



The Parking Overlay

This practice note provides guidance to councils about the preparation and application of the Parking Overlay. It explains what the Parking Overlay is, what it does, when and how to use it and how to complete a schedule to the overlay.

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

Clause 45.09: Parking overlay enables councils to respond to local car parking issues and can be used to outline local variations to the standard requirements in Clause 52.06. These variations can apply to the entire municipality or a smaller precinct. Local variations to Clause 52.06 can only be introduced using the Parking Overlay and accompanying schedule. A local policy cannot be used to apply variations.

Preparing for a Parking Overlay

Before a Parking Overlay is drafted, it will generally be necessary to prepare a car parking plan that identifies car parking needs and issues, relates these to broader social, economic and environmental considerations and sets out what car parking objectives a council wishes to achieve and how it will do this. Information about preparing a car parking plan is provided in this practice note.

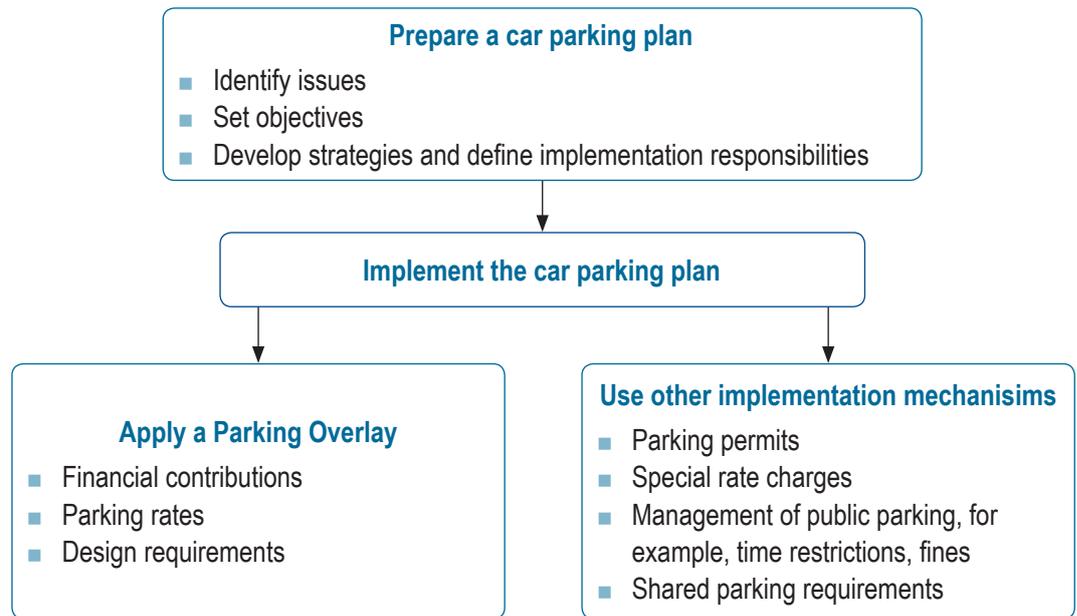
Once prepared, a car parking plan can provide the basis for, and be implemented by, a Parking Overlay or other appropriate implementation mechanism, such as:

- parking permits for residents, workers and visitors
- management of public and private parking (for example, through time restrictions or fines)
- special rate charges – a requirement for land owners to pay towards the related provision of new spaces
- shared car parking requirements.

The relationship between a car parking plan, the Parking Overlay and other implementation mechanisms is illustrated in Diagram 1.



Diagram 1



Applying a Parking Overlay

The Parking Overlay's primary function is to manage car parking in a precinct, rather than on a site-by-site basis.

The Parking Overlay can be used for any precinct where local parking issues can be identified, and a common strategy can be adopted to respond to them. This might include a new car parking rate or design requirement that applies to the entire municipality, but is more likely to apply to a smaller area, such as an activity or employment area within the municipality.

A number of physical, social and economic indicators may suggest the need to address car parking issues in a precinct, such as a precinct that:

- is undergoing a rapid rate of development or land use change
- attracts significant numbers of trips from elsewhere
- experiences high levels of traffic congestion
- has an established parking provision deficit and experiences physical or market conditions that affect the future provision of car parking
- experiences consistently lower or higher than average car parking demand.

A Parking Overlay implements a car parking plan in a statutory form. The Parking Overlay should be as brief as possible while being self-contained. It does not need to include unnecessary background information.

Where a Parking Overlay is applied, the schedule to the overlay must specify car parking objectives. The schedule may also specify other matters that flow logically from, and implement, the objectives of the schedule, such as:

- the number of car parking spaces to be provided for any use
- financial contributions (such as a cash-in-lieu scheme) to be made as a way of meeting car parking requirements where appropriate
- application requirements
- design requirements
- decision guidelines.

More information about car parking objectives, the number of car parking spaces to be provided, financial contributions and design requirements is provided below. Appendices 1 and 2 of this practice note provide guidance about how to prepare and complete a Schedule to the Parking Overlay.



Car parking objectives

The Schedule to the Parking Overlay must specify car parking objectives. In many cases these will translate over from the objectives in the car parking plan.

A planning authority cannot predict all possible future parking configurations for a precinct. It is likely to receive proposals that do not specifically meet the requirements in a Schedule to the Parking Overlay. However, if a permit applicant can demonstrate that such proposals do meet the overlay's objectives, they should normally be supported.

Any requirements in a Schedule to the Parking Overlay should flow logically from, and implement, the objectives.

The number of car parking spaces

A Schedule to the Parking Overlay can be used to vary the standard number of car parking spaces required under Clause 52.06. The standard rates are listed in Table 1 of Clause 52.06 and are calculated by multiplying the *Rate* in Column A by the *Measure* in Column C.

The Schedule to the Parking Overlay can be used to:

1. Specify that the lower standard car parking rates found in Column B of Table 1 in Clause 52.06 apply. Where this happens, the parking requirement for a use listed in Table 1 is calculated by multiplying the *Rate* in Column B by the *Measure* in Column C. Column B rates will typically be appropriate in activity centres
2. Specify that any other different car parking rate applies. The schedule should only be used to decrease the standard number of car parking spaces specified in Table 1 in Clause 52.06, unless there is an overwhelming strategic reason to increase these rates.

If no rate is set out in the schedule to the overlay, including a Column B rate, then the standard car parking rates in Column A of Table 1 in Clause 52.06 apply. The schedule therefore only lists uses where the Column B rates apply or where a different specified car parking rate applies.

A Schedule to the Parking Overlay may be written in a way that requires a permit if a proposal seeks to exceed a specified car parking rate, rather than the usual situation where a permit is required to reduce the standard number of car parking spaces. Such a requirement is appropriate where a strategic assessment has identified a need to avoid over-providing car parking. For example, in a centre with excellent access to public transport, it may be more appropriate to maximise floor areas for employment generating uses than to require those areas to be devoted to car parking.

Financial contributions

Financial contributions can be collected by councils through various means such as special rate charges and development contribution schemes. In some cases it may be appropriate to establish a financial contribution scheme under the Parking Overlay.

A Schedule to the Parking Overlay can be used to allow financial contributions (or 'cash-in-lieu' payments) to be paid in place of providing car parking spaces. Any requirement for a financial contribution needs to be justified and should address the core principles of need, nexus, accountability and equity in the strategic assessment of the proposal before it is introduced.

- **Need** – is the 'cash-in-lieu' scheme needed?
- **Nexus** – is there a direct link between the types of proposals affected by the scheme and the infrastructure provision?
- **Accountability** – what are the financial arrangements? How will the scheme be monitored and reviewed?
- **Equity** – is the scheme fair in terms of who is and isn't required to pay? Would another method of collecting funds be more appropriate?

A requirement for financial contributions must:

- relate to a use (or change in use) of land or development of land
- designate the area to which it applies
- be financially proportionate to the statutory right for which they are exchanged. Councils



can only require a payment for car parking that actually reflects the cost of providing a car parking space

- identify a proper planning purpose to be funded by the contribution. A project that provides car parking facilities, or other measures which reduce the demand for parking would generally be regarded as a proper planning purpose.

The following information must be set out in the schedule:

- the area in which a financial contribution may be collected in place of providing car parking spaces
- the amount required in dollars per 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.

It 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.

Each payment should be made into a separate 'car parking and access fund' established by the municipality. The fund should only be used for the purposes identified in the schedule.

When a financial contribution is to be collected in accordance with a Parking Overlay, a condition should be included on the permit to secure the funds.

Design standards for car parking

Clause 52-06-7 provides that plans must be prepared to the satisfaction of the responsible authority. These plans must meet the design standards of Clause 52.06-8.

A Schedule to the Parking Overlay can be used to specify additional design standards or other

requirements for the design and management of car parking. The schedule should only specify any particular design requirements that apply in a precinct.

Other

A Schedule to the Parking Overlay may also set out:

- decision guidelines that the council should have regard to in exercising its parking or other related discretions
- additional matters that must be shown on plans prepared under Clause 52.06-7.

Preparing a car parking plan

Car parking plans will generally be required to justify variations in parking rates or other requirements in a Parking Overlay. An exception is where a planning authority seeks only to activate the Column B rates. In this situation a council may rely on other strategic work, such as a structure plan or previous parking surveys, to support the designation of areas to apply the lower rates.

A car parking plan analyses the car parking conditions and needs of an area as a step towards preparing a Parking Overlay. An assessment of car parking demand and supply must be carried out to provide the factual material and analysis needed to justify a Parking Overlay and is a key component of any car parking plan.

A car parking plan will include objectives, strategies and an implementation section. However, as a non-statutory document, it may, and often should, go further.

It may consider car parking as part of an environmental, transport or economic development strategy or urban design framework for a precinct. It may also consider more detailed issues such as the relationship between car parking, loading and unloading of vehicles and internal traffic circulation in large sites. It may have relationships with parts of the planning scheme other than Clause 52.06. For example, provide local guidance for planning permit applications to reduce or waive the requirements of Clause 52.07 (Loading and Unloading of Vehicles).



A car parking plan can form a reference document to the Parking Overlay it supports. This avoids the need to include bulky background material in a planning scheme.

A final car parking plan must include the following content:

- the objectives of the plan
- the area to which the plan applies
- findings from research and surveys that provide factual material to support the plan
- an assessment of car parking demand and supply
- car parking strategies proposed to facilitate the plan's objectives
- any locational, financial, design or other actions necessary to implement the objectives and strategies.

The guidance set out in the six steps below is intended to identify a typical path toward preparing a car parking plan that would underpin a Parking Overlay. However, the guidance is only indicative. The needs of a particular neighbourhood or area may suggest that a different process be used. There is no single standard model and councils should determine a best fit process for the precinct they are investigating.

The six step process includes:

1. Identify the survey area and likely issues.
2. Establish a multi-disciplinary team and a reference group.
3. Survey existing conditions.
4. Identify the final precinct and resolve the precinct's car parking issues.
5. Define the objectives and develop strategies.
6. Define implementation responsibilities.

Step 1: Identify the survey area and likely issues

It is important to initially identify the likely car parking issues for an area as a basis to commence the preparation of a car parking plan.

Later work may change the initial assessment of issues, however, it is valuable to start from a 'hypothesis' that can be tested.

When identifying the likely issues ask:

- What is the strategic context – what is the car parking plan's relationship to other relevant policies and provisions?
- What are the planning, transport or parking issues that the plan seeks to resolve?
- What have site inspections revealed?
- Do council's complaints records uncover specific issues or identify priority concerns?
- Is there any anecdotal information about car parking issues?

A survey will provide data on which to base the car parking plan. Before starting survey work, a council should identify a survey area. The survey area may need to be larger than the anticipated precinct area, especially where 'spill-over' effects could be identified.

In defining the survey area, ask:

- What area appears to be subject to the identified issues?
- Are there apparent 'spill-over' parking effects in nearby streets that need to be considered?

Step 2: Establish a multi-disciplinary team and a reference group

Given the social, economic and environmental outcomes of traffic and car parking the preparation of a car parking plan will benefit from a multi-disciplinary team that includes traffic engineers and land use planners. For a larger strategy or more specialised precinct, the team may also include people with social planning/ social research, urban design and economics expertise. Considerations such as the impact of parking on a heritage precinct, vegetation or landscape interests can also warrant the inclusion of additional professional advisers in the team.

Council should also consider appointing a reference group comprising representatives from resident, community and business groups to assist in the preparation of the car parking plan.



The list of survey information to be gathered could be tested against the reference group's knowledge of local conditions to ensure that all relevant factors are considered.

To be successfully implemented in a Parking Overlay, a car parking plan needs to be widely understandable and, where possible, supported by the community it affects. Involving stakeholders in key decisions as the car parking plan is developed will increase the likelihood of support when the Parking Overlay is exhibited as a planning scheme amendment.

Step 3: Survey existing conditions

Surveys are necessary to gather factual material to support the car parking plan. The data collected should build a picture of how existing car parking is used in the area and the social, economic and environmental effects that this might have.

Some data may already be available from recent surveys carried out by developers or by the council for another purpose.

Survey information should record existing conditions that would help provide a projection of likely future conditions in the precinct. Where available, historic survey information should also be used. The survey should take into account the catchment areas for the land uses present or likely to be present, opportunities to travel to the precinct, its attractiveness, and the behaviour and expectations of precinct users.

A survey should record all forms of parking that are available within it including off and on street provision, public and private provision, and provision that is both free and charged to the user. While the car parking plan does not have to record the precise location and type of every parking space, it should show the general availability of parking in the precinct, and the numbers of spaces of each type that are available. The survey could quantify, record and map:

- the number of parking spaces
- the location of parking spaces
- ownership or management
- restrictions on use (for example, access, time or cost)

- enforcement data.

Significant patterns of parking provision should be mapped, for example, by showing streets with on-street provision and significant off-street parking locations. An understanding of the use of the existing parking supply and demand over time is likely to be important. This should take into account fluctuations in a normal day due to work, retail or entertainment patterns. In some areas, other issues (such as the seasonal impact of tourism or the impact of sporting or cultural events) may need to be considered. Trends may also need to be identified, for example, where the area contains land uses that are likely to grow in size or attractiveness.

Possible research approaches are provided at Appendix 3.

Step 4: Identify the final precinct and resolve the car parking issues

Once information has been collected through the survey, multi-disciplinary team and reference group work, it can be analysed to define the final precinct and to test initial assumptions on the issues hypothesised at in Step 1.

The final precinct will normally be a single area. However, it needs to encompass all the places where remedial measures are needed and could comprise more than one area.

An analysis of the survey data is critical to test assumptions as it will either validate or challenge earlier assumptions, including those assumptions made about the likely issues. The process may also generate the need to seek further information.

Step 5: Define the objectives and develop strategies

A car parking plan should have an objective that responds to each of the identified car parking issues. Council may have several ways to respond to an issue – an objective is council's preferred outcome.

Strategies are put in place to respond to an objective but they need to be more directive, specifically instructing how an objective will be achieved.



Strategies can include measures which manage parking demand, limit the growth of parking supply, aim to reduce private vehicle use or support public transport. Relevant strategies may include:

- introducing parking supply targets
- promoting desired or preferred parking locations
- enhanced parking layouts, urban and landscape design, street furniture and materials
- methods to deliver parking demand management or car use reduction
- parking fees and other parking management tools
- detailed proposals for applying financial measures, such as special rate or cash-in-lieu of parking contributions.

Strategies can consist of measures intended to be implemented using the planning scheme's Parking Overlay as well as other mechanisms such as:

- management of public and private parking (for example, time restrictions and costs)
- special rate charges for the provision of new spaces
- shared car parking requirements
- permits for residents, workers and visitors.

The parking measures and rates set out in Table 1 of Clause 52.06 represent general industry standards for car parking. These rates can be changed to respond to the needs of a local area. Where alternative rates are considered necessary for a precinct, the car parking plan will need to identify and substantiate these rates based on the local conditions.

Example – Gumnut retail and fashion precinct

If an objective of a car parking plan is:

- to encourage public transport use by visitors to the Gumnut retail and fashion precinct

then relevant parking strategies may be that:

- parking provision in Gumnut Road will be limited to short stay, disabled and loading provision
- the pedestrian amenity and streetscape of Gumnut Road will be enhanced through the removal of existing parking areas
- public car parks will be provided at Yellowville tram intersection, Orange Junction and Blue Gum Heights train stations
- a public 'park and ride' bus service from major parking locations and surrounding residential areas to Gumnut Road will be provided and funded
- permit only parking will be provided in the residential areas north of the retail area
- a cash-in-lieu scheme will be introduced for new or expanded businesses in Gumnut Road to pay for a new 30 space car park on the corner of Gumnut Road and Wattle Place.

Step 6: Define implementation responsibilities

For each strategy, a car parking plan should set out who is responsible for its implementation and delivery. A statement of necessary implementation actions should be set out in relation to each strategy.

For each strategy define:

- any detailed actions necessary to implement it
- where it applies, with reference to a map or plan if required
- the agency to be responsible for its delivery
- the anticipated timing of its delivery, particularly if the overall car parking plan is required to be implemented in phases



- any other relevant financial and resource statements. These may be necessary to make the operation of a cash-in-lieu scheme transparent.

Monitoring and review

The characteristics of a precinct often change over time, affecting local parking conditions. It is important that the Parking Overlay is regularly monitored and reviewed to ensure it continues to reflect the precinct's actual parking requirements, and is consistent with future plans for the precinct.

It is recommended that any Schedules to the Parking Overlay are reviewed concurrently with the council's Municipal Strategic Statement to ensure the specified car parking rates still reflect the car parking demand for each land use and to ensure that any requirement for a financial contribution is still suitable.

If the Parking Overlay is meeting its objectives, the review process should be straightforward. However, where a Parking Overlay is not meeting its objectives, or new issues have arisen for the precinct, it may be necessary to either revise the Parking Overlay to respond to any obvious issues or to go further and undertake a full review of the car parking plan used to prepare the Parking Overlay in order to reassess the objectives and strategies. It may also be necessary to obtain new data from areas that were not surveyed when the Parking Overlay was originally prepared.

ISBN 978-1-921940-48-4.

Published by the Victorian Government Department of Planning and Community Development Melbourne, April 2013.
© The State of Victoria Department of Planning and Community Development 2013.

This publication is copyright. No part may be reproduced by any process except in accordance with the provisions of the *Copyright Act 1968*.

Authorised by the Victorian Government, 1 Spring Street, Melbourne.

This publication may be of assistance to you but the State of Victoria and its employees do not guarantee that the publication is without flaw of any kind or is wholly appropriate for your particular purposes and therefore disclaims all liability for any error, loss or other consequence which may arise from you relying on any information in this publication.

www.dpcd.vic.gov.au/planning



Appendix 1: Tips for completing a schedule to the Parking Overlay

[NAME] PLANNING SCHEME

SCHEDULE NUMBER TO THE PARKING OVERLAY

Insert the name of the precinct that the schedule applies to. The name must be in plain, bold text.

The schedule must include content at sub clause 1.0. If no local requirements are included in any of sub clauses 2.0 – 9.0, the relevant heading is to be deleted and the sub clauses re-numbered accordingly.

1.0 Car parking objectives to be achieved

The schedule must clearly state the car parking objectives for the precinct.

2.0 Number of car parking spaces to be provided

Any car parking rates for the precinct should be specified in a car parking table to match the format of Table 1 in Clause 52.06.

The required number of car parking spaces is shown in Column B of Table 1 in Clause 52.06 unless otherwise specified in the following table.

Table 1: Car parking requirement

USE	RATE	MEASURE

Where possible, the land use terms defined in Clause 74 should be used.

Rates that differ from those in Table 1 in Clause 52.06 should be listed here. The schedule should only be used to decrease the standard number of car parking spaces specified in Column B of Table 1 in Clause 52.06. Higher rates should only be used where there is an overwhelming strategic justification to do so.

3.0 Permit requirement

If it is intended that permits may not be granted to reduce the requirement for car parking, specify this here.

If it is intended that permit may not be granted to provide more than a maximum parking provisions specified in the schedule, specify this here.

If it is intended that permit may not be granted to provide some or all of the required car parking spaces on another site, specify this here.

4.0 Decision guidelines for permit applications

Any additional matters to be considered when assessing a permit application under Clause 52.06-3 should be included here. They should not duplicate decision guidelines in Clause 52.06-6.

5.0 Financial contributions requirement

If it is intended that the responsible authority can elect to accept financial contributions in lieu of providing the requisite number of physical spaces, specify that here. An example of suitable wording is provided in Appendix 2 to this practice note.



6.0 Requirement for a car parking plan

Any requirements for a car parking plan additional to those in Clause 52.06-7 should be specified here.

7.0 Design standards for car parking

Any design requirements for the precinct in addition to or different to those in Clause 52.06-8 should be specified here.

8.0 Decision guidelines for car parking plans

Additional decision guidelines about a car parking plan can be included here. They should not duplicate decision guidelines in Clause 52.06-9.

9.0 Reference document

Where a parking study, strategy or plan provides relevant background information to assist in understanding the schedule, the document can be referenced here.

The schedule must include content at sub clause 1.0. If no local requirements are included in any of sub clauses 2.0 – 9.0, the relevant heading is to be deleted and the sub clauses re-numbered accordingly.



Appendix 2: A completed schedule

GUMNUT PLANNING SCHEME

SCHEDULE 1 TO THE PARKING OVERLAY

Shown on the planning scheme map as **PO1**.

CENTRAL GUMNUT ACTIVITY AREA

1.0 Car parking objectives

- To encourage retail and other commercial activities within Central Gumnut to reinforce its role as the major retail and service centre within the Shire.
- To ensure that new retail development, especially supermarkets, provide adequate and convenient car parking.
- To provide for the collection of financial contributions to contribute to the construction of shared car parking facilities.
- To ensure car park accessways allow for the safe movement of pedestrians.
- To ensure car parking areas are designed to comply with safety, sustainability and urban design considerations.

2.0 Parking requirement

- A permit must not be granted under Clause 52.06-3 to reduce the number of car parking spaces required for a Shop.

3.0 Number of car parking spaces required

If a use is specified in the Table below, the number of car parking spaces required for the use is calculated by multiplying the accompanying *Rate* by the *Measure*.

Table 1: Car parking spaces

USE	RATE	MEASURE
Shop (other than Shop exceeding 1000 square metres of leasable floor area at ground floor level, Restricted retail premises and Supermarket).	2.5	Car spaces to each 100 sq m of leasable floor area
Shop exceeding 1000 square metres of leasable floor area at ground floor level (other than Restricted retail premises and Supermarket).	3	Car spaces to each 100 sq m of leasable floor area
Restricted retail premises	2	Car spaces to each 100 sq m of leasable floor area



GUMNUT PLANNING SCHEME

For any other use listed in Table 1 of Clause 52.06-5, the number of car parking spaces required for the use is calculated by using the *Rate* in Column B of Table 1 in Clause 52.06-5.

4.0-1 Financial contribution requirement

Within the precinct identified in this schedule, the responsible authority may, at its election, accept a financial contribution of \$8,000 per space (plus GST) in lieu of providing physical car parking spaces as required under this Clause 45.09 and/or Clause 52.06 of the planning scheme.

It is within the responsible authority's absolute discretion whether to accept a financial contribution in accordance with this Clause 4.0 (and if so, in respect of how many spaces).

The amount of the contribution per space specified above will be adjusted by the responsible authority annually on 1 July each year in accordance with the Construction Industries Producer Price Index - General Construction Industry (or, if that index is unavailable, an equivalent index to the satisfaction of the responsible authority).

4.0-2 Payment of financial contributions

If, in respect of the use or development of land in the precinct, the responsible authority elects under this Clause 4.0 to accept a financial contribution in lieu of one or more car parking spaces being provided, the contribution must be paid to the responsible authority:

- in full prior to the commencement of any use or development of the land in respect of which the car parking requirement applies; or
- as otherwise required by:
 - any condition of the relevant permit for the use or development of the land; or
 - any condition of a permit issued under this Clause 45.09 or under Clause 52.06 of the planning scheme; or
 - any agreement entered into under section 173 of the *Planning and Environment Act 1987* in respect of the land.

4.0-3 What financial contributions collected under this clause will be used for

Note to responsible authorities: In order to ensure that a car parking cash-in-lieu scheme is legally valid, it is essential that:

- the Schedule to Clause 45.09 identifies the projects for which cash-in-lieu contributions must be used by the responsible authority; and
- the relevant projects are for proper planning purposes that are consistent with the objectives in section 4 of the *Planning and Environment Act*.

Generally speaking, the provision of public car parking facilities for which there is a demonstrable demand, or other measures which would reduce the demand for parking (such as bike parking facilities), would be regarded as proper planning purposes that are consistent with the objectives in section 4.



GUMNUT PLANNING SCHEME

The responsible authority must spend any financial contributions collected by it under this Clause 4.0 on the following projects:

- Construction of a public car park at 1 Stringybark Street, Gumnut.

5.0 Design standards for car parking

Urban design

A car park should be designed to retain significant trees and promote tree planting and the shading of car spaces.

6.0 Reference document

Central Gumnut Parking Study, 2012.



Appendix 3: Possible research approaches

Time-based observation can establish:

- the turnover of car parking spaces
- the number and location of spaces used at any time
- the flow of cars in and out of car parking areas.

A car parking user behaviour questionnaire survey can examine:

- trip origin and destination(s)
- mode(s) of travel
- reasons for visiting the precinct
- frequency of visiting the precinct
- time spent in the precinct, and at each destination or attraction
- time spent in each parking space
- travel and parking preferences
- sensitivity to change
- whether parking factors enhance or reduce the attractiveness of the area.

A land use survey can:

- identify and map existing and approved land uses
- obtain critical parking measures (for example, relationships between numbers of users or customers over time and retail or office floor areas, restaurant seats or hours of operation)
- identify particular sites that need to be protected from the adverse impacts of parking (for example, heritage places and public open space)
- identify particular sites that represent parking opportunities.

The availability of alternative modes of transport from relevant catchment areas can be studied, including:

- the existence of public transport routes and patronage
- taxi use and patronage
- bike and pedestrian access.