

City of Belmont

Agenda Briefing Forum

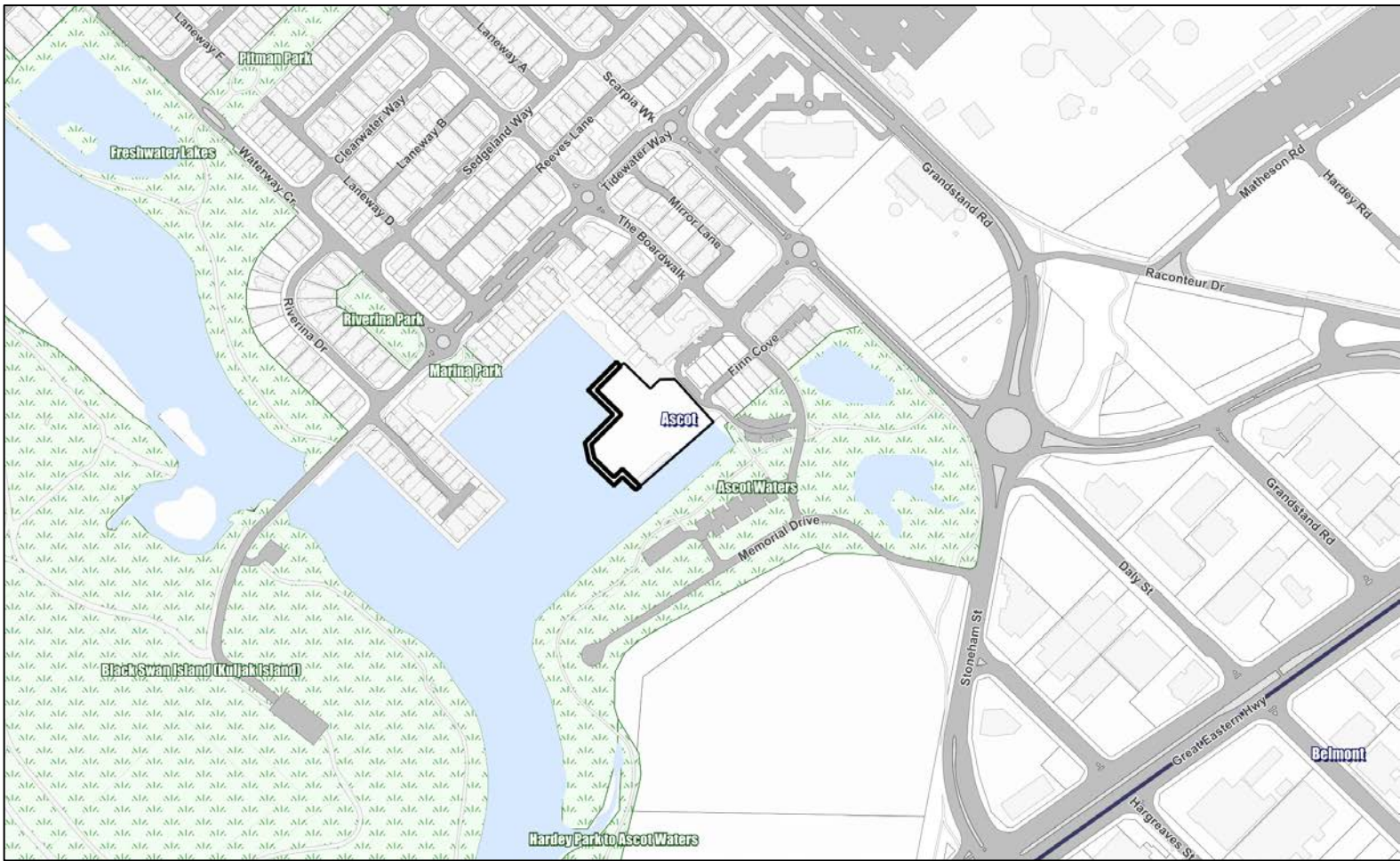
19 May 2020

Item No 12.4

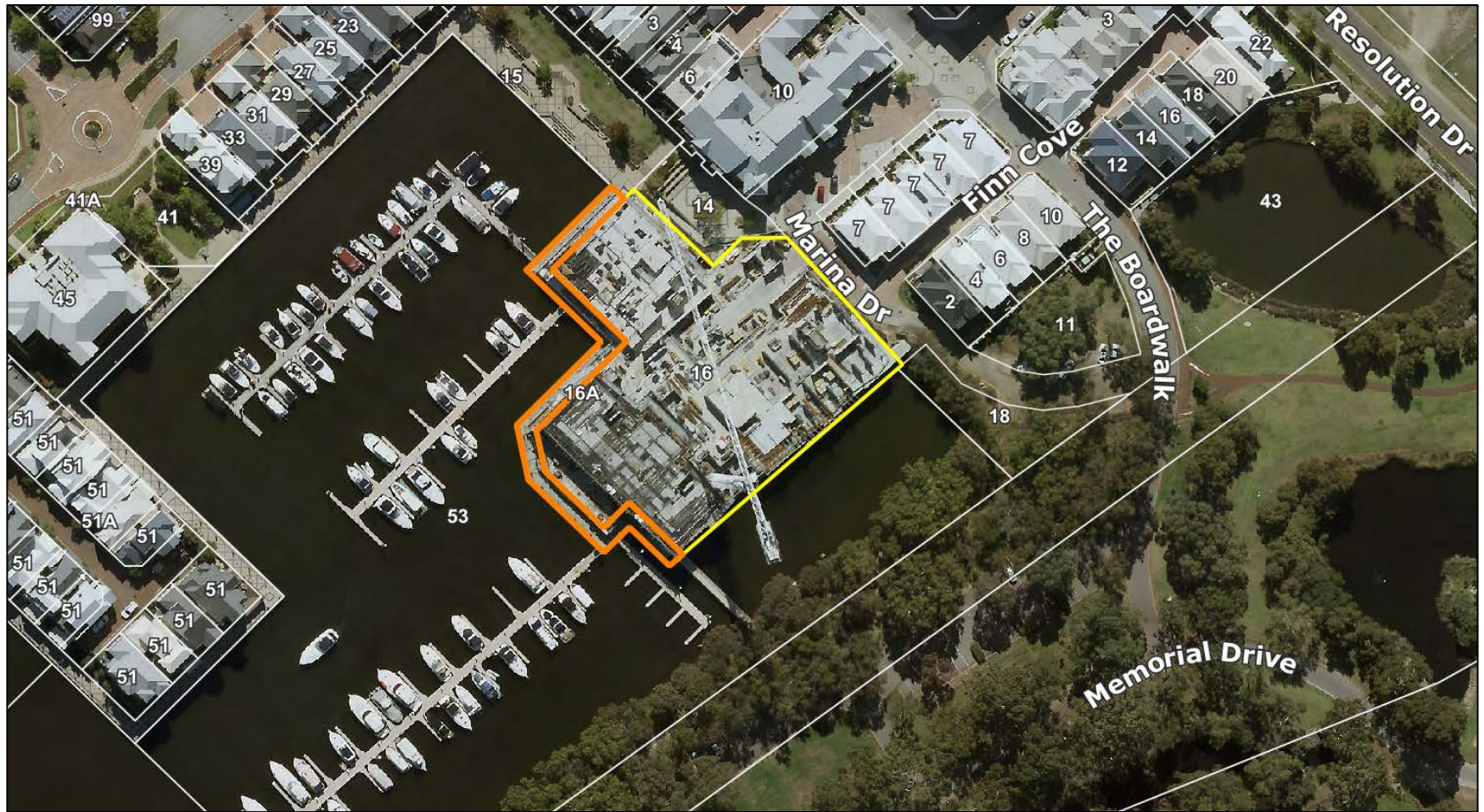
**Disposal of Interest in Land – Proposed Grant of Easement for
Encroachment of Public Art – Lot 262 on Plan 26711 (16A) Tidewater Way,
Ascot**



Location Plan



Aerial of Subject Site

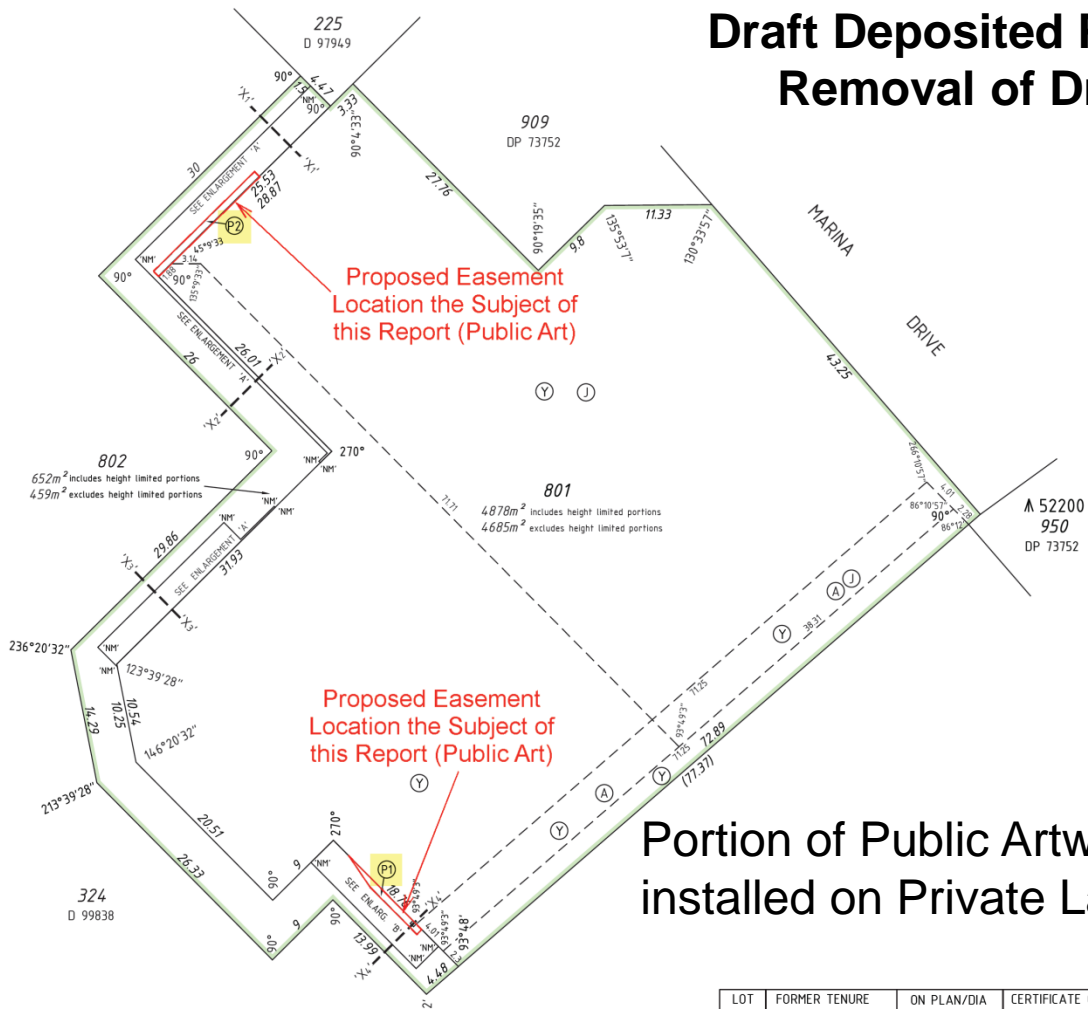


Proposed Artwork

The Jetty



Draft Deposited Plan Depicting Easements, Removal of Drainage and Installation



Advertising for Public Comment & Responses Received

1. Pedestrian safety and restriction of movement due to the proposed encroachment of the artwork into the public boardwalk area.
2. The ongoing maintenance of the artwork and how this will be addressed.
3. There have been variations and breaches to City Planning Policies and Building Requirements



Officer's Comment

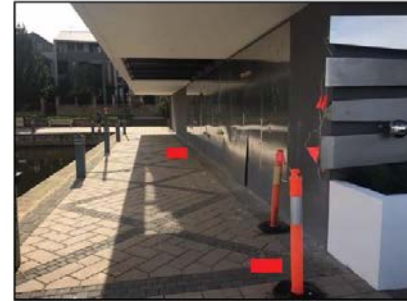
- Accessibility Report – prepared by a suitably qualified access consultant
- Width of the Boardwalk



The widths in yellow vary from 4m-4.5m



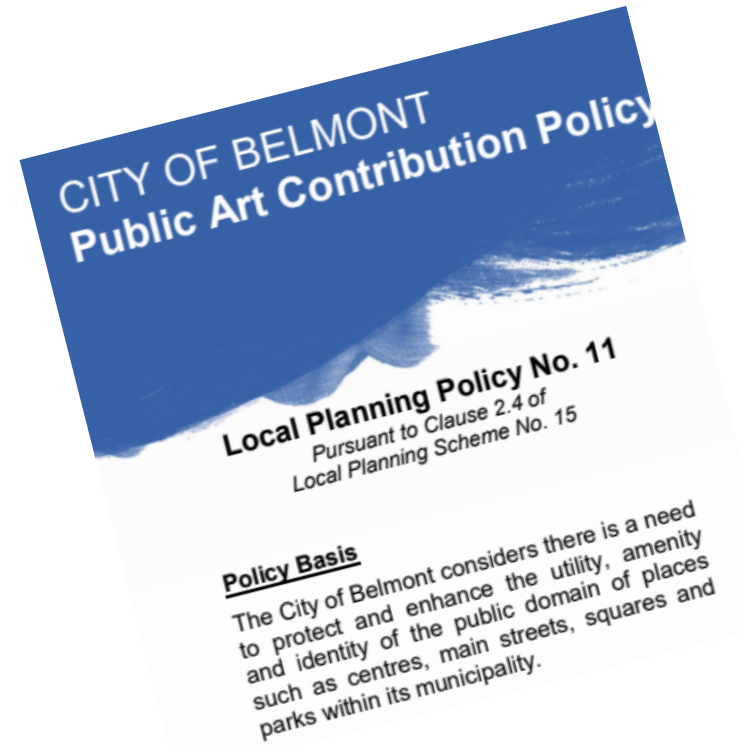
The red squares indicatively represent the proposed location for the bollards.



The bollards will match existing bollards used throughout the landscaped precinct.

Officer's Comment Continued...

- The public artwork is a private developer contribution, via Local Planning Policy No.11 (not a City commissioned work).
- Accordingly the artwork is required to be maintained by the developer and any successors.
- A deed of agreement has been prepared to address this
- DA for development is compliant with LPS No.15 and National Construction Codes



New Concerns Raised By Submitter for ABF

1. Is the City favouring the developer and not taking a common sense approach to the matter?
2. Does the granting of easement poses insurance and public liability issues?
3. Why has the City/Developer delayed establishment of the easement?
4. Is the granting of the easement a fait-accompli?

Conclusion

- DA approval and support from the Public Art Advisory Panel (PAAP) to develop the public artwork.
- Location allows artwork to be appreciated fully.
- Access consultant assessment indicates impacts can be addressed and artwork will not result in any significant impacts.
- Grant of easement will allow the owners of 16 Marina Drive to undertake ongoing maintenance