

19/06/2014  
C195

## **SCHEDULE 1 TO THE PARKING OVERLAY**

Shown on the planning scheme map as **PO1**.

### **BERWICK VILLAGE COMMERCIAL CENTRE**

#### **1.0 Parking objectives to be achieved**

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To ensure the appropriate provision of car parking spaces in the Berwick Village Commercial Centre.

To facilitate the construction of approximately 246 additional at-grade car parking spaces for the Berwick Village Commercial Centre on land designated for that purpose located west of Gloucester Avenue and south of Richardson Grove to Langmore Lane.

To ensure car parking provision more accurately reflects actual demand rates for the uses of Shop, Restricted retail premises, Restaurant, Hotel, Office and Medical centre.

To restrict the case by case approach to car parking supply and provision.

To enable new uses and developments that generate new car parking demand to proceed.

To achieve an appropriate balance between the demand and supply of parking spaces while allowing new and intensified development.

To enable a cash-in-lieu contribution for car parking provision to be validly imposed on planning permits for land currently within the Commercial 1 Zone (C1Z) within the overlay.

To require car parking provision to be satisfied on site for land within the Commercial 1 Zone (C1Z) and Commercial 2 Zone (C2Z).

To spread the cost of the infrastructure on an equitable basis.

#### **2.0 Permit requirement**

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A permit cannot be granted to reduce the car parking requirement for the uses specified in part 3.0 of this Schedule unless car parking entitlements or credits exist.

A permit cannot be granted to reduce the car parking requirement for any other use determined by undertaking an empirical analysis under Clause 52.06, except in accordance with this Schedule.

A permit cannot be granted to reduce the car parking requirement for any other use on the basis of:

- The availability of car parking in the locality.
- The availability of public transport in the locality.
- Any reduction in car parking demand due to the sharing of car spaces by multiple uses, either because of variation of car parking demand over time or because of efficiencies gained from the consolidation of shared car parking spaces.
- Any empirical assessment; or
- Any other relevant consideration.

In any permit that authorises or results in the extension of floor space or an increase in patron numbers, the amount of car parking spaces determined by the responsible authority must be consistent with the amount specified in the scheme for that use.

Where car parking entitlements or credits exist:

- the reduction in the amount of carparking must not be greater than the extent of the credit; and
- the quantum of the credit must be determined having regard to the rates set out in this scheme.

**3.0 Number of car parking spaces required**

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If a use is specified in the Table below, the number of car parking spaces required for the use is calculated by multiplying the *Rate* specified for the use by the accompanying *Measure*.

**Table: Car parking spaces**

Use	Rate	Measure
Hotel	7.0	Car spaces per 100 square metres of net leasable floor area
Medical centre	5 4	Car spaces per one practitioner, plus Car spaces per additional practitioner
Office	3.5	Car spaces per 100 sq m of net floor area
Restaurant	0.3	Car spaces to each seat available to the public
Restricted retail premises	1.5	Car spaces per 100 sq m of leasable floor area
Shop (small format - per single occupancy less than 2,000 square metres)	4.0	Car spaces per 100 sq m of leasable floor area
Shop (large format - per single occupancy greater than 2,000 square metres)	6.0	Car spaces per 100 sq m of leasable floor area

**4.0 Financial contribution requirement**

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For any application for use or development of land in a B1Z within the Parking Overlay (PO) including:

- the use of land for Shop, Restricted retail premises, Restaurant, Hotel, Office or Medical centre;
- the reduction of car parking spaces in connection with any use;
- the expansion of floor area of any use which results in more useable space for patrons;
- the issue of a new permit for an existing use which authorises a higher number of patrons within an existing or redeveloped building, or modifies the hours of use of an existing use; or
- the development of any land for a use in section 1 or 2 of the B1Z,

where car parking is not wholly satisfied on site (net of any car parking credits or entitlements) Council may accept a cash contribution in lieu of parking.

The cash contribution is \$16,935 (excl. GST) in respect of each car parking space or part thereof which is required under this Scheme and which is not provided on the land (but net of car parking entitlements and credits) and must be paid to the responsible authority.

These contribution amounts are current as at 1 July 2006.

The land component of the contribution, being \$13,650 will be adjusted quarterly from 1 October 2006 by applying the Consumer Price Index, Melbourne, in Rawlinsons Australian Construction Handbook.

The capital works component of the contribution, being \$3285 will be adjusted quarterly from 1 October 2006 by applying the Building Price Index, Melbourne, in Rawlinsons Australian Construction Handbook.

Until Council is paid the cash contributions and/or an agreement has, or agreements have been made under section 173 of the Act guaranteeing future payments of the cash contributions for 246 car parking spaces, any permit must contain a condition to the following effect:

*Prior to the commencement of the use or development allowed under this permit, a payment of \$16,935 excluding GST, (subject to indexation according to the Scheme), must be paid to the responsible authority in respect of each car parking space required under this Scheme, but which is not provided on the land (net of car spaces provided and parking entitlements and credits) to which the application relates.*

or alternatively;

*Prior to the commencement of the use or development allowed under this permit, the owner of the land must enter into an agreement under section 173 of the Planning and Environment Act 1987 in which the owner agrees to pay a contribution of \$16,935 excluding GST (subject to indexation according to the Scheme) in respect of each car parking space which is required under this Scheme, or where a rate is not specified then as determined by the responsible authority, but cannot be provided on the land (net of car spaces provided and parking entitlements and credits) to which the application relates.*

*The agreement may provide for the payment of the contribution in instalments, plus an interest component equivalent to the interest payable on unpaid rates and charges under the Local Government Act 1989 and it must provide that all instalments and accrued interest are paid within 5 years of the first instalment.*

The agreement must allow for the contribution amounts to be indexed from 1 October 2006 in the following manner:

- The responsible authority will adjust the land cost component every quarter, from 1 October 2006, by applying the Consumer Price Index, Melbourne, in Rawlinsons Australian Construction Handbook.
- The responsible authority will adjust the capital works cost component every quarter, from 1 October 2006, by applying the Building Price Index, Melbourne, in Rawlinsons Australian Construction Handbook.

The agreement must also provide for the owner to pay Council's costs of preparing, registering and then upon its ending, removing the agreement from title.

## 5.0

### Reference document

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*Berwick Village Commercial Centre Parking Precinct Plan – 5 September 2006 (Revised 3 February 2009)*