

Using the Car Parking Provisions

Planning Practice Note | 22

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This practice note provides guidance about the use of the car parking provisions in Clause 52.06 and the Parking Overlay. It explains how the car parking requirements are calculated and what information is required to be submitted with an application with car parking.

Clause 52.06: Car parking sets out state standard planning scheme requirements about the number and design of car parking spaces.

Clause 45.09: Parking overlay enables variations to the standard requirements in Clause 52.06 for a particular area or precinct. These requirements override the standard requirements at Clause 52.06. All local car parking variations must be provided using the Parking Overlay. A local policy cannot be used to apply variations.

Car parking requirements may also be specified in some other provisions of the planning scheme such as a schedule to a zone or overlay.

Information about applying the Parking Overlay is set out in Planning Practice Note 57: *The Parking Overlay*.

What do the car parking provisions do?

The car parking provisions in Clause 52.06 and the Parking Overlay provide five functions. They:

1. Outline when car parking spaces must be provided and how those spaces can be provided.
2. Determine the number of car parking spaces to be provided.
3. Explain the requirements for reducing the provision of car parking spaces.
4. Require that new car parking spaces are designed and constructed to certain standards.
5. Provide for precinct based provisions that:
 - establish local rates in identified areas
 - provide a mechanism for financial contributions in lieu of providing car spaces
 - set local requirements, such as the design and layout of car parking spaces.

When must car parking spaces be provided?

The car parking provisions apply to:

- a new use; or
- an increase in floor area, or site area of an existing use; or
- an increase to an existing use by the measure specified in Column C of Table 1 in Clause 52.06-5 for that use.

They may also apply when a permit is not required for a new use or for buildings and works.

If the car parking space requirement for a new use is less than or equal to the requirement for the existing use, and the existing number of car parking spaces is not reduced, then no additional car parking spaces need to be provided.

How many car parking spaces are required?

Table 1 in Clause 52.06 sets out the number of car parking spaces required for a use. The requirement for a use listed in the table is calculated by multiplying the *Rate* in Column A by the *Measure* in Column C unless one of the following applies:

1. The Schedule to the Parking Overlay specifies that the rates in Column B of Table 1 in Clause 52.06 apply.
2. The Schedule to the Parking Overlay specifies that a different rate applies.
3. Another clause in the scheme specifies that a different rate applies. Sometimes another provision in the planning scheme, such as a Comprehensive Development Zone or an Incorporated Plan Overlay, will specify alternative car parking rates. Like those rates specified in a Parking Overlay, these rates supersede the standard rates in Table 1 in Clause 52.06.

If the use is not listed in Table 1 or any other clause in the scheme, an adequate number of spaces must be provided to the satisfaction of the responsible authority in accordance with Clause 52.06-5A.

The diagram on page 9 provides more information about how to use the new parking provisions.

Using Table 1 in Clause 52.06

Table 1 sets out the number of car parking spaces required for specified uses. The requirement for most new uses, or an extension to an existing use, can be calculated from this table.

- The first column lists the land use (based on the land use terms in Clause 74).
- Column A applies a standard rate to all zones, unless the Column B rates apply.
- Column B provides a rate that can apply when the site is covered by a Parking Overlay and the schedule to the Parking Overlay specifies that the Column B rates apply.
- Column C lists the car parking measure.

The requirement is determined by multiplying the applicable rate, in either Column A or B, by the measure specified in Column C. For example, if an applicant proposes a betting agency in an 800 square metre building located in a business zone, and no other provision lists a parking requirement for the use, the calculation to establish the car parking requirement is:

$$4 \text{ (Column A rate)} \times 8 \text{ (measure in 100 sq m units)} \\ = 32 \text{ spaces}$$

If the betting agency can meet the on-site car parking requirement of 32 spaces, no planning permit is required for car parking. However, plans may be required in accordance with Clause 52.06-7.

In some instances Column C specifies a percentage site area as the car parking measure. This measure includes accessways that give immediate access to car parking spaces.

Where a Schedule to the Parking Overlay includes any alternative car parking requirements to those in Table 1 of Clause 52.06, they will be presented using the same table format.

Examples of calculating car parking requirements

Extension of a Dwelling: additional parking only needs to be provided for an extension to a dwelling if the number of bedrooms increases from one or two bedrooms to three or more bedrooms. An increase in the floor area that does not involve an increase in the number of bedrooms from one or two bedrooms to three or more bedrooms, for example a new lounge room or an increase from three bedrooms to four bedrooms, does not require additional car parking.

Extension of a Warehouse: additional parking for a warehouse extension is to be calculated at the rate of 1.5 spaces (1 space if the Column B rates apply) to each 100 sq m of net floor area. The 2 space minimum only applies to a new premises and does not apply to an extension of an existing premises.

Extension of a Restaurant: if the Column A rates apply and an application seeks to increase the floor area of a restaurant but not to increase the number of patrons, then no additional car parking spaces are required. The Column A rate applies to an increase in patrons permitted only. An application to increase the number of patrons, but not to increase the floor area will require additional car parking at the rate of 0.4 spaces to each patron permitted.

Medical centre or veterinary centre: for these uses car parking spaces rates are measured to each person providing health services or animal health services. As a general rule, it is possible to make an appointment with a person providing health services or animal health services. This includes a doctor, dietician, dentist, physiotherapist, veterinarian, animal groomer, radiologist or a nurse providing independent services to the public (such as health checks). It does not include assistants, including nurses who assist medical professionals, dental nurses or administrative staff.

Requirements for unspecified uses

Where a use is not specified in Table 1 in Clause 52.06, in another clause, or in a Schedule to the Parking Overlay, the responsible authority determines the number of car parking spaces to be provided in accordance with Clause 52.06-6.

The responsible authority may determine the adequacy of parking based on:

- Policies
 - Surveys
 - Floor area
 - Operational characteristics
 - Locational characteristics
- Similarities of nature and scale between the proposed and existing uses enable the responsible authority to benchmark an appropriate car parking rate.

The planning scheme may contain policies relating to the land use or location that provide useful guidance on the car parking requirement.

Likely car parking demand can be determined by conducting surveys at an existing establishment of the same use, with similar locational and other circumstances to those of the proposal.

Once council has decided on an adequate amount of car parking spaces, a planning permit may be granted under Clause 52.06-3 to provide some or all of the car parking space on another site.

Can the requirement for car parking be reduced?

A planning permit can be granted to reduce the car parking requirement subject to Clause 52.06-6. The requirement can be reduced to zero where appropriate.

Clause 52.06-6 draws a distinction between the assessment of likely demand for parking spaces, and whether it is appropriate to allow the supply of fewer spaces. These are two separate considerations, one technical while the other is more strategic. Different factors are taken into account in each consideration.

Disabled car parking spaces

Under the Building Code of Australia, some of the required number of car parking spaces must be allocated as disabled car parking spaces. The number of spaces to be allocated as disabled must be in accordance with Australian Standard AS2890.6-2009 (disabled) and the Building Code of Australia.

Assessing likely car parking demand

In assessing likely demand, the responsible authority must have regard to the decision guidelines set out in Clause 52.06-6 and if a Parking Overlay applies, any other relevant matter specified under Clause 45.09-6.

The assessment of the likely car parking demand will include the following considerations:

- **Multi-purpose trips within an area**
In some situations, a trip will serve more than one function and this will tend to reduce the need for car parking. For example, a restaurant will draw some of its trade from local office workers who will have already travelled to the area for work.
- **Variation of car parking demand over time**
Car parking spaces can be used efficiently by more than one use when the car parking demand for each use peaks at different times. It is important to demonstrate that the net car parking demand at any time can be accommodated.
- **Short-stay and long-stay parking demand**
The car parking provided must take into account the nature of the use and the typical user's duration of stay, so that the car spaces are accessible when needed. For example, two-hour restricted car parking is not suitable for a cinema because most visits are likely to take longer.
- **Availability of public transport in the locality**
Convenient public transport may reduce the need to provide car parking. Proximity to public transport is not, in itself, a sufficient reason for reducing a car parking requirement. The availability of the public transport service needs to coincide with the hours the proposed use will be operating. An applicant must demonstrate that the availability of public transport will decrease the car parking demand. For example, people associated with a similar or nearby use can be surveyed to determine the number of patrons that use public transport.
- **Convenience of pedestrian and cyclist access to the site and the provision of bicycle parking and end of trip facilities for cyclists**
Convenient pedestrian and cycling access can reduce the need for car parking as there is a greater likelihood of people using these modes instead of driving. Additionally, some uses attract people that would have a lower rate of car use and are more likely to walk or cycle.

The site and locality must be conducive to walking and cycling as an alternative to car use. This can be demonstrated by surveying the existing number of pedestrians and cyclists in the site's vicinity and likely users of the new use or development.

The use of bicycles as a mode of urban transport has increased in popularity. Easy access to facilities such as bicycle parking, lockers, showers and change rooms are needed to encourage cycling as a viable alternative to car use.

- **Anticipated car ownership rates of occupants**
An assessment of the likely car ownership patterns and car parking requirements of the residents or employees should be considered. For example, for elderly people's housing developments, car ownership rates are typically low. The demand for on-site parking in rental housing, managed by not for profit organisations, intended for residents is likely to have a low level of car ownership.
- **Any empirical assessment or case study.**

Assessing whether fewer spaces should be provided

Considerations for deciding whether the required number of spaces should be reduced are set out at Clause 52.06-6 (or Clause 45.09-6 if a Parking Overlay applies). These include:

- **Any relevant local planning policy or incorporated document**
Local planning policies or relevant incorporated documents should be considered because they may cover related matters such as activity centres or urban design.
- **Availability of car parking**
Assessing the number of available existing off-site spaces can be complex, particularly if public on-street parking is intended to contribute significantly to car parking needs. Off-site parking should be close to the site and accessible. Where there are time restrictions on car spaces, the timeframes should be suitable for the use and the spaces should have sufficient vacancies at the times when the proposed use would require them.

As a general rule, car parking accessible within 100 metres from the site is considered to be nearby for short stay uses. Greater distances may be appropriate in other circumstances. Commercial development should avoid relying on

residential streets for car parking unless this can be appropriately managed with signs or meters and that residents' car parking needs can still be met.

Car parking spaces on other land should be recognised by suitable permit conditions. This includes commuter car parks at train stations. Informal car parking spaces such as vacant private lots or service stations can be lost by land management changes or re-development. Car parking spaces on land where no formal or enduring agreement exists, such as ownership or a lease, should not be relied upon when considering the availability of car parking.

Where a proposal has a mix of uses or will use shared car parking spaces, it may not be necessary to provide all the required spaces identified for each use because of efficiencies gained from sharing car parking spaces.

- **On-street parking in residential zones in the locality of the land that is intended to be for residential use**
- **The practicality of providing car parking on the site, particularly for lots of less than 300 square metres**

It may not be practical to provide car parking on small lots because of limited space or narrow property dimensions. Also, the provision of car parking on the site may require the reduction of on-street car parking spaces.

- **An adverse economic impact that a shortfall of car parking may have on an activity centre**
The land use mix in an activity centre should arise from a combination of strategic planning and economic forces at work in the centre. In an activity centre, car parking issues have a part to play, but should not dominate when assessing an application for a use or development.

There is a nexus between the level of activity, the car parking supply and access by other modes. It is important that impacts on local residential amenity are taken into account.

Where a change of use or a relatively small extension is consistent with the strategic plan for the centre and car parking cannot easily be provided, it will often be more sensible to reduce the car parking requirement rather than prevent the use or development. Some activity centres will have excellent public transport access, ample

car parking or mainly serve local customers who arrive on foot. In such circumstances, an increase in business and activity would increase the overall viability of the centre, and the reduced number of car trips would provide positive impacts.

- **The future growth and development of an activity centre**

Car parking should be considered on a centre-wide basis rather than on a site-by-site basis, to support the centre's long-term viability.

Spare on-street car parking capacity should not simply be allocated to new development on a first-come first-served basis. Spare capacity can provide for car parking needs while new shared car parking facilities are developed or extended. It can provide for car parking needs while financial contributions are collected. If this capacity is lost in an early phase of development of a centre, it may be difficult to support the future incremental growth of the centre.

- **Car parking deficiency associated with the existing use of the land**

Just because a site has not supplied car parking in the past does not mean that it can have some sort of 'car parking credit' in perpetuity.

It is generally accepted that a car parking credit for a past use is limited to the actual extent of parking shortfall exercised by the site in the two years prior to the application.

Otherwise a new development should conform to current planning requirements. Reducing the provision of car parking might be appropriate on other grounds. An empirical assessment of any shortfall should also be taken into account.

- **Credit for car parking spaces provided on common land or by a special charge scheme or similar contribution**

When car parking is provided on common property such as under an owners corporation, the site is deemed to have provided parking in proportion to other owners or as may otherwise be set out in the owners corporation rules.

Where a site has made a financial contribution or been subject to a 'special rate' (a requirement for land owners to pay towards the provision of new car parking), the car parking spaces are deemed to have been provided when calculating existing car parking supply.

- **Local traffic management**

It may be appropriate to reduce the car parking requirement where car parking cannot be easily or safely accessed or where a car parking layout needs to be changed to improve traffic management.

- **Local amenity**

Car parking may have an adverse impact on the amenity of an area, such as the loss of vegetation, loss of pedestrian amenity, or increased noise or disturbance to surrounding residents.

Alternatively, a proposal may enhance the local amenity as a 'planning gain' and the responsible authority may be willing to reduce the car parking requirement on this basis.

- **The need to create safe, functional and attractive car parking areas**

In some cases a minor decrease in the number of spaces will allow an improved layout or allow for better landscaping or pedestrian access.

- **The potential to access the site by public transport, bicycle and walking**

Certain uses attract young people, the elderly or other groups that have a low rate of car ownership, a greater reliance on other travel modes to access the site and a lesser demand for car parking. Areas well served by public transport, bicycle and pedestrian facilities can also result in reduced demand for car parking. These factors can be taken into account when assessing an application to reduce car parking in support of more sustainable modes of transport.

- **Historic contributions by existing businesses**

It is important to assess any proposal to reduce car parking provision in the context of any earlier car parking arrangements for the locality. New development should be accountable for the car parking demand it generates, but cannot be expected to fix problems of a car parking shortfall in an area. Fairness is a key consideration in deciding whether to reduce the number of car parking spaces. It is unfair:

- for an historic shortfall in car parking to be rectified by the applicant
- to not require car parking from an applicant who will use car parking spaces provided or paid for by other businesses in an area.

- **The need to respect the character of the neighbourhood or achieve a quality urban outcome**

New car parking may have an adverse impact on neighbourhood character and built heritage. It may be necessary to reduce the car parking requirement to prevent any adverse impact.

Plan requirements

Where car parking spaces are or need to be provided, Clause 52.06-7 requires that plans are prepared to the satisfaction of the responsible authority. These plans may need to be prepared even if other plans or a permit are not required under another provision of the planning scheme.

The plans must show all required car parking spaces, access lanes, driveways and associated works, tenancy allocation and landscaping.

Design standards for car parking

Clause 52.06-8 sets out a range of design standards that underpin a car parking design, including the dimensions and layout of car parking spaces, access lanes and driveways. The design standards recognise that the physical layout and design of a car park will often be critical to its technical and streetscape success.

The design standard for car parking space and accessway dimensions varies from the Australian Standard by allocating more width to aisles and less to marked spaces to provide improved operation and access. The dimensions in Table 2 in Clause 52.06-8 are to be used in preference to those in the Australian Standard AS2890.1-2004 (off-street).

The Schedule to the Parking Overlay may specify alternate or additional design requirements to those of Clause 52.06-8.

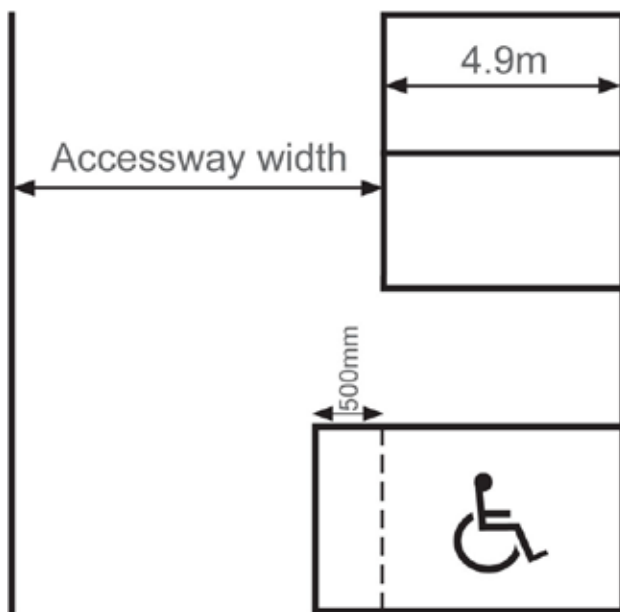
Once a car parking design is agreed, the necessary works must be carried out to the satisfaction of the responsible authority before a new use commences or new buildings or works are occupied. Any subsequent change to the extent or layout of the car park will need either a permit and/or new plans to the satisfaction of the responsible authority.

Disabled car parking spaces

Under the Building Code of Australia, some of the required number of car parking spaces must be allocated as disabled car parking spaces. The design standards for these spaces must be in accordance with Australian Standard AS2890.6-2009 and the Building Code of Australia.

Disabled car parking spaces are longer than the car parking spaces specified in the design standard at Clause 52.06-8. To accommodate their additional length, disabled car parking spaces may encroach into an accessway width specified in Table 2 of Clause 52.06-8 by 500mm – refer to Diagram 1 below.

Diagram 1: disabled car parking spaces



Single dwelling on a lot

Where two car spaces are to be provided with a single dwelling on a lot:

- the first space should be at least 6 metres long and 3.5 metres wide and covered or capable of being covered
- the second space should be at least 4.9 metres long and 2.6 metres wide.

Alternatively, both spaces may be provided in a garage or carport at least 6 metres long and 5.5 metres wide measured inside the garage or carport.

Mechanical parking

Mechanical car parking, such as stackers, can be used to achieve efficient vehicle storage.

Mechanical parking is not suitable for visitor use unless used in a valet parking situation.

Where a stacking system requires one car to be manually moved for another car to enter or exit, the car spaces should be allocated to a single tenancy or residence.

Financial contributions

A Schedule to the Parking Overlay can be used to allow a financial contribution (such as a 'cash-in-lieu' payment) to be paid in place of providing car parking spaces. Where a schedule provides for this it will set out:

- the area in which a financial contribution may be collected in place of providing car parking spaces
- the amount required in dollars to be provided in place of each car parking space
- the method of indexing the amount
- financial arrangements associated with holding and spending funds paid, including the purposes for which the funds must be used.

The schedule may also set out if appropriate:

- the ongoing monitoring and review arrangements, to reflect the change in land and construction prices
- the condition to be included on the permit to secure the financial contribution.

Financial contributions can only be sought when specifically provided for in a schedule to the Parking Overlay. The requirements for financial contribution schemes are set out in the Parking Overlay and generally set a higher standard of accountability and transparency than in the past.

When a financial contribution is to be paid in place of providing car parking spaces a condition should be included on the permit to secure the funds. Contributions must be collected for an identified purpose, and not general revenue raising.

Each payment must be made into a 'parking and access fund' established by the council. The funds can only be used for the purposes identified in the schedule.

Keeping records

It is good practice for a council to keep appropriate records relating to car parking, including:

- **Project funds:** An accurate record of payments made as part of a financial contributions or special rates scheme for a specified project. As well as assisting council in administering the fund, this information will assist in calculating car parking credits and financial contributions.
- **Unspecified uses:** A register of car parking requirements established to the satisfaction of the responsible authority for uses not specified in Table 1 in Clause 52.06 or elsewhere in the planning scheme. This will help the responsible authority to apply consistency in decision-making in the event that the same type of unspecified use is proposed elsewhere in the municipality.
- **Plans:** Where a plan is required to demonstrate that the car parking is to the satisfaction of the responsible authority, a copy of the plan and any related documents should be kept. These should be marked and dated to enable future users to determine whether any changes have been agreed over time.

Records are essential for the effective administration and where necessary, enforcement of the car parking provisions.

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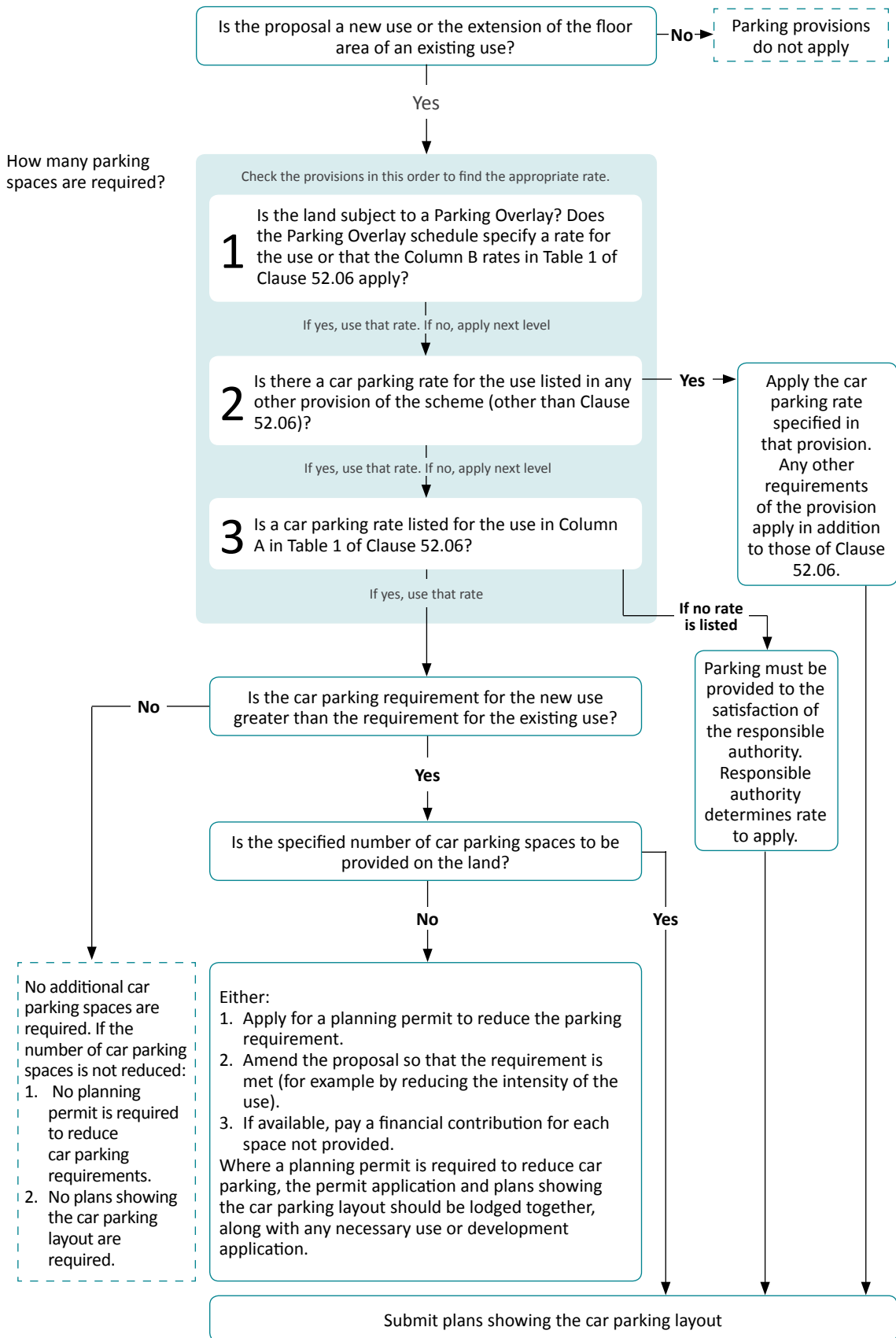
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Using the car parking provisions

This diagram explains how to use the parking provisions.



*Some parking overlays may specify additional requirements that fall outside of the process shown in this diagram. For example, a permit may be required to exceed a specified parking rate.