



**GAS IMPORT JETTY AND PIPELINE PROJECT
ENVIRONMENT EFFECTS STATEMENT
INQUIRY AND ADVISORY COMMITTEE**

TECHNICAL NOTE

TECHNICAL NOTE NUMBER: TN 038

DATE: 21 October 2020

LOCATION: Gas Import Jetty Works

EES/MAP BOOK REFERENCE: Attachment VI: Draft Planning Scheme Amendment

SUBJECT: Enforcing compliance with the Incorporated Document

SUMMARY The documents attached to this technical note explain how the Incorporated Document will be administered and who is responsible for enforcing its compliance once it is inserted into the planning scheme.

REQUEST: Provide detail regarding who will be responsible for enforcing compliance with the Incorporated Document once it is inserted into the planning scheme.

NOTE:

1. During Day 4 of the hearing on 15 October 2020, Counsel for the Mornington Peninsula Shire Council raised questions regarding who will be responsible for enforcing compliance with the Incorporated Document once it is inserted into the planning scheme.
2. Attachment VI: Draft Planning Scheme Amendment provides that one of the purposes of the draft Planning Scheme Amendment (**PSA**) is to amend the Schedule to Clause 72.01 (Responsible Authority for this Planning Scheme) of the Mornington Peninsula Planning Scheme to make the Minister for Planning the responsible authority for the Project.
3. Attachment 1 to this technical note provides a copy of the Schedule to Clause 72.01 of the Mornington Peninsula Planning Scheme, with proposed amendments in mark up. The amendments make clear that it is proposed that the Minister for Planning be responsible for administering and enforcing the Incorporated Document and any other provision of the Scheme as it applies to the use or development of land for the purpose of the Crib Point Gas Import Jetty Works. This document would appropriately form part of any formal PSA prepared in respect of the Crib Point Jetty Works.

CORRESPONDENCE: N/A

ATTACHMENTS: 2 attachments:

1. Mark up copy of the Schedule to Clause 72.01 of the Mornington Peninsula Planning Scheme
2. Revised Amendment C272morn Instruction Sheet



Attachment 1

Mark up copy of the Schedule to Clause 72.01 of the Mornington Peninsula Planning Scheme

31/07/2018
VC148**SCHEDULE TO CLAUSE 72.01 RESPONSIBLE AUTHORITY FOR THIS PLANNING SCHEME****1.0**31/07/2018
VC148**Responsible authority for administering and enforcing this planning scheme:**

The Mornington Peninsula Shire Council is the responsible authority for administering and enforcing the planning scheme, except for matters specified in Clause 72.01-1 and matters listed in this schedule.

2.0[Xx/Xx/Xxxx](#)
[31/07/2018](#)
[C272morn](#)
[VC148](#)**Responsible authority for administering and enforcing a provision of this planning scheme:**

The Minister for Planning is the responsible authority for the purposes of:

- Considering and determining applications, in accordance with Divisions 1, 1A, 2 and 3 of Part 4 of the Act;
- The provisions of Divisions 1 and 2 of Part 9 of the Act;
- Approving associated matters required by the scheme or by a permit to be endorsed, approved or done to the satisfaction of the responsible authority, in relation to the land known as Arthurs Seat State Park which is subject to Section 32CA of the *National Parks Act 1975*, more specifically being the land shown hatched on the plan lodged in the Central Plan Office; and, numbered N.P.36A and delineated and coloured blue on that plan and is 6 metres or more above the land surface; [and](#)
- [Administering and enforcing the Crib Point Gas Import Jetty Works Incorporated Document, December 2020 and any other provision of the scheme as it applies to the use or development of land for the purpose of the Crib Point Gas Import Jetty Works.](#)

Person or responsible authority for issuing planning certificates:**3.0**31/07/2018
VC148

Minister for Planning.

4.006/05/2020
VC179**Responsible authority for VicSmart and other specified applications:**

The Chief Executive Officer of Mornington Peninsula Shire Council is the responsible authority for considering and determining VicSmart applications to which Clause 71.06 applies, in accordance with Divisions 1, 1A, 2 and 3 of Part 4 of the Act.

The Chief Executive Officer of Mornington Peninsula Shire Council is the responsible authority for considering and determining any application that the notice and review exemption in Clause 52.10-2 applies to, in accordance with Divisions 1, 1A, 2 and 3 of Part 4 of the Act.



Attachment 2

Revised Amendment C272morn Instruction Sheet

MORNINGTON PENINSULA PLANNING SCHEME

AMENDMENT C272morn

INSTRUCTION SHEET

The planning authority for this amendment is the Minister for Planning.

The Mornington Peninsula Planning Scheme is amended as follows:

Planning Scheme Maps

The Planning Scheme Maps are amended by 2 attached map sheets.

Zoning Map

1. Insert amended Planning Scheme Map No. 33ZN in the manner shown on the 1 attached map marked "Mornington Peninsula Planning Scheme, Amendment C272morn"

Overlay Map

2. Insert new Planning Scheme Map No. 33SCO in the manner shown on the 1 attached map marked "Mornington Peninsula Planning Scheme, Amendment C272morn"

Planning Scheme Ordinance

The Planning Scheme Ordinance is amended as follows:

3. In Overlays – Clause 45.12, replace the Schedule with a new Schedule in the form of the attached document.
4. In Operational Provisions - Clause 72.01, replace the Schedule with a new Schedule in the form of the attached document
5. In Operational Provisions - Clause 72.03, replace the Schedule with a new Schedule in the form of the attached document
6. In Operational Provisions- Clause 72.04, replace the Schedule with a new Schedule in the form of the attached document.

End of document