

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

(TP245:AJ:HM:)

Ward : Oakleigh

Responsible Director: Don Cameron

Reason for Council Consideration: Amendment to the Monash Planning Scheme

RECOMMENDATION

That: -

- 1. Council adopt Amendment C84 pursuant to Section 29 of the Planning and Environment Act 1987.*
- 2. Amendment C84 be referred to the Secretary of the Department for Certification pursuant to Section 35A of the Planning and Environment Act 1987.*
- 3. Following Certification by the Secretary to the Department, Amendment C84 be approved pursuant to Section 35B of the Planning and Environment Act 1987.*

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.

On 5 August 2008, Council determined: -

- 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.
- That the Minister for Planning be requested to authorise Council to approve amendment C84 under Sec.35B of the Planning and Environment Act.
- 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
- That Amendment C84 be prepared as outlined in this report and, following authorisation by the Minister for Planning, be placed on public exhibition.

On 18 August 2008, Council requested authorisation from the Department of Planning and Community Development (DPCD) to prepare the amendment, to exempt the relevant notification requirements and for Council to be the Planning Authority for the Amendment.

On 30 September 2008, the DPCD authorised Council to prepare the Amendment, to the Planning Authority for the Amendment and exempt the relevant notification requirements for the Amendment.

PROPOSAL

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 (Refer Attachment 1).

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.

EXTERNAL CONSULTATION

As noted in the previous report to Council, the notification to affected property owners and occupiers has not been 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.

Apart from notifying the prescribed Ministers of the Amendment, the Minister for Planning has exempted Council from the remaining notification requirements.

The prescribed Ministers were notified on 2 October 2008.

AMENDMENT PROCESS

If no submissions are received or if no submissions object to or request changes to an amendment fourteen days from notifying the prescribed Ministers, the Planning Authority can either: -

- adopt the amendment, or
- abandon the amendment.

Once an amendment has been adopted, the Planning Authority must either: -

- request the Minister for Planning to approve the amendment, or
- have the amendment certified by the Secretary to the Department so that the Planning Authority can approve the amendment.

In this case, the Department has consented to Council being the Planning Authority, thus pending Council's resolution to adopt the amendment, the amendment should be sent to the Secretary to the Department for Certification.

SUBMISSIONS

No submissions have been received.

POLICY CONSIDERATIONS AND ANALYSIS

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

20	Operation of the Local Planning Policy Framework
21	Municipal Strategic Statement
21.04	Residential
21.05	Economic Development
22	Local Planning Policies
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 adopted and be referred to the Secretary to the Department for Certification.