



City of Belmont

Tabled Attachments

Agenda Briefing Forum

Held

19 May 2020

Creating opportunities





Agenda Briefing Forum

19/05/20

Item 5.1 (12.1) refers

Tabled Attachment 1

Submission
Mr J Carmody

CITY OF BELMONT PUBLIC SUBMISSION AND DEPUTATION FORM

AGENDA BRIEFING FORUMS

During the Western Australian State of Emergency declared 15 March 2020

During the COVID 19 pandemic the City of Belmont will be holding its Council Meetings electronically (eMeeting), as provided for in the recently amended *Local Government (Administration) Regulations 1996*. The City of Belmont Civic Centre building, including the Council Chambers, is closed to the public.

The City remains committed to continuing to provide the opportunity for its community to participate in the local government process and request that submissions and deputations to the Council be submitted electronically.

To submit a submission or deputation please complete this form and return via email to belmont@belmont.wa.gov.au before **noon on the business day prior to the Agenda Briefing Forum**.

PUBLIC SUBMISSION AND DEPUTATION FORM

Date of Meeting	19 May 2020		
Name	Joshua Carmody		
Address	GPO Box		
Email Address	joshua.carmody@planningsolutions.com.au	Phone	9227 7970
Business, Organisation or Group (if presenting on behalf of)	Planning Solutions		

SUBMISSION	<input checked="" type="checkbox"/>	DEPUTATION	<input type="checkbox"/>	Please indicate what type of presentation will be made. (see over for definitions)
Support	<input type="checkbox"/>	Oppose	<input checked="" type="checkbox"/>	Please tick to indicate if in support or opposition to the Officer Recommendation.

Please write your submission/deputation as clearly and concisely as possible.

Strict time limits are applicable. The Presiding Member may limit presenters to a shorter period, if time is restricted.

Agenda Item No.	12.1 CHANGE OF USE – WAREHOUSE AND OFFICE TO PLACE OF WORSHIP
Hi, my name is Joshua Carmody, from Planning Solutions, GPO Box 2709, Cloisters Square 6850, representing Hope Perth Christian Church.	

Additional space provided overleaf for Submissions/Deputations. Please tick box if continued overleaf (Additional pages can be added if required)



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CITY OF BELMONT PUBLIC SUBMISSION AND DEPUTATION FORM AGENDA BRIEFING FORUMS

During the Western Australian State of Emergency declared 15 March 2020

PUBLIC SUBMISSION AND DEPUTATION FORM

Continued

I want to be very clear that the proposed church will accommodate ALL of their vehicles on their own parking bays during standard business hours and will accept an occupancy restriction of 32 people during this time period.

The only matter to be considered by Council is whether it is appropriate for the church to use public parking bays on the weekend, and during the occasional weeknight evening. We ask the Council to take a common sense approach to this issue.

Far from posing a risk to business activity the proposed Church is exactly the kind of complementary land use that will benefit business activity in the precinct.

The peak demand for a place of worship is typically on a Sunday. The peak demand for the average Australian business is from 9-5, Monday to Friday. The number of businesses in this precinct with weekend trading is limited, and is unlikely to change any time soon.

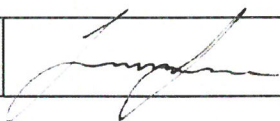
The City's report states that "under previous industrial land uses, car parking was supplied at a lower rate [...] This has meant that the car parking provided for each site is not sufficient in most cases". With respect--we have seen no evidence that this is true round this particular site. Our review of aerial photography indicates that even during peak parking demand, more than 60% of private bays are unused, and 45% of public parking vacant. On the weekend, a mere 5% of street parking is utilised, and just 2% of private car bays are occupied. That is a long, long way from a parking shortage.

If this was a bustling commercial area on a Saturday and Sunday, I can understand the City's concern. However we have attached an aerial photograph demonstrating that the area is completely deserted on a Sunday.

This is not a business that will be profiting from a parking shortfall--we're talking about families coming to church on a Sunday. We're talking about community members looking for a place to worship.

It is our view that the proposed change of use is justifiable, and that it will not result in any negative impact on the amenity of the surrounding area. Hope Church have been searching for a new location for quite some time now and we are asking Council to exercise their discretion and approve this proposal.

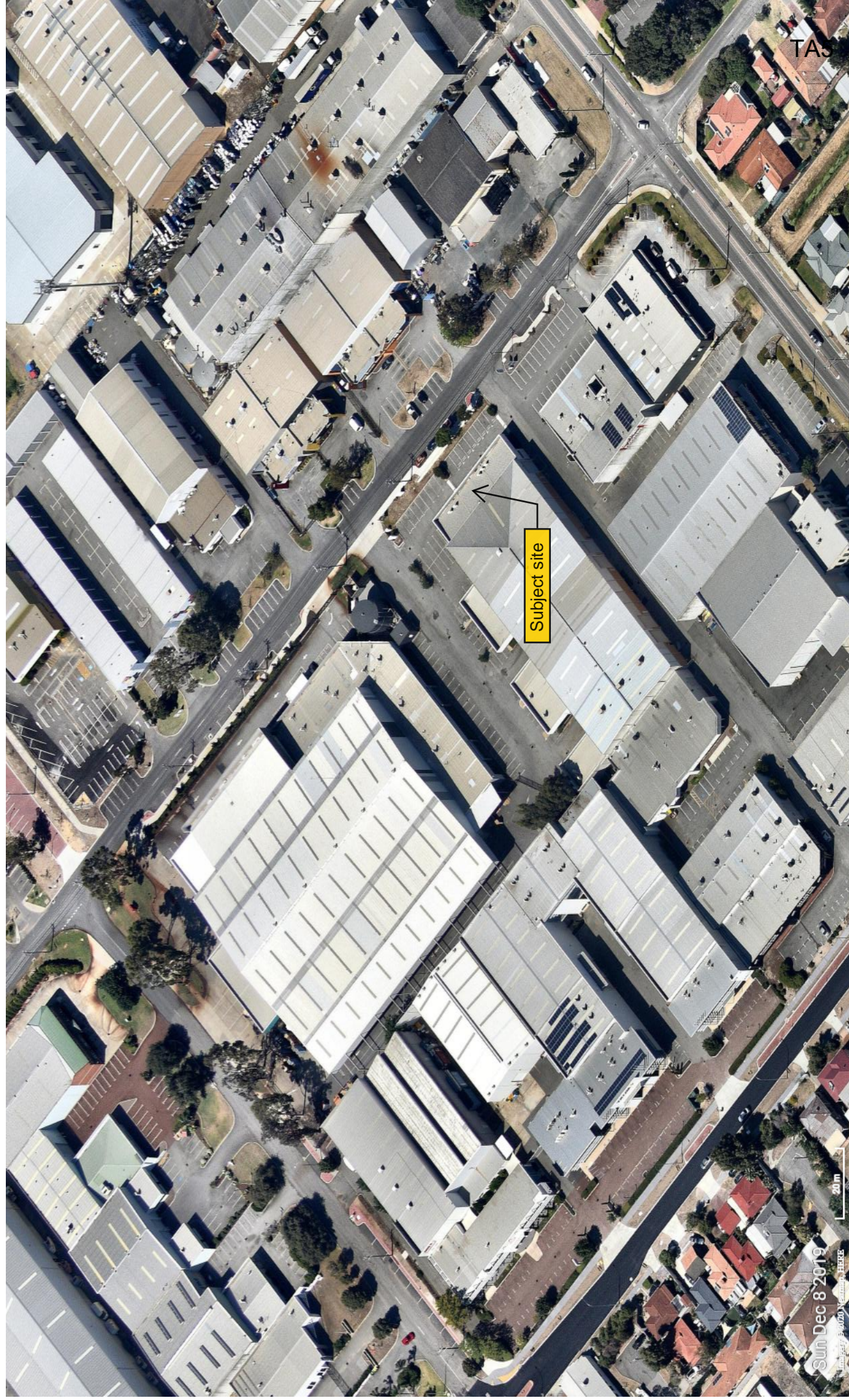
Signature



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3pm, Sunday, 8 December 2019





Agenda Briefing Forum

19/05/20

Item 5.2 (12.1) refers

Tabled Attachment 2

Submission
Mr T Pittaway

CITY OF BELMONT PUBLIC SUBMISSION AND DEPUTATION FORM

AGENDA BRIEFING FORUMS

During the Western Australian State of Emergency declared 15 March 2020

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PUBLIC SUBMISSION AND DEPUTATION FORM

Date of Meeting	19 May 2019	
Name	Tim Pittaway	
Address	Level 10, 225 St Georges Terrace Perth WA 6000	
Email Address	tpittaway@burgessrawson.com.au	Phone 0420226058
Business, Organisation or Group (if presenting on behalf of)	Burgess Rawson	

SUBMISSION	<input checked="" type="checkbox"/>	DEPUTATION	<input type="checkbox"/>	Please indicate what type of presentation will be made. (see over for definitions)
Support	<input type="checkbox"/>	Oppose	<input checked="" type="checkbox"/>	Please tick to indicate if in support or opposition to the Officer Recommendation.

Please write your submission/deputation as clearly and concisely as possible.

Strict time limits are applicable. The Presiding Member may limit presenters to a shorter period, if time is restricted.

Agenda Item No.	12.1 CHANGE OF USE – WAREHOUSE AND OFFICE TO PLACE OF WORSHIP
My name is Tim Pittaway, and I have been working as a consultant for Burgess Rawson since 2017. I have a Bachelor of Commerce in Property Development and Valuation, and I am primarily responsible for marketing and coordinating the sales and leasing of commercial and industrial properties in the south and east of Perth—including Unit 2, 106 Robinson Avenue, Belmont.	

Additional space provided overleaf for Submissions/Deputations. Please tick box if continued overleaf (Additional pages can be added if required)



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CITY OF BELMONT PUBLIC SUBMISSION AND DEPUTATION FORM AGENDA BRIEFING FORUMS

During the Western Australian State of Emergency declared 15 March 2020

PUBLIC SUBMISSION AND DEPUTATION FORM

Continued

I am opposed to the City's recommendation to Council, and I would like to provide Councillors with some additional background information regarding this property and the broader precinct.

I advertised Unit 2 for lease in June 2017, and received very little commercial interest for more than 1.5 years.

We have been experiencing a sustained slowdown in the commercial property market for several years and I can confirm that this particular precinct has been particularly badly affected. There is a very high number of vacancies, with properties sitting on the market for long periods of time.

The configuration of the office and warehouse component of the property has not been suitable to all the other businesses we have inspected the property with. Unit 2 was originally advertised for lease, however due to the low levels of interest and suitability from other parties the owner decided to sell the property after only receiving one offer from the Hope Church in the 1.5 years it was vacant for.

The commercial and business activity of this precinct is also affected by high vacancy levels and a lack of customers. To me, bringing church goers into the precinct each week seems like exactly the kind of activity that would support a shift towards smaller, retail and mixed business type uses.

The City aims to transition of the precinct away from industrial and towards mixed business land uses. As someone who plays a direct role in this transition by marketing these properties to prospective purchasers, I would like Council to be aware that as the market changes, individual properties can be poorly configured to the needs of the businesses that are moving into the precinct.

Given the central location and ease of access, Belmont is an ideal location for the Hope Church with many members residing within the City's boundaries.

In my view, given the long-term decline in the commercial property market, and the likely worsening of market conditions following the coronavirus lockdown, there is a need to support any permissible land use activity which will occupy an otherwise vacant building and bring a level of additional activity into the precinct.

I request that Council approve the proposed change of worship for a place of worship.

Signature

TPittaway

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CITY OF BELMONT PUBLIC SUBMISSION AND DEPUTATION FORM

AGENDA BRIEFING FORUMS

During the Western Australian State of Emergency declared 15 March 2020

DEFINITIONS

'Submission' is defined as a presentation made to Council by an individual member of the public, who can demonstrate that they are affected (whether adversely or favourably) by a matter on the Ordinary Council Meeting Agenda. A submission may be made at this time in accordance with the Rules of Public Submission Time and Deputations. As this meeting is to be held electronically, submissions are to be provided in writing on this form before 12 noon on the business day prior to the Agenda Briefing Forum.

'Deputation' is defined as a presentation made to Council by members of the public, whether as an individual or a group of up to five people, who can demonstrate that they are directly affected (whether adversely or favourably) by a matter on the Ordinary Council Meeting Agenda. A deputation will cause the relevant agenda item to be reviewed by Council, at which time a presentation can be provided in accordance with the Rules of Public Submission Time and Deputations. As this meeting will be held electronically, deputations are to be provided in writing on this form before 12 noon on the business day prior to the Agenda Briefing Form.

Rules for Public Submission Time and Deputations

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| <p>a) Only those persons, who can demonstrate to the Presiding Member's satisfaction that they are affected by the matter on the agenda, will be entitled to make a submission. Those persons that can demonstrate that they are directly affected may make a deputation.</p> <p>b) Members of the public are required to provide submissions/deputations in a written format on the State of Emergency - Public Submission & Deputation Form before 12 noon on the business day prior to the Agenda Briefing Forum while the meetings are being conducted electronically.</p> <p>c) Only submissions/deputations that relate to a specific item of the Council agenda will be accepted.</p> <p>d) The Presiding Member has the discretion of accepting or rejecting a submission or deputation.</p> <p>e) Submissions/Deputations which are considered inappropriate; repetitious; lacking in decorum or adversely reflect on the integrity of any councillor or employee; offensive or otherwise not in good faith; duplicates or variations of earlier submissions; relating to the personal affairs or actions of Council members or employees; legal advice; legal proceedings or other legal processes; will be refused by the Presiding Member as 'out of order' and will not be recorded in the meeting minutes. The Presiding Member or Chief Executive Officer may offer comment by way of correction, to any false information presented.</p> | <p>f) Public Submission Time is set for a period of 30 minutes, and will terminate earlier if all submissions have been presented.</p> <p>g) Submissions/Deputations to be made at the meeting will be registered, and the priority for making submissions/deputations shall be in accordance with that register. Each submission shall be provided a maximum three minute time limit to be read by the Mayor.</p> <p>h) Deputations will be made at the time the matter subject to the deputation is being considered by Council. The reading time for a deputation is not to exceed 15 minutes.</p> <p>i) To enable all members of the public a fair and equitable opportunity a person who has earlier made a submission cannot make a deputation on the same subject matter.</p> <p>j) A submission/deputation may include a request for the tabling of documents where these are relevant to an issue before Council.</p> <p>k) Any extension to the initial period for Public Submission Time is to be limited to a period that will allow sufficient time for any remaining submissions to be presented.</p> |
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Agenda Briefing Forum

19/05/20

Item 6.1 (12.4) refers

Tabled Attachment 3

Deputation
Ms S Carter

PUBLIC SUBMISSION AND DEPUTATION FORM:

AGENDA BRIEFING FOR ORDINARY COUNCIL MEETING TO BE HELD ON 26 MAY 2020 (ITEM 12.4 DISPOSAL OF INTEREST IN LAND – PROPOSED GRANT OF EASEMENT FOR ENCROACHMENT OF PUBLIC ART – LOT 262 ON PLAN 267111 (16A) TIDEWATER WAY, ASCOT

NAME: SUSANNE CARTER, 3/10 MARINA DRIVE, ASCOT, ADJOINING NEIGHBOUR

EMAIL: susannecarter.wa@gmail.com PHONE: 0414 478 079

OPPOSE PROPOSED GRANT OF EASEMENT.

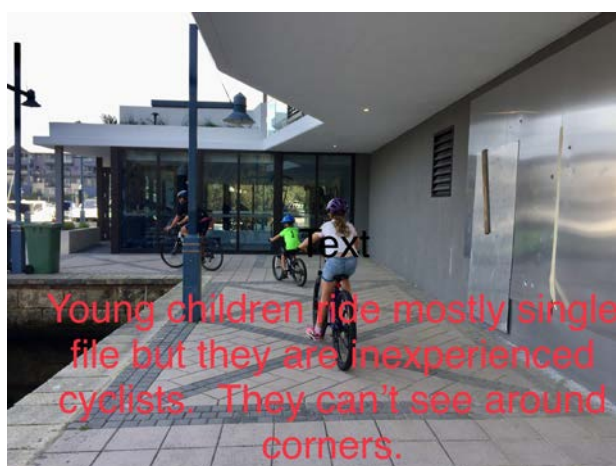
The following deputation uses

Abbreviations: COB = City of Belmont; The Boardwalk or footpath surrounding the marina water's edge between the western and southern walls of Lot 16A Marina Drive = the BW; The public artwork = the structures; TGSI = Tactile ground surface indicators.

This deputation is different from the objections raised during the advertising period, however it speaks to the agenda briefing prepared by COB officers.

QUESTIONS:

1. Is COB acting lawfully by relying in part, and only in part, on a consultant report, prepared for the owner(s) of the lot, which naturally will be biased for the party who commissions the report. The consultant has determined visibility aspects *to be adequate for the structures* when the width of said footpath (The Boardwalk, BW) however photos and drawings they used and are now presented in the agenda briefing documents do not accurately portrayed the reality? Please note the photo below is a much more accurate representation of the area where the protruding structure (the public artwork) is proposed. It can mostly be seen from my photos that the area is used by and for a number of users/purposes; cyclists, boat-pen holders and their trolleys, pedestrians including small children, prams, walkers and wheelchairs. Please note the western most proposed easement is on the BW against a solid boundary wall adjacent the edge of a 90-degree right angle turn, beyond which no visibility exists. As such the protruding structure would narrow the BW at this important right angle turn and narrow the width of the BW from approximately 3 metres width to 2 meters. If common sense prevails then the location and protrusion of the structures ARE significant and require the COB to be absolutely satisfied those structures do not pose a risk to public, which is simply not the case as they protrude by 550mm. The agenda briefing acknowledges the increased public risk from the protruding structures and this evident in its recommendations that TGSI's and additional safety bollards be placed in the centre of the BW. This only serves to increase the obstacles on this particular BW stretch; and in doing so pose an increased risk to the general public who access the BW with bicycles, trolleys, waste bins and baby and dog prams. This is an even more acute problem at night.



2. What is the COB's response that their recommendations favour the developers and not the general public who use the BW the most? Common sense vs the cost of a piece of artwork. Two of five affixed structures; worth approximately 1/5th of the financial contribution required. The two structures require easement approval.
3. Does the COB agenda brief accurately reflect the distance from Lot 16A western boundary wall to the EDGE of the water? The agenda brief references an in principal width of a shared use pathway of 3.5 meters. Please note there are bollards along the edge of the water and these encroach into the 3.5 meters. Therefore, at the particular stretch of pathway in front of the proposed easement structure is narrower than that indicated by the agenda briefing drawings and representations. A realistic photo gives more accurate information of the situation and we are talking a solid wall to the edge of the bollards, not the water, available for passing foot and vehicle traffic. Consideration of my real-time photos is more indicative.



4. Has the COB undertaken steps to obtain written guarantee statements from the Lot 16A Marina Drive, insurance underwriters acting as agents for the property that the risk to a public from a protruding structure and any foreseeable liability arising there from is sufficient for this structure? The agenda brief does not address a specific clause regarding public liability of such structures to be incorporated into the property owner's bylaws. In this regard should COB be seeking a legal review of such clause(s) to indemnifying the COB?
5. Has the COB approached the waste disposal collectors and sought their opinion on the access to the waste bins in respect of the proposed narrowing of the BW on and around a projection into the BW by the easement? There are currently a number of waste bins for boat pen holders to deposit their rubbish in. These bins are chained to nearby posts and bollards, as evident in the photos provided at Question 1? If such bins belong to COB then COB has vicarious liability for any accident or hindrance to public safety at the proposed narrowing of the BW, the easement and the waste bins. Have COB got legal advice on their vicarious liability for public safety? And if yes, why is this not put forward in the agenda brief?
6. Can the COB, when considering the recommendations put forward by the agenda brief, better serve its obligations to consider the protrusion from a different point of view namely I propose to make an application for an easement for me to park my canoe against the western wall of the BW. My canoe will not protrude beyond 400mm? Would COB approve such application?
7. Can the COB and its Public Art Advisory Panel (PAAP) advise why the easement application was delayed and only submitted to COB when building/installation of the structures, considered part of that easement, was already in progress. Where is COB accountability in this matter? Is the easement a fait-accomplis?
8. Were the developers, Blackburne Property Group, given any 'special' consideration by the PAAP and COB regarding the delayed submission of the easement application until the end of the building completion stage? Please note people had already started moving in when the easement application was considered by the COB and furthermore, similar structures, but within the Lot 16A Marina Drive boundaries, had already been built. Refer photos in this submission. Is the easement a fait-accomplis and is the advertising period merely a process?

9. Can the COB draft a specific brief to the Lot 16A Marina Drive owners (ie Blackburne Property Group and the building's Council of Owners which is responsible under the Strata Act) stipulating exactly and in great detail when and what maintenance is expected for the protruding structures to 'meet the COB standards which are merely alluded to in the agenda brief. (Please note, that as a ratepayer, I consider this of the utmost importance having dealt with the COB on numerous occasions where my concerns about safety, noise, dust and similar hazards in regards to the building by Blackburn Property Group have been mostly generalised and dismissed as 'insignificant' unless I emailed a complaint and quoted a particular section of law. This has left a bad taste in my mouth where COB due diligence is concerned). I expect the COB has the knowledge and skills to prepare a more detailed itemisation of what is proposed maintenance under the easement rather than arbitrary motherhood statements about future maintenance standards.
10. Is COB exercising due diligence to the local community, and indeed to the disabled community and to the public at large, when they allow an inconsistent approach to BW widths surrounding the Marina specifically a walkway adjacent to the water's edge? The public, the main users of the BW, will be confused by the constraints the proposed easement puts on their right to use the land unencumbered. Is this fair and just?
11. With the benefit of the foresight from living at this location and observing the use of the BW, I ask whether the COB considered approval of the easement will result in the need to place slow down signage, or even signage for cyclists to dismount, or mirrors or the like to be placed in the future which is restrictive of use of the BW by the public? Why opt for knee jerk reactions when you have the ability to disallow the easement in the first place. Please note I do not object to the use of TGSI on either sides of the right angled BW turns. A sample of such signage and a bollard is provided as per the photo. This type of approach is not suitable for the BW.



12. If the proposed easement structures are subject to vandalism by the public, and therefore not in the control of the strata management of the complex, who is responsible for the clean-up?

13. Multiple variations to COB planning and building policies were granted to the developers of 16A Marina Drive. This has allowed them to fill every inch of the lot with concrete. What recourse does the COB have for building mistakes, ie the drain mistake now requiring an easement (see photo below), other than to grant an easement?



Motions put forward for Item 12.4 of 26 May 2020 meeting:

1. That the COB defer the decision for the granting of current easement and subsequently
 - 1.1 obtain written guarantees from Blackburne Property Group (and strata owners) of Lot 16A Marina Drive insurance underwriters accepting the public liability risk inclusions of the proposed public artwork and
 - 1.2 That the COB advise whether or not COB have approved and itemised the additional public risk liability clauses in the COB public liability insurance policy inclusion or exclusion policies.
2. That the COB clearly advise its ratepayers of who is responsible for vandalism clean-up of the structure should it occur.
3. That the COB reconsider their interpretation of 'minimal' or 'insignificant' public safety risk adopting instead a position of action in accordance with their duty of care to the public and favouring the adopting a position of 'NO RISK to the public of either damage to person or property.
4. That the COB defer the granting of the easement until the Blackburne Property Group can supply a design construct of a proposed structure protruding NOT greater than 200mm 'relief' projection instead of the current proposed 550mm projection.

Respectfully submitted via email by

Susanne Carter on Monday 18 May 2020



Agenda Briefing Forum

19/05/20

Item 6.1(12.4) refers

Tabled Attachment 4

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

City of Belmont

Agenda Briefing Forum

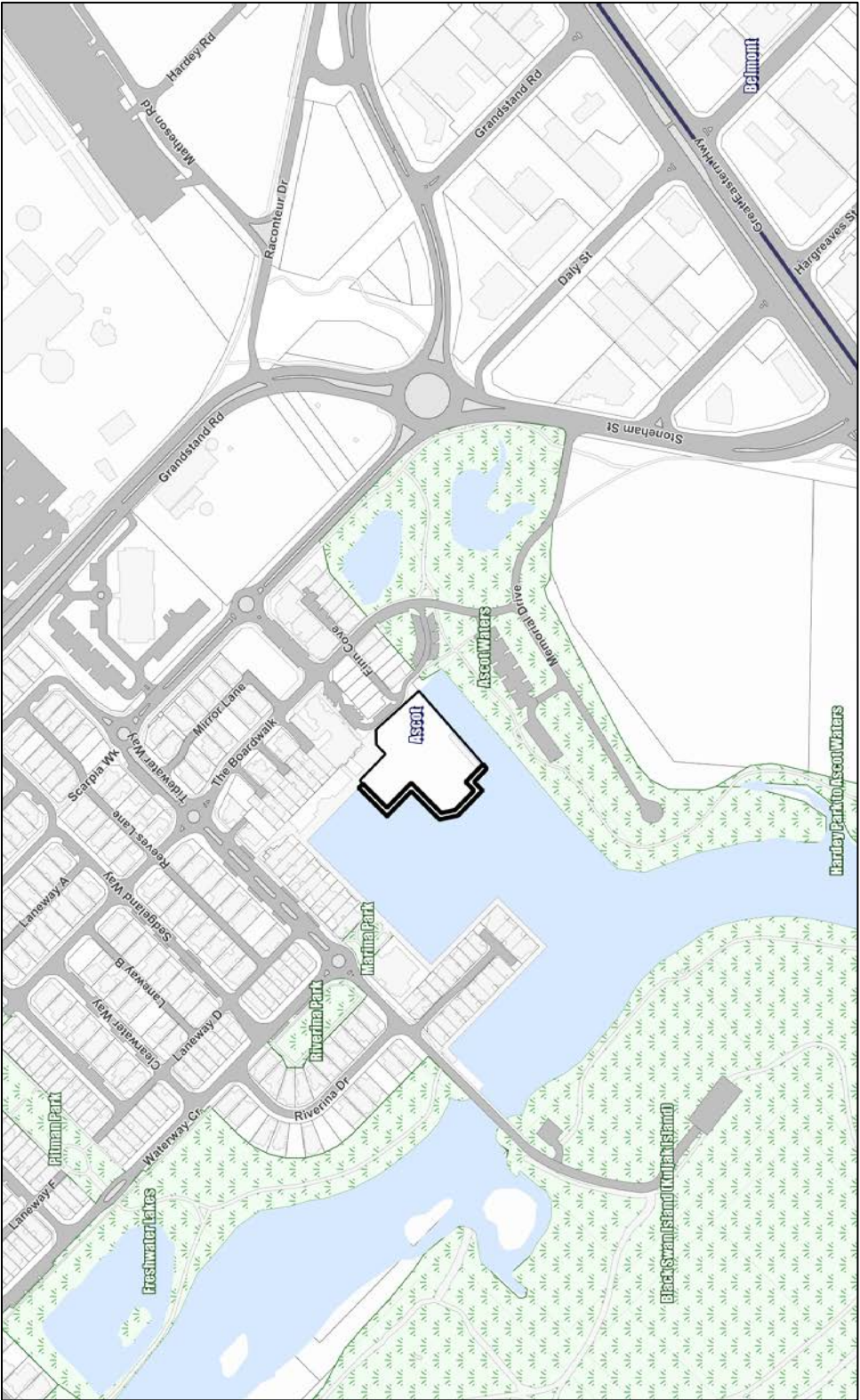
19 May 2020

Item No 12.4

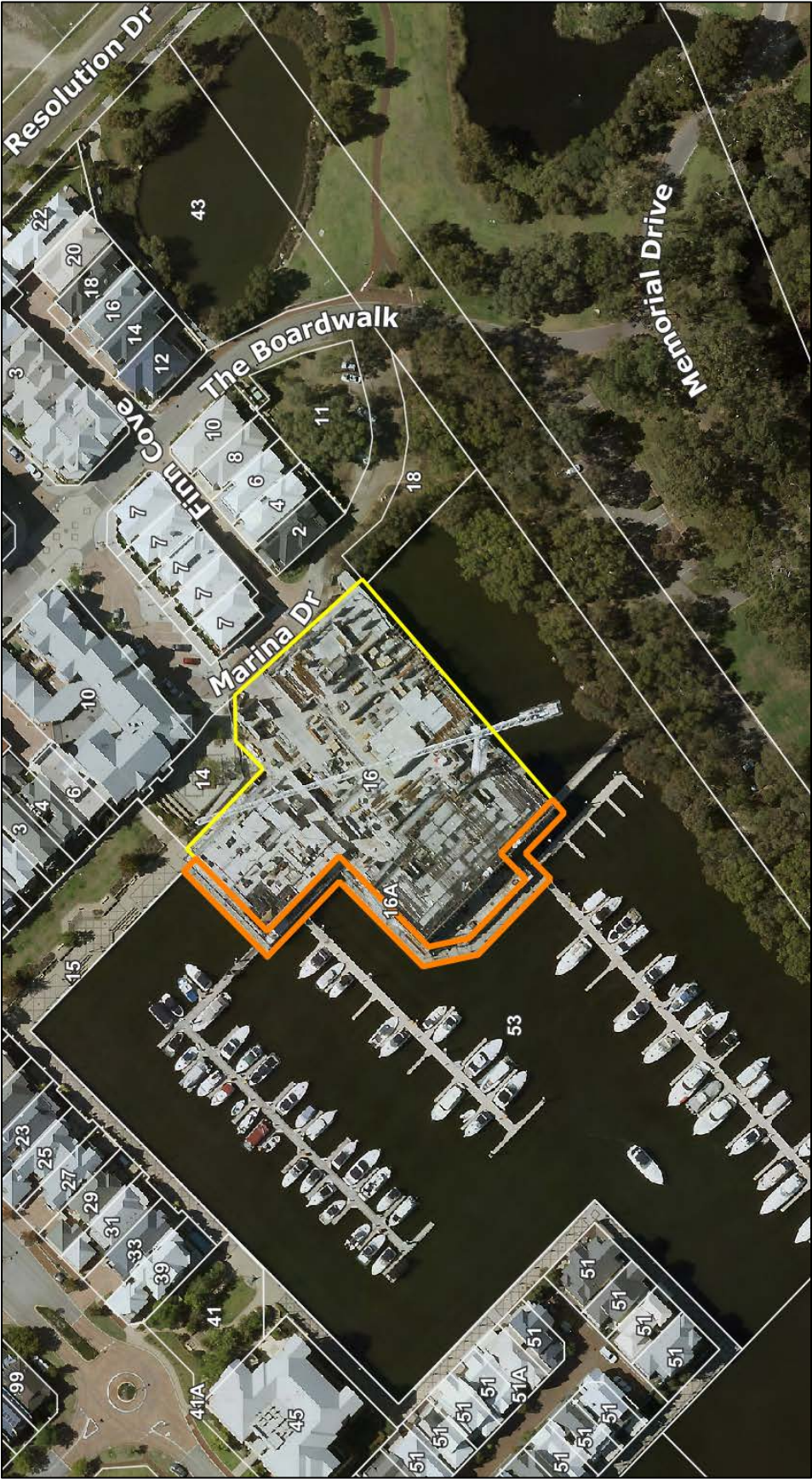
**Disposal of Interest in Land – Proposed Grant of Easement for
Encroachment of Public Art – Lot 262 on Plan 26711 (16A) Tidewater Way,
Ascot**



Location Plan

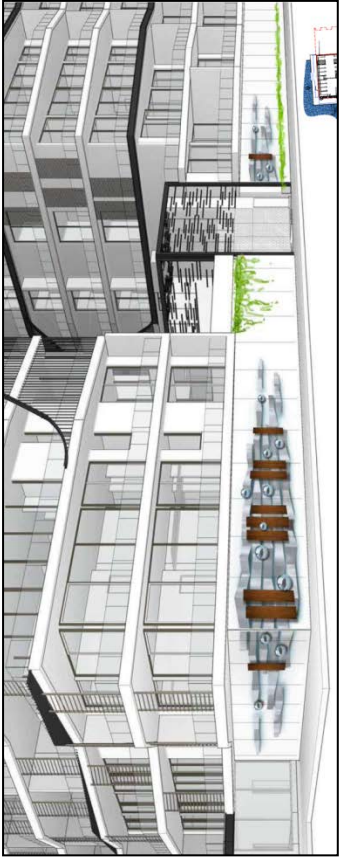
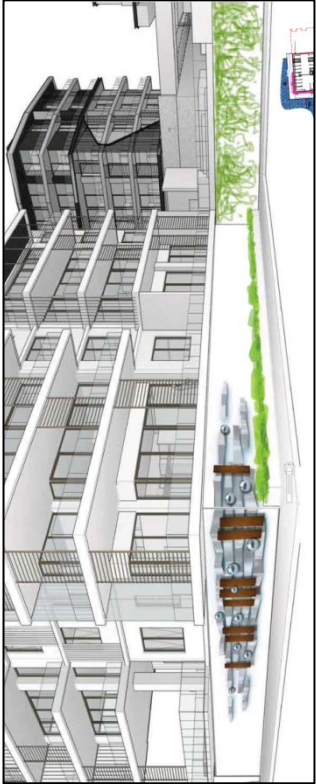


Aerial of Subject Site



Proposed Artwork

The Jetty



[illegible]

Proposed Easement
Location the Subject of
this Report (Public Art)

Portion of Public Artwork installed on Private Land



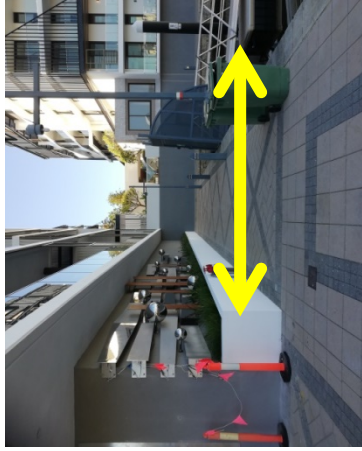
Advertising for Public Comment & Responses Received

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-accomplish?

Conclusion

- DA approval and support from the Public Art Advisory Panel (PAAAP) 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