

### 3.1.4 Payment in Lieu of Parking Plan – Local Planning Policy

|                                |  |
|--------------------------------|--|
| <b>Type:</b>                   | Regulatory Services - Planning   |
| <b>Legislation:</b>            | Schedule 2, Part 9A of the <i>Planning and Development (Local Planning Schemes) Regulations 2015</i> |
| <b>Delegation:</b>             | N/A  |
| <b>Other Related Document:</b> | Town of East Fremantle Local Planning Scheme No. 3   |

#### 1. Introduction

##### 1.1 Regulatory compliance

This Payment in Lieu of Parking Plan (the Plan) has been created under Schedule 2, Part 9A of the *Planning and Development (Local Planning Schemes) Regulations 2015* (the Regulations) and has been prepared in the Manner and Form approved by the Western Australian Planning Commission (WAPC).

##### 1.2 Purpose

This Plan, together with the Regulations, governs the application of payments in lieu of providing car parking for development in the area(s) identified in this Plan. This plan outlines the purposes for which payment in lieu of car parking will be used in the areas(s) identified and how money collected will be administered by the Town of East Fremantle (the Town).

##### 1.3 Operational dates

The Plan commenced operation on 25 July 2023.

The Plan will cease operation on 25 July 2033, being 10 years from the operational date, unless extended in writing by the WAPC prior to the expiry date.

##### 1.4 Amendments to the Plan

Amendments to the Plan shall be made in accordance with clause 77M and the current version shall be published in accordance with clause 77L.

A record of amendments to the Plan shall be maintained in the table below:

| Amendment No | Date | Comment |
|--------------|------|---------|
|              |      |         |
|              |      |         |

##### 1.5 Objectives of the Plan

The Plan has the following objectives:

- To detail and expand upon the circumstances under which the Town may agree to exercise discretion under the provisions of Local Planning Scheme No. 3 (LPS No. 3) by accepting cash payment in lieu of the provision of on-site car parking for development within the areas as specified in Section 3.1.

- ii. To further detail the manner in which the Town will calculate the cash payment in lieu of the provision of car parking.
- iii. To establish a method of managing and spending funds paid to the Town in lieu of parking for the provision of alternative parking in the public realm.
- iv. To facilitate the provision and development of adequate parking facilities for commercial and community uses close to activity.
- v. To facilitate the provision of supporting infrastructure to create a pleasant and safe public realm environment for parking and active (walking and cycling) and public transport in the vicinity.
- vi. To protect the amenity of existing and future nearby residents.

## 1.6 Linkages to relevant adopted planning documents

This policy supersedes LPP 3.1.4 – George Street Mixed Use Precinct New Development Contribution to the Management of Access and Parking.

The Plan supports compliance with, and implementation of, the following documents and Integrated Planning and Reporting framework:

- Town of East Fremantle Community Strategic Plan 2020-30.
- Town of East Fremantle Local Planning Scheme No. 3.
- Town of East Fremantle Local Planning Strategy, 2022.
- Integrated Traffic Management and Movement Strategy (including Traffic Management and Movement Plan, Active Transport Plan and Parking Plan), 2021.
- Urban Streetscape and Public Realm Style Guide, 2020.
- Town of East Fremantle Public Art Strategy 2018 and associated local planning policy and public art plans.
- Town of East Fremantle Climate Emergency Strategy 2022-2032.
- AS 2890.5:2020 Parking Facilities On-street parking.

Works associated with payment in lieu of parking will also be expected to be provided in accordance with future precinct plans, local development plans and development applications as they are approved, adopted and endorsed.

## 2. Terms used

The terms used in the Plan have the same meaning as in the Regulations.

## 3. Parking plan application and area

This Plan relates to the area specified in Section 3.1. Moneys collected within the Sub-plan areas of the overall Plan area must be spent in the corresponding Sub-plan area.

### 3.1 Maps

**Attachment 1** shows the Individual Sub-plan areas within the Plan area. These include:

1. Town Centre.
2. Plympton.
3. East Fremantle Oval Precinct.
4. Petra Street Centre.
5. Riverside North.
6. Riverside South.

**Attachment 2A** shows the indicative location of parking infrastructure and describes other transport infrastructure and/or ancillary purposes to be funded in each Sub-plan area. More specific intentions for the Sub-plan areas are noted in **Attachment 2B**.

#### **4. Reasonable estimate of costs for payment in lieu**

##### **4.1 Calculation of reasonable estimate of costs**

The reasonable estimate of costs has been calculated in accordance with clause 77H and as determined by the WAPC approved method of calculation (as published in the Gazette). The approved method calculation is accessible via the following web link:

<https://www.wa.gov.au/system/files/2021-08/PD-Clause-77H-4-Method-of-calculation.pdf>

The maximum lump sum calculation for payment in lieu of parking is as follows:

\$5,730 x car parking space shortfall.

This represents an infrastructure cost (as of May 2023) of \$382 per m<sup>2</sup> x 15m<sup>2</sup>. This represents a 50% discount to a car parking space and manoeuvring area of 30m<sup>2</sup> and is to be indexed annually to maintain alignment with increases in infrastructure cost.

##### **4.2 Revisions to reasonable estimate of costs**

The Reasonable Estimate of Costs in this Plan will be revised by the Town from time to time using the method(s) approved by the WAPC (as published in the Gazette). Revised Estimates of Cost are to be published in the updated version of the Plan in Section 4.1, together with a note confirming the date of inclusion of the revised estimate.

Where the method of calculation includes infrastructure costs, the Town will use a recognised construction cost publication to establish the construction escalation factor.

In this Plan, updates to the Reasonable Estimate of Costs are noted in the version table in Section 1.4.

##### **4.3 Attribution of costs**

Contributions paid towards parking infrastructure in terms of the plan need to be spent in the Sub-plan area within which the contribution was made.

#### **5. Purposes for which payment in lieu will be applied**

In accordance with clause 77I(2), money collected under the Plan must be applied for the purposes set out below:

##### **5.1 Public Car Parking Infrastructure**

Provision and maintenance of at grade parking bays in the nearest suitable location on the streets or other Local Government managed reserve within the associated Sub-plan area in accordance with the relevant Australian Standard for either on-street or off-street carparking and may include the land and construction costs of public parking stations provided by the Town or within a joint venture; the cost of creating new additional parking bays; and/or rationalisation, improvements, upgrades and maintenance to existing parking spaces on or off street in locations most needed.

## 5.2 Other Transport and Ancillary Infrastructure

In addition, the funds under control of this Parking Plan may also be used for:

- Provision and maintenance of public transport infrastructure and items supporting active transport including:
  - bus stop shelters along Transperth bus routes, including new and upgrades;
  - footpath infrastructure including kerb ramps, new connections and upgrades;
  - provision of, or upgrades to, bicycle networks;
  - traffic calming measures;
  - bicycle parking and other end-of-trip facilities.
- Provision and maintenance of ancillary or incidental infrastructure including:
  - street furniture;
  - public art;
  - street trees and planting;
  - street lighting;
  - CCTV and other security measures.
- Measures to restrict parking time limits.
- Technology to increase efficiency and turnover of bays, parking meters or payment machines.
- Electric vehicle charging facilities.
- Taxi or ride share pick-up bays.
- Signage and wayfinding, including to underutilised parking.
- Loading zones and ACROD bays.

## 6. Other information required by the WAPC

No further information has been required by the WAPC.

## 7. Operation

### 7.1 Operational requirements

The Plan shall operate in accordance with Part 9A of the *Regulations*.

### 7.2 Triggers for payments to be made

Payment of money shall be made to the Town to satisfy a payment in lieu of car parking condition validly applied to a development approval for development located in the area subject to the Plan. The payment in lieu of car parking condition applied to the development approval shall specify when the Town requires payment of monies to be made. This is expected to be prior to the submission of a Building Permit, in accordance with the following draft condition:

#### **Draft Condition:**

Prior to the submission of a Building Permit for the development, payment of \$<insert total amount> shall be made to the Town of East Fremantle for Payment in Lieu of <insert number of car parking bays> car parking bays which have not been provided on site or in a shared parking arrangement. This condition has been imposed under the requirements of the Town of East Fremantle LPP XXX - Payment in Lieu of Parking Plan and Schedule 2, clause 77H of the *Planning and Development (Local Planning Schemes) Regulations 2015*.

Prior to the granting of development approval and imposing a condition for payment in lieu of parking, the Town will give the applicant a notice of apportionment (similar to the one as shown as **Attachment 3**) in accordance with clause 77F(1)(b) to confirm the specified shortfall of car parking spaces in the proposed development that is to be dealt with by the condition.

### 7.3 Decision-making on Development Applications using this Plan

Decision makers are to have due regard to this Plan when making decisions on development applications that seek or require consideration of Payment in Lieu of Car Parking under the Plan.

Payment in lieu of parking can provide an alternative to developers with regard to parking requirements however, the decision to accept payment in lieu remains at the discretion of the Council and is not an automatic right. The acceptance of payment in lieu of parking is to be carried out in such a way that it does not relieve owners from any obligation to provide car parking according to planning requirements.

A broader delivery model, which allows payment in lieu funds to be used to support sustainable public infrastructure, including upgrades to pedestrian, cycling and public transport facilities, can support a more flexible use of payment in lieu of parking across the Town.

The Town may accept payment in lieu of parking where it is satisfied that:

- Sufficient public parking is available to serve the development, or that the Town will be able to provide a supply increase in the short term; and/or
- The applicant satisfactorily demonstrates that the arrangement benefits the wider community through the supply of publicly and equitably managed parking for the use of high-value or highest-need parkers.

Factors to be considered by decision makers in entering into a payment in lieu arrangement include, but are not limited to the following:

- Consistency with the objectives of the Town's local planning framework and relevant strategic documents.
- Requirements/concerns of commenting agencies.
- Whether there is an identified local government interest in providing public parking facilities in the immediate area.
- The timing for the delivery of the public parking facilities and the adequacy of alternatives to on-site parking until public parking facilities are delivered.
- Whether on-site parking deficiencies would result in a hardship for the site or surrounding area.
- Ability of the site to accommodate the proposed development, based on the available supply of parking.
- The number of spaces proposed to be considered for payment in lieu.

Concessions will only be considered for approval where the applicant can clearly demonstrate to Council's satisfaction that the parking requirement is excessive and not simply as a mechanism to allow applicants to proceed because they are unable to provide what is deemed to be an appropriate amount of parking.

Should the decision maker approve a concession because it is technically justifiable, the applicant has the option to seek approval of payment in lieu of parking to further reduce the amount of parking required on-site.

The payment in lieu amount may be set at a discount to the actual cost of providing the parking to:

- Provide a financial incentive for developers to contribute to the creation of strategically located public parking facilities.
- Recognise that the Town may be able to recover some of the costs through user fees.

- Recognise that parking spaces are not allocated to specific users on a reserved basis, although the general supply will aim to meet demand.
- Recognise that the contributor may not have an ownership interest in the public parking facilities.
- Recognise that the parking may not be as conveniently located to a specific development compared to on site or other nearby parking facilities.
- Recognise that all or a portion of the parking may not be constructed at the same time as the development.
- Recognise that the developer/owner will not have any control over parking fees and use regulations.

## **8. Financial Administration (clause 77I)**

### **8.1 Reserve Account to be established and maintained**

The Town shall establish and maintain a Reserve Account for money collected under the Plan (clause 77I(1)). The Reserve Account shall be established under the provisions of the *Local Government Act 1995*, Section 6.11. The reserve account shall be operated in accordance with the requirements of the *Local Government (Financial Management) Regulations 1996*.

Monies held in the trust for the previous Local Planning Policy 3.1.4 - George Street Mixed Use Precinct New Development Contribution to the Management of Access and Parking is to be spent in accordance with this policy within the Plympton Sub plan area.

### **8.2 Interest earned**

Interest earned on the Reserve Account under the plan shall be treated in accordance with clause 77I which requires that interest be spent for the purposes set out in this payment in lieu of parking plan.

### **8.3 Records to be kept**

Records of income and expenditure for the Reserve Account established under the Plan shall be maintained by the local government until all funds have been expended or repaid.

### **8.4 Reporting**

Report of the Reserve Account shall be provided in accordance with the requirements of the *Local Government (Financial Management) Regulations 1996*. R.38 of those Regulations requires that the City's annual financial report include specific details about this Reserve Account.

### **8.5 Invoice for payment of money**

In addition to a payment in lieu of parking condition applied to a development approval under clause 77H, the Town shall issue an invoice to the payer at the appropriate time to enable the payer to satisfy the condition of development approval. The invoice shall specify the method and timing for payment of the money required to satisfy the payment in lieu of parking development approval condition.

### **8.6 Money held in the Reserve Account at the expiry of the Plan**

Money held in the Reserve Account at the Expiry of the Plan shall be treated in accordance with clause 77I(5), (6) and (7) which provide for repayment of unspent funds and any interest.

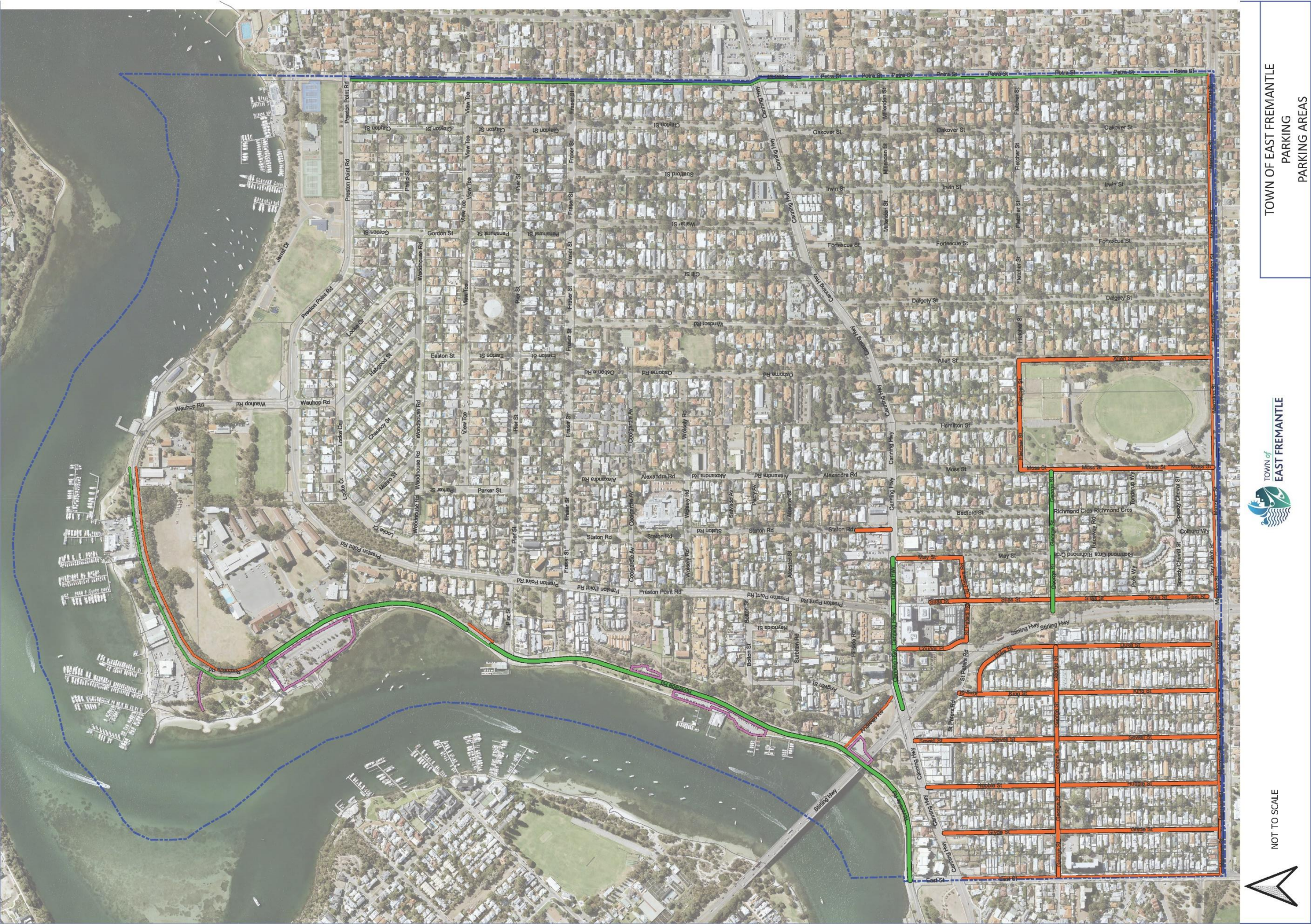
|                                   |                                       |
|-----------------------------------|---------------------------------------|
| <b>Responsible Directorate:</b>   | Regulatory Services                   |
| <b>Reviewing Officer:</b>         | Executive Manager Regulatory Services |
| <b>Decision making Authority:</b> | Council                               |
| <b>Policy Adopted:</b>            | 18 July 2023                          |
| <b>Policy Amended/Reviewed:</b>   |                                       |





Note: Contributions paid towards parking infrastructure in terms of the plan need to be spent in the Sub-plan area within which the contribution was made.





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## 1. Town Centre

More specific intentions:

- Speed reduction measures on Silas Street (between St Peters Road and Canning Highway) and Council Place (consideration for Safe Active Street design).
- Provide/upgrade and maintain high-quality bus facilities such as seating and shelters (Canning Highway).
- Provision of electric vehicle charging facilities.
- Enable and promote public parking at the Town Hall on weekends.
- Streetscape works, tree planting, street furniture on Silas Street (between Canning Highway and St Peters Road); May Street, Council Place; St Peters Road (between May Street and Council Place); Staton Road (from Canning Highway extending along the extent of the Town Centre zone); and Canning Highway (between May Street and Stirling Highway).

### Common to Sub-plan areas 1, 2 and 3

- Upgrade of the St Peters Road/Stirling Highway underpass in consultation with and approval from Main Roads WA.
- Upgrade of the George Street/Stirling Highway underpass in consultation with and approval from Main Roads WA.
- Streetscape works, tree planting, street furniture along George Street, between Stirling Highway and Moss Street.
- Streetscape works, tree planting, street furniture along Silas Street, between St Peters Street and Bay Patch Road/Marmion Street.
- Speed reduction measures on George Street between Stirling Highway and Moss Street (consideration for Safe Active Street design).

## 2. Plympton

More specific intentions:

- Streetscape works, tree planting, street furniture along George Street between East Street and Stirling Highway.
- Streetscape works, tree planting, street furniture along Duke Street between King Street and George Street.
- Provide for one way traffic flow along Duke Street between King Street and George Street.
- Clear line marking to Australian standards and standard signage to delineate parking bays and restrictions throughout the precinct including residential streets.
- Mark roadway to prevent parking in front of residential property access/driveways where considered necessary and appropriate.
- Consider potential to introduce parking permits for residents who have no onsite parking to exempt them from parking restrictions.
- Consider potential to remove local area traffic management (LATM) measures along Hubble Street and Sewell Street and replace with alternate measures as appropriate.
- High quality pedestrian and cycling infrastructure for the Royal George Hotel redevelopment and The Entrance (Roofing 2000) and any other significant development that encourages walking and cycling (e.g. bike racks and end of trip facilities) including connections to existing walking and cycling paths.
- Provide appropriate road marking to delineate Marmion Street cycling lane between East Street and Stirling Highway.
- Speed reduction measures on George Street (between East Street and Stirling Highway) and King Street (consideration for Safe Active Street design).



- Provide/upgrade and maintain high-quality bus facilities such as seating and shelters (Canning Highway and Marmion Street).
- Provision of electric vehicle charging facilities.

#### Common to Sub-plan areas 1, 2 and 3

- Upgrade of the St Peters Road/Stirling Highway underpass in consultation with and approval from Main Roads WA.
- Upgrade of the George Street/Stirling Highway underpass in consultation with and approval from Main Roads WA.
- Streetscape works, tree planting, street furniture along George Street, between Stirling Highway and Moss Street.
- Streetscape works, tree planting, street furniture along Silas Street, between St Peters Street and Bay Patch Road/Marmion Street.
- Speed reduction measures on George Street between Stirling Highway and Moss Street (consideration for Safe Active Street design).

### **3. East Fremantle Oval Precinct**

More specific intentions:

- High quality pedestrian and cycling infrastructure that encourages walking and cycling (e.g. bike racks and end of trip facilities) including connections to existing walking and cycling paths.
- Streetscape works, tree planting, street furniture etc. (Moss, Allen, Marmion Streets, Fletcher Road).
- Wayfinding to public transport and parking at Town Hall, directions to the Town Centre and George Street local centre.
- Provide appropriate road marking to delineate Marmion Street cycling lane between Stirling Highway and Petra Street.
- Provide/upgrade and maintain high-quality bus facilities such as seating and shelters along Marmion Street (between Stirling Highway and Petra Street).

#### Common to Sub-plan areas 1, 2 and 3

- Upgrade of the St Peters Road/Stirling Highway underpass in consultation with and approval from Main Roads WA.
- Upgrade of the George Street/Stirling Highway underpass in consultation with and approval from Main Roads WA.
- Streetscape works, tree planting, street furniture along George Street, between Stirling Highway and Moss Street.
- Streetscape works, tree planting, street furniture along Silas Street, between St Peters Street and Bay Patch Road/Marmion Street.
- Speed reduction measures on George Street between Stirling Highway and Moss Street (consideration for Safe Active Street design).

### **4. Petra Street Centre**

More specific intentions:

- Infrastructure upgrades to improve cycling and pedestrian amenity at the Canning Highway/Petra Street intersection in collaboration with Main Roads WA.
- Provide a connecting cycling lane along Petra Street from Hammad Street to Preston Point Road in collaboration with City of Melville.



- Provide/upgrade and maintain high-quality bus facilities such as seating and shelters (Canning Highway).
- High quality pedestrian and cycling infrastructure that encourages walking and cycling (e.g. bike racks and end of trip facilities) including connections to existing walking and cycling paths.
- Provision of electric vehicle charging facilities
- Streetscape works, tree planting, street furniture along Petra Street.

## 5. Riverside North

More specific intentions:

- Consider potential to consolidate Zephyr Café parking with Leeuwin Boat Ramp car park and associated streetscape works and landscaping.
- Wayfinding for alternative parking at the soccer club and other locations.
- Streetscape works, tree planting, street furniture along Riverside Road on the Swan River side, with street parking and streetscape works on the non-Swan River side.
- High quality pedestrian and cycling infrastructure that encourages walking and cycling (e.g. bike racks and end of trip facilities) including connections to existing walking and cycling paths.

## 6. Riverside South

More specific intentions:

- Consider potential to reconfigure parking area on the corner of Riverside Road and Andrews Road, under Stirling Bridge and associated streetscape works and landscaping.
- Streetscape works, tree planting, street furniture along Riverside Road and Andrews Road.
- High quality pedestrian and cycling infrastructure that encourages walking and cycling (e.g. bike racks and end of trip facilities) including connections to existing walking and cycling paths.





# NOTICE OF APPORTIONMENT

Clause 77F(1)(b)(i) and (ii)  
of the *Planning and  
Development (Local  
Planning Schemes)  
Regulations 2015*

Version: 1.0 (June 2021)

Date of Notice: [insert date of notice]

Issuing Authority: [insert name of Local Government]

Notice is hereby given that the car parking space shortfall for the  
[insert development type]

at [insert address]

is [insert total number of car parking spaces shortfall on site]

## Apportionment

### Payment In Lieu of Parking

For the purposes of imposing a payment in lieu of parking condition in accordance with  
clause 77H, the number of car parking spaces for which payment in lieu is required is

[insert number of car spaces subject to payment in lieu]

### Shared Parking Arrangement

For the purposes of imposing a shared parking arrangement condition in accordance with  
clause 77Q, the number of car parking spaces for which a shared parking arrangement  
condition is imposed is [insert number of car spaces subject to a shared parking arrangement]

Signed: \_\_\_\_\_

Name: \_\_\_\_\_

Position: \_\_\_\_\_