

# LOCAL PLANNING POLICY

5.6

<b>TITLE:</b>	<b>Parking</b>
<b>ADOPTED:</b>	OCM 30 September 2010 – Pages 55 – 61
<b>REVIEWED:</b>	OCM 30 July 2015 – Pages 28 – 40 OCM 17 December 2015 – Pages 110 – 121 OCM 15 December 2016 – Pages 204 -209 OCM 14 December 2017 – Pages 1030 – 1043 OCM 12 December 2019 – Pages 213 – 221 OCM 30 May 2024 – Pages 10 –16
<b>ASSOCIATED LEGISLATION:</b>	Planning and Development Act 2005 Planning and Development (Local Planning Schemes) Regulations 2015 Local Planning Scheme No 7
<b>ASSOCIATED DOCUMENTS:</b>	Car Parking & Cash-in-Lieu in Chinatown Discussion Paper dated 18 August 2005
<b>REVIEW RESPONSIBILITY:</b>	Director Development Services
<b>DELEGATION:</b>	Delegations are exercised in accordance with delegation granted in terms of Section 5.42 of the Local Government Act 1995 as amended or other statutes as applicable to specified officers.
<b>APPLICATION:</b>	This policy applies to the LPS7 area.

## Background:

Schedule 4 Item 1 of Local Planning Scheme No 7 requires that all development applications must make appropriate provision for car parking. Schedule 5 of LPS7 details the number of bays required for each land use class. This policy is to be read in conjunction with the provisions of LPS7.

## Objective:

1. Establish the minimum standards for car parking construction to achieve an appropriate level of amenity;
2. Ensure parking is provided which is safe, convenient and practical for the operation of the site and the community in general; and
3. Establish criteria for where consideration maybe given to allowing parking to be provided off-site, within an adjacent road reserve or as cash-in-lieu.

## Definitions:

**Chinatown** is the area shown in Figure 1.

**Internal trip capture** is where a land use included in a development application will generate a reduced or no independent parking demand due to its reciprocal parking relationship with another use. Relevant considerations include:

- i. Clear establishment of a relationship between different land uses on the same site, such as function rooms provided within a tourist development for use by hotel patrons.
- ii. How a claimed reduction relates to the scale of activity (for example, a smaller restaurant co-located within a tourist development has less capacity to accommodate public diners than a larger restaurant).
- iii. Whether land uses within a development are open to the public (for example, a fitness centre provided in a tourist development for the exclusive use of hotel patrons).

## Policy:

### 1.0 Parking Ratios

- 1.1 Clause 26(2)(a) of LPS7 does not apply in the determination of the required ratio for car parking for Grouped and Multiple Dwellings in Chinatown, parking for these land uses will be calculated in accordance with the provisions of the Residential Design Codes.
- 1.2 The required number of parking bays and dimensions for all development is set out in Schedule 5 of LPS7.
- 1.3 For properties zoned Regional Centre but not within Chinatown the required number of parking bays is to be calculated based on the most relevant land use within Schedule 5. The ratio of car parking for land uses in Chinatown is to be calculated at the rate established for the 'Regional Centre' zone under Schedule 5 of LPS7.
- 1.4 If an application for development approval does not comply with the parking ratios in Schedule 5 of LPS7 and:
  - the applicant does not seek to meet the parking demand by any other means provided under this Policy; or
  - it cannot be considered as reciprocal parking under clause 1.5 below;

the applicant must demonstrate that the ratio contained in Schedule 5 exceeds the demand for car parking generated by the development. In this regard the applicant must supply the following information:

- a) Empirical evidence, supported by advice from a qualified traffic engineer, that the ratios in Schedule 5 are not appropriate for the type or scale of development proposed. The empirical evidence could be in the form of a traffic survey undertaken of a similar existing development during peak tourist season; and/or
- b) Reductions to the parking rate may be considered if it is shown that there will be internal trip capture.

1.5 Any application proposing a variation to the parking ratios in Schedule 5 must be determined by Council.

Reciprocal Parking

1.6 Further to Schedule 4 Item 1(4) LPS7, an applicant may seek that the total number of parking bays required to be provided under Schedule 5 is reduced where the bays would be used on a reciprocal basis between different land uses on the same site. If proposed, the application must demonstrate the following:

- a) The different land uses operate at different times;
- b) The operating times of the different land uses will be permanent and will form a condition under which development approval is granted; and
- c) The amount of parking to be provided is calculated based on the greatest number of vehicles that would need to be accommodated on the land during peak usage.

**2.0 Parking Construction Standards**

Standards for different zones

2.1 The table below establishes the car parking standards for each land use zone in the Shire of Broome:

Row	Zone	Construction Standard
1.	Residential, District Centre, Regional Centre, Local Centre, Mixed Use, Service Commercial, Light Industry, Tourism	All parking bays, vehicle access and manoeuvring areas are to be of permanent construction, sealed, kerbed and line marked as follows: <ul style="list-style-type: none"> <li>a) the sealed pavement can be asphalt, two-coat bitumen seal or concrete to the Shire’s specifications;</li> <li>b) line marked and sign posted as per an approved car parking plan; and</li> <li>c) kerbed unless extensive on-site infiltration to landscaping and storage areas is used as a part of the sites design.</li> </ul>
2.	Cultural and Natural	As per the above requirements in row 1 above, unless the development is not accessed from a

	Resource Use, Rural, General Industry, Rural Residential, Rural Smallholdings and Settlement	sealed road and/or the parking is for use of employee's only, in which case the parking bays, vehicle access and manoeuvring areas can be an unsealed surface such as compacted road base or similar which is dust free. All parking areas and vehicle access must be clearly distinguishable, and sign posted.
3.	Industry and Port Reserve	As per requirements in row 1 above, except that manoeuvring areas for articulated vehicles can be of an unsealed surface such as compacted road base or similar, which is dust free.

### Landscaping

- 2.2 All parking areas must be landscaped. As a minimum landscaping of parking areas is to include shade trees at the rate of 1 tree every 4 consecutive bays or 12 metres, whichever is the lesser.

### Parking Location

- 2.3 The location of parking areas is not to detract from the visual amenity of the proposed development, adjoining lots or streetscape of the locality. Parking areas must facilitate safe, easy and convenient vehicular (including motorcycle) bicycle and pedestrian movements.

## **3.0 Off-site Parking**

### General considerations

- 3.1 The expectation is that parking is provided on-site, any proposal to construct parking 'off-site' is considered to be an exception to the parking requirements for a development.
- 3.2 Off-site parking may be considered in all zones except parking required for a single house, grouped dwelling, multiple dwelling or residential building in the 'Residential' zone. Off-site parking for 'Family Day Care,' 'Home Occupation' or 'Home Business' land use activities in the 'Residential' zone may be considered in the following circumstances:
- a) The parking for the land use cannot be accommodated on-site;
  - b) The location of off-site parking is to be in the immediate road verge directly adjoining the subject property and will not in any way obstruct pedestrian movements on an existing or proposed footpath; and
  - c) The proposed parking must meet minimum parking bay size, be hard-sealed standard and shall not be detrimental to the visual amenity of the streetscape or impact upon traffic safety.

Any areas approved for off-site parking in association with a 'Home Business,' 'Home Occupation' or 'Family Day Care' must be maintained by the owner.

- 3.3 Within the 'Regional Centre,' 'District Centre,' 'Local Centre,' 'Mixed Use,' 'Service Commercial,' 'General Industry', 'Light Industry' and 'Tourism' zones, a minimum of 50% of the required car parking bays are to be provided on-site.
- 3.4 Any parking bays which are required as a condition of development approval and cannot be provided on-site may, at Council's discretion, be developed in a portion of the abutting road verge or a nearby property. If approved, it is the applicant's responsibility to design and construct the parking bays in accordance with the Shire's 'Guidelines for Construction or Reinstatement.'

#### Location criteria

- 3.5 In order for Council to consider exercising its discretion to allow off-site parking, the application will be required to prove that:
- a) The location of the off-site parking is conveniently located to the subject development;
  - b) A safe and well-lit pedestrian access can be provided between the off-site parking and the development;
  - c) The customers and patrons of the proposed development can be reasonably expected to use the off-site parking area; and
  - d) Any other relevant matters and items set out under clause 2.3 have been addressed.

#### Parking within the Road Verge

- 3.6 Unless in accordance with an adopted car parking plan, any proposal for parking in the road verge will only be supported where the parking is provided in the verge adjoining the lot and within the frontage area of the lot.
- 3.7 Any off-site parking constructed in the road verge will, when constructed, be designated public parking.
- 3.8 All parking bays, vehicle access and manoeuvring areas within the road verge are to be of permanent construction, sealed, kerbed and line marked, as follows:
- a) The sealed pavement can be asphalt, two-coat bitumen seal or concrete;
  - b) The design must comply with the Shire's Guidelines for the Construction or Reinstatement of Car Parks within the Shire of Broome Road Reserve;
  - c) The parking must be lined, marked and sign posted as per the approved car parking plan.

#### Maintenance and Deed of Agreement

- 3.9 Any off-site parking, vehicle access, manoeuvring areas and landscaping is the responsibility of the developer to maintain indefinitely.

- 3.10 If road verge parking is approved as a part of a development application, a Deed of Agreement is to be prepared by the Shire's solicitors at the applicant's cost, which includes the lodgement of a caveat on title. The Deed is to specify that the owner agrees to maintain and take out insurance over the parking and landscaping area within the road verge.

#### Parking on Nearby Properties

- 3.11 Where parking is provided on a nearby property, an appropriate legal instrument must be put in place ensuring that the parking on the property will be maintained and kept available for the approved development.

### **4.0 Cash-in-lieu of Car Parking**

*Note: These provisions are based on a parking plan and a review of the car parking availability, including future development as set out in the Car Parking & Cash-in-Lieu in Chinatown discussion paper dated 18 August 2005.*

#### All development except within Chinatown

- 4.1 The following clauses 4.2 to 4.6 apply to all development with the exception of development within Chinatown.
- 4.2 The expectation is that parking will be provided on the development site. Any proposal to construct parking through a cash-in-lieu payment is considered to be an exception to the parking requirements for a development.
- 4.3 The Shire will only give consideration to the use of cash-in-lieu of car parking where the Shire has identified a site for the construction of a public car park through an adopted Shire parking plan and/or the Shire can provide alternative parking in close proximity to the site.
- 4.4 If an applicant is seeking that part of the car parking required is provided by way of cash-in-lieu payment, in the absence of an adopted Shire parking plan the applicant must provide a car parking design for an acceptable location which meets with the locational criteria set out in Clause 3.5.
- 4.5 The cash-in-lieu value is to be determined in accordance with Schedule 4 Item 1 of LPS7 as follows:
- a) The estimated cost of constructing the parking space/s will be reviewed annually by the Shire and will be set in the Schedule of Fees and Charges.
  - b) The estimated value of land which the parking space would occupy will be determined by a licensed valuer engaged by the Shire at the applicant's cost. For the purposes of calculating the land costs, each bay will occupy an area of 31sqm, which includes the parking space and manoeuvring area.

- 4.6 Where the location identified in the adopted Shire parking plan or the car parking design provided under Clause 4.4 is on reserve land (under the care and control of the Shire) or in a road reserve, Council may give consideration to the waiving of the land value component of the car parking bays. Consideration will only be given to the waiving the land value component when:
- a) The location of the parking area does not compromise the current and future public use of the area identified for the car parking improvements;
  - b) The car parking will also support the general public's use of the area and is not solely being developed to support the parking need generated by the development; and
  - c) The construction of the car parking area will not compromise the streetscape or pedestrian access to the area.

### Chinatown

- 4.7 The following clauses 4.8 to 4.14 apply to development within Chinatown.
- 4.8 Where a site is developed for residential purposes or for tourist accommodation, whether or not the site is used for other purposes, the parking for the residential and/or tourist accommodation uses shall be provided on-site. Cash-in-lieu of car parking will not be available for these land uses.
- 4.9 Properties that were vacant on 18 August 2005 will be entitled to provide a cash-in-lieu payment instead of the provision of on-site car parking for part or all of the car parking for the development of the property. The maximum amount of parking bays that can be provided as cash-in-lieu is determined by dividing the site area in square metres by 43.
- 4.10 Properties that were developed (not vacant) on 18 August 2005 are entitled to provide cash in lieu of the provision of on-site car parking for any subsequent development of the property provided at least 50 percent of the required parking is provided on site.
- 4.11 Properties that were developed (not vacant) on 18 August 2005 are entitled to credit for any car parking bays previously paid for as cash in lieu.
- 4.12 Properties that were developed (not vacant) on 18 August 2005 are entitled to:
- a) claim the existing provision of car parking (on-site and cash in lieu) is adequate for the existing development and only provide car parking for the net increase in gross leasable floor area; or
  - b) recalculate parking requirements to current standards, taking into account any previous cash payments in lieu of car parking provided.
- 4.13 If development cannot provide sufficient parking bays by:
- providing on-site parking;
  - previous cash payments in lieu of parking; or
  - new cash payments in lieu of parking under this Policy,

then the additional parking must be provided as on-site bays on another property in Chinatown or through the purchase and transfer of cash-in-lieu credits in excess of requirements for another property in Chinatown. Appropriate legal instruments to facilitate this arrangement will be required, linking the property to the parking provided.

- 4.14 The cash in lieu value for each car parking bay is set by Council each year in the Schedule of Fees and Charges. For Chinatown, this amount only incorporates the estimated construction costs of the parking bays.

## **SHIRE OF BROOME LOCAL PLANNING SCHEME No. 7 (LPS7) – LOCAL PLANNING POLICIES**

This Policy is a Local Planning Policy adopted pursuant to Part 2 clause 4 of the deemed provisions of LPS7. LPS7 is administered by the Shire of Broome as the responsible authority under the Scheme. LPS7 was gazetted and came into operation on the 28 September 2023.

Planning policies adopted under LPS7 may be amended or rescinded after the procedures set out in Part 2 of the deemed provisions of LPS7 have been completed.



FIGURE 1 – CHINATOWN

