

POLICY

Policy Name	Car Parking Fund Policy
Policy Category	Strategic
Department / Officer	Community and Development/Strategic and Policy Planner
Date Adopted	21 September 2009
Date/s Reviewed	28 January 2020
Review Frequency	Every Three Years
Strategic Plan Reference	Objective 4 – Services and infrastructure supporting the community Approach 4.3 Create and maintain safe road and footpath networks Strategy 4.3.1 Commence implementation of Council's town Centre traffic Movement and Car Parking Strategy
Attachments	Attachment A – Designated Car Park Fund Area

1. Purpose

The purpose of this Policy is to:

- Set clear guidelines for the establishment, operation and review of the Council's Car Parking Fund consistent with Section 50A of the Development Act 1993.
- Assist in the provision of car parking that is required as part of development proposals but is not able to be provided on site.
- Ensure that car parking is aggregated in suitable locations in order to protect existing amenity and achieve the desired urban and rural character outcomes sought by the City of Victor Harbor.
- Create an opportunity to provide alternative forms of transport that reduce reliance on carparking (including bus and cycling facilities) and provide a greater access to facilities for those not able to use cars.

2. Scope

This Policy will apply when a development application is proposed on land located in the Car Parking Fund Policy Areas 1, 2 and 3, and the following applies:

- Off street car parking requirements cannot be achieved for the development in accordance with the Development Plan
- The relevant planning authority and the applicant/owner agree that the applicant/owner will make a cash contribution to the Car Parking Fund in lieu of providing the required number of on-site car parking spaces for the proposed development.

3. Policy Statement (Summary)

Council is committed to the effective operation of a Car Parking Fund and facilitation of contributions according to this Policy.

4. Legislation and Compliance

Section 50(A) of the *Development Act 1993* allows Councils to establish a carparking fund for a designated area defined by reference to an area in its Development Plan (eg Zone or Policy Area). Where the Council and the applicant agree, contributions can be made in lieu of meeting Development Plan requirements for car park spaces where they cannot be provided on site.

The contribution to the Car Parking fund is an amount calculated in accordance with a determination of the Council (and the development may proceed despite the situation with respect to carparking at the site of the development).

A determination of the Council for the purposes of calculating amounts to be paid into a car parking fund has effect when published in the Gazette and may be varied by the Council by further notice in the Gazette.

Money accumulated within the fund will be used for the following purposes as outlined in Section 50A(8) of the *Development Act 1993*:

- To provide car parking facilities within the designated area; or
- To provide funds for (or towards) the maintenance, operation or improvement of car parking facilities within the designated area; or
- To provide funds for (or towards) the establishment, maintenance or improvement of transport facilities within the area of the Council with a view to reducing the need or demand for carparking facilities within the designated area.

The establishment of a Car Parking Fund for an area designated by the Council will require both Council and Ministerial endorsement prior to adoption and will be effected by notice in the Gazette.

5. Definitions

Designated Area means the whole of the area within the Regional Town Centre Zone as detailed in Attachment A.

Car Parking Fund means the City of Victor Harbor Car Park Development Reserve where contributions are accepted, in accordance with Council's Development Plan requirements for car park spaces, where they are not provided on site.

6. Policy Content

Proposed new development must generally include sufficient off-street car parking facilities to satisfy the demand for parking likely to be generated by the development. However, it is recognised that in some circumstances this may not be practical. In such cases, a monetary contribution can be paid to Council's Car Parking Fund.

The car parking requirements for the development are set at the rates as prescribed in the relevant provisions of the Development Plan.

The required contribution is an amount sufficient to re-imburse Council for a portion of the true cost of providing car parking within the designated areas which will compensate for the parking deficiency to be created by the development.

Council may receive car parking fee and/or car parking expiation income from the spaces created with the contribution.

Council may generate income in other forms through the development of air space or portions of land initially acquired with contributions.

Note: The provision of car parking facilities must be consistent with obligations imposed by the Building Code of Australia, any previous approvals and the provisions of the Development Plan.

6.1 Designated Area

The designated area for the Car Parking Fund consists of the following Policy Areas described in the Victor Harbor Development Plan.

Car Parking Fund Policy areas 1, 2 and 3.

A map showing the designated area as constituted by these policy areas is attached.

These areas have one or more of the following characteristics:

- A current lack of available land for car parking.
- A need for improvements to current car parking arrangements.
- Ongoing car parking issues (either on a permanent basis or related to an event).
- Expanding and continued growth.
- Ongoing interest in redeveloping sites where commercially viable floor space requirements are satisfied with difficulties meeting car parking requirements.
- Similar urban character and streetscapes.
- High profile tourism focus, with strong pedestrian focus.
 - Areas identified to generate significant demand for additional car parking in the area.
 - Similar land values and 'potential' in accordance with Development Plan Policy direction.

6.2 Implications for Contributors

While the contribution fund car parking spaces will seek to be close enough to the development to provide some benefit, they cannot be expected to be as conveniently located as spaces provided on site.

The clients and employees of the development cannot have reserved or guaranteed use of the spaces for which a contribution is made.

The contributor does not retain fee simple ownership of the car parking spaces and therefore cannot trade them as an asset.

The contributor to the Car Parking Fund has no direction, or rights, as to what happens to the Funds.

6.3 Car Parking Contribution

The contribution in lieu of car park spaces that applies to each of the designated areas as state is provided below. These figures are based on the value of the land component (average land value or site valuation) and construction and maintenance costs:

Policy Area 1	Policy Area 2	Policy Area 3
\$8,000 per car park	\$12,000 per car park	\$15,000 per car park
No GST is payable as payments are treated as developer contributions		

Council may vary the amount of the contribution to be paid into the Car Parking Fund which has effect by notice in the Gazette.

Review of the car park contribution amount will be undertaken annually as part of the review of Council's Fees and Charges.

6.4 Car Parking Fund Cap

Council resolved (OC62020) to cap car parking contribution at \$200 per parking space for small business proposals that:

- Only require Development Approval for a change in use of land
- Do not result in building expansion; and
- Where the development site is within the designated 'Regional Centre Zone' area, as detailed on the map contained in Appendix A – Designated Car Parking Fund Area.

6.5 Operating Procedure

The operation of the fund is confined to the 'Designated Area' that is defined by reference to the area established in the Development Plan (eg Zone or Policy areas).

The relevant authority determines if the development application does not provide for sufficient spaces for the parking of cars at the site of the development (consistent with obligations imposed by the Building Code of Australia and any previous approvals and the provisions of the Development Plan).

The relevant authority and the applicant need to agree that the applicant will make a contribution to the car parking fund in lieu of providing a certain number of spaces for the parking of cars at the site of the development.

The following matters will be considered as part of the agreement:

- A Condition of Consent that refers to the agreement will be placed on the Planning Consent.
- The agreement should include the detail and time of the contribution payment should the development application be granted Planning Consent.
- The applicant is required to pay the contribution to the Council prior to the occupation and/or use of the development (whichever comes first).
- The Agreement shall be made in a legally binding form as part of the Development Application, and may require support by a Bank Guarantee prior to Council making a decision on the application.
- The cost of preparing the Agreement is to be born separately by the applicant.
- Upon approximately 75% completion of the development, the Council will produce an invoice for the required contribution.
- Late payment of contributions will incur a penalty based on Council's associated costs.

6.6 Car Park Development Reserve

The Council has established a reserve fund known as the Car Park development Reserve to receive contributions in accordance with this policy together with any interest received.

Car parking contributions will be separately recorded against each of the designated car park contribution areas.

6.7 Financial Management and Reporting

The Car Park Development Reserve is an investment fund held by the Local Government Finance Authority on behalf of the Council. Estimates of contributions, expenditures and interest earned are considered in the annual budget of the Council. The balance and movement of funds are reported in the Council's Annual Financial Statements and Annual Report.

7. Risk Management

Asset Management – To ensure that adequate funds are available for the maintenance, operation or improvement of public car park assets and/or transport facilities within the designated area a review of the Car Parking Fund is to be undertaken within 12 months of its establishment. Subsequent reviews will take place biennially and on an ‘as needs’ basis, such as when significant increases in real estate/property values or construction cost become evident.

Financial – Where appropriate expenditure of funds is to be endorsed by Council eg in accord with Council’s Capital Works Program and/or Annual Budget. A record of monies received and expended should be kept.

8. Implementation/Delegations

The Chief Executive Officer is delegated authority to implement this Policy and may sub-delegate as necessary.

9. Related Documents

Development Act 1993

10. Availability of Policy

This policy is available on Council’s website at www.victor.sa.gov.au. It may also be inspected or purchased at the Principal Office of the Council at 1 Bay Road, Victor Harbor.

Attachment A – Designated Car Park Fund Area



CAR PARKING FUND POLICY AREAS

-  Car Parking Fund Area 1
-  Car Parking Fund Area 2
-  Car Parking Fund Area 3
-  Concept Area Boundary
-  Development Plan Boundary



REGIONAL CENTRE
Concept Plan Map ViH/2
CAR PARKING FUND AREAS

VICTOR HARBOR COUNCIL
Consolidated - 20 June 2017