

 Kingborough	<h1>CASH-IN-LIEU OF PARKING</h1>	Policy No. 3.19		
		<small>LAST REVIEW</small> Feb 2018	<small>NEXT REVIEW</small> Feb 2020	<small>MINUTE REF</small> C51/2-18
POLICY STATEMENT:	<p>1.1 Council recognises that there will be benefits in taking the equivalent cash from prospective developers rather than requiring the on-site provision of parking spaces to support the needs of the proposed new use or development.</p> <p>1.2 Procedures need to be in place that describes when the cash-in-lieu of parking is required, how it is to be calculated and how the accumulated funds are to be spent by Council.</p> <p>1.3 The commercial centres and more heavily built up areas of the municipality will benefit from the provision of concentrated public parking and reducing the need for on-site parking. Cash-in-lieu of parking contributions will enable funds to be used for these purposes.</p>			
DEFINITIONS:	<p>2.1 “Construction cost” means the earthworks, structures, access, drainage, pavement, kerbing, marking out, signage and landscaping works.</p> <p>2.2 “Planning scheme” means the <i>Kingborough Interim Planning Scheme 2015</i> – or subsequent replacement.</p>			
OBJECTIVE:	<p>3.1 The objectives of this policy are that:</p> <ul style="list-style-type: none"> • the duplication of parking facilities in Kingborough is reduced and that developers are able to maximise the use of their land; • the amount of parking provided is sufficient to meet the future needs of the use and/or development of the subject land; • there is a complementary policy to support the cash-in-lieu of parking provisions within the planning scheme; • there will be an appropriate number of car parking spaces made available; • the efficient use of parking spaces is promoted through the consolidation of car parking facilities; • there will be an equitable charging of cash-in-lieu contributions for on-site car parking spaces; • the method of calculating the value of cash-in-lieu contributions is clear, reasonable and fair; and • a set of guidelines is provided for the use of funds held in trust for the provision or improvement of car parking and/or transport infrastructure for public transport, walking or cycling in Kingborough. 			
PRINCIPLES:	<p>4.1 The principles to guide the implementation of this Policy are:</p> <ul style="list-style-type: none"> • the Policy will be applied in a manner that is consistent with and supports the assessment of development applications in accordance with the planning scheme that applies to the Kingborough municipality; • accordingly, the Policy does not replace a developer’s obligation to provide on-site parking, as required under the planning scheme; • the contribution of cash-in-lieu for parking is not a general revenue collection exercise, but rather is a means by which the Council accommodates the parking demand created in the locality due to a parking shortfall associated with development; 			

	<ul style="list-style-type: none"> • the Policy adopts 30m² as the requirement for a parking space on a development site (which includes the proportionate areas for access and manoeuvring) and this will form the basis for the calculation of land value; • public parking spaces constructed with the revenue from cash-in-lieu contributions do provide an added public benefit and, to acknowledge this, the total cash contribution (land and construction costs) will be reduced by a factor of 25%; • any car parking spaces provided as a result of cash-in-lieu contributions shall remain available to the public, be administered by Council and be subject to such a fee structure as the Council may devise; • all cash-in-lieu contributions revenue is to be hypothecated for the provision or improvement of car parking and or infrastructure for public transport, walking or cycling in Kingborough; and • this policy may be supported by complementary Parking Plans that would be prepared for specific areas and which would describe in greater detail how revenue from cash-in-lieu contributions would be spent.
<p>PROCEDURE: (POLICY DETAIL)</p>	<p><u>General</u></p> <p>5.1 Council will require development proposals to provide the car parking required for that development as prescribed in the planning scheme, unless a cash-in-lieu of car parking contribution is approved under this Policy.</p> <p>5.2 This Policy applies to every application for use or development under the <i>Land Use Planning and Approvals Act 1993</i> that relies upon or has implications for providing and managing public off street car parking within the Kingborough municipal area in accordance with E6.0 Parking and Access Code of the Kingborough Interim Planning Scheme 2015 or the subsequent planning scheme that includes the Parking and Sustainable Transport Code (in accordance with the State Planning Provisions).</p> <p>5.3 In waiving the need to provide on-site parking, Council will require a cash-in-lieu contribution instead. The amount of the cash-in-lieu contribution is to be determined based on the cost of the land, plus the cost of constructing the parking area or facility.</p> <p>5.4 Council is not obliged to accept a cash-in-lieu contribution if it is practicable and desirable to provide the required number of car parking spaces on the land.</p> <p>5.5 The Policy is to be implemented under delegation as and where appropriate for all applications for use or development where required car parking is not met on site.</p> <p><u>Determining the number of parking spaces required</u></p> <p>5.6 The planning scheme includes the criteria by which the number of parking spaces that need to be provided is determined. This is defined under the Acceptable Solution by a set number of parking spaces for each of the potential land uses or is determined by way of an assessment against the Performance Criteria under the same clause.</p> <p>5.7 The Performance Criteria requires that the reasonable needs of the use must be met, having regard to clause E6.6.1(P1) in the Kingborough Interim Planning Scheme 2015 or in regard to clause C2.5(P1) in the State Planning Provisions, for when the new Kingborough planning scheme comes into force.</p> <p>5.8 If the developer is unable to meet the on-site parking requirements of the planning scheme or it is inappropriate to do so, then it may be necessary to require a cash-in-lieu of car parking contribution.</p>

Calculating the value of a cash-in-lieu of parking contribution

5.9 The amount of cash-in-lieu is to be determined based on the cost of the land, plus the construction costs for any necessary car parking.

5.10 The construction costs per square metre will be established by determining the average capital costs associated with the provision of car parking spaces in Council constructed car parks. This is assumed to be 30m² per parking space and includes the proportionate area required for access and manoeuvring.

5.11 The amount of a cash-in-lieu of car parking contribution is:

- (i) the cost to construct the equivalent car parking area; and
- (ii) where it is necessary to purchase land (or where Council land is to be used) an additional amount is required to be paid that is calculated as follows – 30m² X land value/m² X number of car parking spaces.

The land value/m² is to be determined from a valuation by a Land Valuer within the meaning of the *Land Valuers Act 2001* at the developer's expense at the date of approval of the planning permit or at the discretion of the General Manager derived from any recent land valuation for nearby land plus a 10% contingency.

5.12 The total of the construction cost and the land value is then reduced by a public benefit factor of 25%. This acknowledges the likelihood of public parking being shared across different sites and at different times, plus improvements to public parking and transport infrastructure should be partly funded by the broader community.

5.13 The means of payment shall be as follows:

- (i) Payment is to be made prior to the issue of a Building Permit or, where no Building Permit is required, prior to the commencement of use.
- (ii) The General Manager may accept terms for the staged payment on a quarterly basis over a maximum period of two years from the issue of a Building Permit or, where no Building Permit is required, from the commencement of use. This is subject to the terms being stipulated in a Deed between the developer, the land owner and the Council, or a Part 5 Agreement, pursuant to section 71 of the *Land Use Planning and Approvals Act 1993* registered on the relevant land title prior to the issue of a Building Permit or, where no Building Permit is required, prior to the commencement of use. The cash-in-lieu of car parking contribution payment is to be a debt due to the Council recoverable in a court of competent jurisdiction.

Utilising cash-in-lieu contributions

5.14 All monies received through the application of this Policy are to be applied to a cash-in-lieu of car parking contribution fund. This will include details that describe any commitments that relate to the future expenditure of the funds that are being held in trust by Council.

5.15 The following guidelines apply to the expenditure of cash-in-lieu funds:

- expenditure must be in accordance with any Council adopted parking plan that applies to a particular locality – such as the Central Kingston Parking Strategy and the Kingston Park Site Development Plan; or
- in the absence of such an adopted parking plan, then any contribution received by Council may be spent in any manner or at any time at the full discretion of Council.

	<p>5.16 Funds are to be used for the following:</p> <ul style="list-style-type: none"> - acquisition of land for parking in the municipal area; - construction of public parking, both on-street and off-street; - improvement to existing public parking facilities and on-street parking; - servicing of loans obtained to provide public parking; or - construction or upgrade of public transport, walking or cycling infrastructure which would result in a reduced demand for parking in that area. <p>5.17 Council is not required to consult with the developer on any matter related to the expenditure of any contribution.</p>
GUIDELINES:	<p>6.1 The Cash-in-Lieu of Parking Policy will be implemented in the first instance by Council planning staff when assessing development applications that require additional parking to be provided. Staff will assess the respective merits of whether on-site parking is appropriate or whether better public outcomes are achieved from cash-in-lieu contributions. This assessment will be informed by the provisions within the planning scheme, as well as any other relevant local planning study or report.</p>
COMMUNICATION:	<p>7.1 All Councillors and employees will be briefed on this policy as part of individual induction programs and on an on-going basis.</p>
LEGISLATION:	<p>8.1 The following statutory documents should be considered in conjunction with this policy:</p> <p style="text-align: center;"><i>Kingborough Interim Planning Scheme 2015</i> – or subsequent replacement</p>
RELATED DOCUMENTS:	<p><i>Kingborough Interim Planning Scheme 2015</i></p>
AUDIENCE:	<p>The Cash-in-Lieu of Parking Policy primarily applies to the Council planning authority in the exercise of its duties in assessing development applications that require parking provisions within the planning scheme to be met. Prospective developers need to be aware of this Policy and it is publicly accessible via Council's website.</p>