



Mornington Peninsula Shire submission – Secondary Dwellings Pilot Program

Short Stay Accommodation:

The intent of Secondary Dwellings is to provide for diverse and affordable housing options that will facilitate choice and meet changing household needs. However, Secondary Dwellings are also likely to be used for Short Stay Accommodation in tourist areas such as the Mornington Peninsula. If used for Short Stay Accommodation, Secondary Dwellings will be limited in providing affordable housing options. This is not the outcome the Secondary Dwelling Code is seeking to achieve.

Given that Council has limited ability to control the use of dwellings for Short Stay Accommodation it is considered the Code should include a mechanism to preclude the use of these dwellings for Short Stay Accommodation. One way of achieving this could be through requiring a section 173 agreement to be entered into before the development starts, similar to the way in which Clause 51.06-4 deals with subdivision of land.

Tiny Homes:

Tiny Homes are not clearly defined in the planning scheme and it is not certain if or how they would be defined as Secondary Dwellings. The Mornington Peninsula Shire have had numerous enquiries with respect to the private and commercial use of Tiny Homes and it is expected to be an increasingly popular form of accommodation on the Peninsula. With respect to consistency across Victoria we suggest that some guidance as to the relationship between Tiny Homes and Secondary Dwellings, if any, be defined and published.

Section 173 Agreements:

Council supports the inclusion of mandatory section 173 Agreements to prohibit subdivision of secondary dwellings from their existing dwelling and prohibiting the use as holiday accommodation. To ensure consistency and reduce administrative costs, it is suggested that a standardised template for secondary dwelling section 173 Agreement's be drafted and supplied to councils.

Dependant Person Units:

A recent Red Dot Decision (Mornington Peninsula SC v Premier Homes (Vic) Pty Ltd) has identified that defining whether a building is 'designed' to be moved is difficult to apply in practice. Furthermore it identified that '*There seems to be a disconnect between the policy basis for exempting a DPU from the need to obtain a*

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planning permit, and the regulatory control based on whether a building was 'designed to be moved'.

Without advocating for any particular change, the Tribunal has referred a copy of the decision to the Minister for Planning to consider whether any regulatory clarification or reform is warranted.

Given the Tribunal's decision, it is requested that the Minister does consider regulatory clarification or reform in relation to DPU's to give both Council, development industry and the community certainty.