

MORNINGTON PENINSULA PLANNING SCHEME

AMENDMENT C281MORN

EXPLANATORY REPORT

Who is the planning authority?

This Amendment has been prepared by the Mornington Peninsula Shire Council, which is the planning authority for this Amendment.

The Amendment has been made at the request of the Mornington Peninsula Shire Council.

Land affected by the amendment

The Amendment applies to land zoned Commercial 1 (C1Z), Industrial 3 (IN3Z) and Mixed Use (MUZ) in the core commercial areas of the Hastings, Mornington, and Rosebud Major Activity Centres.

What the amendment does

The Amendment seeks to implement the objectives and recommendations of the Hastings, Mornington, and Rosebud Major Activity Centre Parking Precinct Plans (GTA Consultants now Stantec 2021) by applying the Parking Overlay to land in the commercial core of each centre to reduce statutory parking rates.

The Amendment specifically proposes to amend the Mornington Peninsula Planning Scheme as follows:

Ordinance

- Introduces Clause 45.09 (Parking Overlay) into the Mornington Peninsula Planning Scheme.
- Applies a new Schedule 1 to the Parking Overlay (PO1) to land zoned C1Z, IN3Z and MUZ in the Hastings, Mornington and Rosebud Major Activity Centres which apply Column B parking rates within Table 1 of Clause 52.06-5 (Car Parking) and retain Column A rates for residential visitor use.
- Amends the Schedule to Clause 72.03 (What does this planning scheme consist of?) to insert Parking Overlay maps 5PO, 18PO, 19PO and 26PO.
- Amends the Schedule to Clause 72.08 (Background documents) to insert the following background documents:
 - *Mornington Peninsula Major Activity Centres: Hastings Major Activity Centre Parking Precinct Plan* (GTA Consultants now Stantec 2021).
 - *Mornington Peninsula Major Activity Centres: Mornington Major Activity Centre Parking Precinct Plan* (GTA Consultants now Stantec 2021).
 - *Mornington Peninsula Major Activity Centres: Rosebud Major Activity Centre Parking Precinct Plan* (GTA Consultants now Stantec 2021).
- Amends the Schedule to Clause 74.01 (Application of Zones, Overlays and Provisions) which explains how application of the Parking Overlay implements the Municipal Strategic Statement and objectives and strategies of Clauses 11 to 19 of the Planning Policy Framework.

Mapping

- Applies the PO1 to C1Z, IN3Z and MUZ land in the core commercial area of the Hastings, Mornington and Rosebud Major Activity Centres as shown in Planning Scheme Maps 5, 18, 19 and 26.

Strategic assessment of the amendment

Why is the amendment required?

The Amendment is required to implement the objectives and key recommendations of the Hastings, Mornington, and Rosebud Major Activity Centre Parking Precinct Plans (GTA Consultants now Stantec 2021) which were adopted by Council on 4 May 2021. The Plans provide a strategic framework to manage existing and future car parking supply and demand to support the role and vision of each Centre in accordance with their adopted Structure Plans and corresponding Local Planning Policies in the Mornington Peninsula Planning Scheme.

The Amendment specifically implements Recommendation 11 of the Hastings Parking Precinct Plan, Recommendation 16 of the Mornington Parking Precinct Plan and Recommendation 12 of the Rosebud Parking Precinct Plan which collectively propose to introduce and apply the Parking Overlay to C1Z, IN3Z and MUZ land in the commercial core of each Major Activity Centre and introduce Column B rates from Clause 52.06 while retaining the Column A rate for residential visitor spaces.

In accordance with the Parking Precinct Plans, the Amendment ensures that:

- Statutory parking rates and parking provision align with the existing and predicted parking generation rates outlined in the Parking Precinct Plans.
- Statutory parking rates and parking provision better reflect the context of these Major Activity Centres wherein the likelihood of multi-destination trips, differing peak periods of uses, and opportunities for alternative modes of transport (such as walking, cycling and public transport) collectively reduce demand for car parking.
- The provision of car parking does not induce demand beyond current and predicted generation levels.
- Greater clarity and certainty is provided regarding the provision of parking in the commercial core of each centre.

Retention of Column A rates for residential visitor spaces recognises the significant levels of tourism visitation experienced within the centres and the associated need to continue catering for this parking demand.

How does the amendment implement the objectives of planning in Victoria?

The Amendment implements the objectives for planning in Victoria, set out at Section 4 of the *Planning and Environment Act 1987*. In particular, the Amendment implements the following objectives:

- To provide for the fair, orderly, economic and sustainable use, and development of land.
- To secure a pleasant, efficient and safe working, living and recreational environment for all Victorians and visitors to Victoria.
- To balance the present and future interests of all Victorians.

The Amendment will provide for the orderly use and development of the Hastings, Mornington and Rosebud Major Activity Centres as it:

- Provides a clear framework for decision-making in relation to car parking,
- Better aligns the requirements for car parking with anticipated demand,
- Promotes the use of alternative and more sustainable modes of transport such as walking, cycling and public transport.

How does the amendment address any environmental, social and economic effects?

The Amendment is anticipated to generate positive social, environmental, and economic effects by:

Environmental

- Promoting the more efficient use of car parking resources within the Hastings, Mornington, and Rosebud Activity Centres.

- Discouraging the use of motor vehicles for trips within each Centre which will assist in reducing congestion and pollution.
- Promoting the use of sustainable transport modes to access each Centre such as walking, cycling and public transport.
- Minimising detrimental impacts on urban design and built form in each Centre arising from excessive car parking facilities.

Social

- Improving traffic management in each Centre with reduced vehicular trips and associated congestion.
- Promoting walking, cycling and the use of public transport in each Centre which can improve public health and wellbeing outcomes.

Economic

- Providing greater clarity, certainty and guidance for planning proposals and associated parking provision within the Major Activity Centres.
- Reducing the regulatory burden on businesses to justify car parking reductions when there is an inconsistency between the statutory rates and anticipated demand (as is currently the case).

Does the amendment address relevant bushfire risk?

The Amendment does not impact bushfire risk within any of the Major Activity Centres.

Does the amendment comply with the requirements of any Minister's Direction applicable to the amendment?

Ministerial Direction – The Form and Content of Planning Schemes

The Amendment is consistent with the Ministerial Direction on the Form and Content of Planning Schemes under *Section 7(5) of the Planning and Environment Act 1987*.

Ministerial Direction No. 9 Metropolitan Planning Strategy

Ministerial Direction No.9 seeks to ensure that planning scheme amendments have regard to *Plan Melbourne 2017-2050: Metropolitan Planning Strategy* (Department of Environment, Land, Water and Planning 2017). This Amendment is consistent with following outcomes of Plan Melbourne:

- Melbourne has an integrated transport system that connects people to jobs and services and goods to market.
- Melbourne is a distinctive and liveable city with quality design and amenity.
- Melbourne is a city of inclusive, vibrant, and healthy neighbourhoods.
- Melbourne is a sustainable and resilient city.

Ministerial Direction No. 11 Strategic Assessment of Amendments

The Amendment has been comprehensively evaluated against the Strategic Assessment Guidelines Checklist to ensure it strategically sound.

Ministerial Direction No. 17 Localised Planning Statements

The Amendment is consistent with the following strategic directions of the Mornington Peninsula Localised Planning Statement:

- Ensuring planning for the Mornington Peninsula will take into account the interests of both the Victorian community as a whole and the particular needs and interests of the Peninsula's local communities and the impact on both current and future generations.
- Expressing the planning priorities for the Mornington Peninsula which are different from and complementary to those which apply in other areas.

- Supporting a strong land-use planning framework, providing certainty for landowners and the community over time.
- Integrating environmental, social, and economic considerations.

How does the amendment support or implement the Planning Policy Framework and any adopted State policy?

The Amendment supports and implements the following policies within the Planning Policy Framework:

Clause 11.03-1L-01 (Activity Centres), Clause 11.03-1L-02 (Morningside Activity Centre Policy), Clause 11.03-1L-03 (Rosebud Activity Centre Policy) and Clause 11.03-1L-04 (Hastings Activity Centre Policy)

- By ensuring statutory car parking rates and parking provision supports the role and function of each Major Activity Centre, aligning with the existing and predicted parking generation rates outlined in their respective Parking Precinct Plans, and do not induce demand beyond current and predicted generation levels.
- By ensuring parking provision has regard to the availability of existing public parking assets and alternative modes of transport in each Major Activity Centre.
- By providing greater clarity and certainty regarding the provision of parking in the commercial core of each Major Activity Centre to ensure good access to parking sustain business and reducing the regulatory burden on businesses to justify car parking reductions when there is an inconsistency between the statutory rates and anticipated demand.

Clause 15.01-1S (Urban design)

- By minimising detrimental impacts on urban design and built form in each of the Major Activity Centres that might otherwise arise from excessive car parking facilities.

Clause 15.01-4S (Healthy neighbourhoods) and Clause 15.01-4R (Healthy neighbourhoods – Metropolitan Melbourne)

- By ensuring statutory car parking rates recognise the ability of people to walk and cycle to and within each of the Major Activity Centres to access services and facilities which can improve public health and wellbeing outcomes.

Clause 15.02-1S (Energy and resource efficiency)

- By ensuring statutory car parking rates better reflect the availability of low energy forms of transport (such as walking and cycling) within each Major Activity Centre.

Clause 18.01-1S (Land use and transport planning)

- By ensuring statutory car parking rates and parking provision reflect the land use context of each Major Activity Centre wherein the likelihood of multi-destination trips, differing peak periods of uses, and opportunities for alternative modes of transport (such as walking, cycling and public transport) collectively reduce demand for car parking.

Clause 18.01-2S (Transport system)

- By ensuring statutory car parking rates take into account the availability of all modes of travel, including walking, cycling, public transport, taxis and private vehicles (passenger and freight) within each Major Activity Centre in providing access to new developments.
- By improving traffic management in each Major Activity Centre with reduced vehicular trips and associated congestion.

Clause 18.02-4S (Car Parking)

- By ensuring statutory car parking rates and provision provide for an adequate supply of car parking having regard to the existing and potential modes of access (including public transport) in each Major Activity Centre, the demand for off street car parking, road capacity and the potential for demand management of car parking as identified in the respective Parking Precinct Plans for each centre.

- By promoting the more efficient use of car parking resources within each Major Activity Centre.

How does the amendment support or implement the Municipal Planning Strategy?

Having regard to how the Amendment implements relevant policies within the Planning Policy Framework outlined above, the Amendment supports and implements the following strategic objectives within Clause 02.02 (Vision) of the Municipal Planning Strategy (MPS):

- To facilitate improved mobility and connectivity accessibly to all within the Mornington Peninsula.
- To support an integrated transport and connectivity network.

Does the amendment make proper use of the Victoria Planning Provisions?

The Amendment makes proper use of the Victoria Planning Provisions by introducing and applying the Parking Overlay (PO) which is specifically designed to allow councils to respond to local car parking issues on a precinct basis and can be used to outline local variations to the standard requirements in Clause 52.06.

This Amendment has been prepared in accordance with the recommendations of Practice Note PN57 Parking Overlay which seeks to ensure that the overlay is applied in accordance with a Parking Plan. The Amendment specifically implements recommendations of the Hastings, Mornington and Rosebud Parking Precinct Plans adopted by Council in May 2021.

The application of the Parking Overlay is also consistent with *A Practitioners Guide to Victorian Planning Schemes* (DELWP 2020) which identifies that the Parking Overlay is used to manage car parking in a precinct where local parking issues are identified, and a common strategy can be adopted to respond to the issues by allowing for local variations to the Standard requirements of Clause 52.06.

How does the amendment address the views of any relevant agency?

The views of the relevant agencies were considered as part of exhibition of the Amendment.

Does the amendment address relevant requirements of the Transport Integration Act 2010?

The Amendment is consistent with the objectives of the *Transport Integration Act 2010* which are to create a new framework for the provision of an integrated and sustainable transport system in Victoria. The Amendment provides appropriate car parking rates for the Hastings, Mornington and Rosebud Major Activity Centres which better align with current and anticipated future demand.

The Amendment specifically complies with the following provisions:

- Division 2 – Part 9 (Economic Prosperity) by assisting in facilitating the economic vibrancy of the activity centres and increasing the efficiency of their transport and parking networks.
- Division 2 – Part 10 (Environmental sustainability) through encouraging more environmentally efficient forms of travel in and out of the activity centres.
- Division 2 – Part 11 (Integration of transport and land use) by improving access and car parking to the activity centres.
- Division 2 – Part 12 (Efficiency, co-ordination and reliability) by ensuring that the transport system and car parking within the activity centres are efficiently used and maximised.

Resource and administrative costs

What impact will the new planning provisions have on the resource and administrative costs of the responsible authority?

The Amendment is expected to have a positive impact on the resource and administrative costs of Mornington Peninsula Shire Council by reducing the number of planning permit applications seeking a reduction of statutory car parking requirements within each centre. It is expected that the regulatory burden on Council will be further minimised by a corresponding reduction in appeals to the Victorian Civil and Administrative Tribunal.

Where you may inspect this amendment

This Amendment is available for public inspection, free of charge, during office hours at the following locations:

Mornington Peninsula Shire Offices:

- Rosebud Office – 90 Besgrove Street, Rosebud VIC 3939.
- Mornington Office – 2 Queen Street, Mornington VIC 3931.
- Hastings Office – 21 Marine Parade, Hastings VIC 3915.
- Council's website – www.mornpen.vic.gov.au/Building-Planning/Strategic-Planning/Planning-Scheme-Amendments.

The Amendment can also be inspected free of charge at the Department of Environment, Land, Water and Planning website at www.planning.vic.gov.au/public-inspection or by contacting 1800 789 386 to arrange a time to view the amendment documentation.