

### 7.1.3 WAVERLEY PARK ESTATE TOILET AND KIOSK CONCEPT - MIRVAC UPDATE

<b>Responsible Manager:</b>	Sean McNamee, Manager Strategic Planning
<b>Responsible Director:</b>	Peter Panagakos, Director City Development

#### RECOMMENDATION

That Council:

1. **Endorses the concept design provided by Mirvac for the delivery of Public Toilets and a Kiosk, April 2024, in accordance with the attachment to this report.**
2. **Advises Mirvac that:**
  - a. **the provision of the kiosk is conditional upon Mirvac, in consultation with Council officers, finding a suitable operator for the kiosk**
  - b. **the kiosk should be in operation for no less than 12 months prior to Council accepting transfer of the land and kiosk**
  - c. **in the event that an suitable operator cannot be engaged the kiosk will not be provided and Council along with Mirvac will explore any other options or possibilities that may be available.**
3. **Request Mirvac to proceed to detailed design based on the concept plan.**
4. **Notes that the delivery of this project is funded through the allocation of funds required to be spent by Mirvac as part of the amended planning permit and other broader financial commitments Mirvac has in compliance with the amended planning permit. Further noting that funds from the open space contribution will only be utilised in the event that there are insufficient funds available from the combined community facility funds and the Mirvac residual financial commitments.**

#### INTRODUCTION

The purpose of this report is to present to Council for consideration and adoption the revised Public Toilet and Kiosk Concept Plan provided by Mirvac for the delivery of the public toilet facility and kiosk at the Lake and Wetlands Park within the Mirvac Waverley Park Estate.

#### COUNCIL PLAN STRATEGIC OBJECTIVES

##### **Sustainable City**

Ensure an economically, socially, and environmentally sustainable municipality.

##### **Inclusive Services**

Deliver high performing services.

##### **Enhanced Places**

Improving open spaces, bushland and street trees, including prioritising biodiversity and community engagement.

## Good Governance

Ensure a financially, socially and environmentally sustainable organisation.

## BACKGROUND

### Approval of amended permit

On 2 November 2016 the Minister for Planning granted an amendment to Planning Permit No STA/2001/000714.

The amended permit allows for the power lines to be retained above ground and requires the provision of an open space Community Benefits Package.

### Community benefits package – proposed by Mirvac

The Community Benefits Package contained:

- Open Space Improvements - \$612,000 of improvements/additions to 5 existing small parks.
- *Community facility - \$690,000 to locate community facilities in the Stadium building*
- Additional Open Space improvement - \$1 million for additional public open space improvements in Waverley Park or outside of the estate but accessible to the Waverley Park community
- New Open Space - \$4.2 million for new open space and wetland under and adjacent to the power lines easement –

### Council's position on the community benefits package

At its meeting on 28 April 2017, Council considered the Community Benefits Package required under the planning permit for the Waverley Park Estate that was amended by the Minister for Planning.

In amending the permit, a condition was added that required Mirvac to provide utility connections for a kiosk and public toilet but not actually construct either of these facilities.

Council advised Mirvac that it did not require the provision of community facilities in the Stadium building and that those funds should be reallocated as part of the overall approval of the Community Benefits Package it was resolved that Council:

8. *Approves the further improvements proposed to the open space area which includes the construction of toilets, a kiosk facility and car parking to service the wetland park area, valued at approximately \$740,000.*

The balance of the community benefits requirements outlined above as part of the amended permit have been delivered by Mirvac and the funding allocations expended.

The funds allocated by the permit for the stadium facilities are proposed to be utilised for the construction of the kiosk and toilets.

## DISCUSSION

Mirvac and officers have been in discussion on the delivery of the kiosk and public toilets for some time.

As part of the initial proposal for the delivery of the kiosk and the public toilets, Mirvac proposed to enter into a lease for the kiosk facility with a not-for profit, social enterprise café provider.

The proposed arrangement included specific design requirements of the proposed kiosk operator in the design of the kiosk and adjacent space. Unfortunately, due to Covid 19 and the passage of time, this not-for-profit operator is no longer available.

This change has resulted in the need to redesign the concept plan to meet the changed circumstances.

### Updated Public Toilets and Kiosk concept

Officers and representatives from Mirvac have developed a revised concept design that responds Council requirements.

The updated concept includes the provision of public toilets at standard above the default Public Toilet Strategy as the park and wetlands are considered to have a higher patronage level and larger catchment than Council open space facilities identified in the Public Toilet Strategy.

The concept design retains provision for a Kiosk. The Kiosk is of modular design and allows for potential removal and relocation independently of the balance of the public space.

Mirvac have not identified a potential operator for the kiosk at this time, as they require Council endorsement of this concept plan in order to commence the process to source an operator.

Although the kiosk facility is part of the concept design, in the event that Mirvac are not able to secure an operator it is recommended that the kiosk component be removed from the project.

### Cost and funding of the facilities

Upon endorsement of the current concept plan Mirvac will commence detailed design and costing of the project.

Although Mirvac has not costed the current concept, given it's modular design and absence of enclosed space contained in the original project proposal the costs are expected to be lower than the original project concepts estimate of \$1.7 million.

The previously agreed re-allocation of funds contained from the community benefits package of the amended planning permit, Condition 53 community facility and open space payment, along with residual funds from Mirvac's broader financial commitments as part of the amended planning permit will fund the delivery of the project.

Whilst this means that the project can be delivered without the need for Council to allocate additional funds through the budget process the allocation any funds from the \$1 million open space improvement contribution will only be utilised in the event that there are insufficient funds available from the combined community facility funds and the Mirvac residual financial commitments.

## **FINANCIAL IMPLICATIONS**

The project is being funded through the allocation of funds required to be spent by Mirvac as part of the amended planning permit and other broader financial commitments Mirvac has in compliance with the amended planning permit. The delivery of the project therefore has no immediate cost implications on Council.

Acceptance of the kiosk module in the delivery of the project is dependent upon Mirvac sourcing an appropriate operator and the demonstration ongoing viability of the operation. If an appropriate operator is not found, Council along with Mirvac all continue to investigate all other alternatives and possibilities that may be available.

The delivery of the toilets and gathering space will proceed irrespective of whether an operator is found.

## **POLICY IMPLICATIONS**

Any leasing agreements with the kiosk operator at hand over from Mirvac will be negotiated in accordance with Council's *Leasing and Licensing Policy*.

## **CONSULTATION**

Community consultation was not required.

## **SOCIAL IMPLICATIONS**

There are no social implications to this report.

## **HUMAN RIGHTS CONSIDERATIONS**

There are no human rights implications to this report.


## **GENDER IMPACT ASSESSMENT**

A GIA was not completed because this agenda item is not a 'policy', 'program' or 'service'.

## **CONCLUSION**

The development of the kiosk and public toilets as part of the Lake and Wetland Park represents the final component of the estate and is particularly important in delivering public toilet facilities to a significant open space facility.

The revised concept design provides for the delivery of a quality community infrastructure facility that complements the existing park infrastructure. The modular design of the kiosk minimises financial risk to Council whilst allowing for the project delivery to commence.



It is appropriate to endorse the concept plan and request Mirvac commence detailed design and delivery of the project.

**ATTACHMENT LIST**

1. Attachment 1- Mirvac Public Toilet and Kiosk Concept plan April 2024 [7.1.3.1 - 9 pages]



Waverley Park

*Reimagine urban life*



**KIOSK+AMENITY**

CONCEPT DESIGN SUBMISSION FOR MONASH COUNCIL REVIEW & ENDORSEMENT.

APRIL 2024

