

Green Travel Plans and Zero Parking at VCAT

The following cases are instructive of VCAT's most recent positions on Green Travel Plans (GTPs) and Zero Parking

Lifestyle Living Pty Ltd v Knox CC [2016] VCAT 446

Vincent Corporation Pty Ltd v Moreland CC [2015] VCAT 2049

Third Street Pty Ltd v Stonnington CC [2015] VCAT 1768

Chaucer Enterprises Pty Ltd v Moreland CC [2015] VCAT 1615

Maher Corp Pty Ltd v Maribyrnong CC [2015] VCAT 946

Schatzl v Port Phillip CC [2015] VCAT 5

Green Travel Plans

In ***Maher***, the tribunal found that requiring a Green Travel Plan was inappropriate because the development did not seek a reduction in parking requirements. In the Maribyrnong planning scheme a significant reduction in parking requirements is one of the triggers for requiring a Green Travel Plan, along with dwelling yield (this proposal did not exceed that yield) and developments which "generate significant travel demand". The tribunal also expressed the view that Green Travel Plans are unable to assist in accommodating visitor travel.

In ***Chaucer*** (also known as Nightingale), the tribunal criticised Green Travel Plans as potentially burdensome requirements which may be abandoned by the body corporate in future.

In ***Lifestyle***, the tribunal found that Green Travel Plans were impractical to condition on serviced apartments and deleted a condition requiring them. This was despite the proposal including four dwellings in addition to the 32 serviced apartments. The tribunal also rejected both an s173 agreement conditioned by council, and later a secondary consent condition proposed by the applicant, ensuring that serviced apartments would not be used as dwellings in the future.

Green Travel Plans in the Planning Scheme

At this stage there is no consistent standard for applying Green Travel Plans.

The six ESD policies gazetted in November 2015 require a GTP on non-residential buildings above 1000m²

Four member councils mention GTPs in their MSS. Of these, Moonee Valley and Maribyrnong implement triggers to require GTPs: 100 trips per day generated; and 60-200 dwellings/significant parking dispensation requested / significant travel demand generated respectively.

Only Maribyrnong lists "Guidelines for the Development of Green Travel Plans and Transport Access Guides" as a reference document.

Councils often incorporate Green Travel Plans into schedules to zones and overlays: One to the Priority Development Zone, two to the Activity Centre Zone, three to the Development Plan Overlay, two to the Design and Development Overlay, and two to the Parking Overlay.

Some CASBE member councils do not mention GTPs at all in their planning schemes.



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Zero Parking Initiatives

Schatz is significant, because it is a case where a full parking waiver was approved for a site 1.5km by foot from the nearest train station. Bus routes operate outside the site which connect it to higher order activity centres. The provision of a share car pod was assessed as being of net benefit to the wider community, rather than just residents of the development, and alterations were sought improving community access to it. Finally, the tribunal stated that the policy of not issuing new residential permits in a controlled parking area should reduce the likelihood of future residents owning cars.

In **Chaucer**, the tribunal drew significant distinctions between a reduction in parking requirements (even a substantial reduction) and a complete waiver, focusing on grounds of equity. Based on this, there is a case for making local policy more explicit in support of zero parking, rather than just reductions generally.

The tribunal also found that implications for on-street parking supply must be assessed across a broader area. While the nearest on-street parking was controlled by permit, there were neighbouring areas which were not and may have been affected by flow-on parking as a result of the development.

In response to the applicant planning to screen potential buyers to encourage a car free culture, the tribunal noted that there were no controls in place to maintain this culture past the initial sale.

Due to other factors, no permit was issued in **Third Street**, but the tribunal supported a full waiver of parking requirements. Parking could have been provided, but would have been at the detriment of providing an activated street front, and was thus contrary to the objectives of the activity centre the development was in.

In **Vincent**, the tribunal stated that parking overlays represent an alteration to the standard rate of parking applied, rather than an absolute maximum or minimum. Contrary to **Chaucer**, the tribunal took the position that in an area of limited on-street supply, it is reasonable for the council to control parking through the issue or non-issue of permits. Furthermore, while it may be expected that visitors generate some demand for on-street parking, this can only be considered a grounds for refusal where the scheme would require visitor parking be provided by the proposal.

Full Waiver Standards

As reiterated in **Vincent**, the key points in assessing full waivers of parking requirements are:

- *Assessing parking across a whole centre, rather than purely on a per proposal basis.*
- *The planning scheme forms only one part of managing parking supply and demand.*
- *Alternative travel methods suggest lower empirical demands can be expected in the future.*
- *On-street management in areas of existing high demand and low supply reduces the relevance of future residents impacting on-street parking.*
- *Each site does not necessarily need to meet empirical demand, particularly constrained sites.*
- *Assessment of public transport access should include timing, frequency and route diversity.*
- *Walkable access to daily needs.*
- *Access to other transport options including bicycle infrastructure and share cars.*
- *Ultimately, a test of net community benefit should be applied.*

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