

Case Note: Shaw and City of Stirling

Car parking requirements and places of worship

In 2017 the City of Stirling refused an application for a place of worship, for reasons which included: failure to meet adequate parking requirements outlined in the City's LPP; and, the potential for the proposed shortfall of parking to cause traffic issues, amenity effects on adjoining properties, and issues of safety for pedestrians and motorists. This decision was reviewed in *Shaw and City of Stirling* [2018] WASAT 81. The Tribunal was not convinced that the demand for parking generated by the development's peak events could be met by the proposed on-site parking and found that a condition limiting the number of attendees... "would be difficult for the respondent to police and enforce". Reciprocal parking arrangements proposed by the applicant, which were likely to have addressed the on-site parking shortfall, were not considered legally binding and therefore did not satisfy reciprocal parking arrangements as provided for by the Local Planning Scheme.

Notably, the SAT determined that the notion of a single land use effectively being granted approval to monopolise the available public car parking space in a locality is contrary to orderly and proper planning, "as such an approach would undermine the potential for other sites in the locality to avail themselves of the same opportunity to access a public resource." Congestion, issues of safety to pedestrians, and effects on local amenity were other reasons which influenced the Tribunal's decision to affirm the City's refusal of the application.

The text in this update has been adapted from the case judgement, available [here](#).