

CITY OF SUBIACO

PLANNING POLICY 2.13

SHORTFALL CASH PAYMENTS IN LIEU OF CAR PARKING IN THE TOWN CENTRE AND COMMERCIAL/RESIDENTIAL ZONES

ADOPTION DATE: 23 April 2013
REVIEW DATE: 23 September 2014
AUTHORITY: TOWN PLANNING SCHEME NO. 4

Statutory background

This policy is made pursuant to clause 78 of *City of Subiaco Town Planning Scheme No. 4* (Scheme). Where relevant to an application for planning approval, clause 27(4)(b) of the Scheme requires council to have regard to this policy in exercising its discretion to determine the application.

This policy is made for the purposes of clause 75 of the Scheme which concerns the payment of shortfall cash payments in lieu of providing any car parking spaces required under the Scheme. Clause 75(1) of the Scheme provides Council with the discretion to require or accept, as a condition of development approval, a shortfall cash payment in lieu of the provision of any parking spaces required under the Scheme, provided it is in conformity with a planning policy. Clause 75(5) of the Scheme allows the Council to make a planning policy identifying those parts of the Scheme Area in which the Council may require or accept a shortfall cash payment.

POLICY

Purpose

This policy has been prepared for the purposes of clause 75 of the Scheme.

1. Application of policy

- a) The parts of the scheme area in which council may require or accept a shortfall cash payment are those parts zoned 'Town Centre' and Commercial/Residential under the Scheme.
- b) The forms of development for which council may require or accept a shortfall cash payment are non residential development and the non residential portion of a mixed use development in the Town Centre and Commercial/Residential zones.

2. Words and expressions used in this policy

Where a word or expression used in this policy is defined in the Scheme then unless the context otherwise requires, that word or expression when used in this policy has the same meaning given to it in the Scheme.

3. Council consideration of shortfall cash payments

- a) Shortfall cash payments may be considered by the Council where non-residential development or the non-residential portion of a mixed use development is proposed and the proposed number of on-site car parking spaces is less than the number required under the Scheme.

- b) Shortfall cash payments will only be considered where council is satisfied in relation to the matters referred to in clause 75(1A) of the Scheme.

4. Shortfall cash payment requirement

- a) Where a shortfall cash payment is required or agreed as a condition of development approval the payment shall be for the number of car-parking spaces specified by the condition of development approval.
- b) The shortfall cash payment required for each car parking space is \$15,000.
- c) The amount of the shortfall cash payment for a car parking space will be reviewed annually and the factors to be taken into consideration will include the consumer price index, and car park construction costs, including drainage, lighting and landscaping and any specified area rate or service charge imposed by council to secure increased public parking areas.

5. Administering shortfall cash payment requirements

- a) Any shortfall cash payment required or agreed as a condition of the planning approval must be paid prior to the commencement of the approved development.
- b) Where the shortfall for which a shortfall cash payment is required or agreed as a condition of planning approval is greater than 10 car parking spaces, Council may enter into a legal agreement with the owner of the site to pay all or part of the shortfall cash payment by quarterly instalments over a period not exceeding five (5) years.

6. Administering shortfall cash payment funds

In addition to clause 75 (6) and 75(8) of the Scheme the following shall apply:

- a) The City will not expend any funds received as shortfall cash payments until the development approved by the planning approval requiring the payment has been substantially commenced.
- b) Shortfall cash payments are to be held in a reserve account and administered in accordance with the provisions of the *Local Government Act 1995*.