

# **ATTACHMENT TO AGENDA ITEM**

**Ordinary Meeting**

**20 May 2014**

<b>Agenda Item 7.2</b>	<b>Proposed Temporary Car Park - Corner of Wyndham Street and Sobraon Street Shepparton</b>	
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## Greater Shepparton City Council Discussion Paper

**Report to:** Council Briefing  
**Date of meeting:** 26 February 2013  
**From:** Manager Property and Procurement  
**Subject:** **Proposed temporary carpark – corner Wyndham Street and Sobraon Street, Shepparton**

### Conflicts of Interest

Under section 80C of the *Local Government Act 1989* officers and persons engaged under a contract providing advice to Council must disclose any conflicts of interests, including the type and nature of interest.

No Council officers or contractors who have provided advice in relation to this report have declared a conflict of interest regarding the matter under consideration.

### Council Officers involved in producing this paper

**Author:** Manager Property and Procurement and Statutory Planning Officers

**Proof reader(s):** Director Business

**Approved by:** Director Business

**Other:**

### Purpose

This discussion paper provides an update on a proposal to construct a temporary carpark on the corner of Wyndham Street and Sobraon Street, Shepparton, which was proposed to be leased by Council for a period of three years plus an option for a further three years, with provision for termination by either party with three months notice.

Councillors were briefed on 22 May 2012 with information provided on:

- *Indicative carpark layout showing number of spaces available and entry/exit locations*
- *Cost estimates for works / fencing / crushed rock*
- *Consideration of lease charges*
- *Commentary on business case and other relevant issues*

An update is now provided to the Councillors, including information from the earlier briefing included as background material.

Due to the additional works required to establish a temporary carpark as detailed in the draft planning permit, it is not considered appropriate to proceed to enter into the lease and fund the development at an estimated cost of \$77,500.

### PREFERRED OPTION

That the proposed development of a temporary carpark on the corner of Wyndham Street and Sobraon Street, Shepparton be abandoned due to increased cost.

### Background

The corner site on Wyndham Street and Sobraon Street, Shepparton is currently vacant land, which has been identified in the Design Development Overlay No 5 which sets out under its objectives to encourage a prestigious lakeside precinct with iconic architecture at this "gateway" location. The property owner is actively seeking to attract a development partner/tenant.

During the time the site has been vacant it has inadvertently become an informal carpark. It has been proposed to maximise the car parking potential of the site on a temporary basis, with Council improving the site to make it fit for purpose and leasing it for a period of three years, with an option for a further three years. The lease will provide an exit clause for either party to terminate with three months notice. This clause was included in recognition that while a constructed temporary carpark is preferred to the current ad hoc use, it should not be detrimental to future development opportunities.

As the Design Development Overlay does not support the construction of a carpark, a permit is required for temporary use as a carpark.

#### **Discussion Points**

##### **Carparking status previously reported to a Councillor Briefing on 22 May 2012**

A parking utilisation assessment on off-street carparks was carried out on 11 May 2012. It was noted that on-street parking utilisation remained the same as the survey on Friday 7 May 2010. The survey results showed the following:

##### On-Street Parking Supply

There are well over 400 on-street car parks located within a 400 metre walking distance of the subject land (both short and long term).

While unrestricted all day parking is available in the immediate vicinity of this site, recent on-street parking surveys indicate that utilisation of this parking is very high with over 80% utilisation in Welsford Street (Vaughan to Sobraon) and also over 80% utilisation in Sobraon Street (Welsford to Wyndham).

There is other all day parking available in a reasonable walking distance of this area. For example, within 200 metres or 3 minutes walk:

- Maude Street: Sobraon – Swallow (47 bays with an average utilisation of 57%)
- Sobraon Street: Maude – Corio (36 bays with an average utilisation of 73 %)

Please Note that the Sobraon Street centre of road project will add an additional 34 car parking spaces.

The parking availability on other nearby streets is limited and varies.

The Council could consider the conversion of the all day parking in Welsford Street to two hour parking, however this may not serve any benefit as there is already short term carparking available within this area, particularly in off street carparks. Further, this option would further reduce the limited overall supply of all day parking in this area, not add to it. Limited all day parking in this area is evidenced by the utilisation data previously collected. A higher priority to convert all day parking to two hour would be in Vaughan Street (Welsford to Wyndham).

If parking were to cease on the subject land, then the users would need to utilise existing vacant all day parking which as stated is within 3-4 minutes walk of the site, as was the case before the site was cleared. Further, the creation of an all day carpark on this location may simply mean a change in behaviour, ie park at this site rather than in existing vacant all day locations as there has been little increase in new floorspace in this vicinity.

Off-Street Parking Supply

The following table has been extracted from the Parking in Shepparton's CBD Discussion Paper (2011) and incorporates the updated utilisation figures from the survey carried out on 11 May 2012. The table indicates total capacity and time limits for the major off-street car parks in the vicinity of the subject site. It includes council operated and privately owned car parks.

<i>Name</i>	<i>Location</i>	<i>Spaces</i>	<i>Time Limit</i>	<i>Utilisation</i>
<i>Extension of Vaughan</i>	<i>Welsford / Vaughan</i>	80	All Day	11am – 85% 4pm – 49%
Maude St South	Maude & Vaughan	190	3 Hour	11am – 79% 4pm – 66%
K-Mart	Vaughan	253	3 Hour	11am – 58% 4pm – 57%
Aldi	Welsford / Vaughan	98	1 Hour	11am – 74% 4pm – 52%
Butter Factory	Wyndham	86	1 Hour	11am – 50% 4pm – 47%
Shepp Club / 1st Choice Liquor	Wyndham	94	Patrons	11am – 37% 4pm – 47%
		801		

Overall there is sufficient supply of short term car parking to satisfy demand within a reasonable distance from the subject land, given that one and two hour car parks in particular command higher turnover and discourage long term parking. (Note, one hour car parks only apply to private car parks such as Aldi). There is a limited supply of off-street, all day car parking on the western side of the site, however, as outlined above, all day parking is available within a 3 -4 minute walk on the eastern side of Wyndham Street. This supply will be further increased by the centre of road parking in Sobraon Street (see section below for further details).

Car Parking Strategy for the Area

Car parking studies in the Shepparton CBD have been primarily geared towards improving the accessibility and availability of parking to short term users in the CBD. While there has been less analysis on the availability of all day car parking specifically, it has been noted that there is a high utilisation of all-day parking at the periphery of the CBD particularly on the western edge.

The studies that have been undertaken recognise that much of the dissatisfaction of car parking in Shepparton arises from an expectation that we will drive our personal cars to the CBD and park on the street outside our intended destination. An inability to park within a block of our destination is often viewed as a failing of the availability of parking spaces. This attitude results from experience with smaller towns (including Shepparton in times before recent growth) where this is often possible and from comparison to destinations outside the CBD such as the Shepparton marketplace, where the density of development is lower.

The Greater Shepparton City Council car parking strategy includes the following objectives relevant to this proposal:

- Encourage and provide long-term parking to the periphery of the CBD in safe and accessible locations.
- Support multi-deck car parking in the CBD as part of redevelopment opportunities, to enable reduction of on-street car parking in the longer term.
- Balance the provision of parking in the CBD with improving options for public transport, walking and cycling
- In the medium term, improve signage to identify access to and location of car parks within the Shepparton CBD

The Victoria Park Lake Issues and Options Report (2011) states that *“there is no doubt that car parking is often deficient in some parts of the precinct and also generally deficient during larger events. There are areas in the precinct that can be further developed for car parking, but consideration should be given to the frequency of peak demand. If car parking attempts to cater for peak demand, then there will be the majority of the rest of the time when that space is unused and hence wasted as a source of public amenity. It is further recommended that the Council should support more sustainable modes of transport rather than investing in car parking capacity for occasional use.”* (Pg. 80)

There are plans to increase car parking capacity with the implementation of the Victoria Park Lake Master Plan (2008) which proposes:

- Redevelopment of the Aquamoves carpark (between 114 – 215 unrestricted carparks)
- Additional 39 new spaces created along the Aquamoves north boundary
- Wyndham Street upgrade to provide a separate parking lane and safe angle and parallel parking along the park edge.
- Tom Collins Drive improvements including 43 formal carparks.

As part of the Vaughan Street redevelopment and the alteration to carparking in that precinct works were undertaken to provide centre of the road parking in Sobraon Street between Maude Street and Corio Street resulting in an additional 34 spaces within this area.

Summary of situation, strategy and proposal

- There is sufficient short-term (two hour on street and one hour private) car parking available in the area to satisfy demand
- All-day car parking is limited in the immediate vicinity, but is available within a reasonable (3-4 minute) walking distance, mainly to the east of Wyndham Street.
- There are plans to increase car parking capacity in the Victoria Park Lake Precinct
- Works are commencing to add car parking in Sobraon Street which will enhance parking availability within a short walking distance of the area.

#### **Initial indicative carpark layout previously reported on 22 May 2012**

Due to the close proximity of the Sobraon Street intersection and the lack of lateral clearance available for turning left off Wyndham Street into the carpark an entrance off Wyndham Street is not thought to be appropriate.

The entrance would need to be from Sobraon Street for eastbound vehicles only, turning left off Sobraon Street. Westbound vehicles on Sobraon Street would not be able to turn right into the carpark due to the double lines and hence an illegal movement. There have been instances of this happening recently which creates a risk associated with traffic making an illegal and dangerous manoeuvre.

The plan of the gravelled carpark area shows spike down kerbing to define the central parking areas and two-way aisles.

If the carpark was sealed individual parking bays could be line marked and in total 86 parking bays could be provided. However, for an unsealed area the parking would be less efficient as there are no line marks to guide people and therefore in the order of 20% reduction in carparking spaces is expected (i.e. parking for approximately 68 cars). This figure is based on previous observations where gravel carparks have been converted to sealed carparks. A recent example was the sealing of the Hoskin Street carpark.

Discussions relating to this site and surrounding area indicate that it is a popular spot for longer vehicles such as caravans and campers to park. Currently there is an area set aside for long vehicles in Wyndham St adjacent to the Aldi site. An alternative location for consideration has been shown on the parking layout plan attached.

When the Council considers carparking facilities designated accessible parking bays also need consideration. An area capable of servicing 68 vehicles requires two DAPB's. These have been shown on the layout plan and need to be sealed for accessibility; costs have been included in the engineers estimate.

A plan is attached providing details on where current DAPB's are located.

**Cost estimates as at 22 May 2012**

It was originally envisioned that minimal works could be undertaken due to the temporary nature of the carpark, based on levelling the block, possibly spreading some crushed rock and then placing some signage, with a layout to maximise parking yields.

A preliminary cost estimate on this basis was prepared totalling approximately \$21,700 and included the following:

- Supply and place gravel
- Supply and place wheel stops
- Supply and install bollards
- Signage
- Fencing
- Widen driveway entrance off Sobraon Street

The estimate did not include any landscaping, drainage, water treatment improvements or lighting.

**Updated Works and Cost Estimates** - A planning permit was applied for to enable the land to be used as a temporary carpark and public notice given accordingly. A planning permit is required for the use and development of Land for carpark in the Business 1 Zone, Floodway Overlay, Land Subject to Inundation Overlay and Design and Development Overlay. The application was referred to the Goulburn Broken Catchment Management Authority who did not object to the issue of a permit.

A neighbour indicated that they would be an objector to the application if development of the temporary carpark did not meet similar standards as those imposed on his development. They advised that the dust currently generated was affecting the tenants of the Butter Factory Complex, particularly the Butchers Shop and that dust suppression should be a requirement, along with some form of landscaping.

The planning permit application was also referred to Council's engineers. This resulted in a review of the minimum works that would be required, which are set out in the attached draft planning permit. The potential objector has advised that they would not object to the development on the basis of the works required. The conditions required by the draft permit stem from the core matters considered when assessing the application being; traffic, drainage, amenity for surrounding properties and standard design requirements.

The traffic matters considered relate to safe and efficient movements to and from the property and the conditions provided should ensure this. It is envisaged that the land will be formed so that it will drain to the one point, being the legal point of discharge. The spray seal required by the permit conditions will prevent the generation of dust from the site and have the added benefits of making line moving and internal vehicle movements more efficient.

The treatment of a spray seal is considered appropriate in this case given the temporary nature of the use. This same requirement would be applied to any application for a temporary carpark where there is the potential for dust to impact on surrounding land uses. Should it have been an application for a permanent carpark a full bitumen or concrete seal would have been required.

The land is affected by the Design and Development Overlay (DDO), a planning control which is used to ensure the design of precincts adheres to a certain and desired standard. The landscaping is not envisaged to be significant, however is required to provide some visual amenity within locality and so that the Council is seen as maintaining a required standard with development of land.

While the use of the land for a carpark does not accord with the design objectives of the DDO, consideration has been given to its temporary nature, thus making it an acceptable outcome in the short term. Despite this every effort should be made to ensure that expectations are not created that this will become a permanent carpark. These expectations may restrict the future development potential of the land as a gateway site to the CBD.

It is now estimated that the works will cost approximately \$77,500. This does not include the annual rental costs or reinstatement costs (removal of spray seal) at the termination of the lease.

Required works includes

- landscaping
- surfaced with an all-weather spray seal to prevent dust;
- line-marked to indicate each car space and all access lanes;
- treated with measures to prevent damage to fences or landscaped areas on adjoining land and prevent direct vehicle access to adjoining road/s other than by a vehicle crossing;
- treated with traffic control signage and or structures as required;
- The concrete median on Sobraon Street must be extended so as to prevent west moving vehicles from turning right into the carpark; and
- On-street parking on the northern side of Sobraon Street must be restricted so that no standing of vehicles is to occur during the hours of 8:00am-9:00am and 4:00-6:00pm Monday to Friday

#### **Initial Planning Matters**

There are a number of planning considerations that apply to the site. Whilst the planning considerations would mostly apply to a redevelopment on the site, any permit application must be considered against the planning framework that applies.

The site is covered under Design and Development Overlay No 5 and is referenced in the endorsed strategy document "Urban Design Framework Shepparton North and South Business Areas"

Under the strategy document the objectives relevant to this site include:

#### **GATEWAYS:**

##### **Objectives**

- To encourage noteworthy architectural outcomes at specific localities within the precinct to signify significant places.
- To clearly define the major intersection at the north end of the precinct as an important 'decision point' for local destinations.

#### Requirements

- Developments at the intersection of Wyndham St and Sobraon St and at the intersection of Sobraon Street and Welsford Street should provide distinctive architecture to reinforce the intersection and give definition to the edge of the central activities district.
- Built form design at these locations should consist of architectural features or design elements that contribute to its clarity and legibility.

The Design Development Overlay No5 sets out under its objectives to encourage a prestigious lakeside precinct with iconic architecture at this “gateway” location. It makes reference to multi deck car parks but only as part of the building form.

There is no policy support for a development application for the construction of a carpark as it does not support the objectives of the DDO No5 or the Municipal Strategic Statement.

Therefore if an application at this site were to be supported, then it should be subject to a temporary use permit, so that longer term planning objectives for the site are not compromised.

#### **Updated Planning Matters**

A planning permit has not been issued however a draft planning permit has been prepared. The level of construction required by conditions is still to be determined based on what the Council would consider acceptable given that the use will be temporary.

If the Council decided that a gravel surface was acceptable, the Council's Planning Department would advise the abutting property manager as part of the planning permit application process. The abutting property manager would be advised that an objection could be made.

As noted the Planning Department would not, as in standard cases, refer this to the Council's Development Hearings Panel but the Council instead for a decision, given the internal nature of the application (should an objection be made). It should be noted that the Planning Department would make reference to the original recommendation that the carpark should at minimum have a spray seal, but would leave the decision on the standard of construction for the Council.

#### **Initial consideration of lease charges**

No formal valuation was commissioned due to turnaround time constraints and budget provisions.

A valuation on this site would likely justify a commercial rent value, for the owner, based on highest and best use, however as the Council will not be deriving any income any lease payment should be determined by negotiation.

A good reference example however would be recent negotiations with VicTrack over the lease of rail reserve near the Showgrounds. VicTrack valued this land at \$35,000 per annum for lease. They argued that it should be valued at highest and best use, being Commercial rates.

Council officers lobbied against this on the basis that the Council would not derive an income and that it did not want to establish a precedent of entering into commercial leases for community infrastructure such as car parking. VicTrack has conceded by offering a lease at \$2,500 per annum, which is more in line with community lease rates.

While the rail reserve would provide more car parks than the Wyndham/Sobraon land, it has no other real development potential given the constraints of the site. The site under consideration has a significantly higher potential commercial rent value and therefore a lease cost higher than that of the VicTrack lease would be expected, however open to a negotiated outcome which serves both the owners and the Council needs. Currently negotiations indicate a rental of \$14,000 p.a.



**Precedent Issues previously reported on 22 May 2012**

Other locations around the CBD where there are cars parking on vacant private land include Ashenden Street adjacent to the Kmart carpark and the site previously occupied by Ducats Dairy. The Council should consider if a precedent could be set by constructing a temporary carpark at a lower standard at this particular location.

**Staff Advice previously reported on 22 May 2012**

There is no doubt that a temporary carpark on this site would be popular as evidenced by its current informal use and events such as the recent Dragon Boat Races.

The creation of an all day carpark at the subject site could reduce demand on unrestricted on-street car parking in Welsford Street and Sobraon Street. However, while all-day car parking is in high demand in the vicinity of the subject site, all-day car parking is available within a short walking distance. There is also ample short term car parking available in the area. Therefore, there is no need to create additional short term parking in Welsford Street.

If the proposal were to proceed there would need to be a firm plan in place to provide replacement parking options when the site is later developed. This is difficult with an uncertain timeframe though may include developing further car parking along the north edge of Aquamoves.

**Options For consideration**

1. Issue the planning permit and proceed with the construction of the temporary carpark. This option will commit the Council to capital works of approximately \$77,500 and annual lease costs of \$14,000. **Not recommended.**
2. Amend the planning permit to remove the need for the sealed construction of the car park. Implementation of the carpark will commit the Council to capital works of approximately \$21,700 and annual lease costs of \$14,000. This option is subject to potential appeal by the adjoining land owner. **Not recommended.**
3. Not proceed with the proposal to enter into a lease to develop a temporary car park due to the increased cost. **Recommended.**

**Conclusion**

Given the potential additional works and costs involved in establishing a temporary carpark at this site, it is not considered appropriate to proceed to enter into the lease and fund the development at an estimated cost of \$77,500.

**Attachments**

- Draft Planning Permit
- M12/39883 – Earlier Engineers conceptual design provided for Earlier Executive Report

## DRAFT PLANNING PERMIT

<b>DRAFT DATE:</b>	<b>12 October 2012</b>
<b>PERMIT NO:</b>	<b>2012-272</b>
<b>ADDRESS OF THE LAND:</b>	3 Sobraon Street SHEPPARTON VIC 3630
<b>THE PERMIT ALLOWS:</b>	The use (temporary) and development of the land for a car park in the Business 1 Zone, Floodway Overlay, Land Subject to Inundation Overlay and Design and Development Overlay (schedule 5) in accordance with the endorsed Plans forming part of this Permit.

### THE FOLLOWING CONDITIONS APPLY TO THIS PERMIT:

1. Amended Plans Required

Before the use and development starts, amended plans to the satisfaction of the responsible authority must be submitted to and approved by the responsible authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and a minimum of two copies must be provided. Such plan must be generally in accordance with the plan submitted with the application but modified to show:

  - a) The concrete median required as per condition 7 of this permit.
  
2. Layout Not Altered

The use and development as shown on the endorsed plans must not be altered without the written consent of the responsible authority.
  
3. Drainage Discharge Plan

Before the development starts, a drainage plan with computations prepared by a suitably qualified person to the satisfaction of the responsible authority must be submitted to and approved by the responsible authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and a minimum of two copies must be provided. The plans must be in accordance with council's Infrastructure Design Manual and include:

  - a) how the land will be drained; and
  - b) Direction of stormwater runoff (demonstrated by contours), a point of discharge for the lot and independent drainage for the lot.
  - c) The incorporation of Water Sensitive urban Design measures into the design.

Before the use of the car park commences drainage works required by the drainage

plan must be completed to the satisfaction of the responsible authority

**4. Landscape Plan**

Before the use starts a landscape plan must be submitted to and approved by the Responsible Authority. When approved, the plan will be endorsed and will then form part of the permit. The plan must be drawn to scale with dimensions and two copies must be provided. The landscaping plan must show:

- a) a schedule of all proposed trees, shrubs and ground cover, including the location, number and size at maturity of all plants, the botanical names and the location of areas to be covered by grass, lawn or other surface materials as specified;
- b) landscaping and planting within all open areas of the site

All species selected must be to the satisfaction of the responsible authority.

All trees planted as part of the landscape works must be a minimum height of 2 metres at the time of planting.

Before the use starts or by such a later date as is approved by the responsible authority in writing, landscaping works shown on the endorsed plan must be carried out and completed to the satisfaction of the responsible authority.

**5. Construction Phase**

All activities associated with the construction of the development permitted by this permit must be carried out to the satisfaction of the Responsible Authority and all care must be taken to minimise the effect of such activities on the amenity of the locality, including:

- a) Avoiding the transport of mud onto roads;
- b) Minimising the generation of dust during earthworks or vehicles accessing site;
- c) The retention of all silt and sediment on the site during the construction phase, in accordance with the sediment control principles outlined in 'Construction Techniques for Sediment Pollution Control (EPA, 1991)' and;
- d) Maintaining a neat and tidy site.

**6. Car Park Construction Requirements**

Before the development starts plans must be submitted to and approved by the responsible authority. The plans must be drawn to scale and fully dimensioned. When approved the plans will be endorsed and form part of the permit.

Before the use or occupation of the car commences, the area must be :

- a) surfaced with an all-weather spray seal to prevent dust;
- b) line-marked to indicate each car space and all access lanes;
- c) treated with measures to prevent damage to fences or landscaped areas on adjoining land and prevent direct vehicle access to adjoining road/s other than by a vehicle crossing;
- d) treated with traffic control signage and or structures as required;

to the satisfaction of the responsibility authority.

**7. Traffic Control Measures**

Prior to the use of the land commencing the following traffic control works must be carried out:

- a) The concrete median on Sobraon Street must be extended so as to prevent west moving vehicles from turning right into the car park; and
- b) On-street parking on the northern side of Sobraon Street must be restricted so that no standing of vehicles is to occur during the hours of 8:00am-9:00am and 4:00-6:00pm Monday to Friday.

To the satisfaction of the responsible authority.

**8. General Amenity**

The use and development of the land must not adversely affect the amenity of the area, by way of:

- a) processes carried on the land;
  - b) the transportation of materials, goods or commodities to or from the land;
  - c) the appearance of any buildings, works or materials;
  - d) the emission of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit, or oil;
  - e) the presence of vermin, or
- to the satisfaction of the responsible authority.

**9. Permit User**

- a) The use permitted by this permit remains valid only if it is used by the Greater Shepparton City Council.
- b) The permit for use will expire if the lease agreement between the Greater Shepparton City Council and landowner lapses.

**10. Time for Starting and Completion**

This permit will expire if one of the following circumstances applies:

- a) the development and use are not started within **two (2) years** of the date of this permit;
- b) the development is not completed within **four (4) years** of the date of this permit.

The Responsible Authority may extend the periods referred to if a request is made in writing before the permit expires or within three (3) months afterwards.

