45.09 PARKING OVERLAY

Shown on the planning scheme map as PO with a number.

Purpose

To implement the State Planning Policy Framework and Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.

To facilitate an appropriate provision of car parking spaces in an area.

To identify areas and uses where local car parking rates apply.

To identify areas where financial contributions are to be made for the provision of shared car parking.

45.09-1 Operation

A schedule must specify:

- The parking objectives to be achieved.
- Specify the area to which the overlay applies.

A schedule may specify:

- Set alternative rates for car parking requirements.
- Maximum and minimum car parking rates and measures.
- Any financial payments to be made as a way of meeting the car parking requirements.
- Any design requirements to be met.
- Any additional decision guidelines.
- That the Column B rates of Table 1 to Clause 52.06-5 apply.
- That a permit is required to provide car parking that varies from a rate specified in the Table 1 to Clause 52.06-5.
- Other requirements for the provision, design and management of car parking.

45.09-2 Permit requirement

Unless a schedule to this overlay specifies otherwise, a permit may be granted to:

- Reduce the requirement to provide the car parking spaces required,
- Provide more than the maximum number of car parking spaces specified,
- Allow some or all of the required number of car parking spaces to be provided on another site.

Unless a schedule to this overlay specifies otherwise, a permit is not required:

- If the required number of car parking spaces for a new use under a schedule to this overlay is less than or equal to the required number of car parking spaces for the existing use and the existing number of car parking spaces is or has not been reduced.

45.09-3 Exemption from notice and review

An application solely for the provision or reduction of a car parking requirement under this overlay is exempt from the notice requirements of Section 52(1)(a), (b) and (d), the
decision requirements of Section 64(1), (2) and (3) and the review rights of Section 82(1) of the Act.

45.09-4 Provision of car parking spaces

Prior to:
- A new use commencing or
- A new building being occupied or
- The floor or site area of an existing use being increased or
- The number of patrons, seats or practitioners at an existing use being increased,

The car parking spaces required under a schedule to this overlay must be provided on the land or as approved under Clause 45.09-2 to the satisfaction of the responsible authority, or
A financial contribution must be made in accordance with Clause 45.09-7.

45.09-5 The number of car parking spaces required

A schedule to this overlay may set out the number of car parking spaces required for a use.

If a car parking space requirement for a use is not specified in a schedule to this overlay, the car parking requirement specified in Column A to Table 1 at Clause 52.06 applies.

45.09-6 Reducing the requirement for car parking

A schedule to this overlay may specify whether a permit can be granted to reduce the requirement for car parking spaces.

Before deciding on an application to reduce the requirement for car parking spaces as specified in a schedule to the overlay, a responsible authority must consider, in addition to the decision guidelines at Clause 52.06-6, any decision guidelines specified in a schedule to this overlay.

45.09-7 Financial contribution requirement

A schedule to this overlay may allow a responsible authority to collect a financial contribution in accordance with the schedule as a way of meeting the car parking requirements that apply the planning scheme.

A schedule must specify:
- The area to which the provisions allowing the collection of financial contributions applies.
- The amount of the contribution that may be collected in lieu of each car parking space that is not provided on the land including any indexation of that amount.
- When any contribution must be paid.
- The purposes for which the responsible authority must use the funds collected under the schedule. Such purposes must be consistent with the objectives in section 4 of the Planning and Environment Act 1987.

45.09-8 Application requirements

Before a new use commences or any buildings or works associated with that use or an existing use is constructed, plans must be prepared to the satisfaction of the responsible authority.
The plans must show:

- All required car parking spaces.
- Access lanes, driveways and associated works.
- Allocation of car parking spaces to different uses or tenancies, if applicable.
- Landscaping and water sensitive urban design treatments.
- Finished levels, if required by the responsible authority.

This information may be included in other plans submitted with an application.

**Decision guidelines**

Before deciding on an application, the responsible authority must consider the decision guidelines included in Clause 52.06-9 and any other decision guidelines specified in a schedule to this overlay.