



Planning Reform



Amended Planning and Development (Local Planning Schemes) Regulations 2015 – Part 9A Provisions about Car Parking

Car parking requirements in commercial and mixed-use centres are consistent

The Action Plan for Planning Reform (Action Plan) called for a consistent policy with practical criteria, basic benchmarks and fair methodology for considering the use of cash in lieu of car parking in established town centres, retail/café corridors and other commercial and mixed-use centres.

A key component in delivering both the Action Plan and the tailored COVID-19 planning reform package to support the State's economic recovery from the pandemic involves amendments to the *Planning and Development (Local Planning Schemes) Regulations 2015* (Regulations).

The first tranche of gazetted amendments to the Regulations included a new Part 9A for car parking provisions, which is to become operational on 1 July 2021. The key parts to these provisions include parking exemptions for certain types of development and a standard and consistent approach to car parking variations, waivers, cash in lieu and shared parking.

The amendments to the Regulations expanded the range of land uses that do not require development approval. This includes land uses such as shops, restaurants, cafes and offices, which are subject to certain conditions, such as limits on floor space. Where a land use is exempt, parking requirements are exempt and cash in lieu will not apply.

The purpose of standardising how local governments implement cash in lieu is to better create certainty and transparency for all parties in the assessment of development applications throughout the Perth Metropolitan and Peel Region Scheme areas.

It is noted that cash 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. Further, in considering a parking space shortfall, the local government may:

- vary or waive on-site parking requirements or

- determine that all or only a portion of the variation is to be subject to a condition requiring cash in lieu of on-site parking.

In preparing for the operational date, the Department of Planning, Lands and Heritage (Department) and its consultants engaged extensively with stakeholders to inform the preparation of a Payment in Lieu of Car Parking Plan manner and form template, associated explanatory guidance and a Method of Calculation.

Payment in Lieu of Car Parking Plan (Plan) manner and form template – Schedule 2, clause 77J of the Regulations requires a Plan to be prepared in the manner and form approved by the Western Australian Planning Commission (WAPC).

Local governments are required to approve a Plan to apply cash in lieu conditions to development approvals. The Plan is required to specify the area to which it applies, and the purpose for which money is paid. It may apply to any part or all of a scheme area, as set out in a local planning scheme. A Plan has effect for 10 years, unless otherwise approved by the WAPC.

The template details what may be included in, and the structure for, a Plan and is required to be adhered to as it has been approved by the WAPC.

Explanatory Guidance – This document provides information on how to prepare the Plan, including what information should be included, and how best to implement it. It also provides guidance over the purpose for which money paid will be applied.

Considerable engagement with local government, industry groups and consultants has helped to inform preparation of this document. This ensures it provides answers to questions asked throughout consultation.

Method of Calculation – Schedule 2, clause 77H of the Regulations requires the WAPC, by notice in the Government Gazette, to determine the method to be used to calculate cash in lieu equivalent to the parking space shortfall for any given development.

Given the range of stakeholder views during consultation on amendments to the Regulations, further detailed stakeholder consultation was carried out. This has resulted in the WAPC determining one method of calculation that will be transparent, certain and flexible in application, consistent with the intent of the Action Plan. The method of calculation set out below will be operational from 1 July 2021:

(infrastructure cost per m² x 15(m²) x parking space shortfall)

While one Method has been gazetted, a separate option that includes land value in the calculation is to be further explored prior to future consideration by the WAPC.

Transition – It is noted that a two-year transition period is available for local governments to prepare a Plan while still enabling conditions requiring cash in lieu to be applied to development approvals. This will be applicable where a local government already has cash in lieu provisions 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. During this time however, local governments must use the method of calculation set out above to calculate the required cash payment in lieu of on-site parking.