

DISCUSSION PAPER – INTEGRATED TRANSPORT PLANS

In wishing to explore parking measures to mitigate car travel, the IMAP Committee resolved to:

“Agree to a joint approach for the development of Integrated Travel (sic) Plans for Major Developments, for use by member Councils and support the further investigation proposed.”

All IMAP councils are currently receiving planning permit applications for developments and uses where car parking is sought to be reduced on the basis of an Integrated Transport Plan (ITP), (also referred to as Green Travel Plan – GTP) being submitted, which outlines how the developer/future property owner/occupier will encourage a greater proportion of travel to the site by walking, cycling and public transport.

The investigation approved by the February 2009 IMAP Committee forms the basis of the subject report. To date the investigation involved the following:

- Two meetings with relevant City of Stonnington staff, including senior Strategic and Statutory Planning staff, as well as a Traffic Engineering and Planning Enforcement representatives.
- A meeting with City of Darebin’s Transport Manager and Planning, responsible for developing and administering Darebin’s approach to Green Travel Plans.
- Review of *“Guidelines for the Application and Implementation of Travel Plans for new Development in Darebin October 2005”*.
- Discussion with a Planning Referrals Coordinator, Department of Transport, Public Transport Division, held in August 2009.
- Review of relevant Victorian Appeals Tribunal (VCAT) decisions.

Key issues:

The difference between Integrated Transport Plans (ITP) and Green Travel Plans (GTPs)

The investigation undertaken following the February 2009 IMAP Committee meeting has shown that there is a lot of confusion about the difference between ITPs and GTPs and when they apply. The two terms seem to be used interchangeably.

The latest, **informal advice** from Department of Transport (DoT) is that *“An ITP is about the total transport movements generated by a development.”*, while *“A GTP is a tool to encourage travel behaviour change from car based travel to ‘sustainable modes’.*

As such, ITPs constitute a detailed analysis of anticipated impact of a proposed landuse and/or development on the surrounding road network, footpaths, shared paths and public transport. They are effectively, a more detailed, more holistic versions of “Traffic Impact Reports”, generally prepared by Traffic Consultants on behalf of a Planning Permit Applicant. Traditionally, “Traffic Impact Reports” would focus on vehicle numbers and vehicle access issues generated by the proposed landuse/development. An ITP, on the other hand, will also consider pedestrian, cyclist and public user numbers and issues associated with the proposed landuse/development.

The general purpose of such a detailed analysis of all travel modes is to emphasise sustainable transport outcomes through mitigating measures such as, for example provision of a new bus shelter in front of the proposed development; or wider footpaths where large pedestrian traffic is expected etc. In some cases, a Green Travel Plan (GTP) may be provided as a way of listing a whole range of “mitigating measures” in one document. DoT stated that: *“The GTP may include physical elements like bike cage in the development but it is generally about encouraging changed behaviour through education (like travel maps) and incentives (like a free metcards).”*

According to DoT, a GTP is about the use of sustainable travel modes (i.e. walking, cycling and Public Transport) **after** the development is completed; and an ITP is about the measures that will be introduced **as part of the development** to manage the transport impacts generated by the development. While an ITP is Planning Scheme requirement pursuant to Clause 12.08; a GTP is a document that can be requested as a response to or a part of an ITP.

This advice has been presented to Council staff responsible for administering ITPs. However, they felt that it does not concur with their reading of DoT's Advisory Note to Integrated Transport Plans. As such, it is recommended that IMAP formally seek clarification from DoT on this issue.

Defining the circumstances under which ITPs should apply

Pursuant to Clause 12.08 of the Victorian Planning Provisions all new major residential, retail, office and industrial developments are required to submit ITPs as part of their Planning Permit Application. However, Clause 12.08 does not define 'major development', leaving it to the Responsible Authority to decide when an ITP may be required.

In looking at developing a regional approach to ITPs, Action 3.3. working group considered:

- Defining the size and type of 'Major Developments' to which Clause 12.08 requirement will apply;
- Outlining all other circumstances under which an ITP may be required (eg. The level of car parking dispensation applied for).

Department of Transport (DoT) Advisory Note to ITPs details what it considers to be developments that warrant preparation of an ITP as follows:

- Residential developments of more than 200 lots or units
- New retail centres or offices of more than 10,000sq.m.
- Extensions of more than 10,000sq.m.
- Any other development which in view of the Responsible Authority is likely to generate significant travel demand.

In looking to redefine the above 'thresholds/criteria', enquiries have been made to obtain the empirical analysis behind it. (It was felt prudent to base IMAP's definition of 'Major Development' on empirical analysis, rather than simply picking an arbitrary 'thresholds/criteria' based on floor area.) However, to date these enquiries with DoT have failed to shed any light on the matter.

The working group therefore sought to learn from the experience of other Local Authorities. City of Darebin set their own 'thresholds/criteria' for when ITPs would be required. These are based on number of residential units and floor area of office, industrial and retail uses. Darebin also applies Planning Permit Conditions designed to capture proposal which apply for a reduction in or dispensation from car parking requirements, and the Condition requirements align with the level of car parking reduction applied for. Note that Darebin has not developed 'threshold/criteria' applicable specifically to ITPs. However, it was the methodology used in developing these 'thresholds/criteria' that Action 3.3. working group sought to consider.

Yet, during discussions with Darebin Officers, it was difficult to identify the empirical analysis underpinning the 'thresholds/criteria' set out in "*Guidelines for the Application and Implementation of Travel Plans for new Development in Darebin October 2005*".

This poses a serious problem to drawing on Darebin's approach, when defining the circumstances under which ITPs would be required at IMAP Councils. Discussions held with Stonnington Staff have highlighted the complexity of the issue even further. For instance, it was suggested that it may be more appropriate to look at where development/use would benefit from having an ITP (eg. Within an Activity Centre; or within 400m of public transport); rather than necessarily applying the requirement based on the proposal's size or the level of proposed reduction in car parking.

As such, to broaden the definition of a 'major development' or to examine any other circumstances under which ITPs should be required a detailed empirical analysis is necessary. This demands expertise and resourcing beyond the capacity of the working group.

Furthermore, the IMAP Committee must consider resourcing implications associated with implementation i.e. the more Planning Permit applications falling into the broadened 'threshold/criteria', the more Council resources required to review them, monitor them, and enforce them.

As such it is recommended that ITPs be applied to 'major developments' as defined by the Department of Transport's Advisory Note to Integrated Transport Plans. This would mean, on average 10-15 applications Planning Permit Applications a year, at each Council – a number that current Statutory Planning, Traffic Engineering, Transport Planning and Planning enforcement staff can handle.

Ensuring that ITPs are implemented

The February 2009 IMAP Committee resolution was for the working group to also investigate "Developing a monitoring regime and enforcement procedures".

Under current statutory requirements Local Authorities have the power to enforce ITP requirements. Once approved the ITP, and all associated documents (including a GTP) form part of the Planning Permit.

Technically speaking, all the 'actions' and 'mitigating measures' targeting residents, workers and visitors after development is completed are just as enforceable as 'solution' which are incorporated into the development and shown on the endorsed plans. This includes 'less tangible activities', such as for example: promotion of walking, cycling and public transport use, through distribution of fliers which advertise annual events such as Ride-To-Work-Day. These are to be pursued after development has been completed, thus being the responsibility of the "occupant and/or employer" rather than the Developer.

In practice however, their implementation is a rather complex matter that requires a high level of 'buy-in' by the party responsible for it. 'Behaviour change' "Actions" must be implemented over an extended period of time and ideally on an on-going basis to ensure that a shift in travel mode occurs and is maintained. This requires a vigilant process of monitoring travel patterns; setting targets; implementation of initiatives; surveying to monitor any changes in travel behaviour; review to ensure that they remain relevant; and reporting back to Council on a regular basis (usually annually for a set period of time, at least). All of this involves considerable input by the party responsible for implementation.

This issue has been recognised in a recent VCAT decision relating to a first appeal against Darebin Council's requirement for a GTP. In its decision to delete any reference to the 'Travel Plan' from the preamble of the permit and condition 1(s), VCAT noted the following:

51. *I have no problem in principle with the admirable objectives of Council in facilitating alternative means of transport in preference to forever using the motor car. I also have no problem in Council using all legal and promotional means at its disposal to get that message across by way of brochures, promotional events, subsidies and the like.*
52. *However I have great difficulty in connecting this standard Travel Plan with the permission sought in the application and I am bemused as to how it might possibly be enforced. The Travel Plan seems to fail every one of the accepted tests of the validity of a permit condition being:*
 - *Relevance;*
 - *Reasonableness;*
 - *Certainty.*
53. *In a practical sense, I am not sure what is intended to happen if the targets are not met by the anniversary date. Will this somehow invalidate the development? I am also unclear whose obligation it is to provide the interest free Metcard loan or to provide the toolkit. The requirement for an annual report also seems particularly onerous.*
54. *I do not think that the Travel Plan can be enforced and I propose to delete any reference to it from the preamble of the permit. On that same basis, I will also delete condition 1(s). That said, I propose to substitute a new condition 1(s) which will, I hope, deliver some of the admirable ambitions of the plan by requiring the provision of bicycle parking for the apartments in accordance with Clause 52.39 of the Planning Scheme. There seems ample space available for bike parking in the visitor car parking area.*

It is important to note that established enforcement process relies mainly on Officer being alerted to non-compliance; which in practice is unlikely to occur in the case of, for example a "sustainable transport display area" not being provided in a building's foyer. To ensure that such a requirement is complied with Planning Enforcement needs to be highly pro-active and that requires resources. Significant resourcing is also required to review progress reports submitted to Council. The fact that Darebin, in the years since adopting the GTP Guidelines in 2005, have not received any of the required GTP Progress Monitoring Reports; nor have they had any capacity to enforce GTP related conditions; suggests that the issue of ensuring that GTPs are implemented has not been resolved there.

This issue has been raised in discussions with DoT, who as yet have not issued any response on the matter. DoT provided an example of a 'standard condition' they apply, which goes as follows:

2. *"Prior to the occupation of the development, a Green Travel Plan (GTP) must be prepared by a suitably qualified person to the satisfaction of the Director of Public Transport. The GTP must:*
 3. *Describe the location of the development site in the context of alternative modes of transport and objectives for the GTP.*
- b) *Outline GTP measures for the development, including, but not limited to:*
 - c) *Household welcome packs;*
 - d) *Possible incentives (eg. Provision of Met Cards through rental/ownership of a dwelling);*
 - e) *Cycle parking and facilities included; and*
 - f) *GTP management responsibilities, including ongoing monitoring and review.*
4. *Once approved the GTP must form part of the Planning Permit or any ongoing Management Plan for the site (such as Body Corporate Rules) to ensure the plan continues to be implemented by residents/owners to the satisfaction of the Responsible Authority".*

DoT noted however, that they, in their capacity as the Planning Referral Authority, are still determining when it is appropriate to use the above conditions. As such, we recommend that IMAP Council agree not to require GTPs as part of the planning approval process and request that DoT, as the Planning Referral Authority, refrain from making GTPs a requirements, until such time as DoT determines and provides a clear direction on when/how they should be applied.

Furthermore, it is recommended that IMAP Councils agree to only apply measures ("Actions") which can be introduced as part of the development, and clearly shown on the plans; and that ITP's should not require any "Actions" aimed at 'travel behaviour change' which are to be pursued after completion of the development, that is by "owner/occupier".

Mitigating car travel outside of the Statutory Planning process

There is evidence that initiatives aiming to change travel behaviour like GTPs, have proven effective when applied on a voluntary basis i.e. outside of planning process. In the UK and US, GTPs are now widely accepted travel demand tools, particularly targeting peak hour work or school journeys. UK research reported in Smart Choices (ibid) tends to support a drop of 10 percent plus in single occupancy car trips with a corresponding increase in alternatives.

IMAP, with its regional focus as well as a growing reputation and influence, provides an opportunity to influence state policy and legislation, particularly with respect to existing high trip generators such as hospitals, tertiary institutions and school communities. It is recommended that opportunities to target large trip generators through, for example, the Victorian Health Act or the requirements of the Department of Education should be noted and presented to State Government for consideration.

Recommendation:

- a. **Write** to Department of Transport seeking clarity on their proposed approach to the use of Integrated Transport Plans for major developments
- b. **Apply ITP's to 'major developments' as defined by the Department of Transport's Advisory Note**
- c. **To not require GTPs as part of the planning approval process and request that DoT, as the Planning Referral Authority, refrain from making GTPs a requirements, until**
- d. **such time as DoT determines and provides a clear direction on when/how they should be applied.**
- e. **Advocate for State Government to target/work with EXISTING large trip generators like tertiary institutions, schools and hospitals etc. to encourage them to develop and maintain GTPs (similar approach to that currently applied in UK)**