

This VPP Practice Note provides a general introduction to the use of the parking provisions in Clause 52.06. It discusses how parking requirements are calculated, and considers the permits and plans required by the provisions.

What do the parking provisions do?

The parking provisions in Clause 52.06 have four functions. They:

- set requirements for the provision of an appropriate number of car spaces having regard to the use of the land and the nature of the locality
- provide the opportunity to prepare Parking Precinct Plans
- require that new car spaces are designed and constructed to the satisfaction of the responsible authority
- set out technical design and construction standards for car spaces, access and driveways.

Providing an appropriate number of car spaces

New use and development should include provision for car parking that responds to the demand likely to be generated, and to the relevant social, economic, environmental and physical circumstances. Clause 52.06-1 helps to establish parking requirements for new uses, and extensions of existing uses.

Parking Precinct Plans

Clause 52.06-6 enables planning authorities to consider the parking needs of a precinct and to prepare a plan that can specify alternative rates for car parking provision. Advice on the role and preparation of these plans is set out in the Planning Practice Note *Parking Precinct Plans*.

Design and construction

Design and construction of car spaces to implement a requirement of the parking provisions should respond to local circumstances. In such cases, Clause 52.06-2 requires that a car parking plan is prepared to the satisfaction of the responsible authority. The plan must show all required car spaces, access lanes, driveways and associated works and landscaping before any new use or associated buildings or works are commenced.

Once a parking design is agreed, the car parking provisions require that necessary works are carried out to the satisfaction of the responsible authority before a new use can commence or new buildings or works be occupied.

Technical standards

Clause 52.06-3 sets out a range of technical standards that should underpin most parking designs, including the dimensions and layout of car spaces, access lanes and driveways. These should be generally in accordance with *Australian Standard AS2890.1 – 1993, Parking Facilities, Part 1: Off-street car parking.*

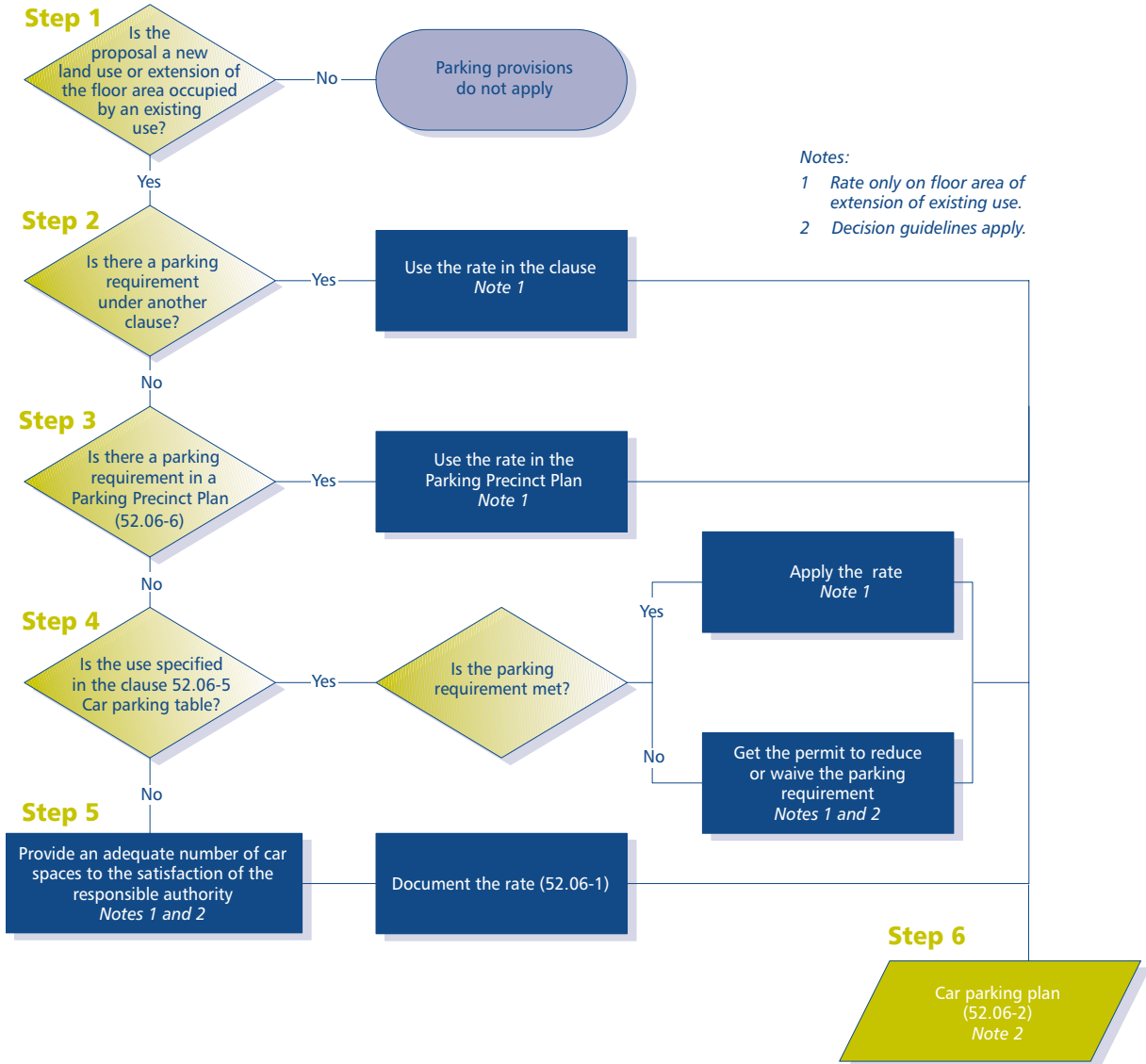
These standards reflect the physical constraints established by the size and manoeuvrability of cars and the safe operation of roads.

A permit is required to vary any aspect of these standards.

Using the parking provisions

This section explains how to use the parking provisions in Clause 52.06-1 and the Clause 52.06-5 Car parking table. The following six steps will determine the required

number of car spaces and whether or not a permit or plans are required.



Step 1

Is the proposal a new land use or an extension of the floor area occupied by an existing use?

No The parking provisions do not apply. Go to Step 2.

Yes The parking provisions apply.
They broadly distinguish between:

- change of use
- buildings or works associated with an extension to an existing use.

Change of use

The parking provisions are triggered by a change of land use. Parking must be provided for a new use, whether or not a planning permit is required. A new use must not commence until the car spaces required by the provisions have been provided.

Buildings and works

Buildings and works do not normally trigger the parking provisions. However, an extension to the floor area occupied by an existing use triggers a parking requirement for the extension, but not for the whole use.

Step 2

Is there a parking requirement under another clause?

No Go to Step 3.

Yes Use the method of calculation in the other clause to arrive at the car parking rate.
Before designing and constructing the car park, go to Step 6.

Step 3

Is there a parking requirement in a Parking Precinct Plan?

No Go to Step 4.

Yes Use the rate or method of calculation in the Parking Precinct Plan.

Where a Parking Precinct Plan applies, Clause 52.06-2 still requires that a car parking plan must be prepared to the satisfaction of the responsible authority before the commencement of use or the construction of buildings or works.

A Parking Precinct Plan can contain decision guidelines that the responsible authority must have regard to when considering a car parking plan under this clause. Before designing and constructing the car park, go to Step 6.

Step 4

Is the use specified in the Clause 52.06-5 Car parking table?

No Go to Step 5.

Yes If the use is specified in the Clause 52.06-5 Car parking table, the appropriate parking rate should be used to calculate the parking requirement. If it is not possible or desirable to meet the parking requirement, a permit is required to reduce or waive the parking requirement. Therefore, this section of the practice note discusses two scenarios:

- Using the table to calculate the parking requirement
- Considering when to reduce or waive the parking requirement.

Once a parking requirement has been established, it must be implemented. However, before starting to design or construct a car park, go to Step 6.

Using the table to calculate the parking requirement

52.06-5 Car parking table

USE	CAR SPACE MEASURE	RATE
Residential building, other than specified in this table	Car spaces to each lodging room	1
Caretaker's house	Car spaces to each dwelling	1
Dwelling, other than Caretaker's house if at least 2 on a lot	Car spaces to each dwelling	2
Shop other than specified in this table	Car spaces to each 100 sq m of leasable floor area	8
Betting agency Market	Car spaces to each 100 sq m of net floor area	8
Restaurant	Car spaces to each seat available to the public	0.6
Office other than specified in this table	Car spaces to each 100 sq m of net floor area	3.5
Postal agency		
Hotel or Tavern	Car spaces to each 100 sq m of bar floor area available to the public, plus	60
	Car spaces to each 100 sq m of lounge floor area available to the public	30

Car parking table

USE	CAR SPACE MEASURE	RATE
Residential building, other than specified in this table	Car spaces to each lodging room	1
Caretaker's house	Car spaces to each dwelling	1
Dwelling, other than Caretaker's house if at least 2 on a lot	Car spaces to each dwelling	2
Shop other than specified in this table	Car spaces to each 100 sq m of leasable floor area	8
Betting agency Market	Car spaces to each 100 sq m of net floor area	8
Restaurant	Car spaces to each seat	0.6

The use (most uses are defined in Clause 74 of planning schemes).

The car parking rate applicable to the use.

The car space measure.

The table sets out car parking rates for *specified uses*. The parking requirement for most new uses, or an extension to an existing use, can be calculated from this table. For example, if the proposal is for a betting agency, the use is specified in the table above and the appropriate measure and rate apply.

The parking requirement for the betting agency can be established by multiplying the car space measure by the rate. If an 800 sq m building is proposed to be used as a betting agency, the calculation is:

$$8 \text{ (measure in 100 sq m units)} \times 8 \text{ (rate)} = 64 \text{ spaces}$$

If the betting agency can meet the parking requirement of 64 spaces at a rate of eight spaces to each 100 m

of net floor area, no planning permit is required for car parking but a car parking plan must be prepared.

Before designing or constructing the car parking to meet the requirement, go to Step 6.

Considering when to reduce or waive the parking requirement

The responsible authority, having regard to the decision guidelines in Clause 52.06-1, must decide whether or not to reduce or waive a parking requirement. In each case, the decision will usually depend on site-specific or local factors.

Any relevant Parking Precinct Plan

A Parking Precinct Plan may set out locally applicable parking rates that replace the parking measures and rates in the Clause 52.06-5 Car parking table. If a Parking Precinct Plan is in force for the permit or plan area, its provisions should be taken into account.

The availability of car parking in the locality

It may not be necessary for parking to be provided on-site. If off-site provision is being proposed, the availability of existing parking in the locality will be an important consideration when assessing the application.

Off-site parking can include public on-street, and public or private off-street parking provision. Assessing the number of available existing off-site spaces can be complex, particularly if public on-street parking is intended to contribute significantly to parking needs. Off-site parking should be close to the site and accessible. It should not have inappropriate time restrictions, and should have sufficient vacancies at the times when the proposed development would require them.

As a general rule, parking that is within about 100 m from a proposed development (or approximately a one-minute walk) is considered to be 'close'. Greater distances may be appropriate in other circumstances.

The type of car parking must match the requirements of the use and be accessible when needed. For example, two-hour restricted parking is not suitable for a cinema because most visits will be longer than this. A retail development cannot rely on the availability of car spaces in an adjacent railway station car park that is occupied by commuters during its trading hours. Private off-street parking may exist but may not be accessible because its use is restricted. Care should be taken in accounting for car spaces on land where no formal or enduring agreement (such as ownership or a lease) exists. Informal car spaces (for example, on vacant private lots and in service stations) can be eliminated by land management changes or re-development and should not be relied upon to contribute toward a parking requirement.

The availability of public transport in the locality

Proximity to public transport is not, in itself, a sufficient reason for reducing a parking requirement. An applicant must demonstrate that the availability of public transport will decrease the parking demand.

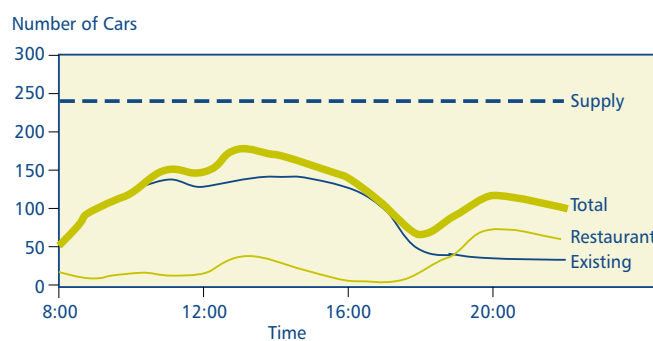
A survey can be conducted to determine the proportion of current or likely future public transport users in the proposed location. People associated with a similar and/or nearby development can be surveyed to determine the number that use public transport. This figure can reduce the assessment of parking demand if the percentage using public transport is, or is likely to be, greater than the usage allowed for in the Clause 52.06-5 Car parking table.

Sharing of car spaces

A permit application may propose a shared parking arrangement. Often, car spaces can be used efficiently by more than one use, particularly when the parking demand for the different uses peaks at different times. It is important to demonstrate that the net parking demand at any time can be accommodated.

For example, an on-street parking demand profile has been determined for a precinct, as has a parking demand profile for a proposed restaurant development. If the two profiles are added, a total parking demand can be determined (see chart). The precinct parking supply is 240 spaces. This includes 230 public spaces and 10 on-site spaces at the restaurant.

Expected total parking demand



The figure indicates that total peak parking demand is expected to occur at 1.00 pm. when 181 spaces in the precinct will be used and will result in a minimum surplus of 59 spaces. Therefore, the restaurant's lunchtime parking requirement will be met. The restaurant also has significant parking needs in the evening. However, at this time, total demand is less than half of the existing supply and so, again, the restaurant's parking requirement can be accommodated.

Credits and contributions

Some proposals may involve car spaces that are notionally (rather than physically) available. Notionally available car spaces most often arise from *car parking credits* and *car parking scheme contributions*.

Car parking credits

Where a use existed before the current car parking requirement was introduced, that part of its parking requirement not provided on-site can be considered as a 'car parking credit'. The parking demand in the credit is met off-site by existing publicly available car parking.

There is no planning scheme definition of a parking credit; nor does the scheme prescribe how a credit is calculated. However, Clause 52.06-1 states that a credit should be based on the 'car parking demand deemed to have been provided in association with a use which existed before the change of parking requirement'.

It is normal practice to use the current car parking rate to calculate the credit, as follows:



*(Calculated using current provisions)

A net parking credit can range from 0 per cent of the current parking requirement (where the existing use already has sufficient on-site parking), to 100 per cent where it has none.

Many planning decisions have recognised that a net parking credit can be carried forward from an existing to a proposed new use, even when the new use involves demolishing existing buildings and redeveloping the site. However, the planning scheme provides no 'right' for this to happen. A credit's existence must be argued by the proponent. Its relevance to the proposal must be decided by the responsible authority which considers an application for a permit to waive or reduce the current parking requirement.

Equity is the key consideration in allowing a credit to support a waiver or reduction: that, on the facts of a case, it is unjust or inappropriate for a historic shortfall in car parking to be rectified by the applicant. However, such a decision must be taken in the context of broader planning policy objectives. If allowing a credit would harm other relevant planning considerations, it may be appropriate to allow it only in part or, in some cases, not at all.

When considering a permit to waive or reduce a parking requirement, the following principles should apply to the calculation and allowance of credits:

- Decisions should be rational and based on evidence. The proponent should provide evidence for the credit's existence and the number of car spaces it comprises, in terms of the history of the existing use and the numbers of car spaces on the land.
- If the responsible authority considers other planning considerations should override a credit in whole or part, it should have objective evidence that shows that allowing the credit is inconsistent with broader planning objectives (including those set out in a Parking Precinct Plan).

Car parking scheme contributions

Notionally available car spaces can also arise from contributions to car parking schemes, such as payments of cash-in-lieu of spaces not provided, special charge and rate schemes.

These contributions generally consist of payments levied by a council to fund the construction of additional public parking facilities. Where premises have made a cash contribution or been subject to a special rate, the car spaces deemed to have been provided can be included in

a calculation of car parking supply and considered as part of a permit application. It is normal and equitable to consider that a contribution leads to a credit equal to a proportional share of the parking that has been, or is proposed to be, provided. As in any car parking credit, the responsible authority must always balance the decision to allow a credit for a historic contribution on the facts of the individual case and relevant planning policies.

Local traffic management

Local traffic management strategies may include objectives that are relevant to a permit. For example, a strategy may aim to minimise traffic in the vicinity of the proposed development, or to reduce turning movements onto a major road. In these cases, it could be desirable to actively minimise parking provision to support the strategy's objective.

Local amenity

Car parking may be reduced or waived for reasons of local amenity. Car parking may have an adverse impact on the amenity of an area, such as the loss of vegetation, increased noise or disturbance to dwellings, or loss of pedestrian amenity. These considerations may reduce or waive the parking requirement.

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

Most judgements depend on qualitative, rather than quantitative, assessments of the relative impacts or benefits of parking and amenity considerations. However, it is important to ensure the amenity benefit is not overshadowed by long-term adverse parking effects.

An empirical assessment of car parking demand

An empirical assessment of car parking demand can be undertaken to justify a permit to reduce or waive the requirement.

Any other relevant considerations

This decision guideline enables the responsible authority to consider any other factor that may be relevant in considering a planning permit application or a parking plan.

An applicant may demonstrate that car parking should be reduced or waived for other reasons, many of which will be local or site-specific. However, bicycle parking, neighbourhood character and heritage considerations are common concerns not identified in the decision guidelines.

Bicycle parking

The use of bicycles as a mode of urban transport has increased in popularity. However, a development must

do more than provide parking for bicycles to claim a reduction in the number of car spaces. The location and the premises must be conducive to cycling as an alternative to car use. This can be demonstrated by observing the existing number of cyclists in the site's vicinity. Facilities such as showers and change rooms are needed to encourage cycling as a viable alternative to car use.

Neighbourhood character and heritage considerations

New car parking provisions may have an impact on neighbourhood character and built heritage. It may be necessary to reduce or waive a parking requirement to prevent an avoidable adverse heritage or character impact. Parking requirements may be bargained with as part of the evaluation of a wider planning gain, such as the appropriate repair and return to use of a historic building at risk, or the proper investigation and conservation of an archaeological site. However, as with local amenity, this impact is often qualitative rather than quantitative and care is needed when evaluating competing criteria.

Step 5

Provide an adequate number of car spaces to the satisfaction of the responsible authority

Where a use is not specified in the Clause 52.06-5 Car parking table, an adequate number of car spaces for the use must be calculated by another means. The responsible authority determines the adequacy of a parking proposal.

An appropriate parking rate may be 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.

Policies

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

Surveys and benchmarks

Likely parking demand can be determined by conducting surveys at an existing establishment of the same use and with locational and other circumstances that are as similar as possible to those of the proposal. Parking demand rates may be assessed using a variety of survey techniques. An empirical assessment of parking demand will provide a peak parking demand rate and a parking demand profile to indicate when parking demand is greatest.

Sometimes it is not possible to undertake surveys.

In such cases, estimates can be made from first principles of the expected demand for the proposed use and the proportion likely to drive. The assumptions should be supported by factual data.

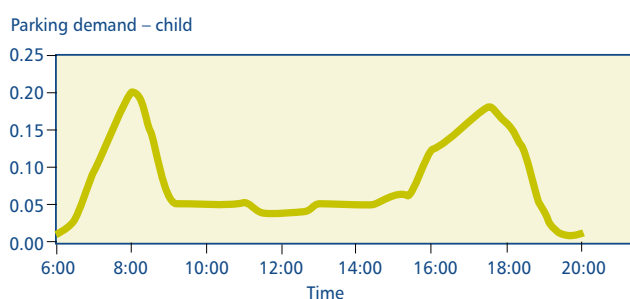
The responsible authority may have already approved a similar development to the one being proposed. Parking surveys and the approved parking provision from that case may be used as a benchmark for the parking requirement for the proposed development.

Decisions by neighboring authorities and the Victorian Civil and Administrative Tribunal can also be used in this way. If benchmarking is used, the responsible authority should be satisfied that the cases used to provide the benchmark are relevant to the proposed development. Clauses 74 and 75 of the planning scheme (land-use terms and nesting diagrams) can be used to identify land-use relationships and similarities that support the use of a benchmark.

Traffic engineering advice may be required to ensure survey methods and calculations used in estimates and benchmarks are robust.

For example, a child-care centre is an unspecified use and the developer seeks to establish an appropriate parking rate.

Parking demand per child



A survey was undertaken of a similar childcare centre in a neighbouring suburb. The peak parking demand rate calculated was 0.2 spaces per child at 8.00 am (see chart).

This peak parking rate and profile can be applied to a proposed child-care centre for 100 children where a survey has not been carried out. Using the child-care centre benchmark example above, a parking requirement can be calculated as:

$$100 \text{ (measure [in children])} \times 0.2 \text{ (rate)} = 20 \text{ spaces}$$

Different surveys and benchmarks will suggest different means of calculating a parking requirement for an unspecified use.

However a rate for adequate parking provision is calculated, the responsible authority must document it and communicate its requirements to the proponent. It will require a car parking plan to be prepared to its satisfaction before the commencement of use or construction of buildings or works.

Step 6

The design and construction of car parking

Once a parking requirement has been established, it must be implemented through the design and construction of a car park. A car parking plan must be prepared to the satisfaction of the responsible authority before the commencement of use or the construction of buildings or works.

Once a plan has been submitted and endorsed, the proposed parking arrangements must be constructed and available before the commencement of use or the occupying of buildings or works. This requirement recognises that the physical layout and design of car parking will often be critical to its technical and streetscape success or failure.

Once a car parking plan has been agreed, the provisions require that the parking is 'provided and available for use'. This means any subsequent change to the extent or layout of the car park will need either a permit and/or a new car parking plan to the satisfaction of the responsible authority.

Keeping records

Although not a statutory requirement, it is recommended that a register be kept of decisions made on the following:

- parking requirements for uses not specified in the Clause 52.06-5 Car parking table that are set to the satisfaction of the responsible authority
- car parking plans showing details of design and construction that are to the satisfaction of the responsible authority.

Copies of any related plans or documents should also be kept. These should be marked and dated to enable later users to determine whether changes have been agreed. Records are essential for the effective administration and (where necessary) enforcement of the car parking provisions.