

Schedule 2, Clause 77H(4) of the *Planning and Development (Local Planning Schemes) Regulations 2015* – Payment in lieu of parking condition for non-residential development

The first tranche of amendments to the *Planning and Development (Local Planning Schemes) Regulations 2015* (Regulations) that were published in the Gazette on 18 December 2020 included a new Part 9A for car parking provisions, which is to become operational on 1 July 2021 for the Perth Metropolitan and Peel Region Scheme Areas. The key parts to these provisions include parking exemptions for certain types of development and a standard and consistent approach to car parking variations, waivers, payment in lieu and shared parking.

Pursuant to Schedule 2, Clause 77G(2) of the Regulations, Local governments are required to approve a Payment in Lieu of Parking Plan (Plan) to apply payment in lieu conditions to development approvals for non-residential development. In preparing a Plan pursuant to Schedule 2, Clause 77J(2) (a), or adopting a Plan prepared by an owner of land pursuant to Schedule 2, Clause 77J(2)(b), the local government must use the method of calculation set out in the table below to calculate a reasonable estimate of costs that would be applied by way of a

condition to a development approval. In accordance with Schedule 2, Clause 77H(2), the maximum amount of payment required by the condition applied is the amount calculated utilising the method of calculation set out in the table below, with this not preventing a local government from applying a condition to a development approval that requires a lower payment, pursuant to Schedule 2, Clause 77H(3).

Note: The WAPC approved method of calculation does not take effect until 1 July 2021, which is when Part 9A of Schedule 2 of the Regulations comes into operation.

Method of Calculation

Maximum Lump sum calculation (Infrastructure cost per m² x 15(m²)* x car parking space shortfall

* The 15m² area represents a 50% discount to a car parking space and manoeuvring area of 30m².

Conditions of Use

- The infrastructure cost lump sum is to be established at the commencement of the Payment in Lieu of Parking Plan (Plan).
- The infrastructure cost lump sum requires indexing annually to maintain alignment with increases in infrastructure cost.
- Where lower cost infrastructure other than car parking spaces is targeted for delivery:
 - the 15(m²) component to the method of calculation is removed and substituted with a revised area representing a discount greater than 50% to a 30m² car parking space and manoeuvring area.
 - infrastructure required is to be based on an identified need for an area subject to a Plan.