business areas than what is facilitated by the General Residential Zone;
- encourage different housing types and densities;
- a deliberate relationship between housing and the public open space;
- integrated regional open space/stormwater outcomes; and
- walkability and access to local services.

Those are good SAP-level purposes because a SAP can add to, modify or substitute provisions of one or more underlying SPP zones.

Suggest a change to SAP Purpose Statements

There is duplication between SXX.1.1, 1.2, 1.3, 1.5 and 1.6.

Suggest consolidating the Purpose Statements to the following:

CLA-SXX.1 Plan Purpose

The purpose of the Mornington Park Specific Area Plan is:

CLA-SXX.1.1 To provide a coordinated framework for the development of land within Mornington Park that integrates residential development, regional public open space, local services and movement networks.

CLA-SXX.1.2 To provide for a range of residential densities, dwelling types and built forms that make efficient use of land and respond to streets and public open space.

CLA-SXX.1.3 To provide for regional public open space that supports recreation and social activities, enhances the residential environment and contributes to stormwater management.

CLA-SXX.1.4 To provide for a high level of residential amenity through a walkable neighbourhood with landscaped streets and pedestrian connections between residential areas, public open space and local services.

CLA-SXX.1.5 To provide an integrated planning framework for the coordinated development of land in different ownership.

Permissibility effect: none directly.

PN8 issue: purpose statements should describe what the SAP seeks to achieve, rather than carry operative requirements. This version does that more cleanly.

2. CLA-SXX.2 Application

This is one of the clauses needed a **fix**.

Current SXX.2.2 says the SAP substitutes for or adds to the **General Residential Zone and Parking and Sustainable Access Code**. But elsewhere the document includes a Local Business Precinct and uses including Passive Recreation and Natural and Cultural Values Management, this has been changed.

Rationale

This clause needs to tell the reader **where the SAP applies and how it interacts with the SPPs**.

Problem

Do not globally say the SAP substitutes for the GRZ. The actual substitution should be identified at the relevant provision.

That is particularly important because the whole planning rationale is stronger if **ordinary SPP provisions continue unless there is a demonstrated need to modify them**.

Recommended approach

Keep SXX.2.1, but rewrite SXX.2.2 after the final underlying zoning is confirmed:

CLA-SXX.2.2 The provisions of this specific area plan are in addition to, in substitution for, or in modification of the provisions of the State Planning Provisions as specified in the relevant provision.

That is cleaner.

3. CLA-SXX.3 Local Area Objectives

Following Council's desire to encourage a the heigh standard and diversity of built form that has been proposed by the Master Plan. Given the request to encourage **different**

built forms without relying solely on lot size and density, an LAO is useful. PN8 expressly recognises that LAOs may be included within a SAP.

Recommended Multiple Dwelling Precinct LAO

To provide a coordinated higher density residential precinct that:

- (a) provides for a range of dwelling sizes, types and built forms;
- (b) avoids an unduly repetitive or uniform development pattern;
- (c) provides landscaped frontages that contribute to an attractive streetscape;
- and
- (d) provides buildings that address and interact with adjoining streets and public open space.

Rationale: Establishes the intended spatial character against which the bespoke Multiple Dwelling Precinct provisions can be understood.

Permissibility: no direct change. Importantly, this avoids trying to make “housing diversity” itself a mandatory quantitative control applying to every dwelling.

4. CLA-SXX.4 Definitions

“Multiple Dwellings Precinct” Fine in principle, subject to the figure clearly defining it.

Corrected grammar: **means the area shown as the Multiple Dwellings Precinct in Figure CLA-SXX.1.**

“Primary Façade” / “Secondary Façade”

The current definitions describe **boundaries** as façades. That is conceptually awkward. A boundary is not a façade.

If you are actually identifying important frontages spatially, I'd use: **Primary Frontage means a frontage designated as a Primary Frontage in Figure CLA-SXX.2.**

Then use *building elevation facing the Primary Frontage* within development standards. This would resolve quite a lot of awkward drafting later.

Included definitions of **Townhouses** and **Grouped Housing**

5. CLA-SXX.5 Use Table

This is the **most important permissibility review**.

The current table provides:

- Residential NPR in B/C when a single dwelling;
- Residential NPR for multiple dwellings;
- Residential otherwise Discretionary;
- Visitor Accommodation Permitted;
- Visitor Accommodation Discretionary elsewhere in specified circumstances;

Multiple Dwelling Precinct

If intention is for the Planning Authority to **actively want multiple dwellings in this precinct** then **NPR is correct**.

That gives the intended use status while the development standards determine whether the particular physical development satisfies an Acceptable Solution or needs performance assessment.

Villa Precinct

This is where I think you need to be careful.

If you want the Villa Precinct capable of containing either single dwellings or multiple dwellings, do not construct the Use Table in a way that accidentally makes multiple dwellings discretionary merely because they are multiple dwellings.

That would directly undermine what the SAP is trying to encourage.

Our preferred structure

No Permit Required

Residential

If for a single dwelling.

If for multiple dwellings within the Multiple Dwellings Precinct

Permitted

Residential or Villa Precinct.

Discretionary

Residential

If for multiple dwellings within the Residential or Villa Precinct

But the final wording depends on whether a single dwelling on a 200 m² Multiple Dwelling Precinct lot is something you actually want to allow. **If the intention is specifically to preserve that land for multiple dwelling development, do not inadvertently create an NPR single-dwelling pathway there.**

That policy decision must be reflected very deliberately in the table.

6. CLA-SXX.7.1 Residential density

Current AS: multiple dwellings $\geq 200 \text{ m}^2$ site area per dwelling.

Current PC allows less where development contributes to dwelling diversity **or** provides for a particular accommodation need.

Rationale

The 200 m^2 standard is clearly intended to facilitate higher-density housing than would otherwise result from the GRZ standard and make efficient use of this specifically planned precinct.

Problem

P1 is currently too easy to satisfy and not particularly connected to the planning effects of increasing density.

More fundamentally, if the objective is **housing diversity**, the current clause does not achieve it. A 20-dwelling development consisting entirely of identical dwellings at $\geq 200 \text{ m}^2/\text{dwelling}$ satisfies A1.

Recommendation

Keep density and diversity separate.

Add the diversity concept to the objective:

- *That the density and configuration of multiple dwellings:*
 - (a) *make efficient use of land for housing;*
 - (b) *optimise the use of infrastructure and community services; and*
 - (c) *facilitate a range of dwelling sizes, types and built forms within the Multiple Dwellings Precinct.*

The inclusion of P1(c) references the LAO.

Citing different density for different multiple dwelling types.

6(a) CLA-SXX.7.2 Dwelling & Built Form Clause

The inclusion of Dwelling & Built Form Clause

This is the inclusion as a separate built-form provision.

7. CLA-SXX.7.3 Setbacks and building height

Rationale

This provision seeks to provide site-specific design context that the GRZ would not facilitate:

- reduced front setback in the Multiple Dwelling Precinct;
- removal of direct garage/carport access from identified Primary Frontages;
- side boundary construction;
- 9.5 m building height;
- special treatment within 15 m of public open space;
- different controls for the Villa Precinct.

Potentially this provision required a separately articulated spatial rationale.

The big issue: A3.1

Current drafting says buildings within 15 m of POS must: "be built with a setback of 3m from that boundary"

That means the 3 m requirement potentially applies wherever the dwelling is somewhere within the 15 m area, rather than simply requiring a 3 m setback **from the POS boundary**.

We suggest rephrasing to the following:

A dwelling within the Multiple Dwellings Precinct must:

- (a) have a setback from a Primary Frontage of not less than 1m;
- ... (x) if adjoining the public open space shown in Figure CLA-SXX.1, have a setback from the boundary with the public open space of not less than 3m.

Permissibility problem

P3 currently refers to: separation between dwellings being consistent with established properties.

We see that as the **wrong benchmark for a deliberately new higher-density precinct**.

There may not be an established built form corresponding with what this SAP is expressly trying to create.

Instead, reference: *the intended built form and Local Area Objective for the Multiple Dwellings Precinct* (P3(c))

8. CLA-SXX.7.4 Site coverage/private open space/privacy

Rationale

The 80% maximum site coverage and 9 m² POS standard are clearly intended to facilitate compact higher-density development in the Multiple Dwellings Precinct.

I think that rationale is defensible **provided the other standards ensure adequate amenity.**

Permitted pathway

This is currently straightforward:

≤80% + ≥9 m²/3 m POS = AS pathway.

Whilst this is good, adding the frontage-landscaping provision CLA-SXX.7.7 becomes more important precisely because as the Standard is allowing 80% coverage.

Technical issue: privacy

A3 contains a substantive privacy standard but P3 says:

No Performance Criterion. If that is intentional, failure to comply means there is **no performance pathway.**

That may be exactly the opposite of your instruction to avoid unnecessary discretionary triggers.

Resolution:

Include a PC provision.

9. CLA-SXX.7.5 Storage

Current requirement: Each dwelling = dedicated secure storage ≥6 m³.

Rationale

As the SAP encourages smaller, higher-density dwellings a standard is needed to ensure dedicated storage that is not otherwise secured through the conventional dwelling standards.

Issue

There is **no performance pathway.**

That means 5.9 m³ cannot be performance-assessed under this SAP standard.

If that rigidity is intended, that's fine. If not, provide P1.

We suggest leaving this as a firm AS-only requirement if 6 m³ is an agreed minimum. It is simple and measurable.

However, could include a PC that is open with no minimum area, such as:

- *Demonstrated that each dwelling has suitable dedicated storage space that meets the likely requirements and needs of the occupiers*

10. CLA-SXX.7.6 Façade design

Suggest Standard requires a redraft.

The current A1 requires every listed item, including different plan shape, different vertical profile, window treatment, projections/recesses, balconies/verandahs/terraces **and integrated planting**. It is unclear to what extent if not all the listed items must be included on the one building.

As such, A1 is likely to send perfectly good development into P1 unnecessarily.

It also relies on comparisons with adjoining dwellings that may not exist yet.

Rationale

The legitimate outcome is:

- avoid repetitive façades and create an articulated streetscape addressing streets/POS.

Better AS

A building elevation facing a Primary Frontage must incorporate not less than 3 of the following:

- (a) variation in building alignment;
- (b) a porch, verandah, balcony or terrace;
- (c) variation in material or colour;
- (d) recessed or projecting windows or building elements;
- (e) variation in roof form; or
- (f) integrated landscaping visible from the Primary Frontage.

Now there is an **objective compliance pathway**, but you are not prescribing architecture.

11. CLA-SXX.7.X Fencing

We understand the desire to achieve a degree of uniformity with the fencing; however, setting aside the Exemption Standards in the SPP, the current proposed AS sits badly with the stated objective of “**personalisation of fencing design.**”

However, we do not think this works with Practice Notes. Clause Removed.

12. CLA-Sxx.7.6 Landscaping

Inclusion of frontage Landscaping Standard, required as design facilitates development having a reduced frontage. Provision does not restrict private open space.

13. CLA-SXX.8.1 Lot design

The standard allows:

- **200 m²** Multiple Dwelling Precinct lots;
- but require the lot to contain a **10 m × 12 m** area;
- while separately controlling frontage setbacks, POS, access and parking.

Rationale

The smaller lots enable the compact residential form contemplated by the precinct.

We have included in PC1 a reference to LAO

POS A4

The words: “is deemed to meet Council requirements” do not read like a normal development standard.

It is understood that there is a practical component linked to the subdivision for this clause: however, we suggest instead to express the actual required outcome:

- *Public open space must be provided in the location shown in Figure CLA-SXX.1 and must not be provided by way of a cash contribution in lieu.*

Then provide a PC only if you genuinely want an alternative location/pathway.

13. CLA-SXX.8.2 Roads

Rationale

The clause ensures subdivision occurs in a manner consistent with the intended coordinated road/movement structure rather than allowing individual landownership patterns to fragment connectivity. The existing objective expressly addresses vehicular, pedestrian, cycling and public transport movement and the efficient ultimate subdivision of surrounding land.

Permitted pathway

A1:

Roads consistent with Figure CLA-SXX.1.

That's clear.

However, we note that “**consistent with**” leaves interpretation about how much deviation is acceptable.

If the road alignment is deliberately indicative rather than fixed, retain flexibility but make that explicit in the PC rather than pretending Figure SXX.1 is an engineering design.

A2 & P2 have been included for the **street-tree provision** to provide for pedestrian amenity high quality urban design streetscape.

14. CLA-SXX.9 Parking

Current AS: at least one space per dwelling + no visitor parking.

Rationale

This supports the compact residential form and walkable neighbourhood contemplated by the SAP while reducing the land devoted to parking.

The standard does not apply to the Local Business Zone, where Use classes must still demonstrate compliance with Parking Code.

Permitted pathway

Good structurally: **1 space/dwelling = compliance.**

No visitor parking requirement also removes an obvious impediment to the higher-density form.

Drafting fix

Current text: “one space per dwelling.; and”

We suggest a clean that up for the Standard to reading would make A1:

A1

The number of on-site car parking spaces for Residential use must:

- (a) be not less than 1 space per dwelling; and
- (b) not require provision of visitor parking.

However, it is noted that this only covers the assessment of number of parking spaces, the Parking & Access Code will still apply to parking and access dimensions and surface requirements.

CLA-SXX.0 Mornington Park Specific Area Plan

CLA-SXX.1 Plan Purpose

The purpose of the Mornington Park Specific Area Plan is:

- CLA-SXX.1.1 To provide a coordinated framework for the development of land within Mornington Park that integrates residential development, regional public open space, local services and movement networks.
- CLA-SXX.1.2 To provide for a range of residential densities, dwelling types and built forms that make efficient use of land and creating a distinct local streetscape and respond to public open space.
- CLA-SXX.1.3 To provide for regional public open space that supports recreation and social activities, enhances the residential environment and contributes to stormwater management.
- CLA-SXX.1.4 To provide for a high level of residential amenity through a walkable neighbourhood with landscaped streets and pedestrian connections between residential areas, public open space and local services.
- CLA-SXX.1.5 To provide an integrated planning framework for the coordinated development of land in different ownership.

CLA-SXX.2 Application of this Plan

- CLA-SXX.2.1 The specific area plan applies to the area of land designated as the Mornington Park Specific Area Plan on the overlay maps and in Figure CLA.SXX.1
- CLA-SXX.2.2 The Multiple Dwelling Precinct applies to the area designated as Multiple Dwelling Precinct in Figure CLA.SXX.2 Mornington Park Development Plan - Precinct Plan, and on the overlay maps as Figure CLA-SXX.3.1
- CLA-SXX.2.3 The Villa Precinct applies to the area designated as Villa Precinct in Figure CLA.SXX.2 Mornington Park Development Plan - Precinct Plan, and on the overlay maps as CLA-SXX.3.2.

CLA-SXX.3 Local Area Objectives

CLA-SXX.3.1 Local area objectives

Sub-clause	Area Description	Local Area Objectives
CLA-SXX.3.1.1	Mornington Park Specific Area Plan overlay map shown in Figure CLA-SXX.1	<ul style="list-style-type: none">(a) To provide for high quality urban spaces, incorporating good urban design, and streetscape enhancement.(b) To encourage a diversity of dwelling types, lot configurations and built forms, providing for varied housing opportunities and avoiding an overly uniform development pattern.(c) To maintain a landscaped residential character by providing for vegetation, landscaping and pervious surfaces as an integral part of development.(d) To ensure buildings are designed to interact with streets and public spaces and contribute to connected, safe and attractive streetscapes.

CLA-SXX.3.1.2	Multiple Dwellings Precinct, shown in Figure CLA-SXX.2	To provide a coordinated higher-density residential precinct that: <ul style="list-style-type: none"> (a) accommodates a range of dwelling sizes, types and built forms; (b) avoids an unduly repetitive or uniform development pattern; (c) provides landscaped frontages that contribute positively to the streetscape and public open space; and (d) provides buildings that address and interact with adjoining streets and public open space.
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CLA - SXX.4 Definition of Terms

CLA-SXX.4.1 In this specific area plan, unless the contrary intention appears:

Terms	Definition
Building Edge	means a continuous building line (excluding minor protrusions) parallel to the Primary Façade or a boundary adjoining public open space. .
Grouped Housing	Means multiple dwellings that do not share a common wall with any other dwelling on the same lot. May be single or double storey and share common property, such as road access, service easements, and common utility or open spaces.
Multiple Dwellings Precinct	mean that area indicated within the Multiple Dwellings Precinct, in Figure CLA-SXX.1.
Primary Façade	means the boundaries designated as a Primary Façade in Figure CLA-SXX.3.
Secondary façade	means the boundaries designated as a Secondary Façade in Figure CLA-SXX.3.
Townhouse	Means a multiple dwelling that: <ul style="list-style-type: none"> a) shares at least one common wall with an adjoining dwelling on the same lot, b) spans two or more levels, c) has its own direct private street-level pedestrian entrance, d) has its own private open space, e) includes shared rear vehicular road access, and f) may include common service easements and utility spaces.
Villa Precinct	means that area indicated as the Villa Precinct in Figure CLA-SXX.2

CLA - SXX.5 Use Table

This clause is in substitution for Clause 8.2 of the General Residential Zone.

Use Class	Qualification
No Permit Required	
Natural and Cultural Values Management	
Passive Recreation	

Residential	If (a) a multiple dwelling located in the Multiple Dwellings Precinct. Or (b) a single dwelling and not in the Multiple Dwellings Precinct.
Utilities	If for minor utilities.
Permitted	
Residential	
Visitor Accommodation	If within a Single Dwelling.
Discretionary	
Residential	If not listed as No Permit Required.
Utilities	If not listed as No Permit Required.
Visitor Accommodation	If located within the Multiple Dwellings Precinct.
Prohibited	
All Other Uses	

CLA - SXX.6 Use Standards

This sub-clause is not used in this specific area plan.

CLA - SXX.7 Development Standards for Buildings and Works

CLA - SXX.7.1 Residential density in the Multiple Dwellings Precinct

This clause is in substitution for General Residential Zone - clauses 8.4.1 Residential density for multiple dwellings, in the Multiple Dwellings Precinct.

Objective:	
<i>That the density of multiple dwellings:</i> (a) makes efficient use of land for housing; and (b) optimises the use of infrastructure and community services, and (c) facilitates a range of dwelling sizes, types and built forms within the Multiple Dwellings Precinct	
Acceptable Solutions	Performance Criteria
A1.1	P1.1

<p>If for a Townhouse development must have a site area per dwelling of not less than 200m².</p> <p>OR</p> <p>A1.2</p> <p>If for a Group Housing development must have a site area per dwelling of not less than 300m²</p>	<p>In Townhouse development must only have a site area per dwelling less than 200m² if:</p> <p>(a) it will not exceed the capacity of infrastructure services</p> <p>(b) it is wholly or partly within 400m walking distance of a public transport stop, and</p> <p>(c) has regard to Multiple Dwelling Precinct Local Area Objectives.</p> <p>P1.2</p> <p>In Group Housing development must only have a site per dwelling less than 300m² if:</p> <p>(a) It will not exceed the capacity of infrastructure services,</p> <p>(b) It is wholly or partly within 400m walking distance of a public transport stop, and</p> <p>(c) Has regard to the Multiple Dwelling Precinct Local Area Objectives.</p>
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CLA - SXX.7.2 Dwelling and built-form diversity in the Multiple Dwellings Precinct

This clause is in addition to General Residential Zone clause 8.4 Development Standards for Dwellings for development within the Multiple Dwellings Precinct shown in Figure CLA-SXX.2.

<p>Objective:</p> <p><i>That multiple dwelling development:</i></p> <p>(a) <i>contributes to a range of dwelling sizes, types and built forms within the Multiple Dwellings Precinct;</i></p> <p>(b) <i>avoids an unduly repetitive or uniform built form when viewed from a road or public open space; and</i></p> <p>(c) <i>provides architectural variation while maintaining a coherent streetscape.</i></p>	
Acceptable Solutions	Performance Criteria
<p>A1</p> <p>A multiple dwelling development containing 4 or more dwellings must include variation between dwellings through not less than 3 of the following:</p> <p>(a) dwelling floor areas;</p> <p>(b) number of bedrooms;</p> <p>(c) building height or number of storeys;</p> <p>(d) front setback, excluding variations of less than 0.5m;</p> <p>(e) building alignment or orientation;</p> <p>(f) roof form;</p> <p>(g) location of pedestrian entrances; or</p> <p>(h) the arrangement of private open space.</p>	<p>P1</p> <p>A multiple dwelling development must provide a range of dwelling sizes, types or built forms appropriate to the scale of the development and the Multiple Dwellings Precinct, having regard to:</p> <p>(a) the number of dwellings proposed;</p> <p>(b) variation in dwelling floor area and internal configuration;</p> <p>(c) variation in building height, setbacks, orientation, roof form and architectural expression;</p> <p>(d) the appearance of the development when viewed from a road or public open space;</p> <p>(e) whether repetition is relieved through changes in building form, materials, detailing or landscaping; and</p> <p>(f) the Local Area Objective for the Multiple Dwellings Precinct.</p>

CLA - SXX.7.3 Setbacks and building height for all dwellings in the Multiple Dwellings Precinct and Villa Precinct

This clause is in substitution for General Residential Zone clause 8.4.2 Setbacks and building envelope and clause 8.4.4 Sunlight to private open space of multiple dwellings, and 8.4.6 Privacy for all dwellings in the Multiple Dwellings Precinct and Villa Precinct, designated in Figure CLA-SXX.2.

Objective: <i>The siting and scale of dwellings:</i> <i>(a) provides reasonably consistent separation between dwellings and their frontage within a street;</i> <i>(b) provides consistency in the apparent scale, bulk, massing and proportion of dwellings;</i> <i>(c) provides separation between dwellings on adjoining properties to allow reasonable opportunity for daylight and sunlight to enter habitable rooms and private open space; and</i> <i>(d) provides reasonable access to sunlight for existing solar energy installations.</i>	
Acceptable Solutions	Performance Criteria
A1.1 For the Multiple Dwellings Precinct: A dwelling, excluding garages, carports and protrusions that extend not more than 0.5m into the frontage setback, must have a setback from a frontage that is not less than 1m. A1.2 For the Villa Housing Precinct: A dwelling, excluding garages, carports and protrusions that extend not more than 0.9m into the frontage setback, must have a setback from a frontage that is: (a) if the frontage is a primary frontage, not less than 3m, or, if the setback from the primary frontage is less than 3m, not less than the setback, from the primary frontage, of any existing dwelling on the site; (b) if the frontage is not a primary frontage, not less than 2m, or, if the setback from the frontage is less than 2m, not less than the setback, from a frontage that is not a primary frontage, of any existing dwelling on the site.	P1 A dwelling must have a setback from a frontage that is compatible with the streetscape, having regard to any topographical constraints and the local area objectives for the area.
A2.1 For the Multiple Dwellings Precinct: A garage or carport for a dwelling must not be accessed from a Primary Frontage shown on Figure CLA-SXX.2. A2.2 For the Villa Housing Precinct: A garage or carport for a dwelling must have a setback from a primary frontage of not less than: (a) 4m, or alternatively 1m behind the building line;	P2.1 For the Multiple Dwelling Precinct there is no Performance Criterion. P2.2 For the Villa Housing Precinct, a garage or carport for a dwelling must have a setback from a primary frontage that is compatible with the setbacks of existing garages or carports in the street, having regard to any topographical constraints and the local area objectives for the area.

<p>(b) the same as the building line, if a portion of the dwelling gross floor area is located above the garage or carport; or</p> <p>(c) 1m, if the existing ground level slopes up or down at a gradient steeper than 1 in 5 for a distance of 10m from the frontage.</p>	
<p>A3.1 For the Multiple Dwelling Precinct:</p> <ul style="list-style-type: none"> (a) have a setback from a Primary Facade of not less than 1m; (b) if adjoining the public open space shown in Figure CLA-SXX.2, have a setback from the boundary with the public open space of not less than 3m. <p>A3.2 For the Villa Precinct:</p> <p>A dwelling, excluding outbuildings with a building height of not more than 2.4m and protrusions that extend not more than 0.9m horizontally beyond the building envelope, must:</p> <ul style="list-style-type: none"> (a) be contained within a building envelope determined by: <ul style="list-style-type: none"> (i) a distance equal to the frontage setback; and (ii) projecting a line at an angle of 45 degrees from the horizontal at a height of 3m above existing ground level at the side and rear boundaries to a building height of not more than 9.5m above existing ground level; and (b) only have a setback within 1.5m of a side or rear boundary if the dwelling: <ul style="list-style-type: none"> (i) does not extend beyond an existing building built on or within 0.2m of the boundary of the adjoining property; or (ii) does not exceed a total length of 9m or one-third the length of the side boundary (whichever is the lesser). 	<p>P3 The siting and scale of a dwelling must have regard to:</p> <ul style="list-style-type: none"> (a) providing a building edge along the boundary with the public open space shown in Figure CLA-SXX.2; (b) not causing an unreasonable loss of amenity to adjoining properties, having regard to: <ul style="list-style-type: none"> (iii) reduction in sunlight to a habitable room (other than a bedroom) of a dwelling on an adjoining property; (iv) overshadowing the private open space of a dwelling on an adjoining property; (v) overshadowing of an adjoining vacant property; and (vi) visual impacts caused by the apparent scale, bulk or proportions of the dwelling when viewed from an adjoining property; (c) the intended built form and Local Area Objective for the area; and (d) not causing an unreasonable reduction in sunlight to an existing solar energy installation on: <ul style="list-style-type: none"> (i) an adjoining property; or (ii) another dwelling on the same site.

CLA - SXX.7.4 Site coverage and private open space for all dwellings in the Multiple Dwellings Precinct, and the Villa Precinct

This clause is in substitution for General Residential Zone clause 8.4.3 Site coverage for all dwellings for the Multiple Dwellings Precinct and Villa Precinct designated in Figure CLA-SXX.1.

<p>Objective:</p> <p><i>That dwellings provide:</i></p> <ul style="list-style-type: none"> (a) for outdoor recreation and the operational needs of the residents; (b) reasonable opportunity for privacy for dwellings; (c) opportunities for the planting of gardens and landscaping; and (d) private open space that is conveniently located and has access to sunlight.

Acceptable Solutions	Performance Criteria
<p>A1</p> <p>Dwellings must:</p> <ul style="list-style-type: none"> (a) In the Multiple Dwellings Precinct, have a site coverage of not more than 80%; or (b) In the Villa Precinct, have a site coverage of not more than 65% (excluding eaves up to 0.6m wide). 	<p>P1</p> <p>Dwellings must have:</p> <ul style="list-style-type: none"> (a) site coverage consistent with that existing on established properties within in the same precinct; (b) private open space that is of a size and with dimensions that are appropriate for the size of the dwelling and is able to accommodate: <ul style="list-style-type: none"> (i) outdoor recreational space consistent with the projected requirements of the occupants and, for multiple dwellings, take into account any common open space provided for this purpose within the development; and (ii) operational needs, such as clothes drying and storage; and (c) reasonable space for the planting of gardens and landscaping.
<p>A2.1</p> <p>For the Multiple Dwellings Precinct, a dwelling must have private open space in one location with a minimum area of 9m² and a minimum horizontal dimension of 3m;</p> <p>A2.2</p> <p>For the Villa Housing Precinct, a dwelling must have private open space that:</p> <ul style="list-style-type: none"> (a) is in one location and is not less than: <ul style="list-style-type: none"> (i) 24m²; or (ii) 12m², if the dwelling is a multiple dwelling with a finished floor level that is entirely more than 1.8m above the finished ground level (excluding a garage, carport or entry foyer); (b) has a minimum horizontal dimension of: <ul style="list-style-type: none"> (i) 4m; or (ii) 2m, if the dwelling is a multiple dwelling with a finished floor level that is entirely more than 1.8m above the finished ground level (excluding a garage, carport or entry foyer); (c) is located between the dwelling and the frontage only if the frontage is orientated between 30 degrees west of true north and 30 degrees east of true north; and (d) has a gradient not steeper than 1 in 10. 	<p>P2</p> <p>A dwelling must have private open space that includes an area capable of serving as an extension of the dwelling for outdoor relaxation, dining, entertaining and children's play and is:</p> <ul style="list-style-type: none"> (a) conveniently located in relation to a living area of the dwelling; and (b) orientated to take advantage of sunlight.
<p>A3</p> <p>A balcony, deck, roof terrace, parking space carport (whether freestanding or part of the dwelling), window or glazed door to a habitable room, for a dwelling must be screened, or otherwise designed, to avoid overlooking of:</p> <ul style="list-style-type: none"> (a) the private open space of a dwelling on an adjoining property or another dwelling on the same site; and 	<p>P3</p> <p>The layout and design of the dwelling must minimise unreasonable impacts on the amenity of surrounding dwellings, having regard to the location of frequently used private areas</p>

(b) a window or glazed door, to a habitable room of another dwelling.	
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CLA - SXX.7.5 Storage for all dwellings in the Multiple Dwellings Precinct or Villa Precinct

This clause is in addition to General Residential Zone clause 8.4 Development Standards for dwelling in the Multiple Dwellings Precinct and Villa Precinct designated in Figure CLA-SXX.2.

Objective:	
and (a) To provide adequate and useable storage areas for the needs of residents.	
Acceptable Solutions	Performance Criteria
A1 Each dwelling must be provided with a dedicated and secure storage space of no less than 6m ³ .	P1 Each dwelling must have suitable dedicated storage space that meets the likely requirements and needs of the occupants.

CLA - SXX.7.6 Façade design in the Multiple Dwellings Precinct and Villa Precinct

This clause is in addition to General Residential Zone clause 8.4 Development Standards for Dwellings

Objective:	
(a) To create a highly articulated streetscape; and (b) To achieve diversity in front façade designs within the streetscape.	
Acceptable Solutions	Performance Criteria
A1 A building elevation facing a Primary Façade must incorporate not less than 3 of the following: (a) variation in building alignment; (b) a porch, verandah, balcony or terrace; (c) variation in material or colour; (d) recessed or projecting windows or building elements; (e) variation in roof form; or (f) integrated landscaping visible from the Primary Frontage	P1 Dwelling design for lots adjoining the Primary Façade has regard to: (a) varied plan shape from dwellings with frontage to the same street; (b) varied vertical profile from dwellings on the same street; (c) window and façade articulation; (d) planting visible from the street; (e) a high level of articulation when viewed from public open space areas; and (f) the local area objectives for the area.

CLA-SXX.7.6 Landscaping

This clause is in addition to General Residential Zone - clause 8.4 [Development](#) Standards for Dwellings.

Objective: That residential development provides landscaped frontages and contributes to an attractive and vegetated streetscape.	
Acceptable Solutions	Performance Criteria
<p>Landscaping along the frontage of a site is not required if the following apply:</p> <p>(a) the building extends across the width of the frontage, (except for vehicular access ways);</p> <p>(b) the building has a setback from the frontage of no more than 1m and paving is proposed in the setback; and</p> <p>(c) Not a Primary Façade.</p>	<p>P1 Landscaping must enhance the appearance of the development and complement the streetscape, having regard to:</p> <p>(a) a range of plant height and forms used to create diversity, interest and amenity;</p> <p>(b) avoiding concealed entrapment spaces; and</p> <p>(c) the local area objectives for the area.</p>

CLA - SXX.8 Development Standards for Subdivision

CLA - SXX.8.1 Lot design

This clause is in substitution for General Residential Zone - clause 8.6.1 Lot design.

Objective: <i>That each lot:</i> (a) has an area and dimensions appropriate for use and development in the zone; (b) is provided with appropriate access to a road; and (c) contains areas which are suitable for development appropriate to the zone purpose, located to avoid natural hazards.	
Acceptable Solutions	Performance criteria
<p>A1 Each lot, or a lot proposed in a plan of subdivision, must:</p> <p>(a) In the Multiple Dwellings Precinct have an area of not less than 200m² or in the Villa Housing Precinct have an area of not less than 300m² and:</p> <p>(i) be able to contain a minimum area of 10m x 12m with a gradient not steeper than 1 in 5, clear of:</p> <p>a. all setbacks required by clause CLA - SXX.7.3; and</p> <p>b. easements or other title restrictions that limit or restrict development; and</p>	<p>P1 Each lot, or a lot proposed in a plan of subdivision, must have sufficient useable area and dimensions suitable for its intended use, having regard to:</p> <p>(a) the relevant requirements for development of buildings on the lots;</p> <p>(b) the intended location of buildings on the lots;</p> <p>(c) the topography of the site;</p> <p>(d) the presence of any natural hazards;</p> <p>(e) adequate provision of private open space;</p>

<p>(b) be required for public use by the Crown, a council or a State authority;</p> <p>(c) be required for the provision of Utilities; or</p> <p>(d) be for the consolidation of a lot with another lot provided each lot is within the same zone.</p>	<p>(f) the pattern of development existing on established properties in the area; and</p> <p>(g) the local area objectives for the area.</p>
<p>A2</p> <p>Each lot, or a lot proposed in a plan of subdivision, excluding for public open space, a riparian or littoral reserve or Utilities, must have a frontage not less than 3.6m.</p>	<p>P2</p> <p>Each lot, or a lot proposed in a plan of subdivision, excluding for public open space, a riparian or littoral reserve or Utilities, must be provided with a frontage or legal connection to a road by a right of carriageway, that is sufficient for the intended use, having regard to:</p> <ul style="list-style-type: none"> (a) the width of frontage proposed, if any; (b) the number of other lots which have the land subject to the right of carriageway as their sole or principal means of access; (c) the topography of the site; (d) the functionality and useability of the frontage; (e) the ability to manoeuvre vehicles on the site; and (f) the pattern of development existing on established properties in the area.
<p>A3</p> <p>Each lot, or a lot proposed in a plan of subdivision, must be provided with a vehicular access from the boundary of the lot to a road in accordance with the requirements of the road authority.</p>	<p>P3</p> <p>Each lot, or a lot proposed in a plan of subdivision, must be provided with reasonable vehicular access to a boundary of a lot or building area on the lot, if any, having regard to:</p> <ul style="list-style-type: none"> (a) the topography of the site; (b) the distance between the lot or building area and the carriageway; (c) the nature of the road and the traffic; (d) the anticipated nature of vehicles likely to access the site; and (e) the ability for emergency services to access the site.
<p>A4</p> <p>Public open space must be provided in the location shown in Figure CLA-SXX.4 and must not be provided by way of a cash contribution in lieu.</p>	<p>P4</p> <p>Public open space must meet the Council requirements for public open space by being provided generally in accordance with Figure CLA-SXX41 having regard to:</p> <ul style="list-style-type: none"> (a) the topography of the site; (b) any natural or landscape values;

	(c) adequate provision of public open space; (d) the purpose of the public open space; and must not be provided as cash in lieu.
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CLA - SXX.8.2 Roads

This clause is in substitution for General Residential Zone clause 8.6.2 Roads

Objective:	
<p><i>That the arrangement of new roads within a subdivision provides for:</i></p> <p><i>(a) safe, convenient and efficient connections to assist accessibility and mobility of the community;</i></p> <p><i>(b) provide street trees to provide high quality urban space and hence streetscapes;</i></p> <p><i>(c) the adequate accommodation of vehicular, pedestrian, cycling and public transport traffic; and</i></p> <p><i>(d) the efficient ultimate subdivision of the entirety of the land and of surrounding land</i></p>	
Acceptable Solutions	Performance criteria
A1 Roads within the subdivision are consistent with Figure CLA-SXX.1.	P1 The arrangement and construction of roads within a subdivision must provide an appropriate level of access, connectivity, safety and convenience for vehicles, pedestrians and cyclists, having regard to: <ul style="list-style-type: none"> (a) any road network plan adopted by the council; (b) the existing and proposed road hierarchy; (c) the need for connecting roads and pedestrian and cycling paths, to common boundaries with adjoining land, to facilitate future subdivision potential; (d) maximising connectivity with the surrounding road, pedestrian, cycling and public transport networks; (e) minimising the travel distance between key destinations such as shops and services and public transport routes; (f) access to public transport; (g) the efficient and safe movement of pedestrians, cyclists and public transport; (h) the need to provide bicycle infrastructure on new arterial and collector roads in accordance with the <i>Guide to Road Design Part 6A: Paths for Walking and Cycling 2016</i>; (i) the topography of the site; and (j) the future subdivision potential of any balance lots on adjoining or adjacent land.
A2 A plan of subdivision must provide a minimum of one tree capable of contributing to the streetscape at maturity and be provided: <ul style="list-style-type: none"> (g) in front of each lot; or (h) at an appropriate ratio to shade the street and footpath at maturity; and 	P2 A subdivision must include landscaping treatment that: <ul style="list-style-type: none"> (a) enhances the appearance of development and provide for a high quality streetscape and visual amenity within the Mornington Park Specific Area Plan;

establish a consistent avenue of street trees.	<p>(b) enhances amenity and interest having regard to species, diversity, a range of plant height, forms, density and maintenance requirements;</p> <p>(c) seeks to establish avenue type plantings adjacent to the road boundaries; and</p> <p>(d) does not create concealed entrapment spaces.</p>
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CLA - SXX.9 Car Parking Requirements for all dwellings in the Multiple Dwellings and Villa Precincts

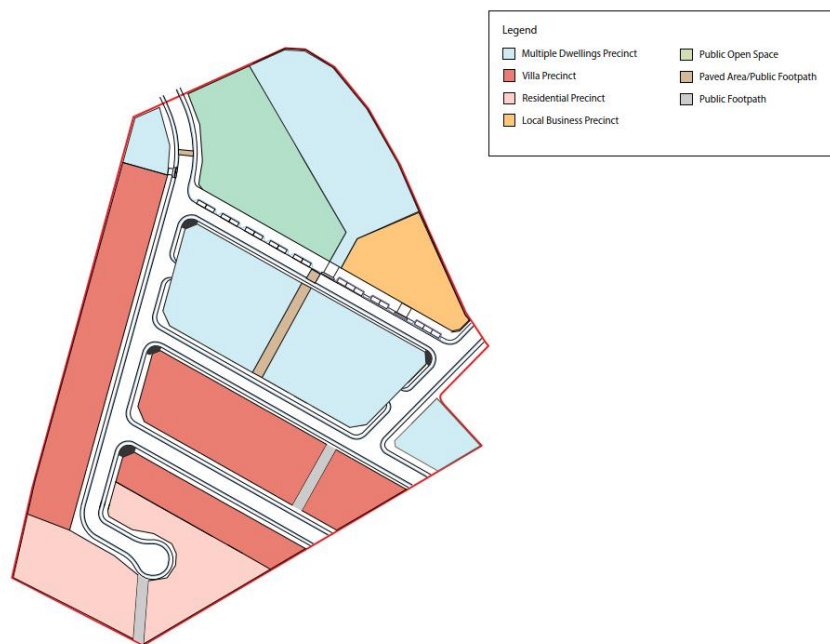
This clause is in substitution for the Parking and Sustainable Access Code C2.5.1 Car parking spaces, for all dwellings in the Multiple Dwellings and Villa Precincts.

Objective:	
<i>That an appropriate level of car parking spaces is provided to meet the needs of the use.</i>	
Acceptable Solutions	Performance criteria
<p>A1</p> <p><i>The number of on-site car parking spaces for Residential use must:</i></p> <p><i>(a) be not less than 1 space per dwelling; and</i></p> <p><i>(b) not require provision of visitor parking.</i></p>	<p>P1</p> <p>The number of car parking spaces for dwellings must meet the reasonable needs of the use, having regard to:</p> <p>(i) the nature and intensity of the use and car parking required;</p> <p>(j) the size of the dwelling and the number of bedrooms; and</p> <p>(k) the pattern of parking in the surrounding area.</p>

Figure CLA-SXX.1 Mornington Park Specific Area Plan - SAP Area Map



Figure CLA-SXX.2 Mornington Park Development Plan - Precinct Plan



Commented [IB1]: The SAP does not refer to Residential or Local Business Precinct - hence these references should be removed from the Masterplan Precinct Plan map. Suggest refer to underlying zones only.

Figure CLA-SXX.3 Mornington Park Specific Area Plan Primary Façades and Secondary Façades

Commented [IB2]: Not sure colours will be clear enough - may need a different kind of representation. Hashed area or dotted areas. Also needs to remove Primary Façade from the Local Business Zone frontages.

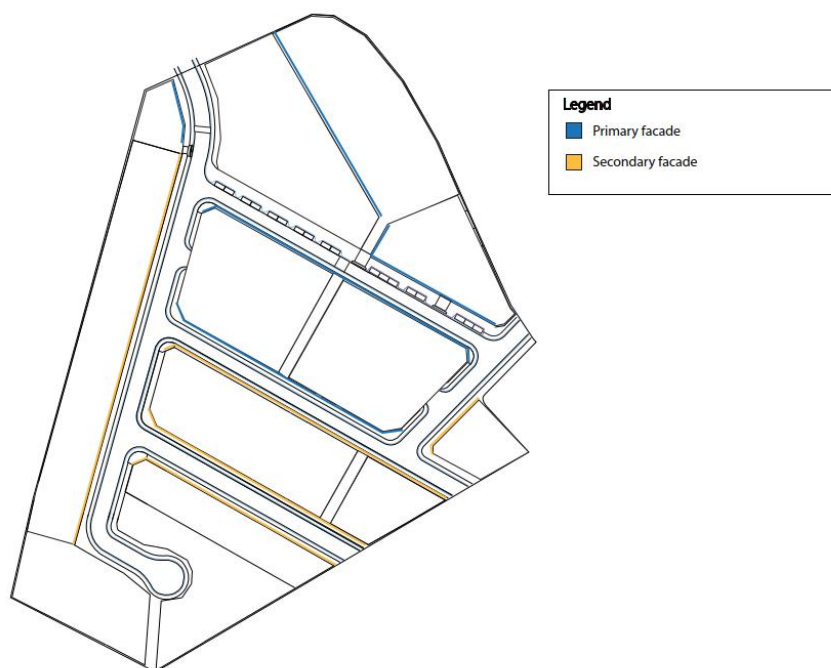
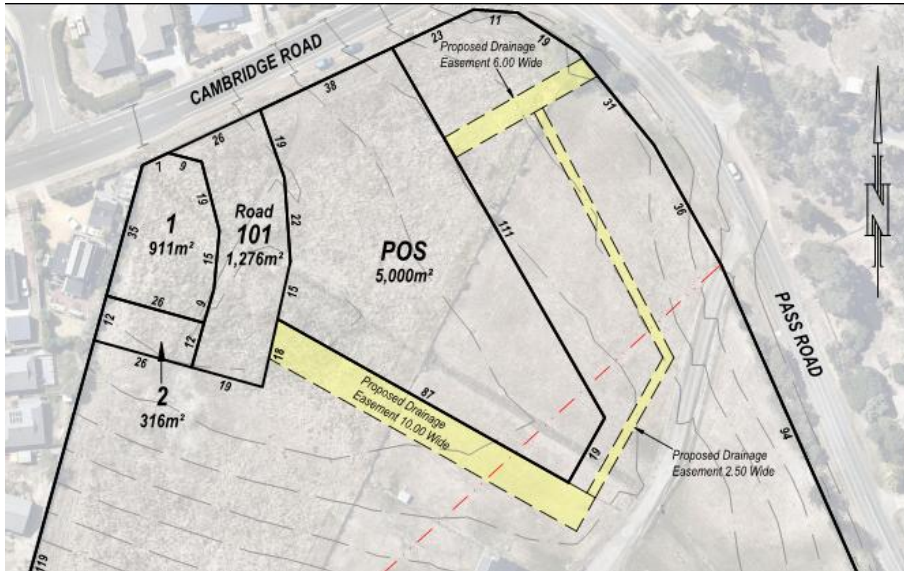


Figure CLA-SXX.4 Mornington Point Specific Area Plan - Open Space Provision



Attachment C – Council rationale for compliance with s32(4)(b)

Justification for the Mornington Park Specific Area Plan

The Mornington Park Specific Area Plan (the SAP) satisfies section 32(4)(b) of *the Land Use Planning & Approvals Act 1993* (LUPAA) as the land has particular spatial and social qualities arising from the coordinated development of a substantial residential area around a regional public open space. Such special proximity is assisted with a local business area and different residential precincts intended to accommodate a deliberate mix of housing forms and densities. These qualities require a coordinated planning response that is specific to the land and cannot be adequately achieved through application of the State Planning Provisions alone.

In particular, the State Planning Provisions do not provide the site-specific framework necessary to coordinate the relationship between the different residential precincts, regional public open space and local business area, or to deliver the intended variation in residential density and built form, building relationships with streets and public spaces, pedestrian connectivity and the particular streetscape outcomes sought for Mornington Park.

The SAP therefore does not seek to replace the State Planning Provisions generally. Rather, it modifies, substitutes for or supplements those provisions only where a site-specific response is required to address the particular spatial qualities of Mornington Park and achieve an integrated development outcome across the area. Where a specific modification is not necessary, the underlying State Planning Provisions continue to apply.

Accordingly, there is a direct relationship between the particular qualities of the land and the provisions proposed in the SAP, satisfying the requirements of section 32(4)(b).