

30 April 2021

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Department of Planning, Lands and Heritage
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Via email: Andrew.Cumming@dplh.wa.gov.au

Dear Andrew,

Payment in Lieu of Parking

Thank you for the opportunity to provide feedback in relation to the proposed amendments to Planning and Development (Local Planning Schemes) Regulations 2015 regarding car parking provisions and for agreeing to a short extension to the submission timeframe.

The Urban Development Institute of Australia (UDIA) WA is the peak body representing the property development industry in Western Australia. UDIA is a membership organisation with members drawn from the residential, commercial and industrial property development sectors. UDIA members include both private and public sector organisations. Our industry represents approximately 9.3% of Western Australia's Gross State Product, contributing \$28.2 billion annually to the Western Australian economy and \$267.6 billion nationally. As well as helping to create sustainable and liveable communities, the industry employs a total of 205,100 Western Australians and 2.035 million Australians across the country.

General Comments

UDIA WA fully supports the State Government's Planning Reform Program including the proposed amendments to *Planning and Development (Local Planning Schemes) Regulations 2015* and accompanying Guidelines which seek to improve the management of cash-in-lieu payments for car parking. Increased density and redevelopment in established areas, together with evolving community transport preferences and the emergence of new technologies mean that cash-in-lieu for car parking is likely to become more and more prevalent. Therefore, ensuring that these funds are managed appropriately, efficiently and transparently will become increasingly important and critical to retaining public confidence in the planning framework and development approval process.

UDIA WA supports the principles and intent of the amendments to Planning and Development (Local Planning Schemes) Regulations 2015 (LPS Regulations) in providing an alternative pathway to allow development to proceed with alternative parking arrangements, however further amendments are required to ensure transparency and compliance of the framework.

Specific Comments

Consistency of application

UDIA WA supports the intention to provide a standard and consistent approach in considering variations to minimum car parking standards and encourages uniformity of application across local government. However, the complexities involved are likely to prevent PLPP from being prepared for entire local scheme areas. Whilst the Guidelines permit the preparation of PLPP where there is an overarching planning framework in place, such as an Activity Centre Plan or Precinct Plan, this should be encouraged to enable development to proceed where development constraints mean that parking cannot be provided on-site. This would also provide a more robust and complimentary framework ensuring that cash-in-lieu contributions collected are spent on relevant and intended purposes.

Recommendation

- Local governments are encouraged to prepare PLPP in conjunction with a detailed planning framework such as an Activity Centre Plan or Precinct Plan.

Transparency, Compliance and Enforcement

UDIA WA welcomes the requirements for records of income and expenditure for the operation of the Plan (7.3), including payments received and expenditure of monies on items identified in the Plan. We also welcome provisions regarding clarity around refund options and specific alternative uses for funds with relation to ancillary or incidental purposes within the public realm (Clause 771.7). However, it is not clear if financial reports will be made publicly available. To ensure full transparency and accountability in the management and operation of PLPPs, local government financial reporting should be made available on an annual basis (as a minimum) and be easily accessible on both individual local government and the WAPC's websites. These reports should also be externally audited and reviewed by the WAPC, noting that parties contributing funds should also be given the opportunity to be engaged in the review process.

Another key area of concern is that the proposed regulatory framework fails to set out how compliance with its requirements will be enforced. No penalties for failing to comply with the Regulations or Guidelines are identified or a mechanism established for aggrieved PLPP contributors to escalate complaints. It is imperative that the WAPC adopt mechanisms, procedures and retain sufficient oversight of the governance of PLPPs to safeguard compliance with the Regulations and Guidelines and ensure that local governments manage PLPP funds appropriately and deliver the necessary parking and associated transport infrastructure identified without delay.

UDIA suggests that a sub-committee of the WAPC, or alternatively, an ombudsman be established to investigate complaints and provide independent advice to the State and local governments on the management of PLPP. This sub-committee or ombudsman should be afforded suitable powers to ensure compliance, including the ability to extinguish schemes where compliance with the annual reporting requirements has not occurred. To provide transparency and improve accountability, any actions taken by sub-committee or ombudsman with respect to local government performance should be publicly reported. If required, we would support the adoption of additional legislation, either under the provisions of the Planning and Development Act, or Local Government Act to ensure compliance with the PLPP regulatory framework.

Recommendations

- Local government financial reporting should be made available and easily accessible on both individual local government and the WAPC's websites.
- Annual PLPP reports should be externally audited and reviewed by the WAPC.
- Mechanisms are adopted to ensure local government compliance and enforcement of the requirements of the PLPP framework.
- A process for managing PLPP complaints be established.

Should the Department require any assistance or further information regarding this matter, the UDIA would be delighted to assist. For further information or assistance please contact Chris Green, Director Policy and Research at cgreen@udiawa.com.au or 9215 3400.

Yours sincerely



Tanya Steinbeck
Chief Executive Officer