

CITY OF BAYSWATER

NOTICE OF DISPOSAL OF LAND

SECTION 3.58 OF LOCAL GOVERNMENT ACT 1995

Notice is hereby given that the City of Bayswater intends to dispose of land by License.

PROPERTY:

Portion of land Lot 100, No. 75 McGilvray Avenue, Noranda, comprising part of the carpark.

Licensor:	The City of Bayswater
Licensee:	Hawaiian Pty Ltd
Purpose:	Continuation of public carpark and access way
Commencement:	1 January 2022
Term:	Ten year period
Consideration:	in-kind maintenance and community funding contributions estimated to be over \$16,050 (exc. GST) per annum
Market Valuation:	Rental value of approximately \$16,050 per annum.

Copies of the disposition of the land by lease of Lot 100, No. 75 McGilvray Avenue, Noranda can be inspected or obtained:

- At the City of Bayswater Civic Centre, 61 Broun Avenue, Morley between the hours of 8:30am to 4:30pm Monday to Friday;
- At the City's Libraries - Morley, Bayswater and Maylands;
- On the City's website at www.bayswater.wa.gov.au; or
- Contacting the City's Commercial Activities and Project Advisor on 9208 2433.

Submissions on the proposed disposition are required to be made in writing and lodged with the **Chief Executive Officer, City of Bayswater, PO Box 467, MORLEY, WA 6943** or can be submitted electronically to mail@bayswater.wa.gov.au on or before **4.00pm, Friday, 15 October 2021.**

ANDREW BRIEN
CHIEF EXECUTIVE OFFICER





**DISPOSAL BY LICENSE
OF PORTION
LOT 100, 75 MCGILVRAY AVE
NORANDA**

**SEPTEMBER
2021**



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1. INTRODUCTION

Public notice is required for proposed disposition of property and land, by way of lease, license or sale pursuant to Section s.3.58 and 3.59 of the *Local Government Act 1995*.

Pursuant to this, the City of Bayswater hereby gives public notice of consideration by the City of Bayswater to enter into a license with Hawaiian Pty Ltd, for the portion of the land at Lot 100, 75 McGilvray Avenue, Noranda known as the carpark at Hawaiian Noranda (Shopping Complex) and Noranda Sporting Complex.

Section 3.58 of the Local Government Act 1995;

- “(3) A local government can dispose of property other than under subsection (2) if, before agreeing to dispose of the property –*
- (a) it gives local public notice of the proposed disposition –*
 - (i) describing the property concerned; and*
 - (ii) giving details of the proposed disposition; and*
 - (iii) inviting submissions to be made to the local government before a date to be specified in the notice, being a date not less than 2 weeks after the notice is first given;*

In summary, the details of the disposition must be disclosed, including the description of the property in question, the consideration (price) and the market value.

The purpose of the license is to facilitate car parking and access through the area for employees, agents, contractors, customers, tenants and visitors.

Public comments are invited on the proposed disposition and the submissions will be considered at the first available meeting of Council after the closing date, should submissions be made.

2. SITE DESCRIPTION

2.1 Location

The subject site is situated at Lot 100, 75 McGilvray Avenue, Noranda and owned in freehold by the City of Bayswater.

The portion of land is level, and of an elongated rectangular shape along the northern boundary of the Lot with an area of approximately 2,740 sqm comprising a carpark of 105 bays, 2 motor cycle bays, verge and a trolley return.

2.2 Zoning

The zoning of the site is as follows:

City of Bayswater – Local Public Open Space

2.3 Description of the Land

Current land use: Public carpark

Land title: Lot 100, No 75, McGilvray
on Deposited Plan D053023
Certificate of Title Volume 1766, Folio 610

2.4 Location Map and Photos



Figure 1 – Location Plan

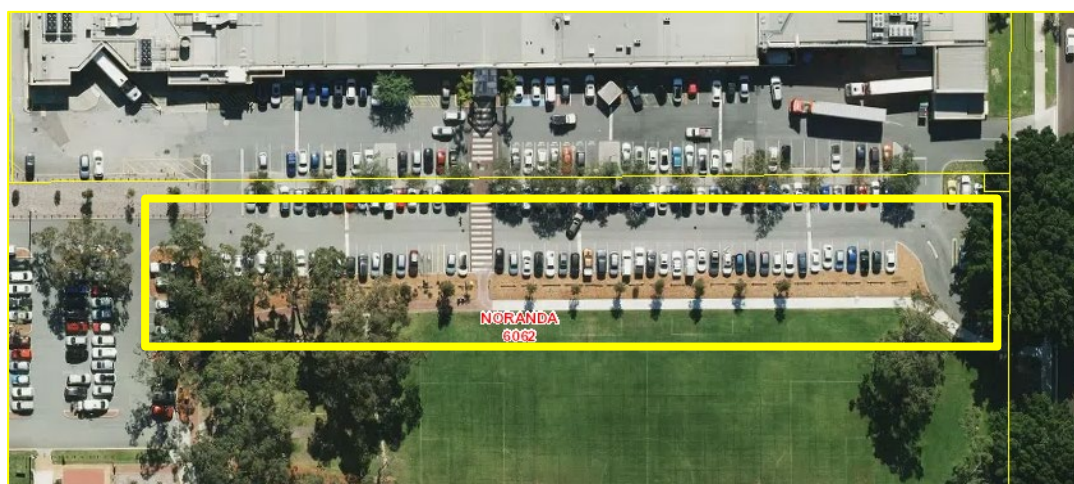


Figure 2 – Subject Carpark land

3. BACKGROUND

The portion of land comprising carpark at Lot 100, 75 McGilvray Noranda supports the function of the Noranda Shopping Centre and the Noranda Sporting Complex with car parking as well as acting as an access way for both facilities.

Hawaiian's Noranda (formerly the Noranda Square Shopping Centre) previously requested a license to use the subject land to construct car parking bays, which were required under the City's (former) Town Planning Scheme No.13 as a part of a development application to extend the floorspace of the shopping centre. The City entered a car parking license with Hawaiian's Noranda on 29 February 1988. The license allowed "the owner, its employees, agents, contractors, customers, tenants and visitors the right to pass through and enter the area for the purpose of parking motor vehicles." In return Hawaiian were required to design and construct the car parking bays on the site.

As Hawaiian were required to design, construct and maintain the car parking bays at their own cost there was no rent paid to the City as a part of the license.

The term of this agreement has now come to an end, hence this proposal to enter into a new agreement.

3.1 Carpark

The carpark is located on an elongated portion of land running along the northern boundary of Lot 100 with an area of approximately 2,740m² comprising a car park incorporating 105 line marked car bays, 2 motorcycle bays and a trolley return (shown in Figure 2).

The carpark does not have a controlled entry or exit and is available for use at all times.

3.2 Purpose of the License

The purpose of the License is to facilitate car parking and access for the Hawaiian owned Noranda (Shopping Centre) by Hawaiian employees, agents, contractors, customers, tenants and visitors and the users of the Noranda Sporting Complex.

The license agreement does not grant exclusive use of the car parking bays to Hawaiian. Other users of the area, such as Noranda Sporting Complex users are permitted to use the bays.

4. KEY TERMS OF LICENSE

Licensor:	City of Bayswater
Licensee:	Hawaiian Pty Ltd
Premises:	Carpark Noranda Sporting Complex Portion of Lot 100, P053023, 75 McGilvray Avenue, Noranda
Licence Area:	An elongated portion running along the northern boundary of Lot 100 with an area of approximately 2,740m ² comprising a car park incorporating 105 car bays, 2 motorcycle bays and a trolley return.
License Commencement:	1 January 2022
License Term:	10 years
Permissible Use:	Public car parking and ancillary uses
Financial Consideration:	No rental amount. Maintenance of the carpark.
Services:	The Licensee is liable to pay all charges for services supplied to the Premises, such as water, electricity, gas and telephone.

5. MARKET VALUATION

In accordance with section 3.58(4)(c) of the *Local Government Act 1995*, the City has obtained the market value of the disposition.

A recent valuation indicates that the market rental value is approximately \$16,050 pa per annum.

6. LODGEMENT OF SUBMISSIONS

Submissions on the intended disposition are to be made in writing and to be received no later than 4.00pm, Friday, 15 October 2021.

Submissions to be addressed to the:

Chief Executive Officer
City of Bayswater 61 Broun Avenue
MORLEY, WA, 6062

For the attention of:
Mr Doug Pearson
Director of Major Projects and Commercial Activities

Submissions may be submitted electronically to mail@bayswater.wa.gov.au

Supporting information only:

Copies of the disposition of land by lease of Lot 100, No. 75 McGilvray Avenue, Noranda, can be inspected or obtained:

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- At any of the City's Libraries – Morley, Bayswater and Maylands;
- On the City's website at www.bayswater.wa.gov.au; or
- Contacting the City's Commercial Activities and Project Advisor on 92208 2433 ;

7. FOLLOWING PUBLIC ADVERTISING

Following the public advertising period, should submissions be received, Council will consider all submissions at the next available meeting and may decide (by absolute majority) to proceed with the disposition in accordance with the provisions of the *Local Government Act 1995*.