

Traffix Group

Amendment C376 to the Melbourne Planning Scheme

Planning Panels Victoria

Date of Hearing: Commencing 19th August, 2024

Date of Statement: 7th August, 2024

Prepared for: Melbourne City Council
Instructed by: Melbourne City Council

STATEMENT TO THE PLANNING PANEL IN RELATION TO AMENDMENT C376 OF THE MELBOURNE PLANNING SCHEME BY CHARMAINE DUNSTAN, TRAFFIC ENGINEER

Document Control

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1. Summary of Opinion

This statement provides my assessment of the transport planning aspects of Amendment C376melb of the Melbourne Planning Scheme.

The Future Melbourne Committee (FMC) Recommended Documentation of the amendment has largely adopted the recommendations of my initial review of the exhibited documents.

A summary of my opinions and any outstanding matters are set out as follows:

- a) My initial review identified that the exhibited amendments to the municipality's strategic directions under Clause 02.03-7 (Transport) under the 'Sustainable Transport' heading did not fully encompass the contemporary sustainable transport aims or actions of City of Melbourne (CoM). It read like a municipality at the start of change rather than one well into change, which now has an enhanced vision and commitment to prioritising sustainable transport (in the priority order of active transport, public transport), future-proofing, adaptive use of car parking and supporting electric vehicles, amongst other transport objectives.

I specifically recommended that this Clause references Council's transport strategy target of achieving 70% of all trips to occur via public transport by 2030.

I support the revised wording in the FMC Recommended documentation as it ties in with the subsequent amendments.

- b) I am satisfied that the exhibited objectives set out under Clause 15.01-2L-01 Sustainable Development are appropriate in both the exhibited form and the FMC Recommended documentation. The sustainable transport strategies are appropriate to support development in achieving the overall objective.
- c) The exhibited documentation did not prescribe the timing for the preparation and submission of a Green Travel Plan. The FMC Recommended documentation requires a Green Travel Plan at the permit application stage for any development that results in more than 5,000m² of additional gross floor area. This timing is appropriate, as delivery at this stage allows meaningful integration of green travel initiatives at an earlier stage of the development process.
- d) From a transport perspective, the purpose of the Capital City Zone and the Docklands Zone is appropriate in both the exhibited and FMC Recommended documentation, by referencing the key transport considerations, namely encouraging sustainable transport and adaptive reuse of car parking.
- e) Schedules at Clause 37.04 (CCZ and DZ) Subdivision Requirements and Adaptable Parking (2.0 and 3.0 of the Schedule) in both the exhibited and FMC Recommended documentation include the design requirements for the adaptive re-use of car parking areas and a related requirement to retain car parking under common ownership. These are generally supported from a transport perspective as they relate to future-proofing car parking areas for when they potentially become redundant.

I recommend that an additional decision guideline be included that provides more direction and/or allows further flexibility for where car parking is located below ground.

In my experience, the potential for adaptive re-use is likely to be limited when assessed against the potential design constraints/requirements of providing greater headroom clearances.

- f) My initial review of the exhibited documentation for bicycle parking under the Schedules to Clause 37.04 (Clause 3.0 under Buildings and Works) found that:

- i. the grouping of land uses to prescribe bicycle parking rates under the Schedules to Clause 37.04 was not appropriate. The reason is that developments that are mainly employee or student based and those that are mainly customer or visitor based are not the same, and their demands for long-term and short-term bicycle parking vary considerably.

I am satisfied that the separation into the land uses as described within FMC Recommended documentation is appropriate and supported.

- ii. the bicycle parking rates for visitors/customers are likely to result in an oversupply in bicycle parking, particularly for visitors that would usually be allocated highly-valued accessible ground floor areas.

I recommended that the Council undertake additional work in relation to benchmarking the bicycle parking requirements, to provide adequate justification for the bicycle parking rates, or ultimately adjust the rates appropriately to suit the findings of the additional research. This work was completed by Council.

I am satisfied that the rates set out under the FMC Recommended documentation are supported and represent an appropriate balance between providing adequate bicycle parking for short-term users, without compromising highly-valued at-grade areas.

- iii. the bicycle parking rates for visitors/customers are likely to result in an oversupply in bicycle parking, particularly for visitors that would usually be allocated highly-valued accessible ground floor areas.

I am satisfied that the rates set out under the FMC Recommended documentation are supported and represent an appropriate balance between providing adequate bicycle parking for short-term users, without compromising highly-valued at-grade areas.

- g) My initial review of the exhibited documentation for motorcycle parking under the Schedules to Clause 37.04 (Clause 3.0 under Buildings and Works) found that:

- i. Any requirement for motorcycle parking should be required on a per car space basis, rather than floor area or dwellings. This avoids the unnecessary provision of crossovers to achieve access for motorcycles in developments that provide no car parking.

The FMC Recommended documentation adopted my recommendation and now appropriately requires motorcycle parking on a per car space basis as follows:

Where car parking is proposed, a minimum of one motorcycle space per 40 car parking spaces should be provided, unless the responsible authority agrees to a lesser number.

- h) My initial review of the exhibited documentation for car share parking under the Schedules to Clause 37.04 (Clause 3.0 under Buildings and Works) found that:
- i. Any requirement for car share should only apply where on-site car parking is proposed in a building. This avoids any unnecessary vehicle crossovers and/or obvious cases for where a waiver would sensibly apply in the case of no car parking developments.
 - ii. The car share provision rates are too high, acknowledging that the community is becoming less reliant on car share (in favour of ride-share, public transport and active transport modes, etc).

The FMC Recommended documentation responded to my comments and now includes an appropriate rate for car share parking, which is based on an overall car parking provision, rather than measure related to floor area or dwelling number. The rates are as follows:

A minimum of 5% of all parking is to be provided as car share spaces to for use by car share vehicles.

- i) While it is outside the scope of this amendment, I recommend that CoM review the relevant parking overlays in the near future as these are the statutory implementation tools that translate Council's transport and sustainability policies into actions as they relate to car parking as a travel demand tool. As a general approach, I recommend a similar approach to the Arden Precinct whereby:
- i. the preference is that no car parking is provided,
 - ii. where car parking is proposed, any decision guidelines should consider whether:
 - the car parking is retained in common ownership,
 - how car share is accommodated,
 - the design is adaptable for future use.

2. Introduction

- 1 Draft Amendment C376Melb has been prepared by Melbourne City Council (**CoM**).
- 2 The draft amendment seeks to implement sustainability and green infrastructure policy into the Melbourne Planning Scheme, and new mandatory and discretionary sustainable building design standards and requirements.
- 3 The amendment affects all land within the Melbourne municipality.
- 4 The controls within Amendment C376melb that are of most relevance to transport planning are:
 - Amend Schedules 1, 2, 3, 4, 5 and 7 to Clause 37.04 (Capital City Zone) and Schedules 1, 2, 3, 4, 5 and 6 to Clause 37.05 (Docklands Zone) to include provisions for:
 - bicycle, motorcycle and car share parking;
 - electric vehicle infrastructure;
 - the design of car parking facilities, and
 - the retention of car parking spaces as common property to facilitate adaptive reuse of parking floor areas.
- 5 Various supporting and background transport studies have been prepared in support of the amendment. I have had regard to these background documents in formulating my opinions.

3. Statement of Witness

3.1 Qualifications and Experience

- 6 My name is Charmaine Chalmers Dunstan. I am a Director of Traffix Group Pty Ltd practicing from Level 28, 459 Collins Street, Melbourne.
- 7 My qualifications and membership of professional associations are as follows:
 - i. Bachelor of Civil Engineering (Honours), Monash University
 - ii. Masters of Traffic, Monash University
 - iii. Fellow, Victorian Planning & Environmental Law Association
- 8 I have over 25 years' experience as a Traffic Engineering and Transport Planning consultant with Traffix Group Pty Ltd and formerly Turnbull Fenner Pty Ltd. My experience also includes a number of local government appointments which involved acting in the role of Council's Transport Co-Ordinator or Senior Traffic Engineer.
- 9 I have experience and expertise in traffic management, transportation planning, road safety planning and engineering, parking management and strategy development, and development impact assessment of a broad range of land-use developments within established metropolitan, regional and growth areas.

3.2 Project Team

- 10 Matthew Woollard (Senior Associate) assisted with the review of the draft amendment material, transport planning analysis and the preparation of this statement.

3.3 Scope of Work

- 11 This statement specifically reviews the transport engineering implications of Amendment C376melb to the Melbourne Planning Scheme. The Amendment seeks to implement sustainability and green infrastructure policy into the Melbourne Planning Scheme.
- 12 I have been instructed by Melbourne City Council to provide expert evidence in relation to transport issues related to the amendment. As set out within my letter of instructions (dated 22 April, 2024), my expert evidence is to:
- a. *consider, formulate and express opinions on matters relating to your area/s of expertise, including by having regard to;*
 - i. *the Scheme;*
 - ii. *the exhibited Amendment;*
 - iii. *relevant background material as provided in your electronic brief;*
 - iv. *a version of the Amendment that Council prepares as its preferred version of the Amendment.*
 - b. *consider and respond to the issues raised in all submissions to the Amendment as referred to the Panel in areas relating to your area/s of expertise (noting that some submissions may not disclose any substantive matters to respond to).*
- 13 I also received further instructions from Melbourne City Council, including:
- Letter of instructions dated 29th May, 2023, when I was instructed to:
Provide us with a preliminary opinion on Amendment C376 on matters within your area of expertise, including in relation to the proposed requirements for car parking to be retained in common ownership for future adaptation and re-use, the proposed bicycle, motorcycle and car share parking provisions, and the proposed design requirements for car parking facilities, including the provision of EV ready facilities, and any issues (arising from submissions, or otherwise) which warrant further consideration.
 - Email dated 5th December, 2023, and
 - Email dated 13th May, 2024.
- 14 Each of the abovementioned sets of instructions are attached at Appendix B.

3.4 Key Tasks

- 15 The scope of my engagement has included the following tasks:
- i. review of supporting documentation,
 - ii. review of Council and State policies and other relevant documents,
 - iii. review of the proposed Planning Scheme Amendment and supporting documentation, including:
 - the exhibited material
 - the Council’s preferred version of the amendment,
 - iv. review of the potential transport impacts of the amendment,
 - v. review of and response to submissions, and
 - vi. preparation and giving of Expert Evidence in accordance with Planning Panels Victoria – Guide to Expert Evidence.

3.4.1 Experience

- 16 I am generally familiar with the project area and land use patterns, having worked on numerous projects and studies within the Melbourne municipality, including the Arden Planning Scheme Amendment, Fishermans Bend Amendment and various projects throughout the municipality over the course of my career.

3.4.2 Reference Documents

- 17 The following key documents are relied upon in formulating this statement:
- i. The Exhibited versions of the Amendment Documentation, in particular:
 - Schedule 1-7 to Clause 37.04 Capital City Zone
 - Schedule 1-6 to Clause 37.04 Docklands Zone
 - Clause 02.03 Strategic Directions
 - Clause 15.01 Built Environment
 - ii. The Draft Preferred Amendment versions of the controls dated 19th April, 2024,
 - iii. The Future Melbourne Committee recommended version of the controls (dated 21st May, 2024),
 - iv. The Following Background and supporting Documents:
 - Transport Strategy, 2030 (City of Melbourne, 2019)
 - Off-street bicycle and motorcycle parking review (Phillip Boyle and Associates, March 2016)
 - Transport Strategy Refresh Background paper – Increasing the Use of Bicycles for Transport (May 2019)
 - Sustainable Building Design: Planning Scheme Amendment C376, Hansen Partnership, September 2020

- Green Our City Strategic Action Plan 2017-2021 (City of Melbourne 2017)
- Benchmarking of bicycle parking rates for Amendment C376 (City of Melbourne Transport Strategy Team, December 2023)
- v. Various proposed Planning Scheme Maps
- vi. The Melbourne Planning Scheme
- vii. Submissions to the Panel

4. Existing Parking Overlays and Surrounding Controls

- 18 The full extent of the Capital City Zone (CCZ) and the Docklands Zone (DZ) are subject to existing Parking Overlays under Clause 45.09 of the Melbourne Planning Scheme. Figure 1 details the Parking Overlays that apply to the CCZ (blue) and DZ (purple). Each Parking Overlay applies maximum car parking rates. PO1 and PO2 also include a rate for motorcycle parking, at a minimum rate of 1 motorcycle space per 100 car spaces provided. The parking overlays are not proposed to be altered as part of this amendment.
- 19 Schedule 4 to Clause 37.04 Capital City Zone currently applies bicycle parking, motorcycle parking and share car parking rates. These rates were incorporated into the Planning Scheme under the Planning Scheme Amendment for the Fishermans Bend Urban Renewal Area. These rates are not proposed to be altered as part of this amendment.

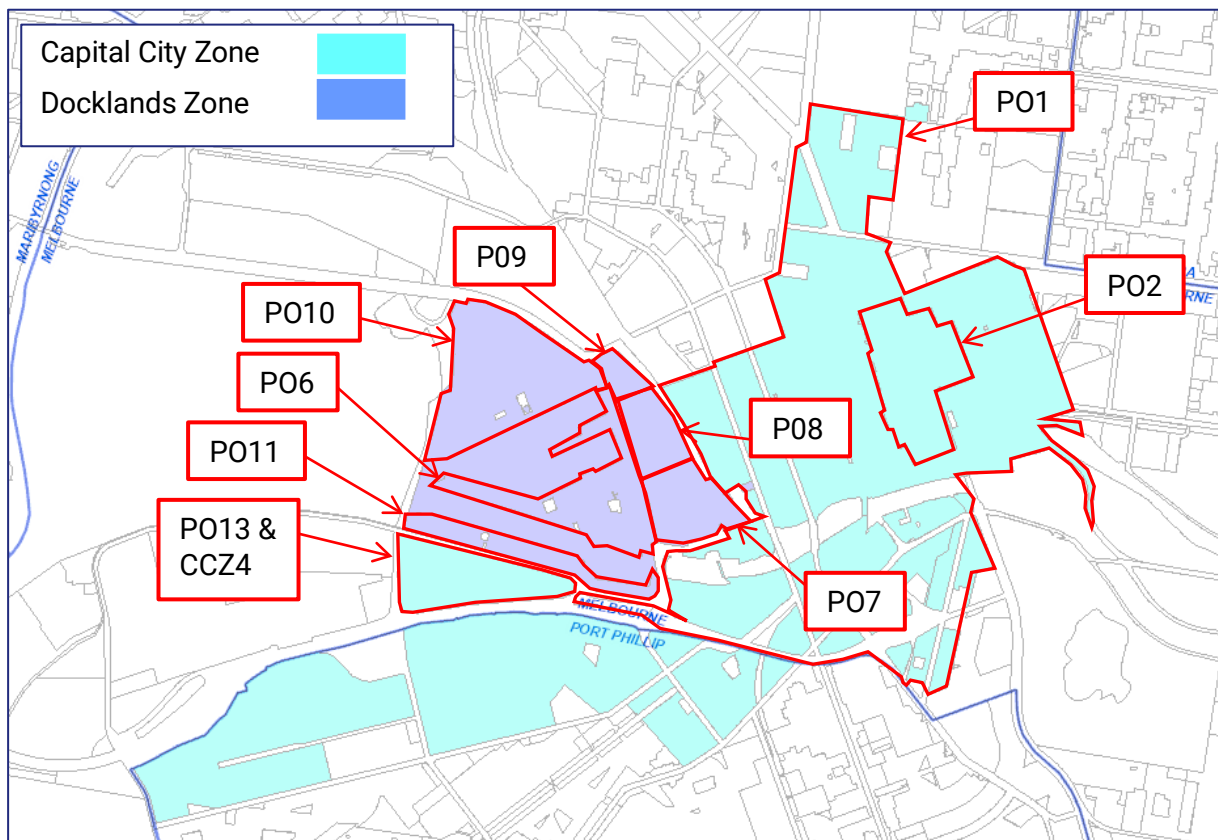


Figure 1: Transport Related Overlays which Apply to CCZ (blue) and DZ (purple)

- 20 Figure 2 details each of the Parking Overlays and other land use zoning which includes transport related provisions for developments that surround the CCZ and DZ. Each of the parking overlays which surround the CCZ and DZ also apply maximum car parking rates and SUZ7 (Arden) sets out requirements for bicycle parking and motorcycle parking.

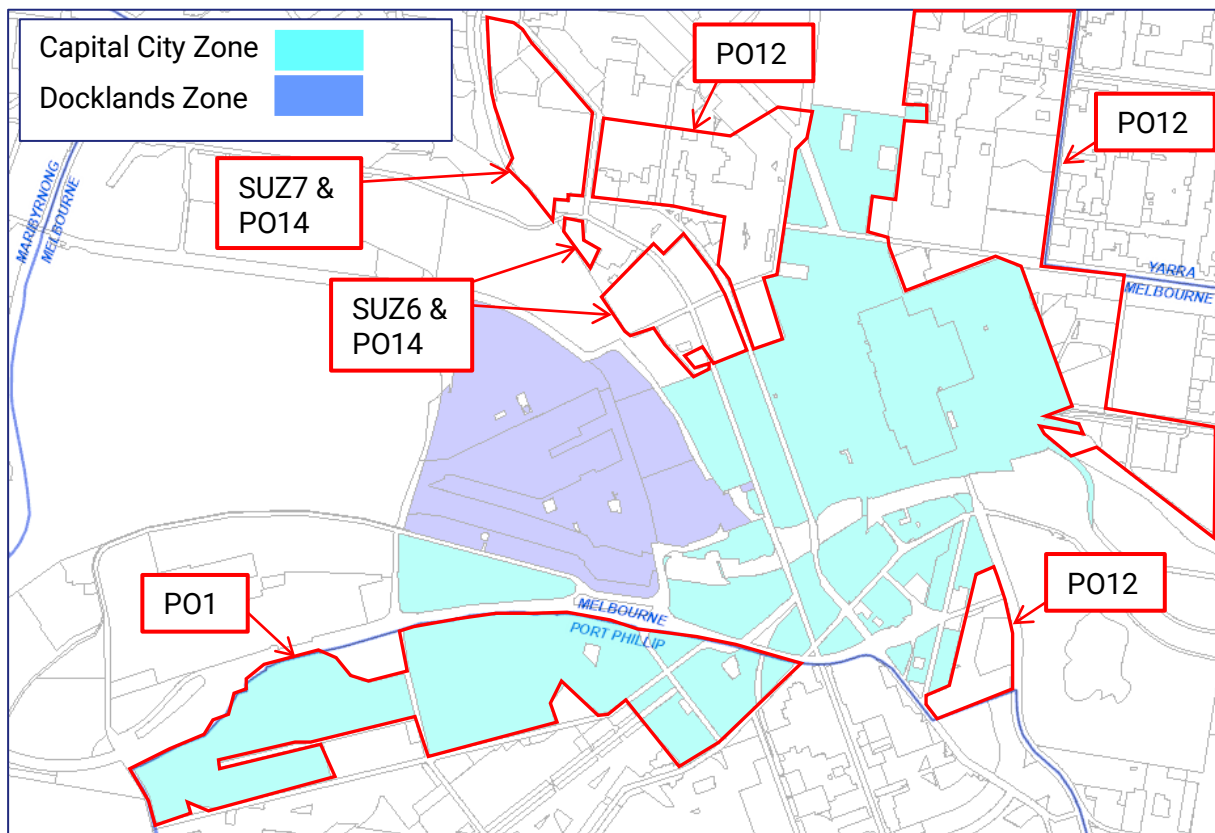


Figure 2: Surrounding Overlays and Other Controls

- 21 The table below sets out a summary of what type of controls apply within the specified area, as well as a link to the relevant clause in the Planning Scheme.

Table 1: Transport Related Overlays and Other Controls

Overlay Name	Applies to CCZ or DZ	Car Parking Requirement	Bicycle Parking Requirement	Motorcycle Parking Requirement	Car Share Parking Requirement	Link to Overlay
P01	CCZ	YES	NO	YES	NO	Link-P01
P02	CCZ	YES	NO	YES	NO	Link-P02
P06	DZ	YES	NO	NO	NO	Link-P06
P07	DZ	YES	NO	NO	NO	Link-P07
P08	DZ	YES	NO	NO	NO	Link-P08
P09	DZ	YES	NO	NO	NO	Link-P09
P10	DZ	YES	NO	NO	NO	Link-P10
P11	DZ	YES	NO	NO	NO	Link-P11
P13	CCZ	YES	NO	NO	NO	Link-P13

Overlay Name	Applies to CCZ or DZ	Car Parking Requirement	Bicycle Parking Requirement	Motorcycle Parking Requirement	Car Share Parking Requirement	Link to Overlay
CCZ4	CCZ	NO	YES	YES	YES	Link-CCZ4
Surrounding Controls						
SUZ6 West Melbourne	-	NO	NO	NO	NO	Link-SUZ6
SUZ7 Arden	-	NO	YES	YES	NO	Link-SUZ7
P012	-	YES	NO	NO	NO	Link-P012
P014	-	YES	NO	NO	NO	Link-P014
P01	CCZ and Areas of Port Phillip	YES	NO	YES	NO	Link-P01

5. Proposal

- 22 Amendment C376melb to the Melbourne Planning Scheme applies to all land within the Melbourne Municipality.
- 23 The explanatory report for Amendment C376melb details the following amendments, from a traffic and transport planning perspective:

This amendment implements sustainability and green infrastructure policy into the Melbourne Planning Scheme, and new mandatory and discretionary sustainable building design standards and requirements.

Specifically, the amendment proposes to:

- Amend the Municipal Planning Strategy (MPS) to ensure alignment between the MPS and the purpose of the amendment, by making changes to Clauses: 02.03-2 Environment and landscape values; 02.03-4 Built environment and heritage; and 02.03-7 Transport.
- Amend Schedules 1, 2, 3, 4, 5 and 7 to Clause 37.04 (Capital City Zone) and Schedules 1, 2, 3, 4, 5 and 6 to Clause 37.05 (Docklands Zone) to include provisions for:
 - bicycle, motorcycle and car share parking;
 - electric vehicle infrastructure;
 - the design of car parking facilities; and
 - the retention of car parking spaces as common property.

6. Review of The Planning Scheme Amendments

6.1 Clause 2.03 Strategic Directions

- 24 The exhibited amendments to the municipality's strategic directions includes amendments to Clause 02.03-7 (Transport) under the 'Sustainable Transport' heading.
- 25 My recommendation for Clause 02.03-7 (Transport) is that rather than minor amendments to the wording of the gazetted Clause, a complete re-write is appropriate as this amended section does not fully encompass the contemporary sustainable transport aims or actions of CoM. It reads like a municipality at the start of change rather than one well into change, which now has an enhanced vision and commitment to prioritising sustainable transport (in the priority order of active transport, public transport), future-proofing and adaptive use of car parking, supporting the adopting of electric vehicles, etc.
- 26 The reference to "bicycles and motorised bikes/scooters are gaining popularity" to "opportunities to reduce private vehicle usage in the City through car share schemes are also important", do not adequately encompass the range of strategies CoM has and will adopt.
- 27 For example, there is no mention of the current and new requirements for EV charging and adaptive car parking or the primacy of active transport modes in how Council plans and manages the city.
- 28 There would seem to be a number of updated strategies (most importantly the refreshed Transport Strategy CoM 2019, which is a Background Document) that Council could draw directly from.
- 29 Furthermore, at some point Council needs to clearly state that its Transport Strategy target is to:
- *increase public transport, walking and cycling mode share to 70% of all trips by 2030*
- 30 This is relevant as the CCZ and DZ controls include amongst its decision guidelines that before the grant of a planning permit, the responsible authority must consider, as appropriate:
- *how the development supports the transition to a 70% mode share for public transport, walking and cycling.*
- 31 There is potentially a lost opportunity if this section is not updated more comprehensively, that would leave a Clause that remains out-of-date.
- 32 **I recommend that Clause 02.03-7 (Transport) be re-written to fully encompass the contemporary sustainable transport aims or actions of CoM, a municipality which has significantly progressed its sustainable transport initiatives, rather than a municipality at the start of change. I also recommend referencing the transport strategy target of 70% of all trips to occur via public transport by 2030.**
- 33 The FMC Recommended documentation in regard to the Clause 02.03-7 (Transport) is extracted as follows, which provides a more appropriate strategic direction.
- 34 The text from the FMC Recommended documentation is shown in blue, with the original Planning Scheme text shown in black.

Sustainable transport

Melbourne is the centre of the state's transport network. It is the part of our state where the demand for travel is greatest and where walking, cycling and public transport are the dominant modes of transport. In order to move more people in the same amount of street space, the City needs to make the existing transport infrastructure work harder. There is significant potential to boost the contribution of each of these sustainable modes.

The City of Melbourne aims to transition to 70% mode share for public transport, walking and cycling. Public transport is the most economic and efficient mode for mass travel to and from the City. Walking accounts for the greatest proportion of trips within the City. An excellent walking network is necessary for the functioning of all the other modes.

Bicycles and motorised bikes/scooters are gaining popularity. They are efficient users of road space and are time-competitive with cars. There are good opportunities to increase cycling take-up.

In encouraging sustainable transport, the Council will:

- Ensure streets and laneways are safe, comfortable and convenient for walking.
- Provide a well-connected network of safe and protected bicycle lanes and high-quality bicycle parking facilities
- Support the laneways as a significant element of the pedestrian network and public realm.
- Enhance the stations as international gateways to the City.
- Ensure public bike hire and micro-mobility stations are convenient to pedestrians and public transport.
- Support public transport that is safe, accessible, fast and frequent.
- Support private vehicle access to the city for deliveries, servicing and for people who need to use a car.
- Support micro-mobility that delivers net public benefit.

- 35 Overall, I am satisfied that my recommendations have been adopted within the FMC Recommended documentation, is appropriate and ties in with the subsequent amendments to the remainder of the Planning Scheme.

6.2 Clause 15.01-2L-01 Sustainable development

- 36 I am satisfied that the exhibited Clause 15.01-2L-01 Sustainable Development is appropriate in the exhibited form. The FMC Recommended version of the amendment includes the following sustainable transport objectives (the green text below details the text from the gazetted amendment documentation, and the blue text indicates the changes made under the preferred version).

To encourage ensure development to contribute to sustainable transport outcomes.

- 37 I am satisfied that the subsequent sustainable transport strategies are appropriate to ensure the development achieves the overall objectives. The dot points extracted below are descriptive and are sufficiently clear to guide development.

- Encourage car parking areas to be designed to allow for future adaptation to other uses.
- Support the delivery of increased numbers of bicycle parking and associated facilities to support sustainable transport choices.
- Encourage development to ready for increased use of electric vehicles.
- Support the inclusion of car share spaces in private development.
- Require Green Travel Plans for larger developments.

Encourage the integration of infrastructure which supports sustainable transport choice in all development.

- 38 The requirement for a Green Travel Plan was included within the above objectives. However, the exhibited amendment is not clear on when a Green Travel Plan for larger developments was to be submitted. This has been addressed within the FMC Recommended documentation which states the following in the Schedules to Clause 37.04 Capital City Zone. I am satisfied that this sufficiently deals with the timing of the delivery of a Green Travel Plan.

An application to construct a building or to carry out works which result in more than 5000 sqm additional gross floor area must be accompanied by a Green Travel Plan prepared by a suitably qualified person.

- 39 The delivery of a Green Travel Plan as part of the application process allows further integration of green travel initiatives to be provided at an earlier stage of the development process, as opposed to following the issue of a permit.

6.3 Schedules to Clause 37.04 Capital City Zone and Docklands Zone

6.3.1 Purpose

- 40 The draft amendment documentations provides an additional purpose for the Schedules to Clause 37.04 CCZ and DZ from a sustainable transport perspective as follows:

To encourage a less car dependent transport system by facilitating the adoption of sustainable transport alternatives, and ensuring that opportunities to adapt and repurpose car parks are protected.

- 41 This is appropriate from my perspective and references the key sustainable considerations of concern for this amendment, being encouraging sustainable transport and adaptive reuse of car parking.
- 42 The FMC recommended documentation states a differing purpose, but equally acceptable from my perspective, extracted below:

To promote sustainable transport patterns and a less car dependent community and built form that ensures opportunities to adapt and repurpose car parks.

6.3.2 Subdivision Requirements and Adaptable Parking (2.0 and 3.0 of the Schedule)

43 Clause 2.0 of the zone controls specify that:

Requirements

Car parking areas must be retained in a single or a consolidated title as common property, unless the responsible authority agrees otherwise.

Application Requirements

An application for subdivision must be accompanied by, as relevant, information that demonstrates how the subdivision will allow for the transition of car parking spaces to alternate uses over time.

44 The applicable decision guidelines are:

Before deciding on a permit application under this schedule the responsible authority must consider, as appropriate:

- Whether the subdivision will facilitate the future adaptation or repurposing of proposed car parking areas.
- Whether the subdivision promotes the efficient use of car parking spaces.

45 There are also relevant car parking design standards that relate to the future adaptation of car parking, namely:

Requirements – design of car parking facilities

Where car parking facilities are provided as part of an application they should:

- Be designed to facilitate the future adaptation to support alternate uses in the short and long term.

46 Based on my review of the submissions it is evident that this aspect of the amendment is controversial and raises concerns about the financial viability of projects (in situations where car spaces cannot be 'sold' to recover development costs on project completion). I appreciate that these issues are complex and are matters for others to consider.

47 From a transport perspective the narrative is simpler to understand and support in the context of a future/updated parking overlay which seeks to significantly minimise parking provision. The future/updated Parking Overlays would need to clearly direct that the preference is for no car parking to provided, with a permit required to provide any car spaces (similar to the Arden Precinct). It then logically follows that:

- where parking is provided, it should be in the form of a car parking retained in common ownership,
- if car parking is provided, on-site car share should also be provided, and
- the design of any car parking should be adaptable for future use.

48 At the present time, several of the Parking Overlays contain high to very high maximum parking rates by contemporary standards and are outdated.

- 49 As the controls allow for the 'responsible authority to agree otherwise' to the consolidation of car parking, it may be appropriate to include an additional or clearer decision guideline in this regard. For example, the Arden Precinct Parking Overlay includes:

Where private car parking is to be provided, the extent to which it can be adapted for use as a publicly accessible car park.

- 50 I understand that the controls seek to encourage adaptable parking for both above ground and below ground parking areas. The inclusion of below ground floor areas has some implications for carpark designs as basement areas typically have minimum floor to ceiling heights (typically 2.2m) that may not be easily repurposed into many land uses other than storage as an example. Increasing these heights to a more usable depth (i.e. 3.0m or more) would increase ramp lengths and construction costs.
- 51 For example, standard retail uses may require a headroom clearance of 3.5m, and a supermarket use requires 5.0m. The length of ramp to achieve this transition between levels would be in the order of 20m and 30m. This is significantly higher than compared with a standard carpark headroom of 2.2m, which requires approximately 15m of ramping.
- 52 However, in the case of aboveground car parking scenarios, these difficulties do not present the same barriers to allowing for adaptive re-use. Accordingly, any aboveground car parking scenario should be designed to facilitate the future adaptation to support alternate uses in the short and long term.
- 53 **I recommend that an additional decision guideline that provides more direction for guiding adaptive re-use of car parking for where it is provided, such as:**

Where private car parking is provided, the extent to which it can be adapted for future uses should be considered, including the consideration of appropriate headroom clearances and whether the car parking is provided below the ground.

6.3.3 Bicycle Parking Requirements

- 54 At Clause 3.0 under Buildings and Works of the Zone Schedules, the proposed controls specify rates for bicycle parking.
- 55 The controls specify that developments must provide bicycle parking spaces and associated facilities in accordance with the table below at Paragraph 80, unless the responsible authority is satisfied that a lesser number is sufficient.
- 56 The draft amendment relies on a number of supporting documents to establish appropriate bicycle parking rates. These supporting documents are listed and discussed below.

Supporting Documentation

- 57 The Sustainable Building Design: Planning Scheme Amendment C376, Hansen Partnership, September 2020 (**Hansen Background Report 2020**) states:

There has been considerable work undertaken by the City of Melbourne in relation to the bicycle parking. In particular through two reports prepared by Phillip Boyle and Associates which include a comprehensive review and associated recommendations

*around bicycle parking undertaken in 2016, which was followed by further work during the background stages of the **Transport Strategy (CoM, 2020)**.*

The report goes on to say:

The higher bicycle parking rates proposed for introduction through Amendment C376 are drawn largely from the Phillip Boyle report in terms of bicycle parking numbers, somewhat simplified. Requirements for facilities are based around existing requirements at Clause 52.34 but supplemented to reflect the findings of the Boyle report as relate to additional facilities required to support increases in cycle modal share.

- 58 The Hansen Background Report also references the Green Our City Strategic Action Plan: Strategic justification for C376melb regulatory requirements for sustainability Arup, 2019 (**GOCSAP 2019**) which references the strategic justification for the bicycle parking provisions.

The **GOCSAP 2019** report identifies that:

The proposed rates of bicycle space provision reflect the following documents:

- *Survey of building demand in Melbourne municipality* (Phillip Boyle & Associates, 2018)
- *City of Melbourne's expert witness report for Fishermans Bend Local Policy* (Williamson, 2018)
- *City of Melbourne off-street bicycle and motorcycle parking review* (Phillip Boyle & Associates, 2016)

- 59 The supporting reports that specifically consider bicycle parking rates and associated end-of-trip facilities are:

- Off-street Bicycle & Motorcycle Parking Review, Final Report, Phillip Boyle & Associates, 16 March 2016 (**Phillip Boyle Bicycle & Motorcycle Parking Review Report 2016**).
- Transport Strategy refresh, Background paper, Increasing the Use of Bicycles for Transport, Phillip Boyle & Associates, May 2018 (**Phillip Boyle Bicycle Usage Report 2018**)

- 60 The Phillip Boyle Bicycle & Motorcycle Parking Review Report 2016 recommends changes to the rates specified under Clause 52.34 to:

- Modify the Decision Guidelines to provide clearer guidance for responsible authorities so that that the importance of bicycle parking is emphasised
- Modify the uses (2 minor changes)
- Increase the rates for users (Employee/resident and Visitor/shopper/student) especially for dwellings. It is recommended that the current rate of '1 for every 5 dwellings' be changed to '1 to each 1 bedroom in a dwelling' with the option to vary with a permit.
- Require a bicycle parking space for each 100m² of Net Floor Area for most uses. Vary the visitor/shopper/student/spectator rate by the use.
- Change requirements for related facilities such as showers, personal lockers in employment uses.
- Change the design guidelines to provide clearer guidance for developers and designers to increase the effectiveness, safety, security and access of the parking that is provided.

- 61 Significantly, the on-site observations of facilities found that overall there are two parking spaces to each bicycle.
- 62 The report identified that some buildings have too much parking and some not enough (half the buildings have less parking than is required and results in bicycles being parked informally in carpark areas or within apartments/balconies). Under-provision was observed to be associated with residential use and over provision with offices.
- 63 Ultimately, the Phillip Boyle report recommends varying rates for an extended list of uses, similar to Clause 52.34 with some changes. These have been adapted into the controls more simply as:
- New Dwelling
 - New Retail or Office development, including buildings and works which result in more than 1000sqm additional gross floor area.
 - New Place of assembly, Minor sports and recreation facility or Education centre development, including buildings and works which result in more than 1000sqm additional gross floor area.
- 64 The issue with this approach is two-fold:
- with the exception of dwellings, often the ultimate land-use in these zones is not precisely known, and
 - developments that are mainly employee or student based and those that are mainly customer or visitor are not the same, their demands for long-term and short-term parking varying considerably. The form of this parking can also vary considerably in terms of its location within a building, its security and access requirements and as well as end-of-trip requirements.
- 65 The application of the exhibited rates will likely result in too much staff and visitor parking for retail and other similar customer based uses and too much visitor parking for office uses.
- 66 The Arden Precinct bicycle parking and end-of-trip facility provisions are the same as the proposed C376Melb provisions, except that Arden requires a bicycle space for each bedroom.
- 67 The adopted rates slightly differ from the rates that were originally exhibited and included in the GTA Parking Precinct Plan that underpins the Arden Precinct controls. The GTA report recommended the following rates (the differences to the proposed controls are highlighted).

Arden Precinct Bicycle Parking Rates

Land Uses	Resident/Employee	Visitor/Customer
Dwelling	1 per bedroom	2 per 5 dwellings
Commercial	1 to each 100sqm NFA	4 minimum , plus 1 to each 100sqm NFA

- 68 The Arden Precinct rates were also stated to be based on the **Phillip Boyle Bicycle & Motorcycle Parking Review Report 2016**. Although the Phillip Boyle review approaches the rates differently by specifying more land uses.

- 69 I query whether there was a deliberate decision to change the resident parking requirement to 1 space per dwelling in the proposed controls compared to 1 space per bedroom, which is the rate that applies in the Arden Precinct and also the rate recommended in Appendix B (which is a Proposed Bicycle Facilities clause) of the **Phillip Boyle report**.
- 70 By comparison, the Fishermans Bend bicycle parking provisions are:
- Developments of more than 50 dwellings
 - resident: 1 per dwelling
 - visitor: 1 per 10 dwellings
 - Developments with over 10,000 sqm non-residential floor space:
 - staff/employee: 1 per 50 sqm of net non-residential floor area
 - visitor: 1 per 1000 sqm of net non-residential floor area
- 71 The Fishermans Bend controls do not specify end-of-trip requirements and would therefore, defer to Clause 52.34.
- 72 As can be seen above, the bicycle rates for dwellings in Fishermans Bend is lower, at 1 resident space per dwelling, and one visitor space per 10 dwellings (note, the visitor rates is the same as the current Clause 52.34 requirements).
- 73 The overall bicycle parking provisions of the proposed controls for non-residential uses equates to 2 spaces per 100sqm of NFA, which is generally supported. However, a practical issue arises as to how this bicycle parking should be distributed from development to development. This is particularly relevant as visitor/customer bicycle parking would need to be publicly accessible for a broad range of times and may occupy valuable ground floor area. Excessive allocation of bicycle spaces to visitors/customers that may be ultimately underutilised should be avoided as these spaces may be better allocated to staff/residents in more secure areas.
- 74 This could be addressed by inclusion of a decision guideline that relates to sensible design response for the proposed development and considers the likely demands for the purpose or likely land-uses.
- 75 The relevant decision guideline in the proposed zone controls is:
- The design, location, accessibility and security (including suitable lighting and locking devices) of bicycle facilities.*
- 76 Clause 52.34-4 already includes Decision Guidelines that should apply in any event and remain appropriate. These include:
- Before deciding on an application, in addition to the decision guidelines in Clause 65, the responsible authority must consider, as appropriate:*
- Whether the proposed number, location and design of bicycle facilities meets the purpose of this clause.*
- *The location of the proposed land use and the distance a cyclist would need to travel to reach the land.*

- *The users of the land and their opportunities for bicycle travel.*
- *Whether showers and change rooms provided on the land for users other than cyclists are available to cyclists.*
- *The opportunities for sharing of bicycle facilities by multiple uses, either because of variation of bicycle parking demand over time or because of efficiencies gained from the consolidation of shared bicycle facilities.*
- *Australian Standard AS 2890.3 1993 Parking facilities Part 3: Bicycle parking facilities.*
- *Any relevant bicycle parking strategy or equivalent.*

- 77 **Overall, I do not believe that the background material provides adequate justification or rationale for the bicycle parking rates which are set out in the draft amendment documentation. I recommend that the Council undertake additional work in relation to benchmarking the bicycle parking requirements, to provide adequate justification for the bicycle parking rates, or ultimately adjust appropriately.**
- 78 Since the amendment documentation was prepared and gazetted, and upon my advice, the Council undertook further analysis to ensure that the rates were adequately justified, or were adjusted appropriately. The additional work included benchmarking bicycle parking rates as set out within the document **Benchmarking of bicycle parking rates for Amendment C376**, prepared by the Transport Strategy Team.
- 79 The FMC Recommended documentation includes updated bicycle parking rates, which are provided below. The revised text is coloured blue, with the exhibited amendment material in green.
- 80 I am satisfied that the additional work undertaken by the Council and the resultant preferred amendment documentation adequately addresses my commentary above and the lack of justification for the bicycle parking rates. The office land use has been separated from general retail uses recognising the difference in demand generated by these uses in accordance with my recommendation. Further, the rates set out for short-term visitor/customer bicycle parking have generally been reduced.

Type of Development	Rate Required	Facility Requirement
New Dwelling.	A minimum of one secure bicycle space per dwelling. A minimum of one visitor bicycle space per 5 dwellings.	None Specified
New building for the purpose of Retail, Place of assembly, Minor sports and recreation facility or Education centre. Buildings and works which result in more than 1000sqm additional gross floor area for the purpose of Retail, Place of assembly, Minor	A minimum of one employee bicycle space per 200sqm of net floor area. A minimum of one secure bicycle visitor space per 200sqm of net floor area	If 5 or more employee bicycle spaces are required, 1 shower for the first 5 employee bicycle spaces, plus 1 to each 10 employee bicycle spaces thereafter. 1 change room or direct access to a communal change room to each shower. The change room may be a

sports and recreation facility, or Education centre.		combined shower and change room.
New building for the purpose of Office. Buildings and works which result in more than 1000sqm additional gross floor area for the purpose of Office.	A minimum of one employee bicycle space per 100sqm of net floor area. A minimum of one bicycle visitor space per 500sqm of net floor area.	If 20 or more employee bicycle spaces are required, personal lockers are to be provided with each bicycle space required. If more than 30 bicycle spaces are required then a change room must be provided with direct access to each shower. The change room may be a combined shower and change room.

- 81 **Ultimately, I support the proposed bicycle parking rates under the FMC Recommended documentation and am satisfied that it strikes an appropriate balance between providing adequate bicycle parking for short-term users, without compromising highly-valued at-grade areas.**

6.3.4 Motorcycle Parking Requirements

- 82 At Clause 3.0 under Buildings and Works of the Zone Schedules, the proposed controls specify rates for motorcycle parking.
- 83 The exhibited controls specify that developments must provide motorcycle parking spaces and associated facilities in accordance with the table below, unless the responsible authority is satisfied that a lesser number is sufficient.

Type of development	Rate Requirement	Facility Requirement
New dwellings	A minimum of one space per 50 dwellings.	None specified.
New Retail or Office development, Place of assembly, Minor sports and recreation facility or Education centre development	A minimum of one space per 40 car parking spaces.	None specified.

- 84 At the onset, it is unclear why there is a separate dwelling rate from the supporting material. It raises a question as to whether there is a desire to provide on-site motorcycle parking for dwellings, irrespective of the number of car spaces provided on-site (if any).
- 85 There are three Parking Overlays which operate within the CoM (PO1, PO2 & PO3) that prescribe a motorcycle parking requirement, which is a minimum of 1 motorcycle space per 100 car spaces in developments where car parking is provided. Any conflicts in implementation of these policies should be addressed.
- 86 The Sustainable Building Design: Planning Scheme Amendment C376, Hansen Partnership, September 2020 (Hansen Background Report 2020) states:

Requirements for car share and motorcycle rates have been previously implemented in Fishermans Bend. Rates proposed through this amendment are broadly aligned with those rates given the comparable context, but modified to reflect the broader range of development typologies to which they would apply.

- 87 The Hansen Background Report defers to the two supporting documents prepared by Phillip Boyle & Associates.
- 88 The Green Our City Strategic Action Plan: Strategic justification for C376melb regulatory requirements for sustainability Arup, 2019 (**GOCSAP 2019**) does not reference the strategic justification for the motorcycle parking rates, only bicycle parking rates.
- 89 The report that specifically considers motorcycle parking is the Off-street Bicycle & Motorcycle Parking Review, Final Report, Phillip Boyle & Associates, 16 March 2016 (**Phillip Boyle Bicycle & Motorcycle Parking Review Report 2016**).
- 90 The **Phillip Boyle Bicycle & Motorcycle Parking Review Report 2016** recommends that:
- Establish the definition of a 'motorcycle parking space' inside a building as 'one equivalent car park' that parks 2 motorcycles.
 - Require that these spaces be set aside for motorcycle parking (while allowing other temporary uses until needed by a motorcycle user).
 - Increase the rate from 1 (undefined space) in 100 car parking spaces to 1 equivalent car parking space (2 motorcycles) for every 40 car spaces.
 - Define the uses and emphasise employment (commuters) rather than dwellings (residents)
 - Extend the requirement across the municipality
- 91 The Phillip Boyle report forecasts that the number of motorcycles in need of parking in the CBD is expected to increase from 2,680 to 5,000 by 2031. The report recommends that Council aim to accommodate these spaces on-site within buildings by 2031.
- 92 Significantly, the Phillip Boyle report recommends a higher rate than set out in the proposed controls as it proposes 1 car space (which can accommodate 2 motorcycles) be allocated to motorcycle parking for every 40 car spaces provided. It requires that these spaces be set aside for motorcycle parking, but allows temporary use by other users (presumably car parking) until needed by a motorcycle user (i.e. until the demand increases or exists). The effect of this recommendation is a motorcycle parking rate of 1 per 20 car spaces (rather than 1 per 40 car spaces).
- 93 In practice, there would be a difference in application of where motorcycle parking occupies a space that is also functional as a car space, rather than remnant areas of the car parking layouts that would otherwise cater for storage, services, and offer informal motorcycle parking locations, etc. The Phillip Boyles report seems to prefer the use of car spaces as motorcycle parking.
- 94 The Phillip Boyle report relies on:
- ABS mode of travel forecasts.
 - An on-site observational survey of 92 office, education or residential buildings in the City of Melbourne for the purposes of understanding the impact of the current planning requirements.
 - An on-line survey that received 159 responses, mainly residents. 85% of the respondents were not motorcycle users. The responses showed a low potential for mode growth, with

only 16% of non-motorcycle users stating they would consider using a motorcycle in the future (with risk was cited as the main barrier to participation).

- 95 The report identified that offices were the building type with the highest proportion of motorcycles.
- 96 Of significance, the Phillip Boyle report from 2016 is unlikely to fully account for the significant changes in transport patterns brought about by the widespread adoption of electric bicycles (e-bikes) and in more recent times electric scooters (e-scooters) in inner Melbourne. As e-bikes gain popularity in particular, they may lead to a reduced uptake in traditional motorcycle use, especially for short-distance urban commuting to the CBD.
- 97 E-bikes offer a more eco-friendly and cost-effective alternative for short-distance urban commuting. It is evident that they appeal to a much broader demographic (gender, age, employment type) due to their lack of licensing requirements, ease of use, lower maintenance requirements, lower cost of operation and purchase, and generally lower safety risk compared to motorcycles. Furthermore, considerable road space within inner Melbourne on approach to the CBD has been reallocated to bicycle/scooter users in recent years, which has resulted in less space for motorcycle users who traditionally filter within traffic lanes to reduce commuting times. With more people opting for e-bikes (or e-scooters for shorter trips), there may be a greater shift away from conventional motorcycles for short-distance urban travel.
- 98 Accordingly, there is merit in reviewing the potential changes in motorcycle usage and forecasts in the context of both e-bikes and e-scooter uptake.
- 99 These changes do not mean that higher or lower levels of on-site motorcycle parking is needed, but rather off-street parking facilities (whether commercial or private) should be encouraged to cater for motorcycle, scooter and bicycle parking in a flexible way to alleviate on-street/footpath demands.
- 100 In my opinion, the rate of 1 motorcycle parking space per 40 car spaces is appropriate. As car parking will remain in common ownership, this allows for the flexibility of reallocating space to respond to changing demands, be it motorcycles, e-scooters, e-bikes, and in the future driverless cars.
- 101 Further, these rates should be streamlined to limit their application to situations involving car parking provision. In other words, there should be no requirement to designate a minimum number of motorcycle parking spaces if there is no vehicle access established for on-site car parking as well. This approach prevents the unnecessary construction of crossovers for a small number of motorcycle spaces. The priority should be to minimise, consolidate or eliminate crossovers in favour of pedestrians.
- 102 A further solution would be to increase the availability of motorcycle parking spaces in off-street commercial carparks and additionally, implement stricter regulations on footpath parking or designating specific preferred parking areas for motorcycles to help reduce footpath congestion and clutter.
- 103 The Arden Precinct Zone controls specify requirements for motorcycle parking as follows:

Requirements – motorcycle

Where car parking is proposed, a minimum of one motorcycle space per 40 car parking spaces should be provided, unless the responsible authority agrees to a lesser number.

- 104 I prefer this wording as it clearly relates to where car parking is provided, rather than this be implied.
- 105 I note that there is no separate reference to dwellings in the Arden controls. A single and simple rate is my preference, unless there is a significant issue with residents parking motorcycles overnight in footpath areas.
- 106 I understand that the reference point for many of the changes is the Fishermans Bend controls, which require motorcycle parking at the following rates:
- *In developments of more than 50 dwellings: 1 per 50 dwellings*
 - *In developments with over 10,000 sqm non-residential floor space: 1 per 100 car parking spaces*
- 107 I prefer the Arden Precinct approach as it is simpler and an evolution of the Fishermans Bend controls (I appreciate that at the time of preparing C376Melb, the Arden Precinct controls were still being resolved).
- 108 **My recommendation with respect to the proposed motorcycle parking rates is to amend the motorcycle parking rates to the following:**
- Where car parking is proposed, a minimum of one motorcycle space per 40 car parking spaces should be provided, unless the responsible authority agrees to a lesser number.**
- 109 The key change is a universal rate (independent of land use) that applies only when car parking is being provided. It will avoid any unnecessary vehicle crossovers (and/or obvious cases for where a waiver would sensibly apply in the case of no car parking developments) and delivers motorcycle parking at more than double the rate currently prescribed under the Planning Scheme for these areas.
- 110 The FMC Recommended documentation includes revised motorcycle rates, presented below.

Type of development	Rate Requirement	Facility Requirement
New Building for the purpose of Dwelling, Retail, Office, Place of assembly, minor sports and recreation facility or Education centre.	Where car parking is proposed a minimum of one motorcycle space per 40 car parking spaces.	None specified.

- 111 **The rates for the specified uses are consistent with my recommendations and I am satisfied that they are appropriate. I would be equally satisfied that these motorcycle rates could apply regardless of the type of development specified. i.e. a universal rate.**

6.3.5 Car Share Parking Spaces

- 112 At Clause 3.0 under Buildings and Works of the Zone Schedules, the proposed controls specify rates for car share.

- 113 The controls specify that developments must provide car share parking spaces and associated facilities in accordance with the table below, unless the responsible authority is satisfied that a lesser number is sufficient.

Type of development	Rate Requirement	Facility Requirement
Developments of more than 50 Dwellings	2 spaces plus an additional 1 space per 25 additional dwellings	None specified.
New Retail or Office development, Place of assembly or Education centre, including buildings and works which result in more than 1000sqm additional gross floor area	1 per 60 car parking spaces.	None specified.

- 114 There are further requirements for the design of car parking facilities that specifically apply to car share spaces. The proposed controls state that:

The location and design of car share parking spaces should be:

- Publicly accessible.
- In the most accessible level of a multi-storey car park.
- Well-lit and a short distance from an entry point, lift or staircase.
- In a location with a minimum height clearance to allow access by a cleaning van

- 115 I am satisfied that the design standards are acceptable. However, I am concerned that the car share parking rates are too high.
- 116 The proposed rate for dwellings prescribe the provision of car share for residential developments of greater than 50 dwellings, irrespective of whether on-site car parking is provided for other users.
- 117 As a starting point, any requirement for car share should only apply where on-site car parking is proposed in a building. This avoids any unnecessary vehicle crossovers and/or obvious cases for where a waiver would sensibly apply in the case of no car parking developments.
- 118 Further, it is highly likely that the resident car share rates are too high as they require a rate of 4 car share spaces for every 100 dwellings. Given the CCZ and DZ localities, residents primarily use sustainable transportation modes (mostly walking, followed by cycling and public transport) for the majority of their trips. Additionally, taxi and ride sharing services are also frequently used as they are convenient and cost-effective in inner areas.
- 119 It is important to recognise that the use of car share by residents will be infrequent. Car share is designed to meet the 'mobility gap' between owning a car and needing a car on a semi-regular or occasional basis for trips that cannot be made by alternative mode or requires the use of a specialised vehicle such as a van. There are many trips that may have traditionally been the market for a car share vehicle that are now more conveniently and cost-effectively met by a short ride share trip.
- 120 Car share is often best provided on-street or within commercial car parking structures to ensure that it is available to the broadest possible catchment. While car share can be

provided within private developments, the number of car share spaces should be discretionary since a car share pod typically requires 30 'active' users to recover its operating costs and to make an appropriate return for the company providing the service. This is a challenge where there may be a small number of car share spaces, but it is difficult to deliver the public access requirements set out in the proposed design standards.

- 121 Furthermore, it is important to appreciate that our transport system is changing with the emergence of new technology and disruptive businesses such as Uber. It is already the case that the community is becoming less reliant on car share, with the car share operators now offering a more diverse range of vehicle types (vans, utes, etc). These trips in many instances can also be met by Uber (which may be more convenient as you do not need to find parking or be concerned about the length of your car share booking or refuelling). Uber Pool (car-pooling) and other similar services may ultimately mean that the majority of car share spaces are redundant in the future. You may only hire a car for a day trip or a special trip where your own car was required, rather than a regular trip.

- 122 This is reflected in Council's Transport Strategy which states that:

Car share helps to reduce ownership of private vehicles. It allows people to avoid owning a car and mostly use other modes, while having access a car for infrequent trips where it is the most convenient mode. Car share users catch public transport, walk and ride bikes more often than car owners.

- 123 By comparison, the Arden Precinct Zone controls specify requirements for motorcycle parking as follows:

A minimum of 5% of all parking is to be provided as car share spaces to for use by registered car share vehicles.

- 124 The recent West Melbourne Parking Overlay PO14 adopts a similar approach, and includes as a design standard that:

At least 5 percent of the total number of car parking spaces must be set aside for the storage of car share scheme vehicles.

- 125 **Based on the above my recommendation is to amend the car share rate to require:**

A minimum of 5% of all parking is to be provided as car share spaces to for use by car share vehicles.

- 126 With the car parking retained in common ownership, the building/carpark operators can respond to market demand if further car share spaces are supported.

- 127 The FMC Recommended documentation includes revised car share parking rates. The rates for the specified uses are consistent with my recommendations above and I am satisfied that they are therefore appropriate.

Type of development	Rate Requirement	Facility Requirement
Developments of more than 50 dwellings.	A minimum of 5% of all car parking spaces is to be provided as car share spaces for use by car share vehicles.	None Specified

New buildings for the purpose of Retail, Office, Place of assembly or Education centre. Buildings and works which result in more than 1000sqm additional gross floor area for the purpose of Retail, Office, Place of assembly or Education centre.		
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6.3.6 EV charging

- 128 There are further requirements for the design of car parking facilities that specifically apply to EV charging. The proposed controls state that:

Where car parking facilities are provided as part of an application they should:

- *Include design features, such as electric vehicle charging points, which support more sustainable forms of private car usage.*

Car parking facilities should be designed in accordance with the following Design Standards:

- *Development of car parking areas should include the delivery of infrastructure (including electricity supply and signage), space and metering arrangements to support the installation of electric vehicle (EV) charging points.*
- *Where a facility is proposed with 50 car parking spaces or more, all of the following should be provided:*
 - *EV ready parking bays for a minimum of 5% non-shared parking spaces.*
 - *Sufficient infrastructure capacity to accommodate EV charging for 20% of parking spaces.*
 - *EV charging points at all allocated shared car spaces.*

- 129 I appreciate that there have been recent changes recommended to the NCC that are likely to alter the future approach to EV charging and design responses will continue to evolve. The issues raised within the submissions relate to building permit issues that are being worked through as the industry and authorities (including FRV) navigate the changes with emerging technologies and practices.
- 130 It is appropriate for me to defer to the expertise of others (or the NCC process) in resolving these. It is agreed that EV charging capability is necessary, and it is inevitable that adoption of EV will be wide spread (if not the primary fuel source), and this should be pro-actively planned for.
- 131 The important aspects from a traffic engineering perspective is that any shared EV charging facilities (such as fast-charging) are appropriately located and managed.
- 132 No changes were made to the EV charging requirements in the FMC Recommended documentation.

6.3.7 Decision Guidelines relating to car parking design

- 133 The amendment documentation set out additional decision guidelines to consider prior to issuing a permit. The following additional decision guidelines have been added:

Before deciding on a permit application under this schedule the responsible authority must consider, as appropriate:

- *The ability of car parking facilities to transition to alternative uses over time.*
- *The contribution of the development to an increase in the availability of off-street electric vehicle charging facilities.*
- *How the development supports the transition to a 70% mode share for public transport, walking and cycling.*
- *The contribution the development makes to increasing the provision of car share facilities.*
- *The design, location, accessibility and security (including suitable lighting and locking devices) of bicycle facilities.*

- 134 I am satisfied that these decision guidelines are appropriate to consider prior to issuing a permit. The FMC Recommended documentation provides an additional decision guideline detailed below (in blue), and an alteration to the last dot point above (blue/green text):

- *Whether, having regard to the proposed use of the land, the number of bicycle parking spaces is appropriate.*
- *Whether the design, location and accessibility of bicycle facilities is convenient given the characteristics of the site, including whether visitor spaces are located within convenient access to both the street and any office building foyer or retail entrance.*

- 135 I remain satisfied that these decision guidelines are appropriate.

6.4 Other considerations - The Car Parking Overlays

- 136 The amendment does not propose any changes to the Car Parking Overlays that apply to land within the Capital City Zone and Docklands Zone.
- 137 There are several Parking Overlays that apply to both the Capital City Zone and the Docklands Zone, which prescribe varying controls. While maximum car parking rates apply in all cases, the maximum rates vary considerably, and most are high to very high by contemporary standards for the Melbourne CBD and surrounding locality. It would be commonly accepted that the POs are outdated.
- 138 In contrast to the recent parking overlay adopted for the Arden Precinct (PO15) in 2022, none of the POs deal with issues of unbundling or consolidated car parking under the decision guidelines and contemplate the allocation of parking to specific occupancies rather than being retained in common ownership.
- 139 A number of the Parking Overlays also prescribe a motorcycle parking requirement (i.e. PO1, PO2 & PO3), which is a minimum of 1 motorcycle space per 100 car spaces in developments

where car parking is provided.¹ These rates are lower than the proposed controls and therefore would remain in conflict. As a Parking Overlay should not prescribe parking rates for any mode other than cars (consistent with contemporary parking overlays), the motorcycle rates should ideally be deleted from the above POs.

- 140 There are other design related standards in some parking overlays that are potentially inconsistent with the new controls, however these are less prescriptive.
- 141 Overall, I consider that Council should review the relevant parking overlays in the near future as these are the statutory implementation tools that translate Council's transport and sustainability policies into actions.
- 142 As a general approach, I recommend a similar approach to the Arden Precinct whereby:
- the preference is that no car parking is provided –this means that a permit should be required to provide car spaces as part of any use or development,
 - where parking is provided, it should be in the form of a consolidated carpark retained in common ownership,
 - if car parking is provided, on-site car share should also be provided, and
 - the design of any car parking should be adaptable for future use.
- 143 Arden Precinct (PO15) does not preclude private car parking. However, this may relate more so to the type of development form or specific use.
- 144 It is likely that new parking overlays will be simpler than they are currently and would avoid conflicts with other controls.

¹ PO1- CAPITAL CITY ZONE – OUTSIDE THE RETAIL CORE
PO2 - CAPITAL CITY ZONE –RETAIL CORE
PO3 - CAPITAL CITY ZONE – LONSDALE STREET (GOLDEN SQUARE CAR PARK)

7. Review of Submissions

- 145 The following table provides a summary response to each submission made in relation to transport planning matters.
- 146 Where the submission number is not identified, this is due to the submitter either being in support of the amendment including any specific transport related items or there were no specific transport related matters raised within the submission.

Table 2: Review of Submissions

Sub No.	Issue	Response
5	Bike parking - this should not be based on net floor area, it should be based on the number of occupants (eg staff, students, visitors etc). When using net floor area, it grossly overestimates the number of bike parks for buildings where the use requires a high floor area but low occupancy (and vice versa) resulting in space constraints	Floor area is a generally accepted measure to determine bicycle parking (and car parking for that matter). It is not often the case that a patron number would be cited within a planning application or permit for an office building or for retail for instance. This is particularly the case where maximum car parking rates apply on the basis of floor area or dwelling numbers. While population estimates buildings can be made, these are generally related to floor area and land-use in any event. I am satisfied that an appropriate measure for bicycle parking provision for non-residential uses is floor area. I agree that commonsense needs to be applied and the decision guidelines allow for sufficient flexibility.
8	(Sub 38 as well) Have faced difficulties from fire authorities with respect to locating EV car spaces within basements. This issue needs to be resolved prior to implementing design requirements for EV charging.	I accept this as a challenge that requires resolution. It is inevitable that adoption of EV will be wide spread (if not the primary fuel source), and this should be pro-actively planned for. The important aspects from a traffic engineering perspective is that any shared EV charging facilities (such as fast-charging) are appropriately located and managed and development be future proofed, rather than a specific provision from the outset.
	Please consider that bike ownership will reduce over time as share-bike systems become more prevalent. Bike parking requirements should be reduced if a bike-share system is in place.	Noted. However, I consider the proposed bicycle parking rates are consistent with contemporary planning and are supported through appropriate background documentation.
	The requirement for shared car parking facilities will pose challenges to the marketability of dwellings and office spaces.	I appreciate the challenges that are faced. However, the adaptive re-use of floor areas as they no longer have use for car parking outweighs the challenges that will initially be faced in my opinion.

Sub No.	Issue	Response
	We urge the council to take a more proactive approach in converting paid on-street parking to car share facilities, particularly where operators do not accept spaces within private car parks.	I am satisfied that the decision guidelines under the Schedules to Clause 37.04 allows for developers to offset the on-site car share provision through making a contribution to increasing the overall provision of car share facilities.
11	Reference to Personal Electric Vehicles should be made within the amendment documentation, most notably e-scooters	While the amendment does not specifically address the provision of these type of uses, I do not consider it necessary to prescribe a specific provision for e-scooters. Generally e-scooters are foldable and can be accommodated within smaller spaces including within specific apartment/office tenancies or within standard bicycle racks. Certainly e-bikes can also be accommodated within standard bicycle racks, as they are generally no larger than standard sized bicycles. Charging capabilities can also be included within standard bicycle parking arrangements.
19	Please build more protected cycle ways.	This is outside of the scope of the amendment.
24	Provision should be made of EV charging facilities within apartment buildings.	I agree and the amendment documentation encourages this.
43	Requiring green travel plans to be prepared for larger developments represents additional an unnecessary discretionary specification to those already contained in established state-wide codes in the planning system.	I disagree. The provision of a Green Travel Plan for a development is an appropriate method of ensuring that residents and employees are conscious of the green travel initiatives which are available. They also provide a useful mechanism to track and improve green travel behaviour among employees and residents.
45, 53	There will be challenges associated with shared car parking facilities.	I appreciate the challenges that are faced. However the adaptive re-use of floor areas when they no longer have use as car parking outweighs the challenges that will initially be faced in my opinion.
52	When developments are approved with onsite carshare requirements, it is important for carshare to be included in the conditions of the Planning Permit. These conditions are to be enforceable to ensure that the Responsible Authority can verify that developers, and subsequent owners' corporations, have entered into an agreement with a carshare operator to fulfil the requirement.	It would be a reasonable expectation that the number of car share spaces (or a rate of car parking) be included within a planning permit. However, these car share spaces may be provided by an owner corporation under management by the building, or other type of arrangement. They will not strictly be provided by arrangement with a commercially operated car share scheme.

Sub No.	Issue	Response
	There are also a number of suggested permit conditions which should be included as standard within a planning permit.	The inclusion of prescribed permit conditions as suggested within the submission would not be appropriate to include in the Planning Scheme to govern how the Council issues permits with respect to car share provision.
	The car share parking provisions expressed within the exhibited documentation should be 'minimum' rates, rather than maximum rates.	I believe that the car share parking rates are too high as provided under the exhibited amendment documentation and I agree with the rates for car share provided within the preferred documentation. I do not object to the reference to a minimum provision necessarily as a principle. However, I maintain that the exhibited rate is too high.
	In addition to the design requirements for the carshare parking spaces that the City of Melbourne has outlined, GoGet recommends that the City encourages all carshare spaces to be located in front of the car park security barrier wherever possible.	This is not possible to achieve in many scenarios, and it would be unrealistic to provide this as a design requirement for development. I am satisfied that the currently proposed design requirements are appropriate to manage the provision of car share spaces in appropriate locations, including the following requirements: • Publicly accessible. • In the most accessible level of a multi-storey car park. • Well-lit and a short distance from an entry point, lift or staircase.
66	A considered approach for people with disabilities is needed with appropriate car parking retained, while doing more to make public transport as disability friendly as possible	Access to car parking for developments can be provided through on-street means, without the need to provide car parking on a site necessarily. The design of public transport is a matter for the Department of Transport and Planning and falls outside of the scope of this amendment.
	We also note the reference to electric scooters as another growing form of inner-city transport. There are many adopters of this form of transport due to its flexibility, low cost and ease of use. An increasing number of appropriate charging facilities will need to be made available for them so as not to create a further fire hazard in an apartment building. Vigilance is required in designing charging areas in parking buildings.	I agree that there are issues to work through and defer to the process to update the NCC in this respect, as well as the FRV to determine appropriate solutions to these issues with respect to fire hazards.
	The proposed amendments as they stand will impact commercial viability of apartment projects at a critical time for the sector.	I appreciate the challenges that are faced. However the adaptive re-use of floor areas when they no longer have use as car parking

Sub No.	Issue	Response
	An alternative mechanism should be developed to create adaptable car parks with multiple uses. The flexibility that the City of Melbourne wishes to achieve will not be effective in allowing flexible or adaptable re-use of car parking. This	outweighs the challenges that will initially be faced in my opinion.
	For share car parks, we advise the allocation requirement is excessive. It is not commercially feasible or linked to anticipated demand.	I agree and have advised that lower rates should be adopted in line with the preferred amendment documentation.
67	We believe that to reach their full potential, these changes should also be applied municipality-wide (as per the six other sustainability opportunity areas) rather than being applied to development within the Capital City Zone and Docklands Zone only. Further, the City of Melbourne could also consider creating a standard requiring EV charging stations to only use renewable energy.	I am satisfied that introducing the bicycle, motorcycle, and car share rates into the Capital City Zone and the Docklands Zone is an appropriate extent. Ensuring that all EV charging stations to use only renewable energy may not be practical to achieve.

8. Conclusions

This statement provides my assessment of the transport planning aspects of Amendment C376melb of the Melbourne Planning Scheme.

The Future Melbourne Committee (FMC) Recommended Documentation of the amendment has largely adopted the recommendations of my initial review of the exhibited documents.

A summary of my opinions and any outstanding matters are set out as follows:

- a) My initial review identified that the exhibited amendments to the municipality's strategic directions under Clause 02.03-7 (Transport) under the 'Sustainable Transport' heading did not fully encompass the contemporary sustainable transport aims or actions of City of Melbourne (CoM). It read like a municipality at the start of change rather than one well into change, which now has an enhanced vision and commitment to prioritising sustainable transport (in the priority order of active transport, public transport), future-proofing, adaptive use of car parking and supporting electric vehicles, amongst other transport objectives.

I specifically recommended that this Clause references Council's transport strategy target of achieving 70% of all trips to occur via public transport by 2030.

I support the revised wording in the FMC Recommended documentation as it ties in with the subsequent amendments.

- b) I am satisfied that the exhibited objectives set out under Clause 15.01-2L-01 Sustainable Development are appropriate in both the exhibited form and the FMC Recommended documentation. The sustainable transport strategies are appropriate to support development in achieving the overall objective.
- c) The exhibited documentation did not prescribe the timing for the preparation and submission of a Green Travel Plan. The FMC Recommended documentation requires a Green Travel Plan at the permit application stage for any development that results in more than 5,000m² of additional gross floor area. This timing is appropriate, as delivery at this stage allows meaningful integration of green travel initiatives at an earlier stage of the development process.
- d) From a transport perspective, the purpose of the Capital City Zone and the Docklands Zone is appropriate in both the exhibited and FMC Recommended documentation, by referencing the key transport considerations, namely encouraging sustainable transport and adaptive reuse of car parking.
- e) Schedules at Clause 37.04 (CCZ and DZ) Subdivision Requirements and Adaptable Parking (2.0 and 3.0 of the Schedule) in both the exhibited and FMC Recommended documentation include the design requirements for the adaptive re-use of car parking areas and a related requirement to retain car parking under common ownership. These are generally supported from a transport perspective as they relate to future-proofing car parking areas for when they potentially become redundant.

I recommend that an additional decision guideline be included that provides more direction and/or allows further flexibility for where car parking is located below ground.

In my experience, the potential for adaptive re-use is likely to be limited when assessed against the potential design constraints/requirements of providing greater headroom clearances.

- f) My initial review of the exhibited documentation for bicycle parking under the Schedules to Clause 37.04 (Clause 3.0 under Buildings and Works) found that:

- i. the grouping of land uses to prescribe bicycle parking rates under the Schedules to Clause 37.04 was not appropriate. The reason is that developments that are mainly employee or student based and those that are mainly customer or visitor based are not the same, and their demands for long-term and short-term bicycle parking vary considerably.

I am satisfied that the separation into the land uses as described within FMC Recommended documentation is appropriate and supported.

- ii. the bicycle parking rates for visitors/customers are likely to result in an oversupply in bicycle parking, particularly for visitors that would usually be allocated highly-valued accessible ground floor areas.

I recommended that the Council undertake additional work in relation to benchmarking the bicycle parking requirements, to provide adequate justification for the bicycle parking rates, or ultimately adjust the rates appropriately to suit the findings of the additional research. This work was completed by Council.

I am satisfied that the rates set out under the FMC Recommended documentation are supported and represent an appropriate balance between providing adequate bicycle parking for short-term users, without compromising highly-valued at-grade areas.

- iii. the bicycle parking rates for visitors/customers are likely to result in an oversupply in bicycle parking, particularly for visitors that would usually be allocated highly-valued accessible ground floor areas.

I am satisfied that the rates set out under the FMC Recommended documentation are supported and represent an appropriate balance between providing adequate bicycle parking for short-term users, without compromising highly-valued at-grade areas.

- g) My initial review of the exhibited documentation for motorcycle parking under the Schedules to Clause 37.04 (Clause 3.0 under Buildings and Works) found that:

- i. Any requirement for motorcycle parking should be required on a per car space basis, rather than floor area or dwellings. This avoids the unnecessary provision of crossovers to achieve access for motorcycles in developments that provide no car parking.

The FMC Recommended documentation adopted my recommendation and now appropriately requires motorcycle parking on a per car space basis as follows:

Where car parking is proposed, a minimum of one motorcycle space per 40 car parking spaces should be provided, unless the responsible authority agrees to a lesser number.

h) My initial review of the exhibited documentation for car share parking under the Schedules to Clause 37.04 (Clause 3.0 under Buildings and Works) found that:

- i. Any requirement for car share should only apply where on-site car parking is proposed in a building. This avoids any unnecessary vehicle crossovers and/or obvious cases for where a waiver would sensibly apply in the case of no car parking developments.
- ii. The car share provision rates are too high, acknowledging that the community is becoming less reliant on car share (in favour of ride-share, public transport and active transport modes, etc).

The FMC Recommended documentation responded to my comments and now includes an appropriate rate for car share parking, which is based on an overall car parking provision, rather than measure related to floor area or dwelling number. The rates are as follows:

A minimum of 5% of all parking is to be provided as car share spaces to for use by car share vehicles.

- i) While it is outside the scope of this amendment, I recommend that CoM review the relevant parking overlays in the near future as these are the statutory implementation tools that translate Council's transport and sustainability policies into actions as they relate to car parking as a travel demand tool. As a general approach, I recommend a similar approach to the Arden Precinct whereby:
 - i. the preference is that no car parking is provided,
 - ii. where car parking is proposed, any decision guidelines should consider whether:
 - the car parking is retained in common ownership,
 - how car share is accommodated,
 - the design is adaptable for future use.

147 I have made all inquiries that I believe are desirable and appropriate and there are no matters of significance which I regard as relevant which, to the best of my knowledge, have been withheld from the Panel.



CHARMAINE CHALMERS DUNSTAN

B.E. (Civil) Hons., Masters of Traffic, F.V.P.E.L.A

Appendix A

Charmaine Dunstan CV

Charmaine Dunstan

Director



Charmaine Dunstan is a founding Director of Traffix Group, and is widely recognised as a leading expert in transport planning.

Charmaine has extensive consulting experience in a range of transport-related projects for private sector and government clients.

Her fields of expertise include development impact assessment of land use developments, outdoor advertising signs, traffic management, transportation planning, road safety planning and engineering, parking management and strategy development.

She appears as an expert witness at the Victorian Civil and Administrative Tribunal, Planning Panels, Administrative Appeals Tribunal and the Supreme Court on land use development proposals.

Professional History

Traffix Group

Since 1994

Qualifications

Bachelor of Civil Engineering (Honours 1st Class) Monash University 1995
Masters of Traffic, Monash University 2002
National Engineers Register (EA ID: 9062830)
Registered Professional Engineer (PE0009539– Victoria)

Affiliations

Fellow, Victorian Planning and Environmental Law Association

Member, ITS (Monash) Advisory Committee

Awards

Fellow, Victorian Planning and Environmental Law Association 2016
Young Professional Award, 2003 Victorian Planning and Environmental Law Association

Young Professional Engineer of the Year, Australian Engineering Excellence Awards 2002, The Institution of Engineers, Australia

VicRoads Young Professional Engineer Award, 2002, The Institution of Engineers, Australia (Victoria Division)

Richardson Transport Engineering Prize, 1995, Monash University

First Prize, National Student Paper Prize, 1995, The Institution of Engineers, Australia (Transport Branch)

Areas of Expertise

Project Development (Traffic Impact Assessments):

- Preparation of Traffic Impact Assessment Reports and Expert Evidence Statements, and presentation of expert evidence for a range of land-use developments before for VCAT, Planning Panels, and other courts including:
 - Medium to high density housing developments and residential subdivisions.
 - Retail, shopping centre, office, restaurant/café, medical centre, aged care, child care, various industry and entertainment venue developments.
 - Municipal facilities, sporting and community facilities, police stations, court houses, hospitals, and educational facilities.
- The Traffic Impact Assessments include preparation of Green Travel Plans and consideration of sustainable transport modes, including pedestrian access, bicycle parking, motorcycle parking, car share schemes and public transport accessibility.

Transport Studies / Traffic Management Plans

- Local Area Traffic Management (LATM) studies for local government, encompassing a wide range of land-use and road network environments, study methodologies and approaches to community consultation.
- Preparation of Road Safety Strategies involving review of road crash patterns, identification of high-risk groups, liaising with stakeholder and road user groups and development of Action Plans.
- Significant experience in the development of projects to promote walking, cycling and public transport in land-use development.
- Significant experience and expertise in the provision of traffic engineering and transport planning advice to support the development of structure plans and site/precinct plans.
- Skills include working as part of multi-disciplinary project teams, analysis and design of transport projects and consultation with stakeholders.
- Experience and expertise in the provision of traffic and transport advice for Planning Scheme Amendments, Planning Panels and before VCAT.

Appendix B

Instructions

AMENDMENT C376MELB TO THE MELBOURNE PLANNING SCHEME

MELBOURNE CITY COUNCIL

BRIEF TO EXPERT – TRANSPORT

INTRODUCTION

1. Amendment C376melb to the Melbourne Planning Scheme (**Amendment**) has been prepared by Melbourne City Council (**Council**).
2. Council is the Planning Authority for the Amendment.
3. The Amendment was on public exhibition from 2 March 2023 – 17 April 2023. Seventy three (73) submissions have been received.
4. Pre-set Panel/Advisory Committee hearing dates are scheduled as follows:¹
 - 4.1 Directions Hearing in the week commencing Monday 2 October 2023;
 - 4.2 Panel Hearing in the week commencing Monday 13 November 2023 (anticipated to extend for 2-4 weeks) (**Hearing**).
5. Subject to your preliminary opinion, we may engage you to prepare an expert evidence statement and appear at the Hearing of this matter in November 2023.

AMENDMENT C376

Amendment Land

6. All land in the municipality is proposed to be affected by the Amendment².

Contents of Amendment C376

7. In terms of what the Amendment does:³

This amendment implements sustainability and green infrastructure policy into the Melbourne Planning Scheme, and new mandatory and discretionary sustainable building design standards and requirements.
8. The Amendment uses the schedule 73 to the Design and Development Overlay (**DDO73**) as the key planning control to achieve sustainable building design outcomes. The sustainable transport outcomes of the Amendment are to be achieved by the proposed changes to Schedules 1, 2, 3, 4, 5 and 7 to Clause 37.04 (Capital City Zone) and Schedules 1, 2, 3, 4, 5 and 6 to Clause 37.05 (Docklands Zone). The basis for these sustainable transport provisions is explained at pp 23-25 in the Sustainable Building Design: Planning Scheme Amendment C376, Hansen Partnership, September 2020 (**Hansen Background Report 2020**).⁴

¹ See Planning Panels Victoria letter, dated 22 December 2022, in Folder #2.

² Amendment C376melb, *Explanatory Report*, at page 1 (see Folder #4).

³ Ibid.

⁴ A background document to the Amendment.

9. The strategic assessment of the Amendment is set out in the Explanatory Report, stating:⁵

Climate change is happening now.

Melbourne is already dealing with a hotter climate, and our climate in Victoria has already warmed by 1°C. Our city currently averages 11 days greater than 35 degrees. By 2050 we will experience an average 16 days greater than 35 degrees (Department of Environment, Land, Water and Planning, 2019).

Victoria has had longer fire seasons since the mid-1990s and fire days are projected to increase by 42 per cent per year in Melbourne by 2050. The deadly bushfires of 2019-2020 across Australia destroyed more than 10 million hectares (Rumpf, Legge, van Leeuwen, Wintle & Woinarski, 2023), damaging thousands of homes and properties and killing at least 34 people. Professor Dickman estimated one billion animals were killed (University of Sydney, 2020), and many more bats and insects are likely to die as a result of lost habitat and food sources.

By 2050, there will be 20 per cent less spring rainfall. We are also facing far more severe rainfall events, flooding and storm surges. The 2016 thunderstorm asthma events in Melbourne resulted in serious health impacts for thousands and some fatalities. The Victorian Government estimates that by 2050 sea levels will rise by 24 cm on 1990s levels (DELWP, 2019).

Temperature increases mean we could lose 35 per cent of the city's trees in the next 20 years (Kendal & Baumann, 2016). Elms and some species of indigenous eucalypts won't survive. Melbourne is home to many threatened species including the powerful owl, grey-headed flying fox and the swift parrot.

Climate change could cost our local economy \$12.6 billion by 2050 (City of Melbourne, 2018), impacting agriculture, tourism, insurance and finance.

The Intergovernmental Panel on Climate Change (IPCC) 2022 report found that even more urgent action to adapt to climate change and to cut greenhouse gas emissions is required - including by amending planning regulations to stop dangerous development. The IPCC also found that if emissions remain high, deaths caused by climate change related heat are estimated at 600 people each year in Melbourne, Sydney and Brisbane between 2031 and 2080, totalling 30,000 people over 50 years.

On 16 July 2019, the City of Melbourne declared a climate and biodiversity emergency, recognising that a temperature rise above 1.5°C would cause major and irreversible damage to the City and its ecosystem. On 18 February 2020, the City of Melbourne endorsed the acceleration of the ten priority actions to respond to the climate and biodiversity emergency including mandating greening and zero emission buildings through the Planning Scheme.

Currently the Melbourne Planning Scheme encourages sustainable development at clause 2.03-4 of the Scheme. While sustainability outcomes are being negotiated through the development application process, the current planning framework requires updating to achieve the baseline needed for Council to reach its target of zero net emissions by 2040, to improve biodiversity, to reduce the urban heat island effect, to manage water effectively, and to reduce the amount of waste going to landfill.

10. In explaining why the Amendment is required, the Explanatory report outlines:⁶

The amendment is required to introduce new sustainable building design standards into the Planning Scheme and will apply to new buildings as well as substantial alterations and additions that meet a specified size threshold. The standards address environmentally sustainable design, energy efficiency and renewables, waste and resource recovery, urban heat island response, urban ecology, integrated water management and for the Central City and Docklands, sustainable transport. The standards draw on established and industry accepted rating tools (Green Star, NatHERS, NABERS and BESS) as well as the Green Factor Tool which has been developed by the City of Melbourne.

⁵ Amendment C376melb, *Explanatory Report*, at page 2, in Folder #4.

⁶ Amendment C376melb, *Explanatory Report*, at page 2.

The amendment will introduce minimum mandatory requirements for certain standards and preferred requirements. The preferred requirements provide a greater contribution towards Council's sustainability, greening and emissions goals.

Sustainable building design requires current generations to choose how they meet their needs without compromising the ability of future generations to be able to do the same. The City of Melbourne owns and controls less than one third of the municipality's land area, with the majority of the land in private ownership or other government ownership.

In terms of built form, City of Melbourne owns less than 2 per cent of the buildings in the municipality. Private development is therefore a critical contributor to any overarching municipal goals or targets. While the City, in partnership with other public entities, can drive change on public land, the planning system remains a key tool in facilitating changed practices on private land for public benefit.

11. At an ordinance level, the Amendment proposes to:⁷

- 11.1 Amend the Municipal Planning Strategy (MPS) to ensure alignment between the MPS and the purpose of the amendment, by making changes to Clauses: 02.03-2 Environment and landscape values; 02.03-4 Built environment and heritage; and 02.03-7 Transport.
- 11.2 Amend the Planning Policy Framework (PPF) to ensure alignment between the PPF and the purpose of the amendment, by making changes to Clauses: 15.01-2L Sustainable development and 19.03-3L Stormwater management (Water Sensitive Urban Design).
- 11.3 Insert Schedule 73 to Clause 43.02 (Design and Development Overlay – Sustainable Building Design) to include provisions for:
 - environmentally sustainable design;
 - energy efficiency and renewables;
 - waste and resource recovery;
 - urban heat island response;
 - urban ecology; and
 - integrated water management.
- 11.4 Amend Schedules 1, 2, 3, 4, 5 and 7 to Clause 37.04 (Capital City Zone) and Schedules 1, 2, 3, 4, 5 and 6 to Clause 37.05 (Docklands Zone) to include provisions for:
 - bicycle, motorcycle and car share parking;
 - electric vehicle infrastructure;
 - the design of car parking facilities; and
 - the retention of car parking spaces as common property.
- 11.5 Amend the Schedule to Clause 72.03 (What does this Planning Scheme consist of?) to include reference to the new map sheets for Schedule 73 to Clause 43.02 (Design and Development Overlay – Sustainable Building Design).
- 11.6 Amend the Schedule to Clause 72.04 (Incorporated Documents) to include:

⁷ Amendment C376melb, *Explanatory Report*, at page 1.

- 11.6.1 the Guidelines for Waste Management Plans, (City of Melbourne, June 2021).
- 11.7 Amend the Schedule to Clause 72.08 (Background Documents) to include relevant background documents as listed below:
 - 11.7.1 Climate Change Adaptation Strategy Refresh (City of Melbourne, 2017)
 - 11.7.2 Climate Change Mitigation Strategy to 2050 (City of Melbourne, 2018)
 - 11.7.3 Climate Emergency Response (City of Melbourne, 2020)
 - 11.7.4 Fishermans Bend Water Sensitive City Strategy (DJPR, 2022)
 - 11.7.5 Green Our City Strategic Action Plan 2017-2021 (City of Melbourne, 2017)
 - 11.7.6 Green Our City Strategic Action Plan: Strategic justification for C376melb regulatory requirements for sustainability (Arup, 2019)
 - 11.7.7 Growing Green Guide (City of Melbourne, 2014)
 - 11.7.8 Municipal Integrated Water Management Plan (City of Melbourne, 2017)
 - 11.7.9 **Hansen Background Report 2020;**
 - 11.7.10 Transport Strategy 2030 (City of Melbourne, 2019)
 - 11.7.11 Waste and Resource Recovery Strategy 2030 (City of Melbourne, 2019)
- 12. The following documents are 'supporting documents' to the Amendment:

Supporting

 - 12.1 Green Our City Action Plan – Draft Planning Requirements, Economic Feasibility Testing, HillPDA, November 2020;
 - 12.1.1 Attachment 1 – GOCAP Standards Testing, Breathe Architecture, Rev 0, 4 November 2020
 - 12.1.2 Attachment 2 – GOCAP – Cost Summary, Rider Levett Bucknall, May 2020
 - 12.2 Green Our City Action Plan – Draft Planning Requirements, Economic Feasibility Testing, Addendum (5 Additional Sites), HillPDA, January 2022
 - 12.2.1 Attachment 1 – GOCAP Standards Testing, Breathe Architecture, 24 January 2022;
 - 12.2.2 Attachment 2 – GOCAP – Cost Summary, Rider Levett Bucknall, 19 January 2022.
 - 12.3 Off-street Bicycle & Motorcycle Parking Review, Final Report, Phillip Boyle & Associates, 16 March 2016
 - 12.4 Transport Strategy refresh, Background paper, Increasing the Use of Bicycles for Transport, Phillip Boyle & Associates, May 2018

13. The Exhibition documentation, including the Explanatory Report, all background and supporting documents are provided in the OneDrive Brief at Folder #4.
14. A number of Planning Panels have considered, in part, aspects sought to be advanced by the Amendment. We enclose a sample of Planning Panels reports at Folder #6 of the OneDrive Brief.

Exhibition & Submissions

15. The Amendment was on public exhibition from 2 March 2023 – 17 April 2023.
16. Exhibition attracted 73 submissions⁸.
17. A number of submissions are supportive of the Amendment, or parts of the Amendment.
18. Other submissions raise concerns with the Amendment, or aspects of the Amendment, including those that are relevant to the field of transport planning and engineering, such as the proposal to require car parking to be retained in common ownership for future adaptation and re-use, the proposed bicycle, motorcycle and car share parking provisions, and the proposed design requirements for car parking facilities, including the provision of EV ready facilities.

Future Melbourne Committee (FMC) consideration

Future Melbourne Committee – 21 November 2017 (Green Our City Action Plan)

19. At its meeting on 21 November 2017, the Future Melbourne Committee (**FMC**) resolved as follows⁹:

That the Future Melbourne Committee:

Endorses the Green Our City Strategic Action Plan to enhance the City of Melbourne's existing education and incentive-based approach whilst developing a business case for a future regulatory mechanism, for Council consideration.

Authorises the Director City Strategy and Place to make any further minor editorial changes to the Green Our City Strategic Action plan prior to publication.

20. The *Green Our City Action Plan (GOCAP)* is proposed as a Background Document in the schedule to Clause 72.08.¹⁰
21. One of the actions in the (GOCAP) is to:

Pursue changes to the planning scheme to require all types of development in the City to play a part in achieving environmentally sustainable design targets, including green walls and vertical greening. Review the planning scheme to determine the most effective planning scheme tools to deliver improved green infrastructure outcomes. Include an economic feasibility study to ensure that green infrastructure can be delivered by developers without compromising feasibility. Economic analysis should include consideration of other planning requirements such as affordable housing provision and design requirements to understand the cumulative impact of all controls. Considerations will include: - how best to work with other Councils, including the work of CASBE, and the State and build on existing reforms - how to ensure that real change is delivered, while engaging productively with the development community and ensuring the commercial context is understood - how best to adapt world leading initiatives such as Seattle's Green Factor in a City of Melbourne context.

⁸ A copy of all submissions received to the Amendment can be found in Folder #5.

⁹ The FMC report and minutes are provided in Folder #3a.

¹⁰ A copy is provided at Folder #4aa of the OneDrive Brief.

Future Melbourne Committee – 18 February 2020 (City of Melbourne’s response to the Climate and Biodiversity Emergency Declaration)

22. At its meeting on 18 February 2020, the FMC resolved as follows¹¹:

That the Future Melbourne Committee endorses management’s review and response to the Climate and Biodiversity Emergency, and the acceleration of the ten priority actions, subject to future annual plan and budget processes.

23. The document, *Responding to the Climate and Biodiversity Emergency, 18 February 2020*, is proposed to be listed as a Background Document in the schedule to Clause 72.08.¹²

24. One of the actions from Responding to the Climate and Biodiversity Emergency, 18 February 2020, is:

Mandate greening and zero emissions buildings through the Planning Scheme.

Future Melbourne Committee – 15 September 2020 (Green Factor Tool)

25. At its meeting on 15 September 2020, the Future Melbourne Committee resolved as follows¹³:

That the Future Melbourne Committee:

Endorses the Melbourne Green Factor Tool for use through the Melbourne Planning Scheme as the preferred approach for demonstrating urban ecology outcomes on new developments.

Authorises the establishment of a governance structure to oversee technical updates to the tool and to ensure the tool continues to meet its objectives.

26. Use of the Green Factor Tool is embedded in the DDO73 as a mandatory and discretionary requirement.

Future Melbourne Committee – 15 September 2020 (Amendment C376 Sustainable Building Design)

27. At its meeting on 15 September 2020, the Future Melbourne Committee resolved as follows¹⁴:

That the Future Melbourne Committee:

Seeks authorisation from the Minister for Planning to prepare and exhibit Melbourne Planning Scheme Amendment C376 Sustainable Building Design (refer to Attachment 2 of the report from management).

Requests that the Chief Executive Officer write to the Minister for Planning to request that he:

- introduce a state-wide planning provision to champion environmentally sustainable design, city greening and green infrastructure with a local schedule to enable mandatory requirements and allow tailoring by councils, attaching draft provision to assist (refer to Attachment 3 of the report from management);
- work with the City of Melbourne and Council Alliance for Sustainable Built Environments councils to finalise and implement the state-wide provision, enabling

¹¹ The FMC report and minutes are provided in Folder #3b.

¹² A copy is provided at Folder #4aa of the OneDrive Brief.

¹³ The FMC report and minutes are provided in Folder #3c.

¹⁴ Ibid.

local governments to localise their requirements in line with their Council's endorsed positions.

Commends the development of the Green Factor tool, as a method to achieve and assess an urban ecology standard, and endorses its use through the Melbourne Planning Scheme.

Authorises the General Manager Strategy, Planning and Climate Change to make any minor and editorial and referencing changes and as required to accord with the Victorian Government's planning policy framework translation to Melbourne Planning Scheme Amendment C376 (refer to Attachment 2 of the report from management).

INSTRUCTIONS

28. You are kindly instructed to:

28.1 Review the documents in the OneDrive brief including:

28.1.1 All exhibited documents in Folder #4;

28.1.2 Submissions received to the Amendment in Folder #5, particularly the following submissions:

- (a) #5 – Sarah Magner
- (b) #8 – Beulah
- (c) #11 – Scott McIntyre
- (d) #24 - Wayne Taylor
- (e) #38 – Master Builders;
- (f) #45 – Urban Development Institute of Australia (UDIA);
- (g) #52 - GoGet
- (h) #53 – MAB Corporation Pty Ltd;
- (i) #59 - Melbourne Climate Futures 'Built and Living Environment' theme research group, The University of Melbourne
- (j) #66 – Property Council of Australia (PCA);
- (k) #67 – Planners Declare
- (l) #68 – University of Melbourne;

28.2 Provide us with a preliminary opinion on Amendment C376 on matters within your area of expertise, including in relation to the proposed requirements for car parking to be retained in common ownership for future adaptation and re-use, the proposed bicycle, motorcycle and car share parking provisions, and the proposed design requirements for car parking facilities, including the provision of EV ready facilities, and any issues (arising from submissions, or otherwise) which warrant further consideration.

29. Please advise us if you require anything further to inform your views.

30. Please be clear if a particular issue or matter falls outside your area of expertise.

31. We would be grateful if we could meet to discuss your preliminary views on the Amendment in conference prior to midday on 8 June 2023.
32. Subject to your preliminary opinion, we may engage you to prepare an expert evidence statement and appear at the Hearing of this matter in November 2023. We understand you are available to prepare an evidence report and give evidence at the Hearing which is scheduled to commence on **13 November 2023**.
33. Before starting any work, we kindly request you provide us with an electronic copy of your fee proposal for work to inform your preliminary opinion, as well for preparing an expert evidence report and appearing as an expert witness at the Hearing. Please also provide a schedule of fees and rates in the event that you are required to perform additional tasks in the future relating to this matter.
34. As an independent expert, it is important that you are free from any possible conflict of interest in providing your opinion. We understand you have no such conflict. If any conflict or potential conflict becomes apparent to you during your work on this matter, please advise without delay. Please also ensure that you are familiar with *Practice Note 1: Expert Evidence*, published by Planning Panels Victoria, a copy of which has been provided in your brief in Folder #2.
35. This instruction and any communications arising from this instruction are subject to legal professional privilege. Please treat all communications relating to the scope of works as confidential.
36. Link to OneDrive Brief [City of Melbourne C376 – Expert Briefing material](#)

Date delivered: **29 May 2023**

Index – Brief to Expert

No.	Document
Folder #1 – Brief to Expert	
	Brief to expert
Folder #2 – Panel related	
a	Planning Panels Victoria – Practice Note PN01 – Expert Evidence
b	Pre-set Panel hearing letter from Panel's Victoria (December 2022)
Folder #3 - Future Melbourne Committee (FMC) meetings	
a	Future Melbourne Committee, 21 November 2017 - Report – Green Our City Strategic Action Plan - Minutes
b	Future Melbourne Committee, 18 February 2020 - Report –Climate and Biodiversity Emergency 2020 - Minutes
c	Future Melbourne Committee, 15 September 2020 - Report – Amendment C376: Sustainable Building Design - Report – Melbourne Green Factor Tool - Minutes
Folder #4 – Exhibited documents	
	- Amendment C376 Explanatory report - Amendment C376 Instruction Sheet
a	Exhibited Policy, Ordinance, Mapping and Incorporated Document - Clause 2.03 Strategic Directions - Clause 15.01-2L-01 Sustainable development - Clause 19.03-3L Stormwater management (Water Sensitive Urban Design) - Schedule 73 to the Design and Development Overlay (DD073); - Schedule 1 to the Capital City Zone (CCZ1) - Schedule 2 to the Capital City Zone (CCZ2) - Schedule 3 to the Capital City Zone (CCZ3) - Schedule 4 to the Capital City Zone (CCZ4) - Schedule 5 to the Capital City Zone (CCZ5) - Schedule 7 to the Capital City Zone (CCZ7) - Schedule 1 to the Docklands Zone (DZ1) - Schedule 2 to the Docklands Zone (DZ2) - Schedule 3 to the Docklands Zone (DZ3) - Schedule 4 to the Docklands Zone (DZ4) - Schedule 5 to the Docklands Zone (DZ5) - Schedule 6 to the Docklands Zone (DZ6) - Schedule to Clause 72.03 What Does this Planning Scheme consist of? - Schedule to Clause 72.04 Incorporated Documents - Schedule to Clause 72.08 Background Documents - Guidelines for Waste Management Plans, 2021, City of Melbourne (Proposed Incorporated document);

No.	Document
aa	Background documents ▪ Green Our City Strategic Action Plan: Strategic Justification for regulatory requirement for sustainability, Arup, 18 October 2019 ▪ Sustainable Building Design, Planning Scheme Amendment C376, Background Report, Hansen, September 2020 ▪ Climate Change Adaptation Strategy Refresh, City of Melbourne, 2017 ▪ Climate Change Mitigation Strategy to 2050, City of Melbourne, 2018 ▪ Climate Emergency Response, City of Melbourne, 2020 ▪ Fishermans Bend Water Sensitive City Strategy, DJPR, 2022 (Part 1) ▪ Fishermans Bend Water Sensitive City Strategy, DJPR, 2022 (Part 2) ▪ Green Our City Strategic Action Plan 2017-2021, City of Melbourne, 2017 ▪ Growing Green Guide, City of Melbourne 2014 ▪ Municipal Integrated Water Management Plan, City of Melbourne, 2017 ▪ Transport Strategy 2030, City of Melbourne, 2019 ▪ Waste and Resource Recovery Strategy 2030, City of Melbourne, 2019
ab	Supporting Documents ▪ Green Our City Action Plan – Draft Planning Requirements, Economic Feasibility Testing, HillPDA, November 2020; ▪ Green Our City Action Plan – Draft Planning Requirements, Economic Feasibility Testing, Addendum (5 Additional Sites), HillPDA, February 2022; ▪ Off-street Bicycle & Motorcycle Parking Review, Final Report, Phillip Boyle & Associates, 16 March 2016; ▪ Transport Strategy refresh, Background paper, Increasing the Use of Bicycles for Transport, Phillip Boyle & Associates, May 2018.
Folder #5 – Submissions	
▪ Various (Submissions #1 - #73)	
Folder #6 – Panel Reports	
a	Victorian Planning Authority Projects Standing Advisory Committee - Referral 6 (AC) [2022] PPV 24 (2 May 2022)
b	Melbourne C309 (PSA) [2019] PPV 55 (11 October 2019)
c	Fishermans Bend Planning Review Panel (AC) [2018] PPV 71
d	Environmentally Efficient Design Local Policies (AC) [2014] PPV 40 (7 April 2014)
e	Melbourne C187 (PSA) [2012] PPV 132 (7 November 2012)

From: [Ann-Maree Drakos](#)
To: [Charmaine Dunstan](#)
Subject: Am C376melb – Bicycle Parking rates
Date: Tuesday, 5 December 2023 4:41:04 PM
Attachments: [Benchmarking of bicycle parking rates for Amendment C376.pdf](#)
Importance: High

CAUTION: This email originated from outside of the organisation. Do not click links or open attachments unless you recognise the sender and know the content is safe.

Dear Charmaine

Am C376melb – Bicycle Parking rates

I refer to Amendment C376melb (**Amendment**) and your preliminary review of the Amendment.

You will recall a number of submissions received to the Amendment raised issue with the proposed bicycle parking requirements as contained in proposed schedules 1 2, 3, 4, 5 and 7 to clause 37.04 (Capital City Zone) and proposed schedules 1, 2, 3, 4, 5 and 6 to clause 37.05 (Docklands Zone).

Council is considering whether to amend the proposed bicycle parking rates.

As requested, the transport planners at the City of Melbourne have now prepared a short report, *Benchmarking of bicycle parking rates for Amendment C376*, that documents and compares the bicycle parking rates proposed by Amendment C376 with other areas – both intrastate, interstate and internationally (**Bicycle Parking Rates report**).

I am instructed to provide you with the **attached** Bicycle Parking Rates report and ask you to consider and advise us on whether any changes should be proposed to the bicycle parking requirements of the exhibited version of Amendment.

Please contact me if I can assist further with additional information, if you have any questions or if you would like to make a time to discuss further.

Best regards

Ann-Maree

Ann-Maree Drakos | Legal Counsel – Planning | Finance and Corporate

City of Melbourne | Town Hall, Level 3, 90 Swanston Street, Melbourne 3000 | GPO Box 1603
Melbourne 3001
m. 0481 097 494 e: Ann-Maree.Drakos@melbourne.vic.gov.au
www.melbourne.vic.gov.au | [whats.on@melbourne.vic.gov.au](https://www.whatsapp.com/channel/0029va833333333333333333)
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The City of Melbourne respectfully acknowledges the Traditional Owners of the land we govern, the Wurundjeri Woi Wurrung and Bunurong Boon Wurrung peoples of the Eastern Kulin and pays respect to their Elders past, present and emerging. We acknowledge and honour the unbroken spiritual, cultural and political connection the Wurundjeri, Bunurong, Dja Dja Wurrung, Taungurung and Wadawurrung peoples of the Eastern Kulin have to this unique place for more than 2000 generations. We are committed to our reconciliation journey, because at its heart, reconciliation is about strengthening relationships between Aboriginal and non-Aboriginal peoples, for the benefit of all Victorians.



Benchmarking of bicycle parking rates for Amendment C376

Prepared December 2023 by Transport Strategy team.

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Purpose

The purpose of this document is to provide a summary of the bicycle parking rates of comparable jurisdictions to the City of Melbourne. These rates are presented in comparison with those proposed by Amendment C376 for dwelling, retail, and office uses.

Table 1: Benchmarking of equivalent bike parking rates (per 100 m²)

Total provision higher than C376 rates

Total provision equal to C376 rates

Total provision lower than C376 rates

Area/ jurisdiction	C376 CCZ/DZ (proposed) Net floor area	Arden SUZ7 (gazetted) Net floor area	Sydney CBD Gross floor area	Canberra Net lettable area	Brisbane Gross Floor Area	Vancouver (Canada) Gross Floor Area	London (UK) Gross External Area	Seattle Gross Floor Area
Resident rate dwellings	1 per dwelling	1 per bedroom	1 per dwelling	1 per 1-2 bedroom dwelling, 2 per 3+ bedroom w/car space. AND 1 per bedroom for dwellings w/no car space	1 per dwelling	Varies, ranges from 1.5 per dwelling (under 65sqm) to 3 per dwelling (over 105sqm)	1 per 1 person, 1 bedroom dwelling. 1.5 per 2 person, 1 bedroom dwelling. 2 per dwelling for all others.	1 per dwelling
Visitor rate dwellings	2 per 5 dwellings	2 per 5 dwellings	0.5 per 5 dwellings	0.5 per 5 dwellings	1.25 per 5 dwellings	0.25 per additional 5 dwellings above 20. Minimum 2 where at least 20 dwellings are provided.	0.125 per additional 5 dwellings above 40. Minimum 2 between 5 to 40 dwellings.	0.25 per 5 dwellings

Area/ jurisdiction	C376 CCZ/DZ (proposed) Net floor area	Arden SUZ7 (gazetted) Net floor area	Sydney CBD Gross floor area	Canberra Net lettable area	Brisbane Gross Floor Area	Vancouver (Canada) Gross Floor Area	London (UK) Gross External Area	Seattle Gross Floor Area
Employee rate retail	1	1	Varies, 0.4 to 1	0.4	0.5 (1000sqm to 2500sqm) 0.5 (above 2500sqm)	0.29	0.57 (food retail) 0.4 (Non-food retail, first 1000sqm) 0.1 (Non-food retail after first 1000sqm)	0.215 (food and beverages) 0.269 (Sales and services, general)
Visitor rate retail	1, minimum 4	1	0.33 to 1, minimum 2 (for shop, restaurant or cafe)	1	0.2 (1000sqm to 2500sqm) 0.5 (above 2500sqm)	No rate Minimum 6 for any development over 1000sqm GFA.	5 (Food retail first 750sqm) 0.66 (after first 750sqm)	Food and beverages: 1.08 0.540 (Sales and services, general)
Employee rate office	1	1	0.66	0.5	0.5 (1000sqm to 2500sqm) 0.5 (above 2500sqm)	0.58	1.33	0.540
Visitor rate office	1, minimum 4	1	0.25	0.25	0.13 (between 1000sqm and 2500sqm)	No rate. Minimum 6 for any development over 2000sqm GFA.	0.2 (first 5000sqm) 0.02 (after first 5000sqm)	0.107

Area/ jurisdiction	C376 CCZ/DZ (proposed) Net floor area	Arden SUZ7 (gazetted) Net floor area	Sydney CBD Gross floor area	Canberra Net lettable area	Brisbane Gross Floor Area	Vancouver (Canada) Gross Floor Area	London (UK) Gross External Area	Seattle Gross Floor Area
					0.2 (above 2500sqm)			

Explanatory notes

Where possible, rates have been converted to correspond with the rate calculations for C376 (ie. per 100sqm). Where rates are not based on a buildings area (eg. By bedroom, employees or other measure) this has not been changed. Where imperial measurements have been used (in Seattle), these have been converted to metric. Differing definitions of area such as Net Floor Area, Gross Floor Area and Net Leasable area have not been addressed in this table. See below for a brief summary of the differences in measurement:

- Gross Floor Area and Gross External Area are largely identical, and includes external and internal walls, and non-usable space such as columns, lift wells etc.¹
- Net Floor Area is the standard metric used in the City of Melbourne. “It includes half the width of any party wall and the full width of all other walls. It does not include the area of stairs, loading bays, accessways, or car parking areas, or any area occupied by machinery required for air conditioning, heating, power supply, or lifts.”²
- Net Lettable Area is the metric used in Canberra and is largely analogous to Net Floor Area. It does not include “the areas for stairs, fire stairs, accessways, lift shafts, toilets, recessed doorways, cupboards, fire hose reel cupboards, smoke lobbies (must be compliant with relevant Acts and Regulations), escalators, plant/motor rooms, telecommunications cupboards, kitchen and other service areas, and lift lobbies and areas dedicated to public spaces and the like.”³

This means that, for an identical building where the same area-based rate (eg. 1 per 100sqm) is applied:

- Using Gross Floor Area/Gross External Area would result in the **highest** provision of bike parking (since this has the highest total area)
- Using Net Floor Area would result in a **lower** provision of bike parking (since some areas are excluded from the total area)

¹ <https://www.gov.uk/government/publications/measuring-practice-for-voa-property-valuations/code-of-measuring-practice-definitions-for-rating-purposes>

² <https://planning-schemes.app.planning.vic.gov.au/Melbourne/ordinance/73.01>

³ <https://www.legislation.act.gov.au/ni/2008-27/Current>, under Section 13: Definitions, 13.1 Definitions.

- Using Net Lettable Area would result in the **lowest** provision of bike parking (since even more areas are excluded from the total area).

The C376 proposed rates, Arden rates and Sydney CBD rates all apply to specific, higher density/capital city contexts.

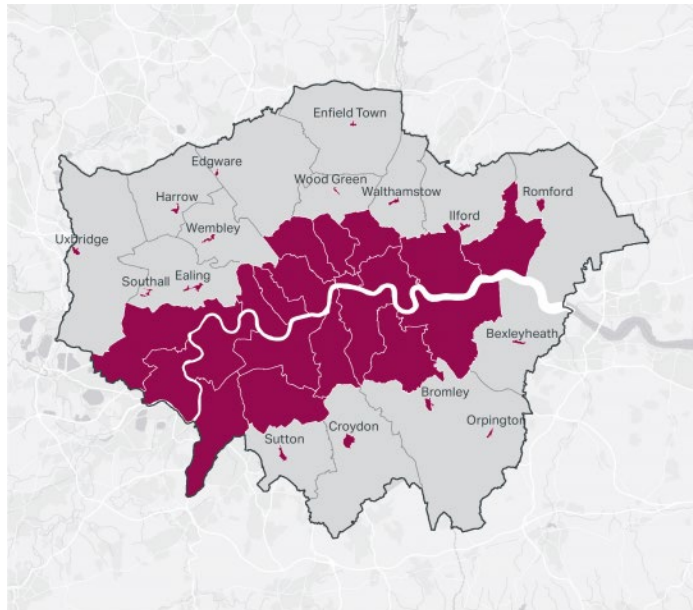
Canberra and London both cover the vast majority of their associated metro area and minimum rates must respond to a wide range of local contexts.

London rates shown are the minimum rates in areas where higher minimum cycle parking standards apply. In specified inner areas and town centres, the visitor rates for retail uses and employee rates for office uses are 2x higher than the minimums. Figure 1 shows the areas within London covered by this higher rate. These higher minimum rates are based on an observed cycling mode share of 3.5 per cent for trips arriving at workplace, leisure and shopping destinations, compared to 1.5 per cent elsewhere in London.⁴ According to VISTA data, in 2018 and 2020, City of Melbourne's overall cycling mode share was between 3.8 and 3.97 per cent.⁵

Figure 1: Map showing areas in London where higher minimum cycle parking standards apply.

⁴ London City Plan, section 10.5.2. <https://www.london.gov.uk/programmes-strategies/planning/london-plan/the-london-plan-2021-online/chapter-10-transport#policy-t5-cycling-171054-title>

⁵ <https://public.tableau.com/app/profile/vista/viz/VISTA-LGAProfilerDraft/LocalGovernmentAreaprofiles>



Areas where higher minimum cycle parking standards apply
see table 10.2

● Higher minimum cycle parking standards

Source: Transport for London (TfL)

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Similarly, Brisbane, Seattle and Vancouver all cover significant proportions of their associated metro area and must respond to a wide range of local contexts. However, the Brisbane City Plan expects higher active transport mode shares and in turn, higher levels of facilities and finishes “in the City core, City frame, centres and growth nodes on selected transport corridors”.⁶

⁶ <https://cityplan.brisbane.qld.gov.au/eplan/rules/0/274/0/27499/0/227>

Sources:

C376 bike parking rates obtained from documents presented for Exhibition on Participate Melbourne, and can be found here: ([link](#)). The same rates are proposed to apply across all zone schedules in C376.

Arden bike parking rates can be found here: ([link](#))

Sydney CBD bike parking rates can be found here ([link](#)), under Section 3: General provisions, 3.11.3 Bike parking and associated facilities.

Canberra bike parking rates available here: ([link](#)), Section 11.2 End-of-Trip Facilities General Code, under Section 11: General Codes.

Brisbane bike parking rates can be found here: ([link](#))

Vancouver bike parking rates can be found here: ([link](#))

London bike parking rates can be found here: ([link](#)), under Table 10.2 – Minimum cycle parking standards

Seattle bike parking rates can be found here (scroll down to Table D): ([link](#))

22 April 2024

Charmaine Dunstan
Director
Level 28, 459 Collins St
Melbourne VIC 3000



CITY OF MELBOURNE

GPO Box 1603
Melbourne VIC 3001
Telephone (03) 9658 9658
Facsimile (03) 9654 4854
DX210487

ABN 55 370 219 287

By email to charmaine@traffixgroup.com.au

Dear Ms Dunstan

**LETTER OF INSTRUCTIONS TO PREPARE INDEPENDENT EXPERT EVIDENCE
AMENDMENT C376 TO THE MELBOURNE PLANNING SCHEME – ENVIRONMENTALLY
SUSTAINABLE DEVELOPMENT**

Purpose

1. The purpose of this letter is to retain you as an independent expert witness in the proceeding concerning Amendment C376 to the Melbourne Planning Scheme (**Amendment**) which is anticipated, in due course, to be considered by an independent planning panel (**Panel**).

Key Dates

2. The Panel hearing to consider the Amendment is scheduled to commence in the week beginning Monday 19 August 2024 (**Panel Hearing**) and is expected to be held at Planning Panels Victoria, 1 Spring Street, Melbourne.
3. You will be expected to be available to appear before the Panel and present your expert evidence. Your expert evidence will be filed and served prior to the commencement of the Panel Hearing. We will be in a position to advise when you can expect to attend the Panel once we've had the Directions Hearing, and a Panel Hearing timetable is issued.
4. While we don't yet know when final expert evidence statements will be due, we kindly request a draft copy of your expert evidence statement be provided by no later than midday on **Wednesday 15 May 2024**. We will then ask you to update that draft, as necessary, after the consideration of the Amendment by the Future Melbourne Committee (**FMC**).
5. In addition to the preparation of your expert evidence statement, it would be helpful for you to prepare a "Powerpoint style" summary document for the presentation of your evidence. The presentation must not contain any new material to that within your expert evidence statement. We will advise you of the date the presentation is due for circulation following the Directions Hearing.

Documents

6. Below is the link to your electronic brief containing material you are to consider to prepare and inform your evidence.

[City of Melbourne C376 - Briefing Material](#)

7. Please advise if you require anything further to inform your views.

Overview

8. The Amendment, among other things, seeks to use the schedule 73 to the Design and Development Overlay (DDO73) as the key planning control to achieve sustainable building design outcomes, while the sustainable transport outcomes of the Amendment are to be achieved by the proposed changes to Schedules 1, 2, 3, 4, 5 and 7 to Clause 37.04 (Capital City Zone) and Schedules 1, 2, 3, 4, 5 and 6 to Clause 37.05 (Docklands Zone).
9. The Amendment was on public exhibition from 2 March 2023 – 17 April 2023.
10. Exhibition attracted 73 submissions.
11. At an upcoming meeting, the FMC will consider management's response to the submissions received where it is anticipated the FMC will resolve to refer all submissions received to the Amendment to the Panel for its consideration.

Instructions

12. You are kindly instructed to:
 - a. review and consider the documents provided in your electronic brief;
 - b. prepare an expert evidence statement and "*Powerpoint style*" presentation; and
 - c. appear as an independent expert witness in relation to this proceeding.
13. Your statement of independent expert evidence is to:
 - a. consider, formulate and express opinions on matters relating to your area/s of expertise, including by having regard to;
 - a. the Scheme;
 - b. the exhibited Amendment;
 - c. relevant background material as provided in your electronic brief;
 - d. a version of the Amendment that Council prepares as its preferred version of the Amendment.
 - b. consider and respond to the issues raised in all submissions to the Amendment as referred to the Panel in areas relating to your area/s of expertise (noting that some submissions may not disclose any substantive matters to respond to).
 - c. be prepared in accordance with the Practice Note 1: Expert Evidence, published by Planning Panels Victoria (a copy is enclosed in your brief).
14. In the preparation of your expert evidence statement we will expect that you've had regard to the materials in your brief (as you see relevant) and any additional documentation we upload to your brief upon it becoming available.

Conflict of Interest

15. Thank you for confirming you have no conflicts and that you are able to accept these instructions.
16. If any conflict or potential conflict becomes apparent to you during your work on this matter, please advise us without delay.

Fee estimate

17. Please provide us with a fee estimate for preparing your expert witness statement, presentation and appearances prior to commencing any work.

Please do not hesitate to contact me on the details below if you have any queries or require anything further.

Yours sincerely



Ann Maree Drakos

Legal Counsel, Planning (Finance and Corporate)
City of Melbourne

E-mail: ann-maree.drakos@melbourne.vic.gov.au

Phone: 0481 097 494

From: [Ann-Maree Drakos](#)
To: [Charmaine Dunstan](#)
Cc: [Matthew Woollard](#)
Subject: Amendment C376melb - Update regarding Future Melbourne Committee meeting
Date: Monday, 13 May 2024 12:24:45 PM
Importance: High

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Dear Charmaine

I want to provide you an update regarding Amendment C376melb (**Amendment**).

The Amendment will be considered at the Future Melbourne Committee (**FMC**) meeting on Tuesday 21 May 2024.

This morning the Council officer report summarising and responding to submissions received to the Amendment has been uploaded to your brief at [3d FMC 21 May 2024 - Consideration of submissions](#)

Also forming an attachment to the FMC report is:

- a summary of recommended changes to the exhibited version of the Amendment; and
- a preferred version of the Amendment to be considered by the FMC.

Please have regard to this FMC report in the preparation of your draft expert evidence report.

I will update you once FMC has considered the FMC report.

Please don't hesitate to contact me should you have any questions.

Kind regards

Ann-Maree

Ann-Maree Drakos | Legal Counsel – Planning | Finance and Corporate

City of Melbourne | Town Hall, Level 3, 90 Swanston Street, Melbourne 3000 | GPO Box 1603
Melbourne 3001

m. 0481 097 494 e: Ann-Maree.Drakos@melbourne.vic.gov.au

www.melbourne.vic.gov.au | [whats.on@melbourne.vic.gov.au](https://whatsapp.com/channel/0029va333333333333333333)

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