

## ADDENDUM – ORDINARY COUNCIL MEETING - 24 AUGUST 2021

### 10.4.2 Alterations and Additions to Tavern – Amended Application – Lot 13, 33 Rudloc Road, Morley

<b>Applicant/Proponent:</b>	Element Advisory Pty Ltd (Director: David Read)
<b>Owner:</b>	George Haralambakis and Havencrest Holdings Pty Ltd (Directors:Ivoni Ntoumenopoulos & Starios Ntoumenopoulos)
<b>Responsible Branch:</b>	Development and Place
<b>Responsible Directorate:</b>	Community and Development
<b>Authority/Discretion:</b>	Quasi-Judicial
<b>Voting Requirement:</b>	Simple Majority Required

#### ADDITIONAL INFORMATION

As part of the Planning Reform Action Plan, the Department of Planning, Lands and Heritage (DPLH) developed new provisions in relation to the payment in lieu of providing on-site non-residential car parking, under Part 9A of Schedule 2 of the *Planning and Development (Local Planning Schemes) Regulations 2015* to provide a consistent policy with practical criteria, basic benchmarks and fair methodology for considering the use of cash in lieu of car parking.

Under the new provisions local governments are required to develop a Payment in Lieu of Parking Plan to specify the area to which it applies, and the purpose for which money is paid. The DPLH has provided a two-year transition period (until 1 July 2023) for local governments to prepare a Payment in Lieu of Parking Plan while still enabling existing cash in lieu conditions to be applied to development approvals. This is only available if a local government already has an existing plan to spend the money received from cash in lieu, enabled by provisions within a local planning scheme or similar.

Therefore, the City can continue to require cash in lieu for car parking shortfalls, where it meets the following criteria:

- The development required a planning approval;
- The shortfall is of at least two car parking bays; and
- The site is located within the Bayswater Town Centre, Maylands Town Centre or Morley Activity Centre.

On 8 June 2021, the DPLH published the following method of calculation for determining the payment in lieu amount in the Government Gazette, which became operational on 1 July 2021:

- $(\text{Infrastructure cost per m}^2 \times 15\text{m}^2) \times \text{parking space shortfall}$ .

The infrastructure cost lump sum is to be established at the commencement of the Payment in Lieu of Parking Plan and is to be based on the cost per square metre to construct a car parking space and manoeuvring area of 30m<sup>2</sup>. The 15m<sup>2</sup> area represents a 50% discount to a car parking space and manoeuvring area of 30m<sup>2</sup>.

It was the City's understanding that the City's existing policy and fees would continue to apply during the two year transition period. In light of the recent information which indicated that the DPLH's calculation is to be used during the transition period, the City sought clarification from the DPLH. The DPLH advised that irrespective of approved cash in lieu calculations within an existing planning scheme or similar, the payment of cash in lieu is required to be calculated in accordance with the DPLH's gazetted method of calculation.

In accordance with the above the City is required to work out the infrastructure cost per square metre to construct a car parking bay within the City. The infrastructure cost includes; engineering and design, materials, labour costs, landscaping, line marking, drainage and retaining.

Given the above, City officers have established that the infrastructure cost per square metre to construct a car parking bay within the City is \$200. This cost is based on recent parking projects which have been undertaken in the City. The financial contribution per car parking bay is therefore  $\$200 \times 15 \text{ m}^2 = \$3,000$ .

The parking shortfall for this application is 15 car bays. In this instance the cash in lieu contribution is  $(\$200 \times 15\text{m}^2) \times 15 \text{ car bays} = \$45,000$ .

#### RECOMMENDATION IMPLICATIONS

The above information does not change the officer's refusal recommendation.