

# **DRAFT LOCAL PLANNING POLICY NO. 47 – TOWN CENTRE PARKING AND SUSTAINABLE TRANSPORTATION (OCT 2019)**

## **1. INTRODUCTION**

The Council seeks to promote the ‘inner core’ of the Denmark town centre as the key commercial area in the Shire of Denmark along with making it an even better place to visit, shop, enjoy and stay. The Council’s vision is that the Denmark town centre has a high level of amenity and activity and a well-defined sense of place. This includes promoting development which activates the town centre, including outside usual business hours, such as cafes, restaurants and small bars.

To achieve the above, the Council seeks to promote business activity, encourage appropriate redevelopment and development and promote sustainable transportation such as walking and cycling. To assist in implementing this, until at least the finalisation of a new Local Planning Scheme No. 4, the Council will support varying certain planning standards to achieve stated Policy objectives.

This Policy applies to change of land use applications, where an intensification of land use is proposed, development and redevelopment applications within the area as defined in Figure 1.

## **2. POLICY BASIS**

This is a local planning policy prepared under the *Planning and Development (Local Planning Schemes) Regulations 2015* and the *Shire of Denmark Town Planning Scheme No. 3* (the ‘Scheme’).

More specifically, this Policy applies Clause 6.2 of the Scheme that allows for the modification of any development standard or requirement and establishes the circumstances whereby Council agrees to relax specific Scheme parking requirements in a consistent manner.

## **3. OBJECTIVES**

The objectives of this Policy are to:

- promote business activity along with appropriate redevelopment and development in the town centre;
- assist in creating a vibrant town centre that is increasingly resilient;
- establish guidelines relating to the rate of providing car parking bays for redevelopment, new development and changes of use;
- facilitate the provision of adequate car, bicycle and motorcycle parking facilities within the town centre;
- ensure parking is provided for various services, facilities and developments at a rate that is appropriate for a town centre environment and to efficiently manage parking supply and demand;
- complement the car parking provisions and standards in the Scheme;
- provide guidance as to when the local government may vary the parking provisions of the Scheme for development within the town centre; and
- promote sustainable transportation including walking and cycling.

## **4. DEFINITIONS**

Definitions in this Policy are as per the Scheme and those outlined below:

- ‘Device’ means a thing to or in which one or more bicycle frame(s) and wheels can be locked, and includes rails, bicycle lockers and bicycle compounds.

- ‘End-of-trip facilities’ are secure bicycle storage and other secure ‘end of trip’ facilities such as lockers and showers.
- ‘Parking bays’ means parking spaces.

## 5. POLICY PROVISIONS

### 5.1 General

This Policy supports a reduction in the number of car parking spaces set in Appendix XI – Parking Standards in the Scheme for uses in Table 1 for the area shown in Figure 1. The Policy also sets a lower rate for cash-in-lieu payments to facilitate appropriate development and redevelopment.

Although an adequate supply of convenient parking is essential, the Council also appreciates that car parking areas should not dominate the structure of the town centre given it will make the town centre less attractive and vibrant. Preference is given to using short-term, on street parking for retail patrons, and keeping long-term, off street parking for those who work in the town centre.

Other requirements and standards of the Scheme, Policy 26.1 and Policy 31 continue to apply including the preferred location and design of car parking and delivery areas and the requirement to pave/seal and drain carparking and access areas.

| <b>Table 1 – Comparison of Parking Space Requirements</b> |   |  |   |
|---|---|--|---|
| <b>Land use</b>   | <b>Scheme Parking Space Requirements</b>                                      | <b>Local Planning Policy No. 47 Parking Space Requirements</b> | <b>Comments</b>   |
| Consulting Rooms  | First Consultant 4 bays<br>Additional Consultants 4 bays each                 | 1 per 40m <sup>2</sup> of Gross Leasable Area (gla)            | The lower parking space rate applies where agreed sustainable transport measures are provided to the satisfaction of the local government. Guidelines are provided in this Policy.  |
| Offices and Commercial Premises                           | 1 per 40m <sup>2</sup> gla  | 1 per 40m <sup>2</sup> gla                                     | No change from current requirement. The local government encourages sustainable transport measures and will consider applications on their merits where agreed sustainable transport measures are provided to the satisfaction of the local government. |
| Places of Public Assembly and Entertainment               | 1 per 4 persons   | 1 per 40m <sup>2</sup> gla                                     | The lower parking space rate applies where agreed sustainable transport measures are provided to the satisfaction of the local government.  |
| Restaurants   | 1 per 4 persons   | 1 per 40m <sup>2</sup> gla                                     | As above.   |
| Retail shops  | 1 per 40m <sup>2</sup> gla  | 1 per 40m <sup>2</sup> gla                                     | No change from current requirement. The local government encourages sustainable transport measures and will consider applications on their merits where agreed sustainable transport measures are provided to the satisfaction of the local government. |
| Small bars  | Not applicable (n/a) – the local government generally applies 1 per 4 persons | 1 per 40m <sup>2</sup> gla                                     | The lower parking space rate applies where agreed sustainable transport measures are provided to the satisfaction of the local government.  |
| Cafes   | 1 per 4 persons   | 1 per 40m <sup>2</sup> gla                                     | As above.   |

| <b>Table 1 – Comparison of Parking Space Requirements (continued)</b> |  |   |   |
|---|--|---|---|
| <b>Land use</b>   | <b>Scheme Parking Space Requirements</b> | <b>Local Planning Policy No. 47 Parking Space Requirements</b>  | <b>Comments</b>   |
| Alfresco dining   | n/a                                      | No spaces required  | The local government encourages sustainable transport measures.   |
| Residential uses  | n/a                                      | As per the R-Codes, unless varied in an approved Local Development Plan.  | Parking to be provided on-site.   |
| Short-stay residential  | n/a                                      | At least one bay per unit or as determined by the local government  | Parking to be provided on-site.   |
| Uses not listed in Appendix XI of the Scheme                          | Refer to Clause 5.21 of the Scheme.      | <p>The local government will determine the number of parking spaces having regard to:</p> <ul style="list-style-type: none"> <li>• the nature of the proposed use;</li> <li>• the number of employers and employees likely to be employed or accommodated with the proposed use of the land;</li> <li>• the likely demand for visitor parking;</li> <li>• the orderly, proper and sustainable planning of the area;</li> <li>• the times of peak usage and opportunities to share parking;</li> <li>• this Policy and its objectives; and</li> <li>• any other matter considered relevant by the local government.</li> </ul> | The local government encourages sustainable transport measures and will consider applications on their merits where agreed sustainable transport measures are provided to the satisfaction of the local government. |

The local government reserves the right to amend rates for the provision on-site car parking spaces when circumstances change such as the creation of a more resilient town centre or to reflect a new Local Planning Scheme No. 4.

## **5.2 Car parking**

### Existing development

An existing building extended, with or without a change of land use, may be required to comply, wholly or partly, with the provisions of this Policy. The local government shall determine the extent of car parking required in each case, having regard to the extent of the floor space extensions and the nature of the land use.

When an applicant proposes to redevelop and/or change uses on a site, should any additional activity intensity be proposed, the provisions of this Policy will apply.

Where redevelopment of an existing approved building is proposed, then the gross leasable area (gla) of the existing building will be deleted from the gross leasable area (gla) of the new building for determining additional car parking requirements (i.e. provided that existing parking bay numbers are retained, additional parking is only required for new floor space established). This provision is therefore not intended as a control or means to achieve retrospective provision of car parking to service an existing development, provided the land use remains the same (there is no intensification of car parking and traffic).

An applicant shall have regard, as appropriate, for the on-site provision of parking for owners/operators, staff, customers, people with disabilities, in addition to loading spaces and special purpose bays.

### Residential development

The R Codes, adopted into the Scheme, specify parking and access requirements for residential development. The local government will require compliance with the 'deemed-to-comply' provisions or will provide a discretionary decision based on the 'design principles' of the R Codes. All parking for residential development, whether free-standing or as a component of mixed-use development, shall be provided on-site.

### Non-residential development

In the town centre, except for resident car spaces and staff car spaces expressly agreed to by the local government, all car parking areas must be freely available to the general public. Closure of car parks, at certain times, for reasons of security or other agreed reasons may be approved by the local government.

### Special purpose bays

In addition to the provision of car parking spaces, the local government may where relevant require the provision of areas for parking of vehicles for people with disabilities and parking bays marked exclusively for the use of motor cycles, delivery and services vehicles, taxis, buses, coaches, courier services and for other relevant forms of motorised transport. All disabled parking bays are to be designed and constructed in accordance with *AS2890.1 – 1993 Carparking – Appendix C – Guidelines for the Provision of Parking Spaces for People with Disabilities* (or any updates).

### Cash-in-lieu of on-site parking

Even with a reduction of car parking space standards set in this Policy, there will be instances where the required number of car parking bays cannot be provided on site for non-residential development. In these instances, the local government will consider the applicant meeting the difference through a cash-in-lieu payment.

Clause 5.23 of the Scheme sets out the method of calculation of cash-in-lieu payments for car parking. In summary, the payments relate to what it would have cost in terms of the land value along with sealing and draining the car parking spaces and vehicular manoeuvring areas.

Where desirable to facilitate the conservation of a heritage place, or to enhance or preserve heritage values of a place included on the Heritage List or within a Heritage Precinct, a cash-in-lieu payment may be provided up to a maximum of 100% of the car parking and vehicular manoeuvring costs.

To facilitate appropriate development, redevelopment or a change of use, the local government will accept a subsidised rate per car parking space for the construction costs and the cost of land required to provide the bay and a proportional manoeuvring area (23.625m<sup>2</sup> assumed). This is based on Appendix XII – Parking Design Standards for 90<sup>o</sup> parking (5.5m x 2.7m per bay = 14.85m<sup>2</sup>) and half the manoeuvring area (6.5m x 2.7m divided by 2 = 8.775m<sup>2</sup>) for a total area of 23.625m<sup>2</sup>. The rate is \$5000 per car parking space for 2019/20 which is indexed to the Australian Consumer Price Index. The local government can set the cost per car parking space in the adopted Fees & Charges.

### Modifying development standards and requirements for parking

Where, in the opinion of the local government, conditions are such as to render full compliance with the provisions of this Policy impractical, the local government may permit such departures as are warranted in the circumstances of the case.

Clause 6.2 of the Scheme allows the local government to modify the requirements of the Scheme, including car parking standards, but may only do so where it is fully satisfied that:

- approval of the proposed development would be consistent with the orderly and proper planning of the locality and the preservation of the amenities of the locality; and
- the non-compliance will not have any adverse effect upon the occupiers or users of the development or the inhabitants of the locality or upon the likely future development of the locality; and
- the spirit and purpose of the requirement or standard will not be unreasonably departed from thereby.

For the local government to consider whether to modify a car parking requirement, it must determine that the above matters are met. It is also incumbent upon the local government to ensure that it acts in fairness and equity between landowners and does not set an unreasonable precedent for similar applications from others.

Given the above, the local government will require the proponent to appropriately justify modifications to development standards and requirements for car parking provision. In addition to considering clause 6.2 of the Scheme, the local government will consider variations to this Policy based on the merits of the application and the objectives of this Policy.

## Managing stormwater from carparking and other impervious surfaces

Stormwater from impervious surfaces is to be designed and managed in accordance with the *Decision Process of Stormwater Management in Western Australia* (DoW 2009) using systems as outlined in the *Stormwater Management Manual for Western Australia* (DoW 2007-2009).

### **5.3 Sustainable transportation**

#### Support for sustainable transportation

The local government supports sustainable transport, including walking and cycling, and acknowledges the need to facilitate supportive environments including bicycle parking and end-of-trip facilities. New developments should endeavour to include bicycle parking alongside car parking. Large-scale development will be encouraged to also provide end-of-trip facilities including lockers, change rooms and showers. The local government also promotes a town centre that is increasingly designed for pedestrians to assist in creating a more vibrant, economically stronger and socially safer place.

#### Pedestrian movement and links

The local government will seek to ensure there are safe and convenient routes for pedestrians, including disabled persons, between car parks and buildings on each development site.

The local government will seek to create a sense of place and positive environment for pedestrians by providing interest for pedestrians at ground level. Where new linkages are proposed which benefit the public, in the opinion of the local government, the local government may reduce parking requirements for development applications which propose and implement the new linkages. The pedestrian links should be convenient, attractive and safe.

#### Bicycle facilities and spaces

New development or major redevelopment should provide facilities and spaces for bicycles for staff, customers/visitors and the public. Existing development will be encouraged to provide bicycle parking and end-of-trip facilities when upgrading developments.

#### Rate of bicycle parking provision

The local government will determine the number bicycles spaces/facilities depending on the nature of the development. As a guide, the following minimum levels of bicycle parking should be provided on site as outlined in Table 2 to meet the requirements for both employers/employees and customers/visitors:

| <b>Activity/ Use</b>  | <b>Number of Bike Parking Spaces for Employers/Employees</b>  | <b>Number of Bike Parking Spaces for Customers/Visitors</b>   |
|---|---|---|
| Residential   | 1 space per dwelling unit (storage unit)  | Not applicable  |
| Short stay residential  | 1 space per 10 guest bedrooms   | 1 space per 10 guest bedrooms   |
| Offices, commercial premises and retail shops                 | 1 space per 150m <sup>2</sup> of gla  | 1 space per 150m <sup>2</sup> of gla  |
| Small bar, café, restaurant, eating establishments and hotels | 1 space per 100m <sup>2</sup> of bars and public areas, including lounges, beer gardens and restaurants | 1 space per 100m <sup>2</sup> of bars and public areas, including lounges, beer gardens and restaurants |
| Other non – residential uses                                  | 1 space per 150m <sup>2</sup> of gla  | 1 space per 150m <sup>2</sup> of gla  |

Development which provides greater provision of bicycle facilities than set out in Table 2 can seek a reduction in car parking provision outlined in Table 1.

#### Design of bicycle parking devices and facilities

Bicycle parking devices and facilities are installations that allow for the secure and convenient parking of bicycles. They can be separated into two different types: long-term bicycle parking and short-term bicycle parking.

Long-term bicycle parking includes day parking for employers/employees and residents' parking in group and multiple dwellings.

Short-term bicycle parking includes parking for shoppers and visitors to a premise.

Long-term bicycle parking facilities should be in a convenient and secure location for employees/residents and can include the following:

- locked compounds with communal access using duplicate keys or electronic swipe cards in a secure location and fitted with bicycle parking devices; or
- fully-enclosed individual lockers; or
- devices to which the bicycle frame and wheels can be locked positioned close to and directly visible from inside the place of employment.

Short-term bicycle parking facilities includes devices to which the bicycle frame and wheels can be locked, and should be in a convenient and secure position close to the entrance of the premises.

Regardless of the type of bicycle parking, bicycle parking devices should be designed in accordance with *AS 2890.3 - Bicycle Parking Facilities and Austroads Part 14 - Bicycles*, must be convenient and secure, and should comply with the following criteria:

- enable wheels and frame to be locked to the device without damaging the bicycle;
- be placed in public view;

- be located outside pedestrian movement paths;
- be easily accessible from the road;
- be arranged so that parking and manoeuvring will not damage adjacent bicycles;
- be protected from manoeuvring motor vehicles and opening car doors;
- be well lit by appropriate existing or new lighting;
- be protected from the weather; and
- be designed to fit in harmony with the surrounding environment.

Where the building is built up to the front boundary, the local government may accept short-term bicycle parking spaces being provided in the road reserve adjacent to the building, located so as to provide a minimum clear footpath width of 2.0m directly adjacent to the building unless otherwise approved by the local government, subject to the standards defined in AS 2890.3 being met. Long-term bicycle parking must be provided on site (not within the road reserve).

Signs should be provided to direct cyclists to parking devices where their purpose is not immediately apparent or are not readily visible.

#### Provision of End-of-Trip Facilities

End-of-trip facilities include destination facilities provided for bicycle commuters such as showers, change rooms and lockers. Where long-term bicycle parking spaces are provided, showers should generally be provided. Where it can be demonstrated that staff of a development work predominately part-time, casual or varied hours, the requirement to provide for shower facilities may be reduced where shower facilities are used at different hours.

Where showers are required, change rooms should also be provided.

## **6. APPLICATION PROCEDURE**

#### Application requirements

When applying for development approval, in addition to matters set out in the Application for Development Approval Form, the applicant may also be required to provide:

- a clear explanation of how proposed parking supply has been calculated with relevant references to this Policy;
- parking bays for people with disabilities;
- sustainable transportation facilities;
- turning templates for the likely maximum size of vehicles accessing the site; and
- a traffic impact statement or traffic management plan.

#### Assessment criteria

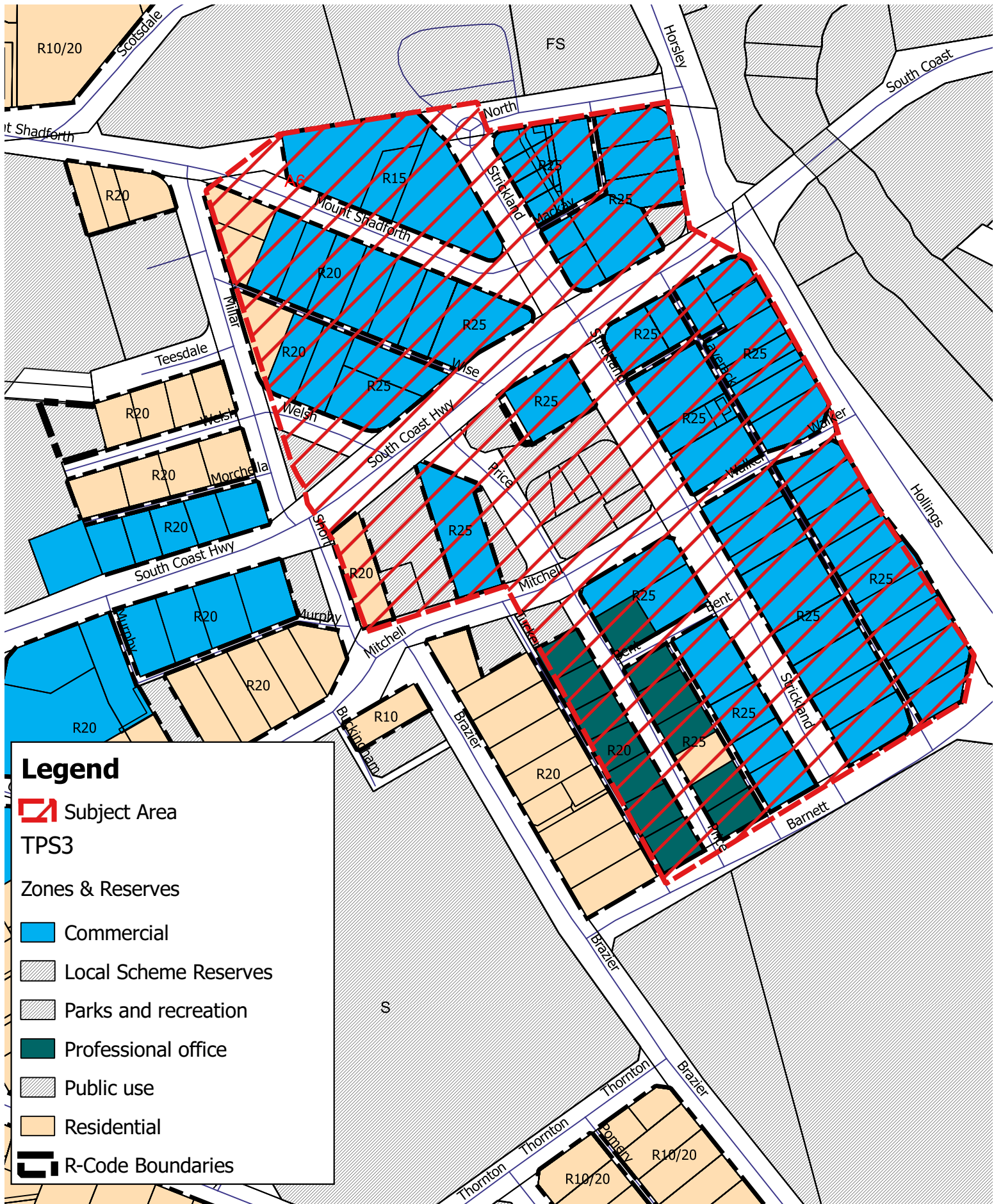
When considering applications for development approval in the town centre, the local government will have regard to:

- any relevant provisions contained in the Scheme;
- relevant legislative requirements;
- relevant State Planning Policies, Development Control Policies and Planning Bulletins published by the Western Australian Planning Commission;
- any relevant local planning policy;



- the nature of the proposed development;
- the number of employees likely to be employed on site;
- the anticipated demand for employer, employee, customer, visitor and resident bicycle parking;
- the orderly and proper planning of the locality;
- Austroads Part 14 – Bicycles; and
- this Policy.

|                                  |  |
|----------------------------------|--|
| Related Policies                 | <i>Town Planning Scheme Policy No. 15 Townscape Policy</i><br><i>Town Planning Scheme Policy No. 17.1 Alfresco Dining &amp; Trading in Public Places</i><br><i>Town Planning Scheme Policy No. 26.1 South Coast Highway Commercial Developments</i><br><i>Town Planning Scheme Policy No. 31 Commercial Strategy</i> |
| Related Procedures and Documents | <i>Planning and Development (Local Planning Schemes) Regulations 2015</i>  |
| Delegation Level                 |  |
| Adopted                          | Adopted ... 2019.  |



**FIGURE 1 DRAFT LOCAL PLANNING POLICY NO. 47 – TOWN CENTRE PARKING AND SUSTAINABLE TRANSPORTATION (**



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*substantially commenced* means that some substantial part of work in respect of a development approved under a planning scheme or under an interim development order has been performed;

*works*, in relation to land, means —

- (a) any demolition, erection, construction, alteration of or addition to any building or structure on the land; and
- (b) the carrying out on the land of any excavation or other works; and
- (c) in the case of a place to which a Conservation Order made under the *Heritage of Western Australia Act 1990* section 59 applies, any act or thing that —
  - (i) is likely to damage the character of that place or the external appearance of any building; or
  - (ii) would constitute an irreversible alteration to the fabric of any building;

*zone* means a portion of the Scheme area identified on the Scheme Map as a zone for the purpose of indicating the controls imposed by this Scheme on the use of, or the carrying out of works on, land, but does not include a reserve or special control area.

## **Part 2 — Local planning framework**

### **Division 1 — Local planning strategy**

#### **2. Local planning strategy**

Where a local planning strategy for the Scheme area has been prepared by the local government in accordance with the *Planning and Development (Local Planning Schemes) Regulations 2015* Part 3 the local planning strategy sets out the long-term planning directions for the Scheme area.

### **Division 2 — Local planning policies**

#### **3. Local planning policies**

- (1) The local government may prepare a local planning policy in respect of any matter related to the planning and development of the Scheme area.

- (2) A local planning policy —
  - (a) may apply generally or in respect of a particular class or classes of matters specified in the policy; and
  - (b) may apply to the whole of the Scheme area or to part or parts of the Scheme area specified in the policy.
- (3) A local planning policy must be based on sound town planning principles and may address either strategic or operational considerations in relation to the matters to which the policy applies.
- (4) The local government may amend or repeal a local planning policy.
- (5) In making a determination under this Scheme the local government must have regard to each relevant local planning policy to the extent that the policy is consistent with this Scheme.

**4. Procedure for making local planning policy**

- (1) If the local government resolves to prepare a local planning policy the local government must, unless the Commission otherwise agrees, advertise the proposed policy as follows —
  - (a) publish a notice of the proposed policy in a newspaper circulating in the Scheme area, giving details of —
    - (i) the subject and nature of the proposed policy; and
    - (ii) the objectives of the proposed policy; and
    - (iii) where the proposed policy may be inspected; and
    - (iv) to whom, in what form and during what period submissions in relation to the proposed policy may be made;
  - (b) if, in the opinion of the local government, the policy is inconsistent with any State planning policy, give notice of the proposed policy to the Commission;
  - (c) give notice of the proposed policy in any other way and carry out any other consultation the local government considers appropriate.
- (2) The period for making submissions in relation to a local planning policy must not be less than a period of 21 days commencing on the day on which the notice of the policy is published under subclause (1)(a).

- (3) After the expiry of the period within which submissions may be made, the local government must —
  - (a) review the proposed policy in the light of any submissions made; and
  - (b) resolve to —
    - (i) proceed with the policy without modification; or
    - (ii) proceed with the policy with modification; or
    - (iii) not to proceed with the policy.
- (4) If the local government resolves to proceed with the policy, the local government must publish notice of the policy in a newspaper circulating in the Scheme area.
- (5) A policy has effect on publication of a notice under subclause (4).
- (6) The local government —
  - (a) must ensure that an up-to-date copy of each local planning policy made under this Scheme is kept and made available for public inspection during business hours at the offices of the local government; and
  - (b) may publish a copy of each of those local planning policies on the website of the local government.

**5. Procedure for amending local planning policy**

- (1) Clause 4, with any necessary changes, applies to the amendment to a local planning policy.
- (2) Despite subclause (1), the local government may make an amendment to a local planning policy without advertising the amendment if, in the opinion of the local government, the amendment is a minor amendment.

**6. Revocation of local planning policy**

A local planning policy may be revoked —

- (a) by a subsequent local planning policy that —
    - (i) is prepared in accordance with this Part; and
    - (ii) expressly revokes the local planning policy;
- or

- (b) by a notice of revocation —
  - (i) prepared by the local government; and
  - (ii) published in a newspaper circulating in the Scheme area.

### **Part 3 — Heritage protection**

#### **7. Terms used**

In this Part —

*heritage area* means an area designated as a heritage area under clause 9;

*heritage list* means a heritage list established under clause 8(1);

*place* has the meaning given in the *Heritage of Western Australia Act 1990* section 3(1).

Note:

The purpose of this Part is to provide for the identification of places and areas of heritage value so that development in the Scheme can, as far as possible, be consistent with the conservation of heritage values.

#### **8. Heritage list**

- (1) The local government must establish and maintain a heritage list to identify places within the Scheme area that are of cultural heritage significance and worthy of built heritage conservation.
- (2) The heritage list —
  - (a) must set out a description of each place and the reason for its entry in the heritage list; and
  - (b) must be available, with the Scheme documents, for public inspection during business hours at the offices of the local government; and
  - (c) may be published on the website of the local government.
- (3) The local government must not enter a place in, or remove a place from, the heritage list or modify the entry of a place in the heritage list unless the local government —