



Light  
Regional  
Council

## Car Parking Fund Policy

<b>Reference Number:</b>	Section 4 No. 12
<b>Responsible Department:</b>	Strategy & Development
<b>Related Policy/Procedure:</b>	Nil
<b>Date of Adoption:</b>	28 February 2017
<b>Current Review Date:</b>	27 February 2024
<b>Resolution Number:</b>	OCM-2024/041
<b>Version Number:</b>	Amendment 4
<b>Applicable Legislation:</b>	Development Act, 1993 (repealed) Development Regulations, 2008 (repealed) Planning, Development and Infrastructure Act, 2016
<b>Next Review Date:</b>	June 2028
<b>Review Frequency:</b>	Every 4 years or as required by legislation change

### 1. Purpose

The purpose of this Policy is to:

- Set clear guidelines for the operation of the Council's Car Parking Fund consistent with Section 50A of the (now repealed) *Development Act, 1993* and Section 197 of the *Planning, Development and Infrastructure Act, 2016* (PDI Act).
- Assist in the provision of car parking that is required as part of development proposals but is not able to be provided on the site of the related development.
- Ensure that car parking is aggregated in suitable locations to protect existing amenity and streetscape.
- Create an opportunity to provide alternative forms of transport that reduce reliance on car parking (including cycling facilities) and provide greater access to facilities for those not able to use cars.

### 2. Scope

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

#### Legislative Framework

Section 50A of the (now repealed) *Development Act, 1993* allowed councils to establish a Car Parking Fund for a designated area defined in its Development Plan (e.g. Zone or Policy Area). Where the Council and the applicant agree, contributions can be made in-lieu of meeting some of the Code 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.

Policy No: Version:	Section 4 No. 12 Amendment 4	Date of this Policy: 27 February 2024	Page 1 of 6
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Monies accumulated within this fund will be used for the following purposes:

- To provide car parking facilities within the Designated Area; or
- To provide funds for (or towards) the purchase of land for car parking within the Designated Area;
- To provide funds for (or towards) the maintenance, operation or improvement of existing 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 car parking facilities within the Designated Area.

The PDI Act recognised the existing arrangements in place under section 50A of the (now repealed) *Development Act, 1993* (at Schedule 8, Division 2, Part 11, Section 33, which commenced on 31 July 2020).

Such funds continue under Section 197 of the PDI Act.

### 3. Policy Aim

The Car Parking Fund is available to allow the contribution of a monetary amount in-lieu of requiring full provision of on-site car parking in accordance with specified rates in the Code. This can support the facilitation of public or integrated parking and more efficient car parking areas, or alternative travel modes to reduce demand, within the Designated Area.

### 4. Definitions

*Car Parking Fund* means: The Kapunda District Centre Carpark Fund where contributions are accepted, in accordance with the Code requirements for car park spaces, where they are not provided on-site.

*Code* means: the *Planning and Design Code* under the PDI Act.

*Designated Area* means: The area to which the Kapunda District Centre Carpark Fund applies as identified on Concept Plan Map Lig/14 Kapunda District Centre Carpark Fund as contained in Council's (now repealed) Development Plan consolidated on 8 December 2016 (attached) or any Code equivalent.

### 5. Policy Details

#### 5.1 Creation of Fund

(a) **Name of Fund**

Kapunda District Centre Carpark Fund ('The Fund').

The account receiving payments under the policy shall be designated as the Car Parking Contributions Fund.

(b) **Establishment of Fund**

The Fund was established in accordance with Section 50A of the (now repealed) *Development Act, 1993* relating to the creation of car parking funds and the

Advisory Note, Planning 16 *Car Parking Funds*. An application was submitted to the Minister for Planning in February 2016 and was approved by the Minister on 17 January 2017.

(c) **Commencement of Fund**

The fund commenced on 2 February 2017 with the publishing of a notice in the Government Gazette on that day.

(d) **Designated Area for Fund**

The Kapunda District Centre Carpark Fund applies to the Designated Area.

## 5.2 Management of Fund Payments

- (a) The car parking requirements for development are to be those assessed as appropriate to the circumstances, based upon the rates prescribed by the Code or as may be determined from time-to-time by considering relevant land use generating guides or by the relevant authority's acceptance of specific parking demand analysis undertaken by a qualified traffic engineer.

New development proposed in the Kapunda District Centre shall endeavour to provide the required on-site car parking associated with the proposed use.

- (b) When a development application is submitted (whether for new development or to make alternations, additions, extensions, replacement of, or to change the use of, an existing building) and the full extent of required car parking cannot be provided on the site appropriately, a cash payment to the fund may be a suitable solution to address the shortfall.
- (c) Council retains discretion to utilise the fund to address any car parking shortfalls and must be mutually negotiated and agreed as an appropriate solution.
- (d) Agreement to make a cash payment in-lieu of car parking space shall be included as a part of the development application, and if consent is granted it shall be subject to an appropriate condition reflecting such agreement. The agreement to make a cash payment in-lieu shall be in a legally binding form (i.e. Deed) that is executed prior to granting Planning Consent in respect of the development application.

## 5.3 Application of Funds Raised

- (a) The Council's approach to managing car parking in the Kapunda District Centre includes:
- i. Optimal management of on-street car parking;
  - ii. Encouragement of integration and shared use of rear yards and/or upgrading and formalisation of spaces to increase car parking provision and/or improve utilisation efficiency;
  - iii. purchase of land to develop public car parks when suitable sites become available in the Designated Area; and
  - iv. Facilitation of bicycle use.

- (b) Fund monies shall be primarily used for the purchase of land or interests in land and for the creation, development or improvement of parking facilities within the Designated Area.

#### 5.4 Contributions to the Fund

- (a) The cash contribution is to be \$3,750 per car park.
- (b) The rate of contribution will be reviewed biennially to reflect changing land components and carpark construction costs in the designated area.
- (c) In determining the contribution rate per car park, a discount of some 50% to the full land and construction costs has been determined as appropriate to account for the following factors:
  - i. The contributor does not retain ownership of the car parking space(s) and therefore cannot trade them as an asset;
  - ii. The occupants, clients and employees of the development cannot have reserved or guaranteed use of the spaces for which a contribution is made;
  - iii. Council may receive income from the management of parking spaces created with the Fund contributions;
  - iv. Council may generate income in other forms through the development of air space or portions of land initially acquired with contributions;
  - v. While the contribution funded car parking spaces and other facilities must be related to the development to provide some benefit, they will rarely be as conveniently located as spaces provided on site;
  - vi. The Fund may be used for any vehicular and pedestrian purposes (e.g. improvements to existing car parks, integration of existing areas; provision of alternative facilities such as bicycle parking, local bus service etc.) to optimise the strategic management of car parking space.
- (d) The monies received from cash payments in-lieu of off-street parking spaces shall be held by the Council in the Car Parking Contributions Fund, to be used to improve the management of parking within the respective designated area.
- (e) Payment shall be received by Council prior to the subject development being occupied, in accord with (f) below.
- (f) Payment shall be made by means of a lump sum payment;
  - i. Equal to the total value required in lieu of car parking space being provided on site; or
  - ii. Equal to 50 percent of the total value required in-lieu of car parking space being provided on-site prior to the issuing of Planning Consent, with the remainder of the contribution paid within six (6) months of Planning Consent.

### 5.5 Management of the Fund

- (a) To ensure there is clear record keeping and public accountability a Light Regional Council Car Parking Contribution Fund Register will be established and available for public inspection. The Register will maintain details of the following for the Designated Area:
- i. Subject development applications;
  - ii. Car parking demand versus provision calculations and the adopted parking shortfall number required to be compensated by payment in-lieu;
  - iii. The amount of individual contributions due to be paid to the Car Parking Fund;
  - iv. Total of approved parking shortfall;
  - v. Records of payments received;
  - vi. Expenditure of Fund monies and implemented improvements;
  - vii. Total number of additional parking spaces and improved parking facilities developed by the Fund.
- (b) To assist and guide the application of the Fund and other initiatives for improvement of parking facilities, plans are to be developed and maintained covering the Designated Area.

### 5.6 Additional Funds

- (a) From time to time, Council may consider the allocation of additional funds, from either General Revenue or other sources, to the Car Parking Fund for specific purposes.

### 5.7 Short Term Administrative Arrangements

To incentivise investment and economic development, Council may provide a subsidy of 80% of the cost of a payment into the Car Park Fund where the following is satisfied:

- (a) The principal place that the business will operate from has its primary shopfront facing Main Street, Kapunda;
- (b) The property (subject land) has frontage to the section of Main Street, Kapunda between Coghill Street and Clare Road;
- (c) A Development Application for a change of land use requiring additional car parking has been approved and:
  - i. any additional carparking cannot be managed/provided within the existing land footprint that the business is intending to operate from; and
  - ii. a related payment has been made into the Car Park Fund in accordance with this Policy; and

- (d) The relevant Development Application was received in the period from the adoption of Amendment 4 of this Policy through to 31 December 2025.

**Policy History:**

1. Original Policy adopted by Council 28 February 2017, refer Council Minute 13.3.1 Page 2017/86.
2. Amendment No. 1 adopted by Council on 26 February 2019, refer Council Minute STR9.3.4/2019-page 2019/32.
3. Amendment No. 2 adopted by Council on Tuesday, 8 December 2020 Minute Reference Item 13.3.2 at page 2020/239
4. Amendment No. 3 adopted by Council on Tuesday 23 May 2023, minute reference item OCM-2023/110.
5. Amendment No. 4 adopted by Council on 27 February 2024 Resolution Number OCM-2024/041.

Policy No:	Section 4 No. 12	Date of this Policy:	27 February 2024	Page 6 of 6
Version:	Amendment 4			