

**9.1.2 LATE ITEM: Nos. 590 & 596 (Lot: 48, 49 &50) Beaufort Street and corner of Barlee Street, Mount Lawley – Proposed Addition of Temporary Art Market (Unlisted Use) to Existing Car Park (Barlee Street Car Park)**

<b>Ward:</b>	South	<b>Date:</b>	7 October 2014
<b>Precinct:</b>	Mount Lawley Centre; P1	<b>File Ref:</b>	PRO1751; 5.2014.391.1
<b>Attachments:</b>	<a href="#">001</a> – Property Information Report and Development Application Plans		
<b>Tabled Items:</b>	Nil		
<b>Reporting Officer:</b>	J Anthony, A/Director Community Services		
<b>Responsible Officer:</b>	G Poezyn, Director Planning Services		

**OFFICER RECOMMENDATION:**

That Council, in accordance with the provisions of the City of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, APPROVES BY AN ABSOLUTE MAJORITY the application submitted by L Thomas for the Beaufort Street Network on behalf of the owners, G & T Palassis and the City of Vincent for the Proposed Temporary Additional Use of an Existing Car Park as an Unlisted Use (Art Market) at Nos. 590 & 596 (Lot: 48, 49 &50) Beaufort Street and corner of Barlee Street, Mount Lawley as shown on plans date-stamped 7 July 2014, included as Attachment 001, subject to the following conditions:

1. The hours of operation for the Art Market shall be as follows:
  - 1.1 Stallholder “set-up” shall occur no earlier than 7:00am;
  - 1.2 Public access and sales shall only be conducted between 8:00am and 1:00pm; and
  - 1.3 Stallholder “pack- up” shall be concluded by 2:00pm on market day after which time the car park shall be entirely available for vehicle parking;
2. This approval for the Art Market is valid for Sunday, 12 October 2014 only; and
3. This approval is subject to and not limited to all conditions as approved by Council at the Ordinary Meeting of Council held on 9 September 2014.

**PURPOSE OF REPORT:**

To consider a request to hold Art Markets in the Barlee Street Car Park, Mount Lawley on Sunday, 12 October 2014 due to the cancellation of the market on the first Sunday of October (5<sup>th</sup>) as a result of inclement weather.

**BACKGROUND:**

<b>Landowner:</b>	G & T Palassis and City of Vincent
<b>Applicant:</b>	L Thomas for the Beaufort Street Network and L Kosova Chief Executive Officer
<b>Zoning:</b>	Metropolitan Region Scheme: Urban Town Planning Scheme No. 1 (TPS1): Commercial
<b>Existing Land Use:</b>	Parking
<b>Use Class:</b>	Unlisted Use (Art Market)
<b>Use Classification:</b>	“SA”
<b>Lot Area:</b>	1507 square metres
<b>Right of Way:</b>	N/A

At the Ordinary Meeting of Council held on 9 September 2014, the following was resolved:

*"That Council, in accordance with the provisions of the City of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, APPROVES BY AN ABSOLUTE MAJORITY the application submitted by L Thomas for the Beaufort Street Network on behalf of the owners, G & T Palassis and the City of Vincent for the Proposed Temporary Additional Use of an Existing Car Park as an Unlisted Use (Art Market) at No. 590 & 596 (Lot: 48, 49 & 50) Beaufort Street and corner of Barlee Street, Mount Lawley as shown on plans date-stamped 7 July 2014, included as Attachment 001, subject to the following conditions:*

1. *The hours of operation for the Art Market shall be as follows:*
    - 1.1 *Stallholder "set-up" shall occur no earlier than 7:00am;*
    - 1.2 *Public access and sales shall only be conducted between 8:00am and 1:00pm;*
    - 1.3 *Stallholder "pack- up" shall be concluded by 2:00pm on market days after which time the car park shall be entirely available for vehicle parking; and*
    - 1.4 *The Art Market is to only be in operation the first Sunday of every month;*
  2. *This approval for the Art Market is valid until 31 December 2015 only and does not allow continuation of the use beyond that date. Should the applicant wish to continue the use after this date, it will be necessary to re-apply to and obtain approval from Council prior to continuation of the use;*
  3. *Written notification of the outdoor markets shall be provided to all premises within a 200 metre radius of the site. The notification shall be in a letter form and is to include information relating to the opening times and activities of the markets. The letter shall include contact details of a responsible person who can be contacted throughout the operation times, including setup and take down. The letter shall be approved by the City prior to distribution, which takes place ten (10) days prior to the commencement of the markets;*
  4. *PRIOR TO THE COMMENCEMENT OF THE ART MARKET USE, the Applicant shall:*
    - 4.1 *Submit Operational Guidelines and Market Rules to the City in accordance with the City's Policy Guidelines for Markets in the City of Vincent;*
    - 4.2 *Apply to the City's Health and Compliance Services for Public Building Approval under the Health Act 1911; and*
    - 4.3 *Submit a Waste Management Plan to the City for approval, to the satisfaction of the City's Director of Technical Services;*
  5. *The type of stalls shall be limited to those specified in the Applicants submission;*
  6. *A responsible representative of the Art Market shall be present on-site during the operation of the market (i.e. 7:00am to 2:00pm) to respond to any complaints or concerns; and*
  7. *Compliance with all Technical Services, Building and Environmental Health specific requirements, to the satisfaction of the Chief Executive Officer.*
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**ADVICE NOTES:**

1. *The Applicant shall;*
  - 1.1 *Ensure full compliance with the provisions of the Food Act 2008 and Australian New Zealand Food Standards Code. No food shall be sold to the public unless approved by the City's Health and Compliance Services Section;*
  - 1.2 *Obtain a Special Events Permit from the City's Health and Compliance Services Section for all temporary food stalls. Application forms together with the relevant fees shall be submitted at least fourteen (14) days prior to the commencement of trade;*
  - 1.3 *Ensure that sound levels created do not exceed the provisions of the Environmental Protection Act 1986 and Environmental Protection (Noise) Regulations 1997;*
  - 1.4 *Ensure that any buskers operating in the market area comply with the following requirements. The buskers must:*
    - 1.4.1 *be in possession of a valid permit obtained from the City when busking (can be passed from one busker to the next, when the first busker finishes their act);*
    - 1.4.2 *not use inappropriate language, material, etc;*
    - 1.4.3 *remain within the subject site while undertaking their act;*
    - 1.4.4 *not impede or prevent any persons or pedestrians from going about their normal business; and*
    - 1.4.5 *not restrict ready access to the premises;*
  - 1.5 *Ensure that any "A" frame signage placed on any land under the care, control and management of the City will be the subject of a Permit issued pursuant to the City of Vincent Local Government Property Local Law 2008;*
2. *The market area shall be in a clean and tidy condition during the market areas and will be cleaned to the satisfaction of the City by 2:00pm on market days; and*
3. *The applicant should hold a current Public Liability Insurance Cover for not less than \$20 million and shall indemnify the City against any claims, damages, writs, summonses or other legal proceedings and any associated costs, expenses, losses or other liabilities as a result of loss of life, personal injury or damage to property arising from an occurrence in or connected with the outdoor market. A copy of the Certificate of Currency shall be provided to the City at least seven (7) days prior to the commencement of the first Market day. A copy of the Certificate of Currency shall be provided to the City, no later than seven (7) days to the first market day."*

**DETAILS:**

The first Art Market was held on Sunday, 7 September 2014 (on a trial basis prior to Council's approval on 9 September 2014) and was without incident. There was positive feedback provided by the organisers and the Beaufort Street Network, with reports that there was a good attendance by the community.

The market scheduled for Sunday, 5 October 2014 was cancelled due to inclement weather. The organisers have requested that the City provide a one-off approval to hold the markets on Sunday, 12 October 2014 with the same conditions as previously approved for the monthly event.

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**CONSULTATION/ADVERTISING:**

This application has a classification for an “SA” unlisted use “Art Market”.

Required by legislation:	No	Required by City of Vincent Policy:	Yes
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**LEGAL/POLICY:**

City of Vincent Town Planning Scheme No. 1 and associated policies.

Under Clause 39 of the Town Planning Scheme No. 1 the Council cannot grant planning approval for a development which involves an unlisted use unless it is satisfied, by an absolute majority that the proposed development is consistent with the matters listed in Clause 38 (5).

**RISK MANAGEMENT IMPLICATIONS:**

**Low:** The markets have operated once in September and proved to be a success with the community with no issues reported.

**STRATEGIC IMPLICATIONS:**

The City’s *Strategic Plan 2013-2017* states:

*“Community Development and Wellbeing*

3.1 *Enhance and promote community development and wellbeing;*

3.1.3 *Promote and provide a range of community events to bring people together and to foster a community way of life”.*

**SUSTAINABILITY IMPLICATIONS:**

The following tables outline the applicable sustainability issues for this proposal:

ENVIRONMENTAL	
Issue	Comment
The market will be located within an already established car park.	

SOCIAL	
Issue	Comment
The market will be a community event for the residents in the immediate and surrounding areas.	

ECONOMIC	
Issue	Comment
The market will economically benefit local artists, local food and beverage creators, community funded stalls and immediate businesses in the area.	

**FINANCIAL/BUDGET IMPLICATIONS:**

Nil.

**COMMENTS:**

The Bike Swap Mart is scheduled to be held at the Barlee Street Car Park on Saturday, 11 October from 9 am to 1 pm. If approval is granted to hold the Art Market between 7am and 2pm on Sunday, 12 October 2014, then the Barlee Street Car Park will be unavailable for use during those stated times on both Saturday and Sunday of this weekend.

Given the community interest and support for the Art market from the Beaufort Street Network, and considering that the previously scheduled market was cancelled due to poor weather, it is recommended that this proposal be approved as a once-off.