

AGENDA

SECTION 86 MOORABOOL GROWTH MANAGEMENT COMMITTEE MEETING

Wednesday 24 October, 2018
North Wing Meeting Rooms 2 & 3
Darley Civic Hub
5.00pm

MEMBERS

Cr. Paul Tatchell (Mayor)	Councillor – Central Moorabool Ward
Cr. John Keogh (Deputy Mayor)	Councillor – East Moorabool Ward
Cr. Jarrod Bingham	Councillor – East Moorabool Ward
Cr. David Edwards	Councillor – East Moorabool Ward
Cr. Tonia Dudzik	Councillor – East Moorabool Ward
Cr. Tom Sullivan	Councillor – West Moorabool Ward
Cr. Pat Toohey	Councillor – Woodlands Ward

OFFICERS

Mr. Rob Croxford	Chief Executive Officer
Mr. Satwinder Sandhu	General Manager, Growth & Development
Mr. Andrew Goodsell	Manager Strategic and Sustainable Development
Mr. Rod Davison	Strategic Planner
Mrs. Jacquie Younger	Minute Taker

Item	Title	Responsibility	Page No.	Action
1.	Welcome. Present and Apologies	Chair		Noting
2.	Recording of Meeting	Chair		Noting
3.	Meeting Minutes	Chair		Noting
3.1	Confirmation of previous minutes 12 September, 2018.			Resolution
4.	Conflict of Interest	Chair		Noting
5.	Growth & Development Reports			Discussion
5.1	Moorabool Planning Scheme Review – Project Commencement Update	S. Kernohan	Page 3	Discussion
5.2	Car Parking Policy Application in Moorabool Shire	A. Goodsell	Page 13	Discussion

6.	Process Forward and Work Programme	A. Goodsell	Discussion
7.	Date of Next Meeting	Chair	Noting
7.1	To be Confirmed.	Chair	
8.	Meeting Close	Chair	Noting

GROWTH & DEVELOPMENT REPORTS

Item 5.1 Moorabool Planning Scheme Review – Project Commencement Update

Introduction

Author: Sarah Kernohan, Coordinator Strategic Planning
General Manager: Satwinder Sandhu, General Manager Growth & Development

Background

Mesh Planning has been awarded a key role in the delivery of the Moorabool Planning Scheme Review. Officers from Mesh will be presenting on their scope of works, timelines and findings to date to the S86 Moorabool Growth Committee. The contents of this report is a summary of some of the key aspects of the project.

The 2017-2021 Council Plan identifies the need to review the Moorabool Planning Scheme.

There are a number of factors driving the need for a full review of the Moorabool Planning Scheme, namely:

- Legislative requirement: It is a legislative requirement under the *Planning and Environment Act 1987*. This legislative review is now well overdue. The last review was undertaken via Amendment C34 which was gazetted in February, 2009. A more recent administrative review in 2014 was deferred due to the significant volume of new strategic work that was then scheduled for delivery (now largely finalised).
- New State or Regional Strategic Planning: The Shire and specifically Bacchus Marsh, is identified as a growth area in Plan Melbourne and the Central Highlands Regional Growth Strategy. Council is working in partnership with the Victorian Planning Authority (VPA) to undertake planning for this growth, as evidenced by the Bacchus Marsh Urban Growth Framework. It is vital that the planning scheme acknowledges this growth, identifying both the opportunities and challenges it brings.
- The Municipal Strategic Statement (provides local strategic direction within the planning scheme) has been subject to substantial change over time, particularly via some recent amendments (C78 Small Towns and Settlements). Imminent further amendments include C79 Bacchus Marsh Housing Strategy and C81 Bacchus Marsh Urban Growth Framework – both of which have recently completed Panel hearings. Retail, Industrial and Economic Development Strategies have also been prepared and are now Council adopted Strategies, but have not yet been reflected in the planning scheme. A holistic review of the Planning Scheme is required to bring all aspects together in a coherent and consistent manner.
- While the Municipal Strategic Statement has been subject to substantial change, very little change has been undertaken to other local content within the Planning Scheme. As a result the Planning Scheme contains out of date material, inconsistencies and ambiguities which need to be addressed.
- A review of the Planning Scheme is an important catalyst for identifying current strategic gaps. The review will be used to map out a future work program and project priorities for Moorabool's Strategic Planning team.

There is also momentum at State Government level to modernise planning schemes. The Smart Planning process, is shifting the way in which Planning Schemes will be structured, drafted and formatted to create a more streamlined and user-friendly planning system. A number of changes have been made by the State Government over the past year, with further changes commencing in late 2018 which will see the translation of local planning policies into the integrated Planning Policy Framework. Council needs to be ready to respond to these changes. Having regard to the project drivers, the key project objectives of the planning scheme review are as follows:

- To review of the Moorabool Planning Scheme pursuant to section 12 (B) of the *Planning and Environment Act 1987*;
- To ensure the Moorabool Planning Scheme is up to date, and reflects current best practice in terms of Ministerial Directions, guidelines, policy, regulations and approved strategies;
- To ensure the Planning Scheme aligns with the Council Plan;
- To create a modern, more streamlined and user-friendly planning scheme that will offer greater certainty to stakeholders and facilitate improved decision-making; and
- To identify recommendations for future improvements to the scheme, or further strategic work to address policy gaps.

After a request for quote process, in August 2018 Mesh Planning were engaged to undertake a full review of the Moorabool Planning Scheme. Mesh have had an ongoing relationship with Council on a number of strategic projects in recent years and are well placed to reconcile the different threads of the Planning Scheme review process.

Proposal

The Planning Scheme review consists of three (3) stages as outlined in Figure 1. The project is currently at Stage 1: Review and Engagement.



Figure 1: Planning Scheme Review Stages
Stage 1: Review and Engagement

Stage 1 is currently underway, and consists of the following tasks as outlined below.

Project Inception

A project inception meeting was held to ensure the project objectives and drivers were clearly understood. Key outputs from the inception meeting was that the major issues currently facing the Shire are typically related to the pressure that population growth is placing on the Municipality, that the Council Plan be used to provide guidance on the vision for the Municipality, and the need for collaborative engagement with key stakeholders.

Engagement Strategy

Mesh have prepared an Engagement Strategy for the Planning Scheme Review which provides a framework for stakeholder engagement, outlining the proposed engagement at each project stage. Table 1 below outlines the stakeholders that will be engaged during the planning scheme review process.

Table 1: Engagement Methodology

Stakeholder Group	Stakeholders	Engagement Method
PCG (Project Control Group)	<p>Council Officers:</p> <ul style="list-style-type: none"> • Sarah Kernohan, Strategic Planning Coordinator • Bronwyn Southee, Coordinator Statutory Planning • Rod Davison, Senior Strategic Planner. <p>Mesh Planning:</p> <ul style="list-style-type: none"> • Leah Wittingslow • Bronwyn Pettitt • Michael Turnbull 	Involved in all stages of the planning scheme review, including targeted stakeholder engagement.
CPT (Council Project Team)	<p>Council Departments:</p> <ul style="list-style-type: none"> • Statutory Planning • Infrastructure • Environment • Economic Development • Community and Recreation Development • Community Health and Safety 	<p>Statutory Planning is the biggest user of the Planning Scheme, using it daily to assess applications. Workshop with Statutory Planners to identify specific elements of the planning scheme and permit process that can be improved.</p> <p>Workshop with internal Departments to understand how they interact with the scheme and ensure that planning scheme aligns the work being undertaken by these Departments.</p>
Industry Working Group #1 Water Authorities	<ul style="list-style-type: none"> • Central Highlands Water • Southern Rural Water • Barwon Water • Melbourne Water • Western Water • Corangamite Catchment Management Authority • Port Phillip and Westernport Catchment Management Authority 	Workshop to understand water authorities views on the on the use and applicability of the planning scheme, including alignment with water catchment policy.

Stakeholder Group	Stakeholders	Engagement Method
Industry Working Group #2 State Bodies	<ul style="list-style-type: none"> • Department of Economic Development, Jobs, Transport and Resources • Department of Environment, Land, Water and Planning • ParksVic • EPA 	Workshop to understand State bodies views on the on the use and applicability of the planning scheme, including alignment with state objectives.
Industry Working Group #3 Agencies	<ul style="list-style-type: none"> • CFA • VicRoads • Transport for Victoria 	Workshop to understand agencies views on the use and applicability of the planning scheme, including alignment with agency projects.
Industry Working Group #4 Developers and Consultants	Key developers and consultants with Moorabool Shire	Workshop to identify the issues with the scheme from a development perspective, particularly the key blockages they have encountered in their line of work.
Council	Councillors	Brief Councillors at project commencement to explain project, and at project completion to present the final Strategic Directions Report.

These stakeholders have been identified as they interact with the Planning Scheme, whether they are statutory planners who use the Scheme on a daily basis to assess permit applications, water authorities who rely on the policy and controls in the Scheme to protect water catchments, State bodies and agencies whose policies set the direction of the Planning Scheme, or developers and consultants who use the Planning Scheme to apply for planning permits.

It is not proposed to engage with the community during Stage 1 and 2 of the Planning Scheme Review. Community engagement will be undertaken as part of Stage 3 through the formal exhibition of Planning Scheme amendments to implement the review.

Engagement with Stakeholders

Engagement with stakeholders is an important part of the planning scheme review process. Stakeholders use the planning scheme in different ways. The engagement seeks to identify priorities, redundancies, gaps and opportunities for the Planning Scheme Review.

Targeted stakeholder engagement is being undertaken concurrently with the Literature Review to inform the Planning Scheme review.

The Project Control Group has undertaken targeted consultation with statutory planning, internal Council Departments, and the four (4) industry working groups outlined in Table 1. This targeted consultation was undertaken from between 27 September and 8 October, 2018. The key themes emerging from the workshops is summarised below.

Table 2: Key Emerging Themes raised at the Workshops

CPT (Council Project Team) – Statutory Planning	<ul style="list-style-type: none"> • Need to aligning the Municipal Strategic Statement with the Council Plan objectives • Need for local policies that support strategic work • Several out of date clauses require updating • Over-application of Environmental Significance Overlay 1 ‘Proclaimed Water Catchment Areas’ – potential to be captured through VicSmart • Wording and application of Design and Development Overlay 2 ‘Visual Amenity and Building Design’ problematic • Need for local advertising signs policy • Pressure for rural land uses • Potential to build flexibility into the Farming Zone to allow further land use opportunities • s173 Agreements problematic • Formalise Developer Contributions in the Scheme • Car parking study required
CPT (Council Project Team) – Internal Council Departments	<ul style="list-style-type: none"> • Economic development isn’t strong in the planning scheme • Scheme is silent on tourism • Lack of accommodation within Moorabool • Need for rural strategy • Inconsistent land uses within Farming Zone • Lack of guidance on extractive industries • Greater focus on good urban design required • Car parking study required • Lack of Development Contributions collected – not being used effectively • Over-application of Environmental Significance Overlay 1 ‘Proclaimed Water Catchment Areas’ • Need local advertising signs policy
Industry Working Group #1 Water Authorities	<ul style="list-style-type: none"> • Generally happy with the level of permit referrals • Environmental Significance Overlay 1 ‘Proclaimed Water Catchment Areas’ working well - opportunity to remove referrals for 1-2 trees • Some declared catchments are not subject to Environmental Significance Overlay 1 ‘Proclaimed Water Catchment Areas’ • Opportunity to improve Environmental Significance Overlay 2 ‘Water Protection’ mapping – Melbourne Water currently completing this work • Need for Land Subject to Inundation Overlay in the planning scheme • Need for buffers to wastewater treatment plants • Need for clear understanding of capacity for dwellings in the Farming Zone • Concern re intensive animal farming in water catchments • Rural land use strategy required • s173 Agreements working effectively • Rural Conservation Zone not appropriately applied • Private dams (typically ornamental) are a concern

Industry Working Group #2 State Bodies	<ul style="list-style-type: none"> • Need to consider active transport • Steering development away from bushfire risk • Conflict between sewerage Blackwood and increasing dwellings in a Bushfire Area • Need to review the incorporated documents in the Scheme
Industry Working Group #3 Agencies	<ul style="list-style-type: none"> • Site specific controls are discouraged within the planning scheme • How to best provide for rural activities in the farming zone • Bushfire Prone Area designation needs removal from certain areas – inhibiting growth • BMO Schedule 1 for Camerons Lane is problematic
Industry Working Group #4 Developers and Consultants	<ul style="list-style-type: none"> • Land with Bacchus Marsh is finite – ensure densities are reflecting this • Environmental Significance Overlay 2 ‘Water Protection’ is problematic • s173 for development contributions works well for large developers, not for fragmented land ownership • Liquor licensing process is difficult – liquor licensing policy in planning scheme would assist. • Car parking controls restricting development • Work needs to be done on Ballan Town Centre • Lack of accommodation – motels restricted in certain zones

Several reoccurring themes have emerged from the workshops, such as the need for a rural land use strategy and a car parking study (the merit of a car parking study is subject to a separate report to Ordinary Meeting of Council in late 2018). There was conflict between the responses for some matters, such as Environmental Significance Overlay 1 ‘Proclaimed Water Catchment Areas’ which was supported in its current form by the water authorities, but recognised as generating a significant number of permit applications by statutory planning. The Stage 1 Report will discuss the matters raised in further detail.

Several stakeholders outlined above where unable to attend their designed workshop. The Project Control Group will follow up with these groups to ensure that their input is obtained.

The outcomes of this targeted engagement will be provided in the Stage 1 Summary Report along with the outcomes of the literature review.

Literature Review

The literature review is being undertaken concurrently with the stakeholder engagement to establish a comprehensive understanding of the current state of play, and the key issues that need to be addressed.

An overarching review of the Planning Scheme will be undertaken to identify emerging issues, gaps, and opportunities. The work will entail a desktop review of the municipal strategic statement, zones, overlays and VicSmart usage across the Municipality, as well as a comprehensive review of existing, current and proposed strategic work that has yet to be implemented via the Planning Scheme.

This review will take the form of a comprehensive audit of each element of the Planning Scheme. The audit will provide a structured assessment of the current planning scheme structure and elements having regard to:

- Alignment with Smart Planning;
- Form and Content Guidelines; and
- Alignment with Council vision and strategic directions, including recently completed strategic work.

The audit will comprehensively identify discrepancies and inconsistencies, redundant information, errors, patterns/preferences/tendencies within local schedules, complexity of existing planning scheme policy and controls, the distribution of permit triggers in various parts of the Schemes, and the manner and extent to which VicSmart permit assessment can be applied. The audit will also review opportunities for positive enhancement.

In addition to the current Planning Scheme, the literature review will also look at recent strategic work, panel reports and VCAT decisions.

Stage 1 Summary Report

The output of Stage 1 is a report that presents the finding of the engagement and the literature review.

Stage 2: Strategic Directions

Stage 2 consists of the following tasks.

Strategic Directions Report

The output of Stage 2 will be a Strategic Directions Report. The report recommendations will be developed in consultation with the project team and other relevant stakeholders, to identify a series of planning scheme amendments that could be delivered progressively over time. The report will also identify strategic gaps, and will provide an action plan for further strategic work required.

The report will include a clear matrix setting out each section of the Planning Scheme, and changes required. The matrix will also make recommendations about potential priorities and likely resources required.

The Strategic Directions Report will identify the emerging planning themes that will comprise Council's proposed planning 'Agenda' or 'Vision' for the 5 years, 10 years and beyond. This vision will help guide how the revised planning scheme will be structured, how planning priorities and principles will be balanced and how to make effective and timely decisions by utilising the most appropriate and effective implementation tools (e.g. policy, zones, overlays, provisions etc).

The report will be structured to identify priorities, and will have regard to:

- Structure of the Planning Scheme (e.g. generally to align with proposed Smart Planning structure);
- Efficiency + Usability (e.g. tidy up of language, formatting, duplication, discrepancies, plan improvements – generally policy neutral);
- Minor strategic and policy changes (e.g. implementation of adopted Council strategies);
- Minor zone/overlay changes (e.g. tidy up anomalies, errors and implement existing proposals);
- Major strategic and policy changes (e.g. implementation of emerging Council strategies, or identification of new work required); and
- Major zone/overlay changes (as per above).

The Strategic Directions Report will be presented to Councillors.

Stakeholder Engagement

Further engagement with relevant stakeholders as identified in Table 1 will be undertaken concurrent with the preparation of the Strategic Directions report. This engagement will be more focused on determining the overarching Council objectives to inform the Planning Scheme vision, along with testing of detailed consideration of potential changes to the Planning Scheme.

Stage 3: Planning Scheme Amendment

Stage 3 consists of the implementation of the review and will be completed in house through a series of planning scheme amendments. Any review recommendations that require substantial strategic work are likely to require the engagement of external consultants. Mesh's involvement is limited to a peer review of the initial amendment package.

Policy Implications

The Council Plan 2017-2021 provides as follows:

Strategic Objective 1:

Providing Good Governance and Leadership

Context 1C:

Our Business and Systems

Review the Municipal Strategic Statement (MSS).

The proposal to review the Moorabool Planning Scheme is consistent with the Council Plan 2017 – 2021.

Financial Implications

The Planning Scheme Review was identified in the 2017/18 budget with a financial allocation \$80,000. This amount has been rolled over to the current budget. Mesh have been engaged to complete the review for \$65,000. Unspent funds allocated for the review are proposed to be allocated towards the implementation of the review.

As per the project staging above, Council will progress implementation of the review recommendations in 2019. This is likely to be a staged implementation process, with an initial planning scheme amendment to implement the first stage of the review commencing in 2019. Subsequent planning scheme reviews and strategic work are likely to be required to implement the review.

Costs associated with implantation of the review would need to be considered by Council as part of future budget proposals for 2019/20.

Risk & Occupational Health & Safety Issues

Legislative Requirement – Section 12B of the *Planning and Environment Act* 1986 requires that Council must review its planning scheme no later than one year after each date by which it is required to approve a Council Plan under section 125 of the *Local Government Act* 1989. Once the review is completed, Council must report its findings to the Minister for Planning. Failure of Council to undertake this review will result in a beach of its obligations under the *Planning and Environment Act* 1987.

There are no occupational health and safety issues associated with the recommendation within this report.

Community Engagement Strategy

The proposed engagement strategy is outlined earlier in the report.

Communications and Consultation Strategy

This report outlines the extent of engagement undertaken to date, and the proposal form of engagement for the remaining stages of the project.

Implementation of the Planning Scheme review will take the form a planning scheme amendment/s, which will be subject to the usual planning scheme amendment process, which includes comprehensive community consultation.

Victorian Charter of Human Rights and Responsibilities Act 2006

In developing this report to Council, the officer considered whether the subject matter raised any human rights issues. In particular, whether the scope of any human right established by the Victorian Charter of Human Rights and Responsibilities is in any way limited, restricted or interfered with by the recommendations contained in the report. It is considered that the subject matter does not raise any human rights issues.

Officer's Declaration of Conflict of Interests

Under section 80C of the Local Government Act 1989 (as amended), officers providing advice to Council must disclose any interests, including the type of interest.

General Manager – Satwinder Sandhu

In providing this advice to Council as the General Manager, I have no interests to disclose in this report.

Author – Sarah Kernohan

In providing this advice to Council as the Author, I have no interests to disclose in this report.

Conclusion

Officers in conjunction with Mesh Planning have commenced a review of the Moorabool Planning Scheme. A full review of the Planning Scheme is required to not only meet Council legislative requirements, but to bring the Planning Scheme into line with recent strategic work, reflect the major and emerging strategic issues facing the Municipality, and remove out of date and redundant controls, all whilst having regard to the proposed changes to modernise planning schemes through the Smart Planning reforms.

The review is in Stage 1, with stakeholder engagement and a literature review currently being undertaken. The output of Stage 1 is a report that presents the finding of the engagement and the literature review.

Stage 2 consists of a Strategic Directions Report which will identify the emerging planning themes and include report recommendations. The report recommendations will identify a series of planning scheme amendments that could be delivered progressively over time. The report will also identify strategic gaps, and will provide an action plan for further strategic work required. The Strategic Directions Report will be presented to Councillors.

Stage 3 will consist of implantation of the planning scheme review, which will be undertaken via a series of Planning Scheme amendments undertaken by officers.

Recommendation:

That the S86 Moorabool Growth Management Committee:

- 1. Receives the Moorabool Planning Scheme Review project commencement update.**
 - 2. Requests a further update on the progress of the project and presentation on the draft Strategic Directions Report.**
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Report Authorisation

Authorised by:

Name:



Title:

**Satwinder Sandhu
General Manager, Growth & Development**

Date:

10 October, 2018

Item 5.2 Car Parking Policy Application in Moorabool Shire

Introduction

Author: Andrew Goodsell, Manager Strategic and Sustainable Development
General Manager: Satwinder Sandhu, General Manager Growth & Development

Executive Summary

Council has resolved to progress a parking policy to more clearly address how it processes planning applications and the conditions it applies to planning permits. The issue of parking supply and demand is in essence an urban issue within select areas of Bacchus Marsh and Ballan, therefore this report limits itself accordingly to these considerations.

Council currently regulates planning decisions on parking (including parking waivers) via its planning scheme and the provisions contained in clause 52.06 and a range of planning practice notes (PPNs). This is a common practice in Victorian Local Government and allows a case by case merit based assessment.

The regulation of parking, its supply and demand and its relationship to the different needs of users (business, retail, consumers and visitors) is a complex issue relating more broadly to the function of urban communities. It is problematic to respond to these issues without a parking study which fully addresses the differing needs of competing users.

Presently there are no recent studies in either Ballan or Bacchus Marsh that shed light on these matters. No previous studies demand Council undertake immediate action either. There is anecdotal evidence of increased competition for parking spaces in some streets, especially Bacchus Marsh according to some Council staff, but it remains unverified.

An absence of background analysis on parking supply and demand also suggests Council should not be applying conditions, whether by agreement or otherwise, for parking which is not identified for delivery in a capital works programme. See *Court House Hotel v Moorabool SC* [2006] VCAT 2461 (4 December 2006) for red dot decisions on parking conditions.

Notwithstanding, Council should strategically address accessibility issues (including parking) in commercial areas in both Bacchus Marsh and Ballan having regard to future retail and service expansion predicted to occur. Modelling suggest a need for a doubling or tripling of retail floor space in the next 20-25 years in both commercial areas. Informal policies which give clearer guidance on the use of the Victorian Planning Provision controls, whilst they have no statutory status, may assist in Council decisions on the use of parking waivers. It may also assist with pre planning application lodgment discussions with potential developers. Such policies can be implemented in the shorter term.

A parking study funded in possibly 2019/20 (or the following year), would have other advantages to Council. By better understanding parking and access needs across commercial and surrounding precincts, there is a better opportunity to refine parking standards for each use. It is well recognised that over-zealous application of blanket state-wide controls on parking supply can discourage good quality development. There is a need for locally tailored solutions that define when waivers should be applied, having regard to a range of strategic outcomes (heritage preservation, streetscape design, pedestrian safety, nearby off-street parking stations etc). Embedding parking studies into urban design frameworks, as recommended in the Ballan Strategic Directions and similarly in Bacchus Marsh is an optimal method for future management of parking in such a context.

In summary the following approach is proposed:

- Phase 1: Develop in 2018/19 an internal parking policy for use by Council as an interim measure on use of waivers/parking dispensation and use of accessibility discounts based on literature review and the furtherance of adopted strategies (specifically the Bacchus Marsh Housing Strategy infill strategies on density and those for Ballan in Ballan Strategic Directions) to further and better articulate VPP controls and applicable practice notes; and
- Phase 2: Undertake a full parking study (subject to funding) of Bacchus Marsh CBD and Ballan Town Centre, incorporating findings into a future Urban Design Framework (UDF) for Bacchus Marsh CBD and the foreshadowed UDF for Ballan (both of which also require funding). Within this study consider the need for more refined parking rates for each use category and the need for parking overlays and other policy responses as appropriate based on the strategic evidence collected.
- Subject to completing phase 2, Council should also review its staff resourcing and management of parking spaces within Bacchus Marsh and Ballan, embodied within a parking and access management framework similar to that applied by City of Brimbank.

Introduction

Moorabool Shire is experiencing transformational population growth, particularly in Bacchus Marsh (current pop. 20,000) and Ballan (current pop. 3,000), where a doubling of population is forecast in the next 25 years.

Moorabool 2041 represents Council's growth management framework and the Small Towns Strategy, Ballan Strategic Directions and the Bacchus Marsh Urban Growth Framework are key documents in managing this change. Growth pressures now and into the future will involve increased development intensity of land for commercial and residential uses. Within this context parking management is one of many considerations relating to access, urban design and streetscape that need attention.

The issue of car parking has generated considerable interest in towns that are heavily car dependent because it reflects a key aspect of accessibility. Using 2016 ABS data, car dependency in Moorabool Shire is relatively high compared to Metropolitan Melbourne (1.9 vehicles per dwelling v 1.7 vehicles per dwelling). In some areas such as Darley it is higher still (2.1 vehicles per dwelling). Whilst 1 in 6 catch public transport to attend work within Metropolitan Melbourne (15.6%) it is much lower in Bacchus Marsh (8.1%). The rapid growth and visible increases in traffic volumes modelled in the Bacchus Marsh Integrated Transport Strategy and other initiatives likely feed a perception that a more strategic approach to parking supply and demand in key urban areas will be needed, if not now, in the shorter term (next five (5) years).

Council regulates car parking in three (3) direct ways:

1. In a compliance role (via the Community Safety Unit), enforcing time limits in Bacchus Marsh and Ballan both on street and off street (in Council designated carparks);
2. As a manager of off street parking spaces either funded by Council or under a special rate scheme; and
3. As a planning permit authority where it determines parking needs having regard to Victorian Planning Provisions (VPPs).

Council does not have a parking policy, administer parking overlays or have a parking management framework presently.

Parking is a touchstone issue for many in the community. Supply and demand for parking affects the performance of streets (congestion), quality of urban streetscapes, levels of accessibility of customers to businesses and is integral to a wider conversation about community accessibility to urban services.

So how should Council act? There are legislative responsibilities to consider, not the least of which is disabled access. Parking access brings up myriad issues of utility, efficiency and equity. The VPP provides specified standards on parking rates by use across Victoria for all local government to apply. It also gives scope for local government to vary standards via parking studies. Councils has the scope to develop and employ parking overlays that enable cash in lieu contributions. Structure plans and urban design frameworks are contemplated in the VPP as specific strategies that give clearer direction on street specific and precinct needs including parking supply.

Moorabool Shire Council has for the last three years raised via resolution the need for a parking policy, most recently in August, 2018. There is however no budget allocation for 2018/19 to undertake a parking study or implement the findings via a planning scheme amendment. Such work is costly, likely in the range of \$50,000-\$100,000 for a study with a further cost >\$50,000 for amendment implementation. The likely results of a parking study are difficult to speculate upon. Notwithstanding individual site situations, there is no evidence within a parking study to date that there is any existing shortage of parking in either Bacchus Marsh or Ballan when viewed at the sub-precinct level (as opposed to individual streets).

Council has in processing planning applications been required to consider parking waivers for commercial and residential uses in Bacchus Marsh and commercial uses in Ballan. These requests could be expected to continue, especially as intensification of use, smaller lots being created and competition for sites increase (ie land prices increase and density rises). The purpose of this report is to address these issues more fully, reflect on industry practice and identify a pathway forward for both Bacchus Marsh and Ballan.

Background

At the Ordinary Meeting of Council on 1 August, 2018 a resolution was passed with the following terms:

That a report be presented for consideration at an Ordinary Meeting of Council, outlining the steps, issues and options associated with the development of the following policies:

- *Internal Car Parking Policy that guides the exercise of discretion within the planning permit process, and the grounds upon which discretion should be reasonably considered; and*
- *Introduction of Car Parking Overlay within the Moorabool Planning Scheme.*

CARRIED.

That resolution followed a similar resolution made at the 4 September 2015 Ordinary Meeting of Council, for a request to 'develop a car parking policy' that would guide the use of parking waivers in the Shire. Discussions at the 3 February 2016 Ordinary Meeting of Council provided clarification that a car parking policy was to also consider financial contributions to the construction of off-site car parking. No further work on these issues has occurred since as no budget was set aside for parking studies or the policy development that this would entail.

Is parking management an issue in Moorabool Shire?

In Moorabool, any parking management issues that arise are likely to only occur in Ballan and Bacchus Marsh due to the larger size of these settlements, the provision of retail floor space, infill housing and heritage concerns. Recent parking waiver requests via planning permit applications have arisen in Bacchus Marsh within commercial and residential areas. In Ballan, greater parking competition may arise for available on and off-street sites, though at present it appears primarily to arise in commercial contexts.

The rapid growth of Bacchus Marsh as mapped in the Bacchus Marsh Urban Growth Framework in the coming decades and the doubling of the size of Ballan into a district level town, will see Council needing to have clearer strategic direction on how it manages and regulates parking within key urban settlements.

Advice from the Community Safety team indicate, at least anecdotally, that parking congestion has increased considerably since the 2009 study, to a point whereby Council's main car park in Bacchus Marsh becomes saturated by lunch times, especially Wednesday through Friday (Saturday levels are unknown). When the main car park becomes saturated, motorists would likely seek other parking options or change their travel behaviour (eg time of accessing CBD facilities/services). This needs to be further assessed.

In the event a study is initiated, it has been suggested that it should consider all major car parking options available to motorists (both public and private) in Bacchus Marsh and Ballan. That position is supported.

Legislative Requirements and the role of Local Government

Parking policy and regulation is a complex issue for Local Government. There is a range of legislative requirements to consider. The *Road Safety Act 1986* requires Council to provide for safe, efficient and equitable road use. Under the *Local Government Act 1989* Council has powers and responsibilities to construct, maintain and manage roads including traffic and parking.

The *Disability Discrimination Act 1992* (DDA) specifies that the rights of people with disabilities must be recognised and respected. Accessibility is a key component of these rights.

The *Road Management Act 2004* outlines Council's responsibilities as a road authority to manage and maintain the municipal road network not used by through traffic, excluding freeways.

Any decision on parking policies, strategies and frameworks needs to be fully aligned with legislative responsibilities as set out.

Brimbank City (2016) in a report to Council articulate clearly the role of local government concerning car parking management, which is:

- Land use planning (including parking rates and contributions).
- Car parking provision (including on and off street car parking) and car parking infrastructure.
- Car parking management of major carparks (public and private) and on-street parking (including parking controls, permit schemes and compliance).

It is also observed that Council in regulating parking supply and demand management has a wider role in stakeholder engagement, research as well as in protecting heritage, facilitating public transport and non-car movements, urban design and business development. Any decision on parking supply and demand must have regard to the role of parking as only one component of how urban areas function.

Victorian Planning System – How it regulates car parking

When reviewed in 2015 it was noted that there were 385 references to "parking" in the Moorabool Planning Scheme. Parking is one of the most 'regulated' elements within the planning scheme and under the Victorian Planning Provisions (VPP) with corresponding case law regarding exercise of discretion. Under clause 52.06 of the planning scheme Council has the legal right to require a set amount of car parking determined by the use category. This number of spaces can be reduced or waived subject to a Car Parking Demand Assessment as set out in clause 52.06-7.

Taken to its logical extent, there may be cases where a zero parking requirement is specified (for instance re-use of a heritage building near a Council maintained carpark). It is not always the case that more parking is the optimal outcome. Excessive or under-utilised parking is wasteful of resources and space and costly to provide.

Council can prepare a local planning policy which specifies the basis of how parking is regulated and waivers considered. Such an assessment would be relying on the legislative powers set out under the planning scheme. Historically, waivers could be either informally regulated or formally, within the planning scheme. However the latter approach is typically favoured because it is legally robust and can be consistently applied. In 2011, the Chair of the Car Parking Advisory Committee sought advice from legal Counsel on the question of the legality of car parking cash in lieu schemes. This advice informed the introduction of the Parking Overlay as the proper tool for seeking a financial contribution to provision of off-site parking.

Specific information on the application of the parking overlay can be found at clause 45.09 of the planning scheme.

DELWP administers the planning system in Victoria and issues guidance via planning practice notes (PPNs). With respect to parking, the relevant PPNs are PPN 22 – Using the Car Parking Provisions and PPN 57 – The Parking Overlay.

PPN 22 is a guide to the use of clause 52.06 of the VPP. Because clause 52.06 makes provision for parking waivers there is further direction on this issue in PPN 22 as well. Key factors to consider in issuing a waiver include:

- Any relevant local planning policy or incorporated document (eg activity centre structure plans, urban design frameworks etc).
- Availability of car parking.
- On-street parking in residential zones in the locality of the land that is intended to be for residential use.
- The practicality of providing car parking on the site, particularly for lots of less than 300 square metres.
- An adverse economic impact that a shortfall of car parking may have on an activity centre.
- The future growth and development of an activity centre.
- Car parking deficiency associated with the existing use of the land.
- Credit for car parking spaces provided on common land or by a special charge scheme or similar contribution.
- Local traffic management.
- Local amenity.
- The need to create safe, functional and attractive car parking areas.
- The potential to access the site by public transport, bicycle and walking.
- Historic contribution by existing businesses.
- The need to respect the character of the neighbourhood or achieving a quality urban outcome.

PPN 57 concerns the parking overlay. It specifies the steps involved and is summarised in Figure 1.

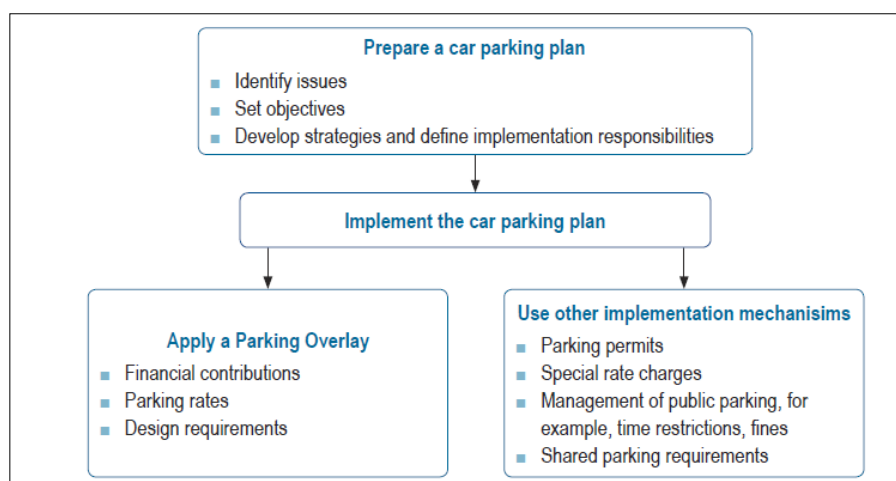


Figure 1. Parking Overlays and other mechanisms for parking management (source: DELWP, 2013)

The relevant points to note is that there are multiple methods available for managing parking from permits to special rate charges and time restrictions (as well as paid parking) on use of car spaces. Applying a parking overlay requires financial contributions, a review of parking rates applicable to each use and inherently, a requirement to build car parking with moneys collected.

As part of the ‘Smart Planning’ works currently being undertaken by the State Government, car parking waivers in the metropolitan areas are being addressed and managed through the Principal Public Transport Area Maps which allow for up to a 60% reduction in car parking for proposals located within 400m radius of train lines. Whilst this specific provision does not strictly apply to Moorabool Shire as it falls outside of this area, a similar approach in Moorabool Shire may have benefit (refer to **Annexure A** for other information on this issue).

How Moorabool regulates parking presently

Council enforces parking limits in the towns of Bacchus Marsh and Ballan via staff patrols of commercial areas under the *Road Management Act 2004*. Parking around school precincts are also monitored and parking complaints are acted upon more broadly, as requested.

Research indicates parking enforcement is dependent on available resources, which results in some inconsistent enforcement outcomes and unreliable statistical data collection. Council does not provide provisions for dedicated parking officer positions. In recent times (since May 2018) a more consistent approach has indicated that there is significant parking restriction non-compliance in the commercial and school precincts within Bacchus Marsh and, to a much lesser extent, in Ballan. Current parking compliance may average approximately 20 hours a week (variable due to other compliance resourcing pressures).

No parking overlays are applied within the Shire under the planning scheme. Council does not have any parking management policy similar to Boroondara City or car parking management framework similar to Brimbank City. Nor has Council commissioned parking studies to apply overlays as both Shire of Moyne (2017) did with Port Fairy or City of Bendigo (2008) has undertaken within its core commercial business district

Council does waive parking on a case by case basis and has levied financial contributions for parking via S173 Agreement at times. The following are recent examples of such practice (dealt with through Councillor determination, unless otherwise indicated, and subject to parking studies justifying a waiver):

Bacchus Marsh – Commercial Uses

- PA2017175 - 10 Gell St, - 14 bays required, 7 provided **Approved** & an agreement entered into requiring \$5000 contribution per bay = \$10,000 per annum for 3 years.
- PA2017089 - 232 Main St. BM – Medical centre reduction of 1 car space – **Approved** (VCAT decision)
- PA2016072 210 Main St BM – Supercheap auto **approved** with a waiver of 6 bays.
- 156 Main Street Bacchus Marsh – Change of use to restaurant, 15 car space reduction. **Approval** issued.
- PA2016007 - 8 Church Street Bacchus Marsh. \$173, \$5,000 per space for 14 spaces, \$70,000 in total. **Approved.**

Ballan – Commercial Uses

- PA2017240 – 122 Inglis St, Ballan – no bays waived, however, a staging plan allowing the bays to be constructed to reflect occupancy rate was permitted.
- 68 Steiglitz Street, Ballan 4 offices and 4 dwellings – 17 spaces required 12 provided 5 car space reduction. **Refused.**
- PA2015108 - 22 Fiskens Street Ballan - Staged Subdivision (9 lots), Development of Five (5) Retail Shops and Four (4) Dwellings, a Reduction of Eleven (11) Car Spaces and Removal of Vegetation - **Approved.**
- PA2015028 149 Inglis Street Ballan, reduction of 5 bays **Approved.**

Bacchus Marsh - Residential Uses

- PA2017101 - 133 Gisborne Rd, 1 waiver of visitor bay
- 54 PA2016074 6 dwellings & waiver of visitor space – **Approved**
- PA2014180 6 dwellings & waiver of visitor car space – **Approved**
- PA2014004 100 Masons Lane, 6 dwellings with waiver of visitor space – **approved** & supported by VCAT.

Whilst a more comprehensive review of Council practices would be needed to form a definitive position on the use of waivers and cash in lieu collection, the above suggests:

- (a) Council applies state-wide parking standards that may be suboptimal having regard to actual demands (may be too high or low) relative to the uses proposed;
- (b) Council is being requested to support waivers in both commercial and residential areas of Bacchus Marsh but only commercial areas in Ballan at present;
- (c) Council infrequently applies cash in lieu payments via S173 Agreements (at the request of proponents); and
- (d) Council has no system or framework for more consistent approaches to waivers and parking management beyond a case by case assessment under the VPP.

By way of record, Council has also applied cash in lieu contributions previously in issuing planning permits. In *Court House Hotel v Moorabool SC* [2006] VCAT 2461 (4 December 2006 Member Eccles struck down condition 4 of the permit which related to a S173 Agreement for \$4,000 per car space or \$72,000 in total. The relevant matters were the lack of a relevant parking precinct plan, the availability of parking in the locality, and the absence of an empirical assessment of car parking demand. This was however based on Council initiated conditions for financial contribution, not applicant initiated agreements.

Council currently has no proposed 'scheme' to provide parking within the Bacchus Marsh CBD or in Ballan Town Centre. Council car parks in Bacchus Marsh central area are likely to have been constructed via a previous special rates and charges scheme.

Council provided a parking waiver of 129 spaces for its own facility when the Lerderderg Library was built in 2012. It is presumed that Council factored in the nearby Council managed carpark off Main Street in that decision. A parking study and further research would be beneficial to determine, with other waivers issued, how much of the existing carpark in Main Street has already been credited to uses within Bacchus Marsh.

Existing Strategies and how they impact parking management

Bacchus Marsh and Ballan are both projected to grow significantly in coming years. The population of Bacchus Marsh will more than double to over 40,000 and Ballan will double from 3,000 to 6,000 by 2041. In so doing, four outcomes will likely arise:

1. There will be ongoing pressure for infill housing development near and within commercial areas, especially Bacchus Marsh. It is probable that re-development of existing lots involving additional dwellings in rear yards, consolidation of properties for larger developments and even demolition to achieve better development outcomes will occur. Parking waivers likely will be sought for these projects, noting that many such developments will be within walking distance of activity centres. The Bacchus Marsh Housing Strategy (C79) facilitates directed infill housing consistent with State planning policy goals of housing diversity and accessibility to urban services. Similar issues will arise in time in Ballan around the main street grid south of Werribee River and within 400m of the existing train station.
2. Retail and service expansion will occur to cater for increased population, making effective car parking management (where located, how much parking, who finances it), more critical over time. In Bacchus Marsh some 35,000 sq m of additional floor space is needed by 2041 (8-10 ha of land). In 2014 there was only 30,000 sq m of retail floor space provided across the entire Shire. In Ballan town centre retail floor area could increase from 3,000 sq m (2014 figures) to up to 9,000 sq m.
3. Expansion of a range of essential urban services will be delivered to cater for increased population growth and to reflect the increasing importance of both Bacchus Marsh and Ballan to their districts (consistent with Plan Melbourne). This will mean more schools, more integrated health services and increased presence of professional services in town centres. There are a number of sites within both settlements, which contain existing historic buildings or contribute positively to streetscape that cannot readily provide off-street parking.
4. The community will expect to see increased investment in pedestrian and cycleway connections along with more frequent and better public transport services to all activity centres. These expectations are articulated in the adopted Bacchus Marsh Integrated Transport Strategy and the Bacchus Marsh Urban Growth Framework (as well as the Hike and Bike Strategy).

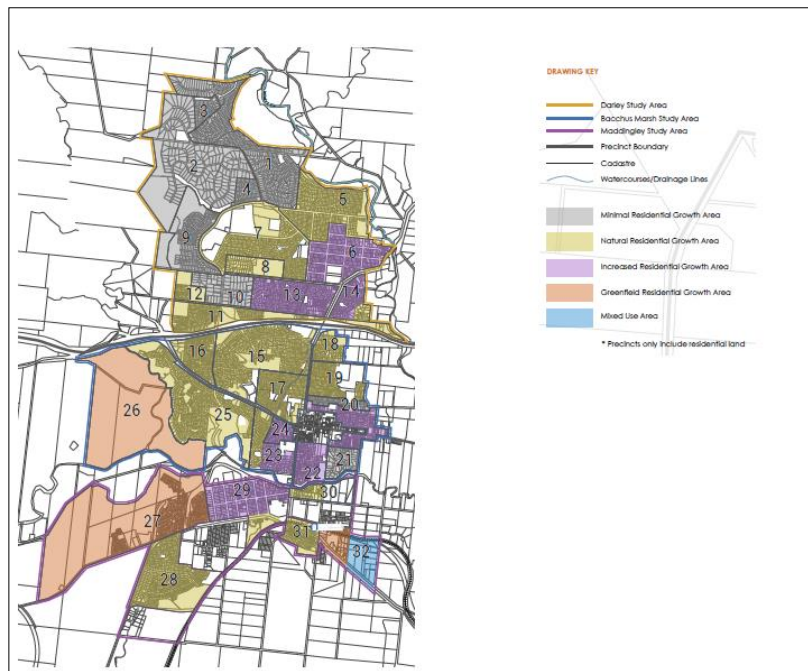


Figure 2. Infill housing designated areas in purple (source: Mesh, 2017)

Council has not undertaken a parking study of Bacchus Marsh since 2009 making an informed debate on the specific parking management issues presently difficult. No studies on parking supply and demand has ever occurred in Ballan.

The Bacchus Marsh Structure Plan Transport and Parking Strategy (2009) found that there was a total of 1458 car parking spaces within the Bacchus Marsh Commercial Area of which 1117 was off street. At peak time (2pm Friday) the occupancy rate was 55%. The Study did identify ‘hot spots’ but concluded that “... overall there is ample parking within what is considered to be reasonable walking distance of 400 metres. A combination of public and private owned car parking areas situated on the periphery of the town centre being under-utilised has led to supply being greater than demand overall.” As that study is nine (9) years old, a further assessment now has merit.

The Bacchus Marsh Integrated Transport Strategy (BMITS) makes only limited comments about car parking management. It is noted that narrow road reservations hamper parking provision in some areas. Parking at the train station is an ongoing supply challenge due to the popularity of this service. Activity centres and integrated land use and transport planning are also identified as requiring further management.

The Ballan Structure Plan is a high level document but does foreshadow the need for an urban design framework within the town centre core. It is logical that such work be expanded to address mixed use development and the regulation of parking to cater for future growth.

Analysis and Summary of Issues

Based on a review of available information and the approaches applied by other councils (see **Appendix A**), a summary of issues is described as follows:

1. Council cannot presently quantify the extent of parking management issues (supply v demand) in either Bacchus Marsh or Ballan due to a lack of recent strategic assessment (ie parking studies). There is anecdotal evidence of competition for spaces in some carparks and all day parking occurring in areas where it should not. But this should be further verified.

2. Statutory processes including applying S173 agreements in planning permits for parking waivers should be generally avoided, where not supported by relevant background studies to establish the amount of contribution and for its specific purpose (eg on street, off street etc). This will avoid the potential exposure of Council to future refund collections made (where not supported by a suitable strategy). There is an argument that if applicants agree to such a contribution it could be applied in a permit as it is voluntary. However given the risk that future owners may not accept such agreements, especially if additional parking is not delivered via the previous funding provided, it is likely a practice of limited benefit.
3. Objectively Council should further consider whether the resolution for a parking policy expresses concern with the use of waivers and planning permits under the VPP or a lack of clear internal processes and procedures to interpret the guidance available. A workshop on this issue between staff and Councillors is desirable to further discuss this issue. Clause 52.06 and practice notes give reasonably clear guidance on use of discretion to waive parking and assess planning permits. This approach is applied in Melton and elsewhere. City of Ballarat is doing a smart parking plan at present to review its approach to this issue.
4. Preparing parking overlays with appropriate background reports is costly. A planning scheme amendment process is likely to include Panel hearings and expert advice will cost greater than \$50,000. The study itself could cost more, generating a total cost of \$100,000 - \$150,000 (exact price to be confirmed via tender).
5. Growth pressures will ultimately need parking management strategies in Bacchus Marsh and Ballan. Council does need to invest in a urban design framework (UDF) for Bacchus Marsh and it is probable that such work, supported by a well-researched parking study, would be an appropriate method to also concurrently address how best to manage future commercial growth. Parking studies could input into this work and better address future parking demands as part of a wider assessment of accessibility and transport modes into urban areas.
6. It is unclear whether there are any matters not adequately addressed in the VPP but local conditions could warrant lowering parking ratios for some uses (as occurs in Shire of Moyne) and, in some cases (where justified by studies) structure plans or other strategy guidance on how specific streets or precincts are managed for parking supply. Whilst the VPP gives a one size fits all approach to parking provision, clearly local conditions can shape the supply and demand of parking in urban areas.
7. In the absence of parking studies quantifying the extent of any parking shortfall in Bacchus Marsh CBD or Ballan Town Centre Council should continue to waive parking where the individual case merits it – the only issue is being clear on the merits of the request.
8. Literature views suggest that Council should consider establishment of a parking management framework. City of Brimbank applies such a framework , comprising:
 - Objectives of car parking management;
 - Intervention criteria for car parking controls and management (management can include timed spaces, metred spaces etc); and
 - Priorities for kerbside space allocation.
9. Further to the above, consider developing an interim parking policy within the year 2018/19, as an internal officer and Council guide to applying VPP controls, addressing as relevant - accessibility discounts; hierarchy of access; and intervention criteria together with a decision process similar to that applied by the City of Bendigo (Figure 3).

10. In further developing strategies to regulate access and parking supply and demand in Bacchus Marsh and Ballan, Council will need to consider, as appropriate, the resourcing (staff) needs to implement such strategies and enforce any regulations applied.

What should Council do?

In summary, the following approach is proposed:

- Phase 1: Develop in 2018/19 an internal parking policy for use by staff and Councillors as an interim measure on use of waivers/parking dispensation and use of accessibility discounts based on literature review and the furtherance of adopted strategies (specifically the Bacchus Marsh Housing Strategy infill strategies on density and those for Ballan in Ballan Strategic Directions) to further and better articulate VPP controls and applicable practice notes; and
- Phase 2: Undertake a full parking study of Bacchus Marsh CBD and Ballan Town Centre, assessing current needs and projecting future demands, incorporating findings into a future UDF for Bacchus Marsh CBD and the foreshadowed UDF for Ballan. Within this study consider the need for parking overlays and other policy responses as appropriate based on the strategic evidence collected.
- Subject to completing a parking study for commercial areas in Bacchus Marsh and Ballan, Council should also review its staff resourcing and management of parking spaces, embodied within a parking and access management framework that addresses all modes of accessibility.
- Paid Parking in the key off street parking sites.

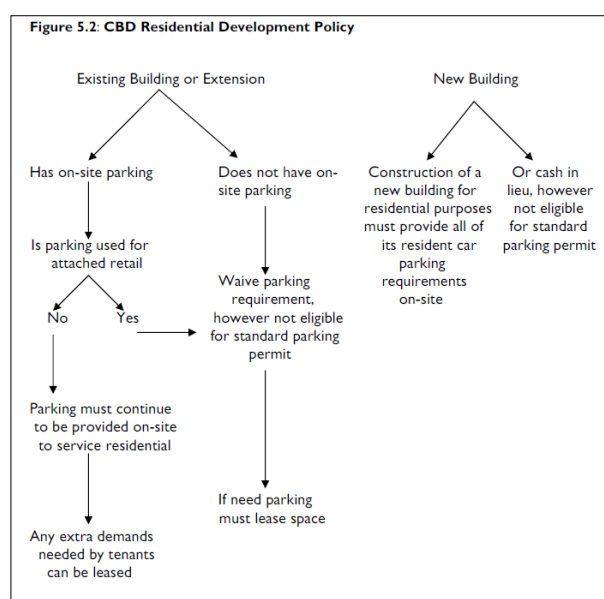


Figure 3. Bendigo Parking Policy example (source: GTA Consultants, 2008, 47)

Policy Implications

The Council Plan 2017 – 2021 provides as follows:

Strategic Objective 3: Stimulating Economic Development.
Context 3A: Land Use Planning.

The proposal, which involves further consideration of parking is not specifically mentioned in the Council Plan but is a logical consideration in implementing the Bacchus Marsh Urban Growth Framework and Ballan Strategic Directions which are listed as actions in the Council Plan 2017 – 2021.

Financial Implications

The proposed two tiered approach to developing a parking management framework has the following financial implications:

- Phase 1: Develop in 2018/19 an internal parking policy for use by staff and Councillors to further and better articulate VPP controls and applicable practice notes and adopted Council strategies – limited/no cost. Can be delivered internally and substantially budget neutral beyond staff time commitment.
- Phase 2: Undertake a full parking study of Bacchus Marsh CBD and Ballan Town Centre in either 2019/20 or 2020/21 incorporating findings into a future UDF for Bacchus Marsh CBD and the foreshadowed UDF for Ballan. Significant cost, likely to be in the range of \$50,000 for the study with additional costs for implementation. An overall budget of some \$150,000 should be set aside for the study and potential amendments to the planning scheme if Council wishes to further assess these issues and respond via a planning scheme amendment. This will be subject to financial year one-off budget bid processes.
- Development of an overarching parking and access management framework would be costed concurrent with the delivery of Phase 2.

Risk & Occupational Health & Safety Issues

The development of a car parking management framework will reduce the risk of Council making inconsistent decisions. It will also clearly note that leveraging funding in permits for cash in lieu will need to be avoided unless or until Council has appropriate studies to support such requests via a parking overlay or other adopted strategic policy/framework (UDF or Structure Plan).

Victorian Charter of Human Rights and Responsibilities Act 2006

In developing this report to Council, the officer considered whether the subject matter raised any human rights issues. In particular, whether the scope of any human right established by the Victorian Charter of Human Rights and Responsibilities is in any way limited, restricted or interfered with by the recommendations contained in the report. It is considered that the subject matter does not raise any human rights issues.

Officer's Declaration of Conflict of Interests

Under section 80C of the *Local Government Act 1989* (as amended), officers providing advice to Council must disclose any interests, including the type of interest.

General Manager – Satwinder Sandhu

In providing this advice to Council as the General Manager, I have no interests to disclose in this report.

Author – Andrew Goodsell

In providing this advice to Council as the Author, I have no interests to disclose in this report.

Conclusion

There is at present insufficient strategic support to implement any planning policy or overlay in relation to parking within residential or commercial areas of Bacchus Marsh or Ballan.

Council should however strategically address accessibility for residents, visitors and businesses in commercial areas in both Bacchus Marsh and Ballan having regard to future retail and service expansion predicted to occur in coming years. Informal policies which give clearer guidance on the use of the VPP controls, whilst they have no statutory status, will potentially assist in securing more consistent decisions on the use of parking waivers as well as the other solutions needed to address parking both on and off street.

Ultimately, car parking management can and should be integrated into a wider assessment of streetscape design principles, heritage preservation, encouraging multiple modes of accessibility (walking, cycling, public transport). Embedding parking studies into urban design frameworks, as recommended in the Ballan Strategic Directions and similarly in Bacchus Marsh will be the optimal method for future management of car parking within the Shire key settlements.

Council should more broadly develop a parking and access framework which expands this discussion more broadly than supply and demand for parking spaces, into such matters as pedestrian accessibility, public transport service improvements, cycleway investment and time management of parking spaces both on street and off street.

Recommendation

That the S86 Moorabool Growth Management Committee:

- 1. Notes the content of the report; and**
- 2. Request the subject report be presented at the next available Ordinary Meeting of Council for further deliberation.**

Report Authorisation:

Authorised by:

Name: Satwinder Sandhu

Title: General Manager Growth and Development

Date: 9 October, 2018

APPENDIX A – LITERATURE REVIEW

Research on Parking Management – Literature Review

There are several dimensions to parking management, including:

1. Accessibility discounts
2. Location and purpose of parking
3. Hierarchy of Access
4. Intervention Criteria
5. Parking Overlays and Cash in lieu contributions

Accessibility Discounts

Aurecon (2013) on behalf of City of Port Adelaide Enfield examined parking rates by use and accessibility discounts. This is a relevant consideration for use of parking waivers. In Victoria to date there has been only limited guidance on how accessibility discounts should be applied.

The accessibility adjustments to standard parking were recommended as 5% discount for sites within 400m of train stations, 10% reduction when within 200m walking distance of a bus or tram stop, 20% reduction when within 200m of a train station. The Western Australian cities of Vincent and Subiaco use similar figures though allow upto 800m walking distances to train stations in their calculations due to higher willingness of commuters to use train services (and walk further).

Location and Purpose of Parking

GTA Consultants (2008) on behalf of City of Bendigo (2008) acknowledge that it is not always appropriate or efficient to provide parking on individual sites. They suggest the following scenarios should apply to parking management:

- **Short term parking scenario:** Provide on street, within 400m from the site. Significant short term trip uses such as shopping centres and supermarkets require on-site parking. Of street parking only allowed if within 400m of site, funding via cash in lieu schemes.
- **Long term parking scenario:** Provide on-site if an acceptable urban design outcome can be achieved, or if off-street within 400m from the site, funded via a cash in lieu scheme.
- **CBD residential dwellings scenario:** Need to distinguish between new construction versus re-use of an existing building.

Calibre (2017) on behalf of Shire of Moyne prepared the Port Fairy Car Parking Strategy. It concluded that short term stay parking in the commercial core should be governed by time restrictions (2 hr limits). Off street parking should be used for long term workers and overnight parking demands.

GTA Consultants (2008) on behalf of City of Bendigo noted the following as acceptable distance between car parking spaces and destinations (Table 1).

Adjacent (less than 50m)	Short (less than 250m)	Medium (less than 400m)	Long (less than 500m)
People with disabilities Deliveries and loadings Emergency services Convenience store	Grocery store Professional services Medical services Residents	General retail Restaurant Employees Entertainment centres Religious institution	Airport parking Major sport or cultural event Overflow parking
Note: This table assumes good pedestrian conditions.			

Table 1. Acceptable Walking Distances – as reproduced from the Victorian Transport Policy Institute (Source: GTA Consultants, 2008, 31)

Hierarchy of Access

Stakeholder needs vary with respect to access and this should be addressed in parking management. City of Boroondara (2017) in their Parking Management Policy specifies priorities as follows from highest importance to lowest (Table 2):

Shopping strips and commercial areas - On-street	Shopping strips and commercial areas - Off-street car parks	All other streets
1. Disability parking.	1. Disability parking.	1. Disability parking.
2. Public transport zone (including car share bays).	2. Short-term parking i.e. P15min or less.	2. Public transport zone (including car share bays).
3. Loading zone.	3. Customers/shoppers i.e. 1P, 2P or 3P restrictions.	3. Drop off/pick up zone (including short-term parking restrictions near the zone).
4. Short-term parking i.e. P15 min or less.	4. Traders and local employees.	4. Residents (including their visitors).
5. Customers/shoppers i.e. 1P or 2P restrictions		5. Customers/shoppers.
6. Residents (including their visitors).		6. Traders and local employees.
7. Traders and local employees.		7. Park and Ride.
8. Park and ride.		

Table 2. Parking hierarchy (source: City of Boroondara, 2017)

Intervention Criteria – or when to actively manage carparking provision

So when should a Council act on parking management, or to restate the question, how busy do parking spaces need to be to warrant action? City of Brimbank (2016) address this issue in Table 3.

Occupancy	Type of parking	Intervention
<50%	On street	<ul style="list-style-type: none"> No change required, or Consider reallocation of space for other purposes
	Off street	<ul style="list-style-type: none"> Significant reduction in controls, or Consider reallocation of space for other purposes
50-75%	On street	<ul style="list-style-type: none"> Moderate reduction in controls (more time and/or less cost), or Consider reallocation of part of the space for other purposes
	Off street	<ul style="list-style-type: none"> Moderate reduction in controls (more time and/or less cost), or Consider reallocation of part of the space for other purposes
75-90%	On street	<ul style="list-style-type: none"> No change required (active monitoring of areas >85%)
	Off street	<ul style="list-style-type: none"> No change required (active monitoring of areas >85%)
>90%	On street	<ul style="list-style-type: none"> Increase controls (less time and/or more cost), and/or Provide additional car parking spaces
	Off street	<ul style="list-style-type: none"> Increase controls (less time and/or more cost), and/or Provide additional car parking spaces

Application of the intervention criteria should have regard to an area as a whole (e.g. an activity centre, or hospital precinct). This enables consideration of the secondary effects of any change and how driver behaviour may be influenced. An area-based approach also enables secondary actions to be considered as part of a solution (e.g. improving pedestrian connection to under-used car parking, or directional signage about parking availability).

Table 3. Intervention criteria for car parking controls and management (source: City of Brimbank OMC Report, 2016)

Parking Overlays and Cash in lieu contributions¹

Calibre (2017) on behalf of Shire of Moyne recommends a parking overlay to apply parking rates more appropriate to Port Fairy with significant reductions appropriate for hotels, offices (including banks), food and drink premises including convenience restaurants and so forth. A cash in lieu scheme to construct new spaces was also explained with rates being as follows:

- \$22,760/space - where land is to be acquired, which also includes construction costs.
- \$4,312/ space – where land is already acquired.

The GTA Consultants report for City of Bendigo quoted (2008) figures of between \$12,000-\$32,000 per vehicle space, the cost being entirely dependent on land costs for acquisition as well as parking space design (at grade, decked, basement). The relevant point is that concept plans need to be prepared to establish cash in lieu rates.

¹ Note: These figures are a result of a parking study taking into account the relevant factors. They aren't directly applicable to Moorabool and further work would be required to identify appropriate rates based on further evidence.

Municipality	Date	Location	Payment in Lieu Scheme (Cost per parking space) Ex GST and subject to CPI adjustments
City of Monash	June 2012	Glen Waverley Principal Activity Centre	\$11,000
		Oakleigh Major Activity Centre	\$6,000
City of Casey	2006	Berwick Village Commercial Centre	\$16,935
Shire of Wodonga	2003	Wodonga CBA	\$5,000
Shire of Campaspe	October 2008	Echuca CBD and Historic Port	\$2,000
Shire of Moira	2009	Yarrawonga Central Activities District & Cobram	\$8,060
Shire of Greater Shepparton	2003	Shepparton CBD	\$4,500
Shire of Surf Coast	December 2012	Torquay Town Centre	\$13,828 per car parking space
City of Wyndham	October 2011	Werribee City Centre	\$12,500
City of Greater Bendigo	2009	Bendigo CBD Parking Precinct	\$10,000
Shire of Colac Otway	December, 2011	Apollo Bay Commercial Centre	\$13,000

Table 11: Existing Cash-in-lieu Schemes in Victoria

Table 4. Cash in lieu contributions rates applied in Victoria (source: Calibre, 2017, 55)

Legal Position

Issue 1: Cash in lieu contributions

If Council is to collect moneys by way of conditions on a permit for parking waivers it will need rigorous research to support such an approach. The Red Dot decision on legality of ‘cash in lieu’ schemes is *Napraec v Baw Baw Shire* from 2005. This case was relied upon in *Court House Hotel V Moorabool Shire Council* (2006) where Council was challenged in the Tribunal for permit conditioning for monetary contribution.

VCAT wrote in its determination:

The cash in lieu contribution sought by Condition 4 cannot be justified by an approved development contributions plan (as no such plan has been approved), or as a specific requirement of the Moorabool Planning Scheme or of a referral authority. The only basis on which Condition 4 would be valid would be if it were in accordance with s 62(5), as provided for in s 62(6)(a). Section 62(5)(a) cannot be relied on because there is no approved development contributions plan in place. Section 62(5)(c) cannot be relied on because the cash in lieu contribution per space is likely to be lower than the cost of providing an off-site space, as was recognised in the Officer’s Report, and because it is likely that it would be a contribution towards a car parking fund to which other landowners would be required to contribute (I note the Officer’s Report states that “Council may like to consider the collection of a monetary contribution towards a car parking fund for Bacchus Marsh (car parking may be dealt with under strategic work to be undertaken to create an activity centre precinct)”. Section 62(5)(b) cannot be relied on because the requirement of

the s173 agreement is contested, as was the case in Napreac. This is not a situation where the parties have negotiated a mutually accepted car parking arrangement.

Issue 2: Parking waivers

A recent Red dot decision on parking waivers, allowing for zero parking was the case of *Dinopoulous v Darebin CC* (2017), concerning the Nightingale 2.0 project abutting the Fairfield Railway Station. In that case a zero parking allocation was made based for the apartment complex based on close proximity of multiple public transport options; strategic support under the planning scheme; the active use of green travel plans and finally the process by which potential tenants purchased units within the complex.

Whilst this decision sits at the extreme end of parking waivers, it does recognise that public transport accessibility, customer expectations and land use decision need to be fully considered in parking decisions.

References

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