

## 5.1 AMENDMENT C84 TO THE MONASH PLANNING SCHEME OAKLEIGH MAJOR ACTIVITY CENTRE – MODIFICATION TO PARKING PRECINCT PLAN

(TP245:BG:HM:)

Ward : Oakleigh

Responsible Director: Don Cameron

Reason for Council Consideration: Amendment to the Monash Planning Scheme

### **RECOMMENDATION**

- a) *That the Minister for Planning be requested to authorise Council to prepare amendment C84 to the Monash Planning Scheme, to modify the Schedule to Clause 52.06 - Oakleigh Parking Precinct Plan (OPPP) - to exempt “Dwelling” from the requirements of the OPPP, pursuant to Sec.9(2) of the Planning and Environment Act.*
- b) *That the Minister for Planning be requested to authorise Council to approve amendment C84 under Sec.35B of the Planning and Environment Act.*
- c) *That the Minister for Planning be requested to exempt Council from the notification requirements of Sec.19 part (1)(b), of the Planning and Environment Act.*
- d) *That Amendment C84 be prepared as outlined in this report and, following authorisation by the Minister for Planning, be placed on public exhibition.*

### **BACKGROUND**

Council at its meeting in January 2008 resolved to adopt Amendment C60 to the Monash Planning Scheme and requested the Minister for Planning to approve and gazette the amendment.

Amendment C60 introduced the Oakleigh Parking Precinct Plan into the Monash Planning Scheme. Amendment C60 was gazetted on 5 June 2008.

### **REASON FOR AMENDMENT**

The purpose of the amendment is to modify the Schedule to Clause 52.06 - Oakleigh Parking Precinct Plan (OPPP) - to exempt the use “Dwelling” from the mandatory car parking requirements of the OPPP. Parking will still be required for this use, however, the rate to be provided would reflect Council’s current policy parking rate requirements.

Analysis of a proposed residential development within the area of the OPPP has identified an unexpected impact on the provision of car parking for the development, created by the OPPP.

The OPPP requires for a “Dwelling”, the provision of on-site car parking at the rate specified in the table to Clause 52.06 of the Monash Planning Scheme. That is a rate of 2 spaces for each dwelling.

Council’s policy for the provision of parking for dwellings in Business Zones is:-

Dwelling	1 bedroom	1 space/dwelling
	2 bedrooms	1.5 spaces/dwelling
	3 or more bedrooms	2 spaces/dwelling

The application of the OPPP forces a parking requirement significantly in excess of Council’s policy requirement and in excess of the practical demand for the development of a residential proposal.

Occupiers of dwellings are unlikely to want to park their vehicle in a remote public accessible car park. Also most of the proposed car park is to have access restricted during the night. Therefore payment of a cash-in-lieu contribution for the provision of off-site parking is not appropriate for a residential use. Residential parking should be provided securely on-site.

The amendment proposes to exempt the use “Dwelling” from the mandatory car parking requirements of the OPPP. The provisions of car parking can be reduced to less than the 2 spaces/dwelling as specified in Clause 52.06 of the Monash Planning Scheme. Appropriate parking requirements can then be specified in the conditions of a Planning Permit.

#### ***AMENDMENT PROCESS***

Authorisation is required from the Minister for Planning for the preparation and public exhibition of an amendment to a Planning Scheme.

This amendment is considered to be minor and therefore authorisation to approve the amendment has also been requested from the Minister.

A copy of the OPPP Schedule to Clause 52.06 with the modification highlighted in bold is attached. [ATTACHMENT 1]

#### ***EXTERNAL CONSULTATION***

It is considered that the public exhibition process for this amendment can be limited because it will reduce the car parking requirement imposed on any residential development, creating an improved circumstance for the developer while retaining the need to ensure adequate parking is provided on-site.

The Minister may exempt Council from some of the formal public notification requirement. Notification of the proposed amendment would still involve

notification to the Minister for Planning, Minister for the Environment and Minister for Energy Industries and Resources.

It is considered that notification to affected property owners and occupiers is not necessary taking into consideration the effect of the amendment. That is, it will reduce the car parking requirement imposed on any residential development, creating an improved circumstance for the developer while retaining the need to ensure adequate parking is provided on-site.

### ***POLICY CONSIDERATIONS AND ANALYSIS***

The policy consideration of the Monash Planning Scheme relevant to this application to amend the Scheme are:-

<b>20</b>	<b>Operation of the Local Planning Policy Framework</b>
<b>21</b>	<b>Municipal Strategic Statement</b>
21.04	Residential
21.05	Economic Development
<b>22</b>	<b>Local Planning Policies</b>
22.01	Residential development and character policy
22.02	Industry and business development and character policy

The amendment is considered to generally be consistent with both the State and Local Planning Policy Framework including the Municipal Strategic Statement and Local Policy.

### ***CONCLUSION***

It is recommended that Amendment C84 to the Monash Planning Scheme be placed on public exhibition following authorisation by the Minister for Planning.