EXECUTIVE SUMMARY

The purpose of this report is to:

- Advise Council of the outcome of the exhibition of Mornington Peninsula Planning Scheme Amendment C133 that proposes the introduction of a new Green Wedge Camping and Caravan Park Policy; and
- Outline a proposed response to the 22 submissions that were received which would form the basis of Council’s submission to an Independent Panel.

The report recommends that Amendment C133 be supported at the Panel, as exhibited, but subject to some minor change as described in Attachment 3 to this report.

BACKGROUND

At its meeting on 10 August, 2009, Council resolved to request the Minister for Planning to prepare and approve a Mornington Peninsula Planning Scheme Amendment C132, without exhibition, to provide for a Green Wedge Camping and Caravan Park Local Policy applied on an interim basis (the Minister approved Amendment C132 and this interim control will expire on 31 March, 2011). It was also resolved to request the Minister for Planning to authorise Council to prepare and exhibit a Mornington Peninsula Planning Scheme Amendment C133, which would provide the same policy as Amendment C132 but on a permanent basis.

The previous Council report with detailed explanation of the proposed Amendment C133 is attached as Attachment 5.

PROCESS

On 9 November, 2009 the Minister for Planning authorised Council to prepare the Amendment (Authorisation No. A01438) subject to the following condition:

“Notice of preparation of the Amendment to be given to Consumer Affairs Victoria within the Department of Justice and also to Tourism Victoria within the Department of Innovation, Industry and Regional Development.”

This condition was satisfied as both departments were notified of the proposed Amendment.

The Amendment was then prepared and exhibited for six weeks (from 16 February to 29 March, 2010) in accordance with the requirements of the Planning and Environment Act 1987 (the Act) and its related regulations. Advertising included notices in the Mornington Peninsula Leader, Frankston/Hastings Leader and Peninsula-Wide, display on the Shire’s website and individual notice sent to owners and occupiers who could be affected.
PROCESS (CONT’D)

22 submissions with varying views were received. See Confidential Attachment I for a copy of the submissions. The matters raised in the submissions are summarised later in this report (see Consultation section).

Under Section 23 of the Act, Council, as the Planning Authority, must consider all submissions and in respect of any submission that requests a change to the Amendment, the Planning Authority must:

- Change the Amendment in the manner requested; or
- Refer the submission to an Independent Panel; or
- Abandon the Amendment or part of the Amendment.

Submissions that seek no change to the Amendment may also be referred to the Panel and this is the usual practice to allow a fair assessment of a proposal, taking all views into account.

Under Section 153 of the Act, the Minister must appoint a Panel to consider any submissions referred to a Panel by a Planning Authority.

In this case, it was considered that Council is likely to refer all submissions to the Panel to give submitters an opportunity to better explain their views and for Council to receive the benefit of independent advice. The Manager – Strategic Planning has therefore requested the Minister for Planning to appoint an Independent Panel. In response to this request, Planning Panels Victoria has advised that the Directions Hearing will be on 9 November and the full hearing on 29 and 30 November, 2010, subject to confirmation of Council’s decision.

An Independent Panel is expected to provide its report to Council within six weeks of the last day of its hearings. Under Section 27 of the Act, Council is then required to consider the report together with all submissions. It may decide to adopt or abandon the Amendment, or any part of the Amendment, with or without changes.

In anticipation that Amendment C133 will not be finalised by the expiry date of the interim policy (31 March, 2011), it would be appropriate for Council to request that the Minister for Planning prepare a further Amendment to extend the expiry date of the interim policy.

POLICY CONTEXT

The Explanatory Report for the proposed Amendment sets out the relevant policy context. It is argued that the proposal is consistent with the existing State and Local Planning Policy Frameworks and supports the objectives of planning in Victoria and Minister’s Direction No. 9 (Metropolitan Strategy).

It should be noted that since Amendment C133 was exhibited, another Amendment (VC71) has been approved and this has resulted in a change to the structure of the State Planning Policy Framework (SPPF). The restructured SPPF now has substantially the same content but in a different thematic structure. A new version of the Explanatory Report has been prepared to refer to the new SPPF clause numbering (see Attachment 2).
CONSULTATION

22 submissions have been received in relation to Amendment C133. Two submissions raise no objection, two are in support and the remaining 18 submissions are objections (see Table 1). Of the objections, there are two broad views – one being that the Amendment does not go far enough in controlling camping and caravan parks and the other being that the Amendment contains too many restrictions.

It is notable that many of the submitters are community groups or connected with the caravan park industry, these include:

- Submission 8: Red Hill Community Action Inc.;
- Submission 9: Mount Eliza Action Group;
- Submission 12: Flinders Community Association Inc.;
- Submission 14: Mornington Peninsula Ratepayers and Residents’ Association Inc. and its precinct group, McCrae Action Group;
- Submission 15: Landscape and Protection Society Inc.; and
- Submission 19: Victorian Caravan Parks Association.

Submissions have also been made by three existing caravan park operators/owners and the owner of the land where a new caravan park is proposed. Notably, neither Consumer Affairs Victoria or Tourism Victoria have made a submission.

Table 1: Summary of submissions is shown below.

<table>
<thead>
<tr>
<th>Submitters’ Views</th>
<th>Total Number of Submissions</th>
<th>Submission Reference Numbers</th>
</tr>
</thead>
<tbody>
<tr>
<td>Support</td>
<td>Two</td>
<td>1 and 9</td>
</tr>
<tr>
<td>No objection</td>
<td>Two</td>
<td>2 and 15</td>
</tr>
<tr>
<td>Objection</td>
<td>18</td>
<td>3, 4, 5, 6, 7, 8, 10, 11, 12, 13, 14, 16, 17, 18, 19, 20, 21 and 22</td>
</tr>
</tbody>
</table>

The exhibition period for the Amendment was followed by further consultation with submitters at general meetings on 28 April, 2010, follow-up meetings and a site inspection of Amberlee Caravan Park and Ace Hi Caravan Park.

Additional material forwarded by submitters following the above consultation has been included, together with their primary submission in Confidential Attachment 1.

The Peninsula Advisory Committee for Elders (PACE) has commented on Amendment C133 and this comment is included as Attachment 4. Their letter supports the proposal and emphasises that caravan parks, being the most affordable alternative to a retirement village, are constantly under pressure for more permanent residency. The letter has not been treated as a formal submission for referral to the Panel given that PACE is an Advisory Committee to Council.
DISCUSSION

The submitters hold very mixed positions that can be broadly categorised with the following key propositions:

- **Proposition one** – appropriate but needs some strengthening (five submitters);
- **Proposition two** – inappropriate because caravan parks should be prohibited (nine submitters);
- **Proposition three** – inappropriate because it is not economically achievable (four submitters);
- **Proposition four** – appropriate if prescriptive standards removed (three submitters), also potentially acceptable to some submitters aligned with proposition three; and
- **Proposition five** – should not apply to the Special Use Zone (one submitter).

These will now be explained in more detail and a response provided as the basis for the proposed Council submission to be made to the Panel.

**Proposition One – Appropriate but Needs Some Strengthening**

This is generally the position expressed in:

- Submission 1: Country Fire Authority (CFA) fire protection related improvements;
- Submission 2: Melbourne Water – no objection;
- Submission 9: MEAG – strong support, but no improvements suggested;
- Submission 12: Flinders Community Association – some strengthening of objectives, policies and decision guidelines;
- Submission 15: Landscape Protection Society – concern about enforcement and validity re: State provisions; and
- Submission 18: In part argues land exempt from Green Wedge provisions, Clause 57 – should not be subject to the policy.

The submissions include both general proposals and quite specific comments regarding wording and expression as summarised below:

"The proposed policy is appropriate, subject to some improvement, in particular:

- Viable rural land use and patchwork of activity may be threatened by requirements which seek to protect the amenity of caravan park users;
- ‘Within single area of land’ – ambiguous part of policy;
- ‘The ability to carry out agricultural activity on neighbouring land should not be adversely affected’ – require in policy;
- ‘Compatible uses’ – ambiguous;"

Mornington Peninsula Shire Council
DISCUSSION (CONT’D)

Proposition One – Appropriate but Needs Some Strengthening (Cont’d)

“

• ‘Lodges’ – ambiguous;

• ‘Capacity of utility services’ – require in decision guidelines; and

• ‘Wildfire Management Overlay (WMO) related statement and mention of CFA Caravan Park Fire Safety Guideline’ – require in decision guidelines.

The policy should not apply to land that is exempted from Clause 57 – Metropolitan Green Wedge Land.”

Response to Proposition One

Some strengthening of Policy 22.19, as shown in Attachment 3, is justified in order to:

• Clarify that the policy should not apply to land that is exempted from Clause 57 – Metropolitan Green Wedge Land (this includes land in the Residential 1 and Low Density Residential Zones that is located outside the Urban Growth Boundary [UGB], such as Point Leo and Royston Court, Mount Eliza);

• Update references to the SPPF to take account of recent changes introduced by Amendment VC71;

• Improve the way it addresses fire risk, infrastructure services and describes the desired spatial pattern of caravan parks; and

• Remove some ambiguity.

Since Amendment C133 was exhibited, Amendment VC71 has been approved. Amendment VC71 restructures the SPPF, keeping the content but organising it on a thematic basis with a new Clause numbering system. The policy basis of Policy 22.19 therefore also needs to be updated to refer to this new clause numbering.

With respect to fire risk, the CFA has sought the inclusion of two new Decision Guidelines – one referring to the CFA ‘Caravan Park Fire Safety Guideline’ and the other referring to a statement that is repetitive of a statement that is already included in the Wildfire Management Overlay (WMO).

It is also noted that other submissions (4, 5, 11 and 17) also raise the problem of allowing caravan parks in high fire risk areas. A new Decision Guideline making reference to the Guideline is considered reasonable and is likely to lead to better implementation and a more seamless process for the proponent. The CFA’s proposal for a second inclusion of the WMO statement is not accepted because it would be a repetitive provision and as such inconsistent with the relevant State Government practice note for writing local policy.
DISCUSSION  (CONT’D)

Proposition One – Appropriate but Needs Some Strengthening  (Cont’d)

Response to Proposition One  (Cont’d)

It is accepted that the policy does not discourage camping and caravan parks from locating in areas of high fire risk and that improvements could be made in this regard. The following is suggested:

- **New Objective:** To avoid camping and caravan parks occupants being subject to high environmental risks including the risk of fire; and

- **New Policy:** To discourage camping and caravan parks from being located on land that is affected by a WMO.

One submitter had concerns about the validity of the proposed policy, presumably in connection with the operation of the *Residential Tenancies Act*. It is considered that the policy has been drafted to comply with that legislation that does not allow Planning Scheme restriction on the duration of stay. In considering the matter further, it may be possible to better clarify the linkages and opportunities by inclusion of the following new Decision Guideline:

- **New Decision Guideline:** Whether the camping and caravan park is subject to an exemption under Section 513 of the *Residential Tenancies Act* that would enable a planning permit to include a condition that would limit the duration of stay of any occupants.

Submitter concerns about the need to strengthen the policy to better ensure the ‘cultural landscape patchwork’ could be addressed by amending the policy to include the following additional objective:

- To ensure that camping and caravan parks are sparsely distributed in the Green Wedge Zone (GWZ).

It is agreed that there is an opportunity to strengthen the role of infrastructure in the assessment of applications through the provision of additional Decision Guidelines (see Attachment 3 for additional Decision Guidelines that are recommended).

It is noted that Clause 65 of the Planning Scheme already requires consideration of many other matters, as below, that the submitters would like in the Decision Guidelines and there is no need to repeat them:

- The orderly planning of the area;
- The effect on the amenity of the area;
- The proximity of the land to any public land;
- Factors likely to cause or contribute to land degradation, salinity or reduce water quality;
- Whether the proposed development is designed to maintain or improve the quality of stormwater within and exiting the site;
- The extent and character of native vegetation and the likelihood of its destruction;
DISCUSSION (CONT’D)

Proposition One – Appropriate but Needs Some Strengthening (Cont’d)

Response to Proposition One (Cont’d)

- Whether native vegetation is to be or can be protected, planted or allowed to regenerate; and
- The degree of flood, erosion or fire hazard associated with the location of the land and the use, development or management of the land so as to minimise any such hazard.

In regard to the submission regarding land which is exempt from Clause 57, there are arguments to both apply the policy to such land, which includes all land in the Low Density Residential Zone (LDRZ), or alternatively to exempt it – as the current policy has primarily been framed around protection for the Green Wedge. On balance it is considered that the current policy should not apply to land that is exempt from Clause 57 and that further policy development, for example in relation to the LDRZ, should be pursued if necessary.

Proposition Two – Inappropriate Because Caravan Parks Should be Prohibited

This position argues that:

“Camping and caravan parks are inappropriate in the Green Wedge Zone because they would adversely impact upon the landscape, agricultural and environmental values of the Green Wedge, introduce unacceptable fire risks and be inconsistent with the intention of the Urban Growth Boundary (UGB) to contain population growth and therefore should be totally prohibited outside the UGB.”

This is reflected in the following submissions:

- Submissions 7, 4, 5, 11 (Submissions 4, 5 and 11 also argue the proposed policy is ill-conceived and would have the counter effect to its underlying intent);
- Submission 14 (also opposes Caravan and Camping Policies (CCPs) anywhere on the Peninsula, but as a fall back position would seek mandatory rather than discretionary policy provisions); and
- Submissions 16, 17, 20, 21.

Response to Proposition Two

This proposition cannot be accepted because it is not possible to strengthen the policy to the extent that it would prohibit caravan parks. A policy cannot override Zone provisions in this way. In any case, it is considered that there is merit in encouraging an appropriate form of camping and caravan parks in the Green Wedge.

Proposition Three – Inappropriate Because it is not Economically Achievable

This position argues that:

“The policy has a ‘no camping and caravan parks’ agenda and is ill-conceived. It would not result in viable businesses and is an unnecessary layer of regulation that has the potential to spread outside the Green Wedge Zone.”
DISCUSSION (CONT’D)

Proposition Three – Inappropriate Because it is not Economically Achievable (Cont’d)

Reflected in submissions 6, 10, 13 (no mention of agenda) and 19 (no mention of agenda).

Response to Proposition Three

This proposition is not accepted. The aim of the policy is to reinforce Green Wedge objectives rather than to guarantee the viability of a particular form of use and development and the limits proposed in the policy are considered necessary to this purpose.

Proposition Four – Appropriate if Prescriptive Standards Removed

This proposition argues that:

“...It is inappropriate to include the following prescriptive provisions in the policy as they have no rational basis and they are not viable for the tourist industry to implement and would therefore impact most unfairly on both existing and potential camping and caravan park businesses and adversely affect the tourist experience:

- Not within 2 kilometres of UGB;
- Land must be at least 40 hectares or (80 hectares in Green Wedge Zone – Schedule 4);
- 100 or less sites;
- Type of accommodation to include powered and unpowered camping sites, caravan/motor home sites and cabins;
- No more than 15% of all sites to be used for cabins or the like; and
- Average gross floor area of a cabin or the like to be 60 square metres or less.”

Reflected in:

- Submissions 3 (concern might spread to inside UGB);
- Submission 6 (negotiated position – proposes use of terms including ‘hybrid parks’, ‘annual parks’ and ‘touring parks’ – particularly concerned about touring motor home needs); and
- Submissions 18, 19 (negotiated position) and 22.

Response to Proposition Four

This proposition is difficult to address because the camping and caravan park industry is best placed to assess its own viability. However, it is noted that the prescriptive provisions are based on the following rationale:

- “Not within 2 kilometres of UGB”:
  
  This distance was selected to primarily protect the inter-urban breaks between townships and to a lesser extent discourage incremental urban-type growth beyond town boundaries.
DISCUSSION (CONT’D)

Proposition Four – Appropriate if Prescriptive Standards Removed (Cont’d)

Response to Proposition Four (Cont’d)

- “Land must be at least 40 hectares or (80 hectares in Green Wedge Zone – Schedule 4)”:

  This provision is consistent with the GWZ conditions applying to other accommodation (not including dwellings) in the Green Wedge. This type of condition serves to protect landscape and also to limit the potential concentration of such activities.

  The Mornington Peninsula has a greater landscape sensitivity and recreational role for Melbourne than other Green Wedges and also a smaller size making it much more vulnerable to inappropriate development. While the Minister has not supported previous proposals to apply to controls over camping and caravan parks in all Green Wedge areas, he has authorised an interim policy on the Peninsula. This serves to illustrate that the unique characteristics of the Mornington Peninsula Green Wedge warrant a unique approach.

- “100 or less sites”:

  This provision was based on data showing that a large proportion of existing caravan parks have 100 or less sites. It is acknowledged that there may be economies of scale, however, given the nature of the Mornington Peninsula, it is considered that the landscape and perhaps indeed the tourist experience may well be enhanced if camping and caravan park are smaller rather than larger in size.

- “Type of accommodation to include powered and unpowered camping sites, caravan/motor home sites and cabins”:

  It is recommended that the following change would be appropriate to better convey the underlying intent and this should also address the submitters concern about having more flexibility:

  – Provision of a range of affordable tourist accommodation options that may include one or more of the following, but should include at least some vacant sites:

    o Powered vacant sites;
    o Unpowered vacant sites;
    o Sites for caravans or motor homes;
    o Sites with un-registrable movable dwellings;
    o Sites for caravans with rigid annexes; and
    o Cabins or lodge accommodation.

  It is noted that there can be a substantial overlap between different types of tourist accommodation. An additional Decision Guideline is recommended:

- Whether the proposal should be characterised as more than one use.
DISCUSSION (CONT’D)

Proposition Four – Appropriate if Prescriptive Standards Removed (Cont’d)

Response to Proposition Four (Cont’d)

- “No more than 15% of all sites to be used for cabins or the like”:
  This percentage is somewhat nominal but it attempts to address the problem in defining what is a camping and caravan park and what should be characterised as another use, such as a residential village. It also serves to protect the landscape. No change is proposed.

- “Average gross floor area of a cabin or the like to be 60 square metres or less”:
  This provision has a similar underlying intent.

Proposition Five – The Policy Should not Apply to the Special Use Zone or Should Include Recognition of Existing Caravan Parks

Submission 22: The submitter argues that the main problem in relation to camping and caravan parks is in the GWZ. His park, Amberlee (an existing caravan park), is not in the GWZ, it is in the Special Use Zone – Schedule 4: Recreational Development (SUZ4), on a site of less 40 hectares, within 2 kilometres of the UGB, but has infrastructure including a bus stop and shops and is a genuine tourism property.

He submits that Amberlee genuinely caters to tourism and the traditional holiday market of the Peninsula. There are components of the accommodation (villas, cabins and sites) that are available for the travelling tourist and another component for ‘annuals’ people who are required to have another permanent place of residence. These are more akin to affordable holiday homes that are leased to the same occupants for 12 months or more and are apparently a critical component for the viability of the business.

While there are other caravan parks for annuals and travelling tourists located inside the UGB, they are becoming increasingly scarce as the private parks are subdivided and developed for conventional housing. This being the case, there is value in securing the role of existing parks that provide this role.

The SUZ4 is located at the UGB boundary of Rosebud, a major activity centre and has the advantages of service availability and relatively close proximity to the beach without being in a sensitive open landscape area and has been strategically chosen for such characteristics.

Response to Proposition Five

It is accepted that the proposed policy may, at least in the case of an existing caravan park like Amberlee that has space to expand, be a substantial risk to the expansion plans of the business. This is primarily because the business model relies on provision for ‘annuals’ and also on the progressive provision of cabins and villas that have a floor area of more than 60 square metres.

This then raises two questions.

- Firstly, should the 22.19 Policy be modified to better provide for the purpose of the SUZ4 and, if so, how?; and

- Secondly, is it reasonable to provide a transitional clause to exempt the expansion of existing caravan parks from the 22.19 Policy?
DISCUSSION (CONT’D)

Proposition Five – The Policy Should not Apply to the Special Use Zone or Should Include Recognition of Existing Caravan Parks (Cont’d)

Response to Proposition Five (Cont’d)

The history behind SUZ4 is that it is a legacy of the strategic planning undertaken by the former Westernport Regional Planning Authority (WRPA) in the mid 1970s.

A number of areas across the southern Peninsula were designated (originally through the use of the ‘Recreation Zone’) as places that were considered suitable for recreational developments including a residential component. The underlying premise was that the designation of special Zones, usually on the edge of the urban area, would ‘save’ more sensitive areas of the Peninsula’s rural areas from pressure for this type of urban-related development and that it would also provide a mechanism to encourage the provision of regional recreational facilities that would not otherwise be provided.

This strategy has had mixed results. There were originally three Special Use Zoned areas and only one of these has been developed with recreational facilities (Martha Cove development and golf course).

Of the other two, one has been developed as a conventional residential estate (Peninsula Sands, Rosebud) and the other, between Boneo and Jetty Roads, now the only one outside the UGB, is comprised of 85 lots (319 hectares) in multiple ownerships that are mostly used for farming and rural living purposes. This area also includes Rosebud Country Club golf course and two caravan parks – Amberlee and Tudor Caravan Park. There have also been Planning Scheme Amendments outside of the original Recreation Zone, to provide for site-specific recreational residential developments in other locations (e.g. Moonah Links and Cape Schanck).

With the introduction of VPP based Planning Schemes (in 1999) the Recreation Zone was translated into current SUZ4. However, it is now timely to review the role of the SUZ4 in the context of the new policy environment created under Melbourne 2030 (including protection of the integrity of the UGB). It should be noted that Clause 57 – Metropolitan Green Wedge land applies to SUZ4 in the same way that applies to the GWZ. It may be argued that the remaining undeveloped areas of the SUZ4 are effectively part of the Green Wedge, being outside the UGB and ought be subject to the same general objectives and the same level of policy control.

It is expected that a review of SUZ4 will occur as part of the Green Wedge Management and Implementation Plan that is currently under preparation. Amendment C133 is to some extent a preliminary response and seeks to treat the SUZ4 as part of the Green Wedge. With this understanding of the background of the matter, proposition five will now be assessed in more detail.

In relation to the first question – whether the policy should be varied to better provide for the purposes of the existing SUZ4, it is considered that some modification regarding the 2 kilometres, 100 sites maximum and 40/80 hectare requirements are reasonable.

Although the policy provisions will be open to discretion and therefore the background to SUZ4 and the history of existing use and development can still be considered, it would be inappropriate to significantly undermine the objectives of SUZ4 until there has been a review of whether this Zone is still appropriate. Other provisions in the 22.19 Policy address more general considerations e.g. in regard to landscape protection, that are appropriate in both the GWZ and the SUZ4.
DISCUSSION (CONT’D)

Proposition Five – The Policy Should not Apply to the Special Use Zone or Should Include Recognition of Existing Caravan Parks (Cont’d)

Response to Proposition Five (Cont’d)

The second question is whether there should be any transitional provisions that would exempt existing caravan parks from the policy. It is considered that if all existing (and VCAT approved) caravan parks are exempted, then, given many of these are located on large properties and could be subject to substantial expansion proposals, there would be a high risk of unacceptable impacts. Given the variation proposed above and the fact that discretion will remain to consider proposals on their merit, it is considered that general exemption would be inappropriate. However, the addition of a new Decision Guideline such as the following may be reasonable:

“Whether for any small scale expansion of a camping and caravan park existing as at the approval date of Mornington Peninsula Planning Scheme Amendment C133, it is impractical to meet the provisions of this policy.”

In summary, it would be reasonable to adjust the policy, as outlined above, on the grounds that firstly, it would be more consistent with the strategic directions of the Planning Scheme which indicate that the SUZ4 is a more appropriate location for camping and caravan parks than the GWZ and secondly, to provide a Decision Guideline that specifically addresses the concern regarding small expansions of existing caravan parks to large scale transformation would be reasonable.

- Exempt land in the SUZ4 from having to meet the 2 kilometres separation distance from the UGB;
- Exempt land in the SUZ4 from having to have 100 or less sites;
- For land in the SUZ4, change the minimum lot size from 40 hectares to 20 hectares;
- The following new Decision Guideline:

  “Whether for any small scale expansion of a camping and caravan park existing as at the approval date of Mornington Peninsula Planning Scheme Amendment C133, it is impractical to meet the provisions of this policy.”

OFFICER DIRECT OR INDIRECT INTEREST

No person involved in the preparation of this report has a direct or indirect interest requiring disclosure.

COMMUNITY PLAN

The proposed Amendment is considered to be consistent with the outcomes, strategies and actions of the Community Plan and the Shire Strategic Plan 2009-2013, especially with the Outcome 1.1.2:

“To develop and implement land use plans which provide for integrated rural planning, including provision for agriculture, conservation, recreation, rural living and sustainable land stewardship appropriate to the role and function of each area.”
FINANCIAL ISSUES

The processing of the Amendment, including the costs of an Independent Panel, will impose some additional expenses to the Shire that can be accommodated within the existing budget. If the Amendment is approved, there would be no additional costs involved in implementation and there may be savings, to the extent that additional policy guidance may deter inappropriate planning applications from being made.

SUSTAINABILITY IMPLICATIONS

The Amendment is not expected to have any adverse environmental, economic or community outcomes, as outlined in the Explanatory Report which accompanies the Amendment, and will enhance the sustainability of the local environment.

CONCLUSION

Amendment C133 has attracted opposing submissions both from submitters that consider its restrictions too weak and other submitters that consider it too rigid and threatening to the caravan park industry on the Peninsula. Further consultation has been held with submitters, but it is apparent that it will be impossible to change the Amendment in a way that could gain support from all submitters. If Council wishes to progress the Amendment, then the only step forward is to refer all submissions to an Independent Panel.

Attachment 3 to this report outlines changes to the Amendment documents that will be recommended to the Panel in response to some of the opportunities for strengthening the policy that were highlighted in the submissions.

RECOMMENDATION

1. That the Mornington Peninsula Shire Council, in its role as Planning Authority, under Section 23 of the Planning and Environment Act 1987 (the Act), having considered all submissions made to Mornington Peninsula Planning Scheme Amendment C133, in accordance with Section 22(1) and (2) of the Act, refers all of those submissions, being submissions 1 to 22 inclusive, to a Panel appointed under Part 8 of the Act.

2. That the Mornington Peninsula Shire Council submission to the Independent Panel for Mornington Peninsula Planning Scheme Amendment C133 supports the Amendment as exhibited, subject to changes generally as shown in Attachment 3.

1. That the Mornington Peninsula Shire Council requests that the Minister for Planning, under Section 20(4) of the Act, exempt himself from all of the requirements of Sections 17, 18 and 19 and the regulations, to prepare, adopt and approve an Amendment to the Mornington Peninsula Planning Scheme, to extend the expiry date of Local Policy 22.19 until 30 September, 2011 to allow sufficient time for the finalisation of Amendment C133.