Bayside
CITY COUNCIL

Agenda

For a Meeting of the

Approvals Committee

to be held in the Council Chambers, Civic Centre,
Boxshall Street, Brighton

on

Tuesday, 13 November 2007

Please note that the meeting will commence at the conclusion of the Council Meeting, however, not before 8pm

Councillors:
Cr Alex del Porto (Chairman)
Cr Clifford Hayes
Cr John Knight (Mayor)
Cr James Long
Cr Andrew McLorinan
Cr Michael Norris
Cr Terry O'Brien
Cr Kristin Stegley
Cr Derek Wilson

1.12 ***48-50 TRAMWAY PARADE, BEAUMARIS***
NOTICE OF DICISION TO GRANT A PERMIT
APPLICATION NO: 07/0281 WARD: MOYSEY

Paul Truong, Senior Planner
File No: 07/0281

Application Details

Land/Address:	**48-50 Tramway Parade, Beaumaris**
Application is for:	**Removal of vegetation in a Vegetation Protection Overlay Schedule 3 in association with the reconstruction of a car park**
Melways Reference:	**86 E8**
Ward:	Moysey
Application Number:	07/0281
Applicant's/Owner's Name:	Ron Parker C/-Bayside City Council
Date Received:	26 April 2007
Statutory Days Expiry:	21 August 2007
Senior Planner:	Paul Truong
Zoning:	Business 1
Overlays:	Design and Development Overlay Schedule 1 Vegetation Protection Overlay Schedule 3
Under what clause(s) is a permit required?	42.02-2 (Removal of native vegetation)
Restrictive covenants on the title?	No
Current use and development:	Council car park
Objections:	One (1)

Proposition

It is recommended that a **Notice of Decision to Grant a Permit** be issued subject to conditions.

Proposal

Removal of vegetation in a Vegetation Protection Overlay Schedule 3 in association with the reconstruction of a Council car park.

Subject Site & Locality

An inspection of the site and the surrounding area has been undertaken.

The site has a total area of 1,421 square metres and currently contains:

- A Council car park
- A public toilet
- Twenty-seven (27) trees (24 native trees and 3 exotic trees)

The main site/ locality characteristics are:

- The subject site is located at the north-eastern corner of Tramway Parade and Keys Street. It is currently improved with provision of car park for thirty-seven (37) vehicles, plus public conveniences. Access to the car park is via two (2) vehicle crossings: one near the Tramway Parade intersection and the other is near the laneway next to 22 Keys Street.
- There are twenty-seven (27) trees within the site. Twenty-three (23) are proposed for removal: twenty (20) are native species and three (3) are exotic species. Four (4) remaining trees are native species.
- There are two (2) street trees within the nature strip of Keys Street near the intersection with Tramway Parade (not proposed for removal in the short-term and their removal does not form part of this permit application).
- The adjoining properties to the **north** contain a double storey dwelling at 52 Tramway Parade and a double storey dwelling at 2/30 Bodley Street.
- The properties to the **south** (across Keys Street) contain single and double storey commercial buildings, with some having “shop top” dwellings.
- The property to the **east** (across a laneway) contains a double storey commercial building.
- The property to the **west** (across Tramway Parade) contains YL Yott Reserve at 45 Tramway Parade.

Permit/Site History

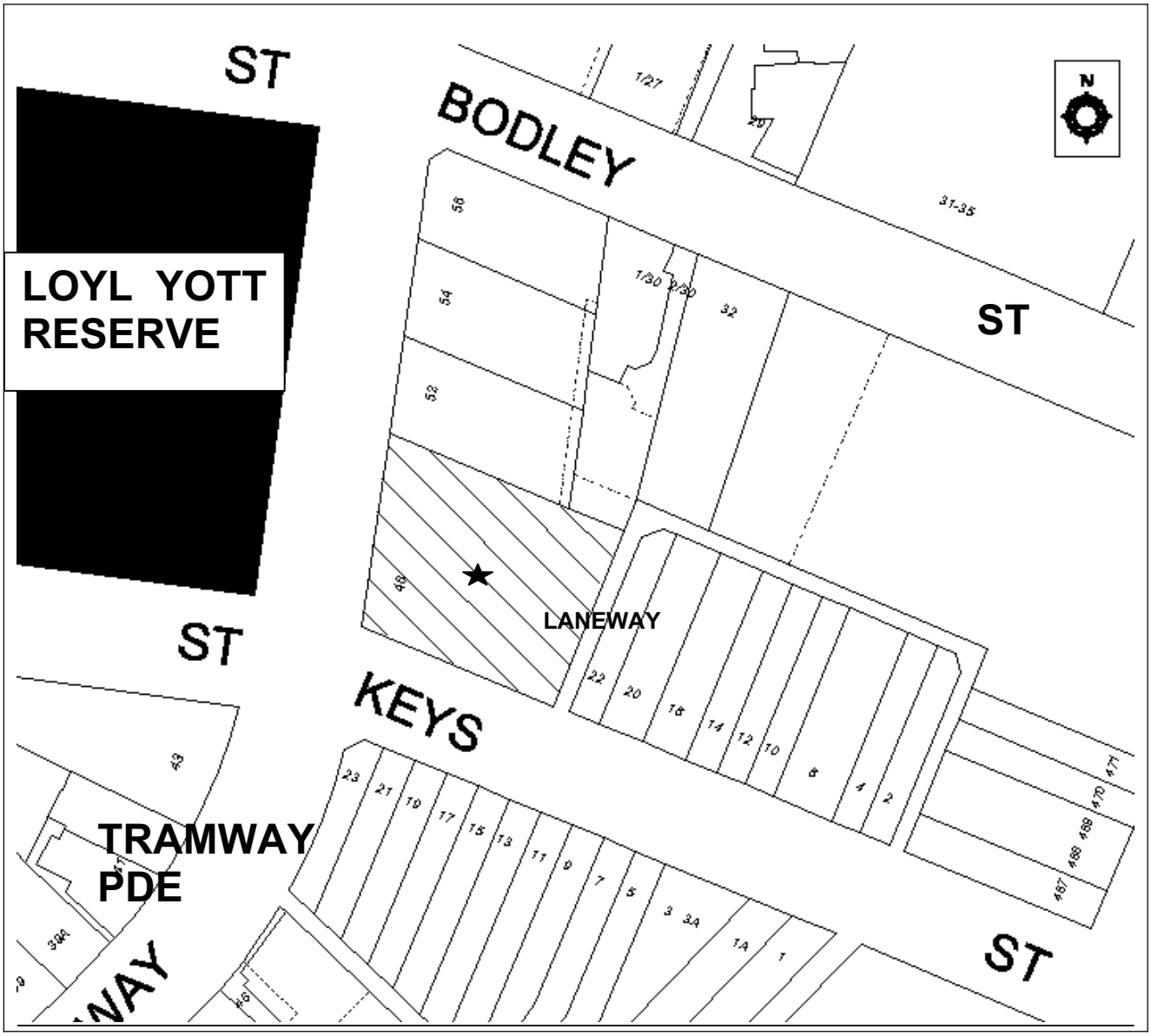
There is no previous planning history associated with the subject site.

Public Notification

The application has been advertised pursuant to Section 52 of the *Planning and Environment Act 1987*, by placing two (2) signs on site.

The notification has been carried out correctly. Council has received one (1) objection to date.

LOCALITY MAP



LEGEND	
Subject site	★
Note: The objector is not shown on the locality map	

The objections received were from:

- R Morris C/- Beaumaris Conservation Society Inc (BCSI)

The key issues that were raised in the objections are:

- Removal of trees
- Relocation of vehicle crossings

Consultation

Consultations were held on 6 September 2007 (two members of the BCSI attended) and 13 September 2007 (four members of the BCSI attended) between members of the BCSI and Council's Landscape Design Coordinator (Ron Parker) (first meeting only), Project Manager (Greg Robb) and Senior Planner (Paul Truong). However, the objection remains outstanding.

In addition, prior to advertising the town planning application, Council officers contacted the BCSI to arrange to meet BCSI members on site to inform them of the design process and to engage the BCSI in a consultative process. One member of the BCSI attended a meeting on site on 23 April 2007.

Referrals

External Referrals/Notices by the Planning Scheme:

Referrals/Notice	Advice/Response/Conditions
Park Victoria	No objection to the removal of vegetation in a Vegetation Protection Overlay Schedule 3.
Department of Sustainability and Environment	No objection to the removal of vegetation in a Vegetation Protection Overlay Schedule 3 subject to a condition to be included should a permit be issued "that all proposed plantings are to be indigenous to the local area".
Section 52 Notices	Two (2) signs were placed on the site.

Internal Council Referrals	Advice/Response/Conditions
Traffic Engineer	No objection to the widening of the crossover to Keys Street.
Arboriculture Officer	Allocasuarina verticillata (Drooping Sheoak – Tree No. 21) and the Eucalypyus leucoxylon 'Macrocarpa' (Yellow Gum – Tree No. 15) are worthy of retention, however, they will unlikely to survive the construction process of the car park and will resulting in either significant loss of car parking spaces or create a hazard for traffic using the car park or Keys Street.

Assessment

Relevant Provisions of the Bayside Planning Scheme

State Planning Policies

- Clause 15.09 Conservation of native flora and fauna – To assist the protection and conservation of biodiversity, including native vegetation retention and provision of habitats for native plants and animals and control of pest plants and animals.

Municipal Strategic Statement

Zoning

- Clause 34.01 Business 1 Zone – To encourage the intensive development of business centres for retailing and other complementary commercial, entertainment and community uses.

Overlays

- Clause 42.02 Vegetation Protection Overlay Schedule 3 – To prevent the loss of native and particularly indigenous vegetation incurred by development; to retain the amenity, aesthetic character and habitat value of Australian native vegetation and indigenous vegetation in particular within the Beaumaris and Black Rock area; and to promote the regeneration and replanting of indigenous species in the Beaumaris and Black Rock area.
- Clause 43.02 Design and Development Overlay Schedule 1 – To protect and enhance the foreshore environment and views of Bayside from Port Phillip Bay.

Summary of Key Issues

The following is a summary of the relevant planning policies considering planning principles and issues raised by the objector.

Existing Conditions

Keys Street is a small strip activity centre, which in recent years has begun a renewal process, primarily due to changes in the use of the buildings within the street, including the change from retail and vacant buildings to 'shop top' housing and office/commercial uses.

A need has been identified to regenerate the streetscape and public car park consistent with the changing activities and uses, including to reflect and respond to the changing uses and associated values, however not compromise the integrity of the streetscape and the historically significant values and characteristics, including its sense of intimacy and community.

The car park is located at the northwest end of Keys Street, with access from Keys Street (two entrances/exits exist) and a lane between the car park and commercial buildings (refer Attachment B, Drawing No. 1).

Some streetscape works as conditions of office/ residential developments, primarily the upgrading of pedestrian paving adjacent to the developments as a condition of the developments, have been undertaken in recent years. However, apart from these works very little street/car park regeneration has been undertaken in the precinct for many years.

The car park is in a state of significant disrepair. The car park paving is disintegrating. The surface has lifted in many areas revealing the subgrade gravel, which has also lifted and is continually distributed across the car park surface due to traffic movements. This has resulted in a safety issue (particularly for people with poor mobility) and unsightly appearance and requires frequent maintenance by Council.

The existing plants are indicative of those commonly planted throughout the 1970s and 1980s. Of the ten (10) species within the car park, two (2) are indigenous to the local area. There is no overall theme to the plantings, many are in a state of decline, some require frequent maintenance due to their inappropriate planting under overhead power lines and a number are contributing to the degeneration of the existing infrastructure due to their root systems/ confined planting conditions.

To inform the design process an objective assessment of the existing trees was undertaken by an independent arboriculturist (Transfield Services Pty Ltd), including an objective assessment of the

vegetation's health, structure, significance, and suitability in a public area. The report identifies that:

- Many of the major trees have caused pavement and kerbing displacement to varying degrees of severity
- Some trees are growing in non-sustainable narrow garden beds and
- A number of the trees were identified as not being significant.

With regards to the most significant tree within the car park, a mature Yellow Gum, (*Eucalyptus leucoxylon 'Macrocarpa'*), the report identified:

- It had been pruned to maintain clearance from overhead power lines
- The foliage was sparse, probably due to the restrictive growing environment in terms of nutrients and moisture and
- That it had a low Useful Life Expectancy (ULE – the period of time a tree could reasonably be expected to be safely maintained in an urban situation).

The report highlighted that if any of the existing trees are proposed for retention, then Tree Preservation Zones (TPZ) should be adopted. With regards to the Yellow Gum the report identified a TPZ of Six (6) metres radius from the outside of the trunk, where it is preferred that no construction occur. This would significantly restrict the design and construction of the car park. The report concluded: "*Based on observations with regard to existing trees the removal and replacement of all existing trees is supported. The use of species that will provide a long-term landscape solution to accompany the re-development of Keys Street and the car park at the Tramway Parade end of Key Street is recommended. All trees have been assessed as 'Reasonable to Remove' subject to an appropriate landscape response.*"

Design Process

Bayside City Council, with landscape architects and urban designers Aspect Studios Pty Ltd, undertook a consultative process that sought to actively engage the community and encourage its meaningful input into the development of a design proposal to rejuvenate Keys Street, including the car park.

Community consultation meetings were held throughout the design phase (23 October 2006 and 12 December 2006) to facilitate community participation in the development of the design, and to demonstrate how the community's input was, where possible, taken into account in the design's development. Traders, residents and property owners attended the community consultation meetings.

Other consultation activities were also undertaken to inform the design, including one-on-one interviews with traders and residents undertaken on site and the completion of a questionnaire by some of the traders, residents and property owners.

Significant issues raised by community members by those that participated in the consultation activities included:

- Poor condition of the street and in particular car park pavement; in addition to the aesthetic consideration the poor condition of the car park pavement was considered a safety issue.
- Need to improve the quality of the existing car park whilst retaining the existing parking capacity.
- Insufficient lighting in the street and car park contributed to concerns regarding safety.
- The close proximity of the existing western car park entrance (two number exist) to the Tramway Parade intersection was considered unsafe.
- Poor condition of the existing public toilet block.
- The poor condition and appearance of the street and car park affected the potential vibrancy of the Keys Street Activity Centre.

The Keys Street Project is to be constructed in two stages. The documentation of the Keys Street Car Park (Stage 1) is currently being finalised to enable construction commencement early 2008, subject to the granting of a Planning Permit. The reconstruction of Keys Street (Stage 2) is to be considered in future Capital Budget processes. To ensure an integrated design response for Keys Street and the car park it was crucial to undertake the design of both components together, regardless of the staged construction program.

Traffic & Car Parking

A number of car park configurations were explored throughout the design phase. Design considerations included: ensure the retention of the existing number of car parks; the consideration of the location and possible retention of the existing vegetation; pedestrian and vehicle safety and other issues. As identified above the close proximity of the existing western car park entrance/exit to the Tramway Parade intersection was considered unsafe. The redesign of the car park also endeavoured to resolve this issue and improve the efficiency of the car park.

The design exercise identified that the only car park configuration that could retain the existing vegetation was the existing configuration; this configuration was considered inefficient. The removal of the western entrance/exit and the widening of the eastern entrance/exit to compensate for the closure of the western entrance/exit to resolve the perceived safety issue with traffic entering Keys Street from Tramway Parade, would further compromise the efficiency of the car park. The most efficient design incorporates the existing laneway into the car park's entrance/exit. Council's Traffic Engineer has been involved in the design process and has no objection to the proposal.

The design team acknowledged the maturity of the existing Yellow Gum and its contribution to the landscape. A number of car park configurations were explored with the view to retaining some of the existing vegetation. However, it was concluded that the construction works would significantly negatively impact the existing vegetation and that a design approach that incorporated high sustainability principles would provide greater long-term benefit.

Given the poor condition of the existing car park pavement, including the subgrade, and to ensure an appropriate "fix" and minimise future maintenance, it was determined that it was necessary to repave the car park. To undertake this task, including undertake the appropriate regrading of the car park, a minimum depth of 230mm would be significantly disturbed. These works would have a substantial negative impact on the existing vegetation as a result of significant disturbance to the existing vegetation's root zone.

To ensure an appropriate ecological sustainable design response the car park design explored and proposes the incorporation of Water Sensitive Urban Design (WSUD) principles and elements. These include the proposed incorporation of WSUD garden beds; garden beds that are constructed of layers of various soil media and associated geofabrics, which filter stormwater, including pollutants that would otherwise flow into the stormwater system and into Port Philip Bay. In addition, the WUSD garden beds collect stormwater and ensure the self-irrigation of the plants planted within them. Only during severe storms would the stormwater overflow directly into the stormwater system.

Significant excavation is required to construct the WSUD garden beds. It is proposed to construct a 425mm deep WSUD garden bed within the middle of the car park and 850mm deep WSUD garden beds along the southern edge of the car park. The excavation associated with the construction of these garden beds would have a significant negative impact on the existing vegetation as a result of significant disturbance to the existing vegetation's root zone.

The car park's design requires the removal of the existing red brick toilet block. The toilet block is in poor condition and was identified throughout the community consultation activities as an element that contributed to the car park as being perceived being unsafe at night due to it screening a large part of the car park from Keys Street and the potential for people to congregate around it. The frequency of use of the toilet block is not known.

The toilet block will be removed and not replaced in the short-term, however all services (e.g. sewer and water) will be relocated to allow a kiosk style toilet to be retrofitted in the longer-term if a need is established. The design of the car park has allowed for the incorporation of a kiosk style toilet in the southwest corner of the car park.

In determining the way forward, and balancing the various competing issues, including the condition assessment and significance of the existing vegetation with the need to resurface the car park and incorporate the WSUD elements, and the detrimental effect construction would have on the existing vegetation, the design team decided that the design proposal, including the incorporation of indigenous plants, is of higher environmental value and sustainability. The design response would contribute to the local ecology (see Landscaping/ Vegetation below) and reduce future maintenance requirements.

This was highlighted at the community consultation meeting of 12 December 2006. The community members present were in agreement that this was an appropriate design response for the long-term benefit of Keys Street and the environment.

Landscaping/Vegetation

The initial design response proposed plant material that is indigenous to the local area with the exception of one species – *Banksia* 'Giant Candles' which is a native. However, the final proposed design response includes only plants that are indigenous to the local area. The proposed plants include the following indigenous species:

	Species Name	**Common name**
TREES	Banksia integrifolia	Coast Banksia
	Bursaria spinosa	Sweet Bursaria
SHRUBS	*Banksia marginata*	Silver Banksia
	Correa alba	White Correa
	Correa reflexa	Common Correa
	Goodenia ovata	Hop Goodenia
	Lasiopetalum bauera	Slender Velvet-bush
GRASSES	*Dianella revolute var. revolua*	Black-anther Flax-Lily
	Dianella tasmanica	Tasman Flax-Lily
	Ficinia nodosa	Knobby Club-sedge
	Juncus ssp	Rush
	Lomandra filiformis	Wattle Mat-rush
	Lomandra longifolia	Spiny-headed Mat rush
	Poa labillardieri	Common tussock-grass
GROUNDCOVERS	*Brachycome parvula*	Coast Daisy
	Kennedia prostrata	Running Postman

The proposed primary overstorey vegetation includes Coast Banksia and Sweet Bursaria. The use of the Coast Banksia makes direct reference to the naturally occurring vegetation along Beach Road (at the end of Keys Street). It is a tree of high landscape value. Its ability to grow well in this environment, including salt laden winds, and its ornamental value will contribute to a high landscape outcome for the car park and Keys Street.

The design response, including the incorporation of indigenous plants and Water Sensitive Urban Design (WSUD) principles, is a response that is of high environmental value and sustainability, including it will contribute to the local ecology and reduce future maintenance requirements, such as an intensive watering regimen.

Council's Parks and Gardens Officer has no objection to the proposed landscape plan.

Vegetation Protection Overlay Schedule 3

The subject site is located within a Vegetation Protection Overlay Schedule 3 which aims is to prevent the loss of native and particularly indigenous vegetation incurred by development; to retain the amenity, aesthetic character and habitat value of Australian native vegetation and indigenous vegetation in particular within the Beaumaris and Black Rock area; and to promote the regeneration and replanting of indigenous species in the Beaumaris and Black Rock area.

The proposal will result in the removal of twenty-three (23) of the twenty-seven (27) trees on the site. It is relevant to note that of the trees removed, twenty (20) are native species and three (3) are exotic species. The remaining four (4) trees being retained are native species. Many of the trees are in a state of decline, some require frequent maintenance due to their inappropriate planting under overhead power lines and a number are contributing to the degeneration of the existing infrastructure due to their root systems/confined planting conditions.

The design team has had a number of consultation meetings with the general public including residents, traders and members of the BCSI on the proposal. It is considered that the proposal will benefit the wider community in the long term. The proposal will improve vehicular and pedestrian accesses for the area. The layout of the car park will provide two (2) additional car spaces to its current number. The new design of the car park will be self sustained with more indigenous species added.

Conclusion

The proposal includes the removal of vegetation in a Vegetation Protection Overlay Schedule 3 in association with the reconstruction of the car park. Numerous studies, consultations with the public and designs have taken place by the design team prior to the decision to apply for approval on the current design.

The application has received one (1) objection to date from the Beaumaris Conservation Society Inc. on the removal of existing trees within the car park. Council's Parks and Gardens Officer has identified two (2) trees, an Allocasuarina verticillata (Drooping Sheoak – Tree No. 21) and the Eucalypyus leucoxylon 'Macrocarpa' (Yellow Gum – Tree No. 15), as being worthy of retention, however, these will unlikely to survive the construction process of the car park and will resulting in either significant loss of car parking spaces or create a hazard for traffic using the car park or Keys Street. It is therefore recommended that the tree removal proposal be approved, subject to conditions.

Recommendation

That Council having caused notice of Planning Application No. 07/281 to be given under Section 52 of the Planning and Environment Act 1987 and having considered all the matters required under Section 60 of the Planning and Environment Act 1987 decides to issue a Notice of Decision to Grant a Permit under the provisions of the Bayside Planning Scheme in respect of the land known and described as 48-50 Tramway Parade, Beaumaris for the removal of vegetation in a Vegetation Protection Overlay Schedule 3 in association with the reconstruction of the car park, in accordance with the application date 26 April 2007, subject to the following conditions, including the specified conditions set out in the Council's "Town Planning Standard Conditions" adopted by the Council on 28 November 2006:-

1. P4 Layout not altered
2. L2 Completion of landscaping
3. L3 Landscaping maintenance
4. T9 Retention of existing street trees

Condition required by Department of Sustainability and Environment

5. That all proposed plantings are to be indigenous to the local area.

6. PT1 Time for starting and completion.

Permit Notes

N7 Retention of existing street trees/protection during construction