

**IN CONFIDENCE**

**CORPORATE AND COMMUNITY SERVICES REPORT NO. 77/2016**

**SUBJECT: LICENCE – RAILWAY PLATFORM**

**REF: AF15/398**

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In early 2015 Council sought Expressions of Interest for activation of the Railway Station platform/building. Submissions were presented to Council in August 2015 and Council's Railway Lands Activation Team subsequently engaged with each respondent and invited them to consider trialing their concepts on a low investment or temporary manner so the viability of any development could be evaluated.

The following is the first fully developed 'trial' proposal that has been received.

Council is in receipt of a formal request and development application to locate and operate a container based café upon the railway platform for an initial trial period of 6 months.

The proposal comprises a commercially fitted-out and self contained 20' shipping containers from which a licensed café could operate serving coffee, menus catering for children, families and 'eat local' options showcasing food and wine options from around the region..

It is proposed that the two (2) 20' containers be located upon the western platform adjacent the control tower and public toilets, with one container comprising a kitchen and the other containing a bar/serving area. Outdoor dining would be located upon the remaining platform area overlooking the wetland and nature play area. A diagram showing the approximate location of the containers is provided for Member's information (**Attachment 1**).

The proposed location of the container café upon the eastern platform provides a fixed site presence whilst ensuring that the main platform and event areas remain accessible for other use during the trial period. As licensees it is expected that all permitted users of the Railway Lands will liaise to avoid or mitigate any unreasonable detriment upon others permitted use.

A short-term licence period of six (6) months only (with no renewal right) is proposed to ensure that Council retains the right to consider alternative and/or longer term use options for the Railway Lands without invoking the 5 year minimum term provisions of the Retail & Commercial Leases Act.

It is proposed that minimum days/hours of operation (ie 10am-3pm 7 days a week – subject to adverse weather conditions) be required and otherwise only limited by planning/licensing conditions and the proponents capacity to service the site. Early morning and later evening operating hours would be anticipated to meet demand on weekends, school/public holidays and in finer weather.

Proposed licence conditions would include that the proponent:

- be responsible for all costs associated with:
  - the purchase and fit-out of the container
  - onsite installation of the container
  - service connections (power/water)
  - onsite storage and removal of waste (ie café waste)
  - business insurance (building, contents, product and public liability)
  - application for and meeting liquor licence conditions
  - provision and storage of any required furniture and equipment within a designated compound area immediately adjacent to the container.
  - removing all items and making good the site at the end of the licence period
- contribute financially toward:
  - legal costs associated with documenting temporary occupancy arrangements
  - consumption of utilities (inline electricity metering and water usage estimates)
  - site rental (including for access to toilet facilities)

A rental amount of \$150+gst per week (\$8,580pa gst inclusive) has been offered by the proponent for the vacant site.

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As a licence condition Council would be furnished with the cafes operating financials for the 6 month trial period to assist it in considering the viability of a development of the Railway Station building for a similar use.

In consideration of the abovementioned responsibilities, the proponents assumption of all financial risk, the short-term 'trial' nature of the proposal, and notwithstanding the inclusion of access to maintained public toilets (it being proposed that the proponent have permission to but not be obligated to clean and maintain the public toilets) it is proposed that the rental offer be accepted for the trial period.

As a short-term trial, Council would have the opportunity to review/renew the arrangement for a further period, including the re-assessment of a commercial rent based upon operating financials.

The subject land being validly excluded from classification as community land by gazettal notice dated 30 April 2009 is exempt from any requirement to conduct public consultation on the proposed licence.

Accordingly, this report recommends that the Chief Executive Officer and Mayor be authorised to finalise negotiations for and to affix the Common Seal (if/as necessary) to any documentation necessary to give effect to a 6 month licence for a container café on the railway platform.

The timing of this matter is critical to enable the trial occupancy to commence as soon as possible to take advantage of the remaining summer season.

**RECOMMENDATION**

- (a) Corporate and Community Services Report No. 77/2016 be received.
- (b) The Chief Executive Officer and Mayor be authorised to finalise negotiations for a Container Café located and operated on the western railway platform and to execute and affix the Common Seal as necessary to any documentation to give effect to a 6 month licence including any works associated with installing and removing buildings and services.



**Michael McCARTHY**  
MANAGER GOVERNANCE & PROPERTY

Sighted:



**Mark McSHANE**  
CHIEF EXECUTIVE OFFICER

31<sup>st</sup> October, 2016  
MMcC

