

Planning Assessment Officer Report

PA2504077 – 4, 5, 6, 7, 8, 10
Woodbyne Crescent & 93
Watt Road, Mornington



Planning Assessment Officer Report
Development Assessment

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Executive Summary



Key Information		Details	
Application No:	PA2504077		
Received:	20 November 2025		
Statutory Days:	88 statutory days as at 23/4/26		
Applicant:	Summerset Villages (Number 9) Pty Ltd c/- Urbis		
Planning Scheme:	Mornington Peninsula		
Land Address:	4, 5, 6, 7, 8, 10 Woodbyne Crescent, Mornington 93 Watt Road, Mornington		
Proposal:	53.23 Use and development for accommodation (retirement village and residential aged care facility) under LDRZ. Buildings and works under DDO6 and EMO7. Removal of vegetation under VPO1 and EMO7. Removal of native vegetation under Clause 52.17. Use of land for accommodation and buildings and works associated with a section 2 use in the PPRZ.		
Development Value:	\$ 107.4 m		
Why is the Minister responsible?	In accordance with the schedule to Clause 72.01 of the Planning Scheme, the Minister for Planning is the responsible Authority for this application because it is a matter under Division 1 of Part 4 of the Act and Clause 53.23 (Significant Residential Development with Affordable Housing) applies.		
Why is a permit required?	Clause	Control	Trigger
Zone:	Clause 32.03-1	Low Density Residential Zone (LDRZ)	<i>Use the land for accommodation (retirement village and residential aged care facility – Section 2 Use)</i>
	Clause 32.03-4		<i>Construct a building or construct or carry out works associated with a Section 2 Use</i>
	Clause 36.02-1	Public Park and Recreation Zone (PPRZ)	<i>Use the land for accommodation (retirement village and residential aged care facility – Section 2 Use)</i>
	Clause 36.02-2		<i>Construct a building or construct or carry out works associated with a Section 2 Use</i>
Overlays:	Clause 42.02-2	Vegetation Protection Overlay – Schedule 1 (VPO1)	<i>To remove, destroy or lop any vegetation specified in a schedule to this overlay.</i>
	Clause 43.02-2	Design and Development Overlay – Schedule 6 (DDO6)	<i>Construct a building or construct or carry out works</i>
	Clause 44.01-2 Clause 44.01-3	Erosion Management Overlay – Schedule 7 (EMO7)	<i>Construct a building or construct or carry out works Remove vegetation in the EMO7</i>
Particular Provisions:	Clause 52.17	Native Vegetation	<i>Removal of native vegetation</i>
Cultural Heritage:	A cultural heritage management plan was not required as the site is not located within an area of Aboriginal cultural heritage sensitivity.		
Total Site Area:	63,917	m ²	
Gross Floor Area:	13,477	m ²	
Height:	2	Storeys excluding plant	



7.6-7.8 Metres

Land Uses:	Retirement Village (RV) – includes 80 cottages and villas (3 x 2-bedroom cottages, 45 x 2-bedroom villas, 32 x 3-bedroom villas) and 64 townhouses (40 x 2-bedroom 24 x 3-bedroom). Residential Aged Care Facility (RACF) – includes 15 assisted living units and 73 care beds. Ancillary onsite amenities (café, chapel, gym, cinema, staff amenities, activity rooms, and outdoor lawn bowls court and courtyards).	
Parking:	Cars	Bicycles
	116 visitor car parking spaces 56 RACF car parking spaces Single garage (for a 1-2 bedroom dwelling) – 88 car spaces in total Single garage plus tandem space (for a 3-bedroom dwelling) – 112 car spaces in total	None required to be provided.
Referral Authorities:	Head, Transport for Victoria (Section 55) Mornington Peninsula Shire Council (Section 52)	
Public Notice:	The application is not exempt from the notice requirements of Section 52(1)(a), (b) and (d). Notice of the application was undertaken by the applicant at the direction of the Minister for Planning in the following manner: <ul style="list-style-type: none">• Five (5) signs displayed on site for at least 14 days• Direct mail notice to owners and occupiers of adjoining and surrounding properties. 3 objections have been received as of 28 April 2026 (1 withdrawn on 25 March 2026)	
Delegates List:	Approval to determine under delegation received on 1 April 2026	



Application Process

1. The key milestones in the application process were as follows:

Milestone	Date
Pre-application meetings	4 March 2025, 30 June 2025
Pre-application request received (PPA-1299)	23 July 2025
DFP Eligibility letter issued	17 November 2025
Application lodgement	20 November 2025
Further information requested	18 December 2025
Further information received	23 January 2026
Decision Plans	Plans prepared by Clarke Hopkins Clarke (CHC), titled 'Summerset Mornington Woodbyne Crescent, Mornington' and dated 22 January 2026 (Revision G).
Other Assessment Documents	Certificates of Title Council Land Owner Consent For Application To Be Lodged Landscape Masterplan prepared by Site Image Landscape Architects dated January 2026 Traffic Engineering Assessment prepared by Traffix Group dated November 2025 Traffic Report Addendum prepared by Traffix Group dated 20 January 2026 Preliminary Civil Package plans prepared by DPM dated 23 January 2026 Ecological Assessment prepared by Ecology and Heritage Partners dated November 2025 Waste Management Plan prepared by Ratio dated 12 November 2025 Stormwater Management Strategy prepared by DPM Civil Engineering dated 22 January 2026 Development Impact Assessment Report by Arbor Survey dated 21 January 2026 Acoustic Assessment prepared by Clarity Acoustics dated 13 November 2025 Affordable Housing Report by Urbis dated November 2025 Planning Report by Urbis dated January 2026 Odour Impact Assessment addendum report prepared by PEC dated June 2025 Dust Impact Assessment memo prepared by PEC dated 19 November 2025 Sustainable Management Plan prepared by Sustainable Development Consultants dated November 2025 Drainage Memo by DPM Consulting Group dated 30 March 2026 Landslide Risk Assessment by FSG Geotechnics and Foundations dated 10 Feb 2026

2. The subject of this report is the decision plans and documents (as described above).

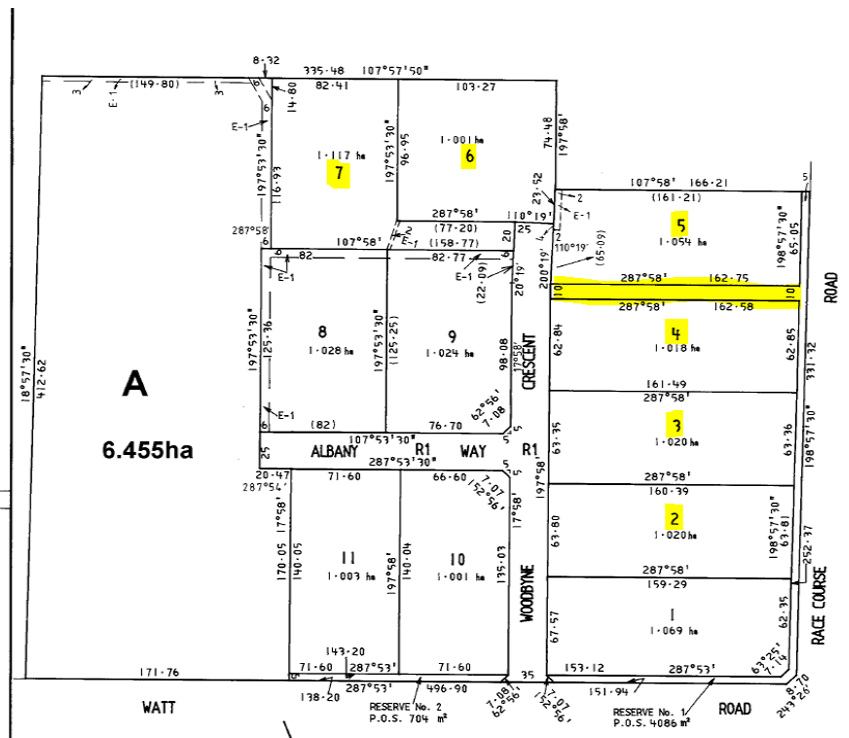


Site Description

3. The subject land comprises 6 allotments at 4, 5, 6, 7, 8 and 10 Woodbyne Crescent, Mornington and the Council reserve at 93 Watt Road, Mornington (total site area of 6.3 hectares). Formally, the land comprises Lots 2, 3, 4, 5, 6 and 7 and Reserve 1 on Plan of Subdivision 346179Y. Easement E-1 applies a 2 metre wide drainage easement in favour of Mornington Peninsula Shire Council on Lots 5 and 7.
4. Reserve 1 on Plan of Subdivision 346179Y is a council reserve between 8 and 10 Woodbyne Crescent being 93 Watt Road, Mornington that allows access for pedestrians and horses between Woodbyne Crescent, Racecourse Road and the Mornington Racecourse to the east. This land is owned by the Mornington Peninsula Shire and is zoned Public Park and Recreation Zone (PPRZ).
5. The allotments at 4, 5, 6, 7, 8 & 10 Woodbyne Crescent, Mornington are currently developed with low scale residential dwellings, with associated outbuildings and landscaping.
6. All parcels are accessed via and have a primary frontage to Woodbyne Crescent. Lots 4, 6, 8 and 10 Woodbyne Crescent also front onto a council reserve to the east which fronts onto Racecourse Road/
7. A broad mix of scattered vegetation groups and single trees are spread throughout the private property, comprising a mix of indigenous, native and exotic origins.
8. A group of mixed native vegetation, with *Acacia paradoxa* and *Acacia melanoxyton* as the dominant species, and self-sown exotic species are located within the road reserve of Racecourse Road.
9. A group of *Acacia mearnsii* (Black Wattle) are located within the road reserve of Woodbyne Crescent.
10. Several patches of native vegetation of the Grassy Woodland EVC were identified within the site. Approximately 105 specimens of the FFG Act Generally Protected Sun-orchid (*Thelymitra sp.*) were identified in the south-eastern portion of the site.
11. There is a notable fall across the site, with its highest point at the south-western corner of 4 Woodbyne Crescent at RL 54 which falls to approximately RL 47.5 at the north-western corner of 5 Woodbyne Crescent.
12. The subject site is shown below:



Figure 1: Aerial image of site (blue outline) in context of the immediate surrounds



Excerpt of Plan of Subdivision with subject land highlighted

Figure 2: Excerpt of the title plans.

Site Surrounds

13. The area surrounding the site comprises a mix of residential development to the west, industrial, service-related land uses and public utility uses to the north and south, and recreational uses associated with the Mornington Racecourse further east.
14. Further afield, the site is approximately 3 kilometres south-east of Mornington Central and situated in a transitional suburban context. To the west, north and south, beyond the industrially zoned land, the broader context is of standard residential allotments. These accommodate a mix of single and double storey detached dwellings on lots generally ranging between 300-1200 square metres. Further east of Racecourse Road is the Mornington Racecourse (55 ha) and beyond are 10,000-40,000 square metre lots zoned LDRZ which have an open and expansive feel, providing a transition space to Balcombe Creek and the Green Wedge Zone land beyond.
15. The subject site is proximate to several aged care and retirement communities as follows:
 - RV and RACF: Peninsula Grange (owned by Australian Unity), located approximately 250 metres to the north to the site.
 - RACF: Racecourse Grant (owned by Australian Unity) on the other side of Racecourse Road, approximately 500 metres to the north of the subject site.
 - RV: Beleura Retirement Village, approximately 850 metres to the north of the subject site.
16. The nearest publicly accessible open space is Narambi Reserve, approximately 800m to the west. Bus routes run along Mornington-Tyabb Road to the south.
17. The development immediately surrounding the site is summarised as follows:
 - To the north is an industrial estate accessed from Carbine Way in the Industrial 3 Zone (IN3Z).

- To the east is Racecourse Road, a Transport Zone 3 road (Significant municipal road). It links with Bungower Road to the north and Mornington Tyabb Road to the south. Both these roads provide access to the Nepean Highway and Moorooduc Highway.
- To the south is a mix of Public Use Zone and Industrial 3 Zone land, which facilitates the Mornington Resource Recovery Centre (MRRC) and Shire depot at 128 Watt Road, Mornington. A Community Animal Shelter & Pound is located at 126 Watt Road. A broad mix of industrial, retail and service businesses comprises this precinct
- To the west is four (4) low density residential allotments accessed from Albany Way with a minimum lot size of 10,000 sqm. Further to the west and adjoining the site in the northwestern corner is the Eden Park Drive residential estate, a standard residential estate with single and double storey dwellings. A council access reserve provides pedestrian access from the residential land to the west to Albany Way.



Figure 3 – Site Context Plan



Proposal summary

18. The application seeks approval for the use and development of land for a retirement village and residential aged care facility at 4, 5, 6, 7, 8 and 10 Woodbyne Crescent and 93 Watt Road, Mornington providing accommodation for approximately 300 residents.
19. The use is defined as “accommodation” and includes both a retirement village and residential aged care facility, which are Section 2 uses in the Low Density Residential Zone pursuant to Clause 32.03-1 of the Mornington Peninsula Planning Scheme.
20. Per Clause 73.03 of the Mornington Peninsula Planning Scheme, these land uses are defined as:

Retirement Village

Land used to provide permanent accommodation for retired people or the aged and may include communal recreational or medical facilities for the residents of the village.

Residential Aged Care Facility

Land used to provide accommodation and personal or nursing care for the aged. It may include recreational, health or laundry facilities and services for residents of the facility.

21. More specifically, the proposed development includes:

- Retirement village component with a total of 144 independent living units (ILUs). This comprises 80 cottages and villas (maximum height of 4.4–4.6 metres for villas and cottages), and 64 townhouses (maximum height of 7.6–7.8 metres), with the following dwelling mix:

TYPOLOGY MIX	COUNT	Mix	
2 Bed Cottages	3	2%	61%
2 Bed Villas	45	31%	
2 Bed Townhouses and U/Os	40	28%	
3 Bed Villas	32	22%	39%
3 Bed Townhouses	24	17%	
TOTAL	144	100%	

- Residential aged care facility component provided within a main building (maximum 8 metres), comprising 15 assisted living units, and 73 residential aged care beds. Ancillary retail, recreation and community facilities are also incorporated into the RACF main building.

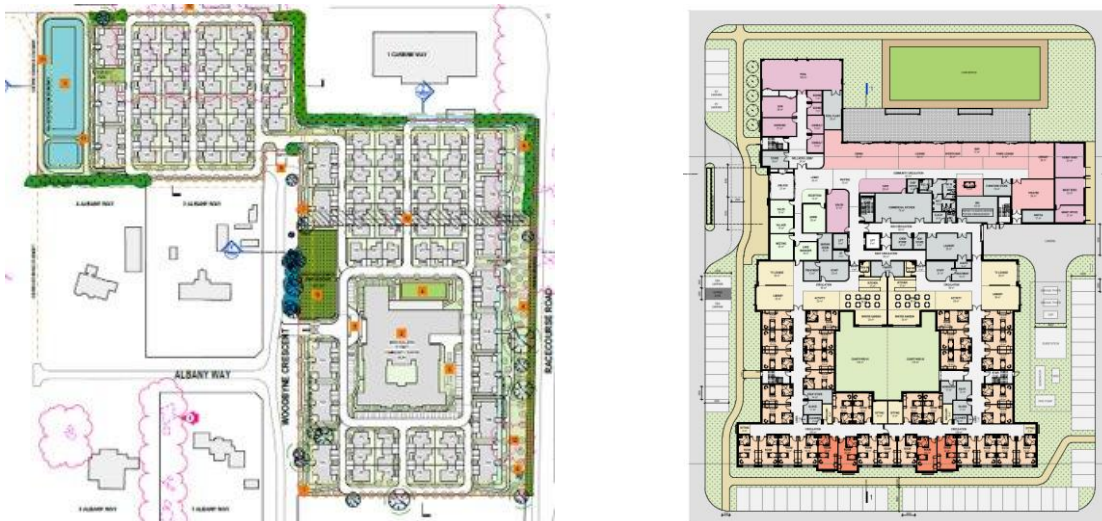


Figure 4 Excerpt of Architectural Plans and RACF building layout



- New buildings are generally set back 10 metres from all boundaries, with an increased setback of 25 metres to Racecourse Road.
- Additional communal open space includes three pocket parks and a lawn bowls green for residents.
- Associated services infrastructure for the development, including fire services and water supply, adjacent to the main building and Racecourse Road boundary.
- Cut and fill is proposed throughout the site, exceeding 0.6m below or above natural ground level at various areas, thus requiring a permit under EMO7 and DDO6.
- An overall site coverage of 27% and permeable area available for landscaping at 49%.
- Arrangement of two-storey RV townhouses to Racecourse Road frontage and single-storey RV villas to gradually adjust building height adjoining existing low-density dwellings. See Figure 5.



STREETSCAPE VIEW 1 - RACECOURSE ROAD INTERFACE



STREETSCAPE VIEW 2 - VILLA STREETSCAPE

Figure 5 Excerpt of 3D renders

Access and Car Parking

- A total of 372 car parking spaces, comprising 200 RV resident parking, 116 RV visitor parking and 56 RACF staff and visitor spaces.
- Construction of a porte cochere and the construction of new internal roads.
- Vehicle access to the external road network via two (2) connections to Woodbyne Crescent, with the primary access via the east side of Woodbyne Crescent and secondary access to the RV units north of the site.
- Pedestrian access via Woodbyne Crescent and a pedestrian gate along Racecourse Road.
- Shared access for pedestrians, cyclists and vehicle traffic is proposed via the internal road network, which will remain in private ownership and under the management of the site operator.

Community and Precinct Infrastructure

- A stormwater detention basin of approximately 2,630 square metres and a bioretention system of approximately 507 square metres, located in the north western corner of the site, providing a total detention capacity of 3,009 cubic metres to service the Woodbyne Precinct.
- Removal of the existing Council access reserve (Reserve 1) between Woodbyne Crescent and Racecourse Road and replacement with an equivalent sized public park of approximately 1,627.5 square metres.
- Construction of resident amenities such as 3 pocket parks and a lawn bowls green.

Public Benefit – Affordable Housing

- The proposal incorporates a 3% cash contribution in lieu of an onsite affordable housing contribution of 10% of the total number of dwellings/ILUs.



Vegetation Removal and Landscaping

- Removal of 252 trees/tree groups across the subject site.
 - 244 trees / groups within the subject site and on Council land requires a permit to remove under the Vegetation Protection Overlay (VPO1).
 - The removal of 12 trees / groups (Trees 24, 25, 31, 71, 73, 75, 102, 259-261, 264G & 265) also require a planning permit pursuant to Clause 52.17 Native Vegetation and native vegetation offset as they are indigenous / Victorian Native specimens that are likely to be self-sown.
 - The removal of 6 trees (Trees 38, 39, 128, 266G, 257G, 258G) also require a planning permit under the EMO7.
- Removal of 0.084 hectares of native vegetation requiring offsets under Clause 52.17 (Native Vegetation). These comprise nine (9) patches of native vegetation identified as Grassy Woodland (EVC 175) and three (3) scattered native trees.
- Extensive landscaping, integrating existing high value vegetation along site boundaries, retaining mature cypress trees to the north-east and northern boundaries, and providing a 25 metre landscaped setback to Racecourse Road with perimeter tree planting and internal street trees.



Municipal Planning Strategy

22. The following objectives and strategies of the Municipal Strategic Statement of the scheme are relevant to the proposal:

Clause	Description
02.01	Context
02.02	Vision
02.03-1	Settlement
02.03-2	Environmental and landscape values
02.03-3	Environmental risks and amenity
02.03-5	Built environment and heritage
02.03-6	Economic Development
02.03-7	Transport
02.03-8	Infrastructure
02.04	Strategic Framework Plan

Planning Policy Framework

23. The following objectives and strategies of the Planning Policy Framework of the scheme are relevant to the proposal:

Clause 11	Settlement
11.01-1L-01	Settlement – Mornington Peninsula
11.03-5S	Distinctive areas and landscapes
11.03-6L	Regional and local places – Mornington North
Clause 12	Environmental and Landscape Values
12.01-1S	Protection of biodiversity
12.01-2S	Native vegetation management
Clause 13	Environmental Risks and Amenity
13.05-1S	Noise management
Clause 16	Built Environment and Heritage
15.01-1S	Urban Design
15.01-2S	Building Design
15.01-2L-02	Environmental Sustainable Development
15.01-5S	Neighbourhood character
Clause 16	Housing
16.01-1S	Housing Supply
16.01-2S	Housing Affordability
16.01-5S	Residential aged care facilities



Clause 18	Transport
18.01-3S	Sustainable and safe transport
Clause 19	Infrastructure
19.02-1S	Health facilities
19.03-3S	Integrated water management
19.03-5S	Waste and resource recovery

24. Clause 11.03-6L seeks, among others, to provide additional housing diversity particularly housing that enables ageing-in-place in the area west of Racecourse Road and outlines the relevant strategies for the subject site which is located in Precinct 6 - Woodbyne Crescent / Albany Way area as follows:
- Support low-density residential development that complements the housing diversity of the residential area to the west.
 - Minimise potential conflicts between residential uses and nearby non-residential uses through setbacks and other design measures.
 - Enhance the landscaped character for the precinct, including the provision of landscaped fringes along Watt Road and Racecourse Road.
25. The assessment section of this report provides a detailed assessment of the relevant planning policies.

Zoning and Overlays

Applicable Zone

26. A planning permit is required to use the land for accommodation (Section 2 – not otherwise specified) Pursuant to Clause 32.03-1 and to construct a building or construct or carry out works associated with a Section 2 Use, pursuant to Clause 32.03-4
27. The purpose of the Low Density Residential Zone is:
- *To implement the Municipal Planning Strategy and Planning Policy Framework.*
 - *To provide for low-density residential development on lots which, in the absence of reticulated sewerage, can treat and retain all wastewater.*
28. A narrow strip of Public Park and Recreation Reserve Zone (PPRZ) land extends east from Woodbyne Crescent to abut Racecourse Road. The purpose of the Public Park and Recreation Zone is to:
- *To implement the Municipal Planning Strategy and the Planning Policy Framework.*
 - *To recognise areas for public recreation and open space.*
 - *To protect and conserve areas of significance where appropriate.*
 - *To provide for commercial uses where appropriate.*
29. Pursuant to Clause 36.02-1 and 36.02-2 a permit is required for accommodation use and building or works in the PPRZ.
30. The application was accompanied by the written consent of the public land manager indicating that the public land manager consents to the application for permit being made.
31. The relevant decision guidelines under the PPRZ include, among others:
- *The Municipal Planning Strategy and the Planning Policy Framework.*

- *The comments of any public land manager or other relevant land manager having responsibility for the care or management of the land or adjacent land.*
- *Whether the development is appropriately located and designed, including in accordance with any relevant use, design or siting guidelines.*

32. The following sections include a discussion of how the proposal responds to these requirements.

Applicable Overlay/s

Vegetation Protection Overlay – Schedule 1

33. The site is wholly affected by a Vegetation Protection Overlay, Schedule 1 (VPO1).
34. The purpose of the overlay includes to protect areas of significant vegetation, ensure that development minimises loss of vegetation and preserves existing trees and other vegetation.
35. Schedule 1 of the Vegetation Protection Overlay relates to Township Vegetation. The statement of nature and significance of vegetation to be protected outlines, among others, the importance of the dominant impression of buildings within a landscape.
36. Pursuant to Clause 42.02-2 a permit is required to remove, destroy or lop any vegetation except for the exemptions set out under Clause 3.0 of Schedule 1 of the VPO.
37. The objectives and decision guidelines relevant to this proposal are:

Relevant Objectives

- To recognise areas where substantial vegetation cover is the dominant visual and environmental feature.
- To ensure that subdivision and development proposals have proper regard to the landscape character of township areas.
- To ensure that new development has proper regard for the established landscape, streetscape and development pattern in terms of being consistent with the existing balance between vegetation and building form in the local area and contributing to the landscape character of the area.
- To protect and conserve native vegetation, including grasses and ground flora.
- To protect and conserve the habitat value of vegetation within township areas.

Decision guidelines

- The vegetation protection objectives of this schedule.
- The value of the native vegetation to be removed in terms of its habitat, landscape and environmental values, age, physical condition, rarity or variety.
- The need for a report, by a properly qualified person and to the satisfaction of the responsible authority, on the vegetation and habitat significance of the vegetation to be removed.
- Whether there is any reasonable alternative means of siting buildings and works in order to conserve the native vegetation of the area.
- The extent of the proposed vegetation removal and its likely effect on the stability of the site, particularly along streamlines or in erosion prone areas.
- The extent to which the removal of vegetation is necessary to achieve proper fire management.
- The benefit of conditions providing for the relocation of significant species prior to development of a site, having particular regard to the occurrence of native orchids.
- The benefit of conditions requiring planting, replanting and other treatment of the land, having regard to the relationship between buildings and the landscape and the maintenance, where possible, of shared view lines.
- The need for replacement vegetation to be of an appropriate species and to exclude environmental weeds.



Design and Development Overlay – Schedule 6

38. The site is wholly affected by Design and Development Overlay, Schedule 6.
39. The purpose of the DDO is to:
 - *Implement the Municipal Planning Strategy and Planning Policy Framework.*
 - *To identify areas which are affected by specific requirements relating to the design and built form of new development.*
40. Schedule 6 relates to 'Low Density – Landscape'. Schedule 6 outlines that an application to construct a building or construct or carry out works should meet the General requirements of this schedule except where it has been demonstrated to the satisfaction of the responsible authority, that compliance is unreasonable or unnecessary and no loss of amenity will result.
41. Pursuant to Clause 43.02-2 a permit is required for works under the Design and Development Overlay Schedule 6.

Erosion Management Overlay – Schedule 7

42. The site is partially affected by the Erosion Management Overlay, Schedule 7.
43. Amendment C312morn was gazetted on 6 January 2026 and applied an interim EMO7 to all land on the Mornington Peninsula considered susceptible to landslides but not already covered by an existing Erosion Management Overlay (EMO).
44. The purpose of the EMO is to:
 - *To implement the Municipal Planning Strategy and the Planning Policy Framework.*
 - *To protect areas prone to erosion, landslip, other land degradation or coastal processes by minimising land disturbance and inappropriate development.*
45. Schedule 7 relates to 'High Landslide Susceptibility Areas. Schedule 7 outlines a statement of risk for the areas potentially susceptible to landslide throughout the municipality.
46. Pursuant to Clause 44.01-2 a permit is required for works under Erosion Management Overlay.
47. Pursuant to Clause 44.01-3 a permit is required to remove, destroy or lop any vegetation except for the exemptions set out under the Table of Exemptions at Clause 44.01-4.
48. An application under this overlay is exempt from the notice requirements of section 52(1)(a), (b) and (d), the decision requirements of section 64(1), (2) and (3) and the review rights of section 82(1) of the Act

Particular and General Provisions

Provisions that Require, Enable or Exempt a Permit

Clause 52.06 – Car Parking

49. Clause 52.06 sets out the requirements of car parking design and car parking provision for various uses.
50. Amendment VC277 was gazetted on 18 December 2025 and changed the car parking rates within all planning schemes in Victoria. As the permit application was lodged before the transition date of VC277, the application is a transition proposal for the purposes of Clause 52.06-12.
51. The applicable statutory car parking rate for the current application is as shown under the current clause 52.06-5, which is a rate of 0.3 car spaces "to each bedroom" of a RACF and a rate of 1.2 spaces to each dwelling in a RV, and a total statutory car parking requirement for the application of 228 car spaces.



52. As the required statutory car parking rate is lower under clause 52.06-5 of VC277 than clause 52.06-5 as in force immediately before the day Amendment VC277 came into operation, Transitional provisions A, B and C of clause 52.06-12 do not apply to this application.
53. The statutory car parking rate as in force immediately before the day Amendment VC277 came into operation in Clause 52.06-5 therefore applies. The statutory requirement for car parking is outlined below:

Use	Number	Rate	Amount Required
2 Bedroom RV dwellings	88 dwellings	1 space per dwelling	88 spaces
3 Bedroom RV dwellings	56 dwellings	2 spaces per dwelling	112 spaces
Visitor parking associated with RV use	144 dwellings	1 car space for visitors to every five dwellings for developments of five or more dwellings	28 spaces
Residential aged care facility	73 care beds 15 assisted living apartments (ALA)	0.3 car spaces to each lodging room	26 spaces
Total			256 spaces

Clause 52.17 – Native Vegetation

54. This clause requires a planning permit to remove, destroy or lop any native vegetation, meaning plants that are indigenous to Victoria. While several of the trees on site proposed to be removed are classified as native vegetation, per the table of exemptions of Clause 52.17-7, this does not apply to any native vegetation that was either planted or grown as a result of direct seeding.

Clause 52.34 – Bicycle facilities

55. A retirement village and residential aged care facility is not a prescribed use within Table 1 to Clause 52.34-5. There is therefore no statutory requirement for the provision of bicycle parking for this application.

General Requirements and Performance Standards

Clause 53.18 – Stormwater management in urban development

56. Clause 53.18 applies to the buildings and works of this application with its purpose being to ensure that stormwater in urban development, including retention and reuse, is managed to mitigate the impacts of stormwater on the environment, property and public safety, and to provide cooling, local habitat and amenity benefits.
57. This clause includes standards and objectives relating to stormwater, Clause 53.18-5 (Stormwater management objectives for buildings and works – Standard W1) Clause 53.18-6 (Site management objectives – Standard W3).
58. This clause does not apply to an application under a provision in the Low Density Residential Zone. However, had this clause been applicable (under the proposed rezoning to Neighbourhood Residential Zone), these matters are addressed in the submitted Sustainability Management Plan, which utilises the MUSIC model assessment tool.

Clause 53.17 – Residential Aged Care Facility

59. This clause does not apply to an application for a residential aged care facility in the Low Density Residential Zone. However, had this clause been applicable (under the proposed rezoning to Neighbourhood Residential Zone), it is noted that the prescribed application and development requirements would be met.
60. A detailed assessment of the RACF building's performance against the design requirements of Clause 53.17 can be found at Appendix 3 of this report.



Clause 53.23 – Significant Residential Development with Affordable Housing

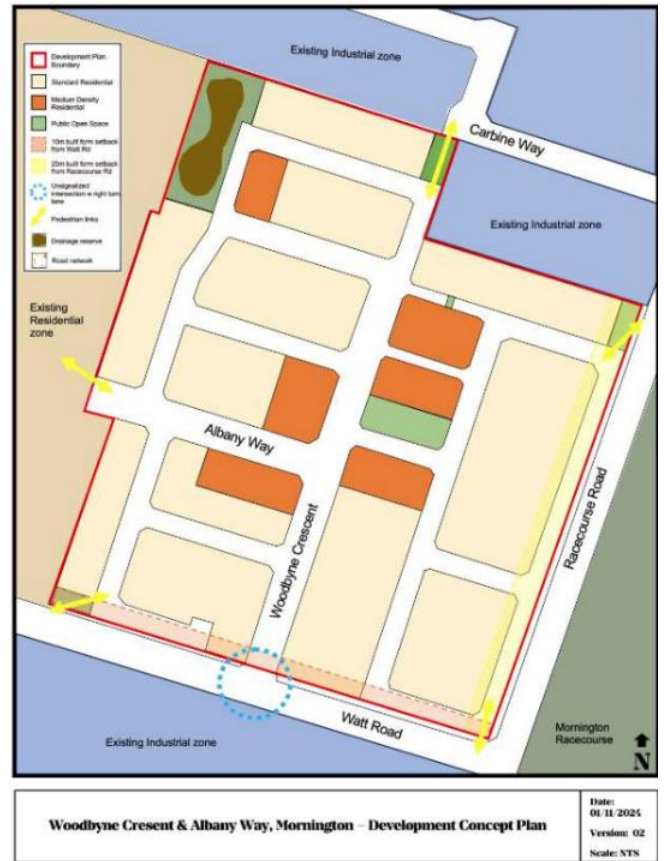
61. The application has been submitted under Clause 52.23 (Significant Residential Development with Affordable Housing). Clause 52.23 seeks to facilitate residential development that incorporates affordable housing to meet existing and future needs.
62. The development was confirmed as eligible under Category 1 of Clause 52.23 of the Mornington Peninsula Planning Scheme as part of the Development Facilitation Program. The application was supported by the following application/eligibility requirements:
 - A quantity surveyor report confirming the estimated cost meets the Category 1 threshold (\$50 million).
 - A letter from Invest Victoria confirming project viability.
 - A report outlining how the proposal will contribute to the provision of affordable housing contribution.
63. The affordable housing contribution is discussed in the assessment section of this report.
64. Additionally, pursuant to Clause 53.23-5, an application under any provision of the planning scheme is exempt from the decision requirements of section 64(1), (2) and (3), and the review rights of section 82(1) of the Act.

Strategic Documents and Planning Scheme Amendments

65. Amendment C247morn is a proponent-led combined S96A amendment to rezone land in the Woodbyne Precinct to NRZ42, apply a DPO25, remove the PPRZ from the Council reserve, and introduce a Precinct Infrastructure Funding Plan (via S173 Agreement), together with subdivision permit applications (P23/2400 and P23/2402).
66. The amendment was initiated at the request of Tango Development No. 6 Pty Ltd.
67. The amendments are underpinned by extensive technical studies as well as the *Mornington Peninsula Housing and Settlement Strategy: Refresh 2020-2036* which identifies the site as within an 'Investigation Area'.
68. The land subject to Amendment C247morn includes both privately owned land and Council-owned land, being the Council reserve between 8 and 10 Woodbyne Crescent, Mornington known as 93 Watt Road, currently zoned Public Park and Recreation Zone (PPRZ).
69. The Amendment seeks the following changes:
 - Rezone 2, 4, 5, 6, 7, 8 and 10 Woodbyne Crescent and 1, 2, 3 and 4 Albany Way, Mornington from the Low Density Residential Zone (LDRZ) to the Neighbourhood Residential Zone - Schedule 42 (NRZ42).
 - Amendment to local planning policy 11.03-6L Regional & Local Places - Mornington North.
 - Deletion of the Design and Development Overlay – Schedule 6 (DDO6) which applies to the Woodbyne Precinct.
 - Rezone the Council-owned reserve land (93 Watt Road) from PPRZ to LDRZ.
 - Introduction of a Development Plan Overlay - Schedule 25 (DPO25) to the Woodbyne Precinct area.
70. DPO25 includes conditions and requirements for permits, a Precinct Infrastructure Funding Plan (PIFP) proposed to be implemented via a Section 173 Agreement for the funding and delivery of precinct infrastructure, and the requirement to prepare a Development Plan (DP).
71. A draft DP was exhibited as part of Amendment C247morn that provides for, among others, a 'land swap', replacing the Council-owned reserve with a centrally located public park of equivalent area and a drainage basin to service the Woodbyne Precinct.
72. The two (2) subdivision permit applications seek approval for a residential subdivision for a combined total of 116 lots, in accordance with the draft DP and proposed planning controls under Amendment C247morn.



Overview of C247morn, P23/2400 & P23/2402



Excerpt of the draft DP and DPO25

Figure 6 Excerpt of Amendment C247morn

73. Following public exhibition, Amendment C247morn was considered by an independent Planning Panel in October 2025. The Panel Report released on 17 November 2025 considered the Amendment strategically supported.
74. On 17 March 2026, the Council resolved to sell the Council reserve land subject to conditions.
75. On 14 April 2026, the Council resolved to adopt the Amendment C247morn subject to conditions requiring all landowners of the Amendment land entering into a Section 173 agreement to implement the Woodbyne Precinct - Precinct Infrastructure Funding Plan prepared by Urban Enterprise (dated 19 March 2026, version 9) (Woodbyne PIFP), and Council entering a contract of sale for approximately 1,627 square metre of Reserve No. 1 on PS346179 and vesting of alternate public open space in Council. The contract of sale and vesting of alternate public open space in Council must be to the satisfaction of Council as landowner.
76. In accordance with section 60(1A)(g) and (j) of the Act, before deciding on an application, the responsible authority, if the circumstances appear to so require, may consider (g) any strategic plan, policy, statement, code or guideline which has been adopted by a municipal council and (j) any other relevant matter. This provision in the Act applies to the proposed planning framework changes under Amendment C247morn.
77. Notwithstanding, the application has been considered against the proposed NRZ42 and DPO25 in Appendix 1.



Referrals

78. The application was referred to the following groups:

Provision / Clause	Organisation	Response and date received
Section 55 Referral – Determining Clause 66.02-11 Land use and transport integration <i>A retirement village comprising 60 or more dwellings or lots.</i>	Head, Transport for Victoria	No objection, no conditions (received 6 January 2026)
Section 52(1)(b)	Mornington Peninsula Shire Council	Informal response – 19 January 2026 Originally objected on 18 February 2026 Revised response received 24 March 2026 maintains objections, with revised conditions

Statutory Referrals

Head, Transport for Victoria

79. The Head, Transport for Victoria was referred the application pursuant to Clause 66.02-11 Land use and transport integration of the Mornington Peninsula Planning Scheme, for the retirement village proposal comprising 60 or more dwellings or lots.
80. The Head, Transport for Victoria did not object to the application.

Municipal Council Comments

Mornington Peninsula City Council

81. Mornington Peninsula Shire Council (the council) considered the application and provided its informal comments on 19 January 2026, largely consistent with its pre-application comments dated 30 September 2025 and requested additional information.
82. The Council provided its initial Section 52 comments on 18 February 2026. The Council objected to the proposal on the grounds of prematurity given that the layout relies on the approved sale of the Council reserve and the proposal being considered ahead of the precinct planning process under consideration in Amendment C247morn.
83. Specific concerns from relevant Council departments included precinct-based issues such as the loss of vegetation, cumulative traffic implications and need for turn lanes, inadequate sizing of the drainage basin as a public asset, and detailed design matters such as lack of formalised visitor car parking and courtesy shuttle bus.
84. The council's response included several recommended conditions to resolve the remaining concerns with the proposal, including, among others:
- Detailed design comments regarding the layout of the internal pedestrian network and external connection to footpaths, visitor parking, provision for courtesy shuttle bus, ESD commitments.
 - Provision of a private stormwater detention basin with revised Stormwater Management Strategy and Hydrological Report, noting Council concerns that the stormwater detention basin is undersized for a public asset.
 - Tree protection and management plan, native vegetation protection and removal conditions.
 - Revised technical plans and reports for endorsement, including landscaping, sustainability, waste management, construction management plan, traffic management plan, lighting management, public open space plan.
 - Environmental protection conditions including acoustic assessment.
 - Section 173 Agreement conditions requiring the delivery of all precinct infrastructure identified under Amendment C247morn, including new footpath connections, a widened footpath along the northern side of Watt Road



- between Racecourse Road and the south-western corner of 3 Albany Way, a splitter island with pedestrian refuge and right turn lane treatment for the Watt Road/Woodbyne Crescent intersection, road widening of Woodbyne Crescent to 7.3m wide, a reinforced concrete bus bay in Racecourse Road prior to commencement of works.
- Section 173 Agreement condition that provides for the liability for waste, recyclables and green waste management for the development being vested with the Owners Corporation prior to commencement of works.
 - Section 173 Agreement condition that provides for design and construction of the Council park reserve (part of the land swap) prior to commencement of works.
 - Section 173 Agreement condition that provides for design and construction of the drainage reserve prior to commencement of works.
85. Council's revised response was received on 24 March 2026, which withdrew several issues of concern relating to the drainage basin and prematurity of the application but maintained objection, noting the following changes:
- Council resolved on 17 March 2026 to sell the Council-owned PPRZ land at 93 Watt Road, subject to conditions.
 - A Precinct Infrastructure Funding Plan (PIFP) to be implemented via a Section 173 Agreement to fund and deliver the precinct infrastructure under Amendment C247morn was negotiated and will form a condition of the adoption of Amendment C247morn to be considered by Council at the 14 April 2026 meeting.
 - Further information provided to Council's drainage engineers largely resolving Council's concerns.
86. The council's revised response amended the recommended conditions which included, among others:
- Engineering plans to design a public stormwater detention basin with, among others, batter of no more than 13% of 1:7 to allow for the mowing of grass or another gradient in written agreement from the Shire.
 - Prior to commencement of works, provision of a Hydrological Report and peer review report to confirm the stormwater detention and stormwater treatment infrastructure is suitably designed to the satisfaction of the Mornington Peninsula Shire.
 - Section 173 Agreement to require the drainage basin to be designed, constructed and maintained to the satisfaction of the Mornington Peninsula Shire Council, and a future carriageway easement to allow for maintenance vehicles to enter the land to access the stormwater retention area.
 - Deletion of associated conditions that required a private drainage basin.
87. The council's revised response did not remove the recommended conditions to deliver all the precinct infrastructure identified under Amendment C247morn, given a Council resolution on the PIFP and recommendation to adopt the Amendment C247morn is still to be considered at the Council meeting later in April.
88. Council provided updated submissions in response to draft conditions circulated by the Department, to be read in conjunction with Council's response dated 24 March 2026. The amendments or additional conditions include:
- Engineering plans to design a public stormwater detention basin with, among others, batter of no more than 13% of 1:7 where the surface is lawn/grass and no more than 20% or 1:5 where the surface is landscaped (not grass/lawn), a landscape plan for the stormwater retention area, and demonstration that the drainage asset is designed to service the Woodbyne Precinct (i.e. Lots 1-11 and reserves on Plan of Subdivision 346179Y) and further specificity regarding the maintenance program.
 - Section 173 Agreement to require, in addition, that the drainage asset is designed to service the Woodbyne Precinct (i.e. Lots 1-11 and reserves on Plan of Subdivision 346179Y).
 - Section 173 Agreement associated with the future Council park reserve prior to commencement of works (as opposed to prior to occupation of the relevant stage of the development) to require that Council enters a contract of sale for approximately 1,627 square metre (sqm) of Reserve No. 1 on PS346179 and vesting of alternate public open space in Council, and that the construction of the Council park reserve be completed prior to occupation of approved dwellings.
 - Deletion of the previous recommended condition requiring the wetland stormwater treatment area to be a minimum of 2% of the total catchment area that it is servicing.



Notice

89. The application is not exempt from the notice requirements of section 52(1)(a), (b) and (d) of the *Planning and Environment Act 1987* pursuant to the following provisions:
- Clause 32.03 of the Low Density Residential Zone.
 - Clause 42.02 (Vegetation Protection Overlay) Schedule 1
 - Clause 43.02 (Design and Development Overlay) Schedule 6
 - Clause 52.17 (Native Vegetation)
90. The applicant was directed to give notice by way of erecting five (5) signs on the site on the Woodbyne Crescent, Racecourse Road and Carbine Way frontages, and notifying adjoining and surrounding property owners and occupiers by post.
91. Four (4) objections were originally received raising the following issues:
- Premature given that the layout relies on the approved sale of the Council reserve which was to be considered at the Council meeting on 17 March 2026.
 - Vegetation removal and habitat displacement, including inadequate demonstration that vegetation removal has been avoided or minimised
 - Sensitive use interface and public health impacts including displacement of Indian Myna birds
 - Increased traffic movements and associated congestion and safety impacts
 - Insufficient parking, impact on on-street parking and service vehicle access
 - Increased healthcare infrastructure needed to meet the increased demand generated by development
 - Expanded services and infrastructure such as public transport, community facilities and utilities required to cater for additional demand
 - Failure to respect neighbourhood character and residential context
 - Unreasonable amenity impacts due to noise, light spill, building bulk, overlooking, traffic, hours of operation
 - Strategic concern and setting a precedent for further institutional or higher-intensity uses
 - Property value impacts
 - Transparency and legitimate expectations of standard residential development
92. The objection from the Council as a landowner was formally withdrawn, following the Council resolution to sell the Council-owned PPRZ land on 17 March 2026 subject to conditions.
93. A detailed response to objections raised is contained in **Appendix 2**.



Strategic Direction and Land Use

94. The *Municipal Strategic Statement* and *Planning Policy Framework* encourages appropriate land use and development which enhances the built environment, supports economic growth, meets the community expectations on retail and commercial provision, delivers diversity in housing supply to meet existing and future needs, and integrates transport and infrastructure planning.
95. The proposal seeks to use and develop the land for a retirement village and residential aged care facility, which is nested under the wider land use of 'Accommodation'. As a residential land use, it anticipates built form typologies and onsite operations and amenities that may differ from a standard residential allotment to cater the specific needs of its intended occupants who are elderly but with varying levels of independent living ability. Despite this distinction, the primary purpose of the proposal is to provide long-term residences at increased density, with a range of ancillary amenities and modest staffing needs that are highly compatible with a predominately residential area. This is strongly supported by state and local policy, including but not limited to Clause 11.02-1R (Settlement – Metropolitan Melbourne) which encourages the creation of mixed-use neighbourhoods at varying densities that offer more choice in housing.
96. The proposed land use and development is consistent with the strategic direction of Clause 02.03-1 (Settlement) which notes that Mornington Peninsula requires good quality design outcomes which facilitate more diverse housing in established areas. In this regard, the proposal creates additional housing supply that caters to the needs of older/retired persons who may wish to downsize but remain within their existing community and in a location that is in close proximity to amenities of an established area.
97. Clause 11.03-6L (Regional and local places – Mornington north) identifies the site as within Precinct 6 – Woodbyne Crescent/Albany Way area. The proposal responds to the relevant strategies by providing a dwelling consistent with a standard residential development and complements the character of the existing residential area to the west, proposes a significant increase in the landscaping along Racecourse Road, and minimises potential conflicts between residential uses and nearby non-residential uses through generous setbacks.
98. The Low Density Residential Zone's purpose also includes provide for low-density residential development on lots which, in the absence of reticulated sewerage, can treat and retain all wastewater. The proposal achieves the mandatory requirements for having availability to reticulated services such as sewerage, potable water supply and electricity supply. It is therefore an appropriate use of land for Accommodation within this zone.
99. The Mornington Peninsula Housing and Settlement Strategy: Refresh 2020-2036 (HSS) is a Council adopted strategy that also identifies the site as within an 'Investigation Area' for housing growth. The HSS formed the strategic basis for initiating the process that led to the proponent-led Amendment C247morn for the Woodbyne Precinct. The Panel Report concluded that the higher densities sought for the Amendment is strategically justified, and supports the proposed planning framework for guiding development, NRZ42 and DPO25. The development generally aligns with the proposed planning controls. See Appendix 1 for detailed assessment.

Buildings and Works

Height and Setbacks

100. The DDO6 sets out a range of mandatory and general requirements as well as design objectives for development. The proposal achieves the mandatory building height limit of 8m, noting the maximum height of two-storey townhouses is 7.8m and no roof deck is proposed.
101. The proposed development also achieves the DDO6 minimum 25m built form setback from Racecourse Road, which accounts for the 5m wide Council reserve and 20m setback from the front boundary. Services such as a domestic water pump, 10kL breaker tank, and site water meter is proposed within the Racecourse Road setback. A condition of permit will require the screening details of these services to ensure integration with the streetscape.
102. A small intrusion into the 10m building setback at the northern end of Woodbyne Crescent is proposed, between 0.5m and 1.8m. The reduced setback is appropriate to support, noting that Woodbyne Crescent is a low-traffic



road, with only four other residential lots using Woodbyne Crescent via Albany Way to access their dwellings, and highly vegetated setback to Woodbyne Crescent to maintain the landscape setting.

103. Where it would be applicable under the proposed NRZ42, the development requirements of Clause 53.17 Residential Aged Care Facility also set out mandatory and discretionary built form requirements for a residential aged care facility building. The proposal provides an acceptable response to Clause 53.17 – see Appendix 3.
104. Overall, it is considered that the proposal provides an appropriate intensification of built form that provides sensitive transitions through varied heights and setbacks to both neighbouring built form and the public realm. This ensures the 1-2 storey built form remains responsive to both the site's topographical variation and its residential context.
105. Appropriate transitions in height and scale have also been considered with respect to adjoining properties and sensitive interfaces.



STREETSCAPE VIEW 3 - RACECOURSE ROAD INTERFACE

Figure 7 Racecourse Road frontage 3D render

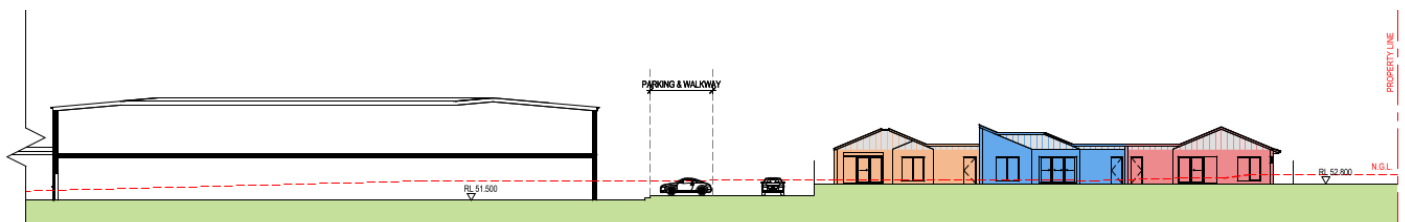
Site layout and earthworks

106. The proposal generally meets the design objectives of DDO6 to “...ensuring site areas are large enough to accommodate development while retaining natural or established vegetation cover and to provide substantial areas for new landscaping and open space”.
107. The proposal provides an overall site coverage of 29% with generous communal open space areas around all buildings, public park, drainage basin and within the setback of internal roads, and 49% landscaping area that can accommodate a variety of medium and large trees, which subject to some recommended changes to species selection to be addressed by conditions, is supported by the council.
108. While some areas for planting along the northern and southern boundary have limited widths 0.78m-1.035m, these landscaping strips are sufficient to accommodate tree planting or mid-level planting to soften the hard surfaces of the access roads.



Figure 8 Landscape site plan

109. Whilst the site cut and fill across the site is less than 1m above or below natural ground level, the proposal seeks variation to the general requirements of the DDO6 in proposing more than 1m of site cut and fill as follows:
- The RACF building requires additional cut to allow the surrounding footpath and roads to be at an appropriate grade. This is appropriate, being sited outside of the EMO7 and necessary for accessibility.

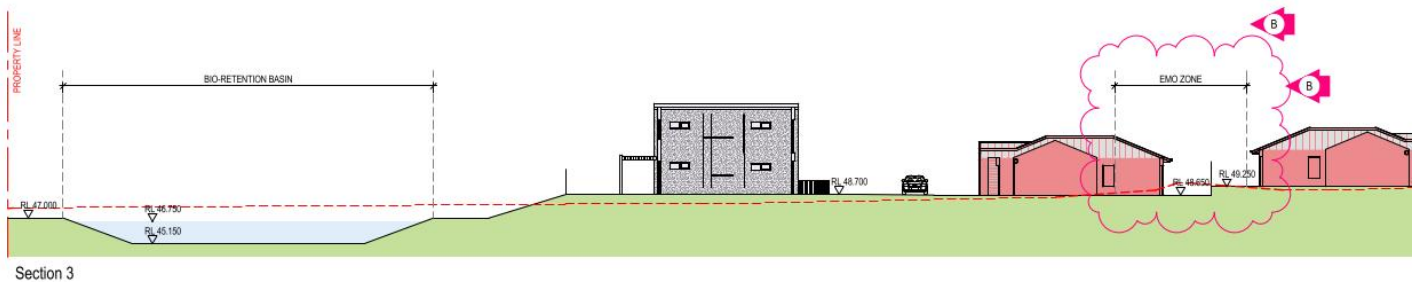


Section 2 - South

- Additional cut is also required in the northwestern corner associated with the levels of the internal road. This section is also within the EMO7, however, the Landslip Risk Assessment report prepared by FSG Geotechnics and Foundations dated 10 February 2026 identifies this as a 'localised existing earth berm up to 3m high'. Overall, the overall risk from landslide hazard was considered 'acceptable' and is supported.



- More than 1m site cut would be required to construct the stormwater retention basin. This is considered acceptable noting this is not proposed within the EMO7, subject to permit conditions requiring the required detailed design to be undertaken, in accordance with the drainage outcome sought for the precinct.



- More than 1m of site fill will be required in the very northwestern corner of the site, and along and directly around the existing council reserve, which is at a lower level than the neighbouring lots. This is supported, given the drainage infrastructure changes proposed for these areas and is not sited within the EMO7.

110. A small number of RV dwellings are within the area affected by the EMO7. This is supported, noting that the Landslip Risk Assessment report considers the overall risk from landslide hazard was 'acceptable'.



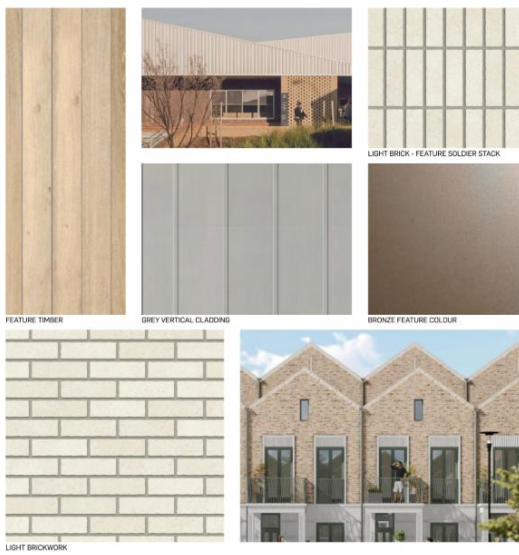
Design Detail and Public Realm

- 111. The proposal achieves the DDO6 general requirements for buildings to have more than half of the external wall cladding of any dwelling to consist of brick, masonry, timber, simulated weatherboards, and cladding and trim coloured and maintained in muted tones and external finish of buildings of a low reflectivity (less than 40 per cent).
- 112. Overall the proposal presents a high-quality design response that is sensitive to the predominately low-density residential character of the surrounds.
- 113. The front façade of the townhouse and cottage/villa typology for RV units and the RACF main building utilises a variety of building heights and setbacks across the frontage that is further articulated by architectural framing projections around each unit facing the street, which creates the impression of a finer grain development pattern within the public realm that breaks up the building bulk, while also adding depth to the front facade.



Independent Living Units - Townhouses

Independent Living Units – Cottages



RACF Building – Materials & Colour Palette, RACF Building Entry 3D render

Figure 8 Excerpt of materials and colours

Landscaping and Vegetation

Vegetation Removal (including Native Vegetation Removal)

Arboricultural assessment

114. The arborist report by Arbor Survey identifies 66 trees/groups that are Indigenous to the local area, 52 trees/groups are Victorian Native specimens (not Indigenous to the local area), 65 trees/groups are Australian Native specimens, 97 trees/groups are exotic specimens and 10 groups are a mix of Victorian/Australian Natives and/or Exotic Specimens.
115. The tree retention/removal status is as follows:
- 38 trees / groups are to be retained as part of the proposed works, with specific construction recommendations (where required) outlined. Of these trees:
 - 22 trees / groups are of high protection value and located on adjoining (Private & Council) land,
 - 7 trees / groups (or part of) are located within the site and are of high protection value,
 - 8 trees are located within the project site and are of moderate protection value, and
 - 1 group is of no protection value.
 - 252 trees / groups will require removal as part of the proposed works or are proposed to be removed based on their poor condition and/or weed status. Of these trees:
 - 32 trees / groups are located within the site and are of moderate or high protection value,
 - 216 trees / groups are located within the site and are of no protection value, and
 - 4 trees of high and no protection value are located on Council land.



- 116. The proposal seeks removal of 244 trees / groups within the subject site and on Council land that require a permit to remove under the Vegetation Protection Overlay (VPO1).
- 117. The removal of 12 trees / groups (Trees 24, 25, 31, 71, 73, 75, 102, 259-261, 264G & 265) also require a planning permit pursuant to Clause 52.17 Native Vegetation and native vegetation offset as they are indigenous / Victorian Native specimens that are likely to be self-sown.
- 118. The removal of 6 trees (Trees 38, 39, 128, 266G, 257G, 258G) also require a planning permit under the EMO7.
- 119. The arborist report prepared by Arbor Survey included specific construction recommendations for trees below:
 - Trees 22 and 253, where road, drainage and service works are proposed within the Structural Root Zone (SRZ) and Notional Root Zone (NRZ) of neighbouring trees must be constructed at or above existing ground level with no more than a minor site scrape undertaken. Ideally, a permeable concrete should be used and a Project Arborist should supervise all works (including site preparation) within the Notional Root Zone.
 - Trees 61, 62, 77, 100, 263 and 273G, where the proposed footpath encroaches into the SRZ and NRZ must be constructed at or above existing ground level with no more than a minor site scrape undertaken. A Project Arborist should supervise all works (including site preparation) within the Notional Root Zone; and
 - Trees 34, 56, 58, 72, 74, 127, 178, 180G, 240G, 243G and 256G, where proposed garden beds located within the Notional Root Zone must remain at NGL. All proposed footpaths within the Notional Root Zone must be constructed at or above existing ground level with no more than a minor site scrape undertaken.
- 120. The extent of vegetation removal is shown below overlaid over the proposed development plan:



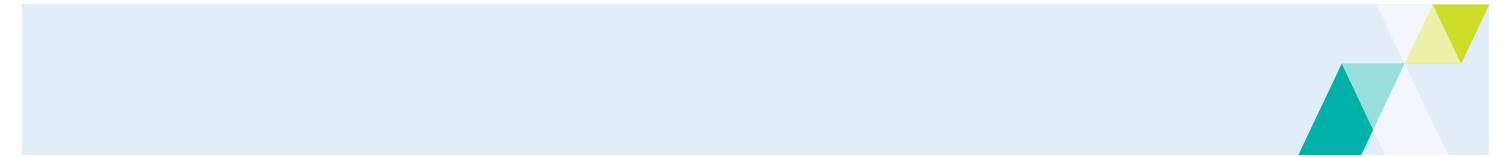
Figure 9 Vegetation removal plan

Native vegetation assessment

121. The Ecological Assessment prepared by Ecology and Heritage Partners identifies the extent and type of native vegetation present within the site and assessed the likely presence of significant flora and fauna species and/or ecological communities. This assessment found that most trees within the subject site are planted, typically along the existing property boundaries and are therefore does not trigger a permit under Clause 52.17, due to the exemption at Clause 52.17-7.
122. Four small patches of native were identified along with three native trees.
123. The removal of 0.084 hectares of native vegetation in the form of patches (0.053 hectares) and scattered trees (0.031 hectares) is proposed.
124. The assessment identified that the proposed removal of native vegetation will trigger the offset requirement of 0.023 general habitat units. The assessment outlines that the offset must have a minimum strategic biodiversity value score of 0.251 and located within the Melbourne Water Catchment Management Authority area or the Mornington Peninsula Shire local government area.
125. No listed threatened fauna species or associated habitats were recorded in the field assessment, and none are considered likely to occur due to the absence of suitable habitat.
126. The proposed vegetation removal is considered acceptable having regard to the purposes, vegetation objectives and decision guidelines of the VPO1, Clause 52.17 and EMO7 as follows:
 - The vegetation to be removed has been assessed by a suitably qualified person and identified that most of the vegetation to be removed is identified as being poor or no protection value.
 - There are no reasonable alternative means of siting buildings and works to conserve the native vegetation, acknowledging that the land is within the Woodbyne Precinct identified for increased housing density.
 - The removal of vegetation is not likely to adversely affect the stability of the site being affected by localised existing earth bunds or mounds which are to be removed. The Landslip Risk Assessment report considers there are no landslide hazards present across the site to prevent vegetation removal.
 - The proposed replacement landscaping will result in a net gain outcome of canopy coverage throughout generous setbacks and space for landscaping throughout the site.
 - As noted in the Ecological Assessment that considered the decision guidelines of the Native Vegetation Removal Guidelines, the site layout has sought to avoid and minimise the extent of native vegetation removal by retaining the largest native patch recorded (GW4) and the smaller patch containing Sun-orchids (GW7) whereas other patches could not be retained due to the low quality of native vegetation to be removed, the Council requirement for an access track, the site constraints, and project liability.
127. Council's recommended condition to require a Tree Management and Protection Plan (TMPP) to be prepared prior to the commencement of development including early works and vegetation removal will be included.

Landscaping

128. The development has set aside extensive building setbacks and permeable areas across the site for landscaping, as well as makes provision for precinct community and drainage infrastructure to accommodate a robust landscaping scheme across the site.
129. The proposed Landscaping Plan indicates significant planting is proposed across the site. Feature trees at regular intervals and staggered depths are proposed within the 25-metre landscaped setback to Racecourse Road, to maximise visual impact and allow space for suitable canopy growth. Retaining the existing trees within the road reserve (outside of the site) will also provide additional layers of vegetation when viewed from Racecourse Road.
130. The landscape design is expected to provide a substantially improved outcome with respect to vegetation cover and visual impact. The design has proper regard to the landscape character of Mornington and ensures the vegetated building setback remains the dominant visual feature along Racecourse Road.

- 
131. Along the boundaries with Carbine Way, Albany Way and the northern extent of Racecourse Road the existing Cypress trees will be retained providing screening vegetation to these interfaces which will improve the amenity outcome for residents of the retirement village and the neighbouring lots. The screening trees will have additional positive effects with respect to reducing any impacts of dust or noise from neighbouring properties.
 132. Additional mature trees with high retention value are proposed to be retained throughout landscaped areas across the site, particularly fronting Racecourse Road, Woodbyne Crescent and within the south-western pocket park.
 133. Internal to the site, street trees are proposed at a rate of greater than one per dwelling across the site, thus providing a net gain, highly vegetated design which maintains the landscape character of Mornington.
 134. Whilst the applicant submits that retention of Trees 173 and 174 is not viable as it conflicts with the location of fire hydrant and sprinkler booster services per fire authority requirements, it is considered that Trees 81, 169, 170, 171, and 172G (Narrow-leaved Peppermint, Yellow Box, Banksia sp. understorey) have opportunity to be retained within the proposed public open space area.
 135. A permit condition will be included to this effect, and updates required to the relevant plans and reports.

Council park reserve

136. The proposal includes the replacement of the existing 10-metre-wide Council access reserve between Racecourse Road and Woodbyne Crescent, which currently functions primarily as an access corridor, with a reserve of equivalent width designed as a publicly accessible open space.
137. The proposed open space is located to provide improved access to publicly available recreational space for areas to the west and south of the site, where there are currently limited nearby open space facilities. Pedestrian access to the reserve is proposed via the existing access corridor connecting Katherine Court and Albany Way.
138. The open space is located adjacent to the retirement village and aged care facility and will provide a physical connection between these uses and the surrounding neighbourhood, contributing to local pedestrian connectivity.
139. In addition, the development includes three internal pocket parks and a pickleball court for use by residents, providing a range of recreational spaces within the site, which is supported.
140. A staged approach to construction and delivery of the Council park reserve is considered appropriate. Permit conditions will be included to require the completion of the Council park reserve prior to the occupation of the dwellings that have the first direct interface with the Council park reserve.
141. Council's draft conditions require a Section 173 Agreement to be entered into before the use and development commences, requiring among others, the Council to enter a contract of sale and vesting of alternate public open space in Council, and the design, construction, and completion prior to the occupation of approved dwellings and vesting the land to Council. It is considered appropriate to require the Section 173 Agreement to be entered into prior to development commencing, except for early site preparatory works and vegetation removal, and including flexibility of timing in conditions to align with the separate land sale process.

Amenity

Onsite Amenity

142. It is noted that the provisions of Clause 53.17 (Residential Aged Care Facility) are not applicable to this application as the land is within an applicable zone. However, an assessment against the relevant design requirements has been undertaken (see Appendix 3), demonstrating that a high degree of compliance would be achieved and the internal and off-site amenity outcomes of building as a result are appropriate.

Overshadowing

143. The proposed building heights and setbacks have been appropriately designed to minimise overshadowing to the secluded private open spaces of adjoining properties. Shadows cast from the proposed built form is contained within property boundaries and do not affect existing adjoining private open spaces or solar panels.



Overlooking

144. The proposal is sited a minimum of 10m from the property boundary, ensuring that the generous ground and upper floor setbacks will result in minimal opportunity for direct overlooking to occur into the SPOS and habitable room windows of adjoining properties.

Dust

145. The EPA identified that the following industries have the potential to create dust emissions which would impact the subject site within the broader context of the rezoning in Amendment C247morn:
1. MRRC/Waste Transfer Station
 2. Council Maintenance depot
 3. Depot for refuse collection vehicles
 4. Vehicle body, paint, and interior repair workshop
 5. Printing and coating works with heated curing ovens
 6. Rogers Sheet Works – sheet metal fabricators
 7. Mornington Racecourse
146. The submitted Potential Dust Impact memorandum prepared by P.E.C. identifies that industries 4, 5, and 6 have an obligation to manage their emissions under the General Environmental Duty, and therefore there should be no impact to the site from these industries. Industries 1, 2, 3, and 7. have each been assessed as a potential “moderate” risk of dust impact, and the risk of dust impacts can be practically and effectively managed.

Odour

147. The Mornington Waste Transfer Station is identified as a potential odour source that could impact the site, being located approximately 100 metres to the south of the southern boundary of the site.
148. The Buffer Constraints Assessment prepared by P.E.C. included an odour surveillance program prepared by Ektimo and provided analysis to conclude that the risk of odour impact north of Watts Road from the Waste Transfer Station is low. The odour surveys show the proposed separation distance between the Waste Transfer Station and the subject site is sufficient for residential development of the intensity proposed.

Noise

149. Clause 13.05-1S (Noise management) and were it applicable, Standard B5-6 of Clause 55.05-6¹, require protecting both existing residents of surrounding properties and residents of the proposed development from inappropriate noise emissions associated with both land use activities and noise sources such as mechanical plants within the building or the transport system.

On-site noise generation

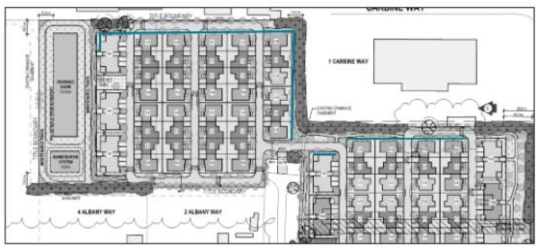
150. Noise generating operational activities within the site such as waste collection and loading are facilitated within the back of house loading area of the RACF building, and throughout the internal street network. The timing of these activities will be restricted by permit conditions to accord with the EPA Noise Protocol limits.
151. The mechanical noise sources of the ILUs (i.e. plant equipment) will be required by condition of permit to not be located immediately adjacent to bedrooms or otherwise mitigated through alternative design.
152. It is not considered that the proposed retirement village use, the residential aged care facility and its associated communal areas will generate unreasonable noise emissions beyond a typical residential development.

Noise impacts from off-site noise sources

¹ Clause 55 does not apply to an application under the Low Density Residential Zone.



153. Noise management was considered more broadly for the Woodbyne Precinct in Amendment C247morn. The subject site is close to several noise generators in the area, including:
- To the north: Carbine Way light industrial precinct includes uses such as steel and timber fabrication works, powder coating and mechanic’s workshop as well as retail and martial arts studios.
 - To the east: Mornington Racecourse includes several noise sources associated with the use of the racecourse including, among others, external PA systems, crowd noise, music associated with concerts and other events.
 - To the south: Various noise generating uses such as Transfield/Ventia Depot, Mornington Resource Recovery Centre, Community Animal Shelter & Pound, Mornington Park Waste Transfer Station, Zinfra Depot with noise sources from vehicle movements, animals and associated activities.
154. The Acoustic Assessment Report prepared by Clarity Acoustics dated 13 November 2025 has considered the emissions of all noise sources was submitted with the application and has outlined that compliance with the relevant noise requirements in accordance with the Environment Protection Regulations under the Environment Protection Act 2017 can be met, subject to the inclusion of the recommended noise attenuation measures to buildings with direct interface to the noise sources.
155. Amendment C247morn considered the inclusion of an acoustic fence along the northern boundary with the Carbine Way light industrial precinct. The EPA Victoria submissions to Amendment C247morn also included an option to improve the sound insulation of buildings in lieu of an acoustic fence.
156. Given the subject land context directly adjacent to the Carbine Way industrial estate (potential commercial and industrial noise), the proposed acoustic treatment for dwellings with a direct interface to achieve the relevant sound criteria identified at Clause 58.04 for bedrooms and living areas is an appropriate design response:
- Not greater than 35 dB LAeq,8h for bedrooms, from 10 pm to 6 am
 - Not greater than 40 dB LAeq,16h for living areas, from 6 am to 10 pm.
157. The façade of dwellings with improved sound insulation to the above standard is required in the following locations:



Area	Minimum required sound insulation, R_w	Indicative construction
Walls	38 dB	Masonry/brick construction OR lightweight construction as follows: <ul style="list-style-type: none"> - 6 mm thick fibre cement sheet - 64 mm steel stud or 70 timber stud with 50 mm thick glasswool cavity insulation (min. density 14 kg/m³) - 10 mm thick plasterboard.
Roof	38 dB	<ul style="list-style-type: none"> - 0.42 mm thick metal deck or ceramic/concrete tiles - 50 mm thick ceiling glasswool insulation (min. density 11 kg/m³) - 10 mm thick plasterboard.
External doors	30 dB	Minimum 35 mm thick solid core door (or the acoustic equivalent glazed door) with weather seals.
Ventilation	NA	To be designed so as to not de-rate the overall performance of the building facade.
Glazing	34 dB	A minimum of 6.76 mm thick laminated glass or the equivalent double-glazing unit such as 6 / 12 / 6 DGUs. Glazing suites should be selected based on the entire suite (glass, frame and seals) achieving the minimum sound insulation performance requirement.

Figure 10 Excerpt of the northern interface façade insulation requirements (source: Acoustic Report, Clarity Acoustics, pg 16-17)



158. To address traffic noise and music noise, the façade of dwellings with improved sound insulation will need to achieve standards which are typically higher than the relevant sound criteria identified at Clause 58.04 for bedrooms and living areas, noted as follows:

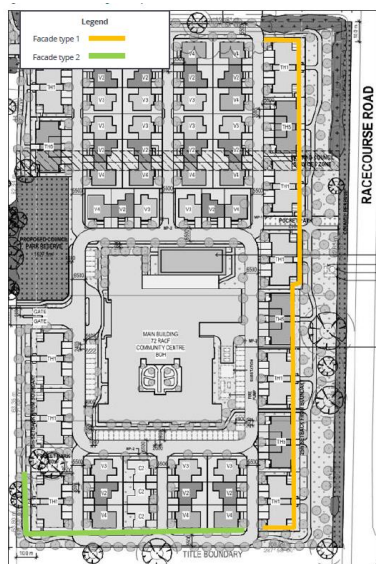


Table 16 - Recommended façade construction requirements

Area	Facade type 1		Facade type 2	
	Minimum R_w	Indicative construction	Minimum R_w	Indicative construction
Walls	46 dB	Masonry/brick construction OR lightweight construction as follows: <ul style="list-style-type: none"> 15 mm thick fibre compressed cement sheet (min. density 1,600 kg/m³) 64 mm thick steel or 70 mm thick timber stud with 50 mm thick glasswool cavity insulation (min. density 14 kg/m³) 13 mm thick plasterboard. 	38 dB	Masonry/brick construction OR lightweight construction as follows: <ul style="list-style-type: none"> 6 mm thick fibre cement sheet 51 mm thick steel or 70 mm thick timber stud with 50 mm thick glasswool cavity insulation (min. density 11 kg/m³)
Roof	38 dB	<ul style="list-style-type: none"> 0.42 mm thick metal deck or ceramic/concrete tiles 50 mm thick ceiling glasswool insulation (min. density 14 kg/m³) 10 mm thick plasterboard. 	36 dB	<ul style="list-style-type: none"> 0.42 mm thick metal deck or ceramic/concrete tiles 50 mm thick ceiling glasswool insulation (min. density 11 kg/m³) 10 mm thick plasterboard.
External doors	32 dB	Minimum 35 mm thick solid core door (or the acoustic equivalent glazed door) with acoustic seals.	30 dB	Minimum 35 mm thick solid core door (or the acoustic equivalent glazed door) with weather seals.
Ventilation	NA	To be designed so as to not de-rate the overall performance of the building facade.	NA	To be designed so as to not de-rate the overall performance of the building facade.
Glazing	36 dB	A minimum of 8.5 mm VLAM Hush laminated glass or the equivalent double glazing unit such as 6 mm / 12 mm / 6.76 mm DGU. Glazing suites should be selected based on the entire suite (glass, frame and seals) achieving the minimum sound insulation performance requirement.	32 dB	A minimum of 6.38 mm thick laminated glass or the equivalent double glazing unit such as 5 mm / 12 mm / 5 mm DGU. Glazing suites should be selected based on the entire suite (glass, frame and seals) achieving the minimum sound insulation performance requirement.

Figure 11 Excerpt of the eastern and southern interface façade insulation (source: Acoustic Report, Clarity Acoustics, pg 23-24)

159. A permit condition will require these specifications to be shown on the development plans to be endorsed.
160. Council's recommended condition requiring a Noise Assessment Report to be submitted following completion of the development to confirm the acoustic attenuation measures achieve the relevant requirements is appropriate to include, with modifications to allow for staged construction if applicable.
161. On this basis, it is not considered necessary to include Council's recommended permit condition requiring the acoustic fence to be constructed on the northern boundary and this has been supported by Council officers.

Sustainability

Environmentally Sustainable Design (ESD)

162. Clause 15.01-2L-02 (Environmental Sustainable Development) seeks to achieve best practice in environmentally sustainable development to facilitate development that minimises environmental impacts. This is to be demonstrated by the submission of a Sustainability Management Plan which includes an assessment using BESS, NatHERS, MUSIC and Green Star.
163. The sustainability management plan prepared by SDC (dated November 2025) and the supporting daylight assessment, NatHERS assessment results, and MUSIC modelling prepared by DPM outlines a generally appropriate response to these strategies, achieving a compliant BESS score of 53% that outlines a range of ESD initiatives including, but not limited to:
- Dwelling siting and layout that achieves best practice daylight access.
 - Separate metering of independent living units (ILU) for electricity and potable water.
 - Water efficient fittings, fixtures and appliances.
 - Rainwater tanks for water reuse onsite.
 - Thermally efficient building fabric and high-performance HVAC systems.

- Separate sub-metering for RACF building.
- Energy efficient lifts and ozone laundry system.
- Water efficient landscaping and extensive site vegetation (49% of the site).
- Use of low to zero VOC content materials.
- 99kW rooftop photo-voltaic solar panel system on the main RACF building.
- Construction waste management plan and recycled materials to reduce environmental impacts.
- Light external colours to reduce urban heat island effect.
- External lighting designed to minimise light pollution.
- Provision for electric vehicle infrastructure.

164. The council seeks additional conditions related to improved ESD outcomes, such as lighter driveway colours, provision of solar PV on all residential buildings, requiring an updated SMP to provide additional details on where hot water systems (electric heat pumps or instantaneous electric) will be used, and providing external shading devices to the RACF building. Conditions that go beyond requiring verifying or seeking implementation of the SMP do not have a planning nexus and are not appropriate for inclusion. The external shading devices to the RACF building should be shown and this will be included as a condition of permit.

Water Sensitive Urban Design (WSUD)

165. Clause 15.01-2L-02 (Environmental Sustainable Development) and Clause 19.03-3S (Integrated water management) seek to sustainably manage water supply and demand, water resources, wastewater, drainage and stormwater through an integrated water management approach. Clause 19.03-3L (Integrated water management - Mornington Peninsula) seeks to ensure development in new areas is connected to reticulated sewerage.
166. The provisions of Clause 53.18 Stormwater Management in Urban Development do not apply to applications under a provision of the Low-Density Residential Zone.
167. Regardless of this, the proposal includes a SMP with a MUSIC assessment and WSUD Report that demonstrate WSUD treatment measures for the stormwater runoff from the site will pass through a gross pollutant trap (GPT), then be directed to 300 m² of raingardens for treatment before flowing into the drainage retarding basin before discharge to the legal point of discharge (LPOD).

Drainage basin

168. Council's recommended conditions are generally accepted and it is recommended that the layout and sizing of the drainage asset be updated on architectural plans, and detailed engineering reports and designs to be submitted and approved by the Council and a construction management plan which will require details of the management of stormwater runoff on waterways during construction at all stages of development.
169. Council's recommended conditions associated with the drainage basin require, among others, a 1:7 batter to allow for the mowing of grass by maintenance contractors and a maximum 1:5 batter for landscaped surfaces (i.e. not grass/lawn). Council cites the Melbourne Water Retarding Basin Assessment Guidelines (2017) which directs retarding basin embankments to be designed, among others, for embankment batter slopes no greater than 1 in 5, with the rationale that this "provides accessible embankment slopes to enable maintenance such as mowing" (page 8). The impact of this condition would require modification to the size and layout of the drainage basin.
170. The proposal includes a 1:4 batter for the drainage basin and does not include the planting of grass/lawn within the embankment batter that would require maintenance. The Drainage Memo and SWMS prepared by DPM Consulting demonstrates that the proposed drainage basin is appropriately sized, the batters are consistent with industry best practice and aligns with the performance-based approach of the Melbourne Water Constructed Wetlands Design Manual (2016). On this basis, the 1:4 batter outcome is supported, and Council recommended permit conditions will be amended accordingly.



171. Regardless of whether the drainage asset is a private asset or public asset vested in Council, the stormwater detention and stormwater treatment systems should support the outcome of the Woodbyne Precinct by being designed to serve Lots 1-11 and reserves on PS346179Y. Conditions will be included to this effect, noting that detailed design matters including maintenance requirements are typically addressed through subsequent processes and are not a planning merits issue.

Car and Bicycle Parking, Loading, and Other Services

Car Parking

172. The statutory car parking requirements for the proposal have been met as follows:

Use	Number	Rate	Amount Required	Amount Provided
2 Bedroom RV dwellings	88 dwellings	1 space per dwelling	88 spaces	80
3 Bedroom RV dwellings	56 dwellings	2 spaces per dwelling	112 spaces	112
Visitor parking associated with RV use	144 dwellings	1 car space for visitors to every five dwellings for developments of five or more dwellings	28 spaces	116 spaces
Residential aged care facility	73 care beds 15 ALAs	0.3 car spaces to each lodging room	26 spaces	56 spaces
Total			256 spaces	372 spaces

Visitor car parking

173. Objections cite concerns regarding the provision of visitor car parking and impacts on the existing street network.
174. The surplus car parking of 118 spaces provided for visitors is considered an appropriate contribution within the proposed street network to minimise impacts to surrounding on-street parking opportunities. These comprise:
- Car parking within the perimeter of the main RACF building along the loop road, containing a total of 56 car parking spaces, including two (2) DDA car parking spaces. The plans allocate 14 car spaces as staff and 42 car spaces for shared public car parking purposes.
 - Visitor parking opportunities along one-side of the internal private driveways where this activity does not conflict with garage access based on the 5.5m wide internal roadways provided. Approximately 25 spaces are available for these purposes (not proposed to be formally line marked or signed).
 - A porte cochere at the front of the main RACF building that will accommodate 2-3 cars concurrently and serves pick-up and drop-off of residents as required and contribute to visitor car parking demands.
175. Council have requested conditions seeking to provide centralised visitor car parking for dwellings in the area east of the drainage basin, provision of a parking bay for courtesy resident shuttle bus, traffic calming measures throughout the development, showing the location of gate access infrastructure and associated power supply, and for car parking signage and linemarking to be shown.
176. It is considered that visitor parking provision and traffic calming measures are sufficient; no changes are required.
177. Gate access and power supply details, and provision of shuttle bus parking will be required to be shown as conditions of permit. Matters such as signage and linemarking can be addressed in detailed design phase and are not required to be specified on the planning drawings.

Layout, Access & Traffic

178. The proposed car parking provision, access and layout and anticipated impacts on the surrounding street network align with the strategies of Clause 18.02-3R (Principal Public Transport Network) and Clause 18.02-4S (Roads) and the decision guidelines of Clause 32.08-6 (Low Density Residential Zone) and Clause 52.06-10 (Car Parking).

Vehicle access and car parking

179. The on-site car parking and access broadly complies with the relevant design standards of Clause 52.06-9 (Design standards for car parking). Subject to conditions for engineering plans to be submitted for endorsement addressing minor matters such as footpath linkages, car parking signage and line marking, the proposal will provide convenient onsite parking that can operate efficiently, with minimal impact to the surrounding road network.
180. The proposal seeks variation of Clause 52.06-9 (Design standards for car parking) to the internal dimensions of garages associated with the following RV typologies being Cottage 2 (3.41m wide), Villa 2 (3.44m wide) and Villa 4 (3.42m wide). Council seeks conditions that require residents bin storage to be located without encroaching into car parking areas. This condition is not necessary, noting that the indicative bin location have been located outside the clearance requirements of Diagram 1 of the Clause 52.06-9 already. The proposed reduction (less than 100mm) is considered acceptable and remains in line with requirements for a garage under AS2890.1-2004 (3.0m).

Service and emergency vehicles

181. Objections raise concern associated with service and emergency vehicle access. The applicant Traffic Engineering Assessment includes swept paths for service vehicle access which demonstrate safe and functional vehicle movements can be accommodated throughout the site.

Pedestrian access

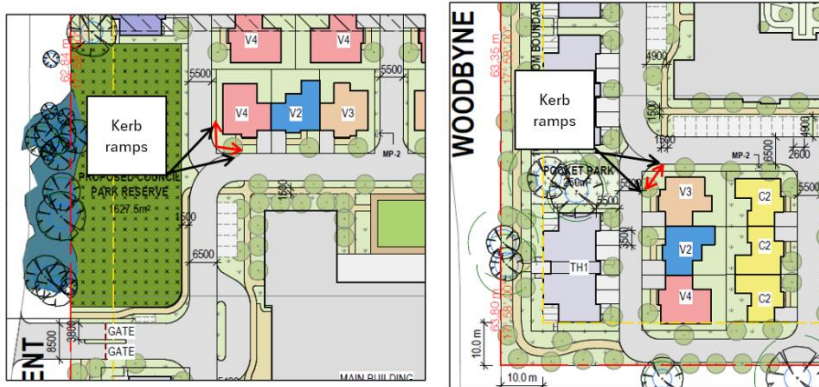
182. Council seeks conditions that provide for pedestrian access through the site that allows for continuous accessible path to walk around the site via formal pathways between residences and the communal club house building (activity centre). This is outlined in Figure 12 below and will improve accessibility for residents as such is considered appropriate for inclusion.



Provide a pedestrian connection between the pathway on the eastern side of Woodbyne Crescent and the southern villas east of the drainage basin.



Provide a pedestrian connection between the pathway north of the lawn bowls to the east-west shared path within the eastern Council reserve.



Provide pedestrian connection between the path around the main building to the access road at both the north-west and south-west corners, running across the front of the respective corner villas.

Figure 12 Excerpt of clarification of the Council referral response

183. Council also seeks additional pedestrian connections to connect the development to Racecourse Road with a minimum of two footpath connections to the existing footpath. This is reasonable to include with clarification that these should be private connections and will improve site permeability for pedestrian access given the extensive length of the Racecourse Road frontage.

Traffic generation

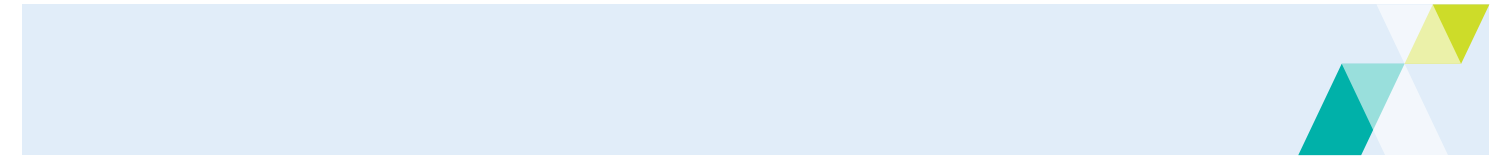
184. Regarding the traffic generation impacts of the proposal, the Traffic Engineering Assessment submitted with the application, using a case study of retirement village of similar size, concludes the proposal is anticipated to generate 710 vehicle movements per day while the existing residential lots generate approximately 50 vehicle movements per day. This is well below the anticipated volumes to require any upgrade to Woodbyne Crescent which is classified as an Urban Access Street under the Mornington Peninsula Shire Council Road Register with indicative maximum volumes of Urban Access Streets being 1,000-2,000 vehicles per day. As such the road network is expected to have the capacity to accommodate the traffic generation.
185. The Council's submission raised the concern that a higher traffic generation rate and further analysis of the Woodbyne Crescent/Watt Road intersection to assess whether turn lanes are warranted is appropriate. Council considers that a precinct planning approach should be undertaken to provision of transport infrastructure and as such, recommends conditions requiring the RV & RACF proponent to deliver all infrastructure items forming part of Amendment C247morn.
186. DTP consider the Council's suggested conditions appropriate in part. The proponent should only be responsible for delivering infrastructure items for which there is a reasonable and necessary need and nexus for, such as footpath connections along the eastern side of Woodbyne Crescent and widened footpath on the north side of Watt Road.
187. The Precinct Infrastructure Funding Plan under Amendment C247morn is considered the appropriate and equitable mechanism for delivering precinct infrastructure items, for which the increased density would warrant the need for.

Bicycle Facilities

188. There is no requirement for bicycle parking specified in Clause 52.34-1 of the Scheme for a retirement village or residential aged care facility.

Loading / Unloading

189. Clause 65.01 requires the consideration of the adequacy of loading and unloading facilities and any associated amenity, traffic flow and road safety implications.

- 
190. The proposal is anticipated to have low loading/unloading demands based on the activities proposed onsite however a dedicated loading area is provided in the back of house area of the residential aged care facility and within the internal road network an option for waste management and deliveries (i.e. meal delivery, mail vans) to be made efficiently and without relying on on-street parking.

Waste

191. A waste management plan has been provided which outlines the proposed waste storage and collection facilities and methods for both the retirement village and the residential aged care facility components of the development which align with the strategies at Clause 19.03-5S (Waste and resource recovery) for supporting proper management of different waste streams.
192. The Waste Management Plan provides for, among others:
- Under-bench waste receptacles within individual independent living units and assisted living units;
 - Storage of waste and recycling bins within resident garages for retirement village dwellings;
 - Provision of communal compost bins within communal parks and gardens;
 - Private contractor collection of general waste, recycling and green waste;
 - Centralised bin storage within the main building to service the residential aged care facility;
 - On-site management of waste collection by staff for shared facilities and supported residents.
193. The proposed waste management arrangements are adequate for the development and will be serviced by private collection without adverse amenity impacts.
194. The council seeks a condition requiring the permit holder to enter into a section 173 agreement confirming that the liability for waste, recycling and green waste management rests with the Owner or Owners Corporation, who must arrange and manage all private waste collections for the development in accordance with the endorsed Waste Management Plan. This is not considered necessary to include on the permit as the waste management plan will require that a private waste collection service will be used and prospective future residents would reasonably expect a development of this size to utilise a private waste collection service.

Public Benefits

Affordable Housing

195. The application is made under Clause 53.23 (Significant Residential Development with Affordable Housing) which amongst other matters, seeks to facilitate residential development that includes affordable to meet existing and future needs.
196. Clause 02.03-1 (Settlement) of the Municipal Planning Strategy encourages greater housing diversity within established urban areas, while Clause 16.01-1S (Housing supply) seeks to facilitate well-located, integrated and diverse housing that meets the needs of the community. Clause 16.01-2S (Housing affordability) further supports increasing housing choice and diversity to assist households as they move through life-cycle changes.
197. The proposal seeks to deliver a retirement village and residential aged care facility, providing a continuum of accommodation ranging from independent living through to assisted care within an established residential area of Mornington. This form of development responds to the needs of an ageing population and supports the policy objective of ageing-in-place, thereby contributing to housing diversity within the municipality. The use is further supported by Clause 16.01-5S (Residential aged care facilities), which recognises residential aged care facilities as an appropriate use within residential areas and acknowledges their distinct purpose and housing role.
198. The application is supported by an Affordable Housing Report, prepared by Urbis and dated November 2025 that is an application requirement of Clause 53.23 and to qualify for Clause 53.23, a 10% affordable housing contribution into the proposal, or an alternative contribution as appropriate. The proposal includes a 3% (of development cost) cash contribution to the Social Housing Growth Fund, in lieu of providing 10% of 'dwellings' on site as affordable



housing, in line with standard alternative options outlined by the Development Facilitation Program (Department of Transport and Planning). This will be secured by a section 173 agreement required by permit conditions.

199. It is not considered necessary for the affordable housing contribution to be provided within the development for the proposal to also present a public benefit, nor for the affordable housing cash contribution to be secured directly within the Mornington or Mornington Peninsula area. It is considered that the proposal balances competing objectives in favour of net community benefit and sustainable development in accordance with Clause 71.02-3 (Integrated decision making) by:
- Providing a notable contribution to the type and amount of housing stock within the Mornington area, as well as a financial contribution towards affordable housing that stands to benefit the broader community and affordability of housing in Victoria.
 - The proposed built form, including the maximum 2-storey building height (predominately single storey) can be accommodated onsite with minimal off-site amenity impacts, that are in line with the level of off-site amenity impact deemed acceptable in residential settings under currently planning policy and related legislation.
 - The proposal presents a high-quality urban design outcome with sufficient landscaping opportunities to make a positive contribution to the public realm and offset the proposed removal of vegetation.
 - The proposal poses minimal impact on the operation of the surrounding street network and appropriately utilises land near surrounding amenities for more intensive development.

Other Matters

Staging and Precinct Infrastructure

200. The proposal includes the delivery of two (2) major infrastructure items, being a drainage basin sized to service the Woodbyne Precinct catchment area and a 'land swap' component to deliver a centrally located public park.
201. It is considered that, given the various complexities of the land sale process, and the detailed design and construction process of a significant drainage asset that a staged approach to construction and infrastructure delivery would be appropriate. As such, it is considered that a Staging and Infrastructure Plan should be required as a condition of permit, to be separately endorsed and outline the sequence of stages and a logical timing of precinct infrastructure delivery.
202. In particular, the Staging and Infrastructure Plan can be used to clarify the timing of the delivery of the drainage reserve, public realm works, precinct infrastructure (such as footpaths external to the site) and the Council park reserve, and an appropriate delivery timeframe having regard to civil construction works and occupation of buildings.
203. The applicant has also provided the preliminary civil works plan that includes demolition of existing buildings, bulk earthworks and site preparation works (excluding excavations associated with the drainage basin). The applicant has requested permit conditions that allow early works and vegetation removal to progress ahead of the endorsement of development plans and associated technical reports that resolve design detail.
204. The early works and vegetation removal (including native vegetation) triggers primary consent pursuant to the DDO6, EMO7, VPO1 and Clause 52.17 Native vegetation. As such, it is considered that conditions of the permit should require the scope of early works and vegetation removal to be submitted and approved, subject to the resolution of associated construction management plan considerations, payment of native vegetation offsets, and tree protection and mitigation measures to ensure protection of retained trees.
205. An excerpt of the Preliminary Civil Works Plan is outlined below:

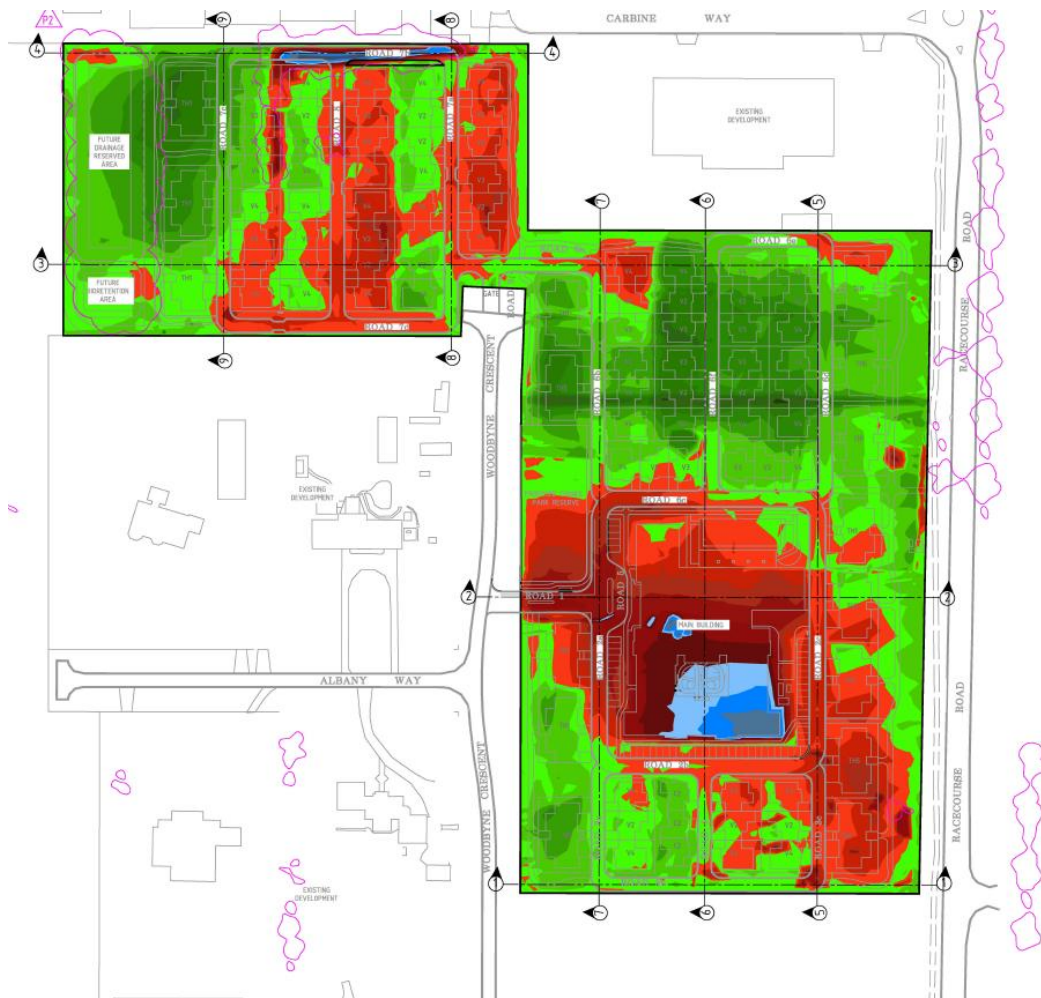


Figure 13 Excerpt of preliminary civil works package plan

206. Council has requested several conditions requiring the endorsement of plans, and Section 173 Agreement to be entered into and registered on the title, prior to the commencement of any works. It is considered appropriate to exempt the works identified on the Early Works and Vegetation Removal plan from these requirements, and to provide flexibility for the timing of the agreement to be entered into, particularly for the Council park reserve that is subject to the 'land swap' process.

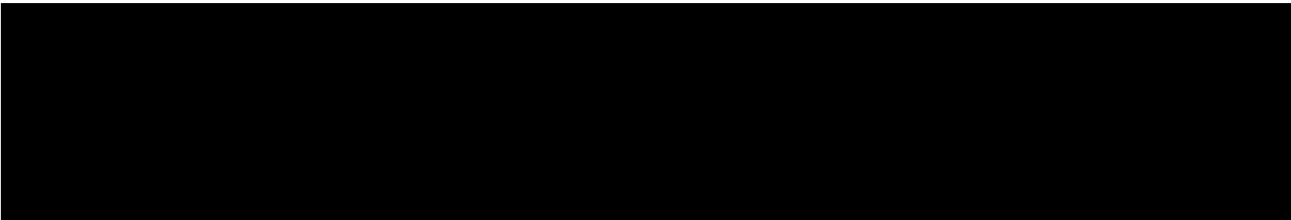


- 207. It is considered that the proposed use and development of the land for a retirement village and residential aged care facility, including associated works and the removal of vegetation, is appropriate for the site and its surrounds.
- 208. The proposal responds to the relevant planning policy framework and provides a form of development that is compatible with the area and meets an identified community need.
- 209. Council does not object to the proposal. All referral authorities have reviewed the application and have indicated support for the proposal, subject to conditions being included on any permit issued. Any objections raised have been considered.
- 210. It is recommended that Planning Permit No. PA2504077 for the use and development for a retirement village and residential aged care facility, with associated works and removal of vegetation (including native vegetation) at 4, 5, 6, 7, 8, 10 Woodbyne Crescent and 93 Watt Road, Mornington be issued subject to conditions.
- 211. It is **recommended** that the applicant, the council and all objectors and referral agencies be notified of the above in writing.

Prepared by:

I have considered whether there is a conflict of interest in assessing this application and I have determined that I have:

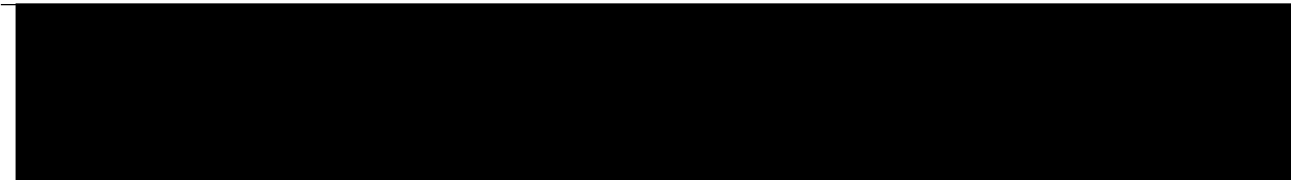
- No Conflict**
- Conflict and have therefore undertaken the following actions:
 - Completed the **Statutory Planning Services declaration of Conflict/Interest form**.
 - Attached the Statutory Planning Services declaration of Conflict/Interest form on to the hardcopy file.
 - Attached the Statutory Planning Services declaration of Conflict/Interest form into the relevant electronic workspace.



Approved by:

I have considered whether there is a conflict of interest in assessing this application and I have determined that I have:

- No Conflict**
- Conflict and have therefore undertaken the following actions:
 - Completed the **Statutory Planning Services declaration of Conflict/Interest form**.
 - Attached the Statutory Planning Services declaration of Conflict/Interest form on to the hardcopy file.
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Appendix 1: ‘Seriously Entertained’ policy assessment

The weight to be given to draft planning scheme amendments and other policies adopted by a municipal council but not yet forming part of the planning scheme, is normally assessed under the concept of ‘seriously entertained planning proposal’. This concept was first developed in *Lyndale & Black Pty Ltd v MMBW and Shire of Melton* (1983) 1 PABR 207 (editorial comment 1 PABR 206 and further developed (including for broader application to strategic policies) in *O’Connell Street Developments Pty Ltd v Yarra CC* [2003] VCAT 448, *Whitehorse City Council v Golden Ridge Investments Pty Ltd* [2005] VSCA 195 and *Double LZ Development Pty Ltd v Moreland CC (Red Dot)* [2015] VCAT 1558. An assessment against these principles is provided below:

- 1. The form of the planning proposal – a formal planning scheme amendment should be given much more weight than a planning proposal of a less formal nature.**

Response: C247morn would seek to rezone the subject site from PPRZ and LDRZ to NRZ42, apply the DPO25 and remove the DDO6. The intended form in a statutory planning context is therefore of a highly formal nature.

- 2. The stage which the proposal has reached in the planning process – greater weight will be given to a planning proposal which has reached an advanced stage in the planning process.**

Response: Amendment C247morn has reached an advanced stage and is the result of a large breadth of strategic housing studies undertaken by the Council and technical work that has been undertaken by the proponent over several years for the Woodbyne Precinct. The Panel Report has been released and Council is considering adoption of the amendment in the imminent future.

- 3. The seriousness in which the State Government is pursuing the implementation of the planning proposal.**

Response: Amendment C247morn is a proponent-led amendment that accords with the State Government’s aspirations for increasing housing supply in Plan for Victoria and achieving mandatory housing targets. The Panel Report has been released and finds the Amendment strategically justified and accords with State policy.

- 4. Whether the grant of the planning permit would impair the objectives of the planning proposal and not merely be inconsistent with the strict letter of the planning proposal.**

Response: The grant of planning permit supports the objectives of the proposed planning proposal, being the proposed planning framework under Amendment C247morn.

- 5. Whether the adopted policy/proposal has been the subject of an adverse independent Panel report and/or departs from the recommendations of the Panel in a material way.**

Response: The Amendment C247morn Panel Report has been released and finds the proposed planning framework of NRZ42 and DPO25 strategically justified and accords with State policy.

- 6. The time at which the adopted policy was prepared and, potentially, the lapse of time between this and the consideration of an application (wherein the planning context may have further changed or evolved).**

Response: The Amendment C247morn Panel Report was released in November 2025 however there are few changes to the planning context that would materially affect the strategic merit of the Amendment.

In summary, the proposed planning framework in Amendment C247morn presents an advanced, generally well-resolved Section 96A combined planning scheme amendment and subdivision application for the Woodbyne Precinct that is sought to be formalised through new planning controls. This is considered ‘seriously entertained’ and should be given some weight when assessing the application.



Assessment against the proposed Neighbourhood Residential Zone – Schedule 42 (NRZ42)

Neighbourhood character objective	Assessment
1. To ensure new development respects the predominant built form on residential land to the west of the precinct with simple building forms and low-pitched roofs with prominent eaves.	Only 5 Woodbyne Crescent has a direct interface with residential land to the west of the subject site. A proposed drainage reserve is located immediately adjoining this interface, resulting in a substantial separation between the proposed buildings and existing dwellings to the west. This setback will provide an appropriate built form transition and adequately respond to neighbourhood character considerations.
2. To ensure new development respects and responds to the valued character of the Mornington North area through appropriate building siting and streetscape rhythm that provides space for native vegetation and contributes to the sense of openness.	The proposal respects the valued character of Mornington North by: <ul style="list-style-type: none"> • Providing a substantial building setback of 25m and considerable vegetation to Racecourse Road. • Providing sufficient separation between townhouses fronting Racecourse Road to create an open feeling along that frontage. • Providing a built form setback of at least 10m to other boundaries. • Maintaining a one or two-storey height throughout the development, consistent with the existing character. • Retaining native vegetation where possible and substantial landscaping.
3. To encourage the formal garden setting of dwellings, characterised by large native canopy trees, bushes, shrubs and garden beds.	The retirement village and residential aged care facility does not include conventional dwellings and therefore does not need to respond to this objective. However, the landscaping proposed for the development will ensure a garden setting for future residents.
4. To ensure new development does not dominate the streetscape and minimises the prominence of car parking structures and access.	The considerable building setback (25m) and maximum two-storey design fronting Racecourse Road will ensure development does not dominate the streetscape. Car parking is accessed from internal roads, hence car parking will not be prominent from Woodbyne Crescent or Racecourse Road.
5. To retain the spaciousness of the streetscape, characterised by absent, or low and permeable, front fences with views to front garden areas.	For security and perceived security reasons, fencing to the site is required to provide a level of security that is not compatible with low or permeable front fencing. However, fencing adjoining the public park will be of an open palisade design to enable passive surveillance of the public open space.

NRZ42 also includes variation to the Clause 54 and 55 residential development standards. These are not applicable for a retirement village and residential aged care facility.

Assessment against the draft Development Plan (DP) and Development Plan Overlay Schedule 25 (DPO25)

DPO25 and draft DP	Proposal	Council position	DTP Assessment
Drainage basin to service catchment (public asset)	Drainage basin designed to service the precinct catchment (public asset).	Updated drainage basin design is acceptable subject to conditions as a public asset vested in Council and other conditions requiring among others a 1:7 batter to allow mowing lawn. Must be sized to service the balance lots in the Woodbyne Precinct.	Support, subject to conditions requiring a 1:4 batter given no mowing of lawn is required and this grade is consistent with industry practice on stormwater retention basins in urban settings. Permit conditions can include the requirement that the drainage asset must service the balance lots in the Woodbyne Precinct.



Landscaped buffers 10m to Watt Rd, 25m to Racecourse Road	Provided.	Support.	Support.
Dwelling density - 200 dwellings for entire precinct	144 dwellings for the 6 out of 11 existing lots.	Increase in dwelling density strategically supported.	Support.
Built form – maximum 2-storey	Provided.	Support.	Support.
<p>Open Space includes:</p> <ul style="list-style-type: none"> Central park 1217sqm Landscaped connection to Carbine Way 560sqm Landscaped connection to Racecourse Rd 455sqm Landscaped connection to Watt Rd 307sqm Widening reserve to create a splay on corner of Watt Rd and Racecourse Rd 10sqm 	<p>Central park 1627sqm (same size as the Council-owned reserve it is proposed to replace).</p> <p>No landscaped connection to Carbine Way – RV and RACF is a gated community</p> <p>No landscaped connection to Racecourse Rd 455sqm</p> <p>Other items – not relevant to subject site</p>	<p>The proposed central park relies on the Council approval of the sale of the reserve. Does not contain the extent of vegetation shown to be retained on the DP.</p> <p>Connection to Carbine Way required.</p> <p>No connection to Racecourse Road OK because of the shift in bus stop location.</p>	<p>Central park is supported – a S173 Agreement permit condition can require the contract of sale component of the 'land swap' to occur prior to commencement of development and for the completion of the Council park reserve prior to the occupation of the relevant stage.</p> <p>Connection to Carbine Way is not required as public access through a private retirement village and residential aged care facility is not appropriate.</p> <p>Connection to Racecourse Road is appropriate because of the shift in bus stop location.</p>
Transport infrastructure to support the wider precinct including footpath upgrades, right hand turn lane intersection treatment at Watt Rd/Woodbyne Crescent, widening Woodbyne Crescent to 7.3m wide, splitter island with pedestrian refuge at Watt Rd/Racecourse Rd intersection and concrete bus bay on Racecourse Road.	No additional transport infrastructure outside of the site is proposed. Applicant discussions considered partial acceptance of delivering precinct infrastructure, such as public footpaths.	In lieu of Amendment C247morn being adopted and Precinct Infrastructure Funding Plan (PIFP), Council's draft permit conditions require delivery of all transport infrastructure items via S173 Agreement.	<p>Support in part. Only the infrastructure items that the applicant has agreed to deliver are reasonable and necessary to include as permit conditions.</p> <p>The Precinct Infrastructure Funding Plan under C247morn is considered the appropriate delivery mechanism for all other precinct infrastructure items (making provision for Works in Kind delivery mechanisms), rather than via this application alone.</p>

Appendix 2: Objection summary and response table



Objection issue	Response
<i>Vegetation removal and habitat displacement – inadequate demonstration that vegetation removal has been avoided or minimised</i>	The applicant has made substantial design modifications during the pre-application process to reduce the extent of vegetation removal from the originally proposed 0.164 hectares to 0.084 hectares. A large number of mature native and exotic trees are to be retained throughout the site and the road reserve and have been incorporated into the design and layout of the public parks and amenity spaces for future residents. Overall the proposed extent of vegetation to be removed is acceptable – the majority of vegetation is of low amenity value and canopy coverage. There are opportunities to retain additional vegetation within the public park (part of the land swap) being trees 81, 169, 170, 171, and 172G. Subject to this condition, the proposed development will enable a robust and appropriate landscaping response that will increase the site’s canopy coverage.
<i>Sensitive use interface and public health impacts including displacement of Indian Myna birds</i>	See body of the report for in depth discussion of the vegetation removal and addressing offsite amenity impacts.
<i>Increased traffic movements and associated congestion and safety impacts</i>	The applicant’s Traffic Engineering Assessment includes a review of the traffic movements and safety impacts and concludes that no intersection upgrade or road widening works are required to facilitate safe traffic movements and access for the development.
<i>Insufficient parking, impact on on-street parking and service vehicle access.</i>	The proposal provides the statutory requirement for the retirement village and residential aged care facility use and exceeds the visitor requirement at levels appropriate for the nature of the use and is not considered to introduce on-street parking demands that exceed the capacity of available on-street parking. Swept paths for service vehicle access have also been provided and assessed by Traffix Group. These show safe and functional vehicle movements can be accommodated throughout the site.
<i>Increased healthcare infrastructure needed to meet the increased demand generated by development.</i>	The residential aged care facility and assisted living building have facilities that allow for both preventative and some non-emergency health concerns, with the intent of providing a high standard of health and medical care for future residents. There is little evidence that the proposed development will result in an unacceptable impact to healthcare infrastructure.
<i>Expanded services and infrastructure such as public transport, community facilities and utilities required to cater for additional demand</i>	The proposed development includes a public open space and stormwater infrastructure to cater for the stormwater demand of the broader Woodbyne Precinct under Amendment C247morn. As such the proposal includes significant infrastructure that delivers community facilities and utilities to cater for future demand. The provision of additional public transport services is not within the remit of this application, however, the site operator has indicated the strong likelihood to run private mini-bus services – the Council’s recommended conditions to include provision of shuttle bus facilities will be included on any permit which may issue. Amendment C247morn has also considered public transport infrastructure provision strategically at a precinct level.
<i>Failure to respect neighbourhood character and residential context</i>	The proposed development increases the dwelling density compared to the existing low density residential context. However, the proposal is considered to respect and respond to the existing residential context by: <ul style="list-style-type: none"> • Providing a 25m building setback to Racecourse Road.



- Providing a 10m setback to all other boundaries.
- Limiting building heights to a maximum of 2 storeys.
- Retaining substantial high-quality vegetation throughout the site, particularly groupings of trees along boundaries.
- Proposing a highly vegetated landscape setting for new dwellings.

The proposal is considered to respond to its strategic residential context and anticipated character as the draft Amendment C247morn seeks to rezone the land from LDRZ to NRZ and per existing local policy direction at Clause 11.03 6L (Regional and local places – Mornington North) which anticipate additional housing diversity on the site, particularly housing that enables ageing-in-place.

Unreasonable amenity impacts due to noise, light spill, building bulk, overlooking, traffic, hours of operation

Refer to the body of this report for assessment of off-site amenity impacts. Overall the proposed development is not expected to result in unreasonable amenity impacts to adjoining or future dwellings, subject to conditions.

Strategic concern and setting a precedent for further institutional or higher-intensity uses

All planning permit applications are assessed on the merits of the proposal. Any decision on this application does not preclude assessment of future applications.

Property value impacts

Impacts on property values are not a planning consideration under the Planning and Environment Act 1987 and cannot be given weight in the assessment of the application.

Transparency and legitimate expectations of standard residential development

The development expectations of adjoining landowners is not a relevant consideration to a planning assessment. The Mornington Peninsula Planning Scheme sets out the permissible use and development under the zone – all planning permit applications are assessed on the merits of the proposal.

Appendix 3: Assessment of Clause 53.17 (Residential Aged Care Facility) development requirements

Design Requirement	Response
<p><i>Building height (mandatory)</i></p> <p><i>In the Neighbourhood Residential Zone, the maximum building height must not exceed 16 metres.</i></p>	<p>The RACF building proposes a maximum height of 8 metres above natural ground level and therefore meets this requirement.</p>
<p><i>Street Setback (can be varied)</i></p> <p><i>The walls of buildings should be set back from street the distance specified in the table. In this instance, the relevant distance is 9 metres.</i></p>	<p>The RACF building has a minimum street setback to Racecourse Road of 25 metres and to Woodbyne Crescent of between 8.1m and in excess of 10m. The marginal non-compliance is appropriate given the angled front boundary.</p>
<p><i>Side and rear setbacks (can be varied)</i></p>	<p>This requirement is not applicable to the RACF building as it is not sited anywhere near a side or external rear boundary.</p>
<p><i>Walls on boundaries (can be varied)</i></p>	<p>This requirement is not applicable to the RACF building as it does not propose any walls on a side or rear boundary.</p>
<p><i>Daylight to existing windows (can be varied)</i></p>	<p>This requirement is not applicable to the RACF building as it is not within close proximity to any existing habitable room windows either on the site or adjoining properties.</p>
<p><i>North-facing windows (can be varied)</i></p>	<p>This requirement is not applicable to the RACF building as it is not within close proximity to any existing north-facing habitable room windows either on the site or adjoining properties.</p>
<p><i>Overshadowing open space (can be varied)</i></p>	<p>This requirement is not applicable to the RACF building as the building does not create any overshadowing to any private open space area of existing dwellings either on site or on adjoining properties.</p>
<p><i>Overshadowing solar energy systems (can be varied)</i></p>	<p>This requirement is not applicable to the RACF building as the building does not create any overshadowing to any rooftop solar energy facilities on existing dwellings either on site or on adjoining properties.</p>
<p><i>Overlooking (can be varied)</i></p>	<p>The RACF building is located at a significant distance in excess of 9 metres to any secluded private open space or habitable room window of existing dwellings on site or on adjoining properties. No overlooking from this building occurs.</p>
<p><i>Noise impacts (can be varied)</i></p>	<p>There are no bedroom windows of existing dwellings in proximity to the RACF building.</p>
<p><i>Access (Can be varied)</i></p> <p><i>Access ways should be design to:</i></p> <ul style="list-style-type: none"> <i>Provide direct access to on-site designated areas for</i> 	<p>Access to the site is provided via Woodbyne Crescent with a vehicle drop-off area provided via the port cochere within the front setback of the proposed RACF building. Loading/drop-off and waste collection area is provided to the rear of the facility accessed internally to the site. The</p>



<p><i>car and bicycle parking.</i></p> <ul style="list-style-type: none"> • <i>Provide direct access to the building for emergency vehicles.</i> • <i>Provide access for service and delivery vehicles to on-site loading bays and storage areas.</i> • <i>Ensure vehicles can enter and exit a development in a forward direction.</i> • <i>Provided a carriageway width of at least 5.5 metres and an internal radius of at least 4 metres at a change of direction.</i> • <i>The umber and location of access point from the streets to the site and the design of crossovers must be to the requirements of the relevant road authority.</i> • <i>Shared access ways or car parks should be located at least 1.5 metres from the windows of habitable rooms. This setback may be reduced by 1 metre where there is a fence at least 1.5 metres high or where window sills are at least 1.4 metres above the access way.</i> 	<p>various vehicle access points and parking/drop-off facilities allow for the safe and efficient function of the site, including access for emergency vehicles. Vehicle swept paths will be required as conditions of permit to demonstrate two-way vehicle access around bends.</p> <p>All other access requirements are discussed in the body of report regarding access/car parking requirements.</p>
<p><i>Building Entry (Can be varied)</i> <i>The main pedestrian entry to a building should:</i></p> <ul style="list-style-type: none"> • <i>Have convenient access from a street.</i> • <i>Be sheltered from the weather.</i> • <i>Have convenient access from on-site car parking.</i> • <i>Have a designated vehicle standing area suitable for use by a community bus and disable parking area should be provided that is convenient for the drop-off and pick-up of residents.</i> 	<p>The main pedestrian access to the site is provided via Woodbyne Crescent. A condition of permit will require the construction of footpaths along Woodbyne Crescent and connections to existing footpaths on Racecourse Road to connect the development to the new port cochere vehicle drop-off area (suitable for use by a community bus) in the front setback of the RACF building and car parking (including disabled car parking) around the RACF building. A secondary entrance can be accessed directly north from Woodbyne Crescent. On-site car parking is provided within the internal street network and in formalised visitor parking areas, with pedestrian around higher trafficked areas.</p>
<p><i>Communal Open Space (Can be varied)</i> <i>Accessible and useable communal open space should be provided for residents and staff.</i></p>	<p>The RACF building provides generous provision of communal open space and communal facilities for aged care residents and to retirement village residents. These spaces are complemented by the building's access to the future public park (to be delivered and facilitated by the 'land swap' of Council-owned PPRZ land).</p>
<p><i>Front fence (Can be varied)</i> <i>A front fence within 3 metres of a street (excluding streets in a Transport Zone 2) should not exceed 1.5 metres in height.</i></p>	<p>This requirement is not met, as it is proposed to construct 1.8m high open palisade front fencing along the Racecourse Road and the Woodbyne Crescent frontages.</p> <p>As discussed in the body of the report, this fencing response is acceptable, as the site located on a heavily trafficked municipal road (Racecourse Road), is proportionate to the scale of the site and consistent with the character of nearby RV and RACF facilities. The open front fencing will remain highly visually permeable.</p>