

## 13.2 PAYMENT IN LIEU OF PARKING PLAN - DRAFT LOCAL PLANNING POLICY 3.1.4

<b>Report Reference Number</b>	OCR-2146
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<b>Supervised by</b>	Andrew Malone, Acting Chief Executive Officer
<b>Meeting date</b>	Tuesday, 20 June 2023
<b>Voting requirements</b>	Simple Majority
<b>Documents tabled</b>	Nil
<b>Attachments</b>	

1. Draft LPP 3.1.4 – Payment in Lieu of Parking Plan

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**PURPOSE**

The purpose of this report is for Council to consider adoption of Draft Local Planning Policy 3.1.4 – Payment in Lieu of Parking Plan (LPP 3.1.4) as suitable to advertise for public comment prior to considering for final adoption.

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**EXECUTIVE SUMMARY**

In accordance with recent amendments to the *Planning and Development (Local Planning Schemes) Regulations 2015* (the Regulations), the Town of East Fremantle (the Town) is required to have an approved parking plan in place prior to 1 July 2023, in order to continue to apply conditions requiring payment in lieu of car parking to development approvals.

A parking plan has therefore been prepared as Draft LPP 3.1.4 – Payment in Lieu of Parking that:

- Sets out areas where payment in lieu of parking may be considered for development applications and the corresponding area within which the monies are to be spent.
- Specifies how payment in lieu of parking will be calculated and what it is to be spent on.
- Provides some guidance on when and how payment in lieu of parking may be acceptable.
- Is intended to replace LPP 3.1.4 - George Street Mixed Use Precinct New Development Contribution to the Management of Access and Parking.

If found to be suitable by Council, it is recommended that Draft LPP 3.1.4 be advertised for public comment for a minimum period of 21 days (as per the Regulations) prior to consideration for final approval.

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**BACKGROUND**

As part of ongoing State Government planning reform, amendments to the Regulations included a new Part 9A for car parking provisions, which came into operation on 1 July 2021. This provides for a consistent approach with criteria, benchmarks and methodology for considering the use of payment in lieu of car parking in established town centres, retail/café corridors and other commercial and mixed-use centres.

The key parts to the new parking provisions include parking exemptions for certain types of development and a standard and consistent approach to car parking variations, waivers, payment in lieu and shared parking.

Amendments to the Regulations mean that certain requirements enabling payment in lieu of car parking under Local Planning Scheme No. 3 have been replaced with a standard set of provisions that are common to all local planning schemes in the Metropolitan Perth and Peel Region. The provisions allow for Council to condition a development application to require payment in lieu of parking for all development, other than that to which the Residential Design

Codes apply. Payment in lieu is only applicable for non-residential development that requires development approval and a parking space shortfall of at least two bays is applicable.

Prior to invoking these provisions, Council must have an approved plan in place, prepared in accordance with the manner and form approved by the Western Australian Planning Commission (WAPC), specifying the area to which it applies and the purpose for which money is paid. It may apply to any part or all of the local planning scheme area and has effect for 10 years (unless otherwise approved by the WAPC).

A transitional period (until 1 July 2023) exists for those Local Governments that have an existing payment in lieu of car parking provision within a local planning scheme, local planning policy or local development plan that set out the area to which the provisions apply and the purpose for which money paid will be applied.

In relation to the Town:

- Clause 5.8.8 of Local Planning Scheme No. 3 has enabled Council to accept or require cash in lieu of all or a portion of the required car parking, based on the estimated cost of providing the requisite parking, including any associated access and manoeuvring facilities. Payment is to be made into a trust fund and used to provide public parking in the vicinity of the development site; and
- LPP 3.1.4 - George Street Mixed Use Precinct New Development Contribution to the Management of Access and Parking sets out a policy of how Clause 5.8.8 could be applied to seek payment in lieu of parking in the George Street Mixed Use area.
- No other policy exists for payment in lieu of parking in other areas within the Town.

From 1 July 2023, Clause 5.8.8 and LPP 3.1.4 - George Street Mixed Use Precinct New Development Contribution to the Management of Access and Parking in its current form will not have effect and a parking plan in the form of the approved template is required. The parking plan will need to specify all the areas within the Town that payment in lieu of car parking may be required, together with where and how the monies will be calculated and spent.

Without a parking plan in place, the Council cannot condition a development approval in the Town to provide payment in lieu of parking.

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## CONSULTATION

Should Council agree, it is proposed to advertise Draft LPP 3.1.4 for a minimum period of 21 days as required under the Regulations.

After the expiry of the advertising period the matter will be referred back to Council so that it can review the proposed payment in lieu of parking plan in light of any submissions made and resolve either:

- to approve the plan without modification; or
- to approve the plan with modifications; or
- not to approve the plan.

The Draft LPP 3.1.4 has previously been provided to a Council Forum for information and discussion purposes.

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## STATUTORY ENVIRONMENT

Town of East Fremantle Local Planning Scheme No. 3 and *Planning and Development (Local Planning Schemes) Regulations 2015*.

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## POLICY IMPLICATIONS

The current LPP 3.1.4 – George Street Mixed Use Precinct New Development Contribution to the Management of Access and Parking will no longer have effect from 1 July 2023. A new LPP 3.1.4 – Payment in Lieu of Parking Plan is proposed to replace that policy.

## FINANCIAL IMPLICATIONS

It is intended that the payment in lieu of parking contributions received as part of development approvals will cover the cost of the Town installing the car parking bays and/or associated infrastructure required. The Town would be responsible to maintain those facilities once constructed/installed.

The draft policy requires Local Government to establish and maintain a reserve account for money collected under the proposed plan.

## STRATEGIC IMPLICATIONS

The Town of East Fremantle Strategic Community Plan 2020 – 2030 states as follows:

### Economic

Sustainable “locally” focused and easy to do business with.

2.1 Actively support new business activity and existing local businesses.

2.1.1 Ensure a “local” focus through supporting and promoting opportunities for local business.

2.1.2 Facilitate opportunities/ forums where local business people can meet and share ideas.

2.2 Continue to develop and revitalise local business activity centres.

2.2.1 Facilitate local small business access through planning and activation to support community and business growth.

### Built Environment

Accessible, well planned built landscapes which are in balance with the Town’s unique heritage and open spaces.

3.1 Facilitates sustainable growth with housing options to meet future community needs.

3.1.1 Advocate for a desirable planning and community outcome for all major strategic development sites.

3.1.2 Plan for a mix of inclusive diversified housing options.

3.1.3 Plan for improved streetscapes.

3.2 Maintaining and enhancing the Town’s character.

3.2.1 Ensure appropriate planning policies to protect the Town’s existing built form.

3.3 Plan and maintain the Town’s assets to ensure they are accessible, inviting and well connected.

3.3.1 Continue to improve asset management within resource capabilities.

3.3.2 Plan and advocate for improved access and connectivity.

## RISK IMPLICATIONS

### RISKS

Risk	Risk Likelihood (based on history & with existing controls)	Risk Impact / Consequence	Risk Rating (Prior to Treatment or Control)	Principal Risk Theme	Risk Action Plan (Controls or Treatment proposed)
That Council do not endorse the Draft LPP 3.1.4 for the purposes of advertising, therefore delaying the final approval of the policy.	Unlikely (2)	Minor (2)	Low (1-4)	SERVICE INTERRUPTION Prolonged interruption of services - additional resources; performance affected <1month	Accept Officer Recommendation

Delaying the policy may result in the Town not being able to apply policy provisions to a development application and therefore not being able to apply any cash in lieu provisions.	Unlikely (2)	Moderate (3)	Moderate (5-9)	FINANCIAL IMPACT \$50,000 - \$250,000	Accept Officer Recommendation
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### RISK MATRIX

Consequence Likelihood		Insignificant	Minor	Moderate	Major	Extreme
		1	2	3	4	5
Almost Certain	5	Moderate (5)	High (10)	High (15)	Extreme (20)	Extreme (25)
Likely	4	Low (4)	Moderate (8)	High (12)	High (16)	Extreme (20)
Possible	3	Low (3)	Moderate (6)	Moderate (9)	High (12)	High (15)
Unlikely	2	Low (2)	Low (4)	Moderate (6)	Moderate (8)	High (10)
Rare	1	Low (1)	Low (2)	Low (3)	Low (4)	Moderate (5)

A risk is often specified in terms of an event or circumstance and the consequences that may flow from it. An effect may be positive, negative or a deviation from the expected and may be related to the following objectives: occupational health and safety, financial, service interruption, compliance, reputation and environment. A risk matrix has been prepared and a risk rating is provided below. Any items with a risk rating over 16 will be added to the Risk Register, and any item with a risk rating over 16 will require a specific risk treatment plan to be developed.

### RISK RATING

<b>Risk Rating</b>	6
<b>Does this item need to be added to the Town's Risk Register</b>	No
<b>Is a Risk Treatment Plan Required</b>	No

### SITE INSPECTION

N/A

### COMMENT

Draft LPP 3.1.4 has been prepared to provide a parking plan for the Town in accordance with the manner and form template – Schedule 2, clause 77J of the Regulations approved by the WAPC. This will continue to provide the Town the ability to accept payment of payment in lieu of parking from developers in commercial areas, where on-street parking is a suitable alternative to having all parking bays located on-site.

The proposed plan has the following objectives:

- i. 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.

The plan shows several areas where the payment in lieu of parking may be considered for developments, including:

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

Contribution is to be calculated by an infrastructure cost of \$5,730 per parking bay shortfall (based on the WAPC method of calculation as detailed in Draft LPP 3.1.4) which is to be indexed annually. Once those monies are paid into the Town's Reserve account, future works would be considered as part of the budget process.

Money collected is to be spent in the same plan area location as the contribution was made. The proposed plan indicates the purpose for which the payment is to be used (based on the recommendations of the Integrated Traffic Management and Movement Strategy) and includes the following:

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 car parking 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.

Other Transport and Ancillary Infrastructure:

- 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 new connections and upgrades;
  - provision of, or upgrades to, bicycle networks;
  - traffic calming measures; and
  - 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; and
  - 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.

Draft LPP 3.1.4 also includes guidance for decision makers outlining factors to be considered when entering into payment in lieu of parking arrangements.

Should Draft LPP 3.1.4 be adopted at a later date, it will replace the current LPP 3.1.4 relating to the George Street Mixed Use area which will no longer be in effect from 1 July 2023.

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## CONCLUSION

The Town's preference is for car parking for commercial uses to be provided on private land as per the requirements of Local Planning Scheme No. 3, however in some cases this is not possible due to site constraints or other factors.

The principle of payment-in-lieu contributions for car parking provides that where commercial developments have a shortfall of car parking, it may be reasonable for the Town to assist by accepting a monetary contribution that can then be used to provide car parking bays and associated infrastructure in an adjacent or nearby public area.

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## 13.2 OFFICER RECOMMENDATION / COUNCIL RESOLUTION

**Council Resolution** Choose an item. Click or tap to enter a date.

**OFFICER RECOMMENDATION:**

**That Council:**

- (i) advertises Draft Local Planning Policy 3.1.4 – Payment in Lieu of Parking Plan for public comment for a minimum period of 21 days, in accordance with the Planning and Development (Local Planning Schemes) Regulations 2015.**
- (ii) following the public advertising period, consider adoption of Draft Local Planning Policy 3.1.4 – Payment in Lieu of Parking Plan in light of any submissions received.**

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## REPORT ATTACHMENTS

Attachments start on the next page.