

CITY OF BAYSWATER

MINUTES

FOR THE PLANNING AND DEVELOPMENT SERVICES COMMITTEE MEETING

7 November 2017

PLANNING AND DEVELOPMENT SERVICES COMMITTEE MINUTES

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CITY OF BAYSWATER

MINUTES of the meeting of the Planning and Development Services Committee which was held in Council Chambers, City of Bayswater Civic Centre, 61 Broun Avenue, Morley on 7 November 2017 commencing at 6.30pm.

MINUTES

1. OFFICIAL OPENING

The Chief Executive Officer, Mr Andrew Brien, welcomed those in attendance and declared the meeting open for the ordinary business of Committee at 6.30 pm.

1.1 Election of Chairperson

In accordance with section 5.12 of the Local Government Act 1995 the members of the Committee are to elect a Chairperson (presiding member) from amongst themselves in accordance with Schedule 2.3, Division 1. The Chief Executive Officer is to preside at the meeting until the office of Chairperson is filled.

The Chief Executive Officer advised that he had received one nomination for Cr Brent Fleeton, he then called for any further nominations. As there were no other nominations the Chief Executive Officer called for a motion to elect Cr Fleeton.

CR SALLY PALMER MOVED, CR CHRIS CORNISH SECONDED that Cr Brent Fleeton be elected Chairperson.

CARRIED UNANIMIOUSLY: 10/0

At 6:33pm, Cr Brent Fleeton assumed the Chair.

Chairperson to oversee the appointment of Deputy Chairperson.

1.2 Election of Deputy Chairperson

In accordance with section 5.12 of the Local Government Act 1995 the members of the Committee may elect a Deputy Chairperson from amongst themselves in accordance with Schedule 2.3, Division 2.

The Chief Executive Officer called for any nominations for Deputy Chairperson.

CR BARRY MCKENNA, MOVED, CR SALLY PALMER SECONDED that Cr Dan Bull, Mayor be elected Deputy Chairperson.

CARRIED UNANIMIOUSLY: 10/0

1.3 Traditional Owners Acknowledgement

The Chairperson, Cr Brent Fleeton, respectfully acknowledged the past, present and future traditional custodians of the land on which we are meeting, the Whadjuk (Perth) region people of the Noongar nation. Cr Brent Fleeton acknowledged and respected their continuing culture and the contribution they make to the life of this city and this region.

1.4 Declaration of Due Consideration

The Chairperson read the Declaration of Due Consideration and all Councillors present raised their hands to indicate that due consideration was given to all matters contained in the Agenda.

2. ATTENDANCE, APOLOGIES, LEAVE OF ABSENCE (PREVIOUSLY APPROVED) & ABSENCE

<u>Members</u>

Cr Dan Bull, Mayor Cr Chris Cornish, Deputy Mayor Cr Catherine Ehrhardt Cr Brent Fleeton (Chairperson) Cr Stephanie Gray Cr Giorgia Johnson Cr Barry McKenna Cr Sally Palmer Cr Elli Petersen-Pik Cr Filomena Piffaretti

Officers

Mr Andrew Brien	Chief Executive Officer
Mr Des Abel	Director Planning and Development Services
Ms Helen Smith	Manager Planning Services
Mr Matt Turner	Manager Strategic Planning and Place
Ms Wardia Du Toit	PA Director Technical Services
Ms Elizabeth Breen	PA Director Planning and Development Services

Observers

Public - 23 Press 1

Apologies

Cr Lorna Clarke

Leave of Absence

Nil.

3. DELEGATED AUTHORITY BY COUNCIL

Delegated Authority

In accordance with section 5.16(1) of the *Local Government Act 1995* and Council's resolution at its Ordinary Meeting held on 15 November 2016 (Item 13.7) the Planning and Development Services Committee has been granted delegated authority by Council, subject to the limitations on delegation of powers and duties contained in section 5.17 of the *Local Government Act 1995*, therefore, in accordance with section 5.23(1)(b) of the *Local Government Act 1995*, this meeting is open to the public.

Terms of Reference

Planning and Development Services:

To receive reports and make decisions in accordance with delegated authority and to consider reports and make recommendations to Council in respect to issues relating to the delivery of services within the areas of:

- Planning,
- Building,
- Development,
- Policies,
- Regulations and enforcement; and
- all other aspects of the Planning and Development Services of the City of Bayswater.

4. PUBLIC QUESTION TIME

The following questions were submitted both in writing and verbally:

In accordance with section 5.24(1)(b) of the *Local Government Act 1995* and regulation 5(b) of the *Local Government (Administration) Regulations 1996*, time is allocated for questions to be raised by members of the public, as follows:

- (1) The minimum time to be allocated for the asking of and responding to questions raised by members of the public at ordinary meetings of councils and meetings referred to in regulation 5 is 15 minutes.
- (2) Once all the questions raised by members of the public have been asked and responded to at a meeting referred to in sub regulation (1), nothing in these regulations prevents the unused part of the minimum question time period from being used for other matters.

Pursuant to regulation 7(4)(c) of the *Local Government (Administration) Regulations 1996*, questions from the public must relate to a matter affecting a function of the Committee.

In accordance with section 5.25(1)(f) of the *Local Government Act 1995* and the *Local Government (Administration) Regulations 1996* regulation 11(e) a summary of each question raised by members of the public at the meeting and a summary of the response to the question will be included in the minutes of the meeting.

Where a question is taken on notice at the meeting, in accordance with clause 5.6(7)(b) of the *City of Bayswater Standing Orders Local Law 2013* a summary of the response to the question will be included in the minutes for the following meeting of the Committee at which the questions were raised.

4.1 Responses to Public Questions Taken 'On Notice'

Nil.

4.2 Public Question Time

Public Question Time commenced at 6:34pm.

The following questions were submitted both in writing/verbally:

Joyce Nichols - 31 Puttenham Street, Morley 6062

Question 1

The residents want to form a committee to establish the distribution of yearly lease income from the telcos. The local residents should have say in this, because they are being inconvenienced in many ways with the proposed installation of the telecommunications tower. The residents do not want the money to be used for improving Morley Eagles baseball club amenities or any other reason. This income has to be used under the direction of the local residents committee surrounding Crimea reserve.

Answer 1

In the event that the City does receive lease income from the telecommunications tower, that revenue is required to be used to improve or maintain Crimea Reserve or other public open space in the locality. Council is responsible for determining expenditure through its annual budget process. The park users and local community will be consulted on proposals for significant capital works on the reserve.

Question 2

On City of Bayswater website, it clearly states that this council is responsible not only for planting trees in parks and verges but to maintain the trees as well. There are several trees surrounding Crimea reserve that needs pruning. Also, I and many other residents have verge trees that needs pruning. They are causing problems for local people caring for the environment who have installed solar panels and solar HWS. The height of trees are unacceptable and danger to community.

Answer 2

The City of Bayswater is committed to increasing the tree canopy within the City and manages its Urban Forrest in the best interests of its overall community.

The trees on Crimea Reserve have recently been assessed by the City's Arborist and were not considered to be dangerous at this time. With respect to trees obstructing solar panels, please note that the City can consider pruning of trees if they are found to be unreasonably obstructing solar panels and if you are aware of any specific instances where this may be occurring please contact the City's Parks and Gardens services to arrange an assessment of the matter.

Question 3

Why were the rates of City of Bayswater increased last year. They are now one of the highest in the metro area of Perth. Was the increase due to ratepayers money being eroded and/mis-budgeted? The ratepayers demand an explanation.

<u>Answer 3</u>

In 2016-17, the City undertook a review of the Strategic Community Plan in consultation with the community and, as an outcome, services increased; rates are linked to the cost of providing services. A few of the larger projects are listed below:

Description	\$
Purchase of Carters Land (excluding State Government grant)	2,000,000
New footpath construction	553,950
Tree planting and enhanced tree management	400,000
Maylands Lakes project- Stage 1	404,000
Community requests	153,000
IT infrastructure upgrade	436,548
Recreation Reserves development	973,000
Baywater Waves refurbishment	900,000
Maylands Waterland redevelopment	200,000

Other than capital works, Sustainable Environment Services has significant increases in operation expenditure (i.e. \$200k) due to more environmental related initiatives or projects budgeted.

Laurence Butler - 20 Langley Road, Bayswater 6653

Question 1

On 20 June, the Planning Committee passed a motion for the re-development of 39 Hudson St condition 10(B) which states 'finished ground levels at the boundaries of the lots subject to this approval match or otherwise co-ordinate with the existing and or proposed finished ground level of the land abutting.' This condition did not have any rider to say it was subject to any other addition which could be objected to. The condition 10(B) is as voted on by the Planning Committee including the City's elected councillors. The developer illegally built a 1 metre retaining with approval to build being given after the build. This wall was not part of the Committee motion in relation to 10(B). What gives individual council officers the right to over-ride the passed motion of the committee?

Answer 1

The Director Planning and Development Services advised that there is a policy in place regarding retaining walls. If the retaining wall is more than 1 metre high then there is consultation with the directly adjoining landowner but the policy allows for a retaining wall up to 1 metre high as a development right. It is not required to have a written condition on the subdivision approval as it is by right.

Question 2

I now have a planning officer stating that the starting level at the boundary is the finished level of the lots subject to development, how can that be when the finished level is one metre higher?

Answer 2

The Manager Planning Services advised that the base of the retaining wall on 39 Hudson Street along the common boundary with 20 Langley Road matches the existing ground level on 20 Langley Road. It is noted that Condition 10 (b) of the Western Australian Planning Commission subdivision approval does not preclude construction of a retaining wall along the lot boundary in order to co-ordinate ground levels and compliance with this condition will be confirmed when the subdivider applies to the City to clear the conditions of subdivision approval in order to register new titles for the new subdivided lots.

Question 3

Is this a case of council officers covering up poor decision making to facilitate developers at the expense of resident ratepayers?

The Chairperson, Cr Brent Fleeton advised that question 3 is taken as a statement.

Connie Sciullo - connies@westnet.com.au

Question 1

If planning services issue a proposed change of use for a commercial dwelling which is 60 Walter Road DA 17-04 and there is 8 surrounding shops that disapprove wouldn't it be beneficial for the planning department and council to visit the proposed site and find out the reason why the other shop owners have taken the time out of their busy schedule to oppose the change of use in the first place. They received a letter on the 31 October to say that it had been approved, however the planning scheme used was from April 2009 which is no longer relevant to the current circumstances. We ask the Council to help us in a couple of ways - to appoint a town planner with a need to help plan to grow our community as well as a proposal to have both sides of Walter Road to come under Bayswater Council. This problem won't be resolved overnight but however we all need to start working and communicating to achieve a harmonious community and business environment.

I have been in business for 18 years on that road and for 18 years on that road and for 18 years I have struggled and I have had the help of a lot of beautiful councillors along the way to get extra parking into this area. There is a parking shortfall of 16 spaces in one of the bays. I now have a business directly behind me that has come to council been approved and last week had a training course for 28 students that took half of the parking in our vicinity. I had clients that could not park their vehicles along with clients from PC Doctors and patrons of the café. There needs to be a system that someone comes in and has a look at what is going on because we now have another shop for lease and if you go and approve another business and they need 20 to 30 people in that vicinity. I've been told that we are a community people come in their pushbikes. Please come in and visit me cause there is not one bike in that vicinity. So I am asking Council to please communicate with businesses through planning to help us.

We have had several meetings with different Councillors throughout the last couple of years and one was actually just to put a motion forward if the Council would then help to set up a petition to get over the road up until Alexander Drive back into Bayswater Council it was on the agenda quite a few years ago when councils were amalgamating. However that would help with this and obviously the relevance of getting a town planner involved - it is the gateway to Bayswater and if you look at it is quite embarrassing at the moment.

<u>Answer</u>

The Mayor, Cr Dan Bull advised that he has had discussions and the Deputy Mayor as well with the CEO about making contact with the City of Stirling to look at a MOU to work together for a streetscape plan for that area. It is in the early stages and the CEO has only made preliminary steps at the moment, I also plan to contact the Mayor of Stirling as well to talk about what we can do in team orientated way.

The Chairperson, Cr Brent Fleeton advised that a response will be provided in writing

John Thomson - 54 Walter Road West, Bedford

Question 1

We are a Strata title group of stores. We have our own parking areas which are currently being undertaken and overridden by the entire complexes in the surrounding area. Businesses at present time such as the restaurants that have never opened in the past at lunch time are now opening at lunch time and providing and offering the RSL's with the aged care group meetings for lunches. Three buses, four buses from RSL parking in the rear of our shopping area is not much of a disaster but when we have conventions or carrying on from other stores in that local area we are overrun with others that are parked in that general vicinity. Is the strata considered part of non-essential or non-business type through allowed parking from 2009 when parking in the area were available where a building has been erected in lieu of those parking spaces why are we looking at 2009.

<u>Answer</u>

The Chairperson, Cr Brent Fleeton advised that a response will be provided in writing.

Carmine Zollo - 23 Driscoll Way, Morley 6062 - ctzollo@optusnet.com

Question 1

Who was/who were tasked with representing the ratepayers and the City of Bayswater at SAT on, during and after in relation to the Mobile Phone Tower?

Answer 1

The City contracts McLeods Lawyers and Solicitors to represent the City at some Administrative Tribunal matters. Craig Slarke represented the City at the hearing. It is further noted that a City planning officer, Michael Robson provided planning evidence as a witness at the hearing held on 7 June 2017.

Question 2

Where does the City of Bayswater stand on transparency and accountability?

Answer 2

The Chairperson, Cr Brent Fleeton advised that the City has done a lot of work in this area including making sure that limited items are going behind closed doors. The City has put the CEO's KPIs on the website. We could provide a list of various policies that have been enacted in the last couple of years which have progressed with this as the focus point if you would like.

Carmine Zollo requested all questions answered in writing.

Question 3

What are the Council's intentions now in all other matters in dealing with all parties with an interest of/at Crimea Reserve going forward?

Answer 3

The Chairperson, Cr Brent Fleeton advised that the City would engage with the community to make sure that any major capital works is what the community would be happy with. In terms of other aspects, that is up to Council to make that decision when it comes up.

Harry Bouzidis - 21 Parkinson Street, Noranda 6062

Question 1

Who briefs Council at SAT? The council who represents the City of Bayswater - who briefs them before they go to SAT?

<u>Answer 1</u>

The Director Planning and Development Services advised that in terms of Council decision if it goes back to SAT, the Council's decision together with the officers' reports are referred to the

City's solicitors. If required the City's solicitors will seek further clarification or discussion with Council.

Question 2

When we have conflict of officers making a recommendation, council voting against that recommendation - how does that actually work when council is employed to represent the interest of the City of Bayswater are they representing the council decision or resolution or are they being fed the information by staff?

Answer 2

The Director Planning and Development Services advised that the staff would brief the City's representatives based on what the Council resolution as it is the resolution that is appealed to SAT.

Question 3

That would be a very hard task for staff to do when they make a recommendation of a particular item. I am just trying to get my head around this. It is not a debate I am just trying to work out if there is a conflict of interest here and that's where I am heading with this when officers have an opinion council differ from that opinion.

Answer 3

The Director Planning and Development Services advised that as an example, if the officers recommend approval of an application and Council refuses the application and it goes for an appeal - the City's solicitors plus consultants represents Council decision in the appeal process including the hearing.

Ian Gibson - Annies Wood Fired Pizza - pizzas@annieswoodfiredpizza.com

Question 1

Will the council give consideration to opening up the upper and lower portions of the Park and expand our service to allow the lower Tony Di Scerni Pathway morning traffic both pedestrian and bicycle, and pushers and prams etc not have to come up the hill to have a drink and a break and use the toilet facilities and enjoy the wonderful view?

Answer

The question was provided to Councillors in relation to Item 9.1.4.

5. DECLARATION OF INTEREST

5.1 Disclosures at the Planning and Development Services

In accordance with section 5.60A and 5.65 of the *Local Government Act 1995* the following disclosures of financial interest were made at the meeting:

Date	Name	Item No.	Item Name	
7 November 2017	Cr Barry McKenna	9.1.5	Amendment to Town Planning	
			Scheme No 24	
7 November 2017	Cr Giorgia Johnson	9.1.4	Final adoption of Modified Mobile Food Vehicles Policy	

In accordance with section 5.61 of the *Local Government Act 1995* the following disclosures of indirect financial interest were made at the meeting:

Nil.

In accordance with section 5.60B and 5.65 of the *Local Government Act 1995* the following disclosures of proximity interest were made at the meeting:

Date	Name	Item No.	Item Name
7 November 2017	Cr Catherine Ehrhardt	9.1.9	Major Town Centre

In accordance with regulation 11 of the *Local Government (Rules of Conduct) Regulations 2007* the following disclosure of interests affecting impartiality (Elected Members) were made at the meeting:

Date	Name	Item No.	Item Name
7 November 2017	Cr Catherine Ehrhardt	9.1.4	Final Adoption of Modified Mobile Food Vehicles Policy

In accordance with regulation 34C of the *Local Government (Administration) Regulations 1996* and clause 5.5 of the City of Bayswater's Code of Ethics, the following disclosure of interests affecting impartiality (Officers) were made at the meeting:

Nil.

6. CONFIRMATION OF MINUTES

COMMITTEE RESOLUTION

The Minutes of the Planning and Development Services Committee Meeting held on Tuesday, 5 September 2017 which have been distributed, are to be presented for confirmation as a true and correct record.

CR BRENT FLEETON MOVED, CR DAN BULL, MAYOR SECONDED

CARRIED UNANIMIOUSLY: 10/0

7. **DEPUTATIONS**

1. Proposed Two Storey Grouped Dwelling Location: Lot 2, 28B Kelvin Street, Maylands

In relation to Item 9.1.1, Mary Overton (Resident - 45 Mephan Street, Maylands, speaking on behalf of Resident(s) Graeme & Janet O'Donnell - 41 Mephan Street and Wenbo (Amy) Zhang) - 43 Mephan Street) will be in attendance speaking in support of the officer's recommendation (*refer page 8*).

2. Proposed Two Storey Grouped Dwelling Location: Lot 2, 28B Kelvin Street, Maylands

In relation to Item 9.1.1, Fergus Masters (Resident - Unit 8, 24-26 Kelvin Street, speaking on behalf of Resident(s) Emma Kirt - Unit 6, 24-26 Kelvin Street and Kelsie Lewis - Unit 7, 24-26 Kelvin Street) will be in attendance speaking in support of the officer's recommendation (*refer page 8*).

3. Additional Kiosks to Galleria Shopping Centre - Section 31 SAT Reconsideration Location: Lot 213, 4 Collier Road, Morley

At 7.19 pm Cr Eli Petersen Pik left the meeting and returned at 7.21pm.

In relation to Item 9.1.2, Sean Fairfoul (Applicant - Manager Planning, ROWE Group) will be in attendance speaking on the item *(refer page 20).*

CR BARRY MCKENNA DECLARED A FINANCIAL INTEREST

In accordance with section 5.60A of the Local Government Act 1995, Cr Barry McKenna declared a financial interest in this item as he is the Chairperson of Bayswater Community Financial Services and leases from Hawaiian in Noranda Shopping Centre a Bendigo Bank Premises. At 7.21pm, Cr McKenna withdrew from the meeting.

4. Proposed Amendment to Town Planning Scheme No 24 Location: Lot 2, 81 Camboon Road, Noranda

At 7.23 pm Cr Catherine Ehrhardt left the meeting and returned at 7.27pm.

In relation to Item 9.1.5, Lewis Shugar (Town Planner, tpg PLACEMATCH on behalf Hawaiian Investment owner of Noranda Shopping Village) will be in attendance speaking in support of the officer's recommendation *(refer page 66).*

5. Proposed Amendment to Town Planning Scheme No 24 Location: Lot 2, 81 Camboon Road, Noranda

In relation to Item 9.1.5, Gene Koltasz (Managing Director, Coronada Development Service, David Maiorana, Manager for Planning Harley Dykstra on behalf of the owner Bill Ntoumenopoulos - 81 Camboon Road, Noranda) will be in attendance speaking against the officer's recommendation *(refer page 66).*

Cr Barry McKenna returned at 7.35 pm.

6. Maylands Brickworks Reactivation Engagement Plan Location: Maylands Brickworks, 22 Swan Bank Road, Maylands

In relation to Item 9.1.6, Mike Betham (Applicant - Heritage Directorate, DPLH, AiLin Chen-Van Leeuwen - Heritage Directorate, DPLH and John Burgess, Burgess Design Group) will be in attendance speaking in support of the officer's recommendation *(refer page 84).*

8. **PETITIONS**

Nil.

ORDER OF BUSINESS

Items were dealt with in the following order: Items 9.1.1, 9.1.2, 9.1.5, 9.1.6, 9.1.4, 9.1.9, 9.1.7.

All remaining items were carried by en bloc resolution.

COMMITTEE RESOLUTION - EN BLOC RESOLUTION

To en bloc the Officer's Recommendations to Ordinary Items: 9.1.3 and 9.1.8.

CR BRENT FLEETON, CR FILOMENA PIFFARETTI SECONDED

CARRIED UNANIMIOUSLY: 9/0

9. **REPORTS BY OFFICERS (COMMITTEE DELEGATION)**

- 9.1 Planning and Development Services
- 9.1.1Proposed Two Storey Grouped Dwelling
Location: Lot 2, 28B Kelvin Street, Maylands
File Number:File Number:DA17-0403
Applicant:Applicant:Nineteen12
Xuan Qin
Reporting Branch:Responsible Directorate:Planning and Development Services

Confidential Attachment(s) - in accordance with Section 5.23(2)(b) of the Local Government Act 1995 - personal affairs of any person.

EXECUTIVE SUMMARY

Application:

A planning application dated and received 11 August 2017 and plans dated 28 August 2017 have been received for a proposed two storey grouped dwelling at 28B Kelvin Street, Maylands.

Key Issues:

- The proposed development does not meet the lot boundary setbacks and wall height requirements of the Residential Design Codes (R-Codes).
- Impact of the development on the amenity of the area.
- Ten objections were received with concerns raised in relation to amenity and the impact of lot boundary setbacks, height, privacy, fencing and overshadowing.

BACKGROUND

Town Planning Scheme No. 24 Zoning:	Medium and High Density Residential-R40
Use Class:	Grouped Dwelling- 'P'
Lot Area:	202m ²
Existing Land Use:	Vacant
Surrounding Land Use:	Single Houses, Grouped Dwellings, Multiple Dwellings
Size/Nature of Proposed Development:	Proposed Two Storey Single House

The primary consideration in relation to this application is the visual impact of the proposed development on the amenity of the area, and the affected adjacent properties, given the proposal does not meet the lot boundary setback and wall height requirements of the R-Codes, and to consider objections that have been received in relation to the proposed development.

The application is referred to the Planning and Development Services Committee as more than three objections on planning grounds have been received during the consultation process.



CONSULTATION

The City sought comment for the proposed variations from the adjacent affected property owners for a period of 14 days. At the completion of the advertising period, 10 objections were received. The main concerns of the proposal were that the design with the lot boundary setback and wall height variations proposed did not attempt to reduce the impact on the adjoining property and would instead be a bulky structure that would impinge on the amenity of the adjoining properties. Details of the objections, applicant's responses and officer's comments are stated below.

ISSUE	NATURE OF CONCERN	APPLICANT RESPONSE	OFFICER COMMENT
Lot Boundary Setback	The proposed setback variations to the north- eastern boundary are not in compliance with the setback requirements and will not meet the design principles of the R-Codes. There is no attempt to provide relief in the design or reduce building bulk. There is no articulation or stepping to reduce the visual impact of the wall to surrounding properties.	Due to the small size of the block it is difficult to achieve this setback while still retaining a practical internal living space. We have chosen to keep a 1.2m setback to the boundary to not affect privacy to the north-eastern adjoining property. The finished ground floor level of the lower section of the home is also set down from the natural ground level of the adjoining property.	See "Lot Boundary Setbacks" comments.
		We believe that our proposed building being on the southern side this wall will have no impact on the adjoining north- eastern property's ventilation, direct sunlight & will have no overlooking issues as per the Design Principles in 5.1.3.	
Height	The proposed design and the applicable height proposed has not attempted to reduce the impact of the variation proposed. The additional height will set a precedent for the remaining lots on site.	Height 5.1.6, our proposed height is due to the difficult natural gradient of the land. This height also does not	See "Wall Height" comments.

		opening in our proposed dwelling with access to sunlight as the north- eastern adjoining multiple dwelling has a significant height difference and could potentially block sunlight in Winter. Overall we are confident our proposed dwelling does meet the intentions of the R-Codes and will not have any negative impact on adjoining properties.	
Overshadowing	The proposed development will overshadow the adjoining properties and reduce the adjoining properties access to sunlight in their outdoor living areas (particularly the uncovered area) as well as habitable rooms and access to direct sun, especially in winter. This is particularly applicable to the four properties to the immediate south-east of the subject site.	they are located to the	The proposed overshadowing is compliant with the deemed to comply provisions of the R- Codes.
Privacy	Concern the additional building height will increase the privacy impacts on the adjoining properties and the views of the adjoining properties. Also concern the future deck by the owner on the eastern side of the dwelling will have a significant impact on the adjoining properties, in terms of privacy and associated impacts.		with the R-Codes deemed to comply
Fencing	Concern any existing fencing is to be relocated or replaced. Concern there is some clarification required with regard to the existing fencing not matching up on the	No existing fences will be relocated.	Any amendment to dividing fencing is required to be in consultation with the adjoining owner in accordance with the <i>Dividing Fences Act</i>

7 NOVEMBER 2017

plans. 1961.

ANALYSIS

Key Scheme Provisions	Required	Provided	Assessment
Minimum Setbacks:			
Front (South)			
Lower (Garage)	Nil	Nil	Compliant
(Total length)	1.5m	3.11m	Compliant
Upper (Total length)	1.6m	3.11m	Compliant
Side (West)			
Lower (Bed 2)	1.0m	4.136m	Compliant
(Total Length)	1.0m	4.136m	Compliant
Upper (Bed 3- Bath)	2.8m	4.136m	Compliant
Side (East)			
Lower (Total Length)	1.0m	4.1m	Compliant
Upper (Total Length)	3.0m	4.1m	Compliant
Rear (North)			
Lower (Total Length)	2.4m	1.2m	Variation
Upper (Total Length)	1.6m	1.2m	Variation
Maximum Building Height:			
Wall Height	6.0m	6.9m	Variation
Roof Pitch Height	9.0m	7.8m	Compliant
Minimum Open Space	45%	66.19%	Compliant
Maximum Overshadowing of Adjoining Property (Parent Lot - South-East)	35%	6.7%	Compliant
(South-West Adjoining Lot)	35%	5.6%	Compliant
Minimum Parking	2 car bays	2 car bays	Compliant

Site Context

The proposed development is located within a residential zone and surrounded primarily by two storey single houses, grouped dwellings and multiple dwellings. The subject development is located on the rear lot of an approved three lot subdivision with common driveway access and an existing dwelling fronting Kelvin Street.

Lot Boundary Setbacks

The lot boundary setback variations are to the rear (northern boundary) on the ground and upper floor levels. The property to the immediate north is a two storey multiple dwelling complex which is setback a minimum of 4m from the common boundary.

The proposed variations of 1.2m to the ground floor and 0.4m to the upper floor are not considered to result in an undue impact as the lower portion of wall contains mainly highlight windows, whilst the upper floor contains only highlight windows which are not considered to will impact privacy. The built form along this northern façade is a simple section of wall which contains limited design features and articulation. However the presence of heavy landscaping along this common boundary and the fact the site abuts the rear of the adjoining property assists to reduce its impact.

In addition given the mainly east-west orientation of the subject lot any overshadowing derived from the building will fall to the south and away from this boundary. On this basis the variation is supported.

Wall Height

The proposed external wall height at 6.9m presents a variation of 0.9m (15% increase) to the requirements of the R-Codes. This height variation is principally attributed to the fall of the land to the eastern side of the block and the retention of a consistent floor level in the eastern half of the dwelling. The dwelling presents limited design features and articulation in its built form with a boxy type appearance which exacerbates the bulky impact of the design.

It is noted that whilst this section of wall has a compliant lot boundary setback and overshadowing to the east, the impact of the wall is significant and will reduce the amenity of the blocks to the south-east along Mephan Street and their rear outdoor living areas. It is considered that additional height could be taken out of the ground floor ceiling height to assist in a reduction of its scale and a stepped roof design along with the addition of design features and finishes to break up the sections of wall. On this basis the variation to the external wall height is not supported.

Overshadowing

The proposed overshadowing from the building is compliant with the provisions of the R-Codes at 6.7% of the adjoining site with a maximum permitted overshadowing of 35%.

In light of the above, cumulatively, the variations proposed to the relevant R-Codes requirements, result in a development which is considered excessive in scale and bulk and would unduly impact adjoining properties and the amenity of the area.

OPTIONS

The following options are available to Council:

- 1. Council refuses the proposal.
- 2. Council approves the proposal with or without conditions.

CONCLUSION

In light of the above assessment of the proposed development, the application is recommended for refusal.

FINANCIAL IMPLICATIONS

Not applicable.

STRATEGIC LINK

In accordance with the City of Bayswater Strategic Community Plan 2017-2027, the following applies:

Theme: Our Built Environment

Aspiration: A quality and connected built environment.

Outcome B1: Appealing streetscapes.

Outcome B3: Quality built environment.

COUNCIL POLICY AND LEGISLATIVE IMPLICATIONS

- City of Bayswater Town Planning Scheme No: 24;
- City of Bayswater local planning policies; and
- State Planning Policy 3.1 Residential Design Codes.

VOTING REQUIREMENTS

Simple Majority required.

ATTACHMENTS

- 1. Plans for Development
- 2. Submission Location Plan (Confidential)

COMMITTEE RESOLUTION

(OFFICERS RECOMMENDATION)

That Council refuses the planning application dated 11 August 2017 and plans dated 28 August 2017 for the proposed two storey grouped dwelling at Lot 2, 28b Kelvin Street, Maylands, for the following reasons:

- 1. The proposal does not comply with the wall height requirements of the Residential Design Codes.
- 2. The proposal is considered to have an undue impact on the amenity of the area.
- 3. The proposal is considered to be inconsistent with the orderly and proper planning of the locality.
- 4. Consideration of the submissions received.

CR BARRY McKENNA MOVED, CR CHRIS CORNISH, DEPUTY MAYOR SECONDED CARRIED UNANIMIOUSLY: 10/0

Attachment 1





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GENERAL NOTES: DO NOT SCALE FROM THESE DRAWINGS. DIMENSIONS MUST BE FOLLOWED AND CHECKED ON SITE PRIOR TO THE COMMENCEMENT OF ANY WORKS. ANY DISCREPANCIES MUST BE VERIFIED WITH THE BUILDER. AIL DIMENSIONS STATED RELATE TO BRICKWORK ONLY. NO ALLOWANCE HAS BEEN MADE FOR PLASTER OR ANY OTHER WALL FINISH. CARE SHOULD BE TAKEN TO INCLUDE SUCH ALLOWANCES FOR CLEARANCE OF FUTURE FITTINGS AND FIXTURES. THE BUILDER RESERVES THE RIGHT TO CONSTRCT THE ROOF FRAME USING A COMPOSITE SYSTEM OF EITHER HARDWOOD AND/OR PINE.	CONSTRUCTION NOTES: EXTERNAL WALLS CONSIST OF 230mm WIDE CAVITY BRICK CONSIST OF 230mm LEAF & 90mm INTERNAL LEAF. ALL INTERNAL WALLS ARE PLASTERED UNLESS NOTED OTHERWISE. FINAL POSITION OF DOWNPIPES ARE AT THE DISCRETION OF THE ROOF PLUMBER AND MAY VARY FROM PLAN. CEILING INSULATION TO HOUSE TO BCA REQUIREMENTS. PROVIDE HOOP IRON HOLDING DOWN STRAPS TO A.S. 4055.	ENGINEERS NOTE: ALL ENGINEERS NOTATIONS, BEAM LAYOUTS AND STRUCTURAL COLUMNS AS PER ENGINEERS DRAWINGS.	FLASHING NOTE: ALL CAVITY CLOSERS AND STRUCTURAL COLUMNS TO BE FLASHED WITH ALCORE FLASHING AS PER A.S.
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UPPER FLOOR	68.43	35.28
	136.86 m ²	76.22 m

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9.1.2 Additional Kiosks to Galleria Shopping Centre - Section 31 SAT Reconsideration

Location: Lot 213, 4 Collie	r Road, Morley
File Number:	DA15-0795
Applicant:	Rowe Group
Owner:	Federation Manager Ltd / Perron Investments Pty
	Ltd
Reporting Branch:	Statutory Planning Services
Responsible Directorate:	Planning and Development Services
Refer:	Item 9.1.6: PDSC 05.09.2017
	Item 9.1.4: PDSC 18.07.2017
	Item 8.1.6: PDSC 21.02.2017
	Item 10.9: OCM 25.10.2016
	Item 10.2: OCM 13.09.2016
	Item 11.1.15: OCM 17.11.2015

EXECUTIVE SUMMARY

Application:

In accordance with orders from the State Administrative Tribunal (SAT), pursuant to Section 31 (1) of the *State Administrative Tribunal Act 2004*, the SAT has invited Council to reconsider its decision made at the 5 September 2017 Planning and Development Services Committee meeting, in relation to the appropriateness of Condition 1(b) in the approval for additional kiosks to Galleria Shopping Centre at 4 Collier Road, Morley.

Key Issues:

- Council at the Planning and Development Services Committee meeting held on 5 September 2017 resolved that the application for approval for additional kiosks to Galleria Shopping Centre be approved subject to conditions.
- Reconsideration of the appropriateness of Condition 1 (b) relating to minimum kiosk clearance widths in light of the joint position of the applicant's egress consultants and the City's peer review consultants.

BACKGROUND

Town Planning Scheme No. 23 Zoning:	Morley City Centre - Residential R80 - Precinct 12: City Centre				
Use Class:	Shop - 'P', Restaurant - 'P', Office - 'P'				
Lot Area:	17.65 hectares				
Existing Land Use:	Galleria Shopping Centre				
Surrounding Land Use:	Showrooms, Shops, Offices, Morley Bus Station and Car Parking				
Size/Nature of Proposed Development:	Kiosks within Shopping Centre Walkways				

The application for additional kiosks to the internal walkways of the Morley Galleria Shopping Centre is currently the subject of an appeal/review submitted to the SAT.

Council at its Planning and Development Services Committee meeting held on 5 September 2017 reconsidered the application under Section 31 (1) of the *State Administrative Tribunal Act 2004,* and resolved as follows:

"That:

- 1. Council grants planning approval for additional kiosks to Galleria Shopping Centre at Lot 213, 4 Collier Road, Morley, in accordance with planning application dated 22 December 2015 and plans dated 27 June 2016, subject to the following planning conditions:
 - (a) The development shall be carried out only in accordance with the terms of the application as approved herein, and any approved plan.
 - (b) A minimum clear width of 5.0m shall be maintained across all malls at all times, with 2.5m clear width each side of any kiosk obstructions, and this also includes kiosks CML1, CML5, CML22 and CML Dymocks.
 - (c) Kiosk clearance areas shall be marked with permanent tile markers or similar within 28 days of the issue date of this 'approval to commence development', to the satisfaction of the City of Bayswater.
 - (d) The Kiosk Management Plan dated 26 June 2017 shall be updated to reflect a permanent method of marking the kiosk clearance areas, and the updated plan be complied with, to the satisfaction of the City of Bayswater.
 - (e) A building approval certificate application in accordance with sections 51, 52 and 54 of the Building Act 2011, and regulation 4 of the Building Regulations 2012 shall be submitted to and approved by the City of Bayswater within 28 days of the issue date of this 'approval to commence development'.

Advice Notes:

- (a) This approval is not a building permit or an approval under any other law than the Planning and Development Act 2005. It is the responsibility of the applicant/owner to obtain any other necessary approvals, consents and/or licenses required under any other law, and to commence and carry out development in accordance with all relevant laws.
- (b) This approval is not an authority to ignore any constraint to development on the land, which may exist through contract or on title, such as but not limited to an easement or restrictive covenant. It is the responsibility of the applicant/owner to investigate any such constraints before commencing development.
- 2. The City writes to the applicant that the City's Disability Access and Inclusion Committee has the following concerns around access:

'The pedestrian access around the additional kiosks, specifically those placed between Kmart and Coles through to Woolworths and Target, is not conducive to access or ease of flow for people, including the elderly, those with prams and children, wheelchair users, users of walking aids and the visually impaired."

Condition 1 (b) of the officer's recommendation stated as follows:

- "1 (b) A minimum clear width of 5.0m shall be maintained across all malls at all times, with 2.5m clear width each side of any kiosk obstructions, excluding the following kiosks:
 - (i) Kiosk CML1 Minimum clear width of 3.7m across the mall;
 - (ii) CML22 Minimum clear width of 4.5m across the mall; and
 - (iii) CML Dymocks Minimum clear width of 1.8m to the sides."

Council changed the officer's recommendation as it was of the opinion that Condition 1 (b) should be modified to ensure all kiosks are compliant with the minimum clearance width of 5.0m across all malls and 2.5m clearance width each side of any kiosk obstructions at all times.

The applicant has advised that Condition 1 (b) of the City's approval is not acceptable given that kiosks CML1, CML22 and CML Dymocks will require relocation or removal in terms of this condition and SAT has made further orders that the City is to reconsider the appropriateness of this condition under Section 31 (1) of the *State Administrative Tribunal Act 2004*.

SAT is aware of the officer's recommendation and has also ordered that if the Council resolves to reaffirm the imposition of Condition 1 (b) then further detailed reasons for the decision and any related supporting information are to be provided so that SAT can give due consideration to the Council's reasons when determining the application.



CONSULTATION

The City previously sought comment for the proposed variation to car parking requirements from the adjacent affected property owners for a period of 14 days as detailed in the agenda report to the Planning and Development Services Committee meeting on 21 February 2017. In accordance with the *Planning and Development (Local Planning Schemes) Regulations 2015*), comment was sought from property owners and occupiers adjacent to the shopping centre who were likely to be affected by the granting of development approval and not from tenants of the shopping centre itself. At the completion of that advertising period, no objections were received.

ANALYSIS

Condition 1 (b) of the City's approval relates to the requirement to maintain minimum clear widths across all malls in the shopping centre to ensure that the kiosks positioned within the malls will not adversely impact the flow of occupants to an exit in the case of a fire or other emergency.

In terms of the condition, a minimum clear width of 5.0m is required to be maintained across all malls at all times, with 2.5m clear width each side of any kiosk obstructions. However, both the applicant's consultants and the peer review consultants appointed by the City previously concluded that reduced minimum clear widths are acceptable for kiosks CML1, CML22 and CML Dymocks as detailed below. It is also noted that there is no new information relating to the matter to that previously provided to Council at the Planning and Development Services Committee meeting held on 5 September 2017.

Arup Egress Review Report

An updated egress review report dated 31 August 2017 was previously undertaken by Arup Pty Ltd on behalf of the applicant to determine whether the kiosks positioned within the malls of the Galleria Shopping Centre will adversely impact the flow of occupants to an exit in the case of a fire.

The report concluded that the flow of occupants to an exit would not be adversely impacted provided that certain measures to maintain minimum clear widths across the malls are implemented. The report noted that in general a minimum clear width of 5.0m should be maintained across all malls, with 2.5m clear width each side of any kiosk obstructions. The Exit Location and Width Plans (Attachment C - Exit Widths) contained in the Arup report indicates the clear width measurements of all of the subject kiosks in the shopping centre. These plans show that the required minimum clear widths of 5m across malls and 2.5m on each side of the kiosks are maintained with the exception of four kiosks (CML1, CML5, CML22 and CML Dymocks) which are highlighted on the plans contained in <u>Attachment 2.</u>

The report noted that while CML1 and CML22 do not comply with the aforementioned minimum widths, these widths are derived from a worst-case scenario and when considered individually on their merits the kiosks have sufficient minimum clear widths. The clearance widths to kiosks CML Dymocks and CML5 were however considered by Arup to be compliant. In the case of CML Dymocks the egress route is only considered relevant for occupants exiting Dymocks and the clear width is sufficient for this purpose, and complies with the requirements of the Building Code of Australia. In the case of CML5 given that clear widths may be aggregated, there is a total side clear width of 5.5m which complies with the minimum 2.5m width requirement.

Peer Review of the Arup Egress Review Report

The updated Arup egress review report dated 31 August 2017 was previously peer-reviewed by Wood & Grieve Engineers as were earlier versions of the Arup report in accordance with the Council resolution at the Planning and Development Services Committee meeting held on 18 July 2017. Wood & Grieve noted that they have no major concerns with the outcomes and recommendations of the updated report. The requirements and minimum widths of 5m across malls and 2.5m on each side of the kiosks will need to be maintained at all times. Insofar as the kiosks which do not appear to comply with the aforementioned minimum widths are concerned, Wood & Grieve concluded that the egress widths and comments are considered reasonable as detailed below.

Egress Width adjacent to CML1

The egress width and comments in the revised review are considered reasonable. Wood & Grieve note that the revised review only considers egress for occupants within the mall, and that Kmart occupants are assumed to evacuate independently, accordingly a Kmart fire scenario should also be considered as it will likely result in occupants travelling into the mall and passing CML1. It is also noted that while this fire scenario has not been assessed, given Kmart is provided with dedicated exits (i.e. rear exits) and the mall would allow for approximately 880 people (based on BCA calculations and $2 \times 3.27m$ egress width), Wood & Grieve do not believe this scenario will provide negative results. Nevertheless, this scenario should be included for completeness.

Egress Width adjacent to CML22

Wood & Grieve has advised that the egress width and comments in the revised review are considered reasonable. There are no concerns with this item.

Egress Width adjacent to CML Dymocks

Wood & Grieve has advised that it is noted that the egress route is only considered relevant for occupants exiting Dymocks and the clear width is sufficient for this purpose.

Egress Width adjacent to CML5

Wood & Grieve has advised that it is noted there is a minimum clear width of 3.7m in addition to the 1.8m clear width adjacent to the kiosk. The kiosk is considered compliant with the minimum 2.5m clear side width requirement given that the clear width may be aggregated, resulting in a total side clear width of 5.5m.

The City's Building Services has examined the Arup egress review report dated 31 August 2017 and is satisfied that the report meets the requirements of the Building Codes of Australia.

OPTIONS

The following options are available to Council:

- 1. Council reconsiders and reaffirms Condition 1 (b).
- Council reconsiders and amends Condition 1 (b) in accordance with the previous officers' recommendation as reported to Council at the Planning and Development Services Committee meeting held on 5 September 2017, which provides for reduced minimum clear widths to Kiosks CML1, CML22 and CML Dymocks.
- 3. Council reconsiders and amends Condition 1 (b) in an alternative manner.

CONCLUSION

In light of the above, if Council reaffirms Condition 1 (b) then further detailed reasons for this condition together with any additional supporting information should be provided.

FINANCIAL IMPLICATIONS

A final hearing on the application is scheduled by SAT for 28 November 2017. Should Council reaffirms Condition 1 (b) and SAT subsequently determines to amend Condition 1 (b), the SAT member has advised that the applicant may have the option of seeking a cost order.

STRATEGIC LINK

In accordance with the City of Bayswater Strategic Community Plan 2017-2027, the following applies:

Theme:	Our Built Environment
Aspiration:	A quality and connected built environment.
Outcome B1:	Appealing streetscapes.
Outcome B3:	Quality built environment.
Theme: Aspiration: Outcome E2:	Our Local Economy A business and employment destination. Active and engaging town and city centres.

COUNCIL POLICY AND LEGISLATIVE IMPLICATIONS

- City of Bayswater Town Planning Scheme No. 23;
- City of Bayswater local planning policies, including Morley Activity Centre Structure Plan;
- Building Act 2011;
- Building Regulations 2012; and
- Building Code of Australia.

VOTING REQUIREMENTS

Simple Majority required.

ATTACHMENTS

- 1. Plans for Development.
- 2. Updated Arup Egress Review Report 31 August 2017.
- 3. Wood and Grieve Review of Updated 31 August 2017 Arup Report.

OFFICER'S RECOMMENDATION

That, Council reaffirms Condition 1 (b) of its decision made at the Planning and Development Services Committee meeting held on 5 September 2017 (Item 9.1.6) relating to additional kiosks to Galleria Shopping Centre at Lot 213, 4 Collier Road, Morley, Council provides the following additional reasons and information in support of Condition 1 (b):

3.

REASON FOR CHANGE

Council was of the opinion that its previous decision relating to this matter is reasonable and accordingly declined the offer from the State Administration Tribunal to reconsider that decision.

COMMITTEE RESOLUTION

That Council declines the offer from State Administrative Tribunal to reconsider its decision on this matter.

CR CHRIS CORNISH, DEPUTY MAYOR MOVED, CR DAN BULL, MAYOR SECONDED CARRIED: 9/1

FOR VOTE:Cr Dan Bull, Mayor, Cr Chris Cornish, Deputy Mayor, Cr Brent
Fleeton, Cr Stephanie Gray, Cr Filomena Piffaretti, Cr Giorgia
Johnson, Cr Barry McKenna, Cr Sally Palmer, Cr Elli Petersen-Pik.AGAINST VOTE:Cr Catherine Ehrhardt

Attachment 1





Attachment 2

Your ref Our ref 256847-00 File ref

Mike Barrington Centre Manager - Galleria Vicinity Centres Cnr Collier & Walter Roads Morley WA 6062

31 August 2017

Dear Mike,

Galleria Shopping Centre Kiosk Egress Review, Revision H ARUP

Level 14 Exchange Tower 2 The Esplanade Perth WA 6000 PO Box 5750 St Georges Terrace Perth WA 6831 Australia t +61 8 9327 8300 f +61 8 9221 5262 christie.cook@arup.com www.arup.com

1 Introduction

It is understood that City of Bayswater highlighted a number of kiosk (and casual mall leasing) sites at Galleria Shopping Centre in Morley which they believe had not received planning approval; Vicinity Centres therefore applied for retrospective approval on these sites. The Council then queried the fire compliance of these sites as part of their approval process. Arup has therefore been engaged by Vicinity Centres to assess the impact of kiosks positioned in the mall within Galleria Shopping Centre and in particular whether the kiosks will adversely impact the ability of occupants to egress.

In preparation of this document, Arup has reviewed the following documentation:

- "Federations Centres, Galleria Shopping Centre, Fire Engineering Report", Ref 231158-00, Revision A dated 13 June 2014 by Arup
- Drawings of Galleria Shopping Centre by The Buchan Group, as outlined in Table 1. Table 1. Drawings

No.		Title	Date
M37	7	Ground Floor Plan (Tenancy, Kiosk and CML numbers and names)	Plotted 14/06/2016
M38	3	First Floor Plan (Tenancy, Kiosk and CML numbers and names)	Plotted 14/06/2016

The assessment undertaken considers two key elements in relation to occupant evacuation around the kiosks, namely:

- Travel distances to an exit and distance between alternative exits, and
- Available exit widths.

These elements will be discussed in detail in the following sections.

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2 Travel Distances and Distance Between Exits

Arup has carried out a desktop review of the exit travel distances and the distance between alternative exits within the centre, taking into account the location of kiosks, as well as the seating areas adjacent Muffin Break, Jamaica Blue, The Coffee Club, and Dome.

The following items have been documented as an Alternative Solution in the report *"Federations Centres, Galleria Shopping Centre, Fire Engineering Report"*, Ref 231158-00, Revision A, dated 13 June 2014, by Arup:

- Extended travel distances of up to 75m; and
- Extended distance between alternative exits of up to 111m.

On this basis, 75m and 111m has been taken as the acceptance criteria when assessing the travel distances and distances between exits respectively.

Mark-ups showing travel distances, distance between alternative exits, and kiosk locations can be seen in Attachment A. The mark-up demonstrates that the distance of travel to an exit, when considering kiosk obstructions, is less than 75m throughout. The mark-up also demonstrates that the distance between alternative exits, when considering kiosk obstructions, does not exceed 111m.

On this basis, the provision of the kiosks is not considered to impact on occupants' ability to travel to an exit.

3 Exit Widths

The methodology of assessment adopted to determine if the kiosks impact on available exit widths and occupant flow is as follows:

- 1. Establish fire scenarios for different locations throughout the centre and calculate the most onerous number of occupants expected to egress past a kiosk/pinch-point for each scenario.
- 2. Calculate the exit width required to accommodate the maximum number of occupants flowing past a kiosk/pinch-point calculated in Step 1, and using the methodology detailed in BCA DTS Clause D1.6.
- 3. Attend site and measure the clear widths either side of kiosks and pinch-points located on the egress routes to an exit.
- 4. Compare the required exit width calculated in Step 2 against the exit widths measured in Step 3.

The acceptance criteria is to demonstrate that in each scenario, the exit capacity either side of the kiosk is greater than the number of occupants expected to egress past the kiosk.

3.1 Step I

The number of occupants who are expected to evacuate via the mall has been calculated based on Project 6 occupancy numbers. Determining occupancy numbers based on Project 6 occupancies has been addressed as an Alternative Solution by Arup in the report *"Federations Centres, Galleria Shopping Centre, Fire Engineering Report"*, Ref 231158-00, Revision A dated 13 June 2014. Vicinity Centres has confirmed acceptance of the use

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256847-00 31 August 2017

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of Project 6 density figures for calculating occupancy numbers for the purpose of this assessment in an email dated 28 July 2017.

As per Project 6 recommendations, the following occupant densities have been used to calculate the occupant numbers:

- Specialty tenancy/mini-major: 6m²/person
- Mall: 10m²/person

Various fire scenarios have been considered to assess the impact of different fire locations on the number of occupants likely to flow past a kiosk/pinch-point in a given direction. Occupancy numbers for the various areas throughout the shopping centre considered in the assessment of each fire scenario, and the flow of occupants to exits throughout the centre can be seen in the mark-up in Attachment B.

A summary of the maximum number of occupants to flow past a single kiosk/pinch-point for each fire scenario is summarised in Table 2.

Fire Scenario	Maximum number of occupants flowing past kiosk
1: Fire in KI022 at Ground Level	438
2: Fire in kiosk outside SP016 at Ground Level	371
3: Fire in KI007 at Ground Level	264
4: Fire in KI024 at Ground Level	379
5: Fire in KI008 at Ground Level	526
6: Fire in KI004 at Ground Level	440
7: Fire in KI015 at Level 1	346

Table 2. Maximum number of occupants flowing past a point for each fire scenario considered

As can be seen in Table 2, the maximum number of people to flow past a kiosk/pinch point is 526 people in Fire Scenario 5.

3.2 Step 2

Under BCA 2016 guidance, exit capacity can be calculated as follows:

- More than 100 but not more than 200 persons 100 people for the first 1.0m of exit width, and 25 people for each full 0.25m of exit width thereafter
- More than 200 persons 200 people for the first 2.0m of exit width, and:
 - o For inclined egress elements, 60 people for each full 0.5m of exit width thereafter
 - o For flat egress elements, 75 people for each full 0.5m of exit width thereafter.

Using the methodology above, the exit width required to accommodate the maximum number of occupants calculated in Step 1 (526 people) is 2.5m either side of a kiosk obstruction (i.e. capacity 275 + 275 = 550 people).

3.3 Step 3

Arup (Christie Cook and Harry James) attended a site visit on 24 July 2017 in order to measure the clear exit widths either side of kiosk obstructions and pinch-points on exit routes; the measurements can be seen marked on the drawings in Attachment C.

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3.4 Step 4

As calculated in Step 2, the exit width required to accommodate the maximum number of occupants calculated in Step 1 (526 people) is 2.5m either side of a kiosk obstruction. It is important to note that this is a worst case scenario and it is reasonable for exemptions.

Based on the measurement taken during the site inspection in Step 3, and advice from Mike Barrington of Vicinity Centres, the exit widths either side of kiosks and at pinchpoints on exit routes are in all cases 2.5m or greater.

The exceptions are as follows:

- CML 1 This is located on one side of the mall. The doors serving the end of the section of mall are 3.27m which has an exit capacity of 350 people. Therefore, so long as the egress route to these doors is no less than 3.27m, flow is not impeded. This is specifically addressed in Scenarios 3 in the report where it shows that approximately 146 would use this exit.
- CML 22 There is 4.5m between the kiosk and the top of the travelators The location of CML is on the route to and from the cinema. As shown in the Cinema Egress Assessment in Appendix D, occupants from the cinema exit via the stairs from the foyer which consists of three parts, 1.5m each, total 4.5m. Once there, they have the option of passing CML 22 or taking the bridge to Stair P6 and P7. Therefore, even discounting the latter, 4.5m is sufficient.

On that basis, the exit capacity is sufficient to accommodate the projected number of occupants flowing past a kiosk/pinch-point. Therefore, egress will not be impeded by the presence of kiosks throughout the centre.

4 Conclusion

The assessment by Arup demonstrates that the travel distance to reach an exit, and the flow of occupants to an exit is not adversely impacted by the presence of the kiosks, provided the following measures are implemented:

- A minimum aggregate clear width of 5m is maintained across all walkways at all times, with 2.5m clear width each side of any kiosk obstructions with the exception of those detailed in Section 3.4.
- Floor markers are provided indicating the location of the kiosks such that the exit width of 2.5m clear each side of the walkway is maintained.

Any future kiosks with a clear width less than 2.5m either side is required to be assessed by a suitably qualified fire engineer on a case by case basis.

Implementation of the measures above should be monitored consistently by centre management. The tenants should also be made aware of their responsibilities to comply with these requirements and where applicable e.g. café, the need to maintain adequate egress routes from their own tenancies as per their own Building Permit Applications.

Furthermore, the kiosks are not considered to impact on the assessments previously undertaken by Arup in the report "*Federations Centres, Galleria Shopping Centre, Fire Engineering Report*", Ref 231158-00, Revision A dated 13 June 2014.

We trust that this letter is sufficient for the purpose of satisfying the City of Bayswater concerns. Should you require further information please do not hesitate to contact me.

J12560001256347-00 GALLERIA KIOSK REVIEW/WORK/05 REPORTS/01, CONSULTANTS ADVICE NOTICE/008_CAN REF G1008_GALLEIRA KIOSK REVIEW_CAN_REV G.DODX

256847-00 31 August 2017

Page 5 of 9

Yours sincerely

Aug

Christie Cook Fire Engineer

Enc Attachment A: Exit Travel Distances Attachment B: Fire Scenarios and Occupancy Numbers Attachment C: Exit Widths Attachment D: Cinema Egress

J 1255000/256947-00 GALLERIA KIOSX REVEW WORK/25 REPORTS/21 CONSULTANTS ADVICE NOTICE/005_CAN REF G408_GALLEIRA KIOSK REVIEW_CAN_REV G DOCX Attachment A

Exit travel distances















Attachment C Exit widths



Exit locations and widths

→ 4.5m
Measurement from site visit





Exit from mall → 4.5m
Measurement from site visit 256847-00 31 August 2017

Appendix D Cinema Egress Assessment

J12560001255847-00 GALLERIA KIÓSK REVIEW/WORK/05 REPORTS/01 GONSULTANTS ADVICE NOTICE:008_CAN REF G/008_GA/LEIRA KIÓSK REVIEW_GAN_REV G DOCX Page 4 of 9



Attachment 3

Wood and Grieve Review of Updated 31 August 2017 Arup Report

From: John Pezzin [mailto:John.Pezzin@wge.com.au] Sent: Tuesday, 5 September 2017 2:36 PM To: Michael Robson Subject: RE: Revised Kiosk Review (JobRef: 7823)

Hi Michael,

We have reviewed the revised kiosk review (Rev H) and provide the following preliminary comments:

- Egress width adjacent CML 1
 - The egress width and comments in the revised review are considered reasonable.
 - Noting that the revised review only considers egress for occupants within the mall, and that Kmart occupants are assumed to evacuate independently, we believe that a Kmart fire scenario should also be considered as it will likely result in occupants travelling into the mall and passing CML1.
 - While we have not assessed this fire scenario, given Kmart is provided with dedicated exits (i.e. rear exits) and the mall would allow for approximately 880 people (based on BCA calculations and 2 × 3.27m egress width), we do not believe this scenario will provide negative results. Nevertheless, this scenario should be included for completeness.
- Egress width adjacent CML 22

 $\circ\;$ The egress width and comments in the revised review are considered reasonable. We do not have any concerns with this item.

If the above is required to be formalised in a letter we will request additional fees as a variation to our original engagement.

Please feel free to contact me directly on the details below to discuss further if required.

Regards,

John Pezzin

Fire Project Engineer

Wood & Grieve Engineers

D: (08) 6222 7174 | T: (08) 6222 7000 | M: 04 2198 0272

E: John.Pezzin@wge.com.au

www.wge.com.au | WINNER: 2016 Financial Review Client Choice Awards | Disclaimer | Privacy Policy

From: Sent: To: Subject: John Pezzin <John.Pezzin@wge.com.au> Tuesday, 5 September 2017 5:56 PM Michael Robson RE: Revised Kiosk Review (JobRef: 7823)

Hi Michael,

Apologies, I've only just seen your email below.

As per our telephone discussion earlier, we do not have any concerns with the egress widths adjacent to CML5 and in front of the Dymocks tenancy, as detailed in the email below dated 31/08/2017.

Regards,

John Pezzin Fire Project Engineer Wood & Grieve Engineers D: (08) 6222 7174 | T: (08) 6222 7000 | M: 04 2198 0272 E: John.Pezzin@wge.com.au

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9.1.3 Final Adoption of Modified Percent for Public Art Policy	
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-	-
Reporting Branch:	Strategic Planning and Place Services
Responsible Directorate:	Planning and Development Services
Refer:	Item 9.1.12: OCM 15.8.2017
	Item 10.4: OCM 15.11.2016
	Item 16.1: OCM 31.5.2016
	Item 11.1.13: OCM 25.6.2013
	Item 11.1.15: OCM 26.3.2013

EXECUTIVE SUMMARY

Application:

Council consideration is sought in relation to the final adoption of modifications to the 'Percent for Public Art Policy.'

Key Issues:

- Council adopted the proposed modifications to the Percent for Public Art Policy for public advertising.
- The modified policy was advertised for 21 days between 5 September 2017 and 26 September 2017, no submissions were received.
- After the consultation period the City received an enquiry questioning if GST was included in construction costs. A modification is recommended to clarify this matter.

BACKGROUND

At its Planning and Development Services Committee Meeting held 15 August 2017 Council considered a number of proposed modifications to the Percent for Public Art Policy, and resolved as follows:

"1. That Council adopts for public advertising the modified 'Percent for Public Art' policy as included in Attachment 1 to this report with the following modifications:

Add the following provisions to the 'Implementation by Owner/Applicant' section: 'All artwork is to be in a location where it is visible from the public realm for the life of the artwork'.

'Prior to the occupation of the development a final invoice(s) of the works associated with the commissioned artwork are to be provided to the City to demonstrate the costs of the artwork is not less than 1% of the construction value of the development'.

2. Delete the paragraph that states 'Where a public art contribution is valued at \$1 million or greater, the City may vary the requirements of the policy to allow for up to 50% of the contribution to be allocated toward the provision of alternative arts and /or community based initiatives.'"

CONSULTATION

In accordance with Council's 15 August 2017 resolution the City advertised the modified policy for a period of 21 days between 5 September 2017 and 26 September 2017 via notices in the local newspapers, information on the City's website and at the customer service counter at the City's Civic Centre, The RISE and the City's libraries.

The City received no submissions on the proposed modifications during the consultation period.

ANALYSIS

After the conclusion of the public consultation period the City received an enquiry questioning if GST was included in the construction cost of the artwork. The policy currently states:

"In this policy construction cost means all costs associated with site works, construction and full completion of a development, including all materials, labour, servicing and ancillary costs. To ensure accurate calculation of public art contribution values the City of Bayswater, if necessary, may require an applicant to provide cost breakdowns and/or certification from a quantity surveyor to confirm construction cost."

It is considered that the above definition would include GST as it is a part of the total cost of development. However, to provide clarity on the matter it is recommended that 'Definitions' under the modified policy be further amended as follows:

"In this policy construction cost means all costs associated with site works, construction and full completion of a development, including all materials, labour, servicing, ancillary costs <u>and GST</u>. To ensure accurate calculation of public art contribution values the City of Bayswater, if necessary, may require an applicant to provide cost breakdowns and/or certification from a quantity surveyor to confirm construction cost."

OPTIONS

The following options are available to Council:

	OPTION	OPTION BENEFIT	
1.	 Adopt the modified Percent for Public Art Policy with the City officer recommended amendment. <i>Estimated Cost:</i> \$400.00 (for final notification in the newspaper) 	 Continued funding for public art. Increased public art provided on public land. Reduces red tape for the placement of public art on public land. Will create a more coordinated approach to public art on public land. Will provide clarity on the inclusion of GST costs. 	 The City may be responsible for the maintenance of public art on public land.
2.	 Adopt the modified Percent for Public Art policy without further amendment. <i>Estimated Cost:</i> \$400.00 (for final notification in the newspaper) 	 Continued funding for public art. Increased public art provided on public land. Reduces red tape for the placement of public art on public land. Will create a more coordinated approach to public art on public land. 	 The City may be responsible for the maintenance of public art on public land. Will not provide clarity on the inclusion of GST costs.
3.	 Adopt the modified Percent for Public Art Policy with other amendment(s). Estimated Cost: \$400.00 (for final notification in the newspaper) 	 Dependent on the amendment(s) proposed. 	 Dependent on the amendments(s) proposed.
4.	Do not proceed with the modified Percent for Public Art Policy.	Incurs no notification fee.	 Will not reduce the amount of red tape for

Estimated Cost:	the placement of public art on public land.
• Nil	 Will not encourage a more co-ordinated
	approach to public art on public land.

CONCLUSION

In light of the above, it is recommended that Council proceed with Option 1 to adopt the modified Percent for Public Art Policy with the City officer recommended amendment to clarify that GST is included in the construction cost.

FINANCIAL IMPLICATIONS

The cost is detailed in the table under the 'Options section.

STRATEGIC LINK

In accordance with the City of Bayswater Strategic Community Plan 2017-2027, the following applies:

Theme:Our Built EnvironmentAspiration:A quality and connected built environment.Outcome B1:Appealing streetscapes.Outcome B3:Quality built environment.

COUNCIL POLICY AND LEGISLATIVE IMPLICATIONS

• *Planning and Development (Local Planning Schemes) Regulations 2015* which sets out the process for modifying local planning policies.

VOTING REQUIREMENTS

Simple Majority required.

ATTACHMENTS

1. Modified Percent for Public Art Policy with City Officers recommended amendments.

COMMITTEE RESOLUTION

(OFFICERS RECOMMENDATION)

That Council adopts the modified 'Percent for Public Art Policy' with the City officer proposed amendment as included in <u>Attachment 1</u> to this report.

CR DAN BULL, MAYOR MOVED, CR FILOMENA PIFFARETTI SECONDED CARRIED BY EN BLOC RESOLUTION: 9/0

Attachment 1 - Modified Percent for Public Art Policy

PERCENT FOR PUBLIC ART POLICY

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He C	anden	ity - Que	liny Lifes	

Responsible Division Planning and Development Services Responsible Business Unit/s Planning Services Responsible Officer Planning Manager Affected Business Unit/s Planning Services

PURPOSE:

This policy relates to the provision of public art for development proposals and provides guidance on how and where the City of Bayswater will apply the policy to enhance and promote the public realm and streetscape.

- To facilitate public art that contributes towards creating a strong sense of place, which promotes the expression of local identity and responds to the culture and character of the community.
- 2. To facilitate public art that positively contributes to its streetscape.
- 3. To improve legibility by introducing public art which assists in making streets and buildings more identifiable.

POLICY STATEMENT:

This policy provides the parameters for which a percent contribution for public art may be taken for development with a construction value of \$1 million or greater.

The policy shall not be seen as replacing the developer's responsibility to provide a high quality development which positively interacts with the public realm, or to satisfy another condition of approval. Rather, the policy is a mechanism to further enhance a development's contribution to the public realm.

The policy applies where a development proposal on private property has a construction cost of \$1 million or greater and is a commercial, non-residential or mixed use development. The policy is to apply to all development proposals on private property. Those development proposals which do not require a local authority planning approval should utilise this policy as a guide for the implementation of the respective percent for art policy obligations, where applicable.

The cost of any public art provided under this policy is to be no less than 1% of the construction value of the eligible development proposal.

Type of Public Art

Public art is an original artistic work that is created by a professional artist and located for public accessibility. Public art is either clearly seen from the public realm, such as a street, park or urban plaza, or may be located in the public realm, to the satisfaction of the City of Bayswater.



Public art may be freestanding or integrated into building exteriors; or it may take the form of unique functional objects (such as seats or gates). Public art may include an interpretation of cultural heritage or place. Public art does not include:

- Advertisements, promotions, marketing or business logos;
- Directional elements such as supergraphics, signage or colour coding;
- 'Art objects' which are mass produced such as fountains, statuary or playground equipment;
- Most art reproductions, that is, the copying of an existing artwork without modification or interpretation;
- Landscaping or generic hardscaping elements which would normally be associated with the project;
- Services or utilities necessary to operate or maintain artworks; or
- Any discriminatory or offensive material or interpretation.

Professional Artist

Within this Policy, public art is required to be undertaken by a professional artist. A professional artist refers to a person who:

- Earns more than 50% of income from arts related activities, such as teaching, selling artwork or undertaking public art commissions; or
- Has a track record of exhibiting artworks; or
- Has a university qualification or high level technical college qualification in visual, graphic
 or fine art, or other art form where relevant.

Provision of Public Art

Under this policy public art may be provided by the owner/applicant, or by the City on behalf of the owner/applicant via a cash-in-lieu contribution.

The provision, installation and maintenance of public art will form a condition of planning approval. Where possible, it is recommended that the public art proposed for a development site is considered up-front as part of the development application, to ensure the proposed public art forms an intrinsic component of the development.

Cash-In-Lieu Option

Where the owner/applicant chooses the cash-in-lieu option, a cash-in-lieu payment of no less than 1% of the construction value is to be made to the City prior to submission for a building permit application. The funds will be held by the City in a trust fund and will only be expended after the development has been substantially commenced.

Cash-in-lieu payments will only be refunded to the owner/applicant if the development does not proceed or does not reach the stage of substantial commencement. If the development is substantially commenced the cash-in-lieu will not be refunded. Cash-in-lieu funds paid in relation to more than one development may be accrued for more comprehensive or detailed

2

public art projects as determined by the City. Any public art commissioned by the City under this policy will be owned and maintained by the City.

Owner/Applicant Provision of Public Art

All owner/applicant applications incorporating the provision of public art are to include the following:

- 1. Details of the artist's qualifications, experience and suitability for the project;
- Detailed plans of the artwork(s) to scale which include dimensions, materials, colours and installation details of the artwork and its relationship to the site;
- 3. A description of the artwork, including the motivation and meaning of the piece;
- 4. Details of cost calculations for the public art, including construction cost and the public art contribution costs. Contribution costs are limited to artist's fees, labour, materials, installation and naming plate. Building fabric that the art is attached to (such as fences and walls) or other construction costs are not to be included in the contribution cost;
- 5. Details of requirements and written consent from the artist for any ongoing care or maintenance of the artwork by the landowner(s); and
- 6. Written acknowledgement of the implications of the *Copyright Amendment (Moral Rights) Act 2000*, including how the artist will be acknowledged, consent for any required maintenance or relocation, and consent for the City of Bayswater to publish images of the artwork.

Artwork on Public Land

Artwork is typically provided onsite however, the City of Bayswater may consider artwork on public land, such as an adjacent street verge area, at the request of the owner/applicant.

Implementation by Owner/Applicant

Public artwork provided by the owner/applicant must be completed and installed prior to the first occupation of the new development, and maintained thereafter by the landowner(s).

All artwork is to be in a location where it is visible from the public realm for the life of the artwork.

Artworks that are low maintenance, robust, durable and resistant to vandalism will be encouraged. Artists will be required to present a copy of the maintenance schedule to the landowner(s) and City of Bayswater, at the completion of the commission.

All artwork is required to be identified with the artist's name, and the name of the artwork.

The landowner is to undertake the care, maintenance and ongoing management of the artwork in accordance with the artist's maintenance requirements.

Prior to the occupation of the development a final invoice(s) of the works associated with the commissioned artwork are to be provided to the City to demonstrate the costs of the artwork is not less than 1% of the construction value of the development.





Copyright of Artwork

Once an artwork has been completed and accepted by the City of Bayswater, copyright will be held mutually by the City of Bayswater and the artist. In practical terms, this means that the City of Bayswater has the right to reproduce extracts from the design documentation and photographic images of the artwork for non-commercial purposes such as annual reports, information brochures about the City and information brochures about the artwork. The artist will have the right to reproduce extracts from the design documentation or photographic images of the artwork in books or other publications associated with the artist or artwork.

DEFINITIONS:

In this policy construction cost means all costs associated with site works, construction and full completion of a development, including all materials, labour, servicing, ancillary costs and GST. To ensure accurate calculation of public art contribution values the City of Bayswater, if necessary, may require an applicant to provide cost breakdowns and/or certification from a quantity surveyor to confirm construction cost.

RELATED LEGISLATION:

Planning and Development (Local Planning Schemes) Regulations 2015 (WA).

RELATED DOCUMENTATION: Nil.

Relevant Delegations		
Risk Evaluation		
Council Adoption	Date	25 June 2013
Reviewed / Modified	Date	1 March 2016
Reviewed / Modified	Date	7 November 2017
Reviewed / Modified	Date	



4

9.1.4 Final Adoption of Modified Mobile Food Vehicles Policy

Owner:	City of Bayswater
Reporting	Branch: Strategic Planning and Place Services
Responsible Directorate:	Planning and Development Services
Refer:	Item 9.1.9: PDSC 5.9.2017
	Item 8.1.10: PDSC 21.2.2017
	Item 10.14: OCM 6.12.2016
	Item 10.12: OCM 21.06.2016
	Item 10.9: OCM 19.4.2016
	Item 11.1.18: OCM 17.11.2015
	Item 11.2.10: OCM 24.6.2015
	Item 11.1.14: OCM 23.9.2014

CR GIORGIA JOHNSON DECLARED A FINANCIAL INTEREST

In accordance with section 5.60A of the Local Government Act 1995, Cr Giorgia Johnson declared a financial interest in this item as She operates a business under the policy. At 8.19pm, Cr Johnson withdrew from the meeting.

CR CATHERINE EHRHARDT DECLARED AN IMPARTIALITY INTEREST

In accordance with regulation 11 of the *Local Government (Rules of Conduct) Regulations* 2007, Cr Catherine Ehrhardt declared an impartiality interest in this item as she knows several operators of food vehicle licenses. Cr Ehrhardt remained in the room during voting of this item

EXECUTIVE SUMMARY

Application:

Council consideration is sought in relation to the final adoption of the modified 'Mobile Food Vehicles Policy'.

Key Issues:

- Council adopted proposed modifications to the Mobile Food Vehicles Policy to add two new locations.
- During the public comment period two responses were received.
- One comment was in general support of the vibrancy mobile food vehicles add to parks and reserves and was specifically supportive of adding Claughton Reserve, Bayswater, to the list of pre-approved locations.
- The other comment suggested adding Bardon Park and Berringa Park, Maylands to the list of pre-approved locations. These locations are not supported as addressed below.

BACKGROUND

At its Planning and Development Services Committee meeting held 5 September 2017 Council considered the draft modified Mobile Food Vehicles Policy, and resolved as follows:

"That Council supports the addition of Clarkson Reserve, 48 Clarkson Road, Maylands, and Claughton Reserve, 89 Katanning Street, Bayswater, to the list of pre-approved mobile food vehicle locations, and adopts for public advertising the modified 'Mobile Food Vehicles' Policy as contained in Attachment 1 to this report."

CONSULTATION

In accordance with Council's resolution the draft policy was advertised between 19 September 2017 and 10 October 2017 via notices in the local newspapers, information on the City's website and at the customer service counter at the City's Civic centre, The RISE, the City's libraries and on social media.

All current permit holders were also informed about the public comment period via email following the Committee meeting held on 5 September 2017.

During the consultation period the City received one response from a local resident and one response from a mobile food vehicle operator. The response from the local resident was generally supportive of allowing mobile food vehicles in parks and reserves as they add to the vibrancy of the area. The respondent was specifically supportive of adding Claughton Reserve, Bayswater, to the list of pre-approved locations as it would enable those in Ashfield and Bayswater to have the use of the park further enhanced by the availability of coffee and food options.

The response from a mobile food vehicle operator suggested adding two extra sites to the list of pre-approved mobile food vehicle locations. One suggested location is in Bardon Park, Maylands and the other location is adjacent to Berringa Park, Maylands. These suggested new locations are addressed below.

ANALYSIS

The draft modified 'Mobile Food Vehicles Policy' was developed in response to a Council resolution of 21 February 2017 which stipulated to investigate possible new locations for mobile food vehicles. Several locations were proposed and all were assessed against criteria in the policy and other significant factors.

The determining factors as included in the Policy are as follows:

- Must be at least 50m from an established food or beverage business.
- Must not obstruct pedestrian flow or vehicular traffic.

Other significant factors for the success and safety of trading include:

- Availability of appropriate number of car bays.
- Availability of public toilets.
- Sufficient lighting.
- Accessibility (does not require gates to be opened daily by the City).

Suggested New Locations

One respondent suggested two new locations, one adjacent to Berringa Park and one in Bardon Park. The first location next to Berringa Park is on a verge near the Maylands Yacht Club as per below images.



Criteria	Meets Criteria?
More than 50m away from the nearest food or beverage business	No, less than 50m away from the canteen of the Maylands Yacht Club
Does not obstruct pedestrian flow or vehicular traffic	Yes
Availability of appropriate number of car bays	No, there are only a few informal parking spots near the jetty. The adjacent formal car parking bays form part of the lease to the Maylands Yacht Club and whilst they are currently available for general public use, this may not be the case in the future.
Availability of public toilets	Yes, but they are only opened on the weekends after complaints from nearby residents relating to safety concerns.
Sufficient lighting	Yes
Accessible, does not require opening of gates	Yes

The suggested location is on the verge and would only provide capacity to one or two mobile food vehicles, which could potentially lead to issues if more mobile food vehicles decide to trade at any given time.

Additionally, based on the proximity of a club canteen, the lack of sufficient car parking bays and the toilets only being open during the weekends this location is not supported for mobile food vehicle trading.



The second suggested new location is situated within Bardon Park as per below images.

Criteria	Meets Criteria?
More than 50m away from the nearest food or beverage business	Yes
Does not obstruct pedestrian flow or vehicular traffic	Yes once parked a mobile food vehicle does not obstruct. However, to access this location mobile food vehicle operators would have to drive almost 250m over the well utilised Tony di Scerni foot/cycling path.
Availability of appropriate number of car bays	Yes, Bardon Park has appropriate number of car bays available at the top of the hill, which is an approved mobile food vehicle trading location.
Availability of public toilets	Yes
Sufficient lighting	Yes
Accessible, does not require opening of gates	No, to access the pathway the gate would have to be opened daily.

The suggested location would provide capacity to only one mobile food vehicle, which could potentially lead to issues if more mobile food vehicles decide to trade at any given time. Mobile food vehicle operators would need to drive 250m over the Tony di Scerni pathway potentially causing hazardous situations for cyclists and pedestrians using the pathway and the park. If more than one mobile food vehicle operator was to access this location it could cause safety issues due to the need to turn around.

Additionally there is already an approved mobile food vehicle location at the top of Bardon Park, less than 60m away from the suggested location, which is deemed more suitable.

Based on the above, and the need to open the gates daily to provide access, this location is not supported for mobile food vehicle trading.

Other Modifications

Other minor modifications to the modified Mobile Food Vehicles Policy include changing the word 'objectives' to 'purpose' under 'Location and Siting' to ensure accurate referencing. Additionally, the 'responsible business unit' for the policy has been changed to 'Planning Services' as the main service custodian.

OPTIONS

The following options are available to Council:

	OPTION		BENEFIT		RISK
1.	Adopt the modified Mobile Food Vehicles Policy with the City officer recommended amendment. Estimated Cost: • \$400 (for final notification in the newspaper).	•	Approving the final adoption of the modified 'Mobile Food Vehicles Policy' has the potential to further activate Claughton Reserve, Bayswater and Clarkson Reserve, Maylands.	•	Does not provide the two additional locations requested by one operator.
2.	Adopt the modified Mobile Food Vehicles Policy with further amendments to include the new suggested locations of Berringa Park and Bardon Park. Estimated Cost: • \$400 (for final notification in the newspaper).	•	Operators may welcome these additional locations on top of Claughton Reserve, Bayswater and Clarkson Reserve, Maylands.	•	Based on the assessment criteria both suggested locations near Berringa Park and in Bardon Park are considered unsuitable for mobile food vehicle trading.
3.	 Adopt the modified Mobile food Vehicles Policy with other amendment(s). Estimated Cost: \$400 (for final notification in the newspaper). 	•	Dependant on other proposed amendment(s).	•	Dependant on other proposed amendment(s).
4.	Do not proceed with the modified Mobile Food Vehicles Policy. Estimated Cost: • Nil.	•	Existing locations remain available for mobile food vehicles. Incurs no notification fee.	•	Claughton Reserve, Bayswater and Clarkson Reserve, Maylands, may lose the opportunity to be activated by mobile food vehicles.

CONCLUSION

In light of the above, it is recommended that Council adopt the modified 'Mobile Food Vehicles Policy' with the City Officer recommended amendments (Option 1).

FINANCIAL IMPLICATIONS

The cost is detailed in the table under the 'Options' section.

STRATEGIC LINK

In accordance with the City of Bayswater Strategic Community Plan 2017-2027, the following applies:

Theme:The Local EconomyAspiration:A business and employment destination.Outcome E1:Support initiatives for local business

COUNCIL POLICY AND LEGISLATIVE IMPLICATIONS

- *Planning and Development (Local Planning Schemes) Regulations 2015* which sets out the process for modifying local planning policies.
- Activities on Thoroughfares and Trading in Thoroughfares and Public Places Local Law.

VOTING REQUIREMENTS

Simple Majority required.

ATTACHMENTS

1. Modified 'Mobile Food Vehicles Policy'

OFFICER'S RECOMMENDATION

That Council adopts the modified 'Mobile Food Vehicles Policy' with the City Officers proposed amendments as included in <u>Attachment 1</u> to this report.

ADDENDUM - ITEM 9.1.4 - PLANNING AND DEVELOPMENT SERVICES COMMITTEE - 7 NOVEMBER 2017

Additional Information

Further to the agenda report, the 'Relevant Delegations' section in the table at the end of the policy is not considered necessary as the delegation is already provided through the City's delegated authority register. Under this delegation the Chief Executive Officer has the authority to administer the City's local laws, appoint authorised officers, and sub delegate as appropriate. Accordingly this section is recommended to be removed from the policy.

Recommendation Implications

In light of the above, the officer's recommendation is modified as follows:

That Council adopts the modified 'Mobile Food Vehicle Policy' with the City Officers proposed amendments as included in <u>Attachment 1</u> to this report and the following additional modification:

1. Deletion of the text relating to 'Relevant Delegations' in the table at the end of the policy.

REASON FOR CHANGE

Council changed the officer recommendation as it is considered that the northern side of East Street to Berringa Park was also a suitable location for mobile food vehicles and should be added to the list of pre-approved locations. Council also considered that only two mobile food vehicles could operate at the location at any one time.

COMMITTEE RESOLUTION

That Council adopts the modified 'Mobile Food Vehicle Policy' with the City Officers proposed amendments as included in <u>Attachment 1</u> to this report and the following additional modifications:

- 1. Deletion of the text relating to 'Relevant Delegations' in the table at the end of the policy.
- 2. Addition of Berringa Park to the list of preapproved mobile food vehicle locations and this location to be on the verge on the opposite side of East Street.

CR ELLI PETERSEN-PIK MOVED, CR CATHERINE EHRHARDT SECONDED CARRIED UNANIMIOUSLY: 9/0

At 8.34 pm Cr Giorgia Johnson returned to the meeting.

Attachment 1

MOBILE FOOD VEHICLES POLICY

	Planning and Development Services
Responsible Business Unit/s	Planning Services
Responsible Officer	-
Affected Business Unit/s	-



PURPOSE:

To:

- Provide guidance on the requirements for the operation of mobile food vehicles within the City of Bayswater;
- Encourage mobile food vehicles to operate in locations which support the activation of underutilised public spaces;
- Ensure mobile food vehicles operate in a way which complements existing food businesses in town centres;
- Ensure mobile food vehicles are of a temporary nature;
- Ensure mobile food vehicles do not unreasonably compromise the amenity of the surrounding residential area; and
- Ensure mobile food vehicle operators practise safe food handling in accordance with the *Food Act 2008*.

POLICY STATEMENT:

1. Application of Policy

1.1. This Policy applies only to mobile food vehicles operating in the City of Bayswater.

- 2. Permits
 - 2.1. Mobile food vehicles operating in the City of Bayswater are required to:
 - (a) Hold a valid City of Bayswater Mobile Food Vehicle Permit;
 - (b) Hold a current *Food Act 2008* Certificate of Registration from a Western Australian Local Government; and
 - (c) To obtain any other relevant approvals.
 - 2.2. As a condition of being granted approval for a mobile food vehicle permit, permit holders must:
 - (a) Display the permit on the dash or another prominent visible location of the approved vehicle at all operating times;
 - (b) Comply with the conditions stipulated on the mobile food vehicle permit issued by the City of Bayswater; and
 - (c) Comply with the requirements set out within this policy, unless approved otherwise by the City of Bayswater.
 - 2.3. A mobile food vehicle permit is not required for the following:
 - (a) Trading at a City of Bayswater approved community event (e.g. the Autumn River Festival);
 - (b) Trading as an itinerant food vehicle;
 - (c) Trading on privately owned land; and
 - (d) Catering for a private event on public land.

Trading as detailed above may be subject to separate permits/approvals.

- 3. Location and Siting
 - 3.1. The City of Bayswater has approved the following twelve locations within the City for mobile food vehicles to operate at:
 - AP Hinds Reserve, Bayswater;
 - Bardon Park, Maylands;
 - Beaufort Park, Bedford;
 - Bert Wright Park, Bayswater;
 - Broun Park, Embleton;
 - Clarkson Reserve, Maylands;
 - Claughton Reserve, Bayswater;
 - Crimea Park, Morley;
 - Riverside Gardens, Bayswater;
 - Robert Thompson Park, Noranda;
 - Shearn Memorial Park, Maylands; and
 - Wymond Park, Bayswater.
 - 3.2. Alternative locations may be considered if they meet the purpose of this policy.
 - 3.3. The following location requirements apply to all applications for a mobile food vehicle permit:
 - (a) Mobile food vehicle permit holders are only permitted to trade in an approved location, which is to be at least 50m from an established food or beverage business;
 - (b) Mobile food vehicles are only permitted to trade at the locations detailed on their permits; and
 - (c) Mobile food vehicles will be located so as not to obstruct pedestrian flow or vehicular traffic.
 - 3.4. Payment of the application fee allows mobile food vans to operate at multiple locations within the City of Bayswater in accordance with the following:
 - (a) Each location must be approved by the City prior to the commencement of trade; and
 - (b) Each location a mobile food vehicle is permitted to operate is detailed on the permit.
 - 3.5. The City of Bayswater reserves the right to make any approved location unavailable for a set period of time for community events, (e.g. the autumn river festival), for works to be undertaken at or near the location or for any other reason the City deems necessary.

4. Management

- 4.1. The permit holder is responsible for ensuring all conditions of the permit are met.
- 4.2. A change of vehicle or food business ownership is subject to assessment by the City of Bayswater and will require that the vehicle and food business owner comply with all conditions of the permit and the relevant legislation under the *Food Act 2008* in order to facilitate a change in permit (holder).
- *4.3.* Should a transfer of permit be requested, the request is subject to updated food business registration and insurance documents.

- 5. Waste Management
 - 5.1. The mobile food vehicle operator is required to maintain the mobile food vehicle and the surrounding area to a high standard and in accordance with the following requirements:
 - (a) When trading at an approved location the trade area must be cleaned frequently;
 - (b) No waste or litter from the vehicle may be disposed of into City of Bayswater's rubbish bins. Mobile food vehicle operators must provide adequately sized bins for patrons use and remove all rubbish from the approved location at the end of trade;
 - (c) A holding tank for wastewater must be located beneath the vehicle; and
 - (d) Waste water, solid waste, litter or any other pollutant must not be placed on the site or allowed to enter the stormwater system.
- 6. Fixtures
 - 6.1. A mobile food vehicle is permitted to have temporary fixtures such as tables, chairs and umbrellas in accordance with the following:
 - (a) The fixtures are to be of a temporary nature and removed from the site at the end of trade each day;
 - (b) The mobile food vehicle and temporary fixtures must be kept in a safe and wellmaintained condition at all times;
 - (c) All temporary fixtures relating to the mobile food vehicle should be sturdy and made of quality materials without sharp edges or other features likely to cause harm; and
 - (d) Any temporary fixtures relating to mobile food vehicles must not obstruct pedestrian flow or vehicular traffic.

7. Noise

- 7.1. The use of amplified noise is prohibited.
- 7.2. Generators must not have a manufacturer specified operational volume greater than75dB.
- 7.3. Notwithstanding the above provision (clause 7.2) all mobile food vehicle noise (including the generator) must comply with the assigned noise levels specified under the *Environmental Protection (Noise) Regulations 1997*.

8. Advertising

- 8.1. All advertising is to be fitted to the mobile food vehicle with the exception of one temporary A-frame sign which:
 - (a) Shall be located within 75m of the location of the mobile food vehicle;
 - (b) Shall not exceed any dimension of 1m or an area of 1m² on any side;
 - (c) Be secured in accordance with any requirements of the City of Bayswater; and
 - (d) An A-frame sign will be considered a temporary fixture and must comply with the requirements detail in section 6 of this policy.

9. Power

- 9.1. Mobile food vehicles need to be provided with their own power supply unless otherwise approved by Council.
- 10. Public Risk Management
 - 10.1. The mobile food vehicle permit holder must, for the duration of the permit, maintain public and product liability insurance for at least ten million dollars (\$10,000,000).

- 10.2. The permit holder assumes responsibility for any acts of negligence arising from their activity.
- 10.3. The mobile food vehicle permit holder assumes responsibility for any liability issues which may arise as a result of the operation of the mobile food vehicle being at the location.
- 11. Approval Process
 - 11.1. Applications for a mobile food vehicle permit can be submitted year round. The following information is required:
 - (a) A completed City of Bayswater mobile food vehicle permit application form;
 - (b) A site plan detailing the proposed location(s) and the internal layout of the mobile food vehicle;
 - (c) A list of nominated locations to operate from;
 - (d) A current Certificate of Currency (Public Liability Insurance) for a minimum of \$10,000,000;
 - (e) A copy of the manufacturer's specifications for any generators to be used; and
 - (f) A copy of a current *Food Act 2008* Certificate of Registration issued by the local government where the mobile food vehicle is housed and/or where the majority of the food preparation activities are occurring.
- 12. Fees
 - 12.1. The permit holder will be required to pay the fees and charges as prescribed in the City of Bayswater adopted Fees and Charges.
 - 12.2. Only a single payment of the permit holder fee is required per permit period, regardless of the number of approved locations with the City of Bayswater.
 - 12.3. Permits will not be issued until the required fee has been paid.
- 13. Permit Renewal and Cancellation
 - 13.1. A mobile food vehicle permit may be cancelled or amended at the discretion of the City of Bayswater or if the permit holder fails to comply with the permit conditions. Where a mobile food vehicle permit holder seeks to renew the permit an application must be submitted at least one month prior to the expiry of the existing permit.
 - 13.2. A renewal application is to include:
 - (a) A complete City of Bayswater mobile food vehicle permit renewal form;
 - (b) A list of nominated locations to operate from;
 - (c) Details of any proposed changes to the mobile food vehicle or how it is operated;
 - (d) A copy of a current public liability insurance 'Certificate of Currency' for the amount of \$10,000,000; and
 - (e) A copy of a current *Food Act 2008* Certificate of Registration issued by the local government where the mobile food vehicle is housed and/or where the majority of the food preparation activities are occurring.
 - 13.3. Renewal applications will be assessed on a case by case basis by the City of Bayswater.

DEFINITIONS:

Itinerant food vehicle means any vehicle selling food or drink from the roadway that travels from place to place to engage in trade, not staying in one location other than while executing a sale.

Mobile food vehicle includes any:

- (a) Registered vehicle, caravan, trailer or any other method of transport from which food is sold; and
- (b) Non-road registered vehicles such as, but not limited to, coffee carts, hotdog carts or similar vehicles.

Permit holder means the person(s) whose name is written on the mobile food vehicle permit issued by the City of Bayswater.

RELATED LEGISLATION:

This policy is adopted under the City of Bayswater's *Town Planning and Development (Local Planning Schemes) Regulations 2015 - Town Planning Scheme and Deemed Provisions for Local Planning Schemes.*

Permits are granted under the City's Activities on Thoroughfares and Trading in Thoroughfares and Public Places Local Law.

RELATED DOCUMENTATION:

N/A

Relevant Delegations	Services	granted to the Director of Planning and Development to approve applications for Mobile Food Vehicles rom the twelve approved locations.
Risk Evaluation		
Council Adoption	Date	21 June 2016
Reviewed / Modified	Date	7 November 2017
Reviewed / Modified	Date	
Reviewed / Modified	Date	

Delegation -		
Date Adopted		
Date Amended		
9.1.5 Proposed Amendment to Town Planning Scheme No 24

-	-			
Location: Lot 2, 81 Camboon Road, Noranda				
Applicant: Harley Dykstra				
Owner:	Jarpel Pty Ltd			
Reporting Branch:	Strategic Planning and Place Services			
Responsible Directorate:	Planning and Development Services			
Refer:	Item 10.13: OCM 21.6.2016			

CR BARRY MCKENNA DECLARED A FINANCIAL INTEREST

In accordance with section 5.60A of the Local Government Act 1995, Cr Barry McKenna declared a financial interest in this item as he is the Chairperson of Bayswater Community Financial Services and leases from Hawaiian in Noranda Shopping Centre a Bendigo Bank Premises. At 7.59pm, Cr McKenna withdrew from the meeting.

EXECUTIVE SUMMARY

Application:

The City received correspondence dated 16 March 2016 and additional information on 4 August 2017 and 13 October 2017 requesting Council to initiate a proposed amendment to the City's Town Planning Scheme No. 24 (TPS 24) to rezone Lot 2, 81 Camboon Road, Noranda from 'Special Purpose (Nursery)' to 'Business' with an overlaying Special Control Area (SCA) and a Local Development Plan (LDP) to control site specifics.

Key Issues:

- Council previously considered and deferred the proposed scheme amendment at the Ordinary Meeting held 21 June 2016.
- The applicant has provided additional details and a LDP to provide further justification and information for the proposed amendment.

BACKGROUND

Council at the Ordinary Meeting held 21 June 2016 considered the original request to initiate a scheme amendment to rezone Lot 2, 81 Camboon Road, Noranda from 'Special Purpose (Nursery)' to 'Business' and resolved as follows:

"That this item be deferred."

At the Councillor Workshop held 14 March 2017 the applicant presented Councillors with further details on the proposed scheme amendment relating to the current use of the site, the proposed redevelopment and the site context.

The City has since been awaiting additional information to be provided by the applicant. The additional information was received on 4 August 2017 and 13 October 2017. The additional information included proposed requirements for the SCA and a LDP for the site.



CONSULTATION

No consultation has yet occurred with the public or other agencies on this matter. In the event the proposed amendment is initiated by Council, the proposed amendment documentation is to be prepared by the applicant, to the satisfaction of the City, and forwarded to the Department of Water and Environmental Regulation (DoWER) for assessment, in accordance with the *Planning and Development (Local Planning Schemes) Regulations 2015* (Regulations), and the Heritage Council for comment, in accordance with the current practice. Further, in accordance with the Regulations, upon Notice of Assessment from DoWER being received (and any issues raised being complied with), the proposed scheme amendment documentation will be advertised for public comment for a minimum of 42 days, by way of:

- (a) Notification being published in the local newspaper(s);
- (b) Impacted land owners be notified in writing of the amendment details;
- (c) The relevant public authorities being notified in writing of the amendment details;
- (d) Information being placed on the City's engagement website; and
- (e) Hard copies of the amendment documentation made available for inspection at the City of Bayswater Civic Centre, City of Bayswater libraries and The RISE One Stop Shop.

ANALYSIS

<u>Proposal</u>

Previously the applicant requested that the City initiate a scheme amendment to rezone the subject site from 'Special Purpose (Nursery)' to 'Business'. This request was deferred awaiting further information from the applicant. In the additional information received by the City the applicant requested that the site be rezoned 'Business' with the addition of a 'Special Control Area' (SCA) over the site. The purpose of the proposed SCA would be to provide greater control over land use, built form and landscaping. The proposed SCA requirements are included in **Attachment 1**. Additionally the applicant has submitted a LDP to provide further guidance on the layout of the site and indicative streetscapes.

The proposed amendment is considered necessary by the applicant to redevelop the subject site as a neighbourhood shopping centre which is proposed to include the following:

- A supermarket (Aldi) with a 1,756.5m² gross floor area;
- Retail outlets with a gross floor area of 625m²;
- A convenience store with a gross floor area of 210m² and eight fuel bowsers; and
- Approximately 186 car bays.

The proposed amendment would reactivate a currently underutilised site, provide services for the growing population in Noranda, provide a diversity of affordable services, reduce travel time to access retail areas for those in the surrounding area, and provide a portion of the additional retail floorspace which anticipated to be required to support the growing population.

Notwithstanding the above, City officers do not support the proposed amendment for the following reasons:

• The scheme amendment is proposing to develop a new neighbourhood centre within 650m of the existing district centre. One of the principles of Urban Consolidation identified in Perth and Peel states:

"support urban and economic development of the activity centres network as places that attract people to live and work by optimising land use and transport linkages between centres; and avoiding contiguous linear or ribbon development of commercial activities beyond activity centres."

It is considered that supporting a neighbourhood centre within 650m of an existing activity centre would encourage ribbon commercial development and would be against the State strategic planning framework. Ribbon development is not supported as it expands the activity centre outside its boundaries impacting the amenity of the surrounding residential areas and reduces it walkability Further it is considered the amendment may undermine the development of the Noranda district centre and would encourage retail development outside of an established activity centre.

- The proposed amendment is considered to be ad hoc planning as it does not relate to a broader, more logical area, or an area that is of particular strategic significance.
- The City's Commercial, Retail and Industrial Analysis 2013 identified that Noranda would need to increased retail floor space by 14,500m² to 15,000m² by 2026. The commercial analysis noted that the provision of the additional commercial floor space should be controlled through the development of a Local Planning Strategy (LPS) and other strategic documents such as an economic development strategy. It is considered that the Noranda district centre has the capacity for an increase in commercial floor space and diversity of activities. Given the above it is considered that prior to approving the construction of commercial developments not within an established activity centre that a strategic framework needs to be put in place to determine whether new floor space should be approved in these other locations.

Additionally the City is currently commencing preliminary engagement for the LPS. The LPS sets out the local government's objectives for future planning and development, such as activity centre planning, residential densities and building heights and includes a broad framework by which to pursue those objectives. As this amendment is proposing a commercial centre outside the existing activity centres it is considered that initiating the amendment at this time may undermine the LPS process.

Special Control Area Provisions

In the event that Council is prepared to support the initiation of the proposed amendment the following comments are offered on the details.

Local Development Plan

The proposed SCA provisions include a requirement for a LDP to be developed prior to any development approval being issued by the City. At the City's request the applicant has included the LDP as a part of the application to provide greater detail on the type of development envisioned on the site. The details of the proposed LDP are included below.

Building Heights

The proposed SCA provisions recommend a maximum building height of 9m, in accordance with other areas zoned 'Business' within the City. It is noted that the concept plans provided indicate buildings under 7m in height (following the City officers' suggestion). It is considered that a maximum building height of 7m is more appropriate for the site given the residential nature of the surrounding area. It is recommended that this provision be modified to include a maximum building height of 7m in the event the proposed amendment is initiated

Landscaping

The proposed SCA provisions require that a landscaping plan be prepared to support any development application. It is noted that additional landscaping requirements have been included in the LDP as detailed below. City officers consider the requirement for a landscaping plan to be submitted with a development application sufficient to ensure that the amenity of the surrounding area is protected.

Residential Development Standards

At the recommendation of the City the applicant has included a provision requiring any residential development being built in accordance with the R40 provisions of the Residential Design Codes (R-Codes). The proposed density code is considered appropriate as throughout Noranda there are pockets of R40 on similar significant lots.

Land Use

The proposed SCA provisions specify the permitted land uses for the site including:

- Consulting Rooms (medical);
- Grouped Dwelling;
- Multiple Dwelling;
- Fast Food Outlet;
- Office;
- Restaurant; and
- Shop.

In addition, the amendment proposes 'Convenience Store' and 'Service Station' as discretionary uses.

Notwithstanding the previous comments regarding the acceptability of a neighbourhood shopping centre in this location, if Council is to support the proposed amendment the proposed land uses are considered acceptable in this instance as they are generally compliant with the uses permitted in other 'Business' zones throughout the City. It is noted the permitted land uses are more restricted than other areas zoned 'Business'. The proposed restriction of land uses is considered appropriate for the site as it is not identified as an Activity Centre by the City or the State Planning Framework.

Modification to Clause 10.1.6

As a part of the proposed amendment the applicant has requested that Clause 10.1.6 of TPS 24 be modified as follows:

"10.1.6 The development and subdivision of land within a Special Control Area is to comply with the requirements of Appendix 10. Where there are inconsistencies between the development standards specified in the Scheme the development standards specified in the associated Special Control Area(s) contained in Appendix 10 shall prevail."

City officers have no concerns with the proposed modification to Clause 10.1.6 as this is the original intent of the clause. It is considered that the proposed modification provides greater clarity on how the clause is applied.

Local Development Plan

The applicant provided a LDP to provide further details on the proposed layout and additional requirements relating to setbacks, building heights, built form and services, landscaping, vehicles and access and signage.



Setbacks

The LDP proposes varying setbacks for each boundary as follows:

- A minimum 2m and an average of 3m setback may be provided along the southern boundary of the lot.
- A minimum 6m setback for development greater than a single story may be provided on the western boundary of the lot.
- A minimum 9m setback may be provided on the eastern boundary of the lot.
- A minimum 3m setback may be provided on the northern boundary of the lot.

City officers had no concerns with the proposed boundary setbacks.

Building Height

At the City officers' suggestion the applicant has proposed a maximum building height of 7m with architectural projections being permitted above that height in certain circumstances. It was considered that a maximum building height of 7m reflects the residential nature of the area and ensures that any development which occurs on the site does not unduly impact on the surrounding land owners.

Built Form and Services

The LDP proposes a range of built form requirements to ensure that any development on the site does not unduly impact on the amenity of the surrounding area. These requirements include:

- Building orientation is to be in accordance with the approved LDP.
- Other building faces to Camboon Road and Thornber Place shall be articulated with architectural features to avoid the appearance of blank walls.

• Bin enclosures, loading and services areas shall be screened from public view.

City officers considered that these additional requirements will ensure that any development on the site will not unduly impact on the amenity of the surrounding area.

Landscaping

The LDP requires that the residential interface with Thornber Place has an approved landscaping plan to ensure the any development is appropriately screened from the surrounding land owners. Additionally the City officers requested that the applicant include clauses to ensure there is a minimum of one shade tree planted per six car parking bays and 1 tree per 15m of frontage be planted along the front of the site (Camboon Road). As the amendment does not propose any tree planning requirements for Thornber Place in the event Council supports the proposed amendment the City recommends that the LDP be modified to require one tree be planted per 15m of street frontage along Thornber Road as well. It is considered that the additional trees will reduce the undue visusal impact of any development of the site on the surrounding area and will help increase tree canopy within the City.

Vehicles and Access

The LDP proposes the following requirements apply to vehicles and access:

- The proposed vehicle access points are indicative and are subject to further detailed design.
- Vehicular parking shall generally be located as shown on the LDP.
- No vehicle access is permitted off Thornber Place.
- Pedestrian access to Thornber Place is to be provided in accordance with the LDP.

City officers raised no concerns with the proposed vehicles and access requirements.

<u>Signage</u>

City officers raised concerns regarding the potential proliferation of signage on the site. In response to the concerns raised by the City the applicant included a requirement in the LDP limiting signage to no more than two pylon or monolith signs along the Camboon Road frontage. It is considered that the limitations on signage will ensure there is not a proliferation of signage on the site.

Loading Bay

City officers also raised concerns about the location of the loading bay and its potential noise impact on the adjoining property owners. City officers suggested an alternative location on the southern boundary of the site (if feasible). The applicant provided the following advice:

- "Reconfiguring the loading bay adjacent to the southern lot boundary is not considered to be feasible.
- An Acoustic Assessment would be commissioned at development application stage to inform detailed design.
- Noise impacts would be mitigated given the loading bay ramps down to below the level of the adjacent residential lots. A roof could be constructed over the loading dock and a noise wall constructed along the lot boundary to a height and length specified by the noise assessment.
- Operating hours for loading and unloading could be stipulated via a condition of development approval, in accordance with the recommendations of the noise assessment."

It is considered that the potential issues associated with the location of the loading bay can be mitigated provided an Acoustic Assessment is provided as a part of the development assessment application.

Conclusion

In general City officers support the requirements and layout detailed in the LDP in the instance that Council supports the initiation of the proposed amendment. However as the proposed scheme amendment is not supported it recommended that the LDP be refused as the development proposed by the LDP can only be considered in the event the proposed amendment is approved.

OPTIONS

The following options are available to Council:

	OPTION	BENEFIT	RISK
1	Do not initiate the proposed amendment to rezone the subject site, Noranda 'Business' with a 'Special Control Area' nor adopt the proposed Local Development Plan for public advertising. Estimated Cost: Nil.	 Avoids ad-hoc planning. Does not encourage ribbon commercial development. Does not encourage development which may undermine development of the Noranda district centre. Ensures development of activity centres within the City is aligned with State strategic planning framework. 	 Will not increase the amount of commercial floorspace within the City. Will not activate a currently underutilised site.
2	Initiate the proposed amendment to rezone the subject site 'Business' with a 'Special Control Area' and adopt the proposed Local Development Plan for public advertising. Estimated Cost: All costs borne by the applicant.	 Will increase the amount of commercial space within the City. Will activate a current underutilised site. 	 May undermine the upcoming local planning strategy and town planning scheme review process. Will result in ad hoc planning. Encourages ribbon commercial development. Encourages commercial development outside an established activity centre.
3	Initiate the proposed amendment to rezone the subject site 'Business' with a 'Special Control Area' and adopt the proposed Local Development Plan, with modification(s) for public advertising. Estimated Cost: All costs borne by the applicant.	 Dependent on the modification(s) proposed. 	 Dependent on the modification(s) proposed.

CONCLUSION

In light of the above it is recommended that Council proceed with Option 1 to not initiate the proposed amendment to rezone Lot 2, 81 Camboon Road, Noranda from 'Special Purpose (Nursery)' to 'Business' with a 'Special Control Area' nor adopt the proposed Local Development Plan for public advertising.

FINANCIAL IMPLICATIONS

Not applicable.

STRATEGIC LINK

In accordance with the City of Bayswater Strategic Community Plan 2017-2027, the following applies:

Theme: Our Built Environment

Aspiration: We have a well-connected mix of business, residential and community areas, which are high quality and support our thriving community.

Outcome B1: Quality built environment.

COUNCIL POLICY AND LEGISLATIVE IMPLICATIONS

In the event Council initiates the proposed scheme amendment the process must be in accordance with the *Planning and Development (Local Planning Schemes) Regulations 2015.*

VOTING REQUIREMENTS

Simple Majority required.

ATTACHMENTS

- 1. Proposed Special Control Area requirements.
- 2. Proposed Local Development Plan.
- 3. Indicative Streetscape Images.

OFFICER'S RECOMMENDATION

That Council does not initiate the proposed scheme amendment to the City of Bayswater Town Planning Scheme No.24 to rezone Lot 2, 81 Camboon Road from "Special Purpose (Nursery)" to "Business" with a "Special Control Area" as contained in Attachment 1 to this report, for the following reasons:

- 1. The proposal is not considered to be of a strategically significant or urgent nature.
- 2. To change the zoning of an area with limited strategic planning justification represents ad hoc planning and would undermine the commenced Local Planning Strategy and town planning scheme review process.
- 3. The proposed scheme amendment will encourage commercial development outside an identified activity centre.
- 4. The proposed scheme amendment is not supported by the activity centres framework identified in *State Planning Policy 4.2 Activity Centres for Perth and Peel and Directions 2031 and Beyond.*

REASON FOR CHANGE

Council changed the officer recommendation as it was satisfied that a shopping centre without a service station was appropriate for the site and could proceed independent of the Local Planning Strategy but did not support the local development plan because it proposed a service station.

COMMITTEE RESOLUTION

That:

- 1. Council initiates Amendment No. 77 to the City of Bayswater Town Planning No. 24 as follows:
 - (a) Rezone Lot 2, 81 Camboon Road, Noranda to 'Business'.

- (b) Insert a new Special Control Area 14 for Lot 2, 81 Camboon Road, Noranda in the Scheme.
- (c) Amend Schedule 10 of the Scheme to insert Special Control Area 14 and the land use provisions detailed in <u>Attachment 1</u> of this report with the following modification to the building heights section.
 - Development shall be limited to a maximum height of 7m above natural ground level of the site.
- (d) Amend clause 10.1.1 of the Scheme to include the following:
 - n) Special Control Area 14

Lot 2, 81 Camboon Road, Noranda.

- (e) Amend the Scheme Maps accordingly.
- 2. Council considers Amendment No. 77 to the City of Bayswater Town Planning Scheme No. 24 to be 'Standard' under the provisions of the Planning and Development (Local Planning Schemes) Regulations 2015 for the following reasons:
 - (a) The amendment does not result in any significant environmental, social, economic or governance impacts on land in the scheme area; and
 - (b) The amendment is not a complex or basic amendment.
- 3. The applicant prepares the scheme amendment documentation to the satisfaction of the City of Bayswater.
- 4. Council does not support the local development plan submitted for the subject site.

CR FILOMENA PIFFARETTI MOVED, CR SALLY PALMER SECONDED

CARRIED: 6/3

FOR VOTE: Cr Chris Cornish, Deputy Mayor, Cr Catherine Ehrhardt, Cr Brent Fleeton, Cr Barry McKenna, Cr Sally Palmer and Filomena Piffaretti. AGAINST VOTE: Cr Stephanie Gray, Cr Dan Bull, Mayor and Cr Elli Petersen-Pik.

At 8.10pm, Cr Barry McKenna returned to the meeting.

Attachment 1 - Proposed Special Control Area Requirements

Our Ref: 20622



31 July 2017

City of Bayswater PO Box 467 MORLEY WA 6943

Attention: Strategic Planning - Samin Eskandari

Dear Samin

PROPOSED SCHEME AMENDMENT – SUPPLEMENTARY INFORMATION LOT 2 CAMBOON ROAD, NORANDA

Hi Samin

I refer to the above Scheme Amendment proposal which seeks to rezone Lot 2 Camboon Road, Noranda from 'Special Purpose (Nursery)' to 'Business'.

Revised Development Plans

Please find the following Plans in support of the proposal attached as **Appendix A**:

- A feature and level survey of the site;
- An updated Site Plan which has been informed by the feature and site survey.

The updated Site Plan shows the Aldi store relocated so it is adjacent to the car parking areas adjoining the site to the south. The Aldi Store has a nominated FFL of 30.30m AHD, which sits approximately 1.2m below the current level on the southern part of Lot 2 (approx. 31.5m AHD). The loading dock grades down to 29.20m AHD, and accordingly would be up to 1.8m lower than the existing level of 31m AHD adjacent to the south-west boundary adjoining residential properties;

- Elevations of the proposed development, including examples of the colour palette;
- Streetscape photomontages illustrating the built form of the completed building within the
- context of the existing streetscape (both from Camboon Road and Thornber Place; and
- A Landscaping Plan illustrating proposed vegetation plantings adjacent to Thornber Place.

The intent of this additional design work is to demonstrate redevelopment of the site in the manner proposed is capable of being sensitively integrated with surrounding land uses without impacting in terms of building height, bulk and scale, overshadowing, privacy or other amenity considerations (including noise).

	Albany High	way, Kelmsco ott WA 6991		•95 1947 495 1946	E: kelmscott @ha www.harleydykst	arleydykstra.com.au :ra.com.au	(
Albany	Bunbury	Busselton	Kelmscott	Perth	ACN 009 101 786	ABN 77 503 764 248	

Proposed Scheme Amendment – Supplementary Information Lot 2 Camboon Road, Noranda

Page 2 of 4

Proposed Scheme Provisions

Via email on 3 April 2017, the City recommended considering and providing further details addressing the following matters prior to the proposal being referred back to Council:

- Development Standards (Design Guidelines) in relation to built form , building height,
- landscaping and setbacks;
- Existing Commercial Development provisions (Cl 8.7 of TPS 24);
- Permissibility of Residential Uses (Grouped and Multiple dwellings); and
- The definition of convenience store (subject to Scheme Amendment No. 61)

Development Standards

Having regard to the City's recommendations, the Table below has been amended (where applicable).

A maximum commercial building height of 9m from the *finished* level of the site has been nominated. It is considered this height limit provides a suitable control whereby the proposed Aldi store, following site works, will achieve a relative height adjacent to residential land uses commensurate with the maximum building height permitted by the Residential Design Codes.

	AREA	SITE PARTICULARS	PROVISIONS
κx	Special Control Area XX Lot 2 (No. 81) Camboon Road, Noranda	Lot 2 (No. 81) Camboon Road, Noranda Special Control Area No. XX is generally bound by Camboon Road reserve to the east, Thornber Place road reserve to the north, the common boundary of the site with No.s 77 and 79 Camboon Road to the south and the common boundary of the site with No.68 Bramwell Road and No.s 27, 29 & 31 Newell Way to the west.	Purpose To allow for redevelopment of the Noranda Hills Nursery site to allow for commercial uses including shop, convenience store, service station, office, consulting rooms (medical), fast food outlet and restaurant, whilst preserving the amenity of adjacent residentia development.
			Development Standards
			Local Development Plan
			Development standards for the site shall be established via the preparation of a Local Development Plan to the satisfaction of the local authority prior to development approval being issued.
			The Local Development Plan shall address matters including, but not limited to:
			 Building design elements Residential interfaces Streetscape Vehicular access Setbacks Landscaping
	Albany Highv	vay, Kelmscott T: 08 9495 1947 E: kelmscott @harle tt WA 6991 F: 08 9495 1946 www.harleydykstra.	

ot 2 Camboon Road, Noranda	Page 3 of 4
	Building Height
	Commercial buildings shall be limited to 9m in height from the finished site level.
	Landscaping
	A landscaping plan shall be prepared in support of any application for planning approval for commercial development. The Landscaping Plan should address, but not be limited to the interface with Thornber Place.
그는 그는 것을 물건물건을 해야 한다. 그는 것을 물건을 받았다.	Net Lettable Area (NLA)
	The total commercial NLA for the site shall be limited to 3000m ² .
	<u>Residential Development</u> <u>Standards</u>
	Residential development shall be in accordance with the R40 provisions of the Residential Design Codes.
	Land Use
	Notwithstanding uses listed within Table No. 1 – Zoning Table of the Scheme, only the following uses shall be permissible within SCA No. XXX. No other uses shall be permitted:
	Permitted Uses Consulting Rooms (medical) Grouped Dwelling Multiple Dwelling Fast Food Outlet Office Restaurant Shop
	Discretionary Uses Convenience Store Service Station

 KELMSCOTT
 T: 08 9495 1947

 6/2954 Albany Highway, Kelmscott
 T: 08 9495 1947

 PO Box 316, Kelmscott WA 6991
 F: 08 9495 1946

E: kelmscott @harleydykstra.com.au www.harleydykstra.com.au





Attachment 2 - Proposed Local Development Plan



LOCAL DEVELOPMENT PLAN

Lot 2 Camboon Road NORANDA





7 NOVEMBER 2017

Attachment 3 - Indicative Streetscape Images



PLANNING AND DEVELOPMENT SERVICES COMMITTEE MINUTES









9.1.6 Maylands Brickworks Reactivation Engagement Plan

Location:		Brickworks,	22	Swan	Bank	Road,
0	Maylands					
Owner:	City of Bay					
Reporting Branch:	Strategic F	Planning and Pl	lace			
Responsible Directorate:	Planning a	nd Developme	nt Se	rvices		
Refer:	Item 13.3.3	: OCM 23.5.20 ²	17			
	Item 11.3.2	.2: OCM 28.5.2	013			
	Item 13.1.4	: OCM 23.8.20 ²	11			

EXECUTIVE SUMMARY

Application:

Council consideration is sought of the proposed Maylands Brickworks Community and Stakeholder Engagement Plan.

Key Issues:

- The Heritage Directorate of the Department of Planning, Lands and Heritage (DPLH) (formerly the State Heritage Office) has prepared a community and stakeholder engagement plan for the concept plans for the enhancement and redevelopment of the Maylands Brickworks site.
- The engagement plan proposes that the engagement process commence in early December by way of a mail out to land owners and community groups and information placed on Heritage Directorate of the DPLH's website.

BACKGROUND

At the Ordinary Council Meeting held 23 May 2017 Council considered an offer by the then State Heritage Office (now Heritage Directorate of the Department of Planning Lands and Heritage) to prepare concept plans and feasibility study in relation to the enhancement and redevelopment of the Maylands Brickworks site and resolved as follows:

"That:

- 1. Council supports initiation of the preparation of concept plans and feasibility study in relation to the enhancement and redevelopment of the Maylands Brickworks site (Stage 1) by the State Heritage Office.
- 2. A Community Engagement Plan be prepared by the State Heritage Office and reported to the Planning and Development Services Committee that considers how the City, stakeholders and community will be involved in the preparation of the concept plans and feasibility study for the enhancement and redevelopment of the Maylands Brickworks site. "

The Heritage Directorate of the Department of Planning, Lands and Heritage (Heritage Directorate) has now prepared a community and stakeholder engagement plan for Council's consideration.

The Maylands Brickworks is sitting on a 25,672m² site, which is zoned 'Medium and High Density Residential R40'. The Brickworks is a 'Classification 1' heritage-listed place on the City's Municipal Inventory of Heritage Places (MI) and is also on the State Register of Heritage Places.



At its Ordinary Council Meeting held on 28 May 2013, Council considered the Conservation Management Plan (CMP) for the Maylands Brickworks site, and resolved that:

- "1. Council adopt the Conservation Management Plan for the Maylands Brickworks dated March 2013, as prepared by Palassis Architects.
- 2. Council consider the allocation of \$80,000 to undertake urgent maintenance and repair works to the Maylands Brickworks as part of the 2013/2014 budget process.

3. The City's officers investigate opportunities for grant funding to undertake further maintenance and repair works to the Maylands Brickworks site, pursuant to the recommendations of the Conservation Management Plan for the Maylands Brickworks."

The subject CMP provides detailed recommendations on the ongoing management, maintenance and repair of the Maylands Brickworks. The CMP also identifies other examples of adaptive reuse, however does not provide a recommended use for the site. Further, the CMP notes that "*it is unlikely that the place will operate again as a brickworks, but likely that a range of uses, including commercial, recreational, residential or hospitality might be considered. Precedent would suggest that a wide range of uses is possible.*"

Notwithstanding the above, the City has mainly focused on repair and maintenance of the place since the adoption of CMP and no redevelopment plan has been prepared to date. The repair and maintenance works have been carried out by the City to different structures of Maylands Brickworks site including the gate house, change room, kiln, drying shed, pug mill, workshop and fencing. The subject works have costed the City approximately \$150,000 over the past three years.

CONSULTATION

No consultation has occurred to date in relation to this matter. In the event Council supports the proposed Community Engagement Plan all consultation will be conducted in accordance with the plan and it is anticipated that the consultation will commence in early December 2017 and will conclude in early February (extended period due to the Christmas Holiday period).

ANALYSIS

The Maylands Brickworks Community and Engagement Plan has been prepared by the Heritage Directorate as the framework for informing and involving the community and key stakeholders in the reactivation of the Maylands Brickworks. It is proposed that the engagement process will be conducted by the Heritage Directorate with support from the City. The objectives of the Engagement Plan are as follows:

- Provide the opportunity for community and stakeholders to be informed about the issues involved in conserving and reactivating the Brickworks.
- Provide a range of opportunities for key stakeholders to express their views about the future of the Brickworks generally, and reactivation concepts specifically.
- Assist in producing a widely agreed approach to reactivating the Brickworks that is balanced, practical and can be implemented.
- Manage expectations and allay fears about future of the Brickworks.
- Promote the potential heritage conservation and amenity benefits of reactivation.
- To assist the City of Bayswater and the Heritage Council to decide whether to proceed to 'Stage 2' of the reactivation project.

The community engagement process will seek community input on options for the reactivation of the Maylands Brickworks. The options for reactivation have not yet been finalised by the Heritage Directorate, however they will presented a Councillor Briefing prior to the commencement of the engagement process.

The engagement process is proposed to commence in early December and will involve the following key tasks:

- Mail out to all land owners within 400m of the Brickworks. The mail out will include an information booklet detailing the background of the project and the options for the site. Land owners are also invited to meet with the Heritage Directorate if they wish.
- Mail out to interested community groups (i.e. Maylands Historical and Peninsula Association Inc. and the Friends of Maylands Lakes). Community groups will also be invited to meet with the Heritage Directorate if they wish.

• Information on Heritage Directorate website. A link to the Heritage Directorate website will also be put on the City's Engage Bayswater page to ensure people can easily find the information.

The Engagement Plan is a high level document with flexibility to allow the consultation methods to be modified during the engagement process to respond to the needs of the community

The proposed Community and Stakeholder Engagement Plan is considered to provide sufficient detail to inform and engage the community on the reactivation of the Maylands Brickworks while retaining some flexibility to respond to any issues which may arise during the engagement process.

OPTIONS

The following options are available to Council:

	OPTION	BENEFIT	RISK
1.	Approve the proposed Community and Stakeholder Engagement Plan. Estimated Cost: • Nil	 Community engagement will commence as anticipated. The community will be engaged on options for the reactivation of the Maylands Brickworks. It provides flexibility to respond to issues raised during the engagement process. Will help inform the reactivation of a currently underutilised site. 	have not yet been finalised it is unknown what will be presented to the community.
2.	Approve the proposed Community and Stakeholder Engagement Plan with modification(s). Estimated Cost: • Nil	 Dependent on the modification(s) proposed. 	 Dependent on the modification(s) proposed.
3.	Do not approve the proposed Community and Stakeholder Engagement Plan. Estimated Cost: • Nil	The proposed options may be finalised before adopting a community engagement plan.	 Community engagement will not commence as anticipated. It will delay the project leaving the site unused for a longer period of time.

CONCLUSION

In light of the above it is recommended that Council proceed with Option 1 to approve the proposed Community and Stakeholder Engagement Plan.

FINANCIAL IMPLICATIONS

Not applicable.

STRATEGIC LINK

In accordance with the City of Bayswater Strategic Community Plan 2017-2027, the following applies:

Theme:Our Built EnvironmentAspiration:A quality and connected built environment.Outcome B3:Quality built environment.

COUNCIL POLICY AND LEGISLATIVE IMPLICATIONS

Maylands Brickworks is a 'Classification 1' heritage-listed place on the City's Municipal Inventory of Heritage Places (MI) and is also on the State Register of Heritage Places. In view of this, any works being proposed in relation to the Brickworks site should be referred to the Heritage Directorate, prior to approval by the City of Bayswater.

VOTING REQUIREMENTS

Simple Majority required.

ATTACHMENTS

1. Community and Stakeholder Engagement Plan: Maylands Brickworks.

OFFICER'S RECOMMENDATION

That Council approves the Community and Stakeholder Engagement Plan: Maylands Brickworks as included in <u>Attachment 1</u> to this report.

MOTION

That Council approves the Community and Stakeholder Engagement Plan: Maylands Brickworks as included in <u>Attachment 1</u> to this report, subject to the following modifications:

- 1. Engagement to be undertaken after the school holidays/Christmas period.
- 2. Engagement to include the entire Peninsula estate area.

CR CATHERINE EHRHARDT MOVED, CR GIORGIA JOHNSON SECONDED

Discussion occurred on the item following the item being moved and seconded and it was established that the item be deferred in accordance with clause 10.6 of the Standing Orders Local Law 2013.

COMMITTEE RESOLUTION

That Council:

- 1. Defers decision on the Community and Stakeholder Engagement Plan: Maylands Brickworks to the December Planning and Development Services Committee meeting to allow the Committee to consider the Plan together with the proposed options.
- 2. Requests the Heritage Directorate to amend the Plan so that all residents and ratepayers in Maylands (at the very least) are consulted on the proposed options.

CR ELLI PETERSEN-PIK MOVED, CR DAN BULL, MAYOR SECONDED

CARRIED: 5/5

For Vote: Cr Cornish, Deputy Mayor, Cr Bull, Mayor, Cr Petersen-Pik, Cr Fleeton and Cr Piffaretti Against Vote: Cr Palmer, Cr Gray, Cr McKenna, Cr Ehrhardt and Cr Johnson

In accordance with section 5.21(3) of the Local Government Act 1995, as the votes were equally divided, the Presiding Member (Chairperson), Cr Brent Fleeton, cast a second vote.

Attachment 1 - Community Engagement and Stakeholder Engagement Plan: Maylands Brickworks.



COMMUNITY AND STAKEHOLDER ENGAGEMENT PLAN: MAYLANDS BRICKWORKS OCTOBER 2017

HERITAGE WORKS

Heritage Revolving Fund Building on heritage value

Contents

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9.	Evaluation	9

COMMUNITY AND STAKEHOLDER ENGAGEMENT STRATEGY – MAYLANDS BRICKWORKS

1. Introduction

The Heritage Directorate of the Department of Planning Lands and Heritage (formerly the State Heritage Office) is carrying out a collaborative project with the City of Bayswater, seeking to reactivate the former Maylands Brickworks heritage buildings. The project is being carried out in two stages, of which community engagement forms part of Stage 1:

STAGE 1

- 1. Assess the repair and maintenance requirements of the brickworks
- 2. Prepare options for development of the site to achieve -
 - (a) conservation and adaptive reuse of the Brickworks heritagestructures
 - (b) optimal use and development of the site, and
 - (c) an acceptable financial return to the City of Bayswater as the owner
- 3. Test and refine development options in consultation with the City, the Maylands Golf Course lessee, local stakeholders and approval authorities (including the Heritage Council)
- Assess the feasibility of the development options, and the development economics of the site generally

STAGE 2

If supported by the findings of Stage 1, and endorsed by both the City of Bayswater and the State Heritage Office:

- Prepare a Structure Plan or other appropriate planning measures for the site
- 6. Carry out conservation work to the brickworks, and any other pre-sale works that may be required
- 7. Devise a reactivation and disposal strategy, and assist the City to dispose of some or all of the land

The Maylands Brickworks is a heritage place listed in the State Register and protected by the *Heritage of Western Australia Act.* It has been vacant and unused since 1983.

The Maylands Brickworks is on land owned by the City of Bayswater, and it gives rise to public interest considerations for several reasons:

- 1. the site offers existing and potential public uses and amenity;
- 2. it is a heritage place;
- future reactivation may involve development and new uses on some or all of the land with potential for off-site impacts (not necessarily negative ones);
- 4. the reactivation of the site is likely to require a substantial public investment.

The location of the Maylands Golf Course clubhouse and carparking immediately adjacent to the Brickworks creates the possibility of the kilns and drying sheds being adapted for use by the golf course, to replace the existing clubhouse. Exploring that possibility will form a major part of the engagement project.

The Community and Stakeholder Engagement Plan has been prepared by the Heritage Directorate as the framework for informing and involving the community and key stakeholders in the reactivation of the Maylands Brickworks.

The Engagement Plan is a high level document with flexibility to allow the consultation methods to be modified during the engagement process to respond to the needs of the community.

COMMUNITY AND STAKEHOLDER ENGAGEMENT STRATEGY - MAYLANDS BRICKWORKS

2. Project Scope

Project Name

Maylands Brickworks Community and Stakeholder Engagement Project

Project Objectives

The project objectives are as follows:

- i. Provide the opportunity for community and stakeholders to be informed about the issues involved in conserving and reactivating the Brickworks
- ii. Provide a range of opportunities for key stakeholders to express their views about the future of the Brickworks generally, and reactivation concepts specifically
- iii. Assist in producing a widely agreed approach to reactivating the Brickworks that is balanced, practical and can be implemented
- iv. Manage expectations and allay fears about future of the Brickworks
- v. Promote the potential heritage conservation and amenity benefits of reactivation.
- vi. To assist the City of Bayswater and the Heritage Council to decide whether to proceed to 'Stage 2' of the reactivation project.

Level of Engagement

The recommended levels of engagement adopt the standard spectrum of the International Association for Public Participation (IAP2).

Engagement will vary according to the level of interest and influence of the stakeholder, as summarised in section 3 below.

In the case of local residents living within 400 metres of the Brickworks, the project team will contact them individually, and makes them the following promise:

'We will work to keep you informed, listen to and acknowledge concerns and aspirations, and provide feedback on how public input influenced the decision'.

Negotiables and Non-Negotiables

Negotiable	Non-Negotiable
How the Brickworks reactivation is planned.	The Brickworks should be reactivated, not left permanently vacant and unused (unless reactivation is physically or financially unfeasible).
The nature and location of any residential development within the Residential-zoned land holding.	Reactivation of the Brickworks should complement and enhance the use and enjoyment of adjacent recreational open space including the lakes and the golf course.
Levels of engagement.	If a substantial public investment is necessary to achieve the reactivation of the Brickworks, the solution should generate an economic return to offset the investment.
	 The community should be involved and engaged, noting however: the City of Bayswater and the State Government remain the final decision makers the brickworks land is zoned Residential and some form of residential development within the area will be considered.

3. Stakeholders

Stakeholder	Reason for Interest	Interest	Influence	Engagem't Level
City Council	The owner. The Brickworks is a significant but underperforming local amenity, heritage and financial asset.	High	High	Collaborate
City executive leadership team	As above. Director of Planning & Development has primary responsibility for representing City interests within the project.	High	High	Collaborate
Golf Oracle (operator of the adjacent Maylands Golf Course)	Golf course lease obliges Golf Oracle to finance and build a new clubhouse on Council land by March 2020. Existing design of the clubhouse precinct including parking is disjointed; improved design offers potential user benefits and commercial benefits.	High	High	Collaborate
Heritage Council	Owner of Heritage Revolving Fund (a potential source of investment). Statutory role in review of development of the heritage place.	High	High	Collaborate
Local residents (within 400 metres)	The Brickworks sit on land zoned 'Residential R40', but adjacent to a recreational open space area including the lakes and the golf course. Noise, traffic and social activity are relevant to nearby residents.	High	Medium	Consult
Other residents and ratepayers	The Brickworks sit on land zoned 'Residential R40', but adjacent to a recreational open space area including the lakes and golf course. Improved activation of the precinct can offer local amenity benefits.	Medium	Low	Inform
Community groups, incl. Maylands Historical & Peninsula Association, and Friends of Maylands Lakes	Interested in tree retention, heritage, open space connections.	Medium	Low	Consult
Minister for Heritage	Stakeholder in investment decisions of 'Heritage Works' (the Revolving Fund).	High	High	Consult
Local members of Parliament	Interested in local development, prosperity, and amenity.	Medium	Low	Inform
Department of Planning Lands & Heritage	Golf course (excluding the clubhouse) sits on a Crown reserve; carpark design will require Departmental consultation.	Medium	High	Consult
Golf course users	Clubhouse precinct should offer a convenient and enjoyable experience.	High	Low	Consult

COMMUNITY AND STAKEHOLDER ENGAGEMENT STRATEGY – MAYLANDS BRICKWORKS

3

4. Key Messages

Primary

Reactivation of the Brickworks creates the possibility of an exciting new recreational amenity for Maylands and surrounding suburbs.

The project is a partnership between the City and the 'Heritage Works' program of the Department of Planning Lands and Heritage (originally via the State Heritage Office).

The project presents an opportunity to take advantage of a unique combination of events: renewal of the golf course lease in late 2016 requires creation of a new clubhouse by March 2020, alongside or within the Brickworks precinct.

This is a Heritage Revolving Fund project: the returns from the project are used to revitalise other vacant places (it is primarily a community benefit, not-for-profit initiative).

Other ancillary uses are possible, eg. restaurant, function centre, weekend markets, wedding venue etc.

The Brickworks precinct and the adjacent trees, open space and lake are on land zoned 'Residential R40', a legacy of the brickworks closure in the 1980s. Opportunities exists to rationalise planning arrangements over the broader site and enhance long-term open space protection.

The Brickworks project aims for a positive financial outcome for ratepayers and taxpayers (ie. an enhanced recreational precinct with low or nil net costs to the public purse).

Secondary

The Brickworks have been vacant and unused since 1983, and now is the time for a solution to be found.

Any new use and development on the site must be sympathetic to the heritage values of the Brickworks.

5. Risks

Risk	Engagement strategy
Reactivation proposals are too vague to elicit meaningful discussion and feedback	Heritage Directorate to provide clear and well-illustrated reactivation options, as the starting point for consultation.
Reactivation proposals are not well received by the City Councillors and executive staff	Ensure Bayswater Council is involved and regularly briefed throughout the engagement process; at each step, Council consultation always precedes wider consultation. Ensure that reactivation proposals place a high emphasis on protecting and enhancing the amenity of the surrounding recreational area.
Reactivation proposals are not well received by local residents	Seek personal contact with residents within 400 metres of the Brickworks to ensure they are being listened to. Ensure the engagement process is well known, transparent and accessible. Ensure that reactivation proposals place a high emphasis on protecting and enhancing the amenity of the surrounding recreational area.
Reactivation proposals are considered to have a negative heritage impact	Ensure Heritage Council is involved and regularly briefed throughout the engagement process.
Reactivation proposals are considered to have a negative impact on the operation of the golf course	Ensure Golf Oracle is involved and regularly briefed throughout the engagement process. Survey opinions and preferences of players at the golf course.

6. Roles and Responsibilities

Name	Project Role	Organisation
Mike Betham	Project sponsor	Director H/Works, Heritage (DPLH)
Courtenay Heldt	Project architect	Project Manager, Heritage (DPLH)
Jon Burgess	Planning & urban design advice	Burgess Design Group
AiLin Chen-Van Leeuwen	Media & comms advice	Corporate Communications Officer, State Heritage (DPLH)
Sarah Proctor	Administrative assistance	Customer Service Officer, State Heritage (DPLH)
Des Abel	Team member	Director Planning & Development, City of Bayswater
Matt Turner	Team member	Manager, Strategic Planning & Place, City of Bayswater
Alix Bray	Team member, primary contact	Strategic Projects Officer, Strategic Planning & Place, City of Bayswater
Janelle Easthope	Team member	Community Engagement Advisor

COMMUNITY AND STAKEHOLDER ENGAGEMENT STRATEGY – MAYLANDS BRICKWORKS

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7. Action Plan

Milestone	Actions	Stakeholders	When	Who
Prelims	Present concept designs for conversion to Council or Planning Committee, plus draft Engagement Plan.	City of Bayswater	Nov 17	Htge, BDG
	Prepare Information Package for mail out	All	Nov 17	Htge, BDG
Commencement	Present concept designs for conversion to Heritage Council	Heritage Council	Nov 17	Htge, BDG
	Consult with the Community and other Stakeholders, commencing with mailout of a detailed information package	Local residents; Community groups; others including MLA & golf course users	Dec17-Jan 18 Htge	Htge
Feedback review	Consolidate written and verbal responses and advise the City	City of Bayswater, Heritage Council.	Jan-Feb 2018	Htge
Feasibility analysis, concept refinement etc	 Prepare and present feasibility analysis and concept refinements to: Council or Planning Committee Heritage Council 	City, Heritage Council	Sep 2017- Feb 2018	Htge, BDG
	Meet in person with any resident-within-400m who requests it	Local residents	Feb 2018	Htge, BDG
Conclusion	City & Department consider whether to proceed to Stage 2	City, Heritage Council	Apr-May 18	Htge, City
	Meet in person with any resident-within-400m who requests it (to explain decision made)	Local residents	May 2018	Htge, BDG
End	Reactivation project moves to Stage 2 (or ceases). Evaluation of results of the Engagement Plan. Prepare a new communications plan.	All	June 2018	Htge, City

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Action Plan cont'd

Information package for stakeholders

The following information will be included in the package emailed or mailed to local residents and other stakeholders:

- i. a synopsis of the Brickworks reactivation project, and the Engagement Plan
- ii. a questionnaire asking respondents to indicate their preferences
- iii. graphic illustration of:
 - site planning for Option 1 including carparking and integration with the surrounding open space
 - · adaptive reuse of the kilns drying sheds
 - the visual impact of site planning and new construction, using 3d rendering
- iv. examples of comparable properties in heritage places elsewhere, eg. the Grounds of Alexandria in Sydney, local farmers' markets, wedding venues and so on
- v. an invitation to attend a 2¹/₂-3 hour design charrette, if there is sufficient interest to justify holding one.



Figure 1 - sample graphic only (unrelated to Maylands Brickworks)



Figure 2 – sample graphic only (unrelated to Maylands Brickworks)



Figure 3 – sample graphic only (unrelated to Maylands Brickworks)

8. Budget

Item	Actions	Direct Costs
Information package prep	Heritage staff time – 15 hours uncharged Graphics & printing - \$1500	\$1,500
Email/mailing list preparation	City of Bayswater time - 8 hours uncharged	
First Mailout	Heritage staff time - 5 hours uncharged	
First contact with residents and stakeholders	Heritage staff time – 10 hours uncharged BDG time – 8 hours charged	\$2,000
Media liaison	Heritage staff time - 7 hours uncharged	
Design charrette (if required)	Heritage staff time – 12 hours uncharged BDG time – 12 hours charged Venue at City HQ - uncharged	\$3,000
Golfer consultation	Heritage staff time – 10 hours uncharged BDG time – 3 hours charged [Questionnaire via pro-shop or other actions, to be determined]	\$700
Second Mailout	Heritage staff time – 5 hours uncharged	
Second contact with residents and stakeholders	Heritage staff time – 7 hours uncharged BDG time – 5 hours charged	\$1,300
TOTALS	Includes 107 hours of manpower of which about 1/3 is charged as a direct project cost (born by Heritage)	\$8,500

9. Evaluation

Following completion, the success or otherwise of the Engagement Plan will be reviewed against these criteria:

- The number of people actively engaged
- The ratio of people who express satisfaction with the engagement process
- The level and nature of media coverage of the project
- The satisfaction level of Bayswater Councillors and executive staff regarding the project
- The extent to which stakeholder responses help establish a consensus that is
 practical and can be implemented.

9.1.7 **Bayswater Waves Cafe - New Lease** Location: Bayswater Waves Aquatic Centre - Reserve 38313, 160 Broun Avenue, Morley **Owner: City of Bayswater Strategic Planning and Place Services Reporting Branch:** Responsible Directorate: **Planning and Development Services** Refer: Item 9.1.8:PDSCM 18.4.2017 Item 20.1.1: OCM 8.3.2016 Item 18.1: OCM 22.5.2007 Item 12.6.1: OCM 24.4.2007 Item 9.5: OCM 12.4.2007 Item 11.5.2: OCM 13.12.2005

COMMITTEE RESOLUTION

That this item be moved to the end of the meeting to be dealt with behind closed doors.

Item 11.6.1: OCM 26.7.2005

CR BARRY MCKENNA MOVED, CR BRENT FLEETON SECONDED

CARRIED: 10/0

Confidential Attachment - in accordance with Section 5.23(2)(e) of the Local Government Act 1995 - information that has a commercial value to a person.

EXECUTIVE SUMMARY

Application:

Council consideration is sought on a proposed new lease for the café at Bayswater Waves and the option to separately lease the function room for another use.

Key Issues:

- The City sought Expression of Interests to lease and operate the Bayswater Waves Café through Colliers International (real estate agent).
- The City received six offers from applicants interested in leasing and operating the café.
- Colliers International also received an enquiry from another party about separately leasing the function room to use as a physio therapy facility.

BACKGROUND

The current lease for the operation of the Bayswater Waves Café was approved by Council in September 2000 for an initial five-year term. Subsequently, Council have approved the assignment of the lease to new operators and the addition of two further five-year terms. The original lease and all options to renew expired on 29 February 2016. The lessee is currently on monthly holding over basis.

The café at 'Bayswater Waves, and the attached function room, are centrally located in the facility, overlooking the indoor pools and have an area of approximately 390m². The lease area is highlighted on the plan below.


The original lease term and all options to renew expired early 2016 and the existing operator is continuing on a monthly holding-over basis as permitted under the lease. Council considered the lease at its Ordinary Meeting held 8 March 2016 and resolved:

"That Council:

- 1. Approves the City to review the principles of the long-term management and the options of procuring those services in relation to the Bayswater Waves café and the City to present a report regarding this matter to a Councillor workshop.
- 2. Continues the monthly holding-over tenancy with Dau Tran and Thuy Tran for the café at Bayswater Waves Aquatic Centre, Reserve 38313, 160 Broun Avenue, Embleton on the same terms and conditions as the existing lease until the management review and procurement of a new lease has been completed."

The matter was reported to the Councillor Workshop held 14 March 2017 and the café management principles and options were presented to Councillors.

Council at the Planning and Development Services Committee meeting held 18 April 2017, considered management principles and options for a new lease, and resolved:

"That:

- 1. Council approves the process of disposition of the café, and the function room as a nonmandatory option, at Bayswater Waves Aquatic Centre - Reserve 38313, 160 Broun Avenue, Morley, by private treaty following marketing by an appointed real estate agent, in accordance with section 3.58 of the Local Government Act 1995.
- 2. The City to appoint a suitably qualified and experienced real estate agent to market the lease of the café at Bayswater Waves Aquatic Centre Reserve 38313, 160 Broun Avenue, Morley and manage the negotiation process.
- 3. The City officers prepare a report to Council for consideration of all final offers received for the lease of the café, and the function room as a non-mandatory option, at Bayswater Waves Aquatic Centre Reserve 38313, 160 Broun Avenue, Morley."

Following Council's resolution, the City appointed Colliers International to market the new lease, and manage and negotiate with potential new lessees.

CONSULTATION

No consultation has occurred to date in relation to this matter. Once Council chooses a preferred applicant public comments are required to be invited for a 14 day period as part of the local public notice of the proposed disposal (lease), pursuant to section 3.58 of *Local Government Act.*

ANALYSIS

During the marketing period six offers were received from applicants interested in the lease for the Bayswater Waves Café. A number of operators made changes to the Heads of Agreement (HOA) requesting changes such as a rent free period, upgrades to the café and changes to some of the clauses. To ensure the expectations of the operators and the City were aligned, the City requested that the real estate agent drew up a new HOA which incorporated the proposed modifications the City supported and made clear which modifications the City did not support. Operators were invited to sign the new HOA if they agree with the modifications.

In February 2016 the City obtained an independent valuation that the Bayswater Waves Café was worth approximately \$20,000 per annum.

The below table summarises the updated offers received:

Name	Name Operator 1 Operator		Operator 3	Operator 4	Operator 5	Operator 6
Term	5 years	5 years	5 Years	5 Years	5 Years	5 Years
Option	5 Years	-	5 Years + 5 Years	-	-	-
Base Rent	per annum GST per annum		\$26,000 + GST per annum	\$29,000 + GST per annum	\$29,000 + GST per annum	\$29,000 + GST per annum
Function Room Rent	\$7,500 + GST per annum (for alfresco and function room)	\$5,000.00 + GST per annum	\$4,000.00 + GST per annum	\$6,000 + GST per annum	\$500 + GST per annum	\$7000+ GST per annum
Rent Reviews	Fixed 5% annual increase	Fixed 3% annual increase	Fixed 5% annual increase	Fixed 5% annual increase	Fixed 5 % annual increase	Fixed 5% annual increase
Percentage Rent *	N/A	10%	10%	10%	10%	10%
Rent Free	Nil	3 Month Rent Free Period	Nil	Nil Nil		Nil
Proposed Hours of Operation	Weekdays: 6am-6:30pm Weekends: 8am - 6pm	Café: 6:30am-9pm Function Room: 10am- 10pm	Summer Weekdays: 7am-7:30pm Weekends: 7:30am - 7pm Winter Weekdays: 8am-6:30pm Weekends: 8am - 6:30pm	6am - 7pm	8am - 7pm (possible to extend during summer period)	Weekdays: 6am-6pm Weekends: 8:30am - 6pm
Any Further Notes	 The City is to contribute to cosmetic upgrades or offer a rent free period. Request that the mobile food vehicles be prohibited from operating there. 	HOA Supplied but not signed	N/A	N/A	N/A	N/A

*Percentage rent is rent paid in addition to the base rent. It is a percentage (10%) of the operators earnings above the natural breakeven point (\$290,000 or \$260,000 for Operator 3).

Operator 1

Operator 1 is proposing a two person partnership. Together they have over 22 years' experience in the hospitality business having previously owned a restaurant, a catering company and a mobile food vehicle. They also have over 15 years management experience including menu development, OH&S experience, and policy and procedure experience. Their proposed menu includes a range of breakfast options including egg benedict, muesli and smashed avocado on toast with costs ranging between \$7.00 and \$15.00. Their proposed lunch menu includes a range of burgers, salads and daily wraps and paninis with prices ranging from \$7.00 to \$12.00. Operator 1 also proposes to serve a range of snack, drinks and healthy ready to eat meals. Operator 1 has not detailed how they propose to use the function room but have included it as a part of their lease proposal. It is noted that they are not interested in the facility if the function room is not on offer.

Operator 1 signed the City's modified HOA, with modifications of their own. Operator 1 modified the HOA to remove the requirement for percentage rent. Additionally they requested that the food vans be prohibited from operating near the facility. This modification is not supported as the food vans are on the adjoining reserve not the Bayswater Waves land and are over 50m away from the cafe, similar to other mobile food vehicle locations within the City. Further, Operator 1 has suggested that upgrades to the cafes façade are required to make it more appealing to customers and has requested that the City financially contribute to cosmetic upgrades. In the event the City is unwilling to provide a financial contribution Operator 1 has requested a rent free period. This modification is not supported by the City as the upgrades are not considered necessary.

A full copy of Operator 1's proposal is contained in **Confidential Attachment 1**.

Operator 2

Operator 2 is proposing a two person partnership. They have previous experience as a cook in a Fremantle café and at Perth Inflight Catering and have previously owned and operated a café in Bali. Operator 2 is proposing an Ala Carte menu (including display items such as sandwiches and wraps) with prices ranging between \$5.00 and \$15.00. They have also proposed to serve a range of snacks (such as muffins) and drinks.

Operator 2 proposes to use the function room as a function centre which operates between 10am and 10pm.

Operator 2 was unavailable to sign the modified HOA. In their original HOA Operator 2 requested a three month rent free period at the commencement of the lease and a lower annual rent increase (3%). As the café is already fit out there are limited works associated with starting up the business. In light of this it is not considered necessary to have a three month rent free period. In the event Council proceed with Operator 2 it will result in less rent over the life time of the lease.

A full copy of Operator 2's proposal is contained in **Confidential Attachment 2**.

Operator 3

Operator 3 is proposing to be a sole operator and has previous experience operating numerous different lunch bars and cafes around Perth, including ones in Bayswater, Fremantle, Osborne Park and Midland. Operator 3's proposed menu includes a range of salads, wraps, sushi, Asian specialties, sandwiches, toasties, burgers and snacks with all prices under \$11.00. In addition Operator 3 is proposing a range of drinks including freshly squeezed juices and smoothies. Operator 3 has also recommended some modifications, including not allowing patrons to bring in outside food and expand the serving counter.

Operator 3 proposes to use the function room for additional seating during peak periods.

Operator 3 signed the City's modified HOA. However it is noted that their proposed annual rent is significantly lower than the other operators (\$26,000). In the event Council proceed with Operator 3 it will result in less rent over the life time of the lease. Additionally Operator 3 requested the option to extend the lease by two, five year periods. This modification is not supported as it may prevent the City from seeking new operators for 15 years.

A full copy of Operator 3's proposed is contained in **Confidential Attachment 3**.

Operator 4

Operator 4 is proposing a two person partnership. They have previous experience operating two cafes within the City of Bayswater since 2008. Operator 4's proposed menu includes a variety of sandwiches, salads, burgers, breakfast wraps, freshly squeezed juices, shakes, ice-creams, cookies and cakes with all items being priced under \$10.00.

Operator 4 has not detailed how they propose to use the function centre but have included it as a part of their lease proposal.

Operator 4 signed the City's modified HOA. Operator 4 offered the standard rent, annual rent increase and percent of rent.

A full copy of Operator 4's proposed is contained in **Confidential Attachment 4**.

Operator 5

Operator 5 is proposing a three person partnership. Together they have previous experience managing a lunch bar/deli and owning/operating a café. Operator 5 has proposed a breakfast menu which includes sweet pastries, toast, pancakes and a breakfast burger and a lunch menu which includes burgers, fish and chips, sandwiches and rolls and a range of sides. They have indicated that drinks will be priced between \$2.30 and \$4.90, and sandwiches/rolls will be priced between \$4.50 and \$7.50. No further details on pricing have been included in the application.

Operator 5 has not detailed how they propose to use the function centre but have included it as a part of their lease proposal.

Operator 5 signed the City's modified HOA. Operator 5 offered the standard rent, annual rent increase and percent of rent.

A full copy of Operator 5's proposed is contained in **Confidential Attachment 5**.

Operator 6

Operator 6 is proposing a three person partnership. Together Operator 6 has over 30 years' experience in the hospitality industry having managed four restaurants. It is noted that some of this experience is not recent as two of the partners are currently working in other industries. Operator 6 has proposed a breakfast menu which includes an Aussie breakfast, toast and porridge with prices ranging between \$4.00 and \$15.00. They have also proposed a lunch menu which includes French crepes, dumplings, a selection of salads and burgers with prices ranging between \$10.00 and \$15.00.

Operator 6 proposes to use the function centre primarily as a quieter area for patrons to eat but which can also be hired out for events.

Operator 6 signed the City's modified HOA. Operator 6 offered the standard rent, annual rent increase and percent of rent.

A full copy of Operator 6's proposed is contained in **Confidential Attachment 6**.

Preferred Operator

Based on the information above the City's preferred operator for the café is Operator 4. It is considered that their relevant experience will ensure the café is run efficiently and to the standard expected by the City. Further their proposed menu is considered to meet the City's expectation that it provide a wide range of options including some healthy options and the affordable pricing will meet the community's expectations.

Use of the Function Room

In the marketing for the lease the function room was included as an optional inclusion. As detailed above all applicants included the function room as a part of their proposal with rent for the space proposed between \$500.00 and \$7,500.00 per annum.

During the marketing period the City's appointed real estate agent was approached by another operator who was seeking to use the function room as a physiotherapy facility. As they did not wish to operate the café as well they did not make a formal submission on the lease. The majority of operators did not indicate how they proposed to use the function room or that they would use the space for additional seating. It is considered that using the function room space for allied health services may be a better use of the space. It is considered that leasing the function room as a separate space may increase the number of people visiting the facility, may provide an additional use on the site which complements the gymnasium and fitness elements of the Bayswater Waves facility.

The interested operators indicated that they were willing to pay between \$15,000 and \$20,000 per annum to lease the function room as a physiotherapy facility. This is significantly higher than offers received to lease the function room in conjunction with the café. The real estate agent considered this offer to reflect the current market.

In the event Council wish to proceed with the option to lease the function room space as a separate space there are three options for disposal:

- Public Auction In this instance public auction is not considered a reasonable option given that there is unlikely to be significant interest in the function room.
- Public Tender This option can occur with or without marketing by a real estate agent. The
 process is similar to a tender for the procurement of goods and services. This method
 provides a transparent process with a fixed tender period. However, there is no flexibility to
 negotiate with the tenderers on the lease value. The City is required to accept the most
 preferable tender or reject all tenders.
- Private Treaty The City could undertake an expression of interest (EOI) process marketing it
 itself or via a real estate agent. It is noted that "EOI" is a commonly used term by the real
 estate agents for seeking offers and does not lead to a tender process, in this instance. This
 process was undertaken with the by a real estate agent on behalf on the City of the café
 lease.

Given the recent success with the private treaty process using a real estate agent for the café it is recommended that in the event Council wish to lease the function room separately they proceed with this option.

OPTIONS

The following options are available to Council in relation to the offers received:

OPTION	BENEFIT	RISK
 Accept the offer received from Operator 4 and advertise the intention to dispose of the cafe via private treaty. Estimated Cost: \$400 for notice of intention to 	revenue in line with the	• Nil.

		1			
	lease in a local newspaper.	•	A wide variety of affordable, healthy options will be available to patrons of the Bayswater Waves.		
2.	 Accept another offer received and advertise the intention to dispose of the cafe via private treaty. Estimated Cost: \$400 for notice of intention to lease in a local newspaper. 	•	Disposal could raise revenue in line with the City's Long Term Financial Plan. Transparent process for the lease.	•	Nil.
3.	Do not accept any of the offers received and recommence marketing of the café. Estimated Cost: • \$6,000.	•	The City may receive a higher offer to lease the Bayswater Waves Café.	•	It is unlikely the City will receive further applications to operate the lease. It will further delay a new operator commencing at the Bayswater Waves Café. A new operator may not commence until after the peak summer season, making it difficult for them to grow the business over the winter months.

The following options are available to Council in relation to leasing the function room:

	OPTION	BENEFIT	RISK
A.	 Support disposal of the function room separate to the café via private treaty following EOI. Marketing to be undertaken by a real estate agent. Estimated Cost: \$2,000 for valuation. \$6,000 for agent fees and marketing costs. \$500 for notice of intention to lease in a local newspaper. 	 revenue in line with the City's Long Term Financial Plan. Flexibility to keep the premises open for offers and to negotiate with interested parties. Transparent process for the lease. 	 The name of the lessee and rental price must be disclosed during the public notice process, which may deter some potential lessees. The function room will not be available for use by the café.
В.	Support disposal of the function room separate to the café via private treaty following EOI. Marketing to be undertaken by the City.	revenue in line with the City's Long Term	 Advertising by the City may not be seen by all potential lessees. The City is not generally well experienced in handling property

PLANNING AND DEVELOPMENT SERVICES COMMITTEE MINUTES

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	 Estimated Cost: \$2,000 for valuation. \$1,500 for notice of intention to lease and EOI advertising in the local newspapers. 	•	and to negotiate with interested parties. Transparent process for the lease.	•	negotiation processes. Negotiation by the City may be perceived as favouring one party. The name of the lessee and rental price must be disclosed during the public notice process, which may deter some potential lessees.
C.	 Support disposal of the function room separate to the café via a public tender, with the marketing and process undertaken by a real estate agent. Estimated Cost: \$6,000 for agent fees and marketing costs. \$1,500 for tender advertising in local newspapers. 	•	Disposal could raise revenue in line with the City's Long Term Financial Plan. Transparent process for the lease. Marketing by the agent will increase its exposure to potential lessees.	•	The requirement for a tender submission may discourage some potential lessees. Little flexibility to negotiate the rental price.
D.	Support disposal of the function room separate to the café via a public tender, with the marketing and process undertaken by the City. Estimated Cost: • \$1,500 for tender advertising in local newspapers.	•	Disposal could raise revenue in line with the City's Long Term Financial Plan. Transparent process for the lease.	•	The requirement for a tender submission may discourage some potential lessees. Little flexibility to negotiate the rental price. Advertising by the City may not be seen by all potential lessees.
E.	Support the disposal (lease) of the function room with the café lease to the preferred Operator. Estimated Cost: Nil.	•	Disposal could raise revenue in line with the City's Long Term Financial Plan. The function room will be used in conjunction with the café.	•	May not increase the number of people visiting the Bayswater Waves facility. May not provide another complementary use within the facility.
F.	Not support the disposal (lease) of the function room and retain it for use by the City. Estimated Cost: • Nil.	•	The City may lease the function room for events to raise income in line with the City's Long Term Financial Plan. The function room may be used as additional floorspace for the gymnasium.	•	May not increase the number of people visiting the Bayswater Waves facility. May not provide another complementary use within the facility.

CONCLUSION

In light of the above, it is recommended Council proceeds with Option 1 and Option A to accept the offer received from Operator 4 (not including the function room), gives notice of the intention to lease the cafe by way of private treaty to the new potential lessee and support disposal of the function room separate to the café via private treaty following EOI with marketing to be undertaken by a real estate agent.

FINANCIAL IMPLICATIONS

Disposal (via lease) would provide income as outlined in the City's Long Term Financial Plan. The final amount would depend on the tender/offer accepted less the process costs outlined in the Options section.

STRATEGIC LINK

In accordance with the City of Bayswater Strategic Community Plan 2017-2027, the following applies:

Theme: The Local Economy

Aspiration: Our vibrant business hubs provide opportunities for business growth, community activity, learning and employment opportunities.

Outcome E3: Growth of local and new business.

COUNCIL POLICY AND LEGISLATIVE IMPLICATIONS

Section 3.58 of the Local Government Act 1995 applies to the disposal (via lease).

VOTING REQUIREMENTS

Simple Majority required.

ATTACHMENTS

- 1. Operator 1 Submission (Confidential)
- 2. Operator 2 Submission (Confidential)
- 3. Operator 3 Submission (Confidential)
- 4. Operator 4 Submission (Confidential)
- 5. Operator 5 Submission (Confidential)
- 6. Operator 6 Submission (Confidential)

COMMITTEE RESOLUTION

That the meeting be closed to the public.

CR CHRIS CORNISH, DEPUTY MAYOR MOVED, CR GIORGIA JOHNSON SECONDED CARRIED UNANIMIOUSLY 9/0

Reason for Confidentiality

This report is dealt with behind closed doors (Confidential) in accordance with section 5.23(2)(e) of the *Local Government Act 1995* as it relates to information that has a commercial value to a person.

At 8.36pm, the doors were closed to the public

COMMITTEE RESOLUTION

That Standing Orders be suspended.

CR CHRIS CORNISH, DEPUTY MAYOR MOVED, CR DAN BULL, MAYOR SECONDED CARRIED UNANIMIOUSLY: 9/0

At 8.37pm, Standing Orders were suspended.

OFFICER'S RECOMMENDATION

That Council:

- 1. Accepts the lease offer from Operator 4 contained in <u>Confidential Attachment 4</u>, excluding the function room, subject to notice of the intention to lease the Café at Bayswater Waves Aquatic Centre Reserve 38313, 160 Broun Avenue, Morley by private treaty being given, in accordance with section 3.58 of the *Local Government Act 1995*, and a further report be referred to Council to consider any submissions received during the public notice period.
- 2. Approves the process of disposal (lease) of the former function room option, at Bayswater Waves Aquatic Centre Reserve 38313, 160 Broun Avenue, Morley, by private treaty following marketing by an appointed real estate agent, in accordance with section 3.58 of the *Local Government Act 1995*.
- 3. The City to appoint a suitably qualified and experienced real estate agent to market the lease of the former function room at Bayswater Waves Aquatic Centre Reserve 38313, 160 Broun Avenue, Morley and manage the negotiation process.
- 4. The City officers prepare a report to Council for consideration of all final offers received for the lease of the former function room option, at Bayswater Waves Aquatic Centre Reserve 38313, 160 Broun Avenue, Morley.

CR CHRIS CORNISH MOVED, CR DAN BULL SECONDED

COMMITTEE RESOLUTION

That Standing Orders be resumed.

CR DAN BULL, MAYOR MOVED, CR GIORGIA JOHNSON SECONDED

CARRIED UNANIMIOUSLY: 10/0

At 8.57pm, Standing Orders were resumed.

COMMITTEE RESOLUTION

That the item be deferred to the next Ordinary Council meeting.

CR DAN BULL, MAYOR MOVED, CR STEPHANIE GRAY SECONDED

CARRIED UNANIMIOUSLY: 10/0

REASON FOR CHANGE

Council was of the opinion that this item be deferred to obtain further information from the operators prior to determining this matter.

COMMITTEE RESOLUTION

That the meeting be re-opened to the public.

CR DAN BULL, MAYOR MOVED, CR CHRIS CORNISH, DEPUTY MAYOR SECONDED CARRIED UNANIMIOUSLY: 10/0

At 8.56 pm, the doors were opened to the public.

9.1.8Proposed Road Closure - Allan Street, BayswaterReporting Branch:Strategic Planning and Place ServicesResponsible Directorate:Planning and Development Services

EXECUTIVE SUMMARY

Application:

Council consideration is sought to close Allan Street, Bayswater, an unmade road reserve.

Key Issues:

- There is no intention or need to construct the subject unmade road.
- The road reserve is alienated and is therefore effectively unusable.

BACKGROUND

Town Planning Scheme No. 24 Zoning:	"Local Road" under TPS No.24; and
	"Industrial" under Metropolitan Region Scheme.
Applicant:	Water Corporation
Lot Area:	1,861m²

The Water Corporation has written to the City seeking the approval of Council to close an unmade road reserve. The unmade road reserve is 1,861m² and is disconnected from the surrounding road network making it effectively alienated.



The road reserve was originally planned to form a road as part of the local road network. The construction of Tonkin Highway in the mid 1980's effectively made the road reserve redundant and ever since the reserve has been used informally by the Water Corporation for drainage purposes.

Once the road reserve is formally closed, the Water Corporation intends to apply to the Department of Planning, Lands and Heritage to amalgamate the five lots owned by the Water Corporation, including the Allan Street road reserve, as identified below for the purposes of drainage.

The Department of Planning, Lands and Heritage has advised that it will only support the amalgamation of the lots subject to a suitable access easement being provided to the landlocked site. The Water Corporation is currently negotiating the formation of an access easement through Lot 2 Jackson Street as shown below.



CONSULTATION

Consultation will be undertaken in accordance with Section 58 of the Land Administration Act 1997 (LAA), which will require the proposed road closure being advertised for public comment for 35 days, by way of:

- 1. Notification being published in the local newspaper(s); and
- 2. The relevant adjoining landowners and public authorities being notified in writing of the proposal's details.

ANALYSIS

The proposed road closure is considered acceptable for the following reasons:

- The road is currently not constructed.
- The road reserve was made redundant since the construction of Tonkin Highway, and has no future need as a road.

OPTIONS

The following options are available to Council:

OP	TION	BENEFIT	RISK			
1.	 Approve, for the purpose of advertising, the applicant's request to close the unmade road reserve. <i>Estimated Cost:</i> \$500 for advertising. 	 Would meet the applicant's desired outcome. Would resolve a land tenure anomaly within the City. 	• Nil			
2.	Refuse the applicant's request to close the unmade road reserve. Estimated Cost: • Nil	• Nil	 Would not meet the applicant's desired outcome. Would not resolve a land tenure anomaly within the City. 			

CONCLUSION

In light of the above, it is recommended that Council approves, for the purpose of advertising, the applicant's request to close the unmade road reserve (Option 1). In the event that no objections are received the matter would be forwarded to the Minister for Lands. If an objection is received, the matter will be presented back to Council for approval.

FINANCIAL IMPLICATIONS

As detailed in the 'Options' section above.

STRATEGIC LINK

In accordance with the City of Bayswater's Strategic Community Plan 2017-2027, the following applies:

Theme:Our Built Environment.Aspiration:A quality and connected built environment.Outcome B1:Appealing streetscapes.

COUNCIL POLICY AND LEGISLATIVE IMPLICATIONS

The City is required to undertake formal consultation in accordance with the requirement of Section 58 of the *Land Administration Act 1997.*

VOTING REQUIREMENTS

Simple Majority required.

ATTACHMENTS

Nil.

COMMITTEE RESOLUTION

(OFFICERS RECOMMENDATION)

That Council approves the applicant's request to close the unmade road reserve, Allan Street, Bayswater to be advertised for public comment, and should no objection be received during the public advertising period, the road closure be forwarded to the Minister for Lands for approval.

CR DAN BULL, MAYOR MOVED, CR FILOMENA PIFFARETTI SECONDED CARRIED BY EN BLOC RESOLUTION: 9/0

9.1.9 Major Town Centre Events - Funding Application

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Applicant:	Local Arts and Community events
Reporting Branch:	Strategic Planning and Place Services
Responsible Directorate:	Planning and Development Services
Refer:	Item 9.1.6: PDSC 18.4.2017
	Item 10.15: OCM 6.12.2016
	Item 10.8: OCM 19.4.2016
	Item 11.1.17: OCM 28.4.2015
	Item 9.2: OCM 27.1.2015
	Item 11.1.18: OCM 15.4.2014
	Item 11.2.17: OCM 28.5.2013
	Item 11.2.2: OCM 11.12.2012
	Item 11.2.7: OCM 23.10.2012
	Item 11.2.8: OCM 28.8.2012

CR CATHERINE EHRHARDT DECLARED A PROXIMITY INTEREST

In accordance with section 5.60B and 5.65 of the *Local Government Act 1995*, Cr Catherine Ehrhardt declared a proximity interest in this item as she owns property on the street that the event is proposed. At 8.34pm, Cr Ehrhardt withdrew from the meeting.

EXECUTIVE SUMMARY

Application:

The purpose of this report is for Council to consider one Major Town Centre Event funding application. A copy of the application is attached to this report.

Key Issues:

- The City received one application requesting funding and in-kind support in line with the City's 'Major Town Centre Events' policy.
- The application seeks to organise a festival, arts project and historical display in different sections of the Maylands town centre.
- The requested funding is \$15,000 plus in-kind support.

BACKGROUND

The City has adopted a place management approach to activate its four town centres; Maylands, Bayswater, Morley and Noranda. As part of this approach the previous Street Festival grants program has been replaced by a Major Town Centre Events grants program. The funding now has a broader scope to promote not only street festivals but also town centre events and activities attracting more than 2,000 people.

These events can play an important role in activating town centres, by bringing the local community together and creating local identity. To encourage these events the City seeks Expressions of Interest (EOI) twice a year.

The Major Town Centre Events Policy specifies that the level of support will be determined by:

- The budget available for major town centre events in any financial year;
- Expressions of Interest received in providing other major town centre events within the City;
- Distribution of major town centre events in all town centres; and
- Community/business financial support of the major town centre event.

The policy outlines the following with regard to the extent of the City's in-kind contribution:

- Provision of waste and recycle bins free of charge;
- Assessment of applications for road closure permits (the cost of traffic management should be met by the applicants); and
- Waiver of all City fees and charges associated with the organisation of major town centre events including the following fees:
 - "construct, extend or alter a public building";
 - reserve hire and park hire (however, any severe damage of parks and reserves will be charged to the event organisers via a bond to be paid prior to the event); and
 - stallholders permit fees.

The following assessment criteria apply:

- Supports the key directions outlined in the City's Strategic Community Plan;
- Demonstrated benefits for the local business community and the wider community;
- Is likely to be financially supported by external agencies and sponsors such as Lotterywest, Healthway or local businesses;
- Demonstrated capacity to run the event; and
- Involves working in partnership with community and business organisations.

Council considered applications under the previous Street Festival / Ward Event policy for 2016-17 at its Ordinary Meeting held on 19 April 2016 and resolved to support two applications from Community Connect for street festivals in Noranda and Maylands and support the Central Eastern Business Association for a street festival in Morley. Each of the three applications received \$12,500 for a street festival. Due to various reasons only the street festival in Noranda eventuated. The funding for the Morley and Maylands Street Festival was reallocated to quick win place activation ideas in the four town centres.

CONSULTATION

The City invited EOIs between 18 July 2017 and 29 August 2017 from community groups seeking financial or in-kind support to provide major town centre events within the City from January 2018 through to July 2018. This was advertised in the Eastern Reporter newspaper on 18 July 2017 and in The Perth Voice newspaper on 22 July 2017. It was also promoted on the City's website and via the City's social media channels. Officers also promoted it in the City's networks of community and business groups.

ANALYSIS

The City invited EOIs from community and business groups seeking financial and/or in-kind support to deliver major town centre events primarily between January and June 2018. A second call for Expressions of Interest will be opened in January 2018 for events taking place in the second half of 2018.

The City received one expression of interest to hold a major town centre event in Maylands. The applicant is seeking both financial and in-kind support. Local Arts and Community Events' (LACE) application is for a major town centre event to be held on 20 May 2018. The proposed event intends to facilitate a festival to showcase the local businesses and creativity of Maylands to a wider audience, by bringing together community groups and other attractions to build a unique festival for Maylands. The applicant proposes to partner with the Maylands Historical and

Peninsula Association (MHPA) to celebrate 120 years since the naming of Maylands by providing a historical display at the MHPA headquarters. They also propose to partner with local arts groups on an art project and with local businesses to involve them in the organisation of the event. The event will take place on Eighth Avenue, Whatley Crescent, near the Peninsula Hotel and The RISE.

There will be various stalls, activities, and entertainment throughout the day, including:

- Live bands and DJs in selected areas;
- Street performers;
- Children's activities;
- Festival bar;
- Stalls;
- Food vendors; and
- Community art project.

Essentially, this proposed event is a similar event to the 2016 Maylands Street Festival organised by LACE which was attended by approximately 12,000-15,000 people.

LACE is seeking the following from the City of Bayswater:

- A financial contribution of \$15,000; and
- In-kind support from the City of Bayswater, consistent with the Major Town Centre Event Policy (as outlined above).

The EOI from LACE is considered to have numerous social and economic benefits as outlined in the Policy and aligns with the City's Key Directions in the Strategic Community Plan. The group successfully delivered the Maylands Street Festival previously on 7 May 2016. The organisation has formed a strong partnership with the Maylands Business Association and works collaboratively with the local activation network Creative Maylands. The event will be delivered by a not-for-profit group who may be able to attract additional external funding. LACE will be contributing up to \$10,000 from its own budget to this event and is seeking \$41,000 from private and alternative public funding. This includes expected contributions from local businesses, Lotterywest and stall holder fees.

The cost of the requested in-kind support in line with the Policy is as follows:

Requested in-kind support	Cost estimate / loss of income
Provision of waste and recycle bins free of charge.	Approximately \$206
Assessment of applications for road closure permits (the cost of traffic management should be met by the applicants).	2-3 hours of City officer time
Waiver of City fees and charges associated with the organisation of major town centre events:	
"construct, extend or alter a public building";	\$871
reserve hire and park hire; and	\$600 (based on 8hr Amphitheatre hire)
stallholders permit fees.	\$1,706 (90 x \$18.40 + application fee of \$50)

Given the substantial financial and in-kind support requested, it is recommended to include a condition that ensures acknowledgement of the City of Bayswater as a major sponsor on all advertising material and a condition that offers the City a stall at the event, free of charge, to allow the City to promote its services and programs.

Available Funding for Town Centres

In the 2016/2017 financial year the City received three applications, which all received \$12,500 in financial support. The City's 2017/2018 budget contains \$40,000 for Major Town Centre Events. If applications were to be received for all four town centres this would allow financial support of \$10,000 for each of them. However, the City only received one application in the current round. There is another EOI round opening in January 2018 for a decision in April 2018. However, given the timing of that round the approved applications will be funded from the 2017/2018 budget. On this basis it is considered that the \$15,000 requested for the Maylands Street Festival is appropriate in this instance.

OPTIONS

The following options are available to Council:

	OPTION	BENEFIT	RISK
1.	Support the Major Town Centre Event funding application from LACE. Estimated Cost: • \$15,000	 There will be a major town centre event in the Maylands Town Centre. 	 The requested funding level cannot be sustained within the City's budget for each of the town centres.
2.	Support the Major Town Centre Event funding application from LACE with a lesser amount of \$10,000. Estimated Cost: • \$10,000	The requested funding level can be sustained within the City's budget for each of the town centres.	 The Maylands Street Festival may not occur, or may be smaller, depending on the extent of other funding that can be attracted. There may not be applications for each of the other town centres in the next EOI round.
3.	Not support the Major Town Centre Event funding application from LACE. <i>Estimated Cost:</i> Nil.	Financial saving.	 No activation or community benefits in the Maylands town centre as a result of this event. Reputational damage as the City advertised its intention to support major town centre events through the EOI process.

CONCLUSION

It is recommended to support the funding application from LACE for the Maylands Street Festival for \$15,000 plus in-kind support (Option 1). The previously held Maylands Street Festival was successful and was well attended.

FINANCIAL IMPLICATIONS

The financial implications relating to this major town centre event funding application are detailed above.

STRATEGIC LINK

In accordance with the City of Bayswater Strategic Community Plan 2017-2027, the following applies:

Theme:Our Local EconomyAspiration:A business and employment destination.Outcome E2:Active and engaging town and City centres.

COUNCIL POLICY AND LEGISLATIVE IMPLICATIONS

Major Town Centre Events Policy

VOTING REQUIREMENTS

Simple Majority required

ATTACHMENTS

- 1. Major Town Centre Event Funding Application Form
- 2. Draft Maylands Street Festival Budget

COMMITTEE RESOLUTION

(OFFICERS RECOMMENDATION)

That Council:

- 1. Supports the application from Local Arts and Community Events (LACE) to hold the Maylands Street Festival on 20 May 2018 subject to the following conditions:
 - (a) Compliance with all relevant event and environmental health approval requirements.
 - (b) Traffic, risk management and event applications shall be submitted at least 60 days prior to the event and approved by the City of Bayswater.
 - (c) The event organisers shall advise all local businesses and residences within a 500m radius of the event site.
 - (d) Acknowledgement of the City of Bayswater as a major sponsor of the event on all event promotion and marketing material.
 - (e) The City of Bayswater is to be offered a stall at the event free of charge.
 - (f) Compliance with the City's Major Town Centre Event Policy.
- 2. Approves the \$15,000 funding request and the following additional in-kind support to LACE to hold the Maylands Street Festival on 20 May 2018:
 - (a) **Provision of waste and recycle bins.**
 - (b) Assessment of applications for road closure permits.
 - (c) Waiver of all City fees and charges associated with the organisation of the major town centre event.

CR ELLI PETERSEN-PIK MOVED, CR DAN BULL, MAYOR SECONDED

CARRIED UNANIMIOUSLY: 9/0

At 8.40pm, Cr Catherine Ehrhardt returned to the meeting.

Attachment 1: Major Town Centre Event Funding Application Form



CITY OF BAYSWATER MAJOR TOWN CENTRE EVENT FUNDING APPLICATION FORM

Twice a year the City of Bayswater invites expressions of interest from interested parties seeking financial and/or in-kind support to provide major town centre events within the City.

To be considered for major town centre event funding please complete this form, an event budget and evidence that the required public liability insurance can be obtained and send it to <u>mail@bayswater.wa.gov.au</u>.

If you have any queries	3 then please	get in touc	h with the	Citv's Place	Management	Team on	9272
0616 or 9270 4173.		0					• m / m

CONTACT DETAIL	S						
Surname: Wates		Given Name:	Belinda	a			
Name of Organisatio	on: (if applicable)	Local Arts and	Commu	nity Events	(LACE) Inc	
Is the organisation n	ot-for-profit?			Yes		No	
Postal Address:	PO Box 345, Ma	ylands		Postcode:	693	1	
Phone(Work/Home):	19	one (Mobile):					
Email: laceincorp	orated@gmail.com						
EVENT DETAILS							
Name of Event:	Maylands Street	Festival					
Proposed Location of Event:	Maylands Town Hotel, The Rise	Centre: Eight	n Avenu	e, Whatley	Cres	cent,	Peninsula
Event Date:	Sunday 20 th May						
Expected number of people attending:	12,000 - 15,000						
Detailed description	of the event includi	ing indicative type	of enter	tainment and	activi	ties pro	ovided:
LACE is planning to showcase and celeb	Detailed description of the event including indicative type of entertainment and activities provided: LACE is planning to facilitate a festival to bring together the Maylands and wider community to showcase and celebrate local businesses and creatives of Maylands to a wider audience, bringing together community groups and other attractions to build a unique street festival for Maylands.						
There will be various	stalls, activities an	d entertainment	hroughou	ut the day, in	cluding	9	
 Live 8ands 	and DJs in selected	areas	Stalls				
Street Performers Food Vendors							
 Children's Festival Ba 			Comm	nunity Art Pro	ject		
Also, as 2018 is 100							

Also, as 2018 is 120 years since the naming of Maylands, we will be partnering with the Maylands Historical Society to celebrate this important anniversary.

ASSESSMENT CRITERIA

How will the event benefit local businesses and the wider community?

Our proposal for the 2018 Maylands Street Festival aligns with the City of Bayswater's Key Directions in the Strategic Community Plan of an 'Active and Engaging Town and City Centre'; 'Supporting initiatives for local businesses' and Place activation in town/city centres' by:

(1) Bringing the community together - not just the people of Maylands, but the entire City of Bayswater (and beyond) can come together, get connected, celebrate, and enjoy themselves.

(2) The local business community will benefit from the increased patronage.

(3) Branding Maylands - having a successful, annual event that attracts attention to the area showing people what a vibrant area it is and drawing repeat visitors to Maylands.

(4) A sense of pride and belonging - the residents and businesses of Maylands feel good about "their place", experience a sense of pride and belonging in Maylands.

Is the event likely to be financially supported by external agencies and sponsors such as Lotterywest, Healthway or local businesses? If not, do you have the financial capacity to organise the event without other external funding?

We are seeking and anticipating similar level of business sponsorship as 2016 (approx. \$10,000) and LACE is also able to contribute up to \$10,000. We are seeking \$15,000 from City of Bayswater. The anticipated stallholder fees are \$18,000. These revenues will meet the basic costs of the Festival. We will seek a Lotterywest grant for the historical dramatisation and celebration of the 120th anniversary of the naming of Maylands. We will include any shortfall in that application.

Please demonstrate your capacity to run this event. (For example, how many staff and volunteers are helping with the organisation of the event and are available to work at the event? What sort of experience do you have running major town centre events?)

LACE Inc has run this event previously, the most recent being in 2016 which was a huge success and attended by approximately 12,000 to 15,000 people. We also run the Maylands Hawker Markets and have recently launched our 5th season.

We will be drawing on our own membership and members of the community to form a steering committee to organise the Festival. The steering committee will consist of twelve positions and most of these positions are already filled. On the day, the event will be staffed by our members and by volunteers.

How are local businesses and community groups involved in the organisation of the event?

We are partnering with Maylands Historical and Peninsula Association (MHPA) to celebrate the 120th Anniversary of the naming of Maylands. MHPA will be providing a historical display at their headquarters at the old Maylands Police Station, and various activities will be taking place throughout the Festival Zone.

As in 2016 when a number of street art murals were commissioned and executed for the festival, we will again collaborate with local arts groups on an art project that will result in a piece of art in Maylands that can be enjoyed for many years to come.

We will be collaborating with local businesses during the organisation phase and will encourage them to decorate their shop windows for the Festival, and to consider actually becoming stallholders by bringing their store out onto the pavement. Business who participated in this way at the 2016 Festival experienced a strong surge in sales on the day. We are also considering a 'passport' competition, where visitors to the Festival could get a stamp on their 'passport' at each participating store to be able to enter to win a prize. This would encourage visitors to enter local businesses.

÷ +

EVENT BUDGET Have you attached the required festival / event budget? Yes \boxtimes No ASSISTANCE REQUIRED FROM THE CITY OF BAYSWATER How much funding are you requesting from the City? \$15,000 cash Do you request in-kind support? Yes \boxtimes No If yes, what support are you hoping to receive: Provision of waste and recycle bins free of charge? Yes \boxtimes No Waiver of fees and charges associated with the organisation . Yes \boxtimes of the festival? No · Use of parks and reserves (however, any severe damage of parks and reserves will be charged to the festival/event Yes \boxtimes organisers via a bond prior to the event) No PUBLIC LIABILITY INSURANCE If your funding application is successful, the City will require a copy of your current Public Liability Insurance (Certificate of Currency) with cover of at least \$10 million for the organisation of events. TRAINING The City may require applicants to attend a short workshop organised by the Local Government Insurance Scheme with regards to the responsibilities and obligations that come with event organisation. 🖾 No Are you willing to participate in this short workshop to ensure you Yes are aware of your responsibilities and obligations?

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PROMOTI	ON & MARKETING				
If the application for funding is successful the City will require acknowledgement as a sponsor on all marketing collateral, in line with the City's Style Guide. The City may also require having a stall at the event free of charge.					
DECLARATION					
I certify that the information provided in this application is true and correct to the best of my knowledge. I agree to notify the City of Bayswater of any changes to the information provided in this application.					
Name:	Belinda Wates	Position: Chairperson			
Signature:	BINT	Date: 28/8/17			

Attachment 2: Draft Maylands Street Festival Budget

Category	Details	Quantity Required	Budget Amount (ex GST
INCOME			
L.A.C.E. Inc		1	\$10,000.00
City of Bayswater Funding		1	
Small Business Sponsorships		15	
Business Sponsorships		2	
Lotterywest Grant		1	\$10,000.00
Stallholders		90	
		TOTAL	\$66,000.00
EXPENSES			
Entertainment	Music: including bands, buskers, DJ	8	\$8,000.00
	Facepainters		
	Carnival Rides	2	
	Roving Entertainers	4	
	Art Brella Laneway	1	\$1,000.00
Marketing	Flyer Design & Printing	40,000	\$4,000.00
	Flyer Distribution	30,000	
	Banners	4	\$1,000.00
	Community Newspaper Advertising	6	
Logistics	Traffic Management	4	\$7,000.00
	Marquee Hire & Equipment	multiple	\$8,000.00
	Public Toilet Hire	12	\$2,500.00
	First Aid Post/St John Ambulance	2	\$1,000.00
	Seating , Tables & Umbrellas throughout	multiple	
	45Kva Generator & light tower	3	
	Sound System/PA & Staging	1	
Event Management	Festival management	1	\$4,000.00
	Information Stall - Staff	8	
	Water Station	1	\$800.00
CONTINGENCIES	Stationery, Misc Equipment, Entertainer Rider:	s etc	\$1,100.00
		TOTAL	\$66,000.00
		Net	\$0.00

10. REPORTS BY OFFICERS (COUNCIL DECISION)

Nil.

11. REPORTS FOR NOTING

- Nil.
- 12. LATE ITEMS

Nil.

- 13. CONFIDENTIAL ITEMS
- 13.1 Reports by Officers (Committee Delegation)

Nil.

13.2 Reports by Officers (Council Decision)

Nil.

14. NEXT MEETING

The next meeting of the Planning and Development Services Committee will take place in the Council Chambers, City of Bayswater Civic Centre, 61 Broun Avenue, Morley on Tuesday, 5 December 2017 commencing at *6:30pm*.

15. CLOSURE

There being no further business to discuss, the Chairperson, Cr Brent Fleeton declared the meeting closed at 8.57pm.