

NORTHBRIDGE CAR PARK IMPROVEMENT MASTERPLAN – REPORT ON CONSULTATION PROCESS

ATTACHMENTS:	<ol style="list-style-type: none"> 1. SUMMARY OF EVENTS FROM 2007 TO DATE 2. PREVIOUS REPORT TO COUNCIL 25 AUGUST 2014 3. SUMMARY OF SUBMISSIONS AUGUST – SEPTEMBER 2014 CONSULTATION 4. SUPREME COURT JUDGMENT SUMMARY 5. OWNERSHIP MAP OF THE NORTHBRIDGE CAR PARK 6. AUDIT OF SIGNIFICANT TREES ON NORTHBRIDGE CAR PARK 7. OPTION B - REDESIGN PLAN
RESPONSIBLE OFFICER:	<p>LINDA MCCLURE – STRATEGIC PLANNING MANAGER DAVID SUNG – DESIGN SERVICES MANAGER</p>
AUTHOR:	JANE GIBSON – STRATEGIC PLANNER
CITY STRATEGY LINK:	5.1.2 SUPPORT OUR CENTRES
MEETING DATE:	27 JULY 2015

Purpose of Report

To report on consultation outcomes regarding the redevelopment options for the Northbridge Plaza and Council Car Park improvements that were explored in 2014 and to discuss proposed future action to improve and fund the physical condition of the car park.

The report recommends that Council consider 2 Options:

A – continue the existing programme of remedial works as and when required. (No change to the existing layout)

B- Redesign and resurface to improve size and layout of spaces and pedestrian safety.

Background

A summary of the events concerning the possible Northbridge Plaza and Council car park improvement, commencing in 2007, can be viewed at Attachment 1.

At the Council Meeting of 25 August 2014 a report was considered by Council on the community consultation process regarding the Northbridge Plaza and Council Car Park options for redevelopment (See Attachment 2). At the Meeting, it was resolved that:

1. *Council notes the report submitted by KJA Consultants – AMP and Willoughby City Council, Northbridge Plaza and Council Car Park Consultation Report 13 August 2014.*
2. *The Consultation report be placed on Council's web site for information and comments and participants in the consultation programme be notified.*
3. *Council to incorporate consultation outcomes from both the public consultations (website and comments as noted in point 2) into the options available for Northbridge Car park. Council to consult with AMP and*

Woolworths to establish financial commitment to the project as the major benefactors of this work progressing.

4. A further report be brought to Council on the consultation outcomes and regarding the options available for Northbridge Plaza Car Park improvements.

DISCUSSION

Consultation of KJA Report

As a reminder, the KJA Report highlighted the 3 Options that had been discussed at the community consultation meetings throughout May 2014. In summary those 3 options were:

Option 1 :

Upgrade car park surface, without addressing the slope issue, and undertake adjustments to ensure compliance with Australian Standards for parking.

Option 2

Upgrade to a split -level car park to address the slope with special ramps, upgrade the surface and undertake adjustments to ensure compliance with Australian Standards for parking.

Option 3

Allow the development of approximately 190 seniors living and residential apartments along Eastern Valley Way with the inclusion of a new car park as part of the development. The seniors living would provide an alternative housing choice for ageing Northbridge residents and offer close proximity to amenities. The project would also enable the provision of a new Early Childhood Health Centre (replacing the existing centre on site), some additional retail floor space area and a new café/open space area north of the Plaza. This option would see an increase of 60 public parking spaces and could be cost neutral to Council with the income generated from the development covering the cost of improving the car park. Improvements could be made to Eastern Valley Way for better access into and out of the car park.

The Findings from the various meetings / consultations can be viewed in full in the KJA Northbridge Plaza and Council Car Park Consultation Report at Attachment 2. The report found that the main outcomes of the consultation to be summarised as follows:

1. The majority of people want the car park to be upgraded.
2. 10 storeys is considered too high by the vast majority of people and visual amenity is a concern. Something under 6 storeys is seen as more acceptable and there is opposition to more than 5 storeys on Eastern Valley Way.
3. Most do not want Northbridge to lose its village character.
4. Concern was expressed that this development will set a precedent for future developments.
5. Increased traffic arising from 190 extra apartments in the area.
6. Whether the people living in the new apartments and their visitors will take up space in the Council car park.
7. The additional 60 car spaces in the car park, (Option 3) is seen as the only benefit that the redevelopment will deliver to the community and insufficient.
8. The community wants to retain community land and see an ongoing benefit delivered to them for its use.
9. The community feels that increased pressure on parking will result from the residential development, despite being advised that there will be a separate car park for these residents that includes visitor parking and car share parking.

10. Issues and constraints around the car park and the history of the land ownership are not well understood or accepted. Why has the shopping centre been given the benefit of the car park without having to pay a lease or maintain it?
11. There is a level of mistrust around a potential developer in regard to profit, car parking and calling it seniors housing to gain a developer's advantage.

Following the Council Resolution of 25 August 2014, The KJA Report was placed on Council's "Have Your Say" website from 28 August 2014 until 30 September 2014. A further 17 submissions were received and are summarised at Attachment 3.

The key findings of the public meetings and the Have Your Say consultations appear to be that many people do want an improvement to the car park, however, the overwhelming majority do not want a high rise development in Northbridge.

Main Issues from the most recent August 2014 Consultation

The two main questions which were raised in the most recent submissions related to who were the beneficiaries of the car park and whether a special rate levy could be applied to raise the funds to upgrade the car park.

1. Beneficiaries

Many of the recent submissions suggested that AMP or Woolworths should provide financial contributions to the car park upgrade as they are the main beneficiaries of the site.

Parangool Pty Limited are the owners of the Plaza and AMP are the managers. Woolworths do not own any part of the Plaza. They are tenants in the Plaza subject to a lease agreement with the Plaza owners. Neither Council nor the Plaza owners have any power to impose a levy on Woolworths. They have a long term lease with the Plaza for which they pay a lease fee. Council has no control over any leasing arrangements between AMP and any of the Plaza tenants.

It is not legally possible for Council to force the Plaza owners or AMP to pay for the maintenance of the Council component of the car park. The only mechanism to charge property owners is through rates which are set through rate pegging by the State Government. The car park owned by Council is its responsibility as it is for all Council assets. As indicated on the Ownership Map at Attachment 5, two lots in the car park on Eastern Valley Way are owned by the Plaza which were purchased several years ago to add to the car park. The Council land now used as car park was part of a land swap done in the 1970s with the original Plaza owners. When the transfer occurred, a legal covenant was placed over the title of the car park stipulating that the car park can only be used for a public car park and baby health centre. The Plaza owners are the beneficiaries of that covenant and it can only be removed through a complicated legal process that might involve litigation if the Plaza owners opposed any change. The Plaza managers AMP have stated that they are willing to work with Council to improve the Council car park.

2. Rate Levy

Several submissions suggested a special rate be levied to fund the car park upgrade.

The difficulty with a rate levy would be defining who should be expected to pay the levy. To apply a levy across the whole LGA is difficult as the issue is locality specific. Targeting Northbridge residents and business owners is also likely to be problematic as the difficulty arises where the boundary is drawn who should pay and who should not. Local business owners who do not use the car park are also likely to resist and local residents who do not use the shopping centre are likely to resist. Other users include visitors to Shore School Oval and shoppers from outside the LGA.

Council's previous Financial Services Director has advised that a rate levy of this nature would be difficult to implement. This funding option is not recommended.

Further Meetings with Plaza interests

Further to Item 3 of the Council resolution of 25 August 2014, Council officers have discussed the upgrade of the car park with Woolworths and AMP.

On 10 November 2014, staff from Woolworths met with the Mayor, Cllr Gail Giles-Gidney, former Environmental Services Director Greg Woodhams, Engineering Services Manager, Infrastructure Services David Sung and Strategic Planner Jane Gibson. The car park layout and how it could be improved was discussed. No offers of funding were made. Woolworths staff advised that they had ordered a fleet of trolleys with brakes in order to address the sloping issue at the car park.

On 13 November 2014 staff from AMP met with the Mayor, Cllr Gail Giles-Gidney, former Environmental Services Director Greg Woodhams, Engineering Services Manager, Infrastructure Services David Sung, Economic and Property Development Director Jeff Ellis and Strategic Planner Jane Gibson. AMP staff recognise the need to upgrade the car park, however, they advised that they would only be in a position to provide financial assistance in conjunction with a redevelopment option. AMP acknowledge that Option 3 had not been viewed favourably by the community.

At both meetings it was agreed that Council would continue to have ongoing discussions with both parties regarding the car park.

Council officers had a further meeting with AMP on 23 April 2015 to discuss options to upgrade the car park without any redevelopment for housing.

There has been no further response from AMP on the officers' request that AMP consider a financial contribution to any proposed upgrade.

Future Direction

Given the community reaction to the redevelopment options during and following the workshops in 2014, it is considered that the level of redevelopment that may be acceptable to the community would not be sufficient to finance the upgrade and would not maximise the return to Council and the community on this asset.

Apart from the community opposition, any joint partnership for redevelopment along Eastern Valley Way to pay for the car park upgrade, will be time consuming. This is a project of several years and will further delay a substantial improvement to the car park, other than regular maintenance. Redevelopment would require (among other things):

- the approval of a concept by all parties;
- reclassifying the car park to operational land and rezoning the land through a Planning Proposal and amendment to WLEP 2012;
- a legal agreement between all parties for the development and outcomes;
- a development application and
- a construction plan etc

It is considered that a more appropriate option for Council is to upgrade the car park only, (options described below), to reduce its risk exposure. Redevelopment options can be reconsidered in the medium – long term future when the Plaza site is in need of rebuilding and redesign, at which stage the whole site can be consolidated for redevelopment as a "clean sheet."

Court Case

In July 2015, the Supreme Court NSW Court of Appeal allowed an appeal against Council for damages to the appellant relating to wheeling a shopping trolley in the Northbridge Plaza Car Park owned by Council in June 2011. The claim was that a front wheel of the trolley hit a pothole causing it to tilt to one side and the appellant fell while attempting to stop the trolley from falling. The Court ordered the Council to pay the appellant \$285,000 damages relating to injuries as a result of the fall and the appellant's legal costs for the trial and the appeal. (the Judgment Summary can be viewed at Attachment 4).

During the most recent consultation it has been recognised that there was a need to improve the physical condition of the car park. The Court of Appeal decision reinforces this necessity.

Since the abovementioned accident, over the last 3 years, Council has spent the following sums on the maintenance of the car park:

2012/13 - \$ 38,674

2013/14 - \$120,750

2014/15 - \$ 50,000

There is \$50,000 in the 2015/16 budget for the Northbridge car park maintenance.

Council's works depot staff review the site annually and organise for the maintenance work identified to be undertaken. Any defects found during inspections or reports are attended to immediately by the depot staff. The current maintenance funding is adequate to address maintenance required for safety purposes.

Options for car park upgrade designs

Two options are proposed by Council's Engineers for the improvement of the carpark (separate from any redevelopment considerations) which are discussed below. The options incorporate two parcels of land on Eastern Valley Way owned by the Northbridge Plaza owners (an ownership map is contained at Attachment 5) but do not include the Early Childhood Centre site or the Plaza car park land south of number 7 Eastern Valley Way.

In addition, an audit of existing trees in the car park was undertaken by Council's Landscape Officer who identified significant trees that would be desirable to be retained in the event of an upgrade (see Attachment 6).

The existing car park proposed for improvement has 309 spaces which includes 46 on Northbridge Plaza land, 6 disabled parks and 1 Council cab park. The existing time restriction is 2 hours and applies all day Monday - Sunday. Council rangers patrol the Council component of the car park on a regular basis to enforce the time restrictions. Patrols are escalated during the winter sport season due to the use of the nearby Shore School oval.

The options are summarised below.

Option A

Continued maintenance as currently occurring.

This option involves no change to the existing lighting, layout, levels, pedestrian access and maintains the existing number of car parking spaces. As previously mentioned, the current situation does not comply with current Australian Standards for lighting, slope and pedestrian safety crossings.

This option still retains the existing circulation arrangement with pedestrian and vehicle conflict. \$50,000 is available in the 2015/16 budget for the continued maintenance of the car park and this level of funding is adequate to address risk.

Option B

dimensions

Option B involves the resurface of the existing car park, matching existing levels with a redesign of layout and new lighting at a cost of approximately \$1.15M. A plan of the proposed design can be viewed at Attachment 7.

*- grade
- figures*

The redesigned layout provides a simpler pedestrian route with minimal conflict of movement between pedestrians and vehicles.

Option B allows for the retention of the significant trees identified in the Tree Audit as referred to above and at Attachment 6.

Option B will result in a total of 268 spaces – a reduction of 41 spaces from existing. This is due to the introduction of a pedestrian path, the reconfiguration of the car spaces and additional vehicular circulation aisles.

Option B does not address the sloping issue, however, it will comply with current Australian Standards for lighting, car space dimensions, aisle widths, pedestrian safety crossings and the circulation arrangement for vehicles.

Funding options

There are currently no provisions in the budget for Option B to be undertaken. Further investigation is required to determine the most appropriate solution for meeting the costs of such an upgrade should Council support Option B for further detailed design and consideration. Solutions include the sale of existing Council property, paid parking and contributions from the Plaza owners. As discussed above, a special rate or levy is not considered workable.

Whilst it has been suggested that the Northbridge Plaza owners or major tenants such as Woolworths should contribute to any upgrade costs, to date Council has not received any positive response to this suggestion.

The Plaza owns 46 of the 309 existing spaces which is approximately 15% of the total. At the very least, it is considered reasonable that the Plaza contribute 15% of the costs of any improvements. For Option B, 15% of \$1.15M is \$172,500. Option A (ie current practice) should also receive a similar proportional contribution from the Plaza. If Council was to proceed with Option B without the agreement of the Plaza for their land to be included, 263 spaces can be provided on Council land at an estimated cost of approximately \$1M.

Woolworths discussed a similar option to Option B with Council in the November meeting mentioned previously. The similarity of these 2 options provides grounds for further discussion with Woolworths.

It is desirable to include the Plaza land in both Options A and B, as it contains the entrance and exit to the car park on Eastern Valley Way. However, should the Plaza owners not agree to contribute to the funding, the options can still be undertaken on the Council land only with Option B estimated at approximately \$1M cost to Council (as mentioned previously).

An improved formalised car park would enable paid parking options to be provided through meters or alternative systems.

Northbridge Property Plan

Council's property officers have recently undertaken a review of Council property within the Northbridge area, to ascertain how they can be best utilised to meet the future demand of the community as identified within the Willoughby City Strategy and Council's four-year Delivery Program.

The Northbridge Plaza Car Park was excluded from the review as it was part of a separate planning and community engagement process.

The Northbridge Property Plan identified properties and parts of properties that are surplus to current needs. The sale of Council property(ies) could provide a method of funding for the upgrade of the car park.

Conclusion

The public do not support the scale of redevelopment along Eastern Valley Way which would fund an adequate upgrade to the car park. However, as highlighted by the recent legal action, Council is responsible for the safety of the car park users and needs to find a way to fund improvements in lighting, pedestrian safety and vehicle circulation.

The car park improvement options in this report are presented for Council's discussion. Option B is recommended as the improved pedestrian / vehicular separation will provide a safer option than existing and reduce Council's risk exposure. It provides for the retention of significant trees.

It is recommended that detailed design of Option B be undertaken and options explored for funding including:

- the sale and leasing of Council property in accordance with the adopted Northbridge Property Plan;
- the introduction of paid parking within the existing time limits and;
- further discussion with the Northbridge Plaza managers AMP and Woolworths to provide a one-off financial contribution for the improvement of the car park and an annual contribution for its ongoing maintenance.

OFFICER'S RECOMMENDATION

That:

1. **Council note the community response to the redevelopment options explored under the consultation process during 2014.**
2. **Detailed design works for Option B as contained at Attachment 7 be prepared.**
3. **Alternative options for funding the Northbridge Car Park upgrade and maintenance, including the sale and leasing of land identified under the Northbridge Property Plan and paid parking, be explored and reported back to Council.**
4. **Council advise Northbridge Plaza managers AMP and Woolworths of Council's decision and request they consider a proportional payment to Council for an initial upgrade of the car park and an annual payment for ongoing maintenance.**

5. Council advise all submitters during the first and second stage of consultation in 2014 of the Council decision.