

1 INTRODUCTION

The concept of cash-in-lieu contributions for carparking is based on the Town Planning philosophy that where commercial developments have a shortfall of carparking, it is reasonable for the 'Council' to assist by accepting money for this shortfall to provide carparking bays in an adjacent or nearby existing or proposed public 'carpark', if possible.

It is recognised that several of the older commercial developments within the Municipality are often restricted in size and because of their location may have limited scope for extension. In this context, it is recognised that developers cannot always meet the full parking requirements on-site.

In the case of the Primary Centre City Centre Zone, where new development is being initiated, the Council may prefer the contribution of cash-in-lieu of carparking in some instances, in order to achieve its stated design development objectives.

The purpose of this Planning Policy is to set out the objectives and policy provisions which the Council shall have due regard to in its consideration of applications seeking to pay cash-in-lieu of the provision of carparking.

This Planning Policy should not be seen to be replacing the developer's responsibility to provide on-site parking, but rather as a means for the Council to accommodate the parking demand created in a particular locality by the developer's shortfall.

2 POLICY APPLICATION

An application for Development Approval shall make provision for parking bays in accordance with the standards and requirements as set out in clause 4.15 and Table Nos.2 and 3 of Town Planning Scheme No.2 (TPS2).

In accordance with clause 4.15.6 of TPS2, the Council may agree to accept a cash payment in lieu of the provision of carparking, but subject to the following requirements:-

- (a) the cash-in-lieu payment shall not be less than the estimated cost to the owner or developer of providing and constructing the parking bays required by TPS2, plus the value, as estimated by a sworn valuer appointed by the Council, of that area of his land which would have been occupied by the parking spaces and manoeuvring area;
- (b) payments made under clause 4.15.6 shall be paid into a parking fund to be used for the provision of public carparking facilities. The Council may use this fund to provide public parking facilities anywhere within reasonable proximity to the subject land in which a cash-in-lieu arrangement is made; and
- (c) all costs incurred in obtaining the valuation shall be borne by the developer proposing the cash-in-lieu contribution.

This Planning Policy does not address the cash-in-lieu requirements for the Primary Centre Waterfront Village Zone which are set out in Planning Policy No.3.2.5 - Development Policy Plan - Waterfront Village Sector.

3 POLICY OBJECTIVES

The objectives of this Planning Policy are as follows:-

- (a) to explain the circumstances where the Council may agree to accept a cash payment in lieu of the provision of carparking; and

- (b) to explain the manner in which the Council will calculate the cash payment in lieu of the provision of carparking.

4 POLICY STATEMENT

4.1 Scope of Planning Policy

This Planning Policy only applies to commercial developments within the Commercial, Development, Primary Centre City Centre and District Town Centre zones and it may apply to the Service Commercial zone, in exceptional circumstances.

Developments within the General Industry, Light Industry and Primary Centre Waterfront Village zones are excluded from this Policy.

4.2 Planning Considerations

In considering the acceptability of a cash contribution in-lieu of carparking, the Council will have due regard to the following: -

- (a) the availability of existing and proposed public parking within the vicinity of the development;
- (b) the development's contribution to the streetscape;
- (c) the need for such a facility or service in the locality; and
- (d) the availability of the proposal to act as a catalyst for other new development or redevelopment and thereby encouraging the upgrading of an area.

The acceptance of a cash-in-lieu payment is purely discretionary and the Council may decide to require full provision of carparking in accordance with TPS2 standards, if in its opinion the amenity of the area may be in any way adversely affected or if there is not the opportunity to provide additional public parking in the vicinity of the property.

Cash-in-lieu contributions shall generally only be permitted for up to 25% of the overall on-site parking requirements for a development, with the exception of development proposals within the Primary Centre City Centre Zone, where it is discretionary.

In negotiating a cash contribution in-lieu of carparking, the Council may accept a proportion of the payment being provided in the form of streetscape works (up to an agreed value), with the balance of the contribution being paid in cash. Note: It is unlikely, however, that streetscape works will be accepted as a proportion of the cash-in-lieu contribution for development proposals within the Primary Centre City Centre Zone.

4.3 Calculating Cash-in-lieu of Carparking

- (a) **Land Area Component:** The amount of land subject to the assessment for the land value component and construction component is to be determined by multiplying the number of parking bays in shortfall by the area of one typical parking bay and associated vehicle manoeuvring and circulation areas. This is usually 21.25m².

For example, if a development has a shortfall in carparking by 10 parking bays, then the sworn land valuation would relate to 212.5m² (i.e. 10 x 21.25m²) of land and the construction costs would refer to the construction of a 212.5m² carpark.

- (b) **Land Value Component:** A land value component (the value of that area of the land which would have been occupied by the parking spaces and manoeuvring area), assessed at the time of development, will be charged. The value of the land is to be determined from a sworn valuation

conducted by a Licensed Valuer as approved by the Council, and all costs incurred in obtaining the valuation will be borne by the developer proposing a cash-in-lieu contribution for carparking.

- (c) **Construction Component:** A construction component cost, assessed at the time of development, will be charged. The construction costs are to include sealing, kerbing, drainage, marking and lighting of the carparking area as if it was to be constructed on the subject site. The applicant will be responsible for submitting to the Council for assessment, an itemised quotation for these works, prepared with reference to the *Rawlinsons Australian Construction Handbook* by a qualified Quantity Surveyor, acceptable to the Council.

Note: Construction costs may also be calculated to fund a deck structure instead of 'at grade' carparking in those areas where public parking will be provided in this arrangement.

The total cost of the cash payment in lieu of the carparking shortfall will be the sworn land valuation value combined with the construction cost.

5 AUTHORITY

This Planning Policy has been adopted by the Council under Clause 4 (4) of the Planning and Development (Local Planning Schemes) Regulations 2015. The Council is to have due regard to the provisions of the Policy and the objectives which the Policy is designed to achieve before making its determination.

6 INTERPRETATIONS

For the purposes of this Planning Policy, the following terms shall have the same meaning as in Town Planning Scheme No.2:

Carpark: *means premises used primarily for parking vehicles whether open to the public or not but does not include any part of a public road used for parking or for a taxi rank, or premises in which cars are displayed for sale.*

Council: *means the Council of the City of Rockingham.*

7 DELEGATION

Applications seeking approval to make a cash payment in lieu of the provision of carparking will be referred to the Council for determination. Where the Council agrees to accept cash-in-lieu of carparking, the negotiations shall occur with the Director, Planning and Development Services and the results of the negotiations shall be presented to the Chief Executive Officer for approval, prior to the issue of a Building Permit.

8 ADOPTION

This Planning Policy was adopted by the Council at its ordinary Meeting held on the 27th May 2008 and modified by the Council on the 31st October 2017.

9 REVOCATION

This Planning Policy supersedes the Council's Statement of Planning Policy No.6.1 - Cash-in-lieu of Carparking: Commercial Developments.