Agenda Briefing Session Notice of Meeting

Tuesday, 23 October 2018 4.00pm

Council Chamber
Level 9
Council House
27 St Georges Terrace, Perth WA
6000



Agenda

ORDER OF BUSINESS AND INDEX

- 1 Acknowledgment of Country
- 2 Declaration of Opening
- **3** Apologies
- **4** Disclosure of interests
- 5 Matters for which the session may be closed
- 6 Items

Report	Item Title	Page
No.		
6.1	190 (Lot 101) Aberdeen Street, Northbridge – Proposed LED Sky	1
	Sign Displaying Variable Third-Party Advertising Content	
6.2	Advice to Department of Planning, Lands and Heritage — 35 (Lot	7
	2886) Stirling Highway, Crawley –Forrest Hall Stage 2 – Proposed	
	Mixed Use Development Comprised of Nine Scholar Rooms, 65	
	Short Stay Rooms, Office and Function Space with 38 Car-Bays	
	and 13 Bicycle Bays	
6.3	Advice to the Metropolitan Redevelopment Authority — (Lot 7)	53
	The Esplanade, Perth - Proposed 32-Level Mixed-Use	
	Development Comprising Office, Retail, Child Care, Dining and	
	Exhibition Uses and 136 Tenant Car Parking Bays	
6.4	Skate Park Feasibility Study	88
6.5	Parklet Policy	111
6.6	Outdoor Dining – Policy and Guidelines	131
6.7	Review Complete – City of Perth Alfresco Dining Local Law 2009	239
	(Repeal and Replace) City of Perth Outdoor Dining Local Law 2019	
6.8	Financial Statements and Financial Activity Statement for the	267
	Period Ended 31 August 2018	
6.9	Rates Concession – Western Australia Cricket Association	290
6.10	Western Australia Bicycle Network Grants 2019/20 and 2020/21 –	292
	Winthrop Avenue Shared Path	
6.11	Review of Council Policy 10.9 - City of Perth Common Seal and	297
	Document Signing Authority	
6.12	Repeal of Council Policy 18.10 Street Marches and Public	322
	Meetings – CBD Retail Precinct	

ERICA BARRENGER
ACTING CHIEF EXECUTIVE OFFICER

Ebarrenger

19 October 2018

This meeting is open to members of the public

INFORMATION FOR THE PUBLIC ATTENDING AGENDA BRIEFING SESSIONS

Welcome to this evening's Agenda Briefing Session. This information is provided on matters which may affect members of the public. If you have any queries on procedural matters please contact a member of the City's staff in attendance tonight.

Presentations

Applications for presentations to an Agenda Briefing Session must be in writing to the CEO and sent to info.city@cityofperth.wa.gov.au and received by midday on the day of the meeting. Please refer to the City's website www.perth.wa.gov.au for further information on making a presentation.

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EMERGENCY GUIDE

Council House, 27 St Georges Terrace, Perth



The City of Perth values the health and safety of its employees, tenants, contractors and visitors. The guide is designed for all occupants to be aware of the emergency procedures in place to help make an evacuation of the building safe and easy.

BUILDING ALARMS

Alert Alarmand Evacuation Alarm.

ALERT ALARM

beep beep beep

All Wardens to respond.

Other staff and visitors should remain where they are.

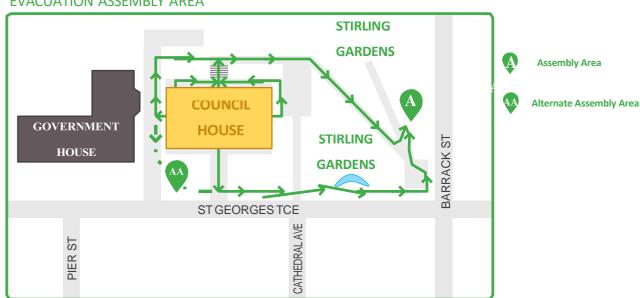
EVACUATION ALARM / PROCEDURES

whoop whoop whoop

On hearing the Evacuation Alarm or on being instructed to evacuate:

- 1. Move to the floor assembly area as directed by your Warden.
- 2. People with impaired mobility (those who cannot use the stairs unaided) should report to the Floor Warden who will arrange for their safe evacuation.
- 3. When instructed to evacuate leave by the emergency exits. Do not use the lifts.
- 4. Remain calm. Move quietly and calmly to the assembly area in Stirling Gardens as shown on the map below. Visitors must remain in the company of City of Perth staff members at all times.
- 5. After hours, evacuate by the nearest emergency exit. Do not use the lifts.

EVACUATION ASSEMBLY AREA





Agenda 190 (Lot 101) Aberdeen Street, Northbridge – Proposed LED Sky Sign Displaying Variable Third Party Advertising Content

FILE REFERENCE: 2017/5340

REPORTING UNIT: Development Approvals
RESPONSIBLE DIRECTORATE: Planning and Development
ATTACHMENT/S: Attachment 6.1A – Location Plan

Attachment 6.1B – Perspectives

Attachment 6.1C - Development Plans

Purpose and Background:

The subject site is bounded by Fitzgerald Street to the west, a four-storey mixed-use building to the north, a right of way (Churchview Alley) to the east and Aberdeen Street to the south. The site has an area of 673m² and is occupied by a four-storey mixed-use building.

Subsequent to lodgement of the application 30 August 2017, the applicant submitted a request to the City on 18 October 2017 for the application to be placed 'on hold'. On 21 June 2018, the applicant submitted additional information relating to the application and requested the City's assessment and determination of the application proceed.

At its meeting held on **25 September 2018,** Council resolved to defer consideration of the application to allow for the Commissioners to conduct an onsite visit and to have the City of Perth seek clarification from the Department Planning, Lands and Heritage (DPLH) and the Department of Transport (DoT).

Correspondence has been received from DoT and DPLH which enables the application to be reconsidered by Council.

Details of Application

The application proposes the addition of an LED sign panel on the roof of the existing four-storey mixed use building on the site to display third-party advertising. The applicant has provided the following details in relation to the proposed sign:

- the sign panel is approximately 6.3 metres high and 19.1 metres in width, with a screen area of 120m² and will be mounted approximately 14 metres above ground level (relative to Fitzgerald Street);
- the device is an electronic variable message LED sign which will display static third-party advertising;
- the sign will not be illuminated externally;
- the device will cycle through a series of static advertisements. The device can be programmed with a specific display time/dwell time for each advertisement; and
- advertisement and other device programming can be undertaken online, physical access to the sign will not be required to change advertisements.

Development Requirements

The City Planning Scheme No. 2 (CPS2) Signs Policy 4.6 sets out the requirements for the erection and management of signs on or adjacent to buildings within the city, providing guidelines for their acceptable design and location.

<u>Additional Stakeholder Consultation</u>

In correspondence dated 9 October 2018, DPLH advised its consideration of the proposal is limited to the proposal's potential impact on Fitzgerald Street, with assessment of the wider implications of the proposal being the responsibility of Main Roads Western Australia (MRWA).

In correspondence dated 9 October 2018, DoT advised that it had reviewed the application and concurred with the comments provided by MRWA with the Department having no further comment to provide.

Planning Assessment

The proposal does not comply with the clauses '5.0(c) General Provisions', '6.6(c) Sign Content', 6.8(c) and (d) Animated or Variable Content' and '7.9(a) Sky Signs' of the Signs Policy.

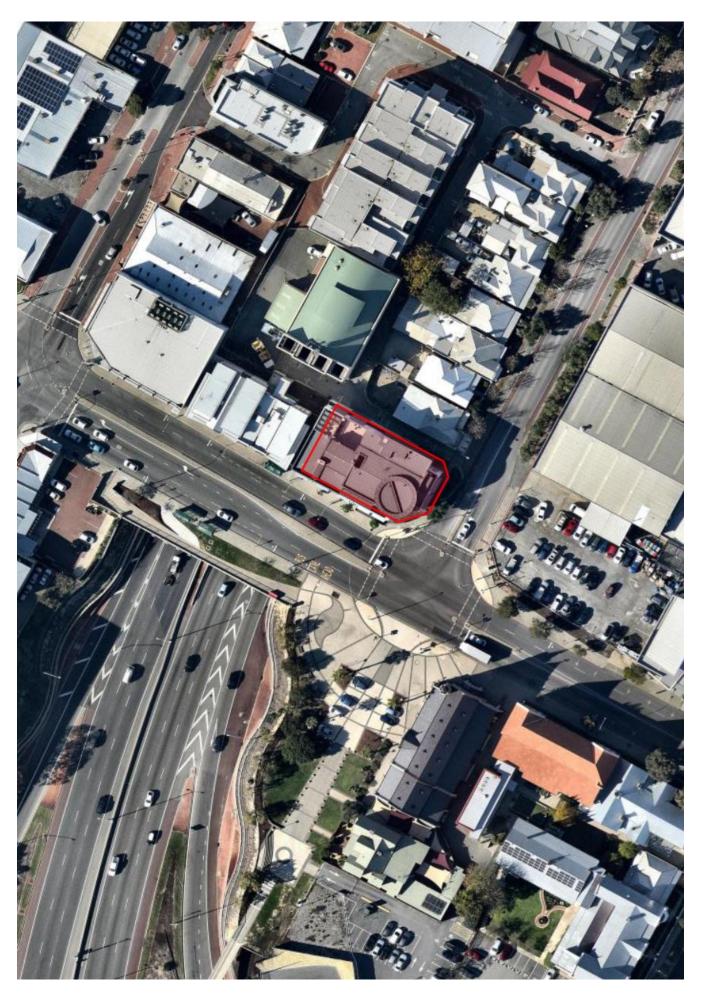
This is based on:

- the sign is proposed to take advantage of the location's exposure to passing motorists on the freeway and surrounding streets and will be located within a private commercial property and not within or facing a 'public space' which has been designed for pedestrians to linger for an extended period of time;
- the third-party advertisements will not add to the vitality or amenity of the space; it is incompatible with the desired character of the space adjacent to the church given its function and general purpose; and it will not enhance the visual quality of the space or the locality more generally;
- the addition of the sign above the existing mixed-use building will not be compatible with the desired character of this locality; and
- the sign will effectively sit above the main roof line and whilst the supporting structures
 are proposed to be finished and coloured to match the existing building, the scale and
 positioning of the sign is contrary to these relevant clauses of the Policy.

The applicant submitted a Road Safety Assessment in support of the application noting the location of the proposed sign in the vicinity of the Graham Farmer Freeway and its potential impact on traffic safety. Whilst the report addresses some of the criteria contained within the MRWA's 'Policy and Application Guidelines for Advertising Signs', it acknowledges that the proposed sign does not satisfy the location and sizing criteria.

Summary

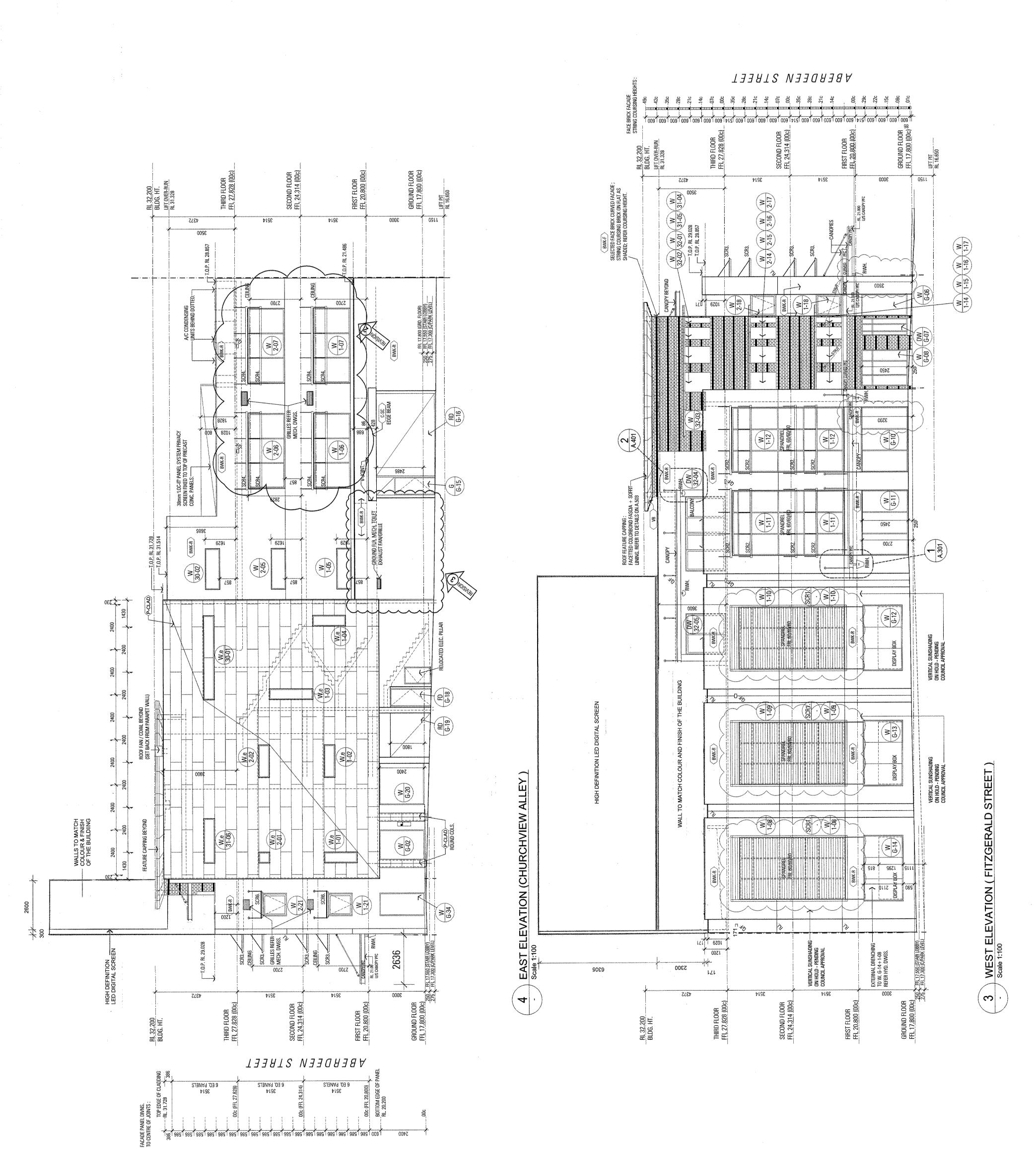
The proposed sign does not meet the criteria for large 'variable content', 'third party' and 'sky signs' applicable under the Signs Policy. Variations to the Signs Policy can be granted by an absolute majority decision of the Council, in accordance with clause 36 of CPS2.



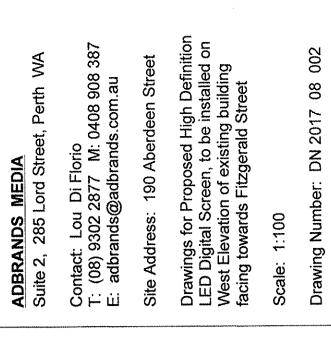


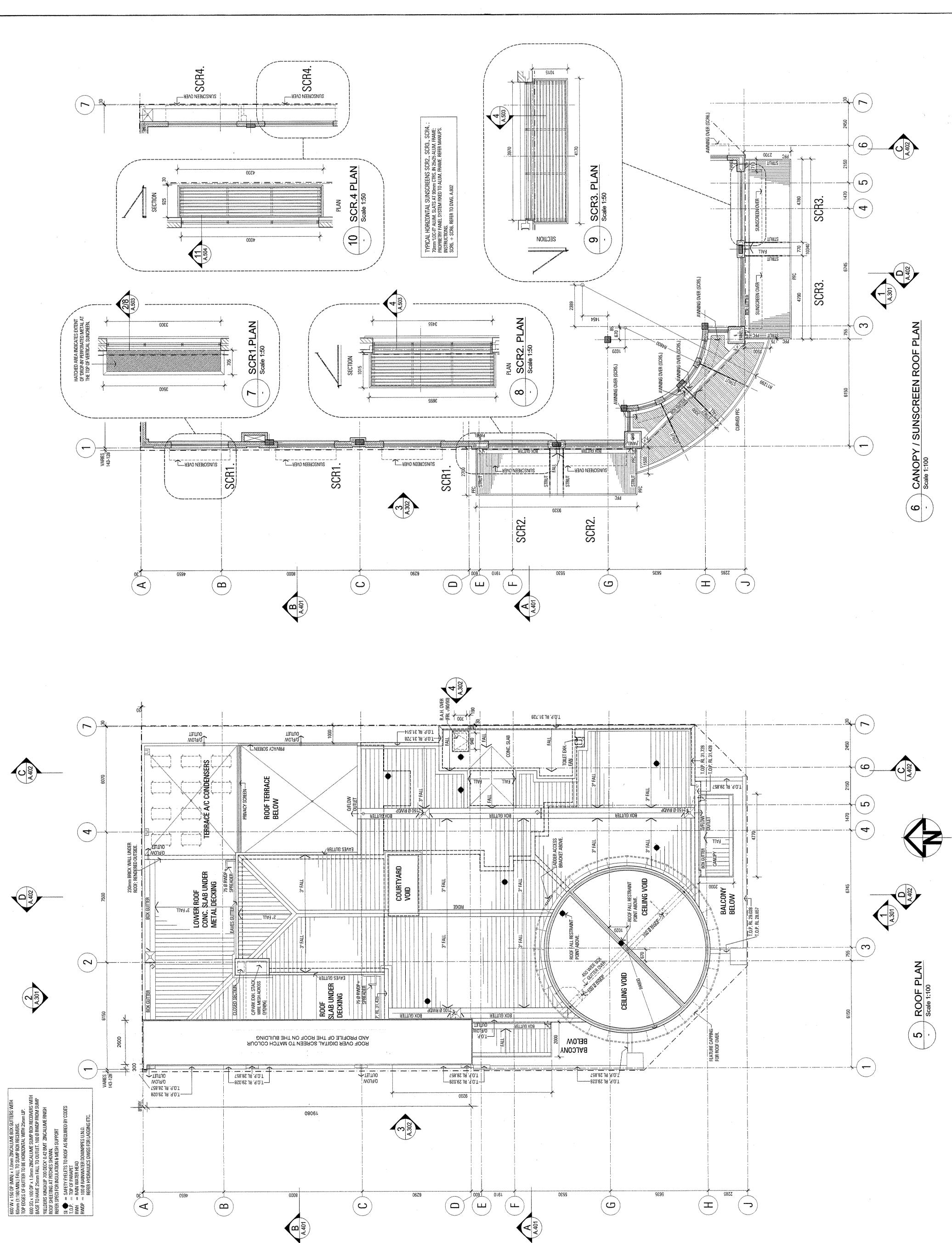
Contact: Lou Di Florio T: (08) 9302 2877 M: 0408 908 387 E: adbrands@adbrands.com.au ADBRANDS MEDIA Suite 2, 285 Lord Street, Perth WA Site Address: 190 Aberdeen Street

Drawing Number: DN 2017 08 001



Page 5 of 324





Agenda Item 6.2

Advice to Department of Planning, Lands and Heritage – 35 (Lot 2886) Stirling Highway, Crawley – Forrest Hall Stage 2 – Proposed Mixed Use Development Comprised of Nine Scholar Rooms, 65 Short Stay Rooms, Office and Function Space with 38 Car-Bays and 13 Bicycle Bays

FILE REFERENCE: DAP-2018/5329

REPORTING UNIT: Development Approvals
RESPONSIBLE DIRECTORATE: Planning and Development
ATTACHMENT/S: Attachment 6.2A – Location Plan

Attachment 6.2B – Perspectives

Attachment 6.2C – Schedule of Submissions

Attachment 6.2D – Draft masterplan and letter of support

Purpose and Background:

In February 2018 stage 1 of the Forrest Hall development on the site (FH1) was completed which included a total of 45 multiple dwellings for student accommodation comprised of 13 two-bedroom apartments and 32 one-bedroom apartments with 38 car parking bays on site.

Details of Application

The application is seeking approval for stage 2 of the Forrest Hall development, which is proposed to incorporate a five-level mixed-use building that includes: -

- nine self-contained Scholar Accommodation Rooms for the Forrest Scholars ranging from one bedroom to three bedrooms;
- 65 Short Stay Accommodation Rooms with a Club Lounge and Back of House service areas;
- office space;
- undercroft carpark with 38 car-bays, one ARCOD bay and 13 bicycle bays; and
- landscaped external terrace and walled private gardens.

Land Use and Development Requirements

The proposed development is located within a Metropolitan Region Scheme (MRS) Reserve for Public Purposes - University and as such is not zoned under the City Planning Scheme No. 2 (CPS2). The University has been identified as a specialised activity centre through the 'Perth and Peel @3.5 million', which provides opportunities to combine specialised employment, residential living and education in one place.

The use of the site for student accommodation and facilities is generally consistent with the purpose for which the land is reserved under the MRS ('Public Purposes - University').

City of Perth Design Advisory Committee

At its meeting held on 20 September 2018, the City of Perth's Design Advisory Committee (DAC), having considered the design for the proposed development advised that it:

- "1. considers that the design of Forrest Hall Stage 2 does not fully embrace the possibilities of this site;
- 2. suggests that the design of the building should be more open and welcoming in its design rather than presenting as a closed and private development;
- 3. raises concerns about the pedestrian experience adjacent to the Hackett Drive frontage and considers that the design and scale of the boundary walls should be reviewed to enable the development to more successfully engage with the street and with the main University campus;
- 4. notes the preparation of a master plan for this locality and encourages this planning to provide opportunities for pedestrian engagement on the eastern side of the site."

In response to DAC's comments, the applicant has modified that development by:

- increasing the glazing to the office space to include increased visual permeability and pedestrian interaction;
- incorporating additional windows to the southern side of the club lounge and walkway to the short stay accommodation rooms; and
- increasing the setback to Hackett Drive, incorporating more openings and reducing the height of the boundary walls.

Community Consultation

A total of 20 submissions were received during the advertising process. The submissions raised the following key concerns with the application:

- a) The proposed development will reduce the ambience of the area and will obscure views of Matilda Bay foreshore;
- b) The development could set precedent for development along the bay and elsewhere along the river;
- UWA has sufficient land elsewhere on the campus that could be developed;
- d) The appreciation of the iconic waterway should not be affected by UWA expansion;
- e) The development will dominate the area with the size of the completed development;
- f) The use of the building is not in keeping with the MRS Reserve;
- g) Access and parking for the adjacent buildings will be compromised;
- h) The loss of river frontage and loss of considerable university parking space and subsequent traffic issues due to lack of parking; and
- i) The community has not been consulted.

Planning Assessment

The building is of a similar scale and form as the existing Forrest Hall 1 and bookends the other side of the site. The development is consistent in scale with other developments recently approved and constructed within the area and there are a number of residential towers along Mounts Bay Road. It is noted that the proposed development would not obscure views from any private residential developments.

There are no development standards applicable to the proposed development under the MRS. The site forms part of the Crawley campus and does not form part of the Parks and Recreation reserve along the Swan River foreshore. Therefore, the development of the site will not set any precedent for further redevelopment along the MRS Parks and Recreation reserve. The applicant has also advised the building has been designed to embrace the riverside setting and utilises the established design palette and typology within the University.

There is no requirement for parking to be provided on the site. The development has been accompanied by a Transport Impact Statement which was reviewed by the City's officers with no concerns being raised regarding the proposal's impact on the area.

Access arrangements to Department of Biodiversity, Conservation and Attractions (DBCA) reserves have already been agreed to as part of the Forrest Hall 1, with a new access way to be constructed along the abutting boundary. In addition to this, UWA and DBCA are currently working together on a masterplan for the DBCA leased area to improve access and parking facilities for the lease holders. Waste collection for the development is proposed to utilise the reserves area to ensure safe servicing of the site.

Summary:

In response to the concerns raised by the DAC, the applicant has provided revised plans and elevations to improve the overall presentation and quality of the development. The proposed development is consistent with the MRS reservation of the land for 'Public Purposes – University', and will complement the existing stage one development on the site.



2018/5329 – 35 (LOT 2886) STIRLING HIGHWAY, CRAWLEY

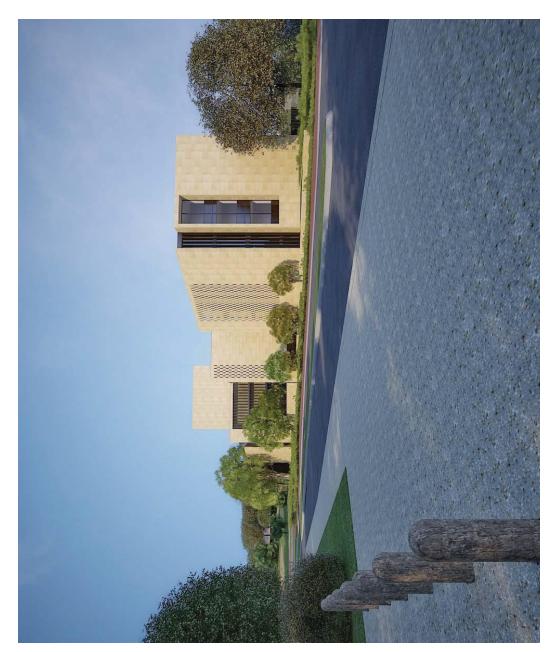




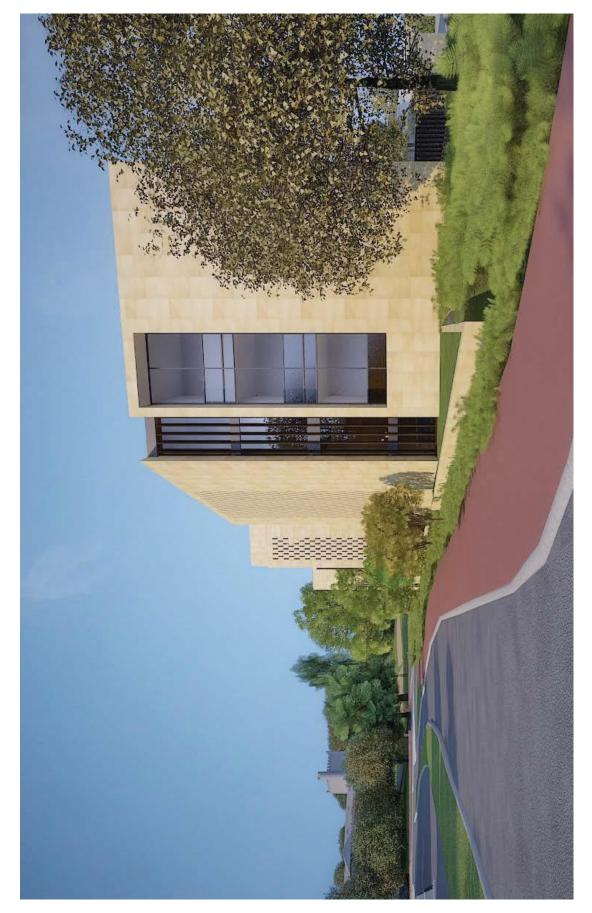
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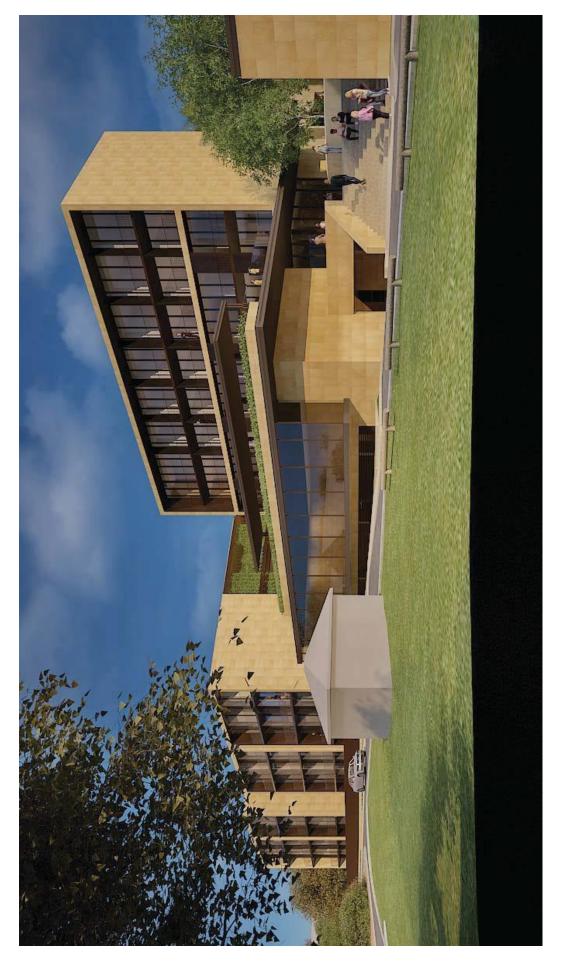
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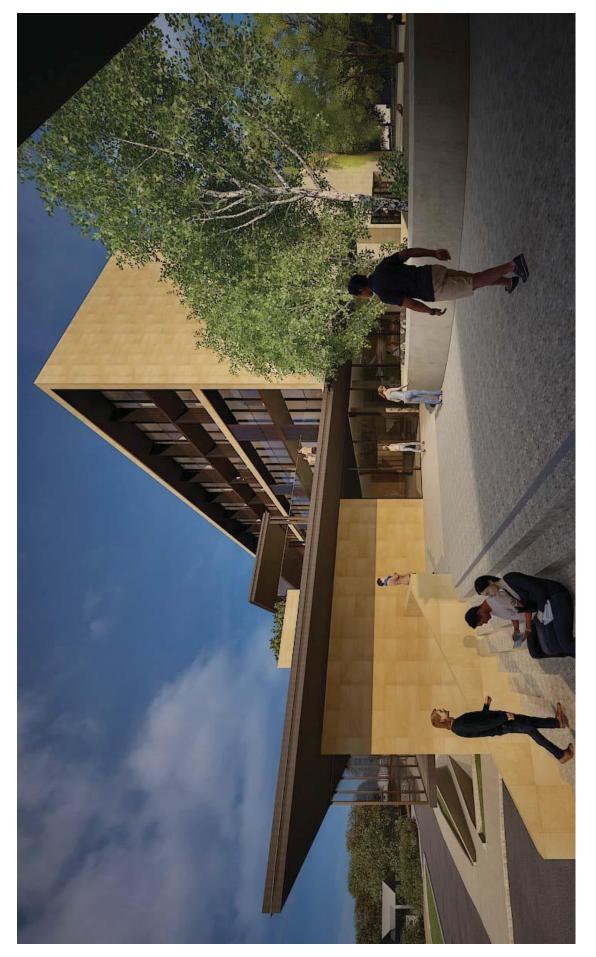
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2018/5329 – 35 (LOT 2886) STIRLING HIGHWAY, CRAWLEY



2018/5329 – 35 (LOT 2886) STIRLING HIGHWAY, CRAWLEY



2018/5329 – 35 (LOT 2886) STIRLING HIGHWAY, CRAWLEY

Schedule of Submissions Received

35 (Lot 2886) Stirling Highway, Crawley Forrest Hall Stage 2 – Proposed Mixed Use Development Comprised of Nine Scholar Rooms, 65 Short Stay Rooms, Office and Function Space with 38 Car-Bays And 13 Bicycle Bays

	Respondent	Respondent's Comment
1.	Email Only	I do not agree with Forrest Hall being built in this location to this size and scale.
		The current Forrest Hall building is already too large and too ugly and is a blot on the landscape. Let's not add to it.
2.	Email Only	I do not agree with Forrest Hall being built in this location to this size and scale.
ന്	Email Only	As local residents (Crawley Ave.), we would like to express our deep concerns concerning the proposed addition to Forest Hall. The current building has covered a large area of river frontage & caused a loss of considerable university parking space. The traffic in that area is already excessive & will be worsened by further vehicles with nowhere to park. Further building in that place, for the sake of a few more overseas dollars, will sadly considerable reduce the ambience of the area. Consequently, we would like to express our strongest objection to further building in that space.
4.	Email Only	As a long term resident of Crawley there appears to have been limited information provided to the residents on this project.
		I do understand the proposed building is of considerable size providing mixed residential, office and car parking at the rivers edge.
		As a young boy I spent many days playing in the river in our rolled out corrugated iron canoe, crabbing and prawning. I have fond memories of unspoilt river edges and safe water.
		The view of the river from a trolley bus going to and from the city was a pleasure, watching the black swans and river birds catching fish. On the weekends the Perth Dingy Yacht Club would be a hive of activity.
		Over the years we have seen building encroachment into this blissful Matilda Bay area. Enlarged boat sheds, enlarged restaurants and construction of Forrest House. Parking along Hackett Drive has been enlarged into the river reserve to be consumed by UWA students, unable to be used by families and visitors wishing to enjoy the riverside during weekdays.
		Now it looks as though we have a further blot on this very rare picturesque bay, Forrest House Stage two. How long before UWA buildings stretch along the foreshore and Hackett Drive becomes an internal UWA road?

		Does the UWA actually need more residences, if so they have considerable land holdings in the locality. I suggest they use them.
		I do not agree to more Matilda Bay river edge development. May I suggest that this project be halted before it is too late.
5.	Landowner	I am not a computer personbarely use computers but wish to object to the Forrest Hall development near Matilda Bay.
	Nedlands	The UWA appears to be a PRIVATE REAL ESTATE COMPANY concerned with finances rather than education.
		I think it was a con with the first building applying for a further height once the building had started. This was obviously just a ploy as they would have realised this in advance.
		Now the second building appears to be approved.
		The twin Forrest Hall Building has very limited car baysand I am furious that it is being built in this location to the size and scale.
		I am outraged to read that 65 short stay rooms are planned. The UWA has a thirst for money.
9.	Email Only	I overwhelmingly object to the Forrest Hall second development.
		It is too hard to accept that accommodation is part of the plan for this development.
		The University of WA has had more accommodation development than any institution I have ever heard of in the last few years.
		And to think this beautiful land is being used for more is disgusting.
		The almighty dollar seems to be the prime motivational factor in this development.
		- a very sad state of affairs .
		A total lack of grace and understanding for the community that forms this area.
		I do not support this type of development that spoils such a beautiful part of Perth.
		I have heard nothing but criticism of this project.

		I have lived in this area for over 30 years.
7.	Landowner Kings Park Avenue,	Objections to Development Plans by the University of WA on the Matilda Bay foreshore Forrest Hall, Stage 2.
	Crawley	Reterence : DAP—2018/5329
		I strongly object to further multi- storey development next to the recently completed Forrest Hall , now being referred to as Stage 1 , but not referred to publicly as such until now.
		The Forrest Hall twin buildings will obscure the sight of even more of the Matilda Bay foreshore from the sight of members of the community. The use of this land should be seen differently from developing land within the main UWA site, because it adjoins the river and the appreciation of that iconic waterway should not be affected by UWA expansion.
		During the construction of Forrest Hall , its size increased in two ways by the approval of the addition of one extra floor and one
		extra section , according to what was printed in a local newspaper at the time. Even that increase resulted in the appearance of cramming and of domination by the taller section. How much worse will another dominating building look next to it? UWA cannot
		argue that two stages has always been the plan because the two extra approvals were sought and approved during building progress. This indicates that original planning had not included those additions and why would these extra approvals be
		required if Stage 2 was planned for next.
		The size of the current Hall is such that it is out of keeping with the river environment where older buildings there relate mostly to river use . These older buildings nestle into the site. This new proposal is even more out of keeping .
		Can the WA Planning Commission assess whether this is being correctly used according to the zoning of the area? It is after all primarily a residential building with the likelihood of its becoming commercial (if let out to the public).
		Access to the older buildings and parking for the users of those buildings will be compromised by the development. Also community access to the river parklands along the bank will suffer the loss of parking for an area which is popular with families.
		This proposed development could set a precedent for other interests along the river bank as it could set the precedent of increasing dimensions of commercial buildings along the river where some modest ones exist now. To allow this building sets a

	precedent for not only Matilda Bay but also for much land along Perth's waterways. This leads me to ask the Perth City Council and / or the Planning Commission if they can refer this application to the Department of	
	Parks and Wildlife (which incorporates the previous Swan River Trust). A building of this magnitude should not be permitted as it adjoins the river bank.	
	Note for example the 2018 Riverbank Programme whose site says "the Swan Canning River Park and iconic rivers at its heart are the centerpiece of Perth".	
	Note too "the Parks and Wildlife Service ensures social, environmental and aesthetic values are not compromised by new developments ". See their website.	
	Also being developed is the Perth Water Precinct Plan—and while this refers to the waters named Perth Water, surely the same principal needs to be applied in river areas like Matilda Bay. At various events The UWA makes a practice of acknowledging the traditional owners of the land, so I wonder if the traditional owners have been consulted about this proposal to increase Forrest Hall, which even as it exists, is a blot on the riverscape.	
Landowner	35 (Lot 2886) Stirling Highway, Crawley – Forrest Hall Stage 2 – Proposed Mixed Use Development	
Nedlands	Thankyou for the opportunity to comment on this proposed development that is of much concern to surrounding residents and many friends and users of Matilda Bay. Stage 1 is already there – so I accept its presence. Stage 2, however, must not go ahead on this location and with this size and scale. The major concerns are as follows:	
	 Lack of community consultation on the part of the proponent which means there is limited time to consider the plans as lodged with the City of Perth and provide feedback. 	ι Λ
	When asked a question on notice about planning in relation to the second stage, at UWA's Convocation meeting on 21 September 2018, the UWA Vice Chancellor provided a prepared reply. She informed the large audience that the development was always a two-stage process. Stage 1 had been successfully completed and there remained scope for extending Forrest Hall. She said:	L ~
	that is currently continuing to be looked at and of course decisions, as they go through any process, have to require planning, as they always do and, when any planning goes forward, then there's consultation with the community – so that's as much as I can	2

In fact, it would appear the planning has progressed much further. We were surprised to find the next day that the proposal was already with the City of Perth Planning Department and had been available for comment from 6 September 2018. Instead of alerting the community to this opportunity to have their say and encourage the questioner and others to provide their comments on UWA's Forrest Hall Stage 2 development, UWA as represented by the Vice Chancellor apparently chose to remain

The result is that the community, awaiting UWA's consultation process in good faith, now has very limited time to absorb the detail of the plans and provide comment to the City of Perth for submission to the West Australian Planning Commission. In a letter from UWA to the City of Perth Western Residents Inc (Executive Director Corporate Services, 9 Oct 2018), it was stated that "to clarify Professor Freshwater's comments ... regarding consultation, these refer to the significant consultation already undertaken by the University with the immediate neighbours. This consultation process took place prior to submission for development approval. We will continue to work with these neighbours as our plans evolve." This explanation does not match Professor Freshwater's comments at all – firstly she referred to "the community" rather than "immediate neighbours", and secondly, her statements were made after the plans were submitted. It is interesting to note that the plans are expected to "evolve", even though they have been submitted for approval by the City of Perth.

I presume 'the neighbours' this letter refers to are the leaseholders of Reserve land on the Riverside of Forrest Hall and the Departmental managers. However, we expect 'community' consultation. The location is one of importance to all Western Australians – at least the many hundreds of thousands who use Matilda Bay, those who live in the area, including Crawley residents and University College residents, plus those who drive past every day. These people represent the community that the University, by its own admission, has not consulted at all.

This lack of consultation is at disappointingly at odds with UWA's stated Mission:

To provide world-class education, research and community engagement for the advancement of the prosperity and welfare of our communities.

2. The design, height and scale of Stage 2 in the proposed location.

The additional buildings as proposed are of a scale that effectively create a barricade between the River foreshore and Mounts Bay Rd, St Georges College and the Kings Park escarpment. The buildings fail to provide an open or welcoming face to the community but instead appear as a very closed, private institution that does not reflect the nature of this iconic location. A lower, more welcoming building should be considered and perhaps too, a different location. The land on the opposite side of the Highway, adjoining St George's College and in front of other University Buildings should be considered. It would enable the sharing of activities and facilities with St Georges College.

In a letter from UWA (see above, 9 Oct 2018), it was stated that the building is "a notable and attractive addition to the City's academic and cultural infrastructure." It might well be 'an attractive addition to the City's academic and cultural infrastructure' but it is proposed for the wrong location. The issue of its location and effect on heritage vistas was not addressed at all.

Lack of consideration of the iconic nature of this site and adequately protect its visual resources.

Matilda Bay has been an important riverine and estuarine area for Aboriginal people for many thousands of years. It remains of great significance to Noongar people. Today the Bay is an important Swan River Reserve gazetted for recreation. Its scenic setting and recreational opportunities make it an important tourism asset. It attracts visitors from the metropolitan area, the country, interstate and overseas. It 'provides a link between the University of Western Australia and the Swan River. Together with the yacht clubs, they form an harmonious landscape and visual resource.' It attracts possibly more than a million people each year, mainly engaged on passive and active recreational activities as well as picnics and celebrations, including many functions such as weddings. It belongs to the people of Western Australia.

One of the objectives of Matilda Bay Management Plan 1992-2002 is to retain the existing character of Matilda Bay Reserve and ensure that further development 'is kept to a minimum and aimed at improving facilities.' Another is 'to integrate the management of Matilda Bay Reserve with the management of surrounding waters and adjacent land'. The goal is to protect and conserve the Reserve's physical, cultural and scenic resources. The Matilda Bay Management Plan 1992-2002 highlights the visual resources provided by the Bay. The objective is to protect the Reserve's visual resources, and ensure future development is compatible with the Reserve's landscape and the University and yacht

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managing the visual resources of Matilda Bay Reserve involves protecting the landscape (including landform, vegetation and waterform) and locating and planning land use developments so as not to obstruct views in any way. The Forrest Hall Stage 2 development documentation appears to completely ignore the objectives of the Matilda Bay Management Plan and the principles of visual landscape planning as outlined in the Western Australian Planning Commission's Manual for Visual Landscape Planning in WA - evaluation, assessment, siting and design. This Manual states that the protection of landscape values is now expected by communities.

The Environmental Protection Authority (EPA) in its Environmental Guidance for Planning and Development states that the protection of visual amenity of the surrounding environment is important to the sense of well-being and quality of life of the community.' There has been no consultation with the community on those values it wants protected and those vistas that must not be touched. One such vista is that around Matilda Bay from the Royal Perth Yacht Club, past the Matilda Bay Restaurant and Bayside Kitchen, looking from there across to St George's College, the low-rise historic boat clubs and along the rising scarp of Kings Park to the

This vista must not be blocked by Forest Hall Stage 2.

. The protection of the views to and from St George's College

St George's College was UWAs first residential college, designed by J JK Talbot Hobbs, built in the gothic style and opened in April 1931. Its original buildings and gardens are important and have been heritage listed by both the National Trust and Australian Heritage Commission. The listing states that the gardens are a significant twentieth century institutional garden' with the formal layout and plantings of exotic trees in a prominent location. The listing reads:

The garden has aesthetic significance for the colourful flower beds contrasting with massed tree groups and views to the Swan

These views will be partially blocked by the Stage 2 Forrest Hall building. The College, its tower and its gardens will no longer be

visible from around Matilda Bay. The assessment documentation stresses the important contribution the garden makes to the surrounding environment.



Forrest Hall Stage 1 - the present view



Future view with Forrest Hall Stage 2

5. Blocked pedestrian access

The Plans as presented for Stage 2 Forrest Hall effectively block easy pedestrian access and close off what should be, in this location, a community facility. The walk along the outside of Forrest Hall in Hackett Drive, around the corner and along Mounts Bay Road, is unpleasant. The

		pedestrian is flanked now by high walls and the river views available elsewhere are blocked. This will be more block like and enclosed with Stage 2. Pedestrians along the River side must walk on an access road. There should be marked access for pedestrians through or in front of the development. This is done effectively at Royal Perth Yacht Club.
ര്	Landowner Hardy Road, Nedlands	 Location, design and height of Forrest Hall and Forrest Hall Stage 2: Existing Forrest Hall location blocks Swan River view from Stirling Highway, Hackett Drive and Mounts Bay Road. The view towards the University of Western Australia (UWA) from Mounts Bay Road feels "closed in", not open. We are not happy with it in this location.
		Forrest Hall Stage 2 is proposed to be a similar "block-style" building constructed right next to it along Hackett Drive, which will result in two big brown "block-style" buildings extending 0.5 kms along the Matilda Bay foreshore towards Royal Perth Yacht Club, and could block out Swan River views for: St George's College Crawley residents
		. Local Hollywood/Crawley/Nedlands and Perth metropolitan and WA residents using bike and pedestrian paths around the foreshore, and . Visitors to WA travelling along Stirling Highway and Mounts Bay Road.
		The UWA Vice-Chancellor didn't tell Spring Convocation meeting on 21 September that the Development Application had already been submitted to City of Perth and WA Planning Commission and that it had been open for public comment since 6 September. An invitation should have been given at that meeting to submit comments to the City of Perth by the deadline. Lack of transparency and community consultation is not acceptable, resulting in insufficient time to notify local residents to make submissions to the City of Perth. In fact, this process is not in keeping with UWA's Mission, which is: <i>To provide world-class education, research and community engagement for the advancement of the prosperity and welfare of our communities.</i> 3. Future Parking Needs of the location around Forrest Hall and Forrest Hall Stage 2:
		Forrest Hall Stage 2 is proposed to be located where the existing public carpark is now. Where will this carpark be relocated to? On greenspace to the south of Forrest Hall Stage 2? This doesn't seem to be included on the plans for Forrest Hall Stage 2. We hope no more priceless river foreshore will be taken up by public carparks and "hotel-style" accommodation buildings! For these reasons, we object to the location, height and design of Forrest Hall Stage 2 and request that: the WA Planning Commission reject the development application it has received for Forrest Hall Stage 2,

		. other locations be sought for Forrest Hall Stage 2, such as next to St George's College across Stirling Highway, and . if no other locations can be found, the building not be built, or built at a much lower height and in a style in keeping with the shape of the Matilda Bay foreshore, and the natural environment of that location.
10.	Landowner, Monash Avenue, Nedlands	Issues of Concern I find it totally unacceptable that there be any construction on Matilda Bay, let alone further construction, as it fails to match public expectations, which have not been respected, as none of our residents have reported any level of community consultation or letterboxing despite UWA's claims to the contrary.
		 The edifice of the 6-storey Forrest Hall Stage 1 already has a width of over 250metres which has an enormous impact on riverfront views at Matilda Bay. After Stage 2 river views would be blocked by a further wall of this magnitude, resulting in a walled entry into the Matilda Bay precinct.
		 The protection of Matilda Bay was raised as a major priority at our recent residents workshop with planners from the City of Perth.
		 Residents are already finding that our area is being encroached upon by the major institutions of QEII and UWA but now with developments on Matilda Bay, even more of our public green space is being taken over by development.
		 This is not only an issue affecting local residents but areas like Matilda Bay belong to, are loved by and are visited by the wider community, also through tourism.
		 The construction of these massive buildings on Matilda Bay on the pretext that this area is an Educational Precinct does not pass the test of public expectations that the A class Reserve of Matilda Bay should not be encroached upon by development.
		 Short-stay accommodation for students and visitors of any kind is not in the same category as teaching facilities which, according to precedent, belong with residential colleges on the other side of Stirling Highway, such as by St Georges.
		 As well as blocking views to the river, and valued icons like Winthrop Hall and St Georges, Forrest Hall Stage 2 will also obstruct views to Eliza the diver and the Blue Boatshed which are an international icon of Perth, attracting large numbers of visitors on a daily basis. This means that as well as degrading this amenity for the people of Perth, this construction
		 could undermine tourism. The concerns of residents and the general public over the loss of views reflects longstanding policy, also as protection of these views comes in as second priority in State Planning Policy 2.10: Swan and Canning River System
		(https://www.planning.wa.gov.au/publications/1163.aspx). This is still relevant as this policy still appears on their website. This report states that Community Consultation has identified 4 key values, one of which is sense of place which includes the strong community connection people have with rivers related to their beliefs, traditions, memories and their

		commitment to looking after them
		With the general dissatisfaction with the location of this massive construction, any further extension would be a most unpopular move.
11.	City of Perth Western Residents Inc.	The City of Perth Western Residents Inc. (COPWR) is a group of concerned local Crawley/Hollywood/Nedlands residents and ratepayers who believe that Forrest Hall has been built in the wrong location and style for this location. It is like a large wall blocking views of, and access to the Swan River from Stirling Highway, Hackett Drive and Mounts Bay Road. Now the University of Western Australia (UWA) has submitted a development application to build Forrest Hall Stage 2 - a similar student accommodation building just south of the current building along the Matilda Bay foreshore.
		We represent both outraged and distressed residents, particularly in the Crawley/Mounts Bay area, who are not happy with the construction of Forrest Hall Stage 2 going ahead as planned, particularly as there is a perception that UWA has failed to consult with its neighbouring residents at any stage of the process. Feedback from the general public indicates similar concerns.
		HISTORY There is a perception that UWA has been a bad neighbour to the local residents of Crawley and Hollywood East who appear to have been kept in the dark that there were further plans to extend Forrest Hall by adding a Stage 2.
		The recent City of Perth Planners Engagement Report published in July 2018 identified consultation with major stakeholders, particularly UWA, as a crucial issue. Protection of the picturesque Matilda Bay with its superb views also rated as a high priority, with many residents outraged at the construction of Forrest Hall without consultation with local residents, totally unaware that there were plans for a second stage to this project. This high level of concern resulted in several tables of residents at the workshop demanding that a boardwalk be constructed on the river to offset the loss of highly valued views to the public.
		<u>VIEWS - Breaking with Precedent</u> City of Perth Precinct Plan No.9 2015 Matilda Bay places great importance on preservation of and access to the Swan River foreshore along Matilda Bay.
		STATEMENT OF INTENT The Matilda Bay Precinct will continue to accommodate a variety of land uses located within defined areas. The existing uses: The University of Western Australia (UWA); associated university housing; the prime inner city residential area of Crawley; the former Swan Brewery; and the river foreshore area; are envisaged as remaining.

care taken to ensure that no environmental damage is caused to Kings Park or the river foreshore. In addition, the fine established The relationship of these areas with the river, Kings Park and the city centre is the principal element of the Precinct. <mark>Together they</mark> form one of the more prominent and picturesque features of the city, open to view across the river from many vantage points and providing one of the most attractive entrances to the city centre. Future development will protect these features, with particular character of the existing built areas of the Precinct will be maintained.

Accessibility to the river and to Kings Park will remain unrestricted and will not be impeded by new development or vehicular

- COPWR was first alerted to the possibility of further changes around Forrest Hall when one of its members was informed that there could be changes to the protection of riverfront access for the public. The whistle blower was concerned that way from Perth city to Pelican Point. In his opinion, UWA owed it to the people of Perth to landscape the riverfront area pedestrians and cyclists might lose their longstanding privilege of uninterrupted riverfront path access and views all the and create a suitable pathway as some compensation for the loss of amenity in terms of river views.
- On the completion of the construction of Forrest Hall COPWR was informed by an onsite worker that there were plans for a twin structure further south on Matilda Bay in several years.
- Why weren't the neighbouring residents of Crawley informed of these plans? On 21/09/18 the Vice Chancellor of UWA residents we have spoken to have received any notifications of any plans related to Forrest Hall Stages 1 or 2. Where is told the Spring Convocation meeting that consultation would occur down the track, while the UWA Head of Corporate Services informed COPWR recently that consultation had already taken place at the start. (see attached) None of the the transparency with this consultation process?
- At a recent Question Time the City of Perth confirmed that there were plans for Forrest Hall Stage 2. This was further confirmed by a journalist at the Post.
- COPWR conducted a survey of its members in July 2018 regarding Forrest Hall. All the respondents to this survey (see survey results attached) revealed that most residents were unhappy that Forrest Hall had been built on its present ocation, and at plans for Forrest Hall Stage 2 to be constructed to the south of it along Matilda Bay. (see attached)

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local community out of any consultation on Forrest Hall. Planners from the City of Perth were pessimistic about any such City of Perth Commissioner Andrew Hammond recommended that COPWR engage with the major stakeholders of UWA and QEII. While there has been a consultation process with the planning team at QEII, UWA has repeatedly locked the meetings. We have also heard that UWA has the reputation of being a law unto itself.

Respondent's Comment

- development, but COPWR only received a dismissive response from Head of Corporate Services at UWA. (see attached) So COPWR sent a letter to Andrew and Nicola Forrest requesting a meeting with them to discuss the Forrest Hall
- Convocation, as she failed to alert Convocation to the fact that the consultation was already in progress. (see attached) Similarly COPWR were concerned about the Vice Chancellor's response to a question related to Forrest Hall at
- COPWR's letter of concern on this issue received a reply form the Head of Corporate Services which failed to address the issue which was of a failure to consult with neighbouring residents at either end of the process. (see attached)
- While COPWR appreciates philanthropy, we realise that it can be misguided if no community consultation is entered into, as with the marine park.

In summary:

The fact that UWA appears to have treated its own Convocation with contempt by choosing to keep its members in the dark on neighbouring residents of Hollywood and Crawley for whom the picturesque Matilda Bay is sacrosanct and for whom proper consultation with the major stakeholders of UWA and QEII was identified as a key issue in the recent City of Perth Planning this contentious project, makes it less surprising though still totally unacceptable that it has failed to communicate with its **Engagement Workshop.**

SPECIFIC CONCERNS

LOCATION

 Blocks river views for local residents and St George's College Why was it not built next to St George's College, where there is space for it? Increased size and number of boatsheds? Valued and protected in all previous plans – appears to be a break with precedent eg CP 2105 Plan? Demand for boardwalk from local residents, so is public owed for riverside pathway/landscaped areas? DESIGN Large "block-like" style, not in keeping with river foreshore and open spaces Colour and use of glass and transparency not in design Why are there no development standards applicable to the site, which is so special to the people of Perth? HEIGHT Too high to see over from Stirling Highway/Mounts Bay Road/Hackett Drive Height was extended and number of rooms for accommodation increased during construction – who approved this amendment -
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approved by Council?
USAGE
For student accommodation, and the general public, not principally for education, as the precinct has been set aside for.
What has Forrest Hall's usage rate been? Has it been full, or could it be a "white elephant"?
See
https://www.stcatherinesonpark.com.au/index.site.attractions.attraction.3374.html

		Hotel Trinity On Hampden, Perth - trivago.com.a <u>u</u>
		CONSULTATION PROCESS
		Which "immediate neighbours" were consulted? We have heard from Crawley residents that they were not consulted prior to submission of development application, and afterwards.
		Convocation was misled at the Spring Convocation meeting.
		FUTURE PARKING AREAS
		Will further greenspace to the south of the Forrest Hall development be used for parking space? There seems to be nothing in the plans for this.
12.	No details	Forrest Hall Stage 1 on our beautiful Matilda Bay should never have been approved by the Planning Commission. It was hoodwinked by a powerful and influential organisation the University of Western Australia and overawed by the wealth of its benefactor Mr Andrew Forrest.
		This building and the one planned to stand beside it are not what they appear to be, but are simply a pseudo hotel with the majority of the rooms as short stay accommodation. This is not a typical student residential college but a business opportunity for an organisation that has lost its way in providing first class education.
		UWA should be the epitome of social awareness and environmental standards. The inspired designer from the UK, Gordon Stephenson, who was hired in 1964 to design Perth's future with the Metropolitan Region Scheme, in his book On a Human Scale — A Life in City Design insists that the modern movement attend to human values and to closely and compassionately observe the realities of daily life'.
		The physical position of this development is the antithesis of all that we value and expect from our leaders and decision makers. Mr Stephenson would have been appalled at such a crass and ill-conceived proposal and to proceed with a further development on the site would be to fly in the face of community expectations and strong community opposition.
13.	Summary of Submissions to City	Local resident letters to City of Perth Western Residents Inc.

of Perth Western	Letters Received:
Kesidents Inc.	As local residents (Crawley Ave.), we would like to express our deep concerns concerning the proposed addition to Forest Hall.
	The current building has covered a large area of river frontage & caused a loss of considerable university parking space.
	The traffic in that area is already excessive & will be worsened by further vehicles with nowhere to park.
	Further building in that place, for the sake of a few more overseas dollars, will sadly considerable reduce the ambience of the area.
	Consequently, we would like to express our strongest objection to further building in that space.
	- Resident
	Good Afternoon, I'm advised that a second Forrest Hall building is in planning stages and currently lodged with PCC Planning Department for approval.
	As a long term resident of Crawley there appears to have been limited information provided to the residents on this project.
	I do understand the proposed building is of considerable size providing mixed residential, office and car parking at the rivers edge.
	As a young boy I spent many days playing in the river in our rolled out corrugated iron canoe, crabbing and prawning. I have fond memories of unspoilt river edges and safe water.
	The view of the river from a trolley bus going to and from the city was a pleasure, watching the black swans and river birds catching fish. On the weekends the Perth Dingy Yacht Club would be a hive of activity.
	Over the years we have seen building encroachment into this blissful Matilda Bay area. Enlarged boat sheds, enlarged restaurants and construction of Forrest House. Parking along Hackett Drive has been enlarged into the river reserve to be consumed by UWA students, unable to be used by families and visitors wishing to enjoy the riverside during weekdays.
	Now it looks as though we have a further blot on this very rare picturesque bay, Forrest House Stage two. How long before UWA

 buildings stretch along the foreshore and H	buildings stretch along the foreshore and Hackett Drive becomes an internal UWA road?
 Does the UWA actually need more residen	Does the UWA actually need more residences, if so they have considerable land holdings in the locality. I suggest they use them.
 I do not agree to more Matilda Bay river ec	Bay river edge development. May I suggest that this project be halted before it is too late.
 - Resident	
 Dear Anna. Please add me to your lust of r	Dear Anna. Please add me to your lust of residents who overwhelmingly OBJECT to this building proposal.
 - Resident	
"The endowment of scholarships for very further increase their own standing as stro	"The endowment of scholarships for very gifted students would do more to enhance the reputation of the University and to further increase their own standing as strong supporters of higher education and world-class research than the construction of 6-
 storey monolitus for short stay accommod	storey monolitus for snort stay accommodation pius a rew seminar rooms blocking suumetres of riverfront views
- Resident	
 I do not agree with Forrest Hall being built	being built in this location to this size and scale.
 - Resident	
I am a Perth Nedlands resident since 1942	since 1942 and Matilda Bay has been a wonderful place for us to bring our children and
 Grandchildren to paddle or swim or catch	or catch crabs and prawns or just picnic.
The Forrest 2 building is a real blot on the	The Forrest 2 building is a real blot on the landscape It spoils the environment and brings more traffic to our beautiful riverfront

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at Matilda Bay. Please recognise how the site has been damaged already and stop future vandals from being self-centred and not buildings. how dare anyone think they can monopolise such a great heritage for the future. buildings of any kind should not be The buildings should never have been allowed. The environment is a priceless heritage place for future generations to enjoy. please do not ignore my request to leave the bay free for the countless new generations to come it is not suitable for huge mindful of others.

- Resident

Perth, spoke with Tegan and then Stephanie Robey who forwarded your emails. I am going to write a response over the weekend Anna, I have just been forwarded your emails as I only read today about the plans needing response next week. I phoned City of and will send to Tegan and copy to you — but are you going to send an objection from your Western Suburbs committee, as I think it needs more than a letters from individuals —— one from an official resident body would add to the argument I think.

I am appalled by these plans! —— also appalled about the evasiveness of the Vice Chancellor at Convocation. She needs to be named and shamed somehow !!!

In haste — going out soon !!

- Resident

scenery, traffic and disturbance to the neighborhood. Stage 2 will surely cause further if not double the havoc. I feel very strongly Thank you for your emails. My view is that the stage 1 develop is bad enough as it is and causing enough destruction to the against the development altogether and I urge others to continue putting their voice forward. Pls include my name in your petitions and let me have a copy of them.

Resident

Will Forrest Hall Stage 2 go the accommodation in a prized area stay accommodation.	Will Forrest Hall Stage 2 go the same way as the hotels St Catherines on Park and Trinity on Hampden, allowing anyone to access accommodation in a prized area through booking.com and trivago? Forrest Hall Stage 2 is already being described as offering short stay accommodation.
Thank you.	
Best regards.	
C. H.	
Crawley	
I wish to voice my object	l wish to voice my objection both to the scale and the location of Forrest Hall Stage 2.
- Resident	
I believe that Forrest Hal access to the Swan River	I believe that Forrest Hall has been built in the wrong location and in the wrong style. It is like a large wall blocking views of, and access to the Swan River from Stirling Highway, Hackett Drive and Mounts Bay Road. If the University of Western Australia (UWA)
has submitted a develop	has submitted a development application to build Forrest Hall Stage 2 as a similar-looking student hotel-style building next to the
current building along the Mati Stirling Highway next to St Geor	current building along the Matilda Bay foreshore, I am against this second building being in this location. Why not build it across Stirling Highway next to St George's College? There seems to be space for it there.
B L, Hollywood resident	
Forrest Hall is a big impo	Forrest Hall is a big imposing building built for student accommodation, without regard to the City's natural cultural (river

			foreshore) infrastructure.
			- Resident
			Forrest Hall is too big and it looks ugly!
			- Student, UWA
14.	Landowner		Objections to Forrest Hall, stage 2 at Matilda Bay foreshore
	Kings Park Crawley	Ave,	We are appalled by the presence of the recently built Forrest Hall given its proximity to the river foreshore. Regretably we didn't voice our opinions regards this development.
			Now there a stage 2 version of comparable size being planned. This is an outrageous impost on the broader community who live in the immediate Nedlands and Crawley suburbs as well as the many, many west australian, interstate and overseas visitors who all appreciate the direct upper upper assess to the Crawley foreshore
			what is next. stage 3. 4 and then there will be a new suburb called Forrest on the foreshore side of Matilda Bay Road. Stage 1 is a
			disproportionately large, rather tacky development which cannot set a precedent for other such developments along this beautiful strip of the Perth foreshore.
			It was wonderful that Mr Andrew Forrest donated his millions to the UWA, no question about his generosity. UWA is in free fall
			with regards its rating across all major universities of the world. A decade ago UWA was a top 50 university, just a few years ago it
			rated 91st, more recently 134 th and a very recent news report mentioned that UWA has now dropped out of the top 200 . Mr Forrest's money should be used to increase the academic excellence of UWA rather than antagonize the general public with the
			university's hellbent $$ path to commercializing the Matilda Bay foreshore.
			From our personal family perspective, we have spent so much time along this segment of the river foreshore given our current
		_	Crawley apartment living and previously in a nearby house at Kingsway , Nedlands. One of our 2 daughters used the Hale school
		_	rowing facility whilst at school and then the UWA rowing shed during her undergrad and post grad studies at UWA. These lovely

		old buildings are now largely engulfed and obscured by the Forrest Hall development including carparking.	
		Surely this new development proposal falls foul of the various state authorities including the WA planning commission and Dept of Parks and Wild Life. Every metre of our unique public river foreshore In Perth needs to be under intense scrutiny and accountability to halt poorly considered large developments such as Forrest Hall, completed stage 1 and planned stage 2.	
15.	Landowner	I believe that UWA's proposed development of The Forrest Hall Stage 2 on Matilda Bay is totally inappropriate.	
	Dean St, Claremont	The newly completed Forrest Hall Stage 1 is too high. It obliterates the iconic view of the river from many aspects and the scale is inappropriate for a site adjacent to one of the most beautiful and historical recreational river reserves in Perth, namely Matilda Bay Reserve. A further development, Stage 2, would exacerbate these issues.	
		The preservation of the unique natural beauty of this area of the Swan River is a credit to our forefathers' vision and to subsequent generations who have adhered to a basic principle of protecting a natural asset from the impact of inappropriate commercial and residential developments.	
		Hence, although some buildings have been allowed in this area in the past, they have been simple structures, 1-2 stories which relate to recreational use that require river access for the students of UWA, the local community and for visitors to our city. Rowing sheds, swimming jetties, café and restaurant have blended into the park and added to the charm and have attracted many people to the reserve.	
		There is too much at stake here if the Perth City Council allows Stage 2 of the Forrest Hall development to proceed. Already Stage 1 has created a precedence of oversized development and this has upset the community.	_
		Editorials and letters to the Post Newspaper illustrate widespread concern and various groups have arranged meetings in the community to address the fear that the enduring legacy of the reserve and surrounding areas are not being suitably protected.	
		This land is deemed Public Use (UWA) and I am sure that the deemed purpose for the allocation of this land to UWA was not for a large-scale commercial development but instead for water related activities for the students of the University.	
		Should UWA require short term accommodation for visitors and the revenue that this would generate I am sure that there are	

		other locations that would be suitable without using this land on the river bank.	
		Historically residential facilities for the university have been located north of Stirling Highway/Riverside Drive where they would not impose on the public use of the river foreshore but still benefit from the proximity. I believe there would be space in this area, east of St George's College where views may still be obtained without the impact on the river course and river reserve.	_
		Visitors to Perth are impressed by the unique beauty of our city and surrounding suburbs. We need to recognize these beautiful assets — the parks, the beaches, the river and the simplicity of our lifestyle here. That is what stamps Perth as a destination and Perth City Council is in the position to protect these assets and enhance them with the sensitivity our city deserves and ensure that they are available for all to enjoy.	
		The scale of Forrest Hall impinges brutally on Matilda Bay, the river foreshore and Matilda Bay Reserve and is just not suitable for this unique and stunning river site and I ask The Perth City Council to reject the proposal.	
16.	Landowner	Dear Sirs	
	Park Avenue, Crawley	As a Crawley resident of more than 30 years' standing, an alumnus of UWA and a daily user of the Mounts Bay Road path I write in protest at the proposed siting of FH 2.	_
		It is an untruth to say that there has been consultation by UWA with the neighbourhood regarding FH2. To my knowledge there has been none.	
		The siting of Forrest Hall Stage 1 is a town planning mistake which will, in the nature of town planning mistakes, take years to remedy, if ever. To compound that mistake by FH2 is unacceptable.	
		Regardless of the academic or social benefits to ensue from Forrest Hall, in any of its manifestations, there should never have been an erosion of the aesthetic benefit of the Swan River as has been effected by Forrest Hall	
		UWA has significant room on campus, or the surrounding area, to build. That option appears not to have been considered.	
		The consequences of the ill-considered siting of Forrest Hall will become apparent very soon and, as can be seen from the realisation in other jurisdictions that riparian land is beyond monetary value, to remedy this folly will be difficult, if not impossible.	
			7

		I entreat you to learn from experience in other parts of the world and to preserve what little amenity remains.	
17.	Email Only	I am a local resident in Crawley. In my opinion the Forrest Hall is the most ugly building in the area. The University has certainly ruined the Matilda foreshore. And Forrest Hall stage 2 will further ruin the area. No thought has been put into the buildings, they are very ugly and outdated.	
		Hopefully, they will rethink the plans and build something more appropriate and appealing to the eyes of everyone!	
18.	Email Only	I have been a resident of Crawley in one of the apartments 22 Mounts Bay Road for over 14 years.	
		I am a graduate of UWA and applaud Andrew Forrest's donation to the institution. However for the following reasons I strongly oppose the construction of Forrest Hall on the proposed location.	
		1. Since I took up residence here, I have walked along the river most days. Forrest Hall has already blocked my access along the river. Since its completion I now have to double back to the road instead of staying on the shady river path. Access is blocked by the building itself and a roped off "no access" road. If that is University land, why should it be any less accessible than the beautiful UWA grounds.	
		2. Aesthetically the Forrest Hall says nothing. It is a big oversized blob of of building with no light relief. Its only positive attribute is that the cladding is a good match to the main UWA buildings.	
		Adding to this building would ruin the openness of this unique position	
		3. I am a member of UWA Club. The approach to the club was a lovely sweep along the river. This has now disappeared.	
		UWA has a large area of land in Crawley. It can easily utilise land where it does not destroy the ambience of this beautiful area.	_
		4. As one of the nearest neighbours (22 Mounts Bay Road) I would have expected to have been consulted. I have received nothing at all. UWA usually is very good about informing neighbours about activities to happen on campus. It is suspicious that they did not give any information of their intentions about this development.	
		I hope the City of Perth will refuse this development on the proposed site. We can never get this land back for the people to	

	Respondent	Respondent's Comment
		enjoy.
19.	Email Only	I am concerned that Forrest Hall Stage 2 would block out more river views for the locals near UWA, and that, as a local (living in Park Ave, Crawley, I was not adequately informed about UWA's future plans.
		Forest Hall Stage 1 has already swallowed up riverside parking space for the local community & visitors wishing to access the river at Crawley Bay for recreational purposes.

Professor Dawn Freshwater Vice-Chancellor UWA

Dear Professor Freshwater

RE: FORREST HALL STAGE 2

I write on behalf of the City of Perth Western Residents' Association to alert you to a high level of community concern at UWA's apparent avoidance of its responsibility to consult with the community when undertaking an action that will have far reaching impacts.

This is the case with the second stage of Forrest Hall. When asked a question on notice about planning in relation to the second stage, at UWA's Convocation meeting on 21 September 2018, you provided a prepared reply. You informed us that it was always a two-stage process. Stage 1 had been successfully completed and there remained scope for extending Forrest Hall. You said:

that is currently continuing to be looked at and of course decisions, as they go through any process, have to require planning, as they always do and, when any planning goes forward, then there's consultation with the community — so that's as much as I can say about that at the moment because that's as far as the conversation has gone.

In fact, it would appear the planning has progressed much further. We were surprised to find the next day that the proposal was already with the City of Perth Planning Department and had been available for comment from 6 September 2018. Instead of alerting the community to this opportunity to have their say and encourage the questioner and others to provide their comments on UWA's Forrest Hall Stage 2 development, you apparently chose to remain silent.

The result is that the community, awaiting UWA's consultation process in good faith, now has very limited time to absorb the detail of the plans and provide comment to the City of Perth for submission to the West Australian Planning Commission.

We will undertake to do this, on behalf of the community but at the same time we ask that UWA undertakes thorough consultation on this development as it will have far reaching impacts on all those West Australians who love the Swan River and its vistas, in particular that around Matilda Bay. This would be more in line with the Mission of UWA:

To provide world-class education, research and community engagement for the advancement of the prosperity and welfare of our communities.

We are also sending a copy of this letter to the Post Newspapers.

Yours sincerely,

Anna Vanderbom

President

City of Perth Western Residents

2 October 2018



Our Ref: 18/96144

9 October 2018

Dear Ms Vanderborn

Thank you for your email dated the 3rd of October 2018 regarding the Forrest Hall project. As the accountable executive it has been forwarded to me for response.

UWA believes that the signature Forrest Hall development, designed by world-renowned architect Kerry Hill, is a notable and attractive addition to the City's academic and cultural infrastructure. I understand that your Association's views may differ. Should you wish to raise your concerns this can be done through the processes established by the City of Perth who are the relevant approval authority.

To clarify Professor Freshwater's comments at UWA's Convocation meeting regarding consultation, these refer to the significant consultation already undertaken by the University with the immediate neighbours. This consultation process took place prior to submission for development approval. We will continue to work with these neighbours as our plans evolve.

Yours sincerely

Robert Webster

Executive Director Corporate Services

• M461, Perth WA 6009 Australia











Question 1. – James Rowlands To the Vice-Chancellor

Will UWA, hitherto a champion of all that is most precious in our Perth Community, make clear, now, to Convocation and the people of Western Australia what its intentions are for the priceless riverside land and view to the south of the recently built Forrest Hall and whether it is prepared for public opposition to any further encroachment?

Response by Vice Chancellor Dawn Freshwater

This question relates directly to building of Forrest Hall. I think the gist of the question is around any further building around Forrest Hall. I think there has been some media interest in this as well.

When we originally talked about the development of Forrest Hall and the donation to the scholarships for the university to the Forrest Research Foundation, there was always a design by the architect that involved 2 parts to a building and that was looked at through the Senate about 2013/4: two parts of the building at that stage, and what was developed at the time was one part of the building with the possibility of developing further. There were a further 8 rooms that were going to be developed - fondly called E block – that weren't actually yet developed during this process.

So we are in the position where we've got Forrest Hall 1 now complete. There is still on the table the work that the original architect put together for the design for Forrest Hall as a whole. (I'm sure many of you will be aware that Kerry Hill died recently- a very great loss to this state). That accounts for 2 parts to that building.

Where we're at the moment is we have Forrest Hall built. There was scope for extending FH into more bedrooms and more rooms for scholars. And that is currently continuing to be looked at and of course decisions, as they go through any process, have to require planning, as they always do and, when any planning goes forward, then there's consultation with the community—so that's as much as I can say about that at the moment because that's as far as the conversation has gone.

Mr and Mrs Forrest



Dear Mr and Mrs Forrest

RE: Forrest Hall Stage 2

I am aware of the Minderoo Foundation's strong desire to contribute to communities in a positive manner. As President of the City of Perth Western Residents Inc, I represent a community concerned about the visual impact that UWA's proposed Forrest Hall Stage 2 development will have on Matilda Bay.

Matilda Bay has long been a much loved recreational, historical and cultural hub in Perth that deserves protection. We fear that the height and scale of Forrest Hall Stage 2 is inappropriate in this location. We invite both of you to meet with two or three of our group to discuss our concerns and some ideas for a lower scale building or perhaps a different site that would make a positive contribution to this important location.

We suggest meeting for coffee early one morning, perhaps before work, at Bayside Kitchen on Matilda Bay from where you will be able to see the curve of the Bay and the impact that the proposed building could have on the sweeping vista from Mount Eliza to Pelican Point. This vista from the foreshore is one of the joys of Perth, for both residents and tourists alike.

The February 2018 City of Perth Community Engagement Report has evidence that Matilda Bay and the Swan River are immensely important to Crawley-Nedlands residents, and non-residents (e.g. workers, as well as UWA staff and students). Concerns included: "The perception of development going ahead with little transparency or engagement, particularly in regards to UWA development and QEII. People particularly wanted development of the foreshore to be well thought out and considered, particularly as it affected appreciation of the river and its surrounds. Impacts on traffic and congestion were also cited as part of this issue."

I have included the results of a survey recently undertaken by the City of Perth Western Residents Inc to measure the level of concern among neighbours of the proposed Forrest Hall Stage 2.

Please contact me about a possible time and date to meet.

With many thanks for your consideration of this important issue.

Yours sincerely

Anna Vanderbom

President

City of Perth Western Residents Inc



5 September 2018

Your ref: Forrest Hall Stage 2

Ms Vanderborn

President

City of Perth Western Residents' Inc.

Email:

Dear Ms. Vanderborn

Thank you for your letter addressed to Mr and Mrs Forrest. We appreciate you taking the time to send through your concerns.

We also feel fortunate to have such a wonderful resource on our doorstep and recognise the significance of this location to both UWA and the wider Perth community. As such the proposed Forrest Hall Stage 2 has been carefully designed to complement this much-loved riverside location.

We recognise this land is close to the heart of many Western Australians and remain committed to ensuring that any development decisions consider the interests of the community well into the future.

We value your comments and should you have any further questions, please do not hesitate to send them by email to campusmanagement@uwa.edu.au.

Yours sincerely

Robert Webster

Executive Director of Corporate Services



Department of Biodiversity, Conservation and Attractions



Your ref:

Our ref:

2017/004622-1

Enquiries: Tim Fisher Phone:

9442 0300

Email:

timothy.fisher@dbca.wa.gov.au

Mr David O'Brian Project Manager (Planning) University of Western Australia 35 Stirling Highway PERTH WA 6009

Dear Mr O'Brian

IN PRINCIPAL SUPPORT FOR VEHICLE MOVEMENTS THROUGH RESERVE 17375

I am writing to provide the Department of Biodiversity, Conservation and Attraction's in principal support for rubbish trucks to use part of Reserve 17375 to complete turning movements when servicing the proposed Forrest Hall stage 2 development. support is subject to:

- 1) Formal approval for the vehicle movements from the Perth Dinghy Sailing Club as vehicle movements are proposed within the Club's leased area;
- 2) Finalisation and detailed design of the foreshore masterplan currently in concept form and relevant approvals for the proposed works.

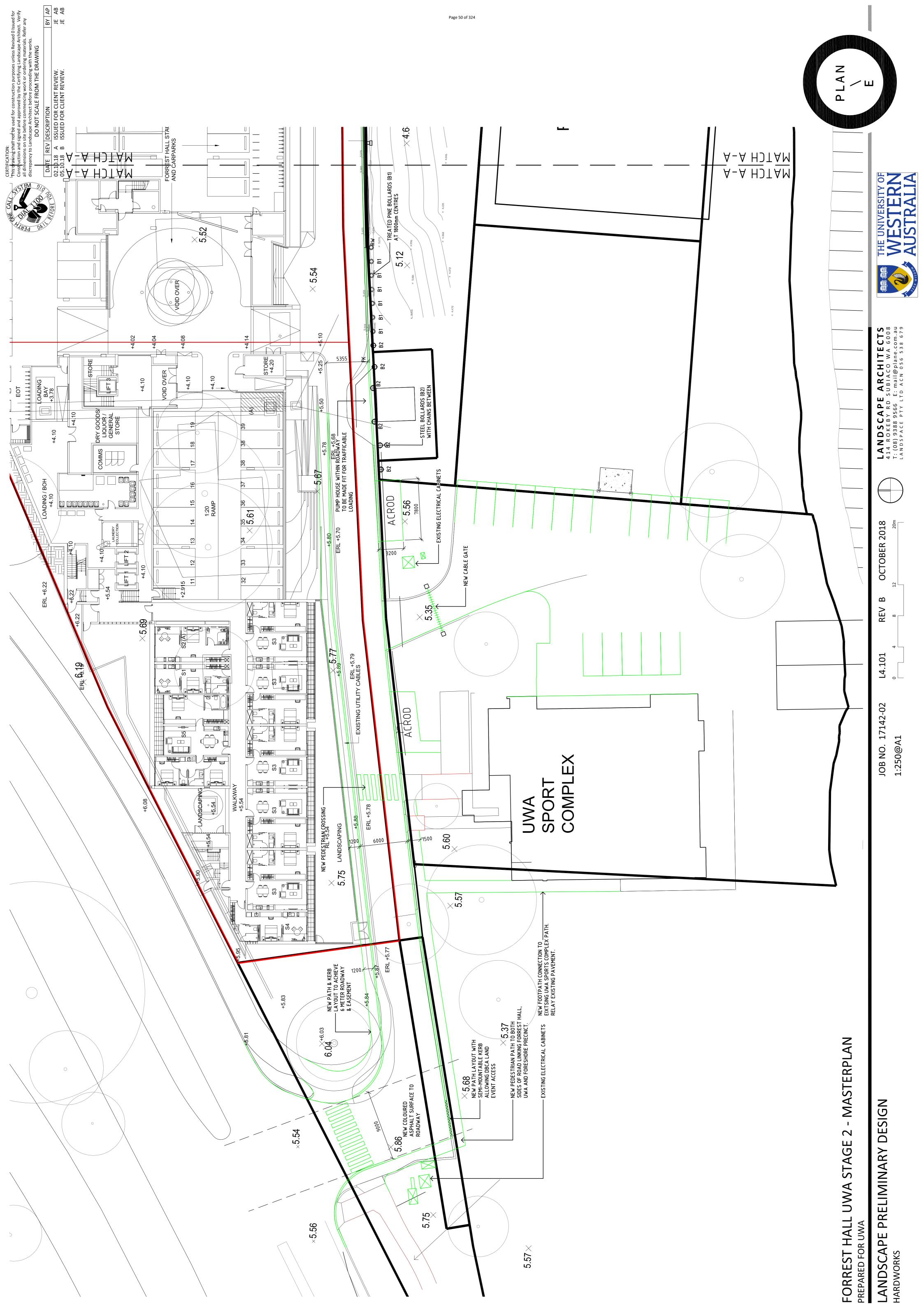
Please contact me on 9442 0300 or via email at timothy.fisher@dbca.wa.gov.au if you require any further information in relation to this matter.

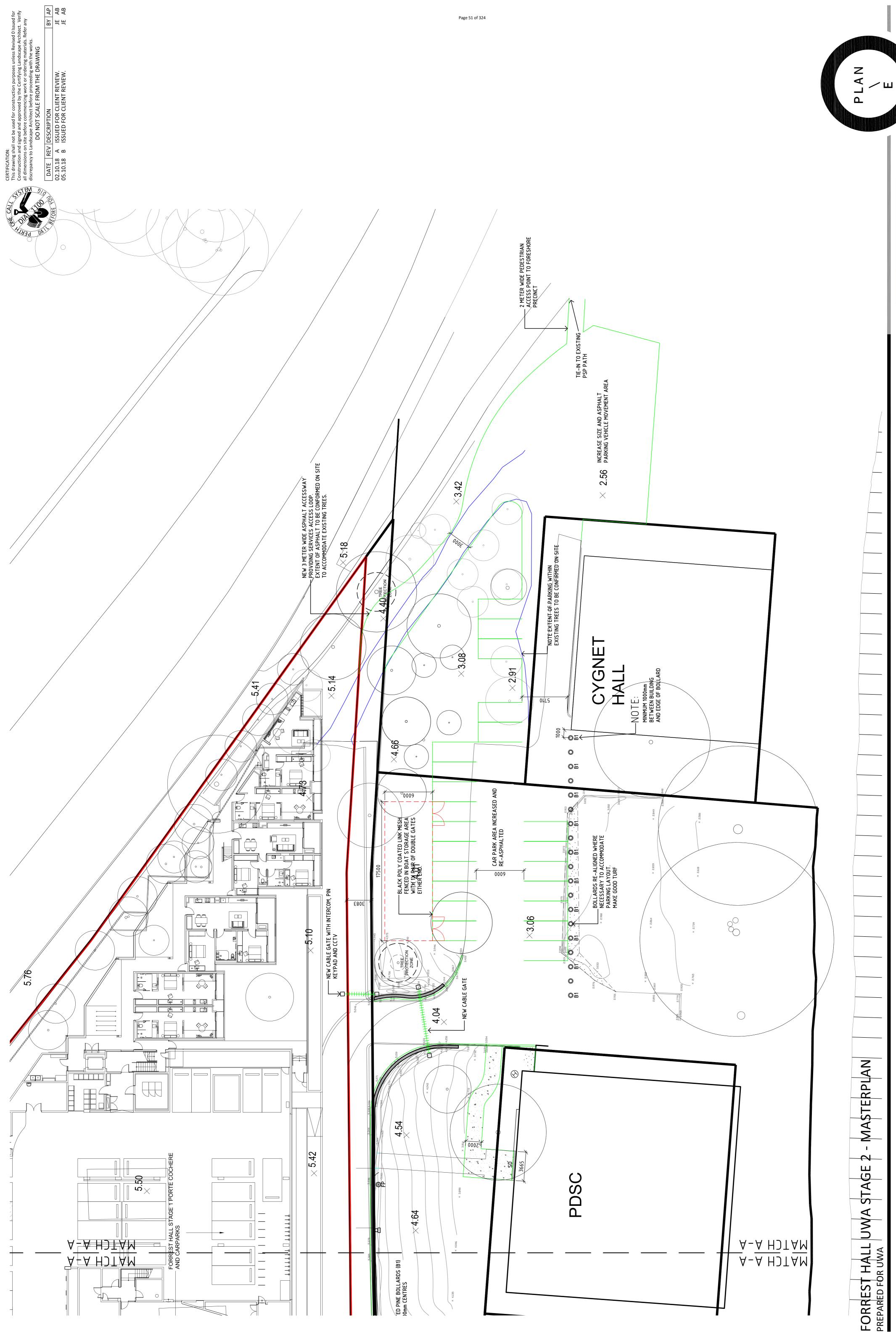
Yours sincerely

Tim Fisher

A/Manager, Regional Parks Unit

5 October 2018





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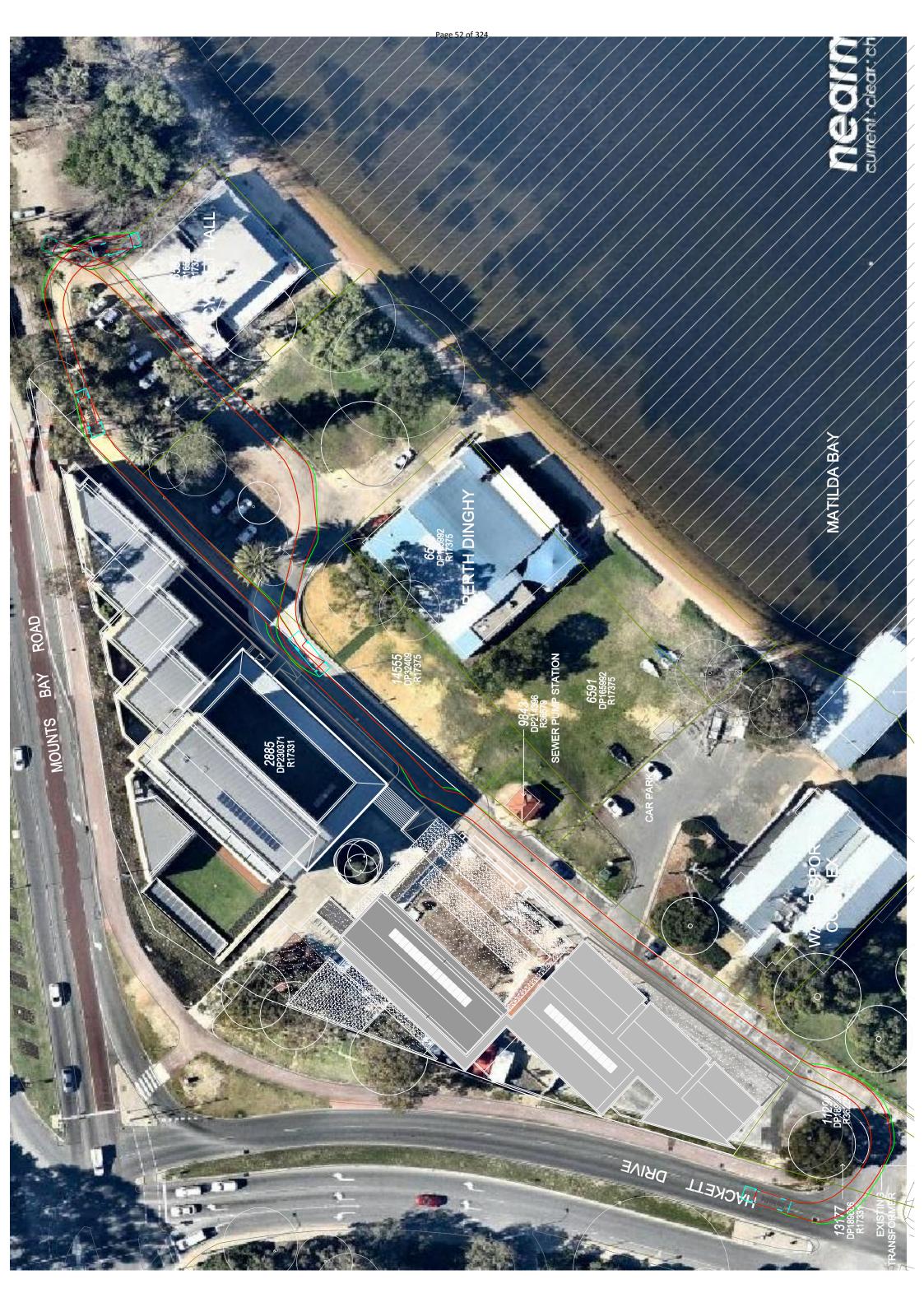
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Agenda Item 6.3

Advice to Metropolitan Redevelopment Authority — 1 (Lot 7) The Esplanade, Perth — Proposed 32 level mixed-use development comprising Office, Retail, Child Care, Dining and Exhibition Uses and 136 Tenant Car Parking Bays

FILE REFERENCE: 2018/5360

REPORTING UNIT: Development Approvals
RESPONSIBLE DIRECTORATE: Planning and Development

ATTACHMENT/S: Attachment 6.3A – Location Plan Attachment 6.3B – Perspectives

Attachment 6.3C – Development Plans

Purpose and Background:

The subject application relates to 'Site 7' and 'Site 8' (Lot 7) within the Elizabeth Quay Project Area. The site has a total land area of 6,795m² and is bound by The Esplanade to the north, Duchess Way to the west, Geoffrey Bolton Avenue to the south and Barrack Street to the east. The site is presently vacant with grass located centrally within the site and bitumen around the perimeter and it has been used by the Metropolitan Redevelopment Authority (MRA) as a temporary event space. The application, the subject of this report, has been referred to the City for comment by the MRA.

<u>Details of Application</u>

The application seeks approval for the development of Lot 7 for a 32-level mixed-use building comprising office, retail, child care, dining and exhibition uses and 136 tenant car parking bays.

Land Use and Development Requirements

The land uses proposed are generally in accordance with the preferred land uses stipulated in the MRA's Central Perth Redevelopment Scheme (CPRS) and associated Elizabeth Quay Design Guidelines. The proposed development meets the preferred uses identified in the Design Guidelines and includes contemplated uses, the child care centre and gymnasium, which promote community and health and wellbeing services to the site.

The developments compliance with the MRA's development requirements for the amalgamated Sites 7 and 8 is summarised below:

Development Standard	Proposed	Required/Permitted
Podium Height:	Three storeys up to 15 metres	Minimum: two storeys up
	(Duchess Way, Geoffrey Bolton	to eightmetres
	Avenue and Barrack Street	Maximum: six storeys up
	frontages)	to 24 metres
	30 storeys up to 136 metres	
	(The Esplanade frontage)	
Tower Height (including	30 storeys	Minimum: 20 storeys
Podium):		Maximum: 36 storeys
Lot Setbacks:	Nil (Geoffrey Bolton Avenue,	Nil to lot boundary at
	Duchess Way and The	ground level

Page 54 of 324

	Factor and a Variable	
	Esplanade) and three metres	
	(Barrack Street)	
Setbacks Above Podium:	Nil to two metres north (The	Minimum: five metres
	Esplanade) and 29 metres	north and south
	south (Geoffrey Bolton Avenue)	
	9.5 to 18 metres west (Duchess	
	Way) and 12.5 metres east	Minimum: 10 metres east
	(Barrack Street)	and west
Active Edges: Primary	88% (Geoffrey Bolton Avenue)	Min 80% Activation at
Frontage	100% (Barrack Street)	Street Level
	43% (The Esplanade)	Min 50% Activation at
Secondary Frontages	75 % (Duchess Way)	Street Level
Vehicle Parking:	136 bays	102 bays (maximum in
		accordance with Perth
		Parking Policy)

Planning Assessment

The proposed development is compliant with respect to the podium height and setback requirements of the MRA's Elizabeth Quay Design Guidelines with the exception of the northern boundary where the building 'comes to the ground' and includes no podium/tower separation.

The design of the building is generally in keeping with the Design Guidelines however there are concerns in relation to the design and configuration of the podium element and the adjacent ground plane. These relate to the following:

- the interface and relationship to the street of the northern elevation, noting it also includes a substantial proportion of inactive frontage;
- only indicative security measures have been provided in relation to the management of public access to the pedestrian link area, noting additional security measures and landscaping may impact on permeability and creation of entrapment areas;
- the south-west and south-east areas of the ground plan appear to result in pedestrian movements being potentially impeded via pinch points;
- the floor levels of the southern tenancies and the adjacent footpath appear to be incompatible in providing a suitable transition between the spaces; and
- the design and extent of the awning element in some areas impacts on existing street trees.

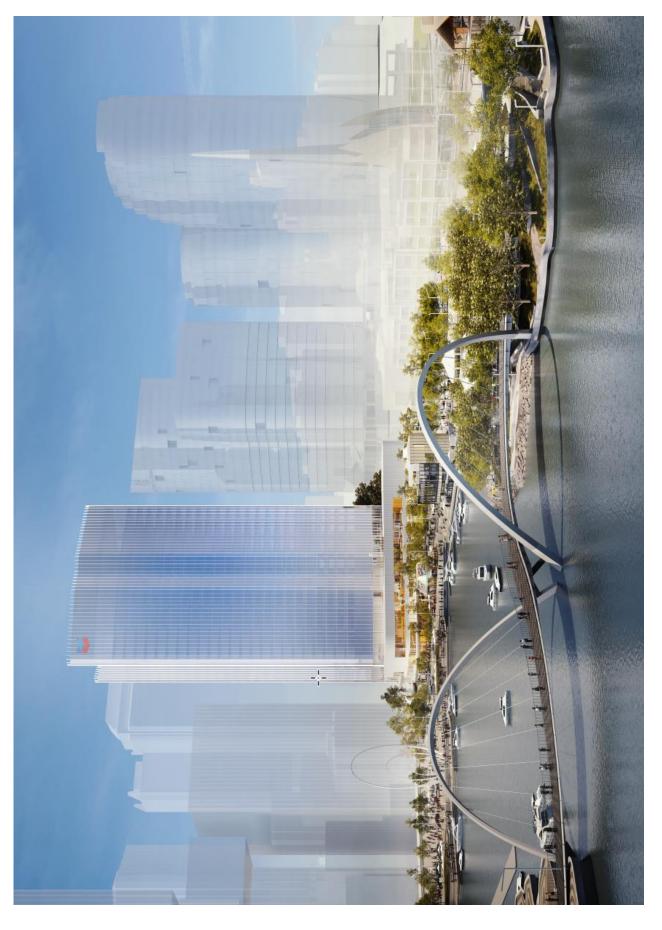
The development proposes a variation to the maximum tenant car parking bays. A total of 136 bays is proposed in lieu of the maximum 102 bays prescribed by the Department of Transport's (DoT) Perth Parking Policy. The DoT have provided in principle support to the applicant for the variation subject to increased provision of bicycle and end of trip facilities.

Summary

The proposed development represents the fourth major development proposal for the private lots within Elizabeth Quay. It is considered that the proposal has generally satisfied the requirements of the MRA's guiding documents and will ultimately deliver a landmark commercially focussed development for the prominent site.



2018/5360 – 1 (LOT 7) THE ESPLANADE, PERTH

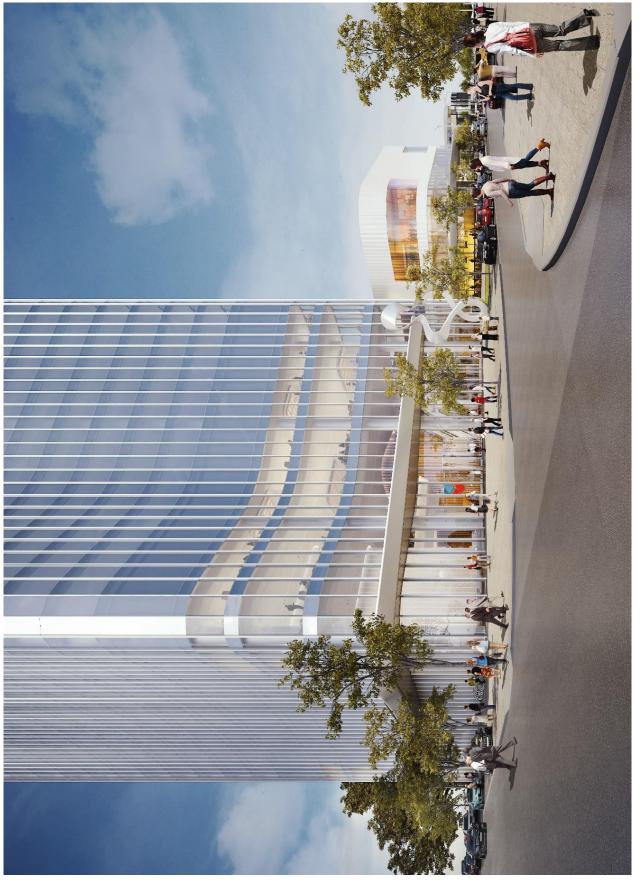


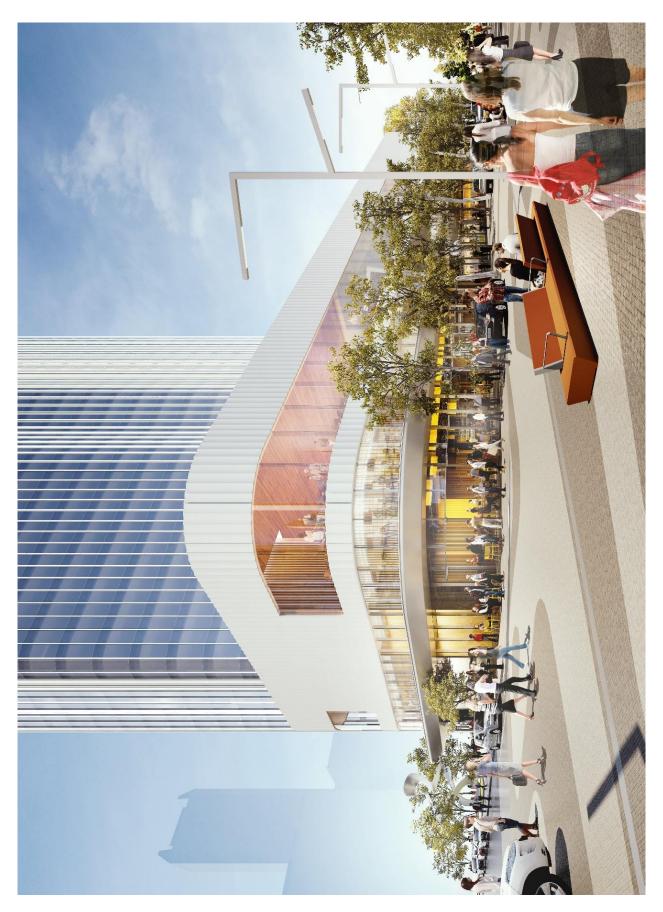


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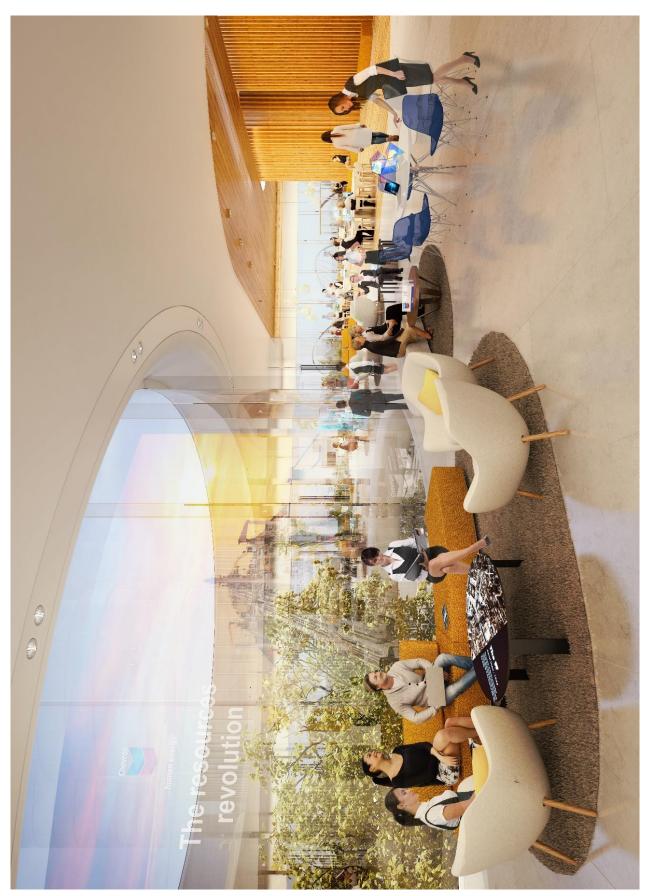


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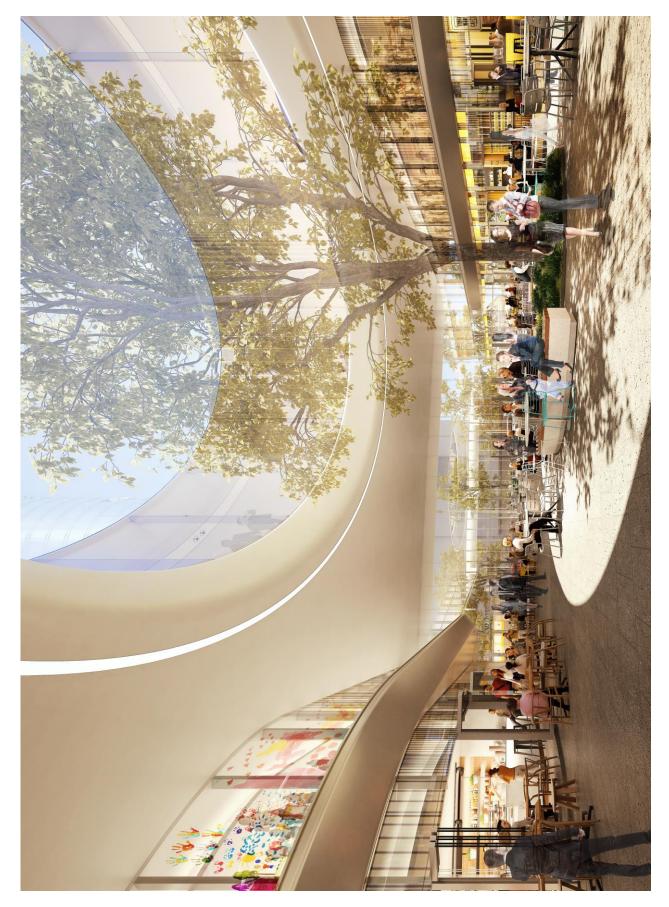


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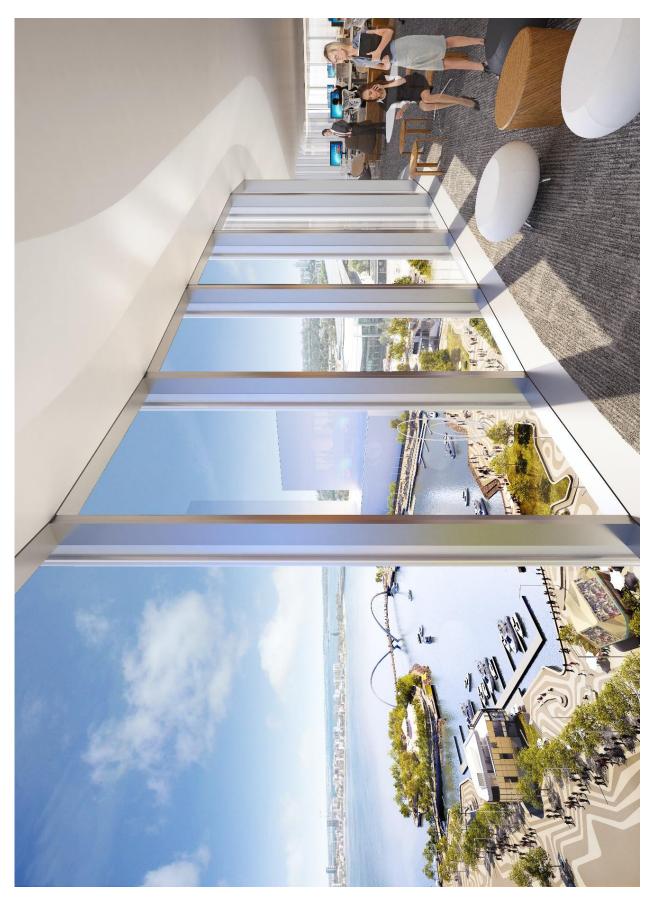


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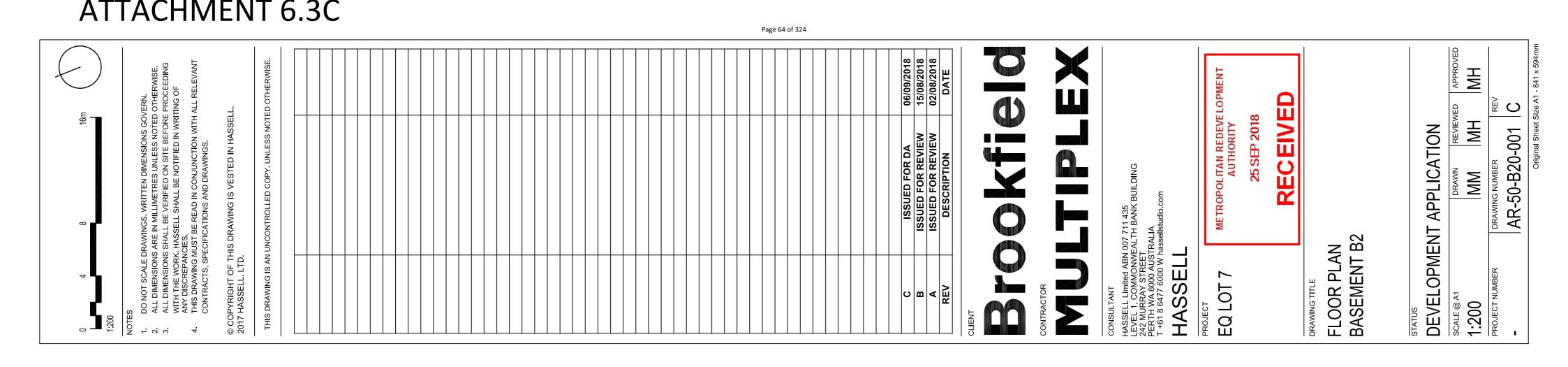


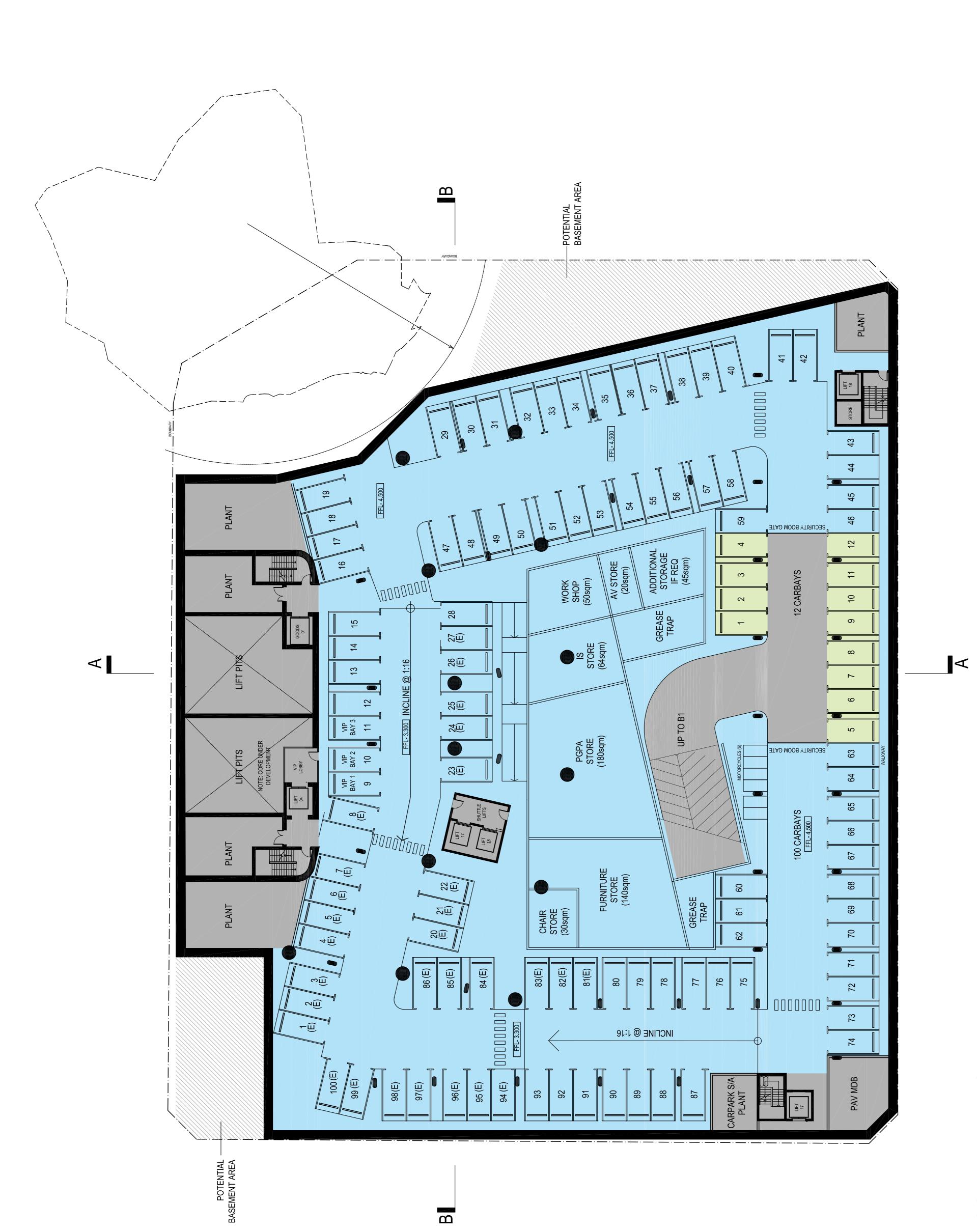


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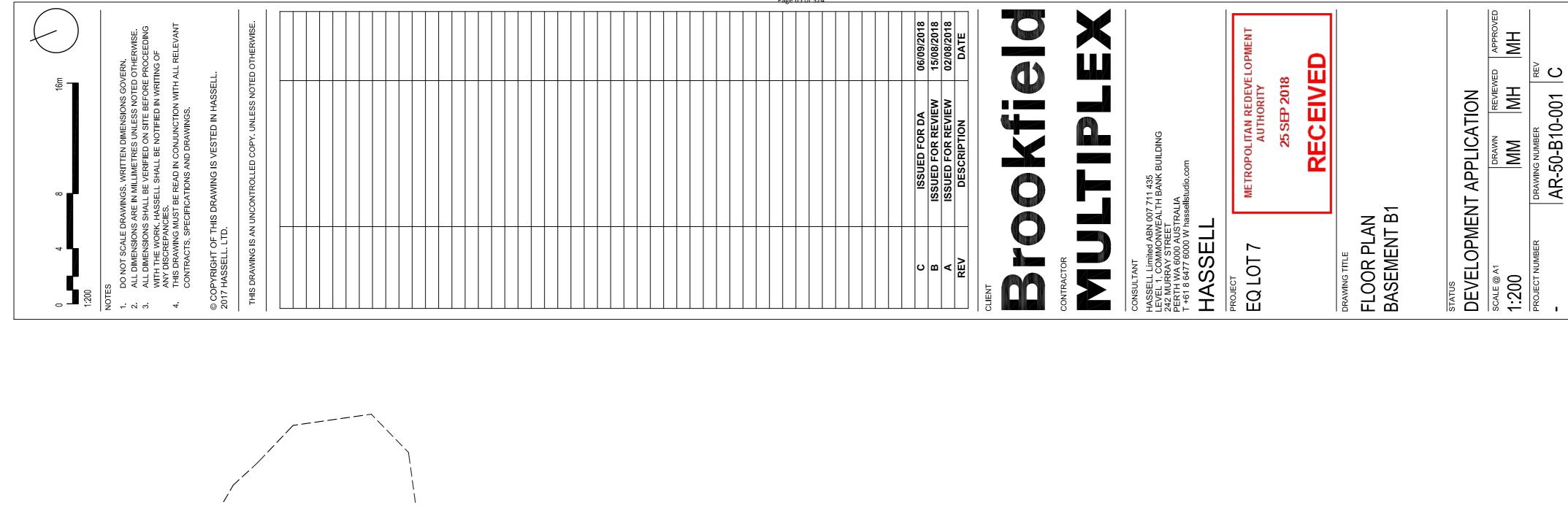
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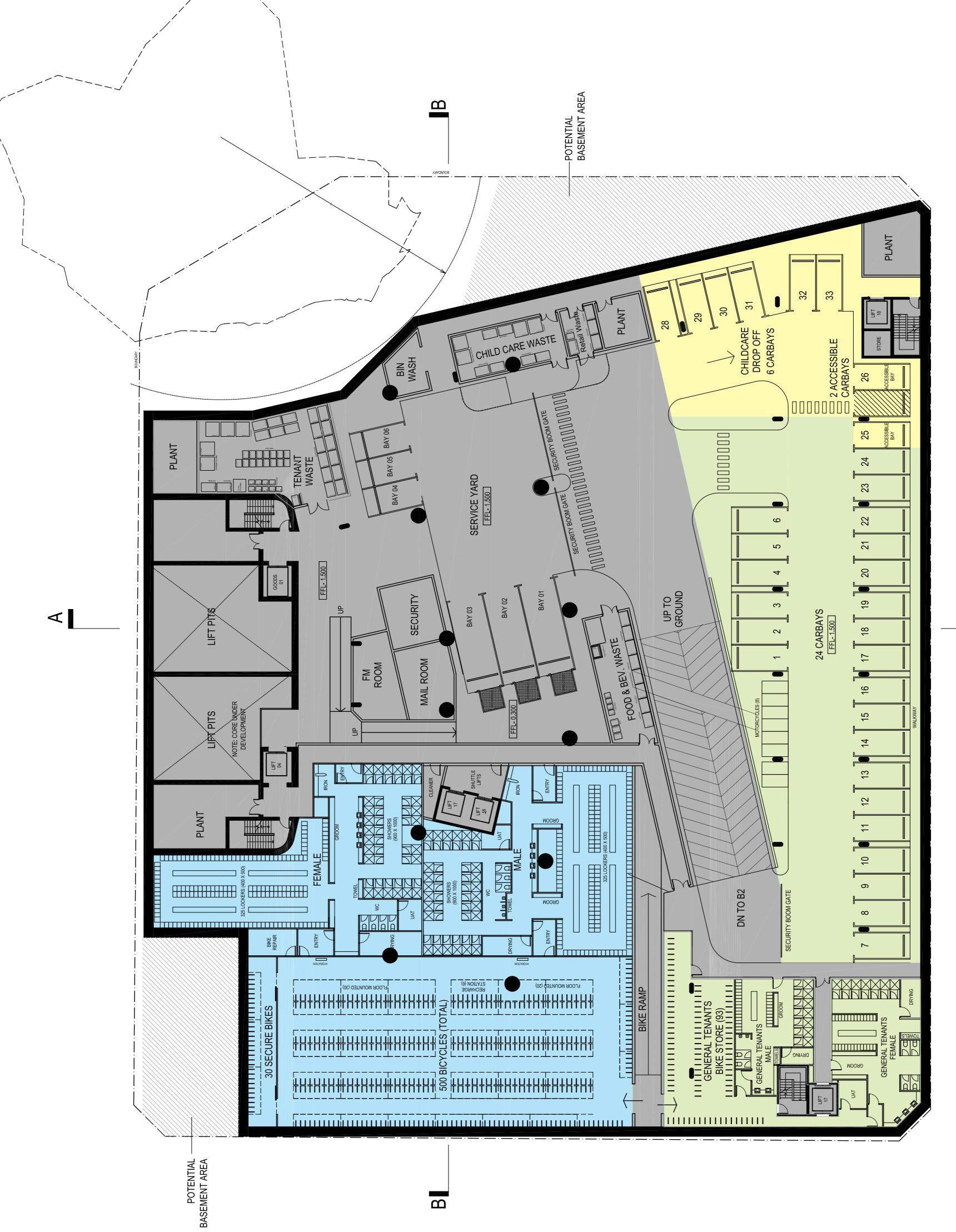
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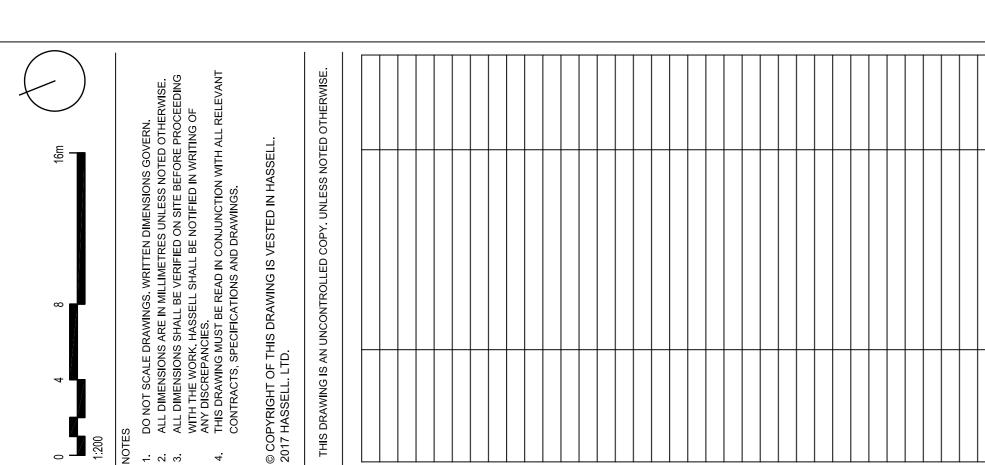
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GENERAL TENANTS	93	112	15	7P + 2U

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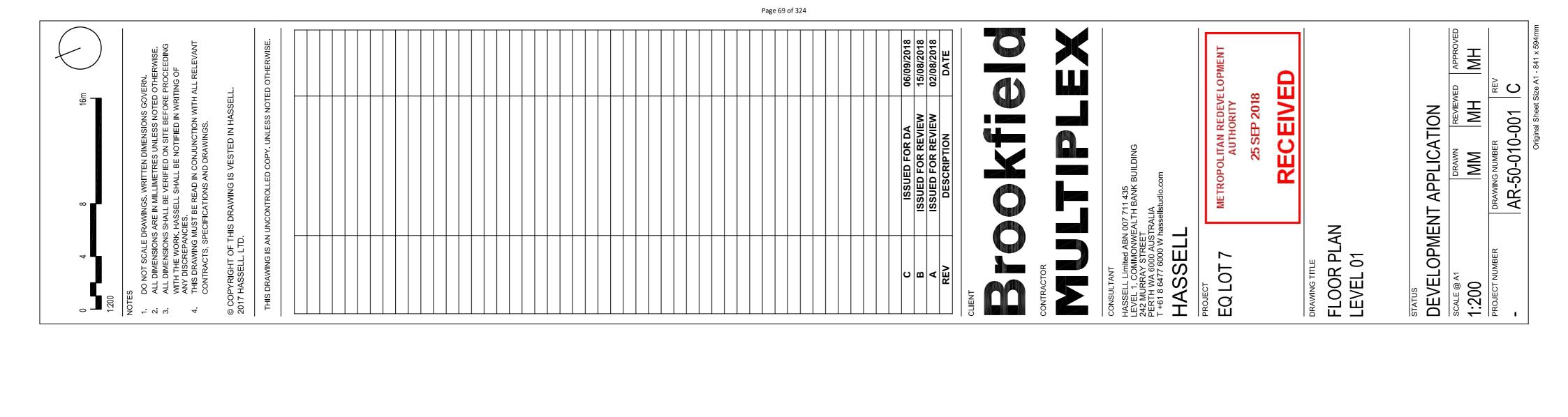
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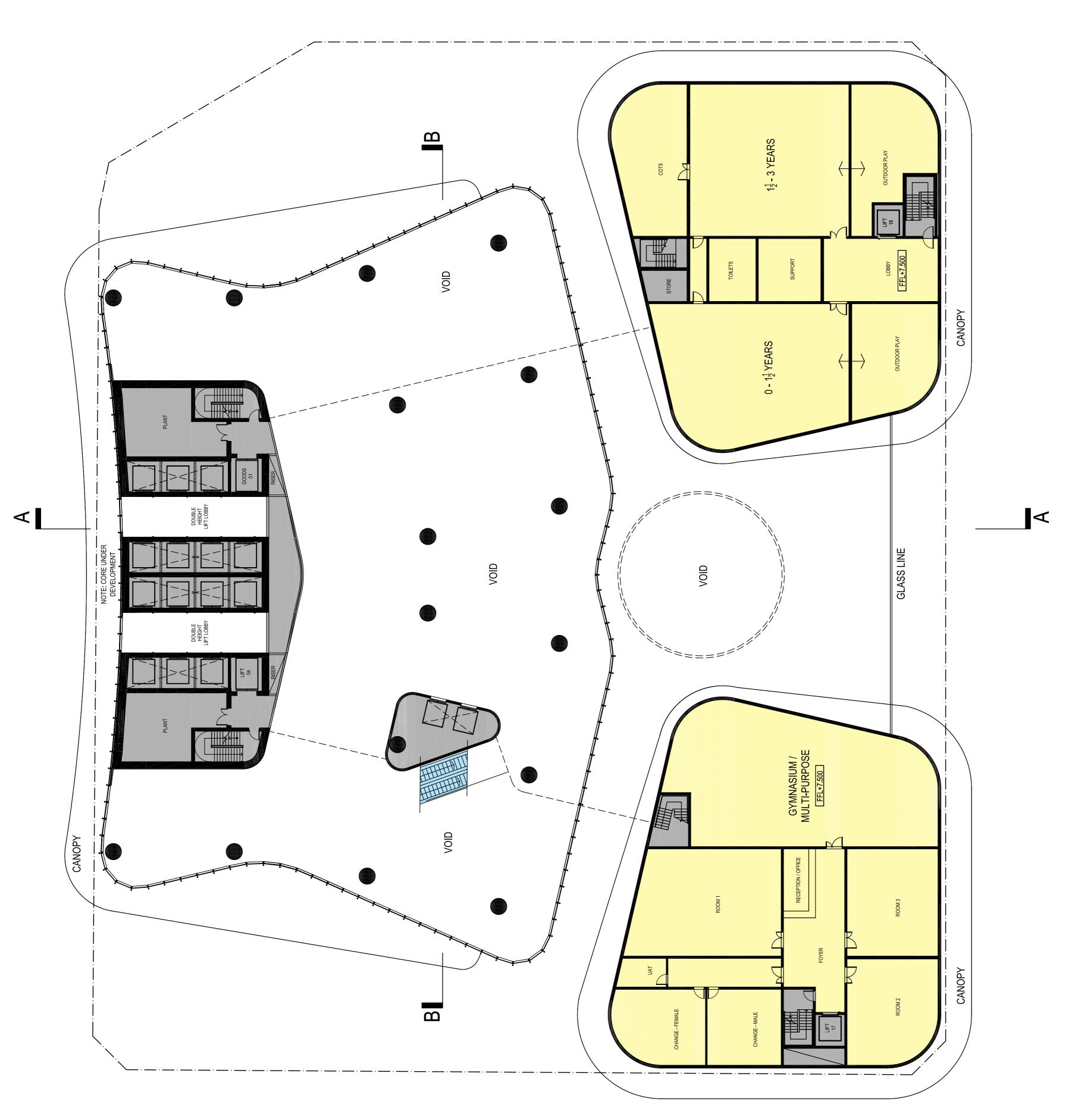
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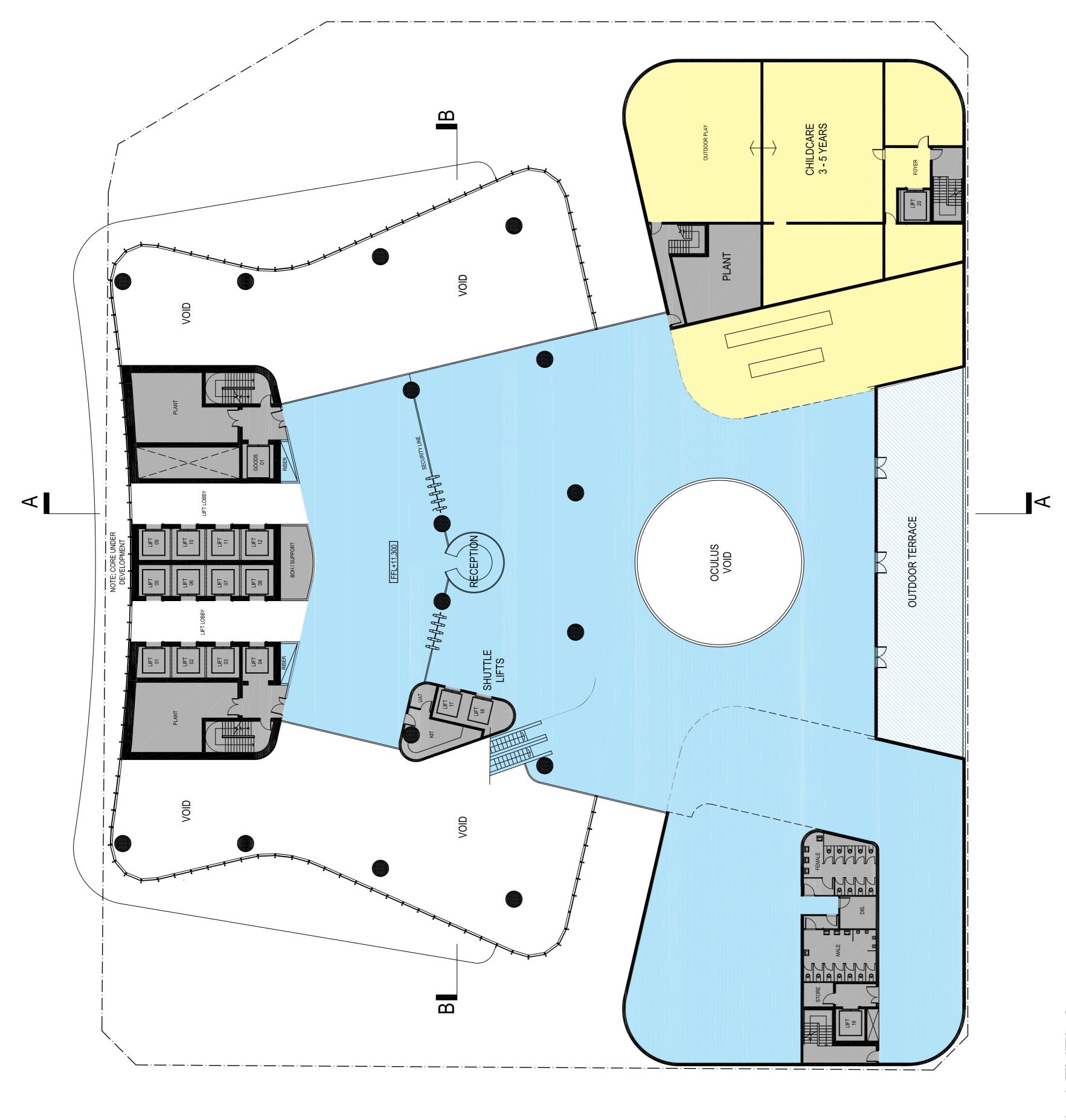
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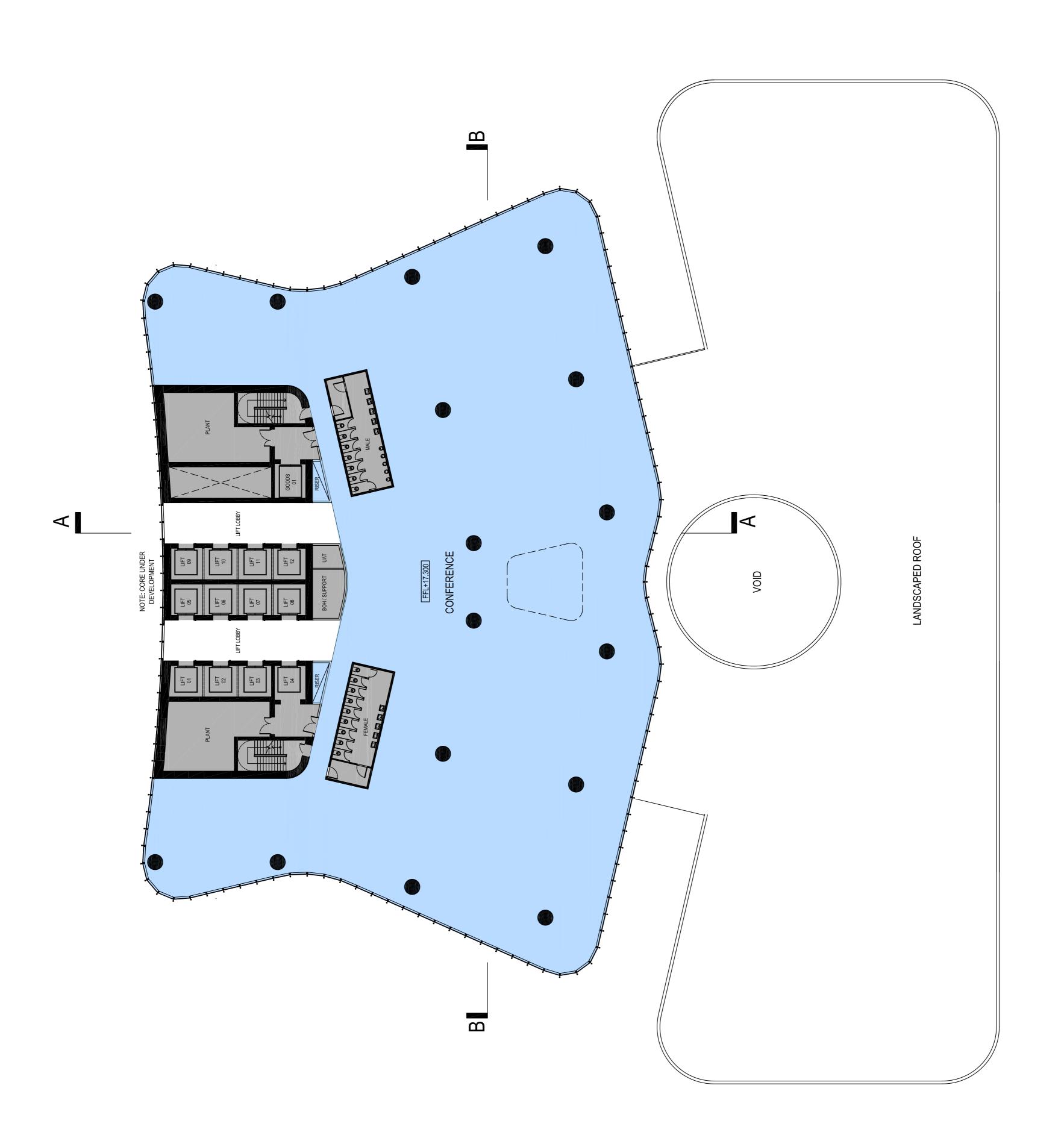
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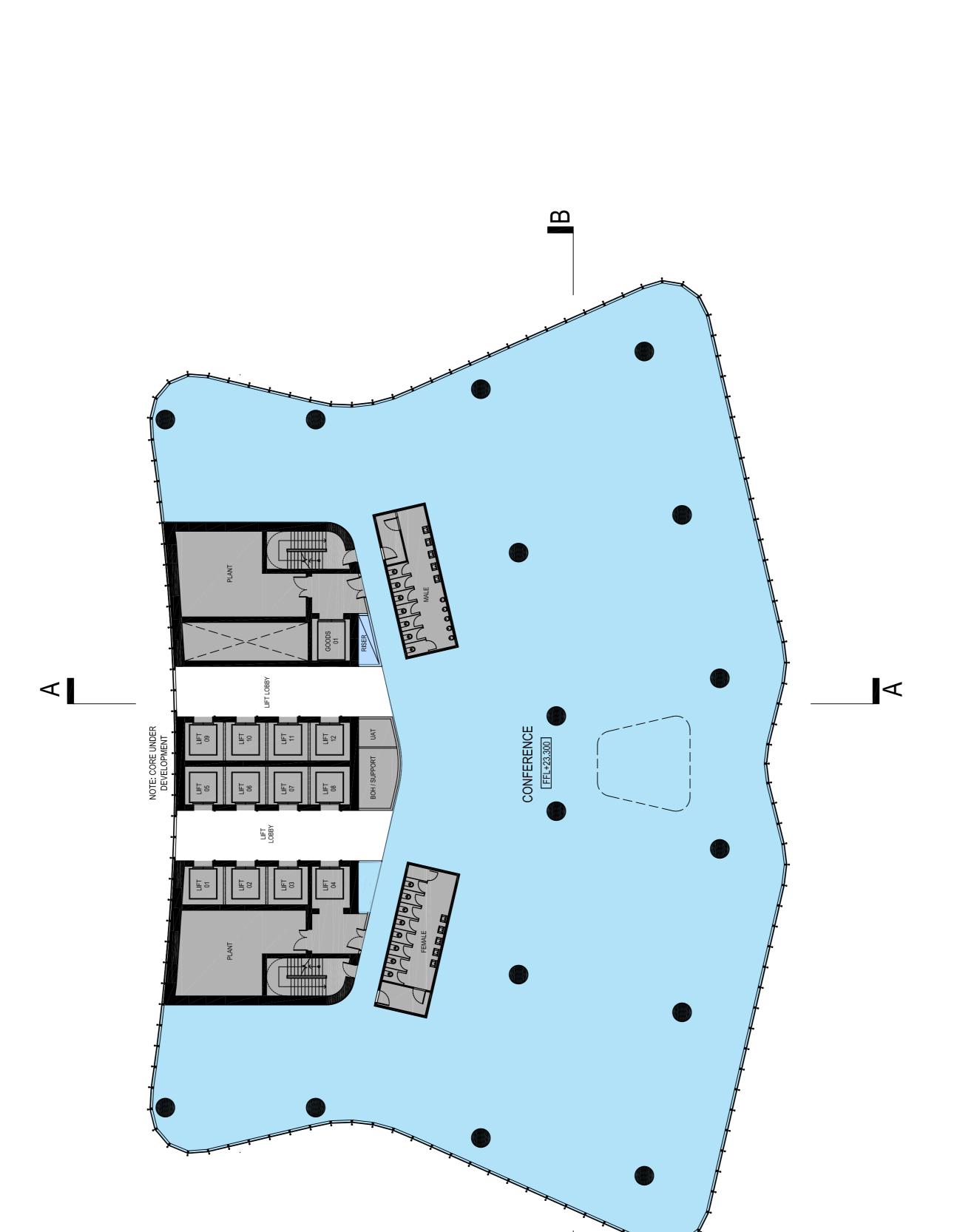
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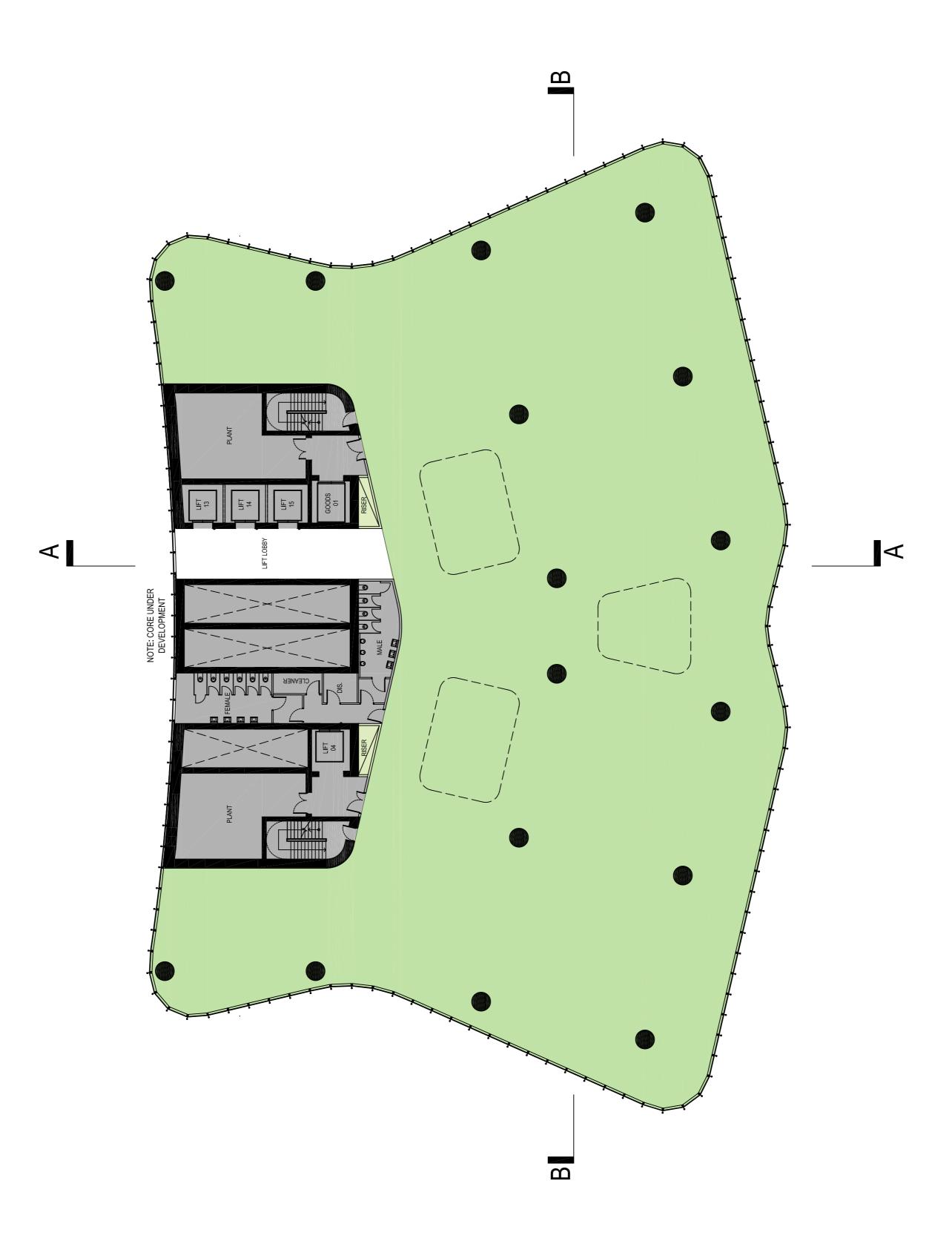
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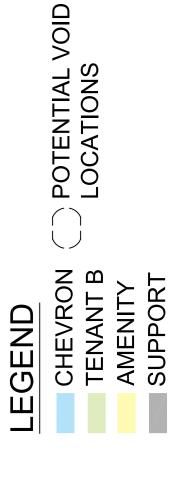
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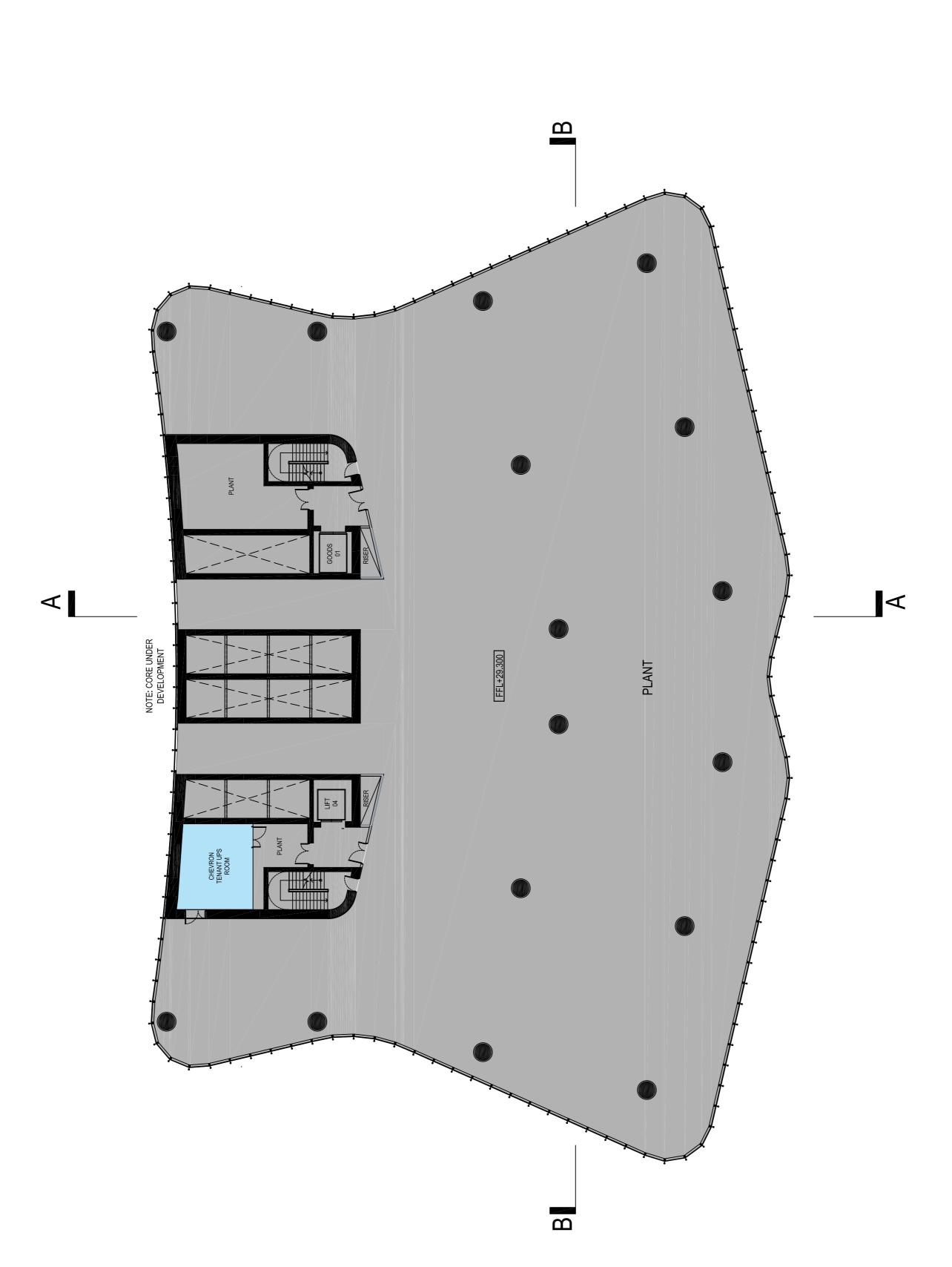
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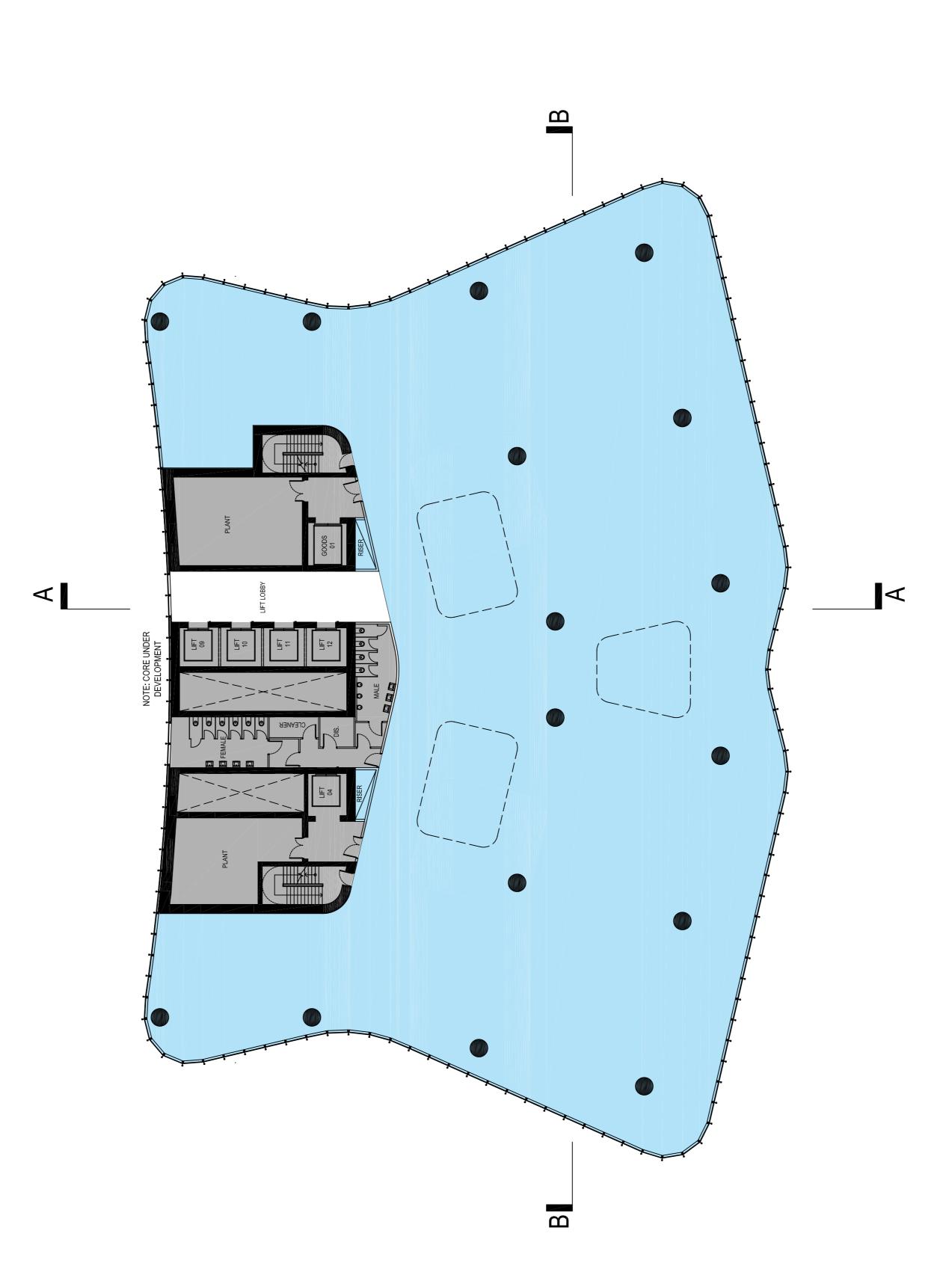


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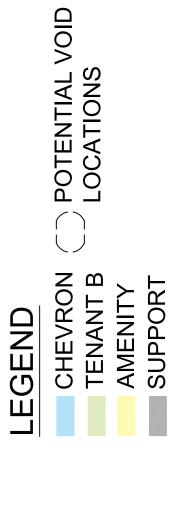
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FLOOR PLAN - TYPICAL MID



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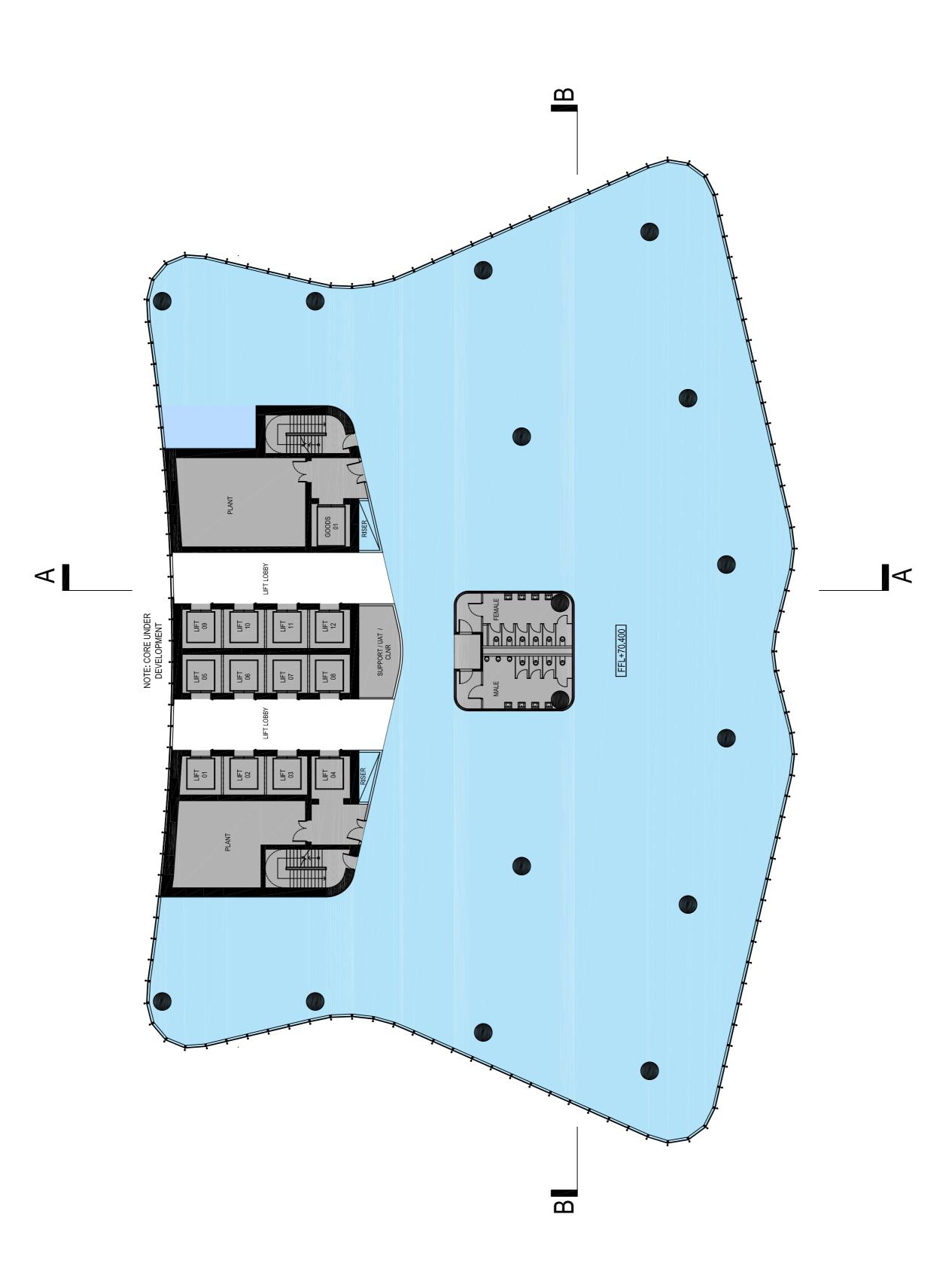
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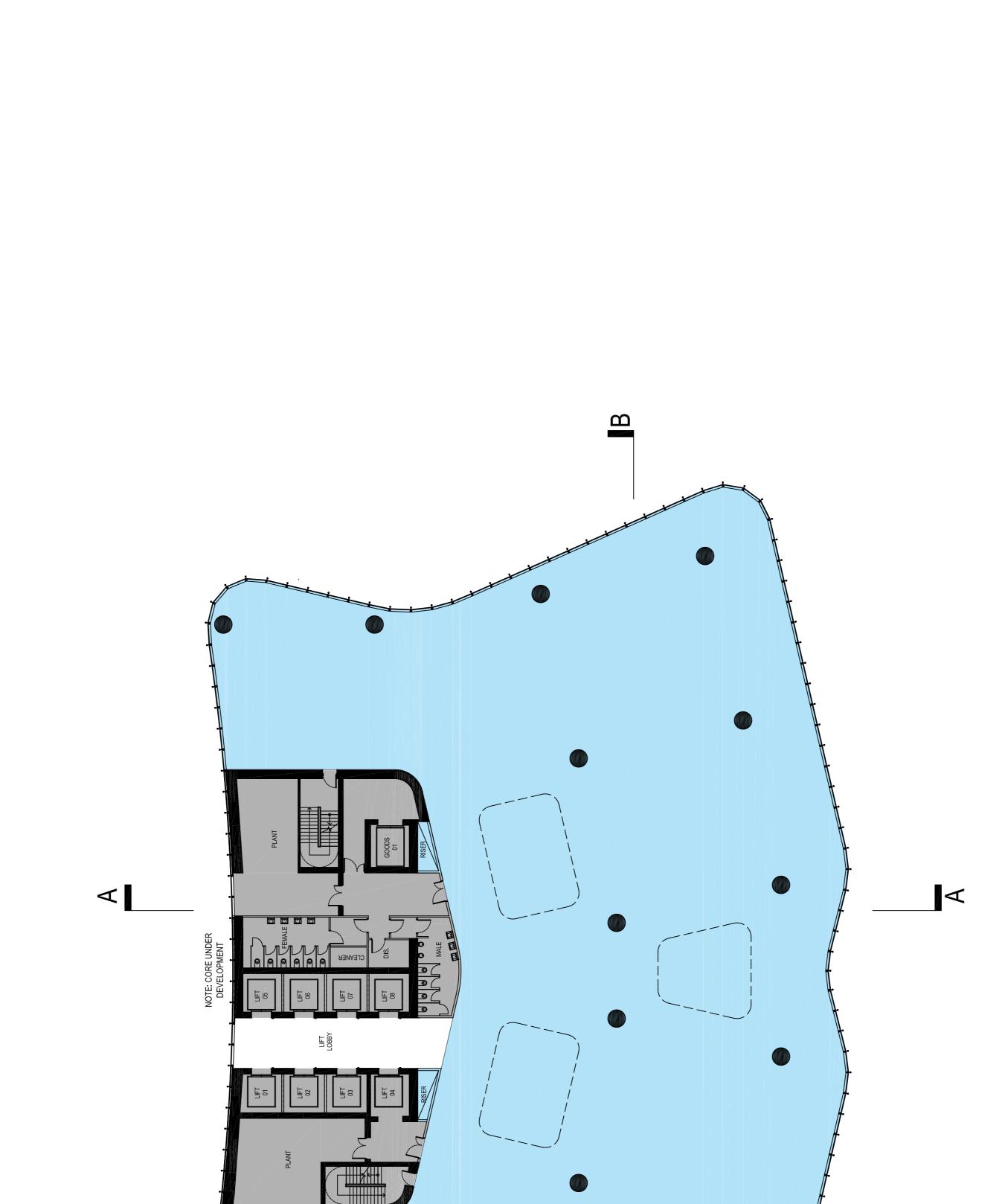
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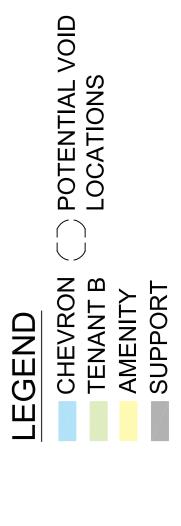
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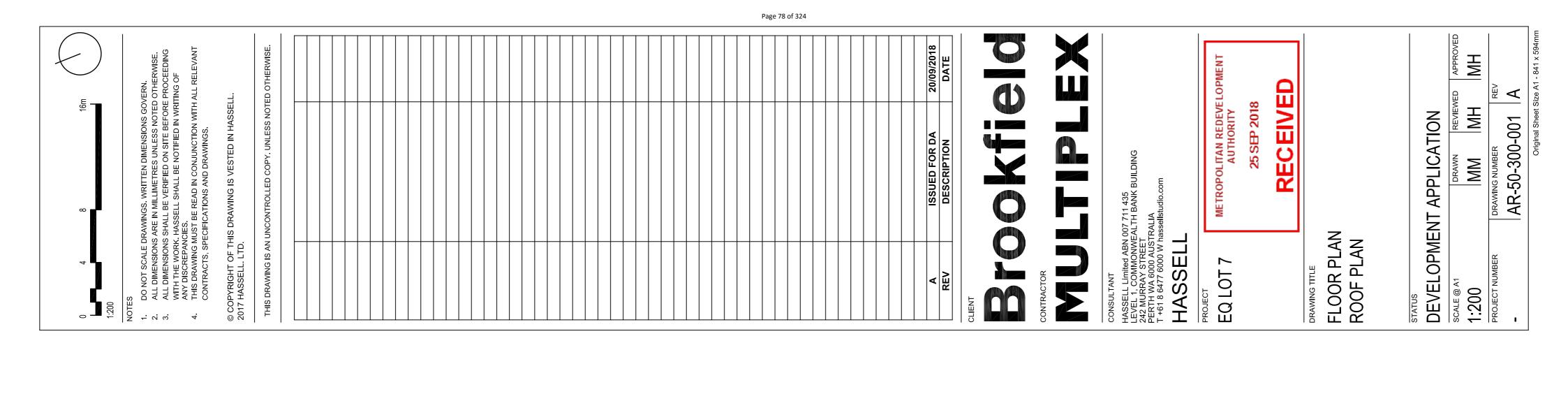
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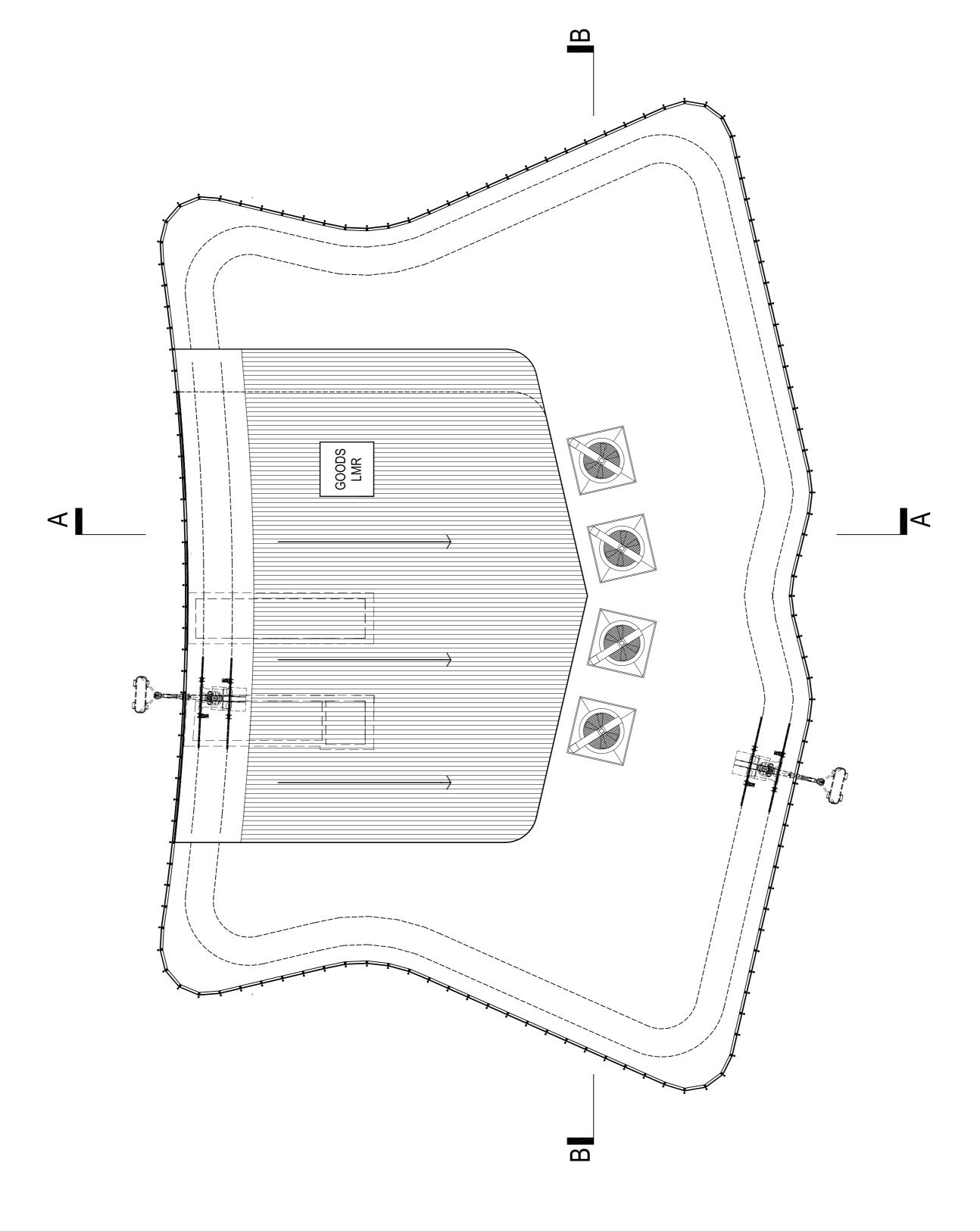
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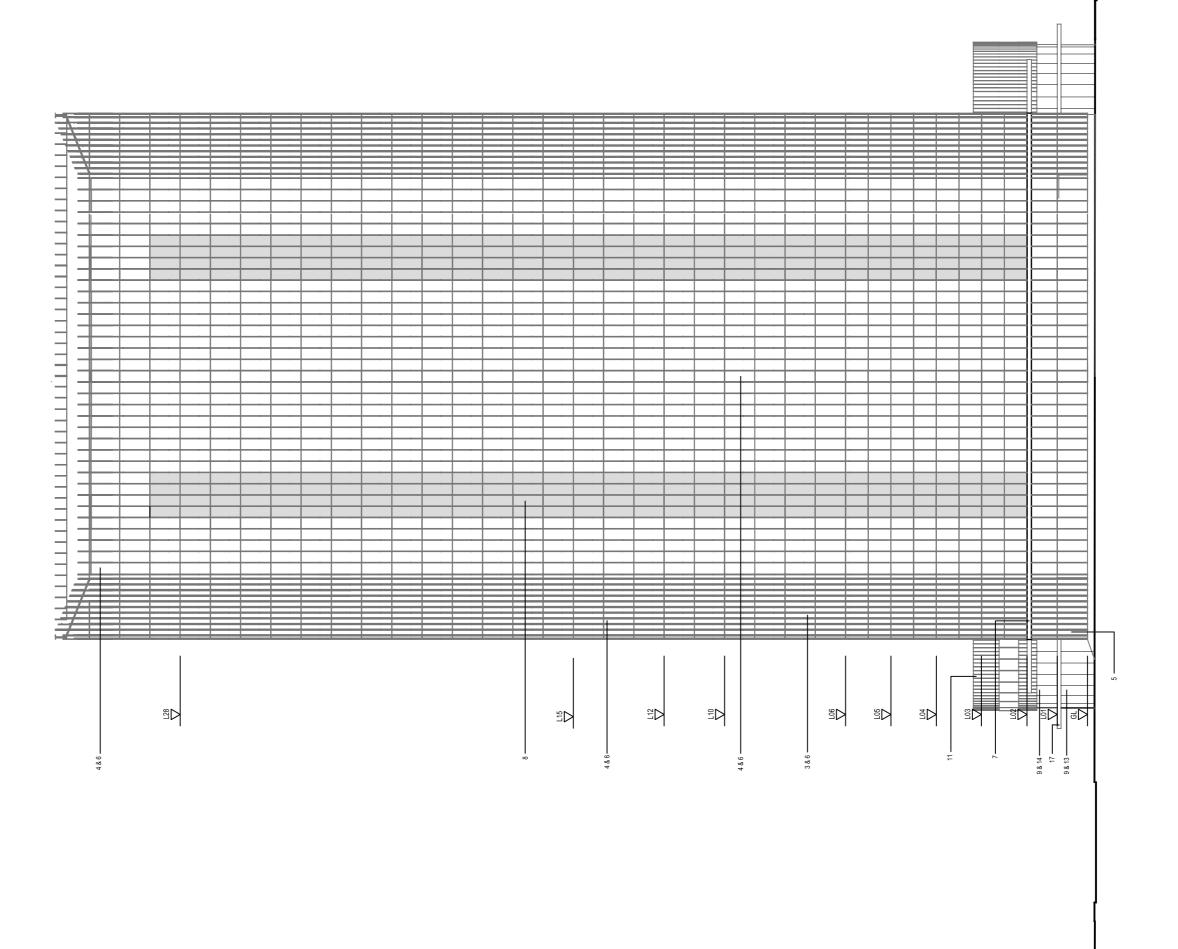
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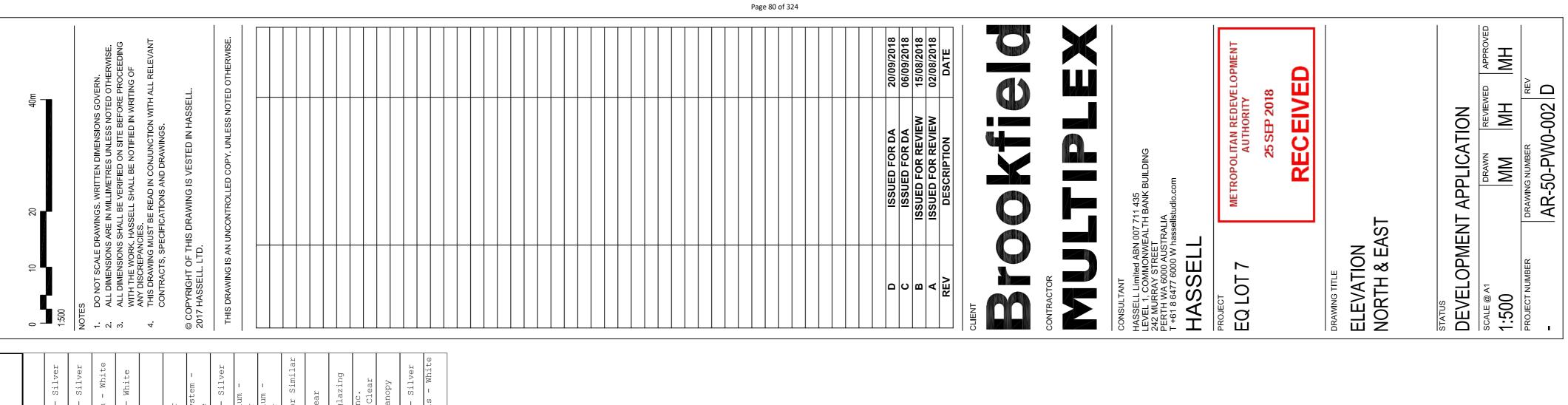
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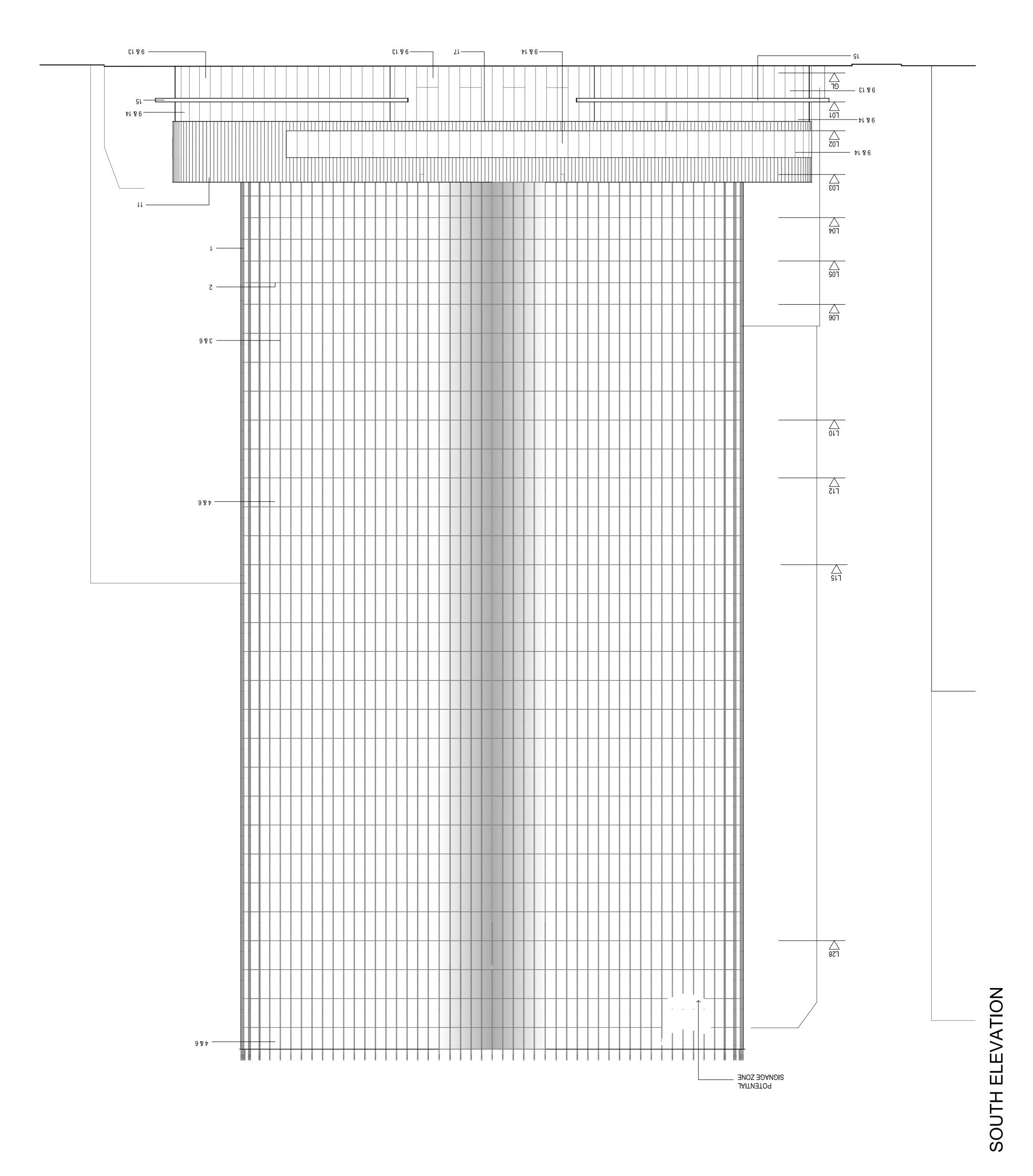


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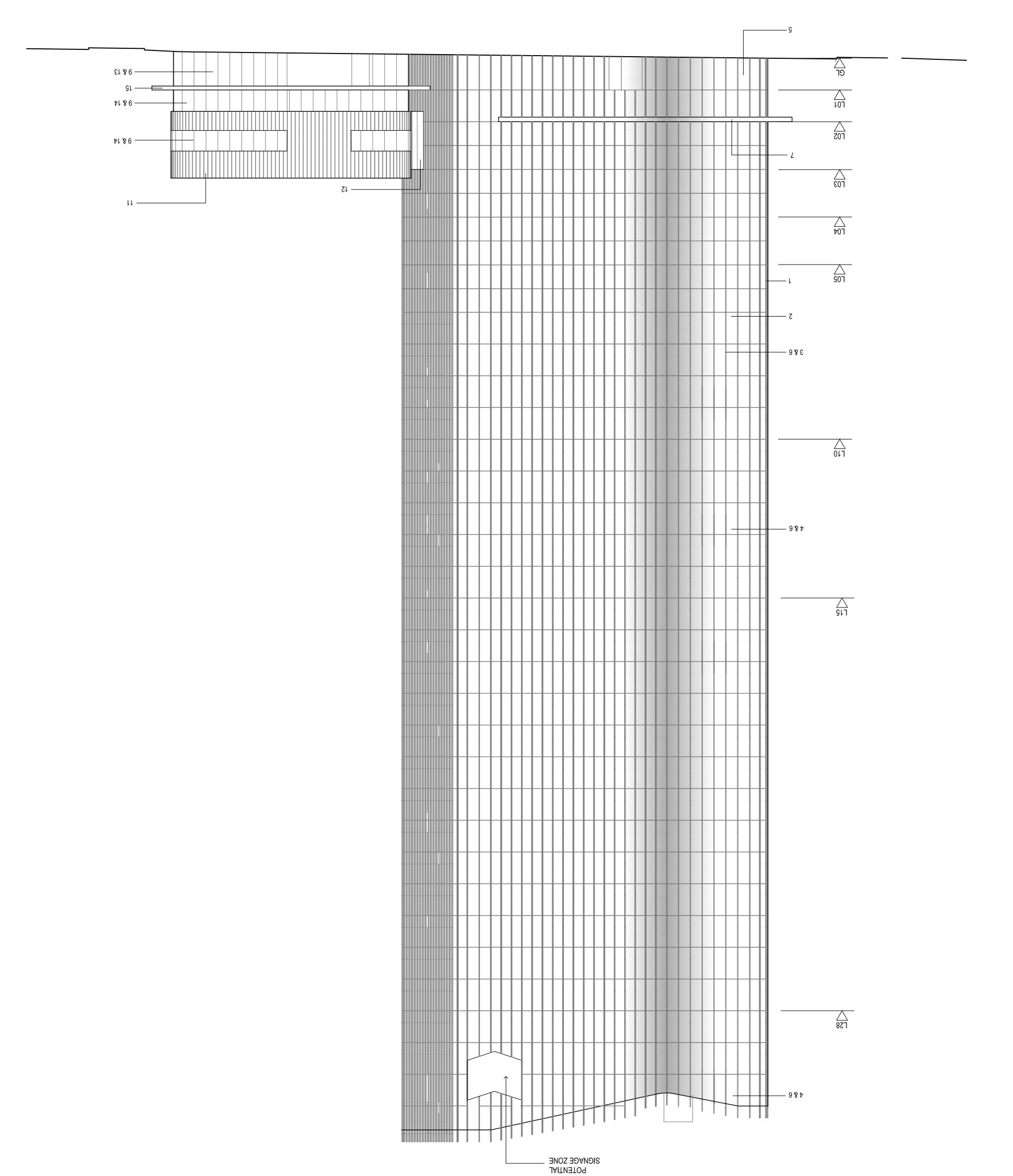
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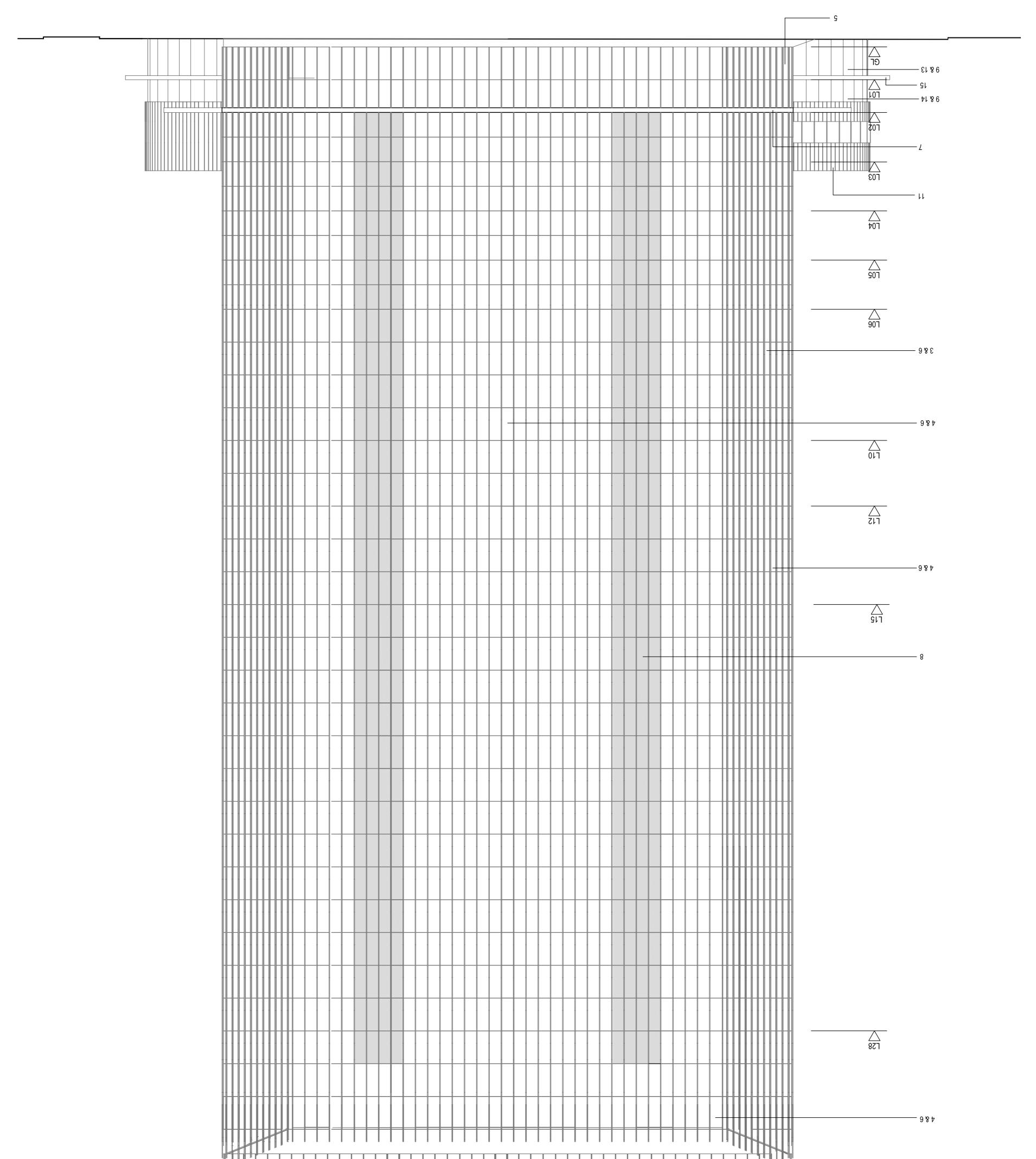
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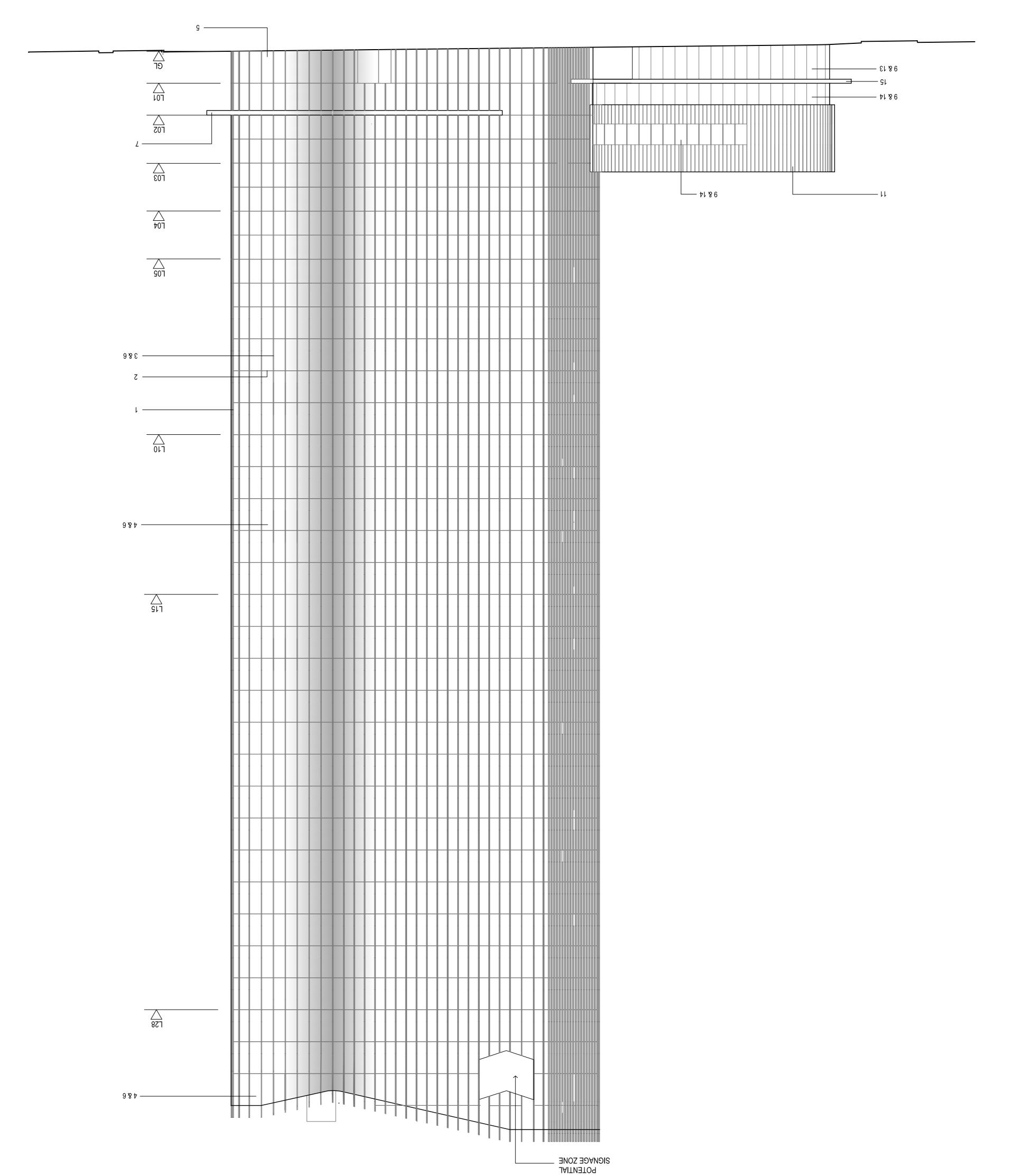
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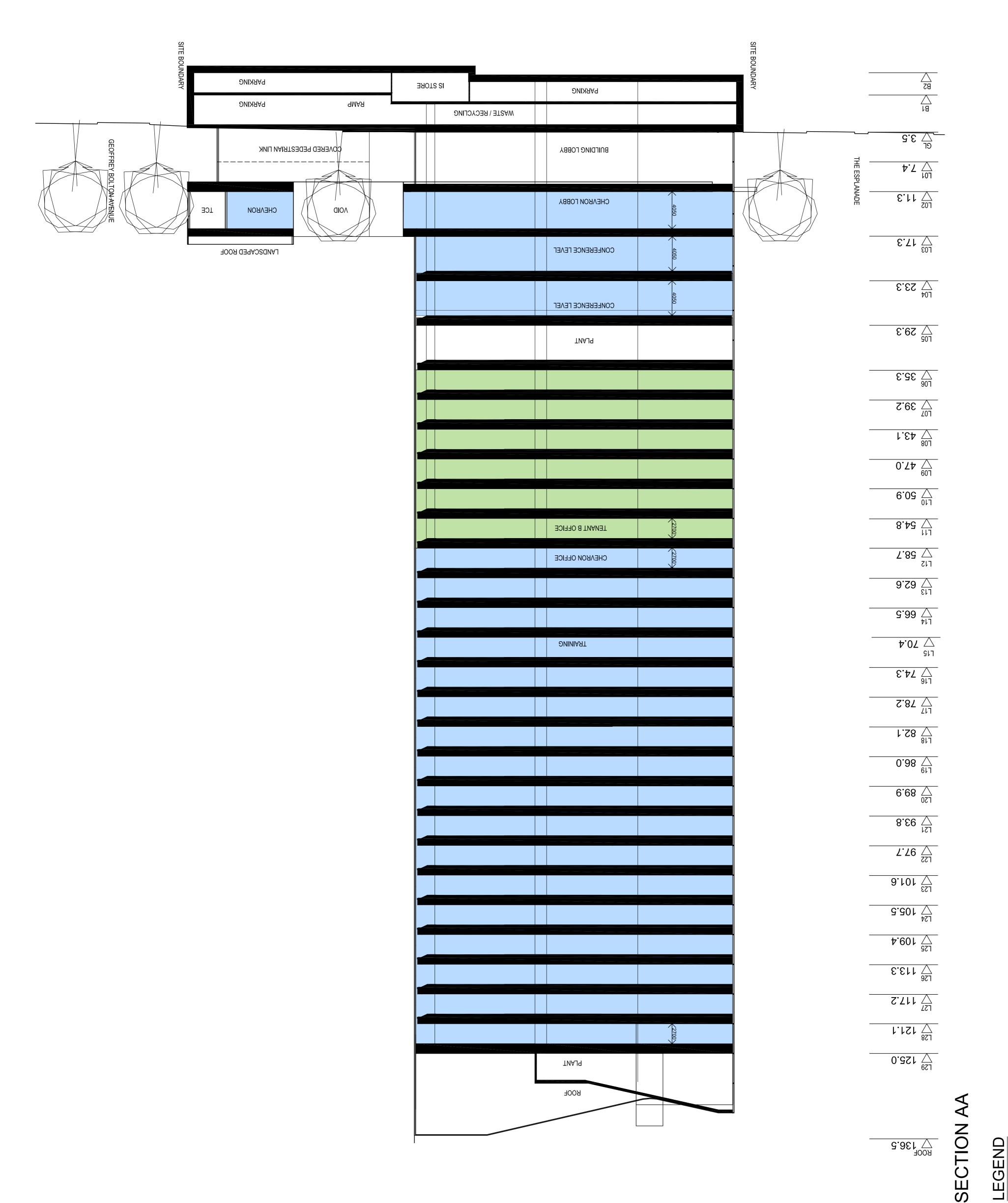
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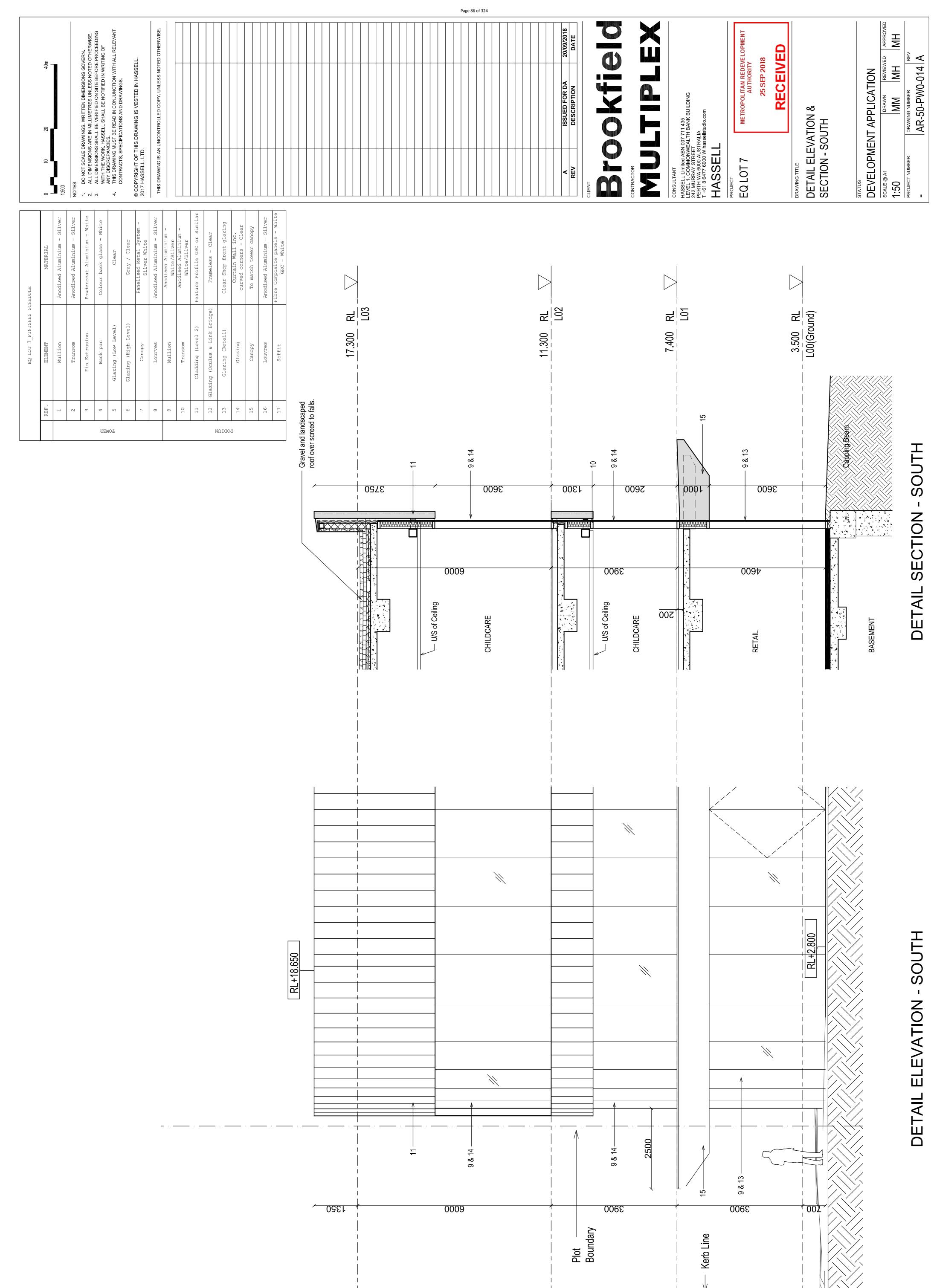
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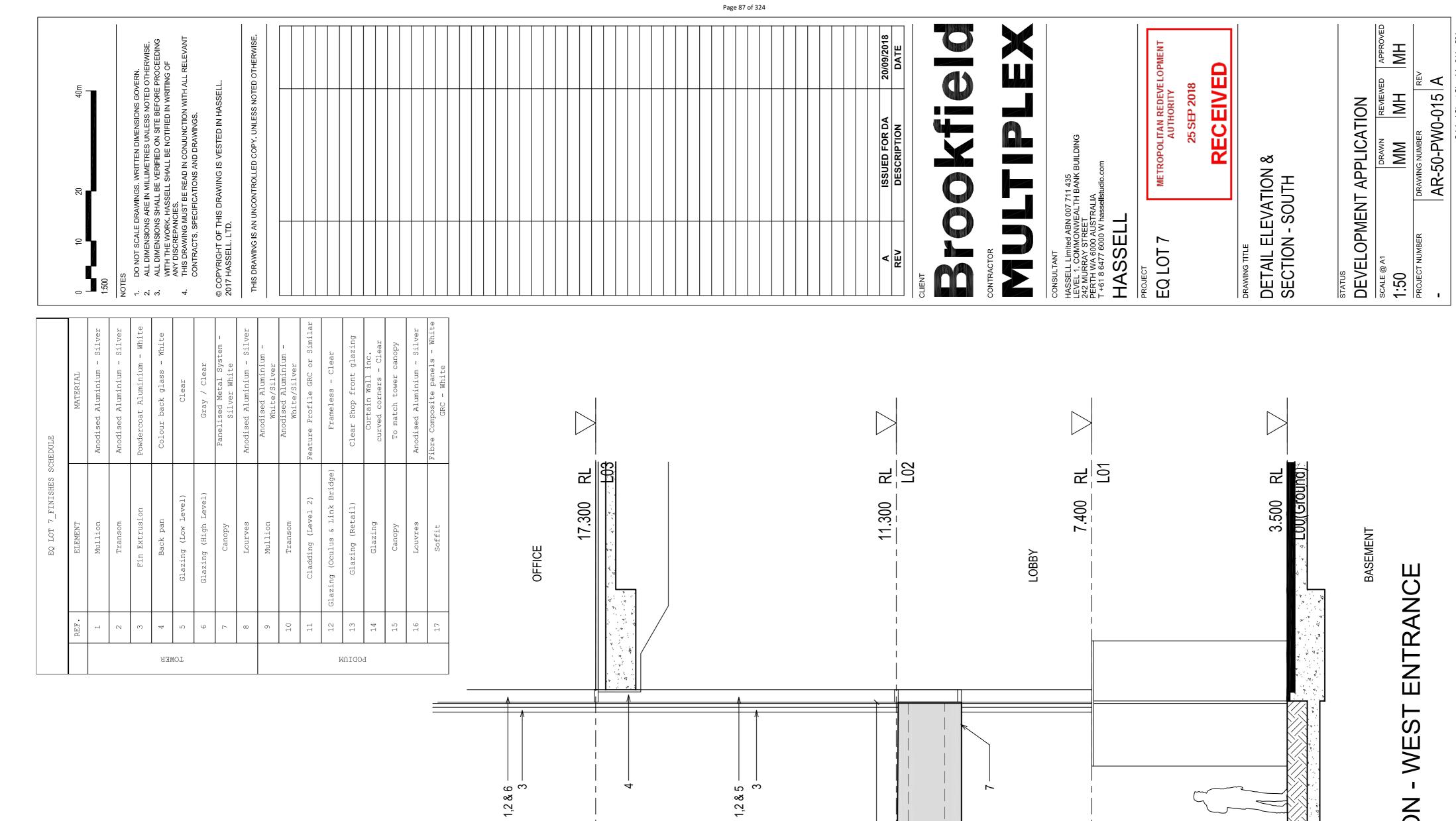




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Agenda Skatepark Feasibility Study Item 6.4

FILE REFERENCE: P1014820

REPORTING UNIT: Co-ordination and Design RESPONSIBLE DIRECTORATE: Planning and Development

ATTACHMENT/S: Attachment 6.4A – Skate Park Feasibility Study

Purpose and Background:

At its meeting held on **13 February 2018**, Council made the following resolution in relation to a skate park feasibility study:

The Council directs the CEO to provide a high-level report to the Works Committee within 90 days outlining possible locations within the City for the construction of a skatepark. The report should include local, interstate and international examples of other successful facilities, rough cost estimates for planning, design and construction as well as an overview of possible funding sources, partnership opportunities and operating models which would maximise benefit to the city of Perth's residents, visitors and stakeholders.

Following this resolution, a consultant was engaged to undertake a Skate Park Feasibility Study. The final study covers all the items outlined in the Motion including examples of successful facilities, cost estimates, possible suitable locations within the City and funding opportunities.

This report summarises the outcomes of this study and proposed next steps.

Details:

Skate parks are public recreational facilities usually provided within green open spaces for the purpose of skateboarding, BMX, scooter, wheelchair, inline skating and increasingly parkour.

The Skate Park Feasibility Study identifies possible opportunities for the provision of the following three different types of skate facilities:

- **Skate Specific** Purpose built large destination skatepark with designated transition, bowl and park areas that enable progression from beginner through to advanced;
- **Multi-purpose** Skate, scooter and or BMX included in larger play and recreation precinct. Elements will be of a beginner or entry level for localised use only; and
- Skate-able Urban area that freely allows skate activity to occur.

All three types have common site considerations including:

- Proximity to public transport;
- Good walkability and access;
- Good passive surveillance i.e. space needs to be open, have clear sight lines and positioned near streets with foot traffic and overlooked by adjacent buildings (with consideration given to noise impacts);
- Proximity to existing amenities such as food and beverage, toilets etc; and
- Access for cleaning and maintenance.

Indicative suitable sites were identified that could be further explored including:

Туре	Description	Opportunity
Skate Specific	Space is large enough to accommodate a major skatepark, 4000 sqm approximately required. Close to public transport and other amenities. Opportunity to add in major play space given lack of provision in the central core.	Riverfront
Multipurpose	Opportunity for broader play and recreation as well as skate, scooter and BMX.	Wellington Square Wellington Street east of Barrack Street
Skate-able	Opportunity to improve the space with urban treatment and skate-able infrastructure, even as a pop up space to test interest. Central location and highly visible but currently underutilised.	Museum Street Russell Square

The introduction of any skate facility within the city would need to involve comprehensive consultation with community and further assessment of need. The Skate Park Feasibility Study provides valuable information to inform this discussion if determined to be a priority.

Summary:

Given the City does not currently have any skate facilities, their introduction is worth considering as an improvement to the public realm. The intergenerational play space proposed for Wellington Square is anticipated to deliver skate-able elements which will cater primarily for families.

With skateboarding becoming an Olympic sport for the first time in 2020 there is also an opportunity for the City of Perth to provide a major training and competition level venue. This would be a first for an Australian capital city. The city's central public transport system, direct links to the international airport and associated infrastructure makes it a prime location for major centralised events that could attract significant national and international interest.

CITY OF PERTH

skatepark feasibility report



Contents

1. Introduction	3
2. A range of usersa range of needs	4
3. Creating models that meet everyone's needs	4
4. A diverse range of types	5
5. Existing Skatepark provision around Perth	6
6. The best model for Perth	7
7. A three tiered approach	9
8. Key site considerations	10
9. Site assessments	11
10. Site locations	12
11. Possible preferred sites	13
12. Destination Skate (& Play)	13
13. Skateable infrastructure	16
14. Funding options	18
15. Final Recommendations	19
16. Appendix 1: "WA skateboarding talent forced to head east for Olympic dream"	20

1. Introduction

The following is a brief feasibility report regarding possible future skate facility provision within the City of Perth.

The report focuses initially on a establishing the best typology for potential skate spaces within the City of Perth by;

- Articulating the diversity of action sports, their unique needs and the types of spaces that can accommodate them.
- Looking at current best practice in skate provision across Australia and Globally,
- Reviewing existing skate provision in the broader Perth region
- · Summarising the unique considerations of a capital city context such as Perth

Once the typology is defined that will best meet the needs of the City of Perth , the report looks at the possible distribution of this model throughout the municipality including looking at a hierarchy of facilities/ spaces.

Site selection criteria and considerations are then defined and applied against a number of sites to determine the best possible sites for skatepark provision accordingly.

As part of this assessment, key requirements for each space, staging and appropriate costs will also be presented so Council can program the implementation of these spaces accordingly.



2. A range of users.... a range of needs...

When discussing skateboarding and freestyle BMX and skatepark provision, it is really important to acknowledge that there is no single model that meets everyones needs. People ride and skate for different reasons, using different terrain and at different levels of expertise. To some it's a form of transport, to others they have a passion for transition and bowls. To others again it is being able to skate and appropriate urban spaces in the street while others want to train for competition such as the Olympics. To younger children, skate and scootering may form part of a broader play experience.



3. Creating a model that meets everyone's needs

It is really important therefore to look at these various users and determine a model that best caters appropriately for all users. Unlike many sporting pursuits, where there are set court dimensions and rules, skateboarding and Freestyle BMX, have no specific set facility type, it is rather the difference in spaces that provides the diversity and interest in use.

There are also so many different types of activity that one single space or model simply does not cater appropriately for everyones needs. Street skaters in particular, rarely use skateparks, preferring to find spots in the urban realm to hit up and enjoy. Bowl skaters however will organise road trips and travel 100's of kilometres just to session a new bowl. Vert skaters and riders require large steep ramps to undertake their chosen pursuit, whilst BMX freestyle riders seek out box jumps, spines and other big transition areas in purpose built parks.

Firstly it is really important to start to understand these various styles of skateboarding and BMX and this is summarised on the following page.

of types.. 4. A diverse range

The following are the main most popular styles of skateboarding and BMX and the types of terrain that is provided for them. Whilst there are other pursuits such as long boarding, these are what most Councils consider when providing facilities

VERT SKATING

in 2000's and a mainstay for events such as X Games, the broader interest and ramps (generally 3m+ in height with at least 30cm vertical face at tops of ramp) for doing vertical tricks. Popular mainly constructed from stee Vert skateboarding and BMX is all about using Large number of ramps appears to be waning. They are with steel/composite (skatelite) riding surface.

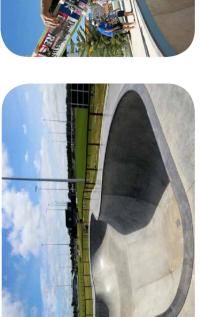




S TRANSITION SKATEBOARDING & RIDI

skills. Whilst usable and enjoyed by both skateboarders and BMX, bowls can be re-creation of the empty pools utilized in California in the 1970's. Popular over the basic transition element that enables users to practice and progress with their y Bowls which are essentially a deep. Larger bowls in particular also can accommodate vert skaters who previously designed to provide greater value for either group such as including spines, street Transition skateboarding is essentially riding curved bowls and pools or part thereof world, these facilities can come in all shapes & sizes and include single bowls, snake ularly those more complex or focused more on vert ramp use. Mini ramps and quarter pipes are a popular more unique and riders will trave Generally the transition or curved surfaces are usuall to enjoy the unique character of each bowl, partici runs & combination bowls. Generally each bowl is spines etc for greater BMX use.







Page 94 of 324



'PARK' STYLE SKATEBOARDING & RIDING

contrived elements that were created to replicate urban elements utilized in the over this time have now become standard features found in many skateparks. These lympic skateboarding event at include fun boxes, ledges, spines, banks, quarter pipes, jump boxes and hips. They skatepark street courses are Often confused with street or plaza skating, park style skateboarding is utilising street by riders and skateboarders. Mainly to give these users a safe place to skate, they were first created in the late 1990's and are still popular today. Elements created as rails and ledges and stairs. They can be used for both BMX and skate and most essentially a collection of park style elements. The O can also include more street focused elements such Tokyo will be held on a park style course.



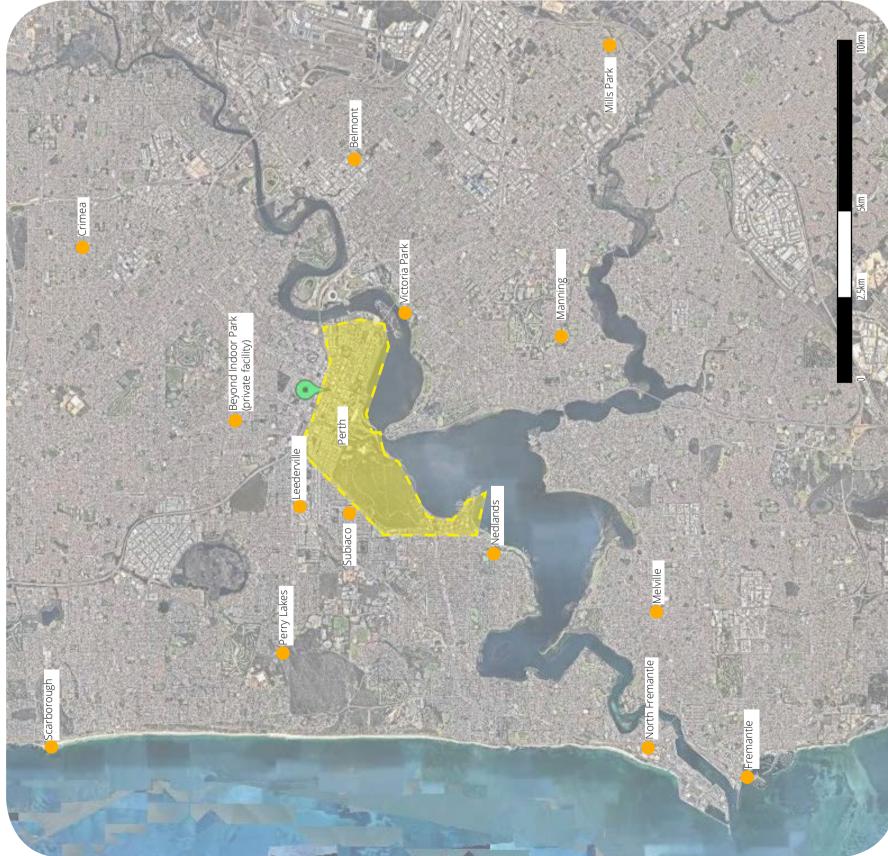
or ride. Generally urban spots such as an open plaza, set of stairs or seating are generally simply utilising the existing street and finding spots or elements to skate called plaza or street. This is with skaters utilising spots that impact on others, plaza and street spots are now favored spaces. As there has been significant angst by the broader community nat allow skate to occur freely. layouts and generally do not include park style elements that are contained at skateparks The final main form of skateboarding and riding is being created in urban centres around the world th Importantly theses spaces use urban materials and





5. Existing Skatepark provision around Perth

This map shows the existing skatepark provision in the general region around Perth. Of most note is that the closest facilities in Subiaco and Victoria Park are both bowled facilities. There are also no major competition level facilities really close to the centre of Perth.





Subjaco Bowl

Fransitions - Feature Bowl with small street



Perry Lakes

Park Style with feature bowl



Belmont Skatepark

Transitions - BMX Focus transitions jumps and quarter pipes with street elements



Scarborough Beach Skatepark

Iconic deep bowl & small street area



Leederville

Park style - with bowls, banks, rails and ledges



Transition - Feature Bowl Victoria Park Bowl



Mills Park Plaza

Plaza Style with ledges, rails and small transition



Fremantle

Park style - with bowls, banks, rails and ledges

6. The best model for Perth

The different types of skate and BMX highlighted on the previous page show that there is significant diversity in provision of spaces for these activities. So what then is the best model for Perth and what would it look like?

Skateable Public Spaces

Firstly it is really important to look at what makes Perth unique. Being a capital city and the main urban nd commercial centre in Western Australia, there are some significant differences to more suburban and regional municipalities.

From a skating perspective, due to its urban form, much like most capital cities globally, it is more attractive to street and plaza skaters. As they use the streetscape, an existing urban centre is both attractive and relevant to them. As a comparison, a more coastal municipality such the City of Stirling has more of a surfing/beach culture and so transition parks and bowls are often sought after as evidenced with their recent competition bowl being built on their foreshore at Scarborough Beach.

The city is also a hub for public transport, commercial activities and entertainment and so a significant number of younger people congregate and utilise the city for fun and social connection. Many young people will take public transport from more suburban and regional spaces to hang out in this central hub.

An influx of younger people that potentially also skate in the street can create conflict with other members of the community but if welcoming spaces are developed for them that are safe and relevant and encourage both recreation and social opportunities, then it will add vitality and value to this often maligned age group.



Melbourne Museum Forecourt



Rue Cladel Skate space, Paris

A central competition level facility

What also makes Perth unique is that it is the capital city and largest urban centre in WA. It has a central public transport system, international airport and associated infrastructure and is an attraction as a tourist destination. It is also a great location for major centralised events. Given the recent announcement that there will be skateboarding at the Tokyo Olympics, there is a great opportunity to ensure the City of Perth can accommodate this accordingly with a major training and competition level venue.

Whilst the City of Melbourne has a central large skate facility that has upwards of 100,000 visits annually, it is now over 17 years old. Sydney still does not have a central major skatepark, even after significant effort in trying to implement one, nor does central Brisbane. Adelaide are currently seeking a new location for a major facility in a similar way to Perth to replace their old one which had to be demolished due to development.

Having said that these cities are still more attractive for skate events and competition. Refer appendix 1 which highlights that most talented WA skaters are currently leaving the state to compete on the eastern seaboard.

Perth therefore is in a unique position that is can lead the country with the implementation of a new state of the art facility and attract significant national and international interest accordingly. Western Australia as a state is also unique in its skate park provision. Whilst there are over 1300 skateparks on the eastern seaboard, compared to around 200 in WA, the top 3 largest skateparks in the country are in Western Australia. The top 5 sized parks in Australia currently are;

- South Hedland, WA 3400 sq.m
- Box Hill Vic 2500 sq.m
- Margaret River WA 3000 sq.m
- Noble Park VIc 2500 sq.m
- Busselton WA 2700 sq.m

As a state, WA have some of the best skateparks and so a new facility for the City of Perth would be complementing an already long and committed history of successful large facilities but be in the most accessible and central location in the whole of WA.

A local community

Finally there is also the City of Perth as a community. Whilst it is important to consider the needs of tourists and visitors but it is also critical that those living in Perth are also appropriately catered for at a local level. With that in mind, skate and scootering in particular should also be considered for younger children in the neighborhoods where families live. A significant number of younger children ride their bikes, scooter and skate and so introducing options for this in more multipurpose play and recreation spaces ensures tweens and younger children can access skate spaces locally with their families.

Summary

In summary, Playce recommends that Perth look at a central major destination skatepark, implement smaller skate/scooter opportunities at a local level as part of broader play and recreation spaces and implement a number of key skate spaces in the heart of the CBD.



Riverslide Skatepark, Melbourne's premier city facility



Ballam Park Tween Play space, VIC

pproach P '. A three tiered

These three different approaches are summarised in the following table to give more information on each approach

MULTIPURPOSE

SKATEABLE



Generally stairs, ledges, gaps and sculptural skateable elements not typically found in purpose built skateparks. Can be iconic and unique to Perth for global recogni-Skate component could be quite small (100-300 sq.m) as a spot or be a larger open Designed to ensure minimal impact to other users of space Urban area that freely allows skate activity to occur space (500-1000 sq.m) if space is available

Primarily street skaters interested in hanging out in urban centre and hitting up spots and spaces. Significant cultural significance of this type of skateboarding. Most videos, imagery and commercial focus of skateboarding based on this street skating. Also tween and teen social opportunities to congregate socially in central

Primarily caters for older street skaters (15+) who are independent and looking to be in teh city and travel. Many sponsored or professional skaters from other countries will seek out and enjoy iconic spots

Page 98 of

324

given Council providing 'legal' skate spots.
Allows Council and Perth to showcase their city with unique and iconic skate spots.
Can activate a more underutilized part of the CBD and improve safety and natural

Needs to be open and safe and close to public transport for ease of access. Can be linear space, a small singular spot or a larger plaza or open centre. Close to universities, TAFEs or entertainment areas is beneficial given attraction of teens and young adults to space.



The Box Hill skatepark is the largest facility of its kind in Victoria. It has a large street course, park section, feature bowl and plaza area. It caters for both BMX and skate of all skill levels as well as allowing scooter use. It has lighting and a toilet and has proven to be a significant success since its opening in October 2017.

WA examples include the Fremantle Youth Plaza (1600 sq.m) and recently opened Margaret River Youth Precinct (Approx 3000 sq.m).

Paris, France. An existing road was closed to traffic and transformed into this skateable area. Only 1km from the Louvre, this impressive colorful intervention is a great The Skate Park Léon Cladel is a very small iconic sculptural skate spot in the heart of The Ballam Park Play & Recreation space opened recently in Frankston VIC. It is a great example of skate & scooter being part of a larger play environment. Sitting around a basketball court is a scooter loop and street obstacles. Parkour, a bouldering and rebound wall and other play & fitness elements bound the facility. It is the first tween focused playspace of its kind in Australia.

Whilst no longer usable having being redeveloped, the old the Fremantle wool store ledges were famous globally as an iconic skate spot. A WA example of this approach is the Baldivis Youth Space which contains a social hub, skate/scooter loop, climbing area, fitness and parkour space and play com-

example of integrating legal street skate into our cities and works as there was careful consideration of other users of the space accordingly to minimize conflict.

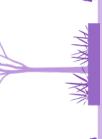
rations 8. Key site conside

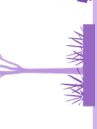
These three different approaches are summarised in the following table including outlining some of the key site selection considerations that form the feasibility assessment work to determine the best recommended sites for skate provision.

SKATEABLE









Urban area that freely allows skate activity to occur.	Local scale or larger depending on available space. Perhaps 300 sq.m of ridable terrain as part of urban space or street or associated path corridor or more if available.	N/A	N/A	Should be in urban space in general proximity to youth attractive spaces such as cinemas, TAFE, university, commercial food outlets or schools.	Assumes central location that is close to public transport.	Critical. Part of existing CBD so central and accessible	In CBD so not close to housing.	N/A	If opportunities to be close to youth services or other community support then this should be encouraged but not critical for space to function.
Skate, scooter and or BMX included in larger play and recreation precinct. Elements will be of a beginner or entry level for localized use only.	Local scale only. Perhaps 2-300 sq.m of ridable terrain as part of larger recreation precinct.	N/A	N/A unless part of a larger recreation and playspace that is of a destination level	Should be in easily accessible parkland close to residential areas	Preferable	Critical. This space considered local and so walkability important.	Close to housing for access but at least 50m to avoid any noise impact	N/A	As the space by its very definition is multipurpose, then other complementary recreation and play elements critical, whether this component is added onto an existing recreation or play space or the multipurpose space is designed as a larger intergenerational play space of which skate and scootering is simply part of this
Purpose built large destination skatepark with designated transition, bowl and park areas that enable progression from beginner through to advanced.	Given capital city context& typical size of major skateparks in WA consider Skate- park being biggest in state and therefore in Australia of Approx 4000 sq.m	Critical. Space will need adequate space for temporary seating and associated infrastructure.	Carparking preferred in line with other similar scaled sports facilities. Approx 20 spaces unless in highly urban space walking distance from major public transport.	Should be either in easily accessible parkland or major urban space close to major public transport hub.	Important if no parking available on site.	Important to have connections to bike and walking paths	Be at least 100m from any residential building	Beneficial to be close to food outlets given long stay focus of space	Beneficial to be close to public playspaces or other recreation spaces that complement skatepark. Given space will be destination long stay space, having other ancillary facilities that can be utilized by families is encouraged. Other action sports opportunities (bouldering, climbing, parkour) or adventurous
TYPOLOGY DESCRIPTION	Scale	Event requirements	Car parking requirements	Contextural considerations	Proximity to Public Transport	Walkability/Shared Access	Proximity to housing	Proximity to other key services	Complementary recreation opportunities

Page 99 of 324

ous intergenerational play space of which skate and scootering is simply part of this lookelopment. Jo- development. ble.	nts Space needs to be open, have clear sight lines be in line with CPTED requirements Space needs to be open, have clear sight lines be in line with CPTED requirements	Yes	Yes.	Access for maintenance & cleaning is important.	Major permanent shade is preferred as part of broader development	Yes	Yes	king Dependent of scale of broader development. Not critical for skate component. Dependent of scale of broader development. Not critical for skate component.	N/A	Yes
Other action sports opportunities (bouldering, climbing, parkour) or adventurous play could also be considered. Given no regional playspace in City of Perth, co locating as large play and recreation precinct worth consideration if space available.	Space needs to be open, have clear sight lines be in line with CPTED requirements	Yes	Yes. Required given regional nature of facility	Critical to ensure ease of access for maintenance & cleaning	Major permanent shade is really important	Yes	Yes	yes. Given regional nature of space, toilets are required for the facility or walking distance.	Critical	yes
	Good natural surveillance	Appropriate safety & entry signage	Emergency vehicle access	Cleaning access	Shelter/shade	Drinking fountain	Rubbish bins	Toilets (close proximity)	Night time sports level lighting with cut off capacity	Designated seating and

viewing areas

9. Site assessments

Whilst the model outlined previously is clear in the hierarchy and types of spaces required for the different user groups, this is all dependent on actual available and suitable existing land within the City of Perth. As part of the brief, two initial sites were nominated for review. These were;

- Swan River foreshore east adjacent to Barrack Square
- Russell Square, Northbridge

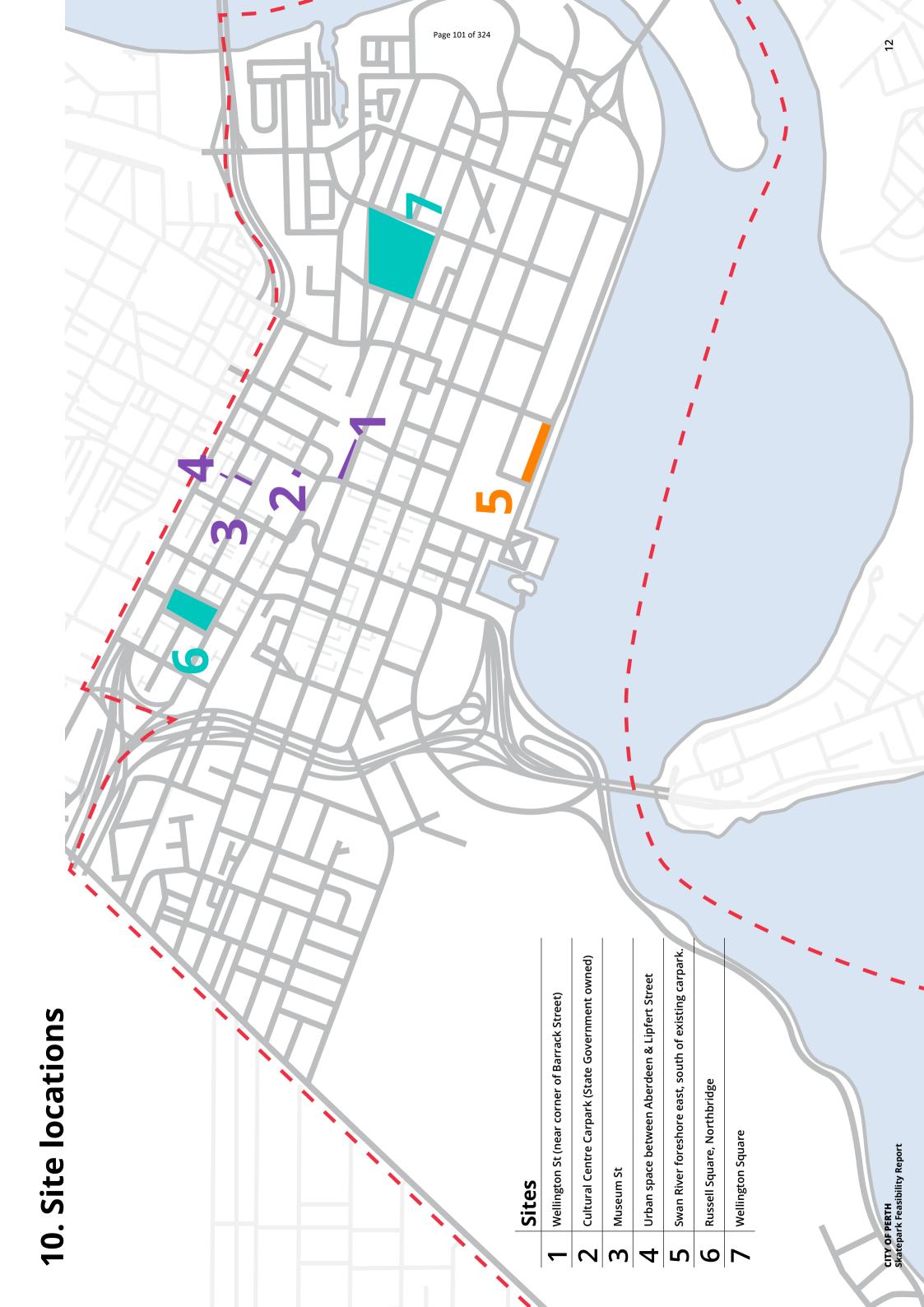
Playce also ran an internal workshop with key Council staff on 17 May 2018. As part of this process the various possible models were presented and this gave council staff the opportunity to consider possible locations to accommodate the destination skatepark, multipurpose options as well as other areas of urban land that could have skateable components.

Through this process a number of other sites were raised as follows;

- Wellington St (near corner of Barrack Street)
- Cultural Centre (State Government owned)
- Museum St
- Urban space between Aberdeen & Lipfert Street
- Wellington Square, East Perth

Based purely on scale and capacity, Playce has grouped the sites according to the different typologies and briefly reviewed them as follows.

	Site	Description	Typology	Discussion
1	Wellington St (near cor- ner of Barrack Street)	Open piece of land along railway corridor	Skateable	Opportunity to improve space with urban treatment with skateable infrastructure. Is very central and highly visible and currently underutilized.
2	Cultural Centre Carpark (State Government owned)	Currently used as a car park enclosed by high walls.	Skateable	Opportunity to open up space to the street. Given context of art gallery, opportunity to create urban skateable space with focus on sculptural elements and social opportunities in the heart of the city. Wall can be reinstated further into space to ensure security to building is maintained. There will be a loss of car parks. Site is also State Government owned.
3	Museum St	Strip of public open space currently containing seating.	Skateable	Opportunity to improve space with urban treatment with skateable infrastructure, even as a popup space to test interest. Is very central and highly visible and currently underutilized.
4	Urban space between Aberdeen & Lipfert Street	Small urban space	Skateable	Site is steep and would be difficult to accommodate skate infrastructure.
5	Swan River foreshore east, south of existing carpark.	Large open lawn area directly south of existing carpark	Skate Specific	Space is large enough to accommodate a major skatepark. Approx half of the space would be required (4000 sqm) Is close to Barrack Square and public transport. Could really enliven and activate this part of foreshore. With potential lane removal of Riverside Drive, even more space could be utilised. Opportunity to also add in major play space given lack of large playspace provision in the city.
6	Russell Square Northbridge	Large public park in Northbridge.	Multipurpose	Opportunity for broader play and recreation that includes recreation opportunities included as well as skate/scooter options as per Wellington Square.
7	Wellington Square East Perth	Large public park in East Perth	Multipurpose	With broader play and recreation being considered for the space, tween recreation opportunities included as well as skate/scooter options could be incorporated



Page 102 of 324

11. Possible preferred sites

Discussion

Following on from the discussions about the possible available sites, it appears that there are not many options for skate park provision. With the limited public space and historic nature of the parks and gardens within the city, overall there is little capacity with any of the models.

Essentially only 1 site has been outlined as being available and large enough for a destination skatepark. Fortunately this site outwardly could be a great location for this facility. This is also the case with the proposed intergenerational play/recreation space at Wellington Square where skate/scooter/BMX options could easily be included as part of the development to add value for tweens and teens accordingly. Given the City is already pursuing this option, we will not be showing this in our conceptual planning.

Russell Square we believe could also adopt a similar approach to that proposed at Wellington Square, where intergenerational play and recreation could be provided for the local community to enjoy.

Of the urban spaces, two sites in particular Playce believe, really provide the greatest opportunity for some skateable public space in the heart of Perth's CBD. The Wellington Street linear space and Cultural Centre carpark are both really central, close to public transport and can accommodate some skate elements as part of an urban redevelopment.

The Wellington street space could be designed to accommodate some skate as part of those improvement works.

The Cultural Centre Carpark is simply an amazing opportunity to return existing carparking to the public domain. Whilst there may be difficulties initially with relocating carparking, to actually activate and energize that street frontage in a positive urban youth friendly skateable space is such a central and accessible space is very exciting.

With the art and cultural connections of the precinct, the new urban square could really become an art and event space to complement the existing programs and facilities.

Co-locating Destination playspace with Destination Skatepark

One of the exciting approaches to skate provision as outlined in the models above is the multipurpose space that includes the integration of skate with other recreation and play opportunities.

It allows the space to accommodate a far greater range of users and encourages families and participation for all ages. This can be taken further when considering the destination skatepark. Whilst a regional skate facility on its own will be a significant attraction for the city, the opportunity to also co-locate a major recreation and play space at the same location would have significant benefits.

Firstly there is no regional scale playspace in the whole of the Perth municipality.

Therefore creating a major recreation play and skate precinct in the one location would only create more interest and attraction for both tourists and local community accordingly. It would ensure Perth has a world class play precinct in close proximity to the new Elizabeth Quay.

It would also be a more inclusive and attractive proposition to the broader community, a space that caters for a far greater range of people (in particular families), not just those that skate. It would also further activate this foreshore precinct to enjoy the coast and gardens.

The following pages show how possible sites could look like with an estimation of costs accordingly. As part of this we will also show how a playspace could also be accommodated at the Swan River Foreshore to create a more exciting and dynamic precinct that would completely change the use and enjoyment of the foreshore accordingly.

& Play) 12. Skate Specific

The first possible site is for the Major Destination skate park. Playce has looked at three possible approaches to skate park provision along the Swan River Foreshore. Each option impacts on the surrounding context and has both pros and cons for Council consideration. The options are;

- Governors Avenue
- Southern Car Park Lawn
 - 3. Foreshore

As part of this development, Playce has also included some possible space allocation for major play provision. As outlined above, creating a more multipurpose space will add more value to this space being a major intergenerational recreation and play hub for the whole community to enjoy and ensure Perth will in line with other major capital cities globally now have appropriate major play and skate facilities Each options shows approximately 2000 sq.m of street/park style skate, 2000 sq.m of Bowl and transition and 2500 sq.m allocation for play. Playce has specifically gone for the largest possible scale of the facility to both acknowledge its role as a capital city major space as well as testing the impact of this scale of facility would have on the site accordingly.

three examples and subject to land availability and Council's direction, other options could be prepared that are a mix or adjustment of the initial three shown. d access accordingly. Also the options shown are just chosen would be consolidated and refined to accom-As part of the actual design phase, which ever site is modate for existing trees, viewing areas, amenity an

As a guide, implementation costs have been prepared in the table to the right which are generally applicable to each site to give an indication of the investment required for the facility. These have been based on broad scale industry costs for similarly scaled major play spaces and skate parks They do not include the closing of roads, removal of car parks or remediation of ground works which will be a consideration given be an additional consideration. this site has reclaimed land. All of these costs would

Option 1: Governors Avenue

the Gardens and new play and skate space could be ation and play precinct at this locationaway from roads and connecting the recreation program with the Avenue. It currently creates a barrier from the Suread as a single space. The main reason for this approach is to create a large inclusive useable recre-The first option is the potential closing of Governors preme Court Gardens, so its removal would ensure existing park

significant community benefit. Estimates have calcu-This option also looks at the removal of some of the existing parking, both along Governors Avenue and within the carpark. To return some of this under utilised land to public recreation use for play and skate lated approximately 60 car parks would be removed provision in such a high profile location would have

Given there are over 800 carparks in the overall precinct then this represents only 7% loss of car parking here is also opportunities to increase carparking in to accomodate such a significant recreation space. I the south eastern corner of the site to offset losses.

Summary

- Connects directly with major public park
- Reasonable distance from major roads
 - Loss of carparking and realignment of carpark entrances

SUGGESTED OPINION OF PROBABLE COSTS

ITEM	Estimated Value
DESTINATION SKATEPARK	
2000 sq.m Concrete Competition Bowl transition Zones (with both advanced and beginner bowls)	\$1.2 million
2000 sq.m of Park and Plaza skate zone (Mix of competition areas, beginner areas, plaza areas)	\$1.2 million
Access Paving and path-works directly related to the skatepark	\$200,000
DESTINATION PLAY SPACE	
2000 sq.m Playspace with mix of sand and rubber softfall	\$500,000
Mix of proprietary play equipment including swings, flying foxes, spinners etc	\$500,000
Iconic unique climbing structure/s with slides, nets etc	\$1 million
Unique nature & sculptural play opportunities (allowance)	\$250,000
Access paving and path-works directly related to the playspace	\$200,000
ANCILLARY WORKS	
Seating / viewing areas	\$300,000
Shelters (3 Steel Structures)	\$300,000
Soft landscaping including tree planting	\$250,000
Lighting and electrical works	\$250,000
TOTAL	\$6.15 million



with this approach.

- Large open space area enables play and skate to integrate as single precinct
- Returns existing road & carpark infrastructure back to public recreation use
- New carparking can be accommodated in southern lawn
- Strong connections to Elizabeth Quay



Option 2: Southern Lawn

The second option utilises the potential closing of one of the lanes of the Riverside Drive and utilisation of the existing lawn south of the car park. For this to happen, we would need the northern 2 lanes of Riverside Drive to be closed to free up useable land along the lawn edge. By doing this, a large playspace, long plaza and street park and skate bowl zone can be accommodated. With this option there is no loss of carparking and there is no need to close Governors Avenue.

The option has the carpark very close to it that could be utilised for events (temporary seating etc) but is landlocked around roads and traffic infrastructure. There is also some separation between the various key play and skate components.

Summary

- Open space area enables play and skate to integrate as single precinct
 - Utilises existing underused open lawn space
- Connects closely with major public park
 - Close to existing road and carpark
- Requires closure of northern lanes of Riverside Drive
- Strong connections to Elizabeth Quay



Option 3: Foreshore

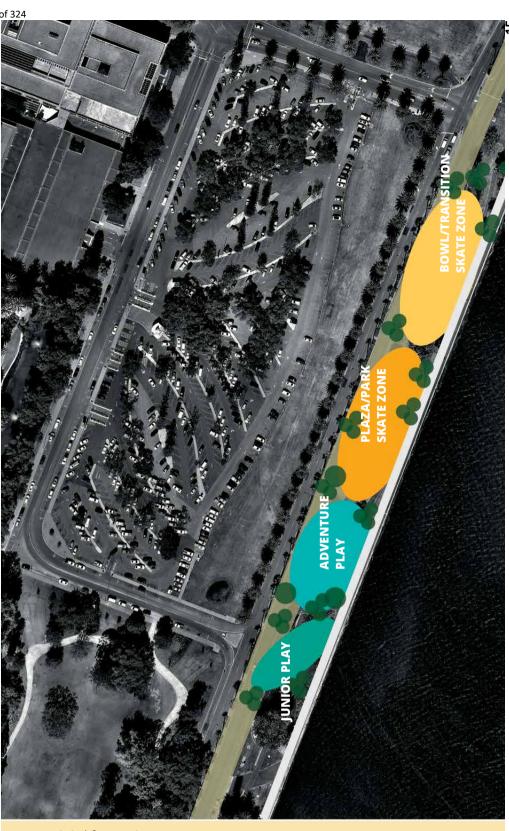
The Third option focuses on trying to maximise the recreation opportunities along the actual foreshore. With the closure this time of the southern lanes of Riverside Drive, there is available space to incorporate both a skate and play long this strip of public open space. With this option there is no loss of carparking and there is no need to close Governors Avenue.

The option will have amazing views and connection to the water however is also a relatively tight space and has existing amenity, mature trees and paths.

Summary

- Open space area enables play and skate to integrate as single precinct
 - Activates the foreshore and utilises major views
- Utilises existing underused open space
- Impacts on existing park infrastructure and trees

 Connects directly with shared path
 - Close to existing road
- Requires closure of southern lanes of Riverside Drive
 - Strong connections to Elizabeth Quay



Page 105 of 324

13. Skateable

There are three sites that Playce has outlined as being potentially suitable for some skateable infrastruc-

- Wellington Street
 Cultural Centre Car
 Museum Street
- **Cultural Centre Carpark**

hereas the cultural centré carpark could be a larger iplemented in different ways. For example Wellington for a temporary pop up skate space to test interest Each of these sites are very different and could be im Street could accommodate a small skateable spot w public square. Museum Street could a great locatior

with skate provision in the city. These are shown on all of these and potentially all three could be imple-Therefore Playce has outlined the opportunities for mented over time given the different role they play the following pages. As a guide, implementation costs have also been prepared in the table to the right for the three sites to give an indication of the investment required for the spaces. These have been based on broad scale industry costs for similarly scaled urban skate spaces.

SUGGESTED OPINION OF PROBABLE COSTS

ITEM	Estimated Value
WELLINGTON STREET (SKATEABLE SPOT)	
800 sq.m feature concrete pavement	\$150k
5-6 iconic sculptural obstacles (ledges, banks, kickers etc)	\$150k
Seating and barrier fencing and associated landscaping	\$100K
Interactive feature lighting	\$80k
subtotal	\$480k
CULTURAL CENTRE CARPARK (PUBLIC SKATEABLE SQUARE WITH ARTS FOCUS)	
1000 sq.m feature concrete/stone pavement	\$200k
5-6 iconic sculptural obstacles (ledges, banks, kickers etc)	\$100k
Seating and new boundary wall and associated landscaping	\$300k
Interactive feature lighting	\$80k
subtotal	\$680k
MUSEUM STREET (TEMPORARY POP UP)	
3-4 sculptural tempoary skate obstacles (ledges, banks, kickers etc)	\$50k
Seating and barrier fencing and associated landscaping	\$100k
subtotal	\$150k

Site 1: Wellington Street

The first site is really exciting. Given there is an existing need to upgrade the access and public domain along this small corridor adjacent to the train station, skate infrastructure can just be part of these required works.

The space is really central and close to public transport and adjacent to the YHA. It is also a linear space over 160m in length and this allows for the ability to create a long skate space that enables for multiple space between the existing path and rail fence. This could easily accommodate a low fence or seating as well as a series of unique and interesting skate obstacles. We have calculated that there is up to 800 sq/m of usable space which could be both a mix of skate and social opportunities. same time. With an existing 3m path to enable people to move through the site, the existing grass and landscape area could be transformed into a skateable space. There is typically about 5m of available obstacles that can be sessioned in one run or allow different users to hit up different sections at the

Summary

- r utilised space Activates and enlivens existing under
- Is in central city location and easily accessible
- Can improve existing amenity and landscape character Is long and linear which allows for multiple obstacles
- Can be contemporary & visually striking & promote positive youth outcomes
 - Close to rail so noisy
- Requires consideration of other users as thoroughfare



Site 2: Cultural Centre Carpark

This second option is more aspirational in its focus. Whilst it is an existing government carpark, given the lack of usable public open space in the city and extensive carparking options, being able to return this back to public open space would be a great outcome for everyone in the community to benefit from and mportantly young people.

the concept would look at the relocation of the boundary wall to create an open plaza facing the street. his would create a loss of approximately 35 car spaces with around 20 still being retained

associated open space could have an artistic/sculptural theme and allow for temporary installations and The relocated wall could then be developed as a social seating space that could then look onto a large 1000 sq.m skateable plaza. Given the cultural focus of this area, perhaps the skate elements and exhibitions with a youth or contemporary focus.

- Activates and enlivens existing under utilised space
 - Is in central city location and easily accessible
- Can return carparking back to public open space
- Can improve existing amenity and landscape character
- Can be contemporary & visually striking & promote positive youth outcomes
 - Not owned by Council and has existing use as car park
- Has loss of carparking which requires negotiation with State Government
- Requires relocation of existing boundary wall



Site 3: Museum Street

up project. As the site is currently used as a pop space with sculptural seating and sits in an education precinct, there is the opportunity to remove some or all of the existing seating (some of it is already being The final option is looking at another skateable space that could be either permanent or temporary op skated) and replace with some designated skate obstacles

il in nature and provide opportunities for a range of like Wellington Street, so a similar approach would be sed with some boundary seating or barriers and then Similar to the options above, they can be sculptural in natur skate users in a city locale. The space is also linear, like Wellin taken with a designated thoroughfare being developed with sobstacles could be placed in a long along the site accordingly.

Summary

- Activates and enlivens existing under utilised space
 - Is in central city location and easily accessible
- Is long and linear which allows for multiple obstacles
- Can improve existing amenity and landscape character
- Can be contemporary & visually striking & promote positive youth outcomes
 - Requires consideration of other users as thoroughfare
- parking Requires consideration of traffic and



14. Funding options

There are a number of funding options to assist in the implementation of the proposed spaces.

The major destination skatepark and play space and multipurpose spaces could access a significant amount of external funding.

Community Sporting and Recreation Facilities Fund (CSRFF)

The first is the Community Sporting and Recreation Facilities Fund (CSRFF) as part of the DLGSCI. This grant can be up to \$2 million but a maximum of one third of the total development cost.

They prioritize projects that are multipurpose and look to increase female participation. It is important to note that they do not though fund playspaces. Introducing active fitness, parkour and other sports based options into the major designation skatepark or multipurpose area may increase opportunities for funding.

There is a requirement for extensive consultation with the community/relevant stakeholders and strategic alignment and evidence of need. Therefore if the City plans to proceed with the implementation of this destination skatepark, more research will be required to confirm demand.

There is no state level competition skatepark in the whole of WA so potentially consideration of partnering with DSRWA on this being the main Olympic level competition and training venue may get traction and interest accordingly and assist in confirming this demand.

Lottery West Outdoor community spaces Grant

The second major funding grant is the Lottery West which funds both playgrounds and skateparks. It has committed \$600k to the Fremantle Youth Plaza and \$776k to the Northam Youth Space. Lottery West provided \$2.1 million for the Busselton Skatepark and the Shire of Manjimup has secured over \$1 million for a skatepark and other works. They have also funded a significant number of playspaces with significant investment accordingly. Lottery West could be an important funding option for any of the proposed spaces.

Smaller funding options that could also be considered include;

Youth Engagement Scheme (YES) (DLGSCI)

The Youth Engagement Scheme will enable organisations to target disengaged youth by assisting them to connect with their communities through a range of sport and active recreation activities. These activities are required to be provided in safe environments with mentors and leaders experienced in working with disengaged youth. Programs are required to increase participation in physical activity and offer volunteer and leadership opportunities to increase capability, build resilience and sustainability. Applicants may request funding up to \$30,000. Skate programs within the city spaces could run events using this scheme.

Community Crime Prevention Fund

The Community Crime Prevention Fund supports local community crime prevention initiatives, involving or supported by the police and the community working together on projects to address identified crime prevention priorities.

The Community Crime Prevention Fund allocates grant funding of up to \$25,000 and so if there has been existing social issues and crime along the Wellington Street space for example, funding could be sought to assist with the redevelopment of this space.

Page 108 of 32

15. Final recommendations

As outlined in the broader report, skatepark provision is not just the implementation of purpose built facilities, but rather a range of different options that cater for differing needs. Beginner scooterers and their families can be catered for in more of a play precinct whereas street skaters who frequent the city cna have their own space. A large competition level skatepark can also be provided that meets the needs of most other users.

Whilst Perth has limited available and relevant public space available to appropriately accommodate the various models, there are a number of sites that, with a commitment from Council and the associated investment, can provide great new recreation precincts which will be lauded by the community and establish Perth as the leader in skate, play and active recreation best practice moving forward.

Given the challenges with sites, following the assessments and review, Playce recommends the following;

Priority 1:

Ensure designs for Wellington Square intergenerational Playspace consider the needs for tweens and have skateable and scooter opportunities to provide for skate at a local level.

Priority 2:

Prepare designs and implement a new skateable plaza along Wellington St. Whilst the other locations at the Cultural Centre and Museum Street are also exciting, Wellington Street is council owned, currently under utilised and run down and is of a scale to appropriately accommodate a unique and exciting skate space in the heart of Perth's CBD that could be both iconic, contemporary and loads of fun.

Priority 3:

Prepare a more detailed feasibility study and associated designs for both a major play and skate space at the Swan River Foreshore with our recommendation being the closure of Governors Avenue. This option has the greatest opportunity for a large integrated space, connects to the existing parkland and returns road infrastructure and carparking back to public open space. As part of this process, Look in detail at land ownership, zoning, traffic management and carparking and road alignments to confirm available space and shape the design accordingly to ensure a major skatepark can be accommodated accordingly.

Priority 4:

Consider other skateable spaces within the city long term (either Museum Street, Cultural Centre Carpark or other new locations) subject to the long term success of Wellington Street. Also consider an additional intergenerational playspace at Russell Square in a similar form to Wellington Square to ensure tween and local skate/scooter/BMX is considered at this location in the long term.

16. Appendix 1

WA skateboarding talent forced to head east for Olympic dream

By Roxanne Taylor Posted 28 May 2017, 12:19pm, ABC News WA



PHOTO: Denmark skater Isi Campbell won the Open Women's category at age 10. (ABC News: Roxanne Taylor)

Skateboarding is set to become an Olympic sport for the first time in 2020, but the journey to Tokyo is more difficult for skaters hailing from Western Australia. 10-year-old skateboarding prodigy Isi Campbell lives in the small town of Denmark, and has been skating since she was four. Isi has been acing competitions, most recently winning both Open Women's and Under 12 categories at Dunsborough's 2-star competition, Wheelbite. Her parents regularly drive her three-and-a-half hours to Busselton to skate WA's biggest bowl at the newly-built \$2.6 million skate park.

But there are only two competitions held in WA that contribute to national rankings so she has been traveling interstate to find bigger bowls and bigger competitions. "We just went over east for a while for the holidays and did lots of skating, lots of comps, did some training with some coaches," Isi said. "It's not really possible in WA."



PHOTO: Isi took out first place in both the Open Women's and the Under 12s categories at Dunsborough's 2-star competition Wheelbite. (ABC News: Roxanne Taylor)

South West skateboarding stalwart Luke Ward runs clinics inspiring children to try the sport.

He has teamed up with other coaches from across the country as part of an Olympic scout team but said WA skaters were disadvantaged. "The rankings of the ASF, the Australian Skateboard Federation, go through how much prize money there is," Mr Ward said.

The WA competitions have lower prize pools and so are worth less in the rankings. Mr Ward said those rankings would likely determine who would represent Australia at the Olympics so he was trying to get more competitions in WA.

"Realistically, you'd probably be having to do a lot more than two [competitions] to even have a chance of getting [ranked] in the top 5 or 10," he said.



PHOTO: Isi Campbell's parents watch on as she practices her tricks in Busselton's 3-metre-deep bowl, the biggest in WA. (ABC News: Roxanne Taylor)

Yallingup skateboarder Lachlan Micale, who won the men's division at the Dunsborough competition, agreed that travel was essential for WA skaters to develop.

"We're starting to get the facilities, more comps would help a lot, and not having to travel over east would really help," Mr Micale said.

"People have to but can't really bail on their jobs and stuff [so] sometimes it's hard to keep the funding going if you're going away all the time."

Both WA's national ranking competitions have been held in the City of Busselton. Mayor Grant Henley said investing in those competitions offered a huge marketing opportunity. "I think there's certainly merit in looking at increased sponsorship to achieve a higher level of rating," Mr Henley said. Mr Ward said Isi Campbell would be one to watch, in with a chance of representing Australia in the Olympics.

Isi, who has proved she can hold her own in the bowl, said she liked that skateboarding did not separate boys and girls in competitions. "It's really no different to being a boy, with girls," she said. "I don't think there should be any segregation between genders anyway. People should just be versing people."

Agenda Parklet Policy Item 6.5

FILE REFERENCE: P1036743

REPORTING UNIT: Co-ordination and Design RESPONSIBLE DIRECTORATE: Planning and Development

ATTACHMENT/S: Attachment 6.5A – Parklets Policy - Investigations

Purpose and Background:

At its meeting held on **13 February 2018** Council made the following resolution in relation to developing a Parklet Policy:

- 1. That Council request the Chief Executive Officer to prepare a new City Parklets Policy, which pro-actively encourages the establishment of both council and private funded street parklets to encourage greater street activation, pedestrian amenity and support for small business in the city;
- 2. A draft policy should consider existing policies already implemented by cities around the world, which should focus not on red tape but is easy to understand and use as a policy guide; and
- 3. The draft policy for consultation should be received by Council the Planning Committee no later than April 2018.

This report considers the motion in the context of the following:

- What mechanisms the City currently has in place to improve the amenity of streets including provision of furniture, trees and the overall pedestrian experience; and
- How the City could facilitate an increase in outdoor dining in general where footpath space is limited.

Details:

The original intent of parklets, which started in San Francisco, came as a reaction against the amount of space in cities given over to cars including parking. Typically, an existing parking bay was transformed into a tiny public park for all to enjoy. Parklets went on to be used as temporary installations to address poor environments and to foster change that lead to the creation of permanent changes such as widened footpaths, street trees and new seating.

Following this Motion, investigations were undertaken by the Administration to understand how best to achieve the intended outcome of this resolution in the Perth city context. In summary, this investigation has identified that, in broad terms, the City of Perth has:

- Currently a generous provision of public realm including green space, which exceeds that of other Australian Capital Cities;
- Footpaths that are, for the most part, wide providing a strong base for pedestrian amenity and outdoor dining;
- Ongoing Capital Works programs for the public realm which prioritise pedestrians which
 include footpath widening, installation of street furniture, street trees and the provision of
 events services infrastructure to support opportunities for street based activities. This

infrastructure includes external power outlets, water outlets and support enabling structures, i.e. overhead catenary lighting;

- A high intensity of traffic and movement in addition to competing demands on space in the central city neighbourhoods which means that the City needs to carefully manage the function of the public realm; and
- Numerous streets which would prohibit this type of application due to existing bike infrastructure, bus priority lanes and clearways.

There is nothing to prevent the City from facilitating parklets or the function of parklets within these existing operations and Capital Works programs if they are deemed a suitable response for a particular site. Therefore, there is no compelling need for a Parklets Policy.

Summary:

Within most of the central city neighbourhoods the intensity of movement and activity would mean that the introduction of parklets (and an associated Parklets Policy) within this context would be difficult. This is because a Parklets Policy, especially for the Central Perth and Northbridge neighbourhoods, would need to be highly restrictive, in order to ensure that the City's movement network continues to function effectively and safely. This includes, for example, maintaining functionality of clearways, bus stops, bike lanes and appropriate levels of on street parking.

Outside of the central city neighbourhoods, temporary parklet interventions are more feasible and would not need a Parklets Policy to deliver them. There is nothing to prevent the City from achieving this within existing operations and Capital Works programs.

Council Resolution Parklets Policy -

Investigations

Contents

Summary	3
History and Function of Parklets	4
Potential for Parklets	4
Attachments	10

Summary

On 13 February 2018, Council made the following resolution in relation to a Parklets Policy:

- 1. That Council request the Chief Executive Officer to prepare a new City Parklets Policy, which pro-actively encourages the establishment of both council and private funded street parklets to encourage greater street activation, pedestrian amenity and support for small business in the city.
- 2. A draft policy should consider existing policies already implemented by cities around the world, which should focus not on red tape but is easy to understand and use as a policy guide.
- 3. The draft policy for consultation should be received by Council the Planning Committee no later than April 2018.

The objectives of parklets were specified in the OCM Agenda as:

- Enhance the pedestrian experience, by making streets more hospitable and people friendly, including providing more green space, shade and seating to provide a place to meet friends; rest, eat or take a break;
- Supporting local small businesses in the area, by encouraging people to linger longer in a precinct;
- Enable small business to expand their alfresco area beyond the traditional pedestrian path, particularly where there is limited a sidewalk or path.

(See Attachment A for full resolution background)

This is considered relevant to:

- How the City improves the **amenity of City streets** including street furniture, street trees and the overall pedestrian experience; and
- How the City could facilitate an **increase in outdoor dining** in general and in particular beyond the pedestrian path when space is limited.

Following this resolution, the City undertook investigations to understand how best to achieve the intended outcome of this resolution. In summary this has identified that, in broad terms, the City has:

- a generous public realm including green spaces;
- footpaths are, for the most part, wide providing a strong base for pedestrian amenity and outdoor dining; and
- high intensity of traffic and movement in addition to competing demands on space in central areas means that the City needs to carefully manage the public realm.

Crawley/ Nedlands is one of the few areas within the City that has, so far, been identified as potentially suitable for Parklets due to narrower footpaths in combination with lower intensity of traffic and movement. There is nothing to prevent the City from facilitating the Parklets or the function of Parklets within existing operations and the Minor Urban Interventions program (see Attachment B). Therefore, there is no compelling need for a Parklets Policy.

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History and Function of Parklets

The concept of Parklets originated in San Francisco in response to very poor urban spaces with high pedestrian numbers but with limited access to public open spaces. The driver for this initiative in San Francisco was excessively wide streets dominated by cars and narrow footpaths with little opportunity for outdoor dining and public places for people to linger.

In an effort to reclaim this space, San Francisco's Pavement to Parks program was created to temporarily address the need for wider footpaths (see: City and County of San Francisco "SF Better Streets" website https://www.sfbetterstreets.org/). The objective was to provide a space for the general public to sit and enjoy the city despite narrow footpaths. In the majority of cases these spaces occupied existing parking bays. This is used as a temporary measure to demonstrate the value of improving urban spaces and access to green spaces within the city. This concept has since been adopted and implemented within Greater Perth but readapted for use predominantly as private outdoor dining space. This is a different function for parklets as originally conceived in San Francisco, which emphasises their use as a public space anyone can enjoy and feel comfortable to use (Attachment C).

The primary function of a parklet is as a temporary intervention to demonstrate the value of providing additional urban spaces and parks. In practice, within Greater Perth Parklets have been readapted for use predominantly as private outdoor dining space.

Potential for Parklets

Is there a need to expand the public realm?

The City of Perth is fortunate to have a generous public realm including both urban spaces and green open spaces. From 1994 to 2008 Gehl Architects' surveys *Public Space Public Life in Perth* documented that the City of Perth's two-way streets program and progressive widening of footpaths making room for public seating, outdoor dining and street trees has made Perth a much better city for people. More recently the City Centre Analysis Study (2018) and Open Space Study (2018) have confirmed that, in broad terms, the city has good access to a range of urban spaces and green open spaces.

The City's Planning Scheme provides for bonus plot ratio as a planning incentive to encourage private developers to provide new public space as part of their development. This is an important contribution of additional public space within the context of increased density. Central Park at the corner of Hay and William Street is a good example of a development incentive, providing open space in the right city location, yet privately managed.

For the most part, the amount of public space available has not been identified as a significant concern for the City of Perth. Whilst this is the case, the activation, quality and type of existing spaces varies across the city and will benefit from ongoing improvement. The City Planning Strategy, currently being prepared, will provide direction on this.

Increasing the provision of Outdoor Dining in the city

The City is currently working through a number of initiatives to support and encourage outdoor dining within existing spaces and to support small businesses. In November 2017, Council endorsed a reduction in the annual Alfresco Dinning Fee Rates to support an increase in outdoor dining in the city and the active use of existing spaces. The new rate of \$40.00 per square metre came into effect on 1 January 2018. On 31 July 2018, Council resolved to undertake an additional review of fees to determine if a further fee reduction would be appropriate.

At the same OCM, the new Outdoor Dining Policy & Guidelines were endorsed for public consultation. The new Policy and Guidelines, once finalised and adopted, will result in a significant increase in the space available for outdoor dining on existing footpaths within the city centre. The additional space primarily comes from a reduction in pedestrian clearances as shown in the table below.

City	Zone	Minimum Pedestrian Clearance
Perth City Centre	Malls, St Georges Tce	3000mm (was 3500-4500)
	Barrack, James St	2500mm (no change)
	Part of Hay St	2200mm (was 2500)

The additional space is a significant contribution towards expanding the opportunity for outdoor dining and therefore the objectives of the motion overall. Whilst this is the case in the city centre, within Crawley/Nedlands, the new minimum requirements may in some circumstances be difficult to achieve. It is important to note that there is flexibility within how the guidelines are applied and that this is intended to provide for local adaptation both now and in the future.

City officers will work closely with outdoor dining providers in Crawley/Nedlands to ensure that the guidelines support their existing outdoor dining requirements; whilst at the same time ensuring public safety, accessibility and good urban design outcomes. This could include consideration of parklets where footpaths are too narrow to support adequate outdoor dining and there is interest from food businesses. The removal of on street car parking bays would also need to be carefully considered and will involved extensive consultation.

It is also worth noting that parklets did not feature highly in the public comment received during the development of the draft Outdoor Dining Policy & Guidelines. Only 2 out of 243 respondents commented that Parklets would be of benefit to the City.

The potential for Parklets in each Neighbourhood

The following sections provides a description of the public realm within each of the city's Neighbourhoods and the potential for parklets. These neighbourhoods are those currently being explored in the preparation of the draft City Planning Strategy. The descriptions of the public realm is based on the City Centres Analysis (2018).

West Perth

Location

Hay Street West



Minor Urban Intervention, Outdoor Dining



City West Centre Photo from City Centres Analysis (2018)

Existing Public Realm & Potential for Parklet

Description: The public realm has wide footpaths and there are some good areas of street tree planting. Opportunities for outdoor dining are provided.

Parklet Potential: The City recently introduced public outdoor dining facilities as part of the Minor Urban Intervention program (see Attachment B for more detail). These facilities have been very well received by businesses and pedestrians within a recent economic evaluation of the program. This intervention delivers the function of parklets through permanent infrastructure.

Description: The public realm is negatively impacted by box retail, the railway and freeway. **Parklet Potential:** Very low pedestrian numbers and lack of an intensity of activity means parklets are unlikely to make a difference to the quality of public realm. Longer term planning and non-planning interventions are required to increase activity in this area. The City Planning Scheme No.2 includes a development incentive for provision of

centrally located open space as part of any future redevelopment of the CityWest site.

Central Perth

Location

CBD



Wold Lane photo from City Centres Analysis (2018)

Existing Public Realm & Potential for Parklets

Description: High quality public realm and pedestrian environment. Opportunities for outdoor dining are provided.

Parklet Potential: The City continues to invest in the quality of the public realm in the CBD. The future two-way conversion of Hay Street West may include increasing the width of footpath adjacent to Central Park by removing a small number of onstreet car parking bays.

The intensity of activity within the city and competing functions and uses mean that the introduction of parklets would be difficult to achieve.

Hay Street East



Public Outdoor Dining Room

Description: The public realm is functional and robust with wide footpaths and some attractive street trees.

Parklet Potential: The East End Revitalisation and the proposed introduction of the Irwin Street plaza will significantly improve the public realm in this area. Through the City's Minor Urban Intervention program the City built a public outdoor dining room which has provided space for everyday use. A new public space has also recently been introduced to 480 Hay Street as part of the Westin Hotel, this is an example of how the City's bonus plot ratio can improve and expand the public realm.

Northbridge

Location

James Street



Existing Public Realm & Potential for Parklets

Description: The quality of public realm in Northbridge varies, however there are ample opportunities for outdoor dining.

Parklet Potential: On-street parking bays in Northbridge are used intensely. Parking bays in James Street are available at night for outdoor dining as an incentive which the City introduced nearly 20 years ago.

The intensity of activity within Northbridge and competing uses mean that the introduction of parklets would be difficult to achieve.

Claisebrook

Location

Royal Street



Photo from City Centres Analysis (2018)

Existing Public Realm & Potential for Parklet

Description: Wide streets with accessible footpaths. The area lacks vibrancy and there are safety concerns around Claisebrook Train Station.

Parklet Potential: This area would benefit from improvements to the existing public realm. There is no shortage of public space and as a result the introduction of parklets is not considered appropriate for this area.

Whilst there is opportunity for improvements within the existing public realm its current condition does not prevent outdoor dining. The recent opening of the Matagarup Bridge may increase activity in the area.

East Perth

Location

WACA



Photo from City Centres Analysis (2018)

Existing Public Realm & Potential for Parklet

Description: The public realm is negatively impacted by a lack of cohesion between land uses.

Parklet Potential: Low pedestrian numbers mean parklets are unlikely to make a difference to the quality of public realm performance. There is also a significant amount of open space in this area such as; Queens Gardens; Ozone Reserve; and Point Fraser.

Whilst there is opportunity for improvements within the public realm its current condition does not prevent outdoor dining.

Longer term planning and non-planning interventions are required to increase activity in this area. The recent opening of the Matagarup Bridge may increase activity in the area.

Crawley-Nedlands

Hampden Road

Location



Photo from City Centres Analysis (2018)

Existing Public Realm & Potential for Parklet

Description: Footpaths are narrow and carparking is given higher priority than pedestrians.

Parklet Potential: Parklets may be an appropriate temporary intervention and warrants further investigation and consultation alongside other potential improvements to the public realm.





Photo from City Centres Analysis (2018)

Description: The footpaths are narrow with small pedestrian capacity, but pedestrian volumes are small. The low density favours vehicular movement despite the pleasant walking environment.

Parklet Potential: Parklets may be an appropriate temporary intervention if there is and warrants further investigation and consultation alongside other potential improvements to the public realm.

Is there a need for a Parklets Policy?

Within the Central Perth and Northbridge the intensity of movement and activity mean that the introduction of parklets (and an associated parklets policy) within this context would be difficult. This is because a Parklets Policy for the Central Perth and Northbridge would need to be highly restrictive, in order to ensure that the City's movement network continues to function effectively and safely. This includes, for example, maintaining functionality of clearways, bus stops, bike lanes and appropriate levels of on street parking. Outside of the Central Perth and Northbridge, temporary parklet interventions are more feasible and would not need a Parklets Policy to deliver them. As noted in the table above, Crawley-Nedlands is the neighbourhood most likely to benefit from the introduction of parklets by the City or in partnership with the private sector. There is nothing to prevent the City from doing this within existing operations and existing Minor Urban Interventions program. Therefore, there is no compelling need for a Parklets Policy or specific capital budget for parklets.

Attachments

Attachment A- Ordinary Council Meeting Agenda 13 February 2018 Item 14.5

Attachment B – Existing Public Realm Improvement Programs

Attachment C – Examples of parklets in neighboring local governments and City Minor Urban Interventions

Attachment A - Ordinary Council Meeting Agenda 13 February 2018 Item 14.5

In accordance with Clause 4.12 of the *City of Perth Standing Orders Local Law 2009* the following notice of motion was received from Cr Limnios on 5 February 2018 for the consideration of Council (CM 31919/18):

Motion

The CEO to provide a report to council within 90 days on where we can build a world class skatepark, easily accessible by public transport, cost of construction, information on how best to promote and manage the asset as well as the best funding model.

Background

Skateparks have become extremely popular over many years in cities throughout the world.

My research indicates that the first one ever built was in Arizona and opened September 3, 1965.

These purpose built recreational environments attract families, youth, teenagers and adults alike.

They are made for skateboarding, BMX, scooters, wheelchairs, and skating in general.

Some of the many benefits that these skateparks bring to a community are;

Reduction in illicit behaviour, a safe environment for skateboarding, reduction of damage to private property, physical health benefits as its considered a cardio workout and has a positive economic impact as it is a major draw card and attraction if done correctly to the particular precinct.

Administration Response

14.5

This matter is not listed in the City of Perth Corporate Business Plan or resources identified in the adopted City of Perth Budget or Workforce Plan. Consideration will need to be given to draft plans (which in one instance, at Wellington Square, includes consideration of an integrated skatepark).

In accordance with Clause 4.12 of the *City of Perth Standing Orders Local Law 2009* the following notice of motion was received from Deputy Lord Mayor Green on 6 February 2018 for the consideration of Council (CM 31990/18):

- **Motior**hat Council request the Chief Executive Officer to prepare a new City Parklets Policy, which pro-actively encourages the establishment of both council and and private funded street parklets to encourage greater street activation, pedestrian amenity and support for small business in the city.
- 2. A draft policy should consider existing policies already implemented by cities around the world, which should focus not on red tape but is easy to understand and use as a policy guide.

3. The draft policy for consultation should be received by Council no later than April 2018.

Background

Parklets have become extremely popular over many years in cities throughout the world.

Cities around the world are embracing the concept of the city parklet – small public pop up parks set into the existing street, most often using one or two car bays or sidewalks.

New York, San Francisco, Montreal, Vancouver, Toronto and other major international cities are actively encouraging and promoting parklets, having successfully and safely run such programs for many years:

The key objectives of street parklets are to:

- Enhance the pedestrian experience, by making streets more hospitable and people friendly, including providing more green space, shade and seating to provide a place to meet friends; rest, eat or take a break;
- Supporting local small businesses in the area, by encouraging people to linger longer in a precinct;
- Enable small business to expand their alfresco area beyond the traditional pedestrian path, particularly where there is limited a sidewalk or path.

In short, a parklet can bring significant value to a streetscape and the surrounding precinct. They help increase pedestrian traffic in an area, focus and bring out the particular identity of a city neighbourhood and provide just a great experience for both locals and tourists alike.

Cities may define parklets within two categories – city or public parklets, which are paid for and hosted by the city council, and private funded parklets, which add to an existing business or alfresco area.

To obtain further information, please goto 'Pavements to Parks' Program in San Francisco, at http://pavementtoparks.sfplanning.org.

Developing a parklet policy

A parklet policy should encourage creative, sustainable, high quality parklet installations, which also are safe and meet technical requirements.

However, the policy should not be cumbersome, rather set clear conditions under which parklets may be installed. A parklet how-to-guide can assist this process if a parklet policy is adopted.

Parklets can not be considered in all areas of the city, for example, in clearway zones, but can work very well in low speed environments.

Potential precincts include:

- East Perth (Claisebrook area, including Royal Street)
- West Perth
- Northbridge
- Historic Heart precinct
- West End precinct

The loss of parking revenue from a paid car parking bay on the street may be viewed as a negative, however, the increased foot traffic, vibrancy and enhanced street appeal to a precinct are significant gains for the city.

Any parklet policy should not attempt to charge or recover full costs from the loss of parking, as this will inhibit any private funded uptake of policies, rather the focus should be on encouraging street activation.

Currently, the City of Fremantle, Victoria Park, Vincent and Mandurah have parklets in town centres. This motion is cosponsored by Cr Limnios.

Administration Response

This matter is not listed in the City of Perth Corporate Business Plan or resources identified in the adopted City of Perth Budget or Workforce Plan. Council will need to consider the financial and legal implications of such a policy position, as well as engaging with the Community. The matter would be more appropriately referred to Planning Committee for further consideration.

In accordance with Clause 4.12 of the *City of Perth Standing Orders Local Law 2009* the following notice of motion was received from Deputy Lord Mayor Green on 6 February 2018 for the consideration of Council (CM 33421/18):

Motion

That Council:

- 1. Strongly endorses the policy approach for Perth as a "City of Neighbourhoods", based on the following policy principles that the "City of Neighbourhoods" approach:
 - Empowers local residents, small business and property owners who live, work and play in their neighbourhoods to develop and drive ideas to improve their precincts and create active management of a precinct;
 - Recognises that the best ideas can be developed from the people who reside, live, work and play every day in those neighbourhoods and enable authentic precinct identities;

City of Perth Public Realm Improvement Plans, Programs & Projects

The City currently delivers upgraded and new assets in the public realm through a range of programs, plans, strategies and strategic projects. These are briefly outlined below.

Minor Urban Interventions Program

The minor urban interventions program, currently budgeted at \$150,000 capital per annum, delivers small scale improvements to the public realm. Typically, these interventions are planned and delivered within one financial year.

Interventions have included outdoor dining and unique street furniture such as the Birdcage seating on Murray Street). A recent study into economic benefit of the individual interventions has highlighted the success of the program.

Street Furniture Replacement Program.

The street furniture replacement program, currently budgeted at \$200,000 capital per annum, upgrades existing street furniture due for replacement and expands the City's furniture with a new standard pallet. The new pallet of street furniture is expected to last 30+ years.

Way Finding

The way-finding program, budgeted at \$40,000 in 2018/19 provides for improvements to signage within the City to assist people to navigate the city.

Urban Forest Plan

The Urban Forest Plan (2016) and implementation program is currently budgeted at \$500,000 capital per annum. Planting numbers vary each year depending on the complexity of the individual projects, particularly whether planting is in streetscapes or parks. The cost of planting trees in the CBD is high due to the need for complex traffic management, tree pits to ensure water harvesting, avoiding underground services infrastructure and in particularly harsh environments, the inclusion of structural cells. The tree planting focus for 2018/19 is West Perth and planning for Northbridge.

Lighting Strategy

The Lighting Strategy (2014) and implementation program is currently budgeted \$500,000 in 2018-19 and cost \$120,000 in 2017/2018. Larger lighting upgrade projects are budgeted separately, such as St Georges Terrace between Barrack and Irwin Street which cost \$1,174,000 in 2017/2018.

The East End Revitalisation Program includes the lighting upgrade to Hay Street, between Barrack and Pier Street. All other major lighting upgrades for 2018/2019 are within the implementation program.

To ensure implementation of the Lighting Strategy the City is in the process of finalising a draft Public Lighting Plan which includes a Public Lighting Practice Guide. The draft Public Lighting Plan is ready to be progressed to Council for consideration and adoption as a draft for public consultation. This is timely in the context of the 29 May 2018 Street Lighting and Community Safety in East Perth resolution.

Strategic Projects

The City also undertakes a range of strategic projects that improve the Public Realm in an integrated manner across all the elements that make up the public realm. For example, this includes: Wellington Square Master Plan; East End Revitalisation, Hay Street Mall Enhancement and the Two Way Streets program. These projects are often transformational to specific areas of the city and involve a significant investment in public realm infrastructure.

PARKLET CONCEPT - ADJOINING MUNICIPALITIES

Oxford Street, Leederville | City of Vincent



OUTDOOR DINING

OPEN TO PUBLIC

Newcastle Street, Leederville | City of Vincent



Oxford Street, Leederville | City of Vincent









Albany Highway | Town of Victoria Park

Albany Highway | Town of Victoria Park



Oxford Street, Leederville | City of Vincent



Rokeby Road | City of Subiaco





William Street, Perth | City of Vincent

City of Perth

CITY OF PERTH - MINOR URBAN INTERVENTIONS PROGRAM









Outdoor Dining Room | Hay Street, Perth



Murray Street, Perth The Birdcages















Page 130 of 324

Minor Urban | Hay Street, West Perth

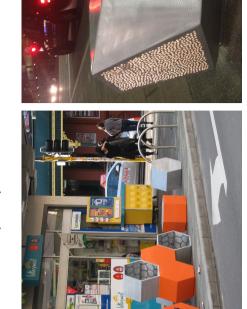
Minor Urban | Hay Street, East Perth













Chess Boards | Lake Street, Northbridge





Agenda (Item 6.6

Outdoor Dining Policy and Guidelines

FILE REFERENCE: P1014820

REPORTING UNIT: Co-ordination and Design RESPONSIBLE DIRECTORATE: Planning and Development

ATTACHMENT/S: Attachment 6.6A – Consultation summary

Attachment 6.6B - Proposed New Council Policy 14.1 - Outdoor

Dining Policy

Attachment 6.6C – Existing Council Policy 14.1 – Alfresco Dining

2000

Attachment 6.6D – Existing Council Policy 14.2 - Consumption of Alcohol in Alfresco Dining Areas without a Substantial Meal Attachment 6.6E – Proposed New Outdoor Dining Guidelines

Attachment 6.6F - Outdoor Dining Fee Comparison

Purpose and Background:

This report presents feedback from the stakeholder consultation received on the Draft Outdoor Dining Policy and Guidelines and next steps.

The community and stakeholder engagement program was completed in the following phases:

Phase 1 – community engagement survey on current outdoor dining which attracted 243 responses. This feedback informed the development of the Draft Policy and Guidelines.

Phase 2 – community engagement survey on the Draft Policy and Guidelines. Phase 2 used the following methods during the engagement period to encourage participation in the survey:

- Engage Perth platform;
- Social media;
- Emails to key stakeholders and Engage Perth data base of respondents from Phase 1;
- Media releases;
- Phone calls; and
- Face to face meetings

Key Stakeholders:

State Government	Community	Other
Member for Perth	Activate Perth	Australian Hotels Association WA
Department Racing, Gaming and	Historic Heart	Chamber of Commerce and
Liquor	Northbridge Common	Industry
Tourism WA	OnWilliam	Small Bar Association
	East Perth Community Safety	Restaurant and Catering Industry
	Group – Jeff Broun	Tourism Council WA
	Claisebrook Collective	
	West Perth Local – Kate Downie	

City of Perth Western Residents	

The Phase 2 community and stakeholder engagement on the Draft Outdoor Dining Policy and Guidelines commenced on 24 August 2018 for a period of 4 weeks. Below is a summary of the 17 responses received from the Engage Perth survey:

- 100% agreed with the statement that that outdoor dining should be high quality, simple, sensitive to the existing street environment.
- 100% of those who read the guidelines agreed that the document clearly explained the required clearances and setbacks as well as outlining the management and operational expectations of permit holders.

In response to the question "is there any other information not currently in the guidelines which you feel should be added" the only consideration raised was access and parking for couriers.

Additional feedback included concerns with cleanliness and the need for more shade. Only one respondent felt that the total costs to the restaurant owner still seemed excessive including insurances and rents.

Recognising that public space within the city has more competing uses and functional constraints than neighbouring Councils, a comparison of fees and typical processing times was undertaken. These numbers exclude outdoor dining in private property. Overall the comparison (Attachment 6.6F) demonstrates that the City of Perth's proposed fee of \$40 sq/m is amongst the cheapest rate in the metropolitan area.

Summary:

Outdoor dining should contribute to the creation of inviting public places for the whole community. A simplified Policy and Guidelines will ensure clarity for businesses with existing outdoor dining and new applications. The new Policy and Guidelines will provide a framework to encourage high quality outdoor dining befitting of a capital city, that supports businesses, contributes to street life and vibrancy, improves the public realm and ensures a point of difference from our inner city and suburban neighbours.

A review of the Policy will be undertaken after the first year and then at least every three years. The Guidelines will be updated as required in response to the changing needs of our city spaces.

Table 1. Engage Perth survey responses

Outdoor Dining Policy and Guidelines – Community Consultation Survey Summary – September 2018

Questions:

- 1. Outdoor dining areas should be high quality, simple, sensitive to the existing street environment, and well designed, to help create streets and public places that are appealing for people to spend time in.
 - The guidelines clearly explain the required clearances and setback
- The guidelines clearly set out the management and operational expectations of permit holders. This includes removing and storing furniture, and cleaning and keeping outdoor dining areas well presented. . 8
 - The guidelines and attached checklists clearly explain the application process. 4. 7.
- Is there any other information not currently in the guidelines which you feel should be added?
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	City of Perth Response					quality and thus attractiveness of	outdoor dining in the City.														
	Q6	No answer	No answer	Perth City definitely would benefit	from an increase in both al fresco	and other dining options. It	desperately needs invigoration	which can be achieved by making	it a more attractive destination.	Other suggestions include	cheaper public transport fees, and	cheaper parking, after 5pm.	Elizabeth Quay is a wonderful	example of how people can be	attracted to what was once an	attractive but dull area in the	heart of the city. Reduce the red	tape and reap the rewards of	vibrancy, increased economic	benefits and tourism. Less	stagnation.
olicy and guidelines?	Q5	No answer	No answer	No answer																	
Is there any additional feedback you would like to provide on the policy and guidelines?	Q4	Yes	Yes	Not	read																
	Q3	Yes	Yes	Not	read																
ıld like to	05	Yes	Yes	Not	read																
you wor	Q1	Agree	Agree	Agree																	
ial feedback	Туре	Visitor	Worker	Visitor																	
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6. Is there a	CM Ref	247544/18	247539/18	247540/18																	
	#	01	02	03																	

Page 133 of 324

Page 134 of 324

Outdoor Dining Policy and Guidelines - Community Consultation Survey Summary - September 2018

- 1. Outdoor dining areas should be high quality, simple, sensitive to the existing street environment, and well designed, to help create streets and public places that are appealing for people to spend time in.
 - The guidelines clearly explain the required clearances and setback
- The guidelines clearly set out the management and operational expectations of permit holders. This includes removing and storing furniture, and cleaning and keeping outdoor dining areas well presented. . 8
 - The guidelines and attached checklists clearly explain the application process. 4. 7.
- Is there any other information not currently in the guidelines which you feel should be added?

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Page 134 of 324	
City of Perth Response Q6: Noted. Provision for umbrellas covered in the guidelines. Q6: The guidelines do not prohibit outdoor dining on St Georges Tce. This misunderstanding may have stemmed from the colouring of St	Georges Tce in Figure 2. The final guidelines will be updated to ensure this is clearer.
More Alfresco dining with shade please No answer The East End up to Queens Gardens needs to be included in all future revitalisation and alfresco dining strategies. The bulk of East Perth residents are around this area. Thank you The guidelines expressly forbid outdoor dining areas on St Georges Tce. Yet, 50m to west of my business the Citadines hotel	has outdoor dining, and 50m to the east The Heritage has outdoor dining. Directly across the road at central road there is outdoor dining. Yet, these guidelines would prevent me from applying. Why?
Ref Date Type Q1 Q2 Q3 Q4 Q5 1547/18 28/08 Resident Agree Yes Yes No answer 1549/18 28/08 Visitor Agree Yes Yes No answer 1550/18 30/08 Resident Agree Yes Yes No answer 1551/18 12/09 Food Agree Yes Yes No answer	
Not read Yes	
Not read Yes	
Not read Yes	
Agree Agree	
Type Resident Visitor Food business	
28/08 30/08 12/09	
CM Ref 247547/18 247550/18 247551/18	
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Page 135 of 324

Outdoor Dining Policy and Guidelines - Community Consultation Survey Summary - September 2018

- 1. Outdoor dining areas should be high quality, simple, sensitive to the existing street environment, and well designed, to help create streets and public places that are appealing for people to spend time in.
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 - The guidelines and attached checklists clearly explain the application process. 4
- Is there any other information not currently in the guidelines which you feel should be added?
- Is there any additional feedback you would like to provide on the policy and guidelines?

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#	CM Ref	Date	Туре	Q1	075	03	0,4	Q5	Q6	City of Perth Response
80	247553/18	12/09	Worker	Agree	Yes	Yes	Yes	No answer	Total Costs to the restaurant owner still seems excessive Insurances and rent of space seem high	Q6: Noted. \$20M public liability is a standard insurance for most food businesses. Costs to the owner have been significantly reduced.
60	247556/18	12/09	Visitor	Agree	Not read	Not read	Not read	No answer	No answer	
10	247558/18	12/09	Food business	Agree	Yes	Yes	Yes	No answer	No answer	
11	247559/18	13/09	Food	Agree	Yes	Yes	Yes	ON	This has been dragging on way too long. These guidelines have been previously fully endorsed by a sitting council of the City of Perth. We need to ensure we support hospitality outlets in the city and allow them to innovate and re-vitalise.	Q6: Noted.
12	247562/18	16/09	Resident	Agree	Yes	Yes	Yes	Access and parking for couriers. They too have a job to do.	Cleanliness-many places simply are neither hygienic nor attractive with sticky surfaces, and the bins need to be cleaned and emptied more than they are.	Q5: Kerb setbacks and clearances between and through outdoor dining areas have been allowed for to ensure couriers can access the footpath and businesses. Q6: The guidelines make regular cleaning and maintenance a

Page 136 of 324

Outdoor Dining Policy and Guidelines - Community Consultation Survey Summary - September 2018

- 1. Outdoor dining areas should be high quality, simple, sensitive to the existing street environment, and well designed, to help create streets and public places that are appealing for people to spend time in.
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CM Ref	Date	Type	01	05	03	04	Ref Date Type Q1 Q2 Q3 Q4 Q5	90	City of Perth Response
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									requirement for food businesses. The guidelines also ensure appropriate access for the City's Waste and Cleansing Unit to clean and service the streets and public
247564/18	18/09	Resident	Agree	Yes	Yes	Yes	The guidelines are clear, concise and informative, I did not identify anything that is missing.	Claisebrook Collective, a community organisation seeking to revitalise the Claisebrook Station area in particular between Claisebrook Station and East Perth Station, warmly welcomes initiatives that aim at more lively, social and inclusive city streets and public areas. Outdoor Dining Policy is a great example of a city working to accommodate the needs and wishes of proprietors and customers; residents, workers and visitors alike.	Q5: Noted.
247565/18	19/09	Worker	Agree	Yes	Yes	Yes	No answer	No answer	
247566/18	21/09	Resident	Agree	Yes	Yes	Yes	Well done, City of Perth, the Guidelines are really comprehensive and this what I	Please don't go down the line of Leederville - it's so tacky. I also don't like how they have	Q5: Noted. The guidelines will ensure that outdoor dining areas

Outdoor Dining Policy and Guidelines - Community Consultation Survey Summary - September 2018

- 1. Outdoor dining areas should be high quality, simple, sensitive to the existing street environment, and well designed, to help create streets and public places that are appealing for people to spend time in.
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 - The guidelines and attached checklists clearly explain the application process. 6 .7
- Is there any other information not currently in the guidelines which you feel should be added?
- Is there any additional feedback you would like to provide on the policy and guidelines?

					Pa	ge 1	37 c	of 32	24									
	City of Perth Response	are not cluttered and that	sightlines are maintained.		Q6: Guidelines will ensure	appropriate access is maintained	and that the public places are not	cluttered with items. If planter	boxes are requested, they must	be removed at the end of trading	each day. Permanent and semi-	permanent structures are not	supported by the guidelines – this	includes built structures in	parking bays.			
	90	cluttered their footpaths with	signs and weird artwork. Those	box structures in parking bays are	always dirty and Some now look	worse for wear with broken	panels. That might be ok for the	hipsters that live around there	but it's not the right approach for	the city centre. I'm also not keen	on all the painted boxes on	Murray Street and Hay Street east	of Barrack Street. They are so	very tacky - we're they painted by	school groups? I wouldn't want to	see more of those around the	city.	
oncy and galdennes:	Q.5	would expect for a capital city.	The existing Alfresco is a bit hit	and miss and I hope the	Guidelines will improve the	quality and cleanliness. I like the	approach on Market St Freo	which is very simple chairs, tables	and umbrellas. I love to be able to	look out and freely see everything	that is going on.							
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o. Is there any additional regulack you would like to provide on the pointy and guidenness	Q3																	
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Table 2. Other comments and submissions Outdoor Dining Policy and Guidelines – Community Consultation Survey Summary – September 2018

Ţ	e City of Perth i	nvited com	mercial and indus	The City of Perth invited commercial and industry organisations, to review the policy and guidelines and provide feedback; comments and responses are outlined below.	edback; comments and responses are outlined below.
#	CM Ref	Date	Organisation	Comments from Organisation	City of Perth Response
16	249064/18	03/09	Tourism Western Australia	Greater access to outdoor and alfresco dining within the City of Perth is considered important by Tourism WA. Precincts including the Perth CBD, Elizabeth Quay and Northbridge are highly visited, and ensuring options are available for visitors to eat and drink outside are a key element of the tourism offering. Tourism WA is pleased to note that the draft policy and guidelines provide a framework to achieve this.	Agreed.
16	249064/18	03/09	Tourism Western Australia	From a tourism perspective, it is suggested that 'Support the Activation of Public Space' could be included as an additional urban design principle, or mentioned within the existing principles. This is a significant element of the outdoor dining experience, and creating an environment that encourages visitation and activity while also complementing, and enhancing existing activities is important, and should be recognised.	Noted. This is covered in the Importance of Outdoor Dining on page 7 of the Draft Guidelines.
16	249064/18	60/80	Tourism Western Australia	In this context, Tourism WA considers that outdoor dining is an important design element in linking key areas of public space and attractions. As an example, outdoor dining in laneways or along streets could assist in defining the link(s) and facilitating movement between Yagan Square and Elizabeth Quay as part of a walkable and activated journey(s) between the two precincts. Recognition of this opportunity could be reflected, as appropriate in the design principles	Noted. This is a high-level pedestrian movement item and has been passed along to the City Planning team.
16	249064/18	03/09	Tourism Western Australia	Tourism WA considers that the activation of public spaces such as Yagan Square, Perth Cultural Precinct, Elizabeth Quay, Forrest Place and the Hay and Murray Street malls would be enhanced through outdoor dining opportunities. This is a particularly significant outside of peak business hours, and the policy and guideline should encourage this. It is suggested that the language used on page 13 could be strengthened to reflect this.	Noted. This has been reflected in the rewording below: "Outdoor dining is particularly encouraged in areas that have potential for more pedestrian activity, and in areas that would benefit from increased activity outside of peak business hours."
16	249064/18	03/09	Tourism Western Australia	Tourism WA has no comments on the specific design and technical matters outlined in the guideline but notes the importance of ensuring flexibility in application to enable opportunities to be realised.	Noted.

Page 138 of 324

On	tdoor Dining Pc	olicy and G	uidelines – Comm	Outdoor Dining Policy and Guidelines – Community Consultation Survey Summary – September 2018	
Ę	e City of Perth i	invited com	mercial and indu	The City of Perth invited commercial and industry organisations, to review the policy and guidelines and provide fe	policy and guidelines and provide feedback; comments and responses are outlined below.
#	# CM Ref	Date	Organisation	Organisation Comments from Organisation	City of Perth Response
17	17 184009/18 24/07	24/07	King St	1) Did the City of Perth engage any external consult ant (s) to	No. the City did not engage any external consultants to complete

			Pa	ge 139 of 324	
City of Perth Response	No, the City did not engage any external consultants to complete any work pertaining to the Draft Outdoor Dining Policy and Guidelines.	No, the 'service zone' in all city streets is adjacent to the kerb. This is where street trees, benches, parking poles, bus stops, bus shelters, light poles, traffic lights etc. are located. Outdoor dining sits comfortably amongst these elements without impeding views and ensures the street is legible for all users.	The City does not wish to place too many restrictions on businesses so the Guidelines have avoided being too prescriptive of furniture types. The Guidelines suggests that simple, contemporary and highquality furniture is the most suitable approach in a Capital City context.	The City of Perth strongly encourages outdoor dining for its important contribution to street activity. The City also recognises that not all locations are suitable for setting up an outdoor dining area. As each case will be different based on the context of the space or street pertaining to the proposed outdoor dining area, the City will work with individual businesses during the application process to guide the best outcome.	The Guidelines provides detail on applying for an outdoor dining permit. This section of the Guidelines provides a broad outline of the Assessment Conditions which in some cases will mean that the impact on the streetscape, the adjoining buildings and any heritage buildings may need to be considered in the application. Sometimes, this may need to take into account the requirements set out in the City's various precinct guidelines or the City Planning Scheme.
# CM Ref Date Organisation Comments from Organisation	Did the City of Perth engage any external consult ant (s) to complete any work attached in this agenda? If so, which consultancy was engaged and how much was spent?	Given consideration of granting a licence depends on an alfresco dining set up not impeding view of traffic or line of sight of pedestrians crossing a road, wouldn't having the alfresco closer to the road rather than against the structure of the building increase this likelihood?	How does the City decide on what is considered acceptable furniture?	How does the City determine a location's amenity, and how alfresco dining will either add or detract from it, before a licence is granted?	What could fall into this category of 'any other matters that the City of Perth considers to be relevant'? As an example, The King Street Precinct Heritage Guidelines and other relevant planning policies go into considerable detail around what is acceptable within the boundary to protect and promote the character and heritage of the Precinct, yet a lot of what's detailed isn't understood by City officers themselves resulting in a lack of enforcement and compliance. Examples range from existing alfresco dining setups which include furniture, lighting and signage not in keeping with the amenity of the area being allowed to remain, inadequate bin storage.
Organisation	King St Precinct	King St Precinct	King St Precinct	King St Precinct	King St Precinct
Date	24/07	24/07	24/07	24/07	24/07
CM Ref	184009/18	184009/18	184009/18	184009/18	184009/18
#	7	17	17	17	17

Out	door Dining Pc	olicy and G	uidelines – Comm	Outdoor Dining Policy and Guidelines – Community Consultation Survey Summary – September 2018	
The	City of Perth i	nvited com	mercial and indu	The City of Perth invited commercial and industry organisations, to review the policy and guidelines and provide feedback; comments and responses are outlined below.	edback; comments and responses are outlined below.
#	CM Ref	Date	Organisation	Organisation Comments from Organisation	City of Perth Response
17	17 184009/18 24/07	24/07	King St	3.0) Location requirements:	The Outdoor Dining Guidelines do not refer to those extracts.
	_		Precinct	3.1) 'The alfresco dining area should be located directly adjacent to	
	_			the eating house' is contradicted by the sections 3.1 (2), 3.1 (3) and	
	_			3.1 (4).	
	_			3.2) 'The alfresco dining area must be located adjacent to the kerb	
	_			with a minimum kerb clearance of 600mm'.	



DRAFT CP14.1 Outdoor Dining

POLICY OBJECTIVES

This policy sets the foundation for developing and maintaining an adaptable framework that;

- appropriately recognises the role of outdoor dining in the activation of streets and precincts, whilst not interfering with the safe and accessible movement of pedestrians and vehicular traffic;
- is aligned with the City's Disability Access and Inclusion Plan (DAIP) and universal access standards;
- 3) incentivises outdoor dining participation by making it more affordable;
- 4) allows bricks and mortar operators greater design flexibility to compete with pop-up businesses and promote competitive innovation; and
- 5) keeps regulatory requirements and impediments for participation to a minimum.

POLICY STATEMENT

The City of Perth strongly supports the use of its public thoroughfares for outdoor dining. Outdoor dining is matched perfectly to Perth's climate and provides important benefits such as activation of streets and opportunities for business to increase their visibility.

We recognises the importance of providing a framework that meets the expectations of business and the community by being able to quickly adapt to changing trends and demands.

To achieve this, outdoor dining shall be supported by a framework consisting of this policy, followed by a local law and a guideline. The local law is to specify how outdoor dining is to be regulated, while the guideline details how the local law and other associated laws and standards are to be practically applied.

Document Control Box							
Document Responsibilities:							
Custodian:	Manager	Health and Activity Approvals	HAA				
Decision Make	er:						
Compliance	Compliance Requirements:						
Legislation:							
Industry:							
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CP [##] [Title]

Risk Rating:			Review Frequency:		Next Due:	TRIM Ref:	75522/04
Version #	Decisio	n Reference:		Synopsis:			
1.	ELG						
2.	ELG						
3.							



CP14.1 Alfresco Dining 2000

POLICY OBJECTIVE

To:-

- 1. encourage high quality alfresco dining to enhance the amenity, vitality and ambience of the City of Perth;
- 2. provide a comprehensive framework for the development, management and control of alfresco dining; and
- 3. ensure that alfresco dining does not interfere with the safe and reasonable movement of pedestrian and vehicular traffic.

POLICY STATEMENT

Power To Make The Policy

1.1 This policy has been made under Part 3 of the Alfresco Dining Local Law 2000.

Citation

1.2 This policy may be cited as the "City of Perth Alfresco Dining Policy 2000".

Objectives

- **1.3** The objectives of this policy are to -
- (a) encourage high quality alfresco dining to enhance the amenity, vitality and ambience of the City of Perth;
- (b) provide a comprehensive framework for the development, management and control of alfresco dining; and
- (c) ensure that alfresco dining does not interfere with the safe and reasonable movement of pedestrian and vehicular traffic.



CP14.1 Alfresco Dining 2000

Application of policy

1.4 This policy applies throughout the district.

Definitions

1.5 (1) In this policy, unless the context otherwise requires -

"Act" means the Local Government Act 1995;

"alfresco dining area" means an area in which tables, chairs and other structures are provided for the purpose of the consumption of food or beverages or both by the public;

"approval sticker" means the sticker issued by the City of Perth signifying that a licence has been issued;

"central zone" means the zone shaded black on the Map;

"eating house" means " means any land, premises or place, or any part thereof, on or in which meals are prepared for service, or are served, to the public for gain or reward.

The term does not include -

- (a) Any boarding-house or lodging-house; or
- (b) Any building or other structure used temporarily for the preparation for service or service of meals to the public, at any fair, show, military encampment, races or other public sports, games or amusements.'

"general zone" means the area which is not shaded on the Map; and

"Hay Street West zone" means the zone shaded grey on the Map;

"furniture" means the chairs, tables, waiters' stations, planter boxes, umbrellas, screens, awnings and any other structure to be set up in the alfresco dining area;

"local law" means the City of Perth Alfresco Dining Local Law2000;

"Map" means schedule 4 being the map of alfresco dining zones; and



CP14.1 Alfresco Dining 2000

"subcentral and Northbridge zone" means the hatched zone on the map.

(2) Words and expressions used in this policy which are not defined in this policy have the meanings given to them in the local law and the Act.

PART 2 - APPLICATION FOR LICENCE AND DETERMINATION OF APPLICATION

Documents which are to accompany an application for a licence

- 2.1 An applicant for a licence shall make an application by forwarding to the CEO -
- (a) the fee; and
- (b) the completed application in the form prescribed in Schedule 1 and all plans and other documents required to be attached to the application.

Matters to be considered

- 2.2 The matters to which the City of Perth may have regard in determining an application for a licence include -
 - (a) the desirability of the alfresco dining in the proposed alfresco dining area;
 - (b) the proposed location of the alfresco dining area including but not limited to -
 - (i) the size of the proposed location;
 - (ii) safety issues such as levels and speed of traffic;
 - (iii) whether any hazard or obstruction is likely to arise from alfresco dining;
 - (iv) compatibility with existing uses including but not limited to other businesses, street entertainment, loading zones, bus stops, trees and fixed street furniture; and
 - (v) compatibility with pedestrian, vehicle and emergency access;



CP14.1 Alfresco Dining 2000

- (c) whether the proposed alfresco dining area will -
 - (i) obstruct the visibility or clear sight lines of any person at an intersection of thoroughfares; or
 - (ii) impede pedestrian access;
- (d) whether the proposed furniture -
 - (i) is unsuitable, in any respect to the location in which the licence is to operate; or
 - (ii) may obstruct or impede the use of the public place for the purpose for which it was designed;
- (e) whether users of the alfresco dining area will have access to proper and sufficient sanitary and ablutionary conveniences;
- (f) whether alfresco dining is in keeping with the amenity of the locality of the proposed location;
- (g) whether the interests of the amenity of the locality of the proposed alfresco dining area or public safety, or both, require that because of the locality, the alfresco dining should be of a higher standard or of an alternative form;
- (h) potential for nuisance, including rubbish, increased noise, or anti-social behaviour;
- (i) whether the application for a licence is an application for the renewal of a licence under clause 2.6 of the local law; and
- (j) any other matters that the City of Perth considers to be relevant in the circumstances of a case.

Standard conditions which may be imposed on the licensee

- 2.3 (1) If the City of Perth approves an application for alfresco dining, it may, in addition to such other conditions as it may impose, require that the licensee shall -
 - (a) ensure that alfresco dining only occurs in the permitted location;
 - (b) ensure that the furniture is only placed within the alfresco dining area and does not obstruct or impede the reasonable use of the public place by any



CP14.1 Alfresco Dining 2000

person or interfere with or be hazardous to vehicular or pedestrian traffic;

- (c) ensure that alfresco dining does not obstruct or impede the vision of a driver of a vehicle entering or leaving a thoroughfare or a vehicle crossover;
- (d) ensure that alfresco dining does not obstruct -
 - (i) footpath pedestrian flow; or
 - (ii) arcade or retail premises entrances;
- (e) remove the furniture at the request of an authorized person -
 - (i) where in the opinion of the authorized person there is any hazard or obstruction or is likely to be a hazard or obstruction caused by reason of the location of the alfresco dining, notwithstanding that the location was approved by the City of Perth; or
 - (ii) for the purpose of a special event, parade, thoroughfare works or any other contingency which requires relocation or removal of the furniture;
- (f) ensure that alfresco dining does not encroach into designated emergency lanes or service vehicles accessways;
 - (g) ensure that the alfresco dining area is kept in a clean and tidy condition at all times;
 - (h) maintain the furniture in good, clean and serviceable condition at all times;
- (i) ensure that the furniture is removed before the close of the adjacent eating house;
 - (j) be solely responsible for all rates and taxes levied upon the alfresco dining area;
- (k) ensure that the approval sticker is displayed in a conspicuous place in the adjoining eating house so that it may be easily seen by an authorized person;
 - (I) obtain public liability insurance in an amount and on terms reasonably required by the Council; and



CP14.1 Alfresco Dining 2000

- (m) reimburse the City of Perth for all costs associated with preparing the public place for alfresco dining including but not limited to reshaping footpaths and marking the boundaries of the alfresco dining area.
- (2) Notwithstanding paragraph (1) the City of Perth may -
 - (a) approve an application subject to additional conditions under subclause 2.4(3) of the local law; and
 - (b) vary any of the conditions referred to in paragraph (1) when approving the application if, in the opinion of the City of Perth, the circumstances of a particular application warrant the variation and the variation is in accordance with the local law.

PART 3 - LOCATION REQUIREMENTS

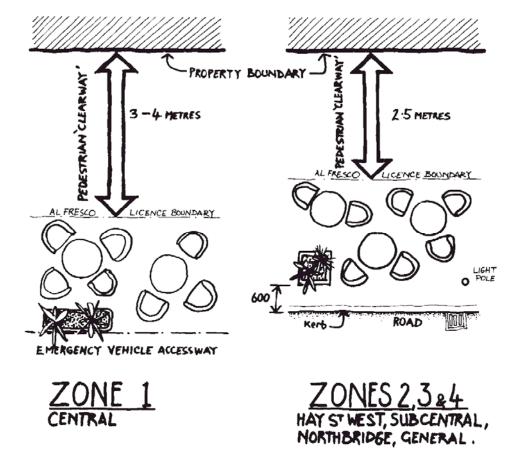
Location

- **3.1** (1) The alfresco dining area should be located directly adjacent to the eating house.
 - (2) The alfresco dining area must be located adjacent to the kerb with a minimum kerb clearance of 600mm. In areas where kerbs are flush with the road, the minimum kerb clearance must be 1 metre. In exceptional circumstances the City of Perth may permit alfresco dining in specified streets to be located adjacent to the building line, when an acceptable alternative pedestrian clearway has been provided
 - (3) There must be a minimum pedestrian clearway of 2.5 metres from the alfresco dining area to the building line. However, in the central zone and Hay Street West zone, greater widths will generally be required. In footpath enhancement area, the alfresco dining area will be restricted to the width of the footpath enhancement area.
 - (4) In the central zone the minimum pedestrian clearway is 3 metres. However, up to 4 metres pedestrian clearance may be required in high pedestrian areas. There is also an emergency vehicle clearway in the centre of malls.



CP14.1 Alfresco Dining 2000

Figure 1 - Location of alfresco dining in the central, and other areas of the city



- (5) Alfresco dining will be prohibited within at least 6 metres of the building line on a street corner except in exceptional circumstances.
- (6) On the waterfront the alfresco dining area must be setback at least 2.5 metres from the water's edge. In some areas a greater pedestrian clearway may be required.
- (7) In limited circumstances, the City may approve / support an alfresco dining area from the building line to the kerb to allow carriage of alcoholic beverages to the seated area. Application would require the submission of an Alfresco Management Plan to the satisfaction of the City prior to recommendations being made to the Department of Racing Gaming and Liquor.



CP14.1 Alfresco Dining 2000

Extensions to an alfresco area

- 3.2 (1) Applications to widen a footpath for alfresco dining may be made to the City of Perth. The cost of any works to widen the footpath are to be paid by the licensee. The application will be assessed in relation to existing and future pedestrian, traffic and parking requirements. Applications should be in writing to the Manager Environment & Public Health of the City of Perth.
 - (2) Temporary arrangements to extend an alfresco dining area to include the street frontage of adjacent premises may be permitted in exceptional circumstances, where a significant benefit to the streetscape can be demonstrated to the satisfaction of the Council.
 - (3) The written consent of the owner and occupier of the adjacent premises must accompany an application to use the street frontage of the adjacent premises.
 - (4) If the owner or occupier of the adjacent premises, or their successors or assigns, revokes their consent for the alfresco dining area to include the area adjacent to their premises, the licensee must cease using that area immediately and reinstate the footpath within the time specified by the City.

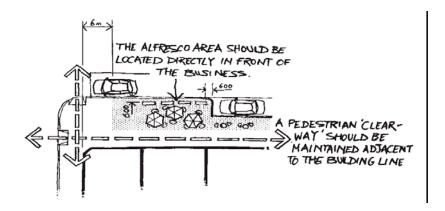
Car parking embayments in Northbridge

- 3.3 (1) Applications will only be considered in relation to pedestrian oriented streets of Northbridge where traffic speeds are low. The parking embayments must be directly adjacent to the eating house to which the licence relates. Traffic and safety considerations will affect the suitability of the alfresco dining areas close to street intersections.
 - (2) Removable barriers must be provided by a licensee to prevent patrons encroaching on the roadway.
 - (3) In-ground barrier support units (footings) must be provided and installed by the City of Perth. The cost of the installation of the footings is to be paid by the licensee. The licensee may also purchase barriers from the City of Perth.
 - (4) The licensee must meet the cost of modifying parking signage.



CP14.1 Alfresco Dining 2000

Figure 2 - Location of alfresco dining on footpaths and car parking embayments



PART 4 - FURNITURE

Number of chairs

4.1 A maximum of one chair (in other words, patron) per square metre may be located in an alfresco dining area subject to any restrictions imposed by other laws including but not limited to the Building Code of Australia.

Placement of furniture

- 4.2 (1) The placement of furniture must not compromise the access and safety of patrons, pedestrians and emergency and service vehicles.
 - (2) Furniture must not be fixed to the pavement without the written approval of the Council. Where fixed furniture is approved, the location of underground services should be determined prior to the installation of footings. The cost of any work and repairs to services and the pavement shall be paid by the licensee.
 - (3) The style, layout and orientation of furniture should be chosen according to the extent and shape of the alfresco dining area and to dissuade patrons from



CP14.1 Alfresco Dining 2000

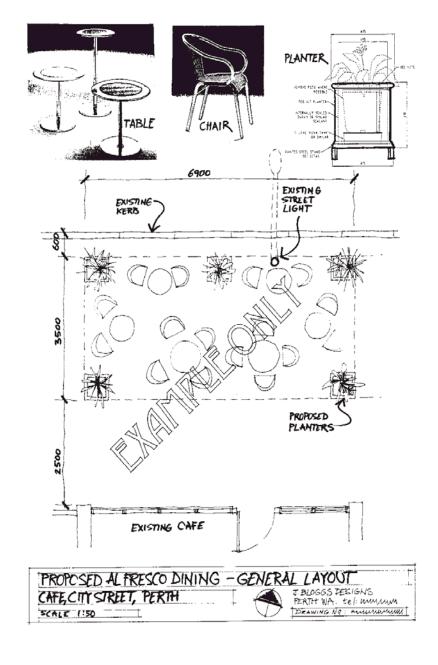
moving furniture beyond the boundaries of the alfresco dining area. In kerbside locations, for safety reasons, chairs should not be placed with their backs to the kerb.

- (4) The furniture must be placed and kept within the alfresco dining area only.
- (5) The furniture must not interfere with pedestrian access and safety and security camera visibility.
- (6) The minimum practical width of an alfresco dining area is one metre which will allow for 2 chairs and a table. A lesser width may be approved if the applicant can demonstrate that the furniture, when in use, will fit comfortably within the proposed alfresco dining area.

Figure 3 - Typical plan of a proposed alfresco dining area



CP14.1 Alfresco Dining 2000



Furniture style

4.3 (1) The furniture styles should make a positive contribution to the street environment. A style that is practical and elegant and in keeping with the style and character of the host eating house or the streetscape is required, or both.



CP14.1 Alfresco Dining 2000

- (2) In some circumstances the City of Perth may require furniture to harmonize with heritage or character streetscapes.
- (3) In King Street, the provision of modern sympathetic designs are preferable to 'period' designs that are not authentic to the precinct.
- (4) The furniture should be strong, durable, waterproof, rustproof and weather resistant and should fold or stack for storage for removal from the alfresco dining area each day.
- (5) Public safety and comfort must be considered. For example, sharp edges and hinges or moving parts that could be a potential hazard for patrons should be avoided.
- (6) All furniture must be freestanding and removable, unless specific approval has been given by the Council for fixed furniture.

Material and colours

- 4.4 (1) The preferred materials are metal or timber. The feet of any metal furniture should be suitably encased in rubber or plastic to minimize noise. Plastic or acrylic tables and chairs are not encouraged due to generally lower standards of design and quality and their rapid deterioration in the urban environment.
 - (2) Colours which provide a good contrast with the pavement should be used to allow people with low vision to distinguish the chairs from the footpath. Pure white tabletops must not be used given they may cause an unpleasant glare.

Advertising

- 4.5 (1) Subject to paragraph (2) advertising on any item of furniture including barriers, is limited to the name and logo of the eating house. The advertising must only appear once on each item and should not exceed 10% of the area of the particular item of furniture.
- (2) Product advertising is limited to umbrellas and must only relate to products sold by the eating house.



CP14.1 Alfresco Dining 2000

- (3) Details of the location and extent of advertising should be shown on the licence application form.
- (4) Free standing signage such as A- frame signs or sandwich boards are not permitted in an alfresco dining area

Umbrellas, screens and awnings

- To provide shade and shelter, high quality market umbrellas are encouraged. The canopy of the umbrella must be higher than 2.3 metres from the pavement. The City of Perth may specify another height.
 - (2) Footings for market umbrellas shall be installed by the City of Perth or accordance with the City of Perth's specifications (if any) and to the satisfaction of the City of Perth. The cost of the installation of the footings is to be paid by the licensee.
 - (3) Umbrellas must be adequately secured in an approved manner. Heavy bases are not always appropriate as they take up a lot of room in a relatively confined space.
 - (4) Removable screens of up to one metre in height may be used to define the boundary of an alfresco dining area, but should not create a barrier or solid wall effect. Pedestrian accessways of a minimum of one metre width for each seven metres of alfresco dining area are required.
 - (5) Screens more than one metre in height, including glass or perplex panels or clear plastic rolled down from umbrellas and awnings are not permitted.
 - (6) In exceptional circumstances an awning or decking may be approved by the Council. This will require a development application to be submitted under the City of Perth 's Town Planning Scheme. Decking may only be approved to accommodate a difference in level, that is, the gradient of the footpath A smooth and continuous transition between the platform and adjacent surfaces must be provided.
- (7) Boundary definition on all sides of an alfresco dining area is mandatory where alcohol is served.

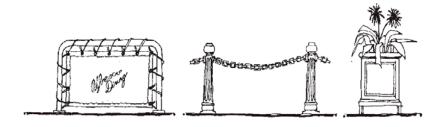


CP14.1 Alfresco Dining 2000

Planter Boxes and Plants

- 4.7 (1) Well maintained and attractive planter boxes can significantly add to the amenity of an alfresco dining area and the public place and can also be used in conjunction with low screens.
- (2) Planter boxes should be located to define, but not enclose, the alfresco dining area or create a barrier effect. Maintaining significant gaps between planter boxes is important to allow public access from both the footpath and the street. Defined accessways of a minimum of one metre width for each seven metres of alfresco dining area are required. The City of Perth will consider public safety issues and urban design standards in assessing the use of planter boxes and planting.
- (3) Plants must not spread, have spikes, thorns, be allergic or poisonous.
- (4) Large planter boxes may remain in some alfresco dining areas after the adjacent eating house has closed (for example new enhancement areas) with the express approval of the City of Perth.
- (5) Compact plants requiring low maintenance are encouraged. Planter boxes must be at least 100mm off the ground. Self watering planters which only require weekly watering (such as the Mona system) are encouraged. Detailed guidance on planting and maintenance can be found in the City of Perth Design and Construction Notes 8.7.

Figure 4 - Barriers and planters to create definition



Waiter's station

4.8 (1) A temporary waiter's station for the storage of cutlery or crockery or both and the serving of coffee may be provided within the alfresco dining area. This



CP14.1 Alfresco Dining 2000

should be shown on the plan of an alfresco dining area as part of the application for licence.

- (2) The waiter's station must be serviced from within an alfresco dining area.
- (3) An alfresco dining area must not be used for the preparation of food or beverages.

4.9 Portable Gas Heaters

Portable gas heaters may be considered for approval where the heaters are:-

- (1) placed completely within the approved alfresco area;
- (2) placed where they pose no safety or fire hazard;
- (3) removed when the alfresco area is not being used;
- (4) demonstrated that they comply with:-
 - (a) Gas Standards (Gasfitting and Consumers Gas Installations) Regulations 1999;
 - (b) AS 5601/AG 601 2000 Gas Installations;
 - (c) AS/NZS 1596 1997 Storage and Handling of LP Gas;
 - (d) AS 4565 Outdoor Radiant Gas Heaters;
- (5) be free standing and self contained but must be securely fixed and stable.

PART 5 - OPERATING REQUIREMENTS

Hours of operation

5.1 (1) The applicant is required to stipulate the hours of operation on the application form and these may be approved or amended in consultation with the applicant depending upon the location and nature of the alfresco dining.



CP14.1 Alfresco Dining 2000

(2) The hours of operation of an alfresco dining area serving alcoholic beverages will be limited to the hours stipulated in the extended trading permit of the adjacent licensed premises or as otherwise directed in writing by the City of Perth.

Removal and storage of furniture

- **5.2** (1) All furniture must be removed from the alfresco dining area at the close of business each day, unless otherwise permitted by the City of Perth.
- (2) In Northbridge, barriers for parking embayments may remain over the designated weekend period if the licensee has written approval from the City of Perth.

Table service

5.3 Table service is encouraged. Where alcohol is served table service is mandatory and patrons must be seated at all times.

Cleanliness and hygiene

- 5.4 (1) The alfresco dining area and its management and operation must comply with the *Health Act 1911*, regulations made under that Act, the City of Perth's local laws, the *Litter Act 1979* and all other relevant legislation.
- (2) The licensee is not permitted to prepare food or beverages in the alfresco dining area. For example, cappuccino machines are not permitted in the alfresco dining area.
 - (3) Licensees will maintain the footpath to a high standard of cleanliness and hygiene, to the satisfaction of the City of Perth. This will include removing grease and stains, keeping the vicinity clear of litter and waste materials and the daily washing down of the pavement. No waste or sweepings are to be swept or placed in the gutter.
 - (5) In the case of a fast food or takeaway establishment, the City of Perth may require the licensee at its cost to install litter bins of an approved design.



CP14.1 Alfresco Dining 2000

Maintenance

5.5 All furniture must be maintained in a physically sound and aesthetically acceptable condition to the City of Perth's satisfaction, and all of the alfresco dining area must present a clean, well maintained image.

Lighting

5.6 If alfresco dining occurs outside daylight hours, the licensee must provide adequate, clear and well distributed lighting to ensure the safety and amenity of both patrons and the public.

Electrical wiring

- 5.7 (1) All electric wiring connected to lights, devices or appliances which are situated in or about the alfresco dining area shall not be placed -
 - (a) on or under the alfresco dining area;
 - (b) above any part of a public place so as to interfere or obstruct the passage of vehicles or pedestrians; or
 - (c) in any manner or in any place which may be prejudicial to safety.
 - (2) Any electrical wiring must be approved by Western Power and must not be placed across the footpath.

PART 6 - FEE

Fee

6.1 The fee consists of a fee for -



CP14.1 Alfresco Dining 2000

- (1) receiving an application for approval, granting an approval, making an inspection and issuing a licence; and
- (2) providing the use of a public place.
- 6.2 The fee for a new licence application will be pro-rataed. A licence which has lapsed will not be pro-rataed.



CP14.1 Alfresco Dining 2000

SCHEDULE 1

CITY OF PERTH

ALFRESCO DINING LOCAL LAW 2000

APPLICATION FOR LICENCE

TO:	The Chief Executive Officer
I	
(Full Nar	·
	tial Address)
	(Occupation)
	r a licence to set up and conduct alfresco dining under the City of Perth Alfresco Dining Local Law
I declare	that the following details are true and correct -
Details o	f Proposed Alfresco Dining Area
Item No	
1.	Name and address of eating house (including the zone)
2.	Location of proposed alfresco dining area (including the zone)
3.	Description of premises adjacent to proposed alfresco dining area
4.	Details of proposed alfresco dining area
5. If not, do	Does the eating house have a liquor licence? you intend to apply for a liquor licence for the eating house?
6.	Proposed days of operation
7.	Proposed hours of operation



CP14.1 Alfresco Dining 2000

8.	Proposed number of tables									
9.	Proposed number of chairs									
10.	Proposed number of other structures									
11.	Description	of	tables	and	chairs	including	materials 	and	dimensions	
12.	Description	of	other	struc	tures	including	materials 	and	dimensions	
13.	Details of prop	osed e	eating hous	se name	signage t	o be placed or	n furniture			

NOTE: NO THIRD PARTY ADVERTISING PERMITTED EXCEPT FOR ADVERTISING OF PRODUCTS SOLD BY THE EATING HOUSE IN ACCORDANCE WITH THE ALFRESCO DINING POLICY.

I hereby declare that -

- (a) the eating house referred to in item 1 above is registered as required by Division 3 of Part V of the Health Act 1911;
- (b) I am the proprietor of that eating house and I am licensed in accordance with Division 3 of Part V of the *Health Act;*
- (c) the eating house referred to in item 1 above is registered as required by the *Liquor Licensing Act 1988;* and
- (d) I am the licensee of that eating house and I am licensed in accordance with the Liquor Licensing Act.

Note: Paragraphs (c) and (d) of the declaration only apply if the application relates to an eating house which is licensed under the Liquor Licensing Act.

The following are attached -

- (a) two copies of a plan and specifications of the proposed alfresco dining area on a scale of 1:50 showing -
- (i) the location and dimensions of the proposed alfresco dining area;



CP14.1 Alfresco Dining 2000

- (ii) the position of furniture to be provided in the proposed alfresco dining eating area; and
- (iii) the manner in which the alfresco dining area is to be separated from the balance of the public place;
- (b) two copies of a plan and specification of the proposed alfresco dining area and all land within 30 metres beyond the boundaries of the proposed area on a scale of 1:500 which plan and specification shall show the location of all thoroughfares, footpaths, public facilities, public places, streets and street alignments;
- (c) photograph of the proposed alfresco dining area in relation to adjacent premises;
- (d) photographs or brochures of the furniture to be set up in the proposed alfresco dining area;
- (e) details of any advertising proposed to be displayed on the furniture, including but not limited to the content, dimensions, colour and proposed location;
- (f) details of storage areas for furniture;
- (g) a written statement of the manner in which food, drink and dining accessories are to be conveyed to, and protected from contamination within the area; and
- (h) if the eating house is licensed under the *Liquor Licensing Act 1988*, the liquor licence and the extended trading permit; and
- (i) written particulars of arrangements made in respect of public liability insurance coverage in the sum of \$10,000,000 for the City of Perth and licensee in respect of alfresco dining; and
- (j) written statements from the owner and occupier of the adjacent premises consenting to the conduct of alfresco dining in the area adjacent to their premises.

I acknowledge that if the owner or occupier of the adjacent premises, or their successors or assigns, revokes their consent for alfresco dining in the area adjacent to their premises, then this area may no longer be used by me for alfresco dining.

In making this application for a licence, I agree on the issue of a licence to -

- (a) indemnify the City of Perth and Council against any claim for loss, damage or injury however arising from the operation of the alfresco dining area; and
- (b) not to claim from the City of Perth or the Council or any person acting on their behalf, for any loss, damage or injury however arising from any public work on the public place.

enclo	se t	he t	fee	of	\$



CP14.1 Alfresco Dining 2000

Dated the	day of	
Signature of Appli	cant	

NOTE: Only a holder of a liquor licence may sell liquor. Under the Liquor Licensing Act 1988, the holder of a liquor licence, with the consent of the Council, may be issued an extended trading permit which permits the sale and supply of liquor on a road or footpath. Any application for a liquor licence or

extending trading permit should be sent to -

The Director of Liquor Licensing Liquor Licensing Division Office of Racing and Gaming 1st Floor 87 Adelaide Terrace EAST PERTH WA 6004

Document Control Box									
Document Responsibilities:									
Custodian:					Custodian Un	it:	Develop	ment Approval	S
Decision Make	er:								
Compliance Requirements:									
Legislation:									
Industry:									
Organisationa	l:								
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Risk Rating:			Review Fre	quency:		Next Due:		TRIM Ref:	P1002146
Version #	Decisio	n Reference:		Synopsis:					
1.	24/10/	24/10/00 Previous			revious Policy No. SU16				
2.	13/07/	10							
3.	06/12/	11							



CP14.2 Consumption of Alcohol in Alfresco Dining Areas without a Substantial Meal

POLICY OBJECTIVE

To establish guidelines for the consumption of alcohol in alfresco dining areas of Taverns, Hotels, Small Bars and Restaurants without the requirement for a substantial meal to be consumed.

POLICY STATEMENT

That the Council of the City of Perth supports the consumption of alcohol in the alfresco dining areas of Taverns, Hotels, Small Bars and Restaurants subject to:-

- 1. An extended trading permit for the alfresco area has been issued by the Director of Liquor Licensing.
- 2. The premises have not been the subject of any complaints concerning noise or behaviour of patrons.
- 3. The premises is so located that no nuisance from patrons in the alfresco area could be caused to adjoining residents and business premises.
- 4. The consumption of alcohol is limited to normal trading hours and does not include consumption during any extended trading hours granted to the premises.
- 5. Consumption of alcohol without a meal being limited to patrons seated at tables in the alfresco area.
- 6. The licensee of the premises is to ensure that meals are available at all times.
- 7. Alfresco dining is not supported as part of a Cabaret licence.

In order to gain approval, an applicant must firstly apply to the City of Perth to delete any existing conditions on an alfresco licence, restricting the consumption of alcohol in alfresco areas, prior to applying to the Director of Liquor Licensing to remove the relevant condition on the liquor licence.



CP14.2 Consumption of Alcohol in Alfresco Dining Areas without a Substantial Meal

Document Control Box										
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Custodian:	Manag	er Health and A	Activity Appro	ovals	Custodian U	Init:	Health a	nd Activity App	rovals	
Decision Make	er:	Council								
Compliance	Require	ments:								
Legislation:										
Industry:										
Organisationa	l:	PR0801								
Document N	lanagen	nent:								
Risk Rating:		Medium	Review Fre	quency:	Two years	Next Due:	2012	TRIM Ref:	P1014823	
Version #	Decision Reference: Syno			Synopsis:	/nopsis:					
1.	OCM 2	OCM 27/05/03 P			Previously Policy No.SU67					
2.	24/04/	07 (259/047)								
3.	13/07/	10 (345/10)								



Acknowledgement

We acknowledge the Whadjuk Nyoongar people, Traditional Owners of the lands and waters where the City of Perth is today and pay our respects to Elders past and present.



TABLE OF CONTENTS

ntroduction	6
Urban Design Principles	10
Suitable Locations	12
Determining the extent of the outdoor dining area	16
Designing the outdoor dining area	30
Managing and operating the outdoor dining area	42
Compliance	48
Decommissioning of an outdoor dining area	50
Applying for an outdoor dining permit	52
Outdoor Dining Checklists for Applicants	58
Frequently Asked Questions	62
Site Plan Example	68





INTRODUCTION

IMPORTANCE OF OUTDOOR DINING

The City of Perth supports the use of suitable public spaces for outdoor dining.

Outdoor dining provides important benefits to the city. By nature of its location in our public places, outdoor dining is perfectly suited to Perth's climate; it should be temporary in nature, and complement the associated food business.

High quality outdoor dining areas:

- Create diverse street activity and contribute to the life and vibrancy of streets and other public places, aligning with the City of Perth Strategic Community Plan Shaping Our Capital City
- Attract residents, visitors and tourists to spend time in the city and provide activity that makes public spaces feel safer
- Support the City's economy by increasing trading opportunities for cafes, restaurants and bars.

OBJECTIVES OF THE GUIDELINES

These guidelines will assist business owners to create and manage high quality outdoor dining areas and support them in complying with the City's Outdoor Dining Policy.

The City conducted extensive community and stakeholder consultation to develop the following objectives:

· Ensure equal access to and public safety in

- public places with outdoor dining
- Encourage high quality outdoor dining areas that enhance amenity and brings activity to the city
- Ensure outdoor dining areas are safe and sustainable
- Provide information on local laws and associated standards that are applicable to outdoor dining areas
- Outline the processes in place to support outdoor dining

The City of Perth Outdoor Dining Guidelines can be accessed through the City website and are available in other formats on request.

WHO DO THE GUIDELINES APPLY TO?

The guidelines apply to:

- outdoor dining areas on public land, and City owned and leased land within the City of Perth
- existing food businesses that have an outdoor dining permit
- · new applicants for outdoor dining permits

Outdoor dining applicants must be a registered food business within the City of Perth and have a tenancy fronting the public place where outdoor dining will be situated, with clear and unobstructed access and views to this area. Each application will be assessed by the City on a case-by-case basis.



EXISTING OUTDOOR DINING AREAS

Permit holders that commenced operation of their outdoor dining permit under the previous Alfresco Dining 2000 Policy, or any earlier Policy, will have up to three years from 1 July 2018 to ensure their outdoor dining area meets the minimum standards set out in the Outdoor Dining Policy, the revised Outdoor Dining Local Law 2018 and these guidelines.

Failure to comply will result in the permit being cancelled; and in the case of installations such as fixed umbrellas and glass barriers, these will need to be removed and rectification works completed at the permit holder's expense.

DEFINITIONS

Outdoor dining

Outdoor dining or drinking or both in a public place.

Outdoor dining area

An approved area in which tables, chairs and other structures can be placed for the supply and consumption of food or beverages, or both.

Furniture and other approved items must be located within this area at all times when the business is operating.

Public place

A public place is defined by the City of Perth Thoroughfares and Public Places Local Law 2017 as "any thoroughfare or place which the public are allowed to use."

These places are open and available for all members of the community to enjoy cultural, social and recreational activities. This includes footpaths and pedestrian malls. Public places must be accessible to all members of the community and allow for effective pedestrian movement.



Applicant

The business or representative of a registered food business formally applying to operate an outdoor dining area in a public place, within the City of Perth's jurisdiction.

Outdoor dining permit

A permit, approved by the City of Perth, that allows the operation of an outdoor dining area in a public place within the municipality.

Under the Outdoor Dining Local Law 2018, a permit from the City of Perth is required to operate an outdoor dining area in any public place.

Permit holder

The business or representative of the business that holds an outdoor dining permit.

Development Application

A Development Application (DA) is a formal request for approval to change the use of a premises from one activity or land use to another. This is a separate application and approval process to the outdoor dining application.

Non-fixed items

Furniture and items that can be easily and quickly removed from the outdoor dining area are considered non-fixed. This includes tables and chairs.

Semi-fixed items

Furniture and items require a permanent footing or structural installation system. This includes umbrellas, canvas screens and planter boxes.

Fixed items

Furniture and items that are permanently fixed in the street and not easily removeable at short notice or at the end of trading each day. This includes glass screens.

Policy framework

This guide has been developed in line with City policies and local laws and responds to a range of municipal, state, and federal legislation and standards.



URBAN DESIGN PRINCIPLES

Outdoor dining should contribute to the creation of inviting public places for the whole community.

The following principles outline the urban design considerations required to deliver successful public places that support outdoor dining. Outdoor dining should:

Embrace the public nature of the street

Ensure that the public place is open and welcoming, allowing people to dwell, move through and enjoy the streetscape.

Allow for activity and movement of all pedestrians

Provide permeable streets and public places, ensure that people are on the same physical level, and allow for uninterrupted paths of travel that are accessible to all users regardless of ability.

Ensure the streetscape is visually easy to understand and negotiate

Crowding the street or footpath with items and obstacles should be avoided.

Support the street's identity and character

Avoid visual or physical clutter that detracts from the appeal and clear views of building and shop frontages and select quality materials that provide a positive sensory experience.

Complement the existing streetscape

Have their configuration and layout tie in with the street's design and any future planned designs.

Embrace Perth's climate and urban greenery

Allow for people to enjoy the seasonality of the city, embrace the outdoor environment by avoiding enclosing the outdoor dining area.

This is a key part of the outdoor dining experience – Perth has the highest number of sunny days and sunshine hours of any Australian capital city (source: Bureau of Meterology) and a small proportion of rainy days; outdoor dining should make the most of this.

Allow for flexibility of use

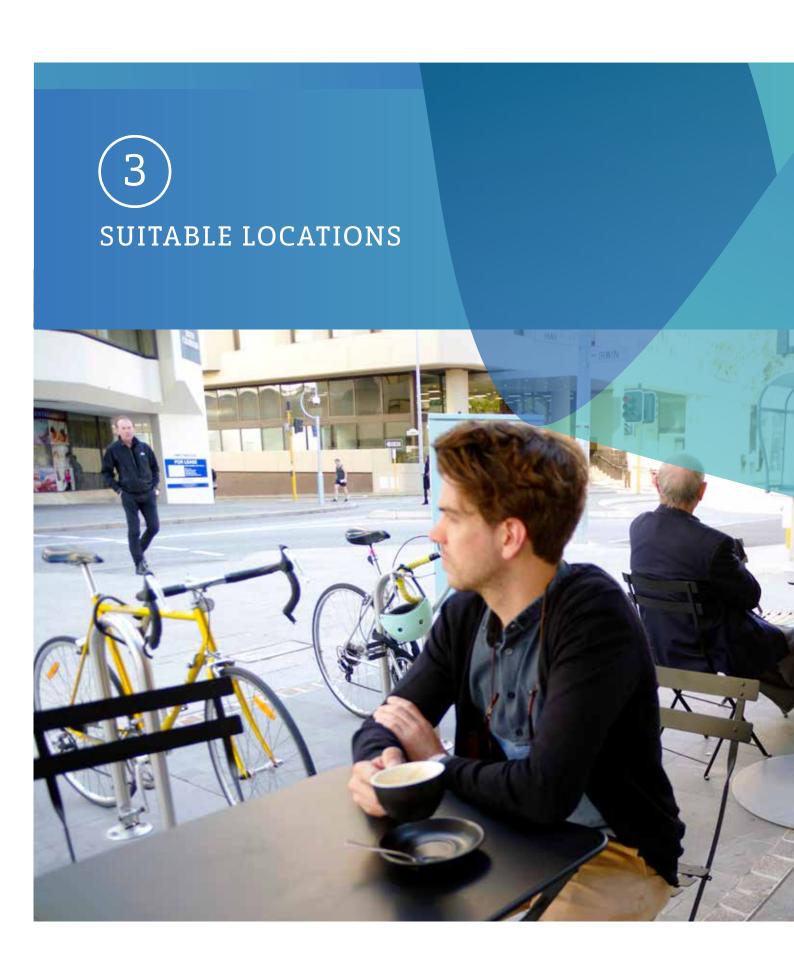
Outdoor dining areas should have a robust design, so that the changing needs of the public place can be accommodated.

Contribute to a pleasant built environment

Select materials that will ensure resilience and easy maintenance, despite rigorous use.

Support public safety through passive surveillance

Provide uninterrupted sightlines to encourage passive surveillance of the street. It is essential to 'see and be seen', in other words, for patrons in an outdoor area to see their surroundings and to be seen by passer-by's.



SUITABLE LOCATIONS

Outdoor dining areas should provide comfortable and attractive environments for patrons. They should be positioned to enhance the public place and improve the street's activity. Outdoor dining is particularly encouraged in areas that have potential for more pedestrian activity, and in areas that would benefit from increased activity outside of peak business hours.

Consideration should be given to ensuring the outdoor dining area does not negatively impact neighbouring uses or the amenity of the surrounding streetscape

Outdoor dining is most appropriate in the following locations:

- Footpaths directly outside the associated business which are not required for existing or proposed public infrastructure or service (e.g. bus stops).
- Streets with a minimum 3.2m combined footpath and kerb width, to ensure minimum pedestrian clearance and kerb setback requirements are met.
- Laneways.
- · Pedestrian malls.

The City of Perth will determine the impact and appropriateness, with respect to location, for all outdoor dining applications and amendments. The final location and position of the outdoor dining area is subject to the City's approval.

Please be aware that not all locations are suitable for setting up an outdoor dining area.

RESIDENTIAL AREAS

Traditional residential neighbourhoods, including Crawley and Nedlands, are particularly sensitive to commercial activity in their public places. For these neighbourhoods to have outdoor dining and continue be socially sustainable, it is important that the business is compatible with the community's access to and use of the public place.

OUTDOOR DINING BEYOND PERMIT HOLDER'S FRONTAGE

Applicants may apply for their outdoor dining area to extend beyond their building frontage to a single adjacent neighbour.

The applicant must provide written permission from the business owner and building owner of the neighbouring premises, and include it in their application. The written permission must include an acknowledgement that the extension of outdoor dining in front of the neighbouring premises will result in the area no longer being available for their use during outdoor dining trading hours.

If permission is withdrawn by the neighbouring building owner or business owner (current or future), the outdoor dining area must be removed. The permit holder must submit a revised outdoor dining area plan and withdrawal letter as part of this process.

TEMPORARY EXTENSION INTO CAR PARKING EMBAYMENTS ON JAMES STREET, NORTHBRIDGE

Applications for the temporary extension of outdoor dining into a car parking embayment may be considered. The car parking embayment must be directly adjacent the applicant's business, and all furniture and outdoor dining items must be non-fixed and removeable at the end of each day. They must also be accessible by wheelchair, as such an access ramp that is compliant with Australian Standards may be required.

Traffic safety will be a key consideration when assessing the application, especially if located close to a street intersection. If approved, removable barriers must be provided by the permit holder to prevent patrons or furniture from encroaching on to the roadway. Furniture and other items cannot block access to stormwater inlets or other key services. Other sitespecific conditions may also apply to the permit holder.

NARROW FOOTPATHS

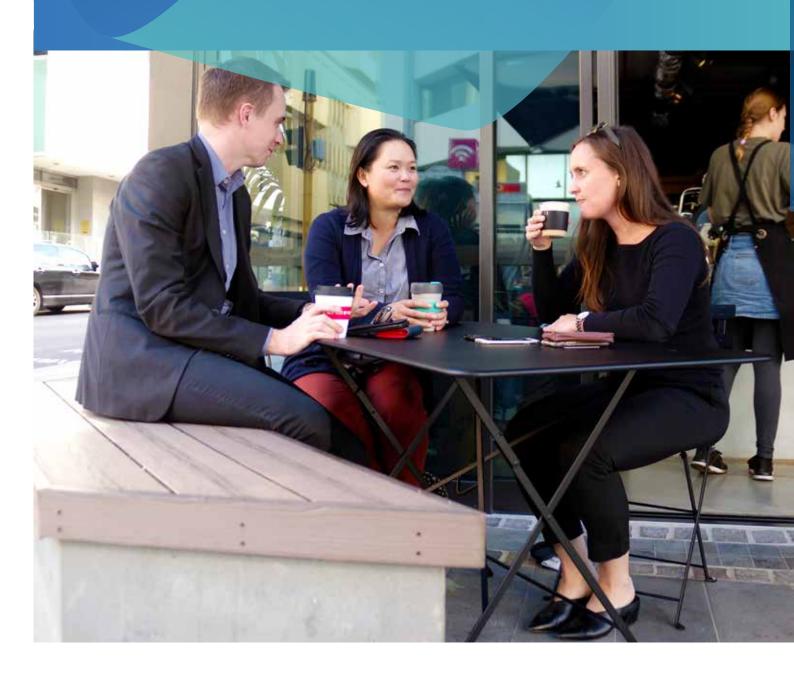
In areas where footpaths are narrow and the required pedestrian clearances only allow for small outdoor dining areas (e.g. where the footpath is only 3.2m wide), alternative furniture layouts and modifications to a business's street interface may be considered to allow for outdoor dining.

Alternative arrangements are subject to the City's approval on a case-by-case basis. Note that in some instances a development application may be required.





DETERMINING THE EXTENT OF THE OUTDOOR DINING AREA



DETERMINING THE EXTENT OF THE OUTDOOR DINING AREA

Outdoor dining should complement the range of different street conditions within the adjacent public place. Suitable, consistent clearances are required around the outdoor dining area to allow for safe and equitable pedestrian circulation and to prevent the appearance of a cluttered streetscape.

EQUAL ACCESS

The City of Perth is committed to providing convenient and safe pedestrian access for people of all ages and abilities throughout the city.

The City's Disability Access and Inclusion Plan (DAIP) recognises that all city businesses and users are responsible for contributing to a safe, equitable and shared public environment. The DAIP complies with legislative requirements, including the Disability Services Act 1993, Disability Discrimination Act 1992 and the Australian Standards for Access and Mobility.

The permit holder is responsible for ensuring their outdoor dining area complies with the requirements of the City's DAIP.

The DAIP is available for download from the City's website (www.perth.wa.gov.au/disability-access-and-inclusion-plan-2016-2020) and is available in various other formats on request.

ALIGNMENT

To maintain a consistent thoroughfare against the building line for all pedestrians, outdoor dining areas must be located adjacent the kerb.

In minor streets and laneways, and areas with low pedestrian activity, outdoor dining may be aligned adjacent to buildings, subject to the City's approval.

Outdoor dining is not permitted adjacent to buildings in high pedestrian traffic areas such as:

- · Hay Street Mall
- Murray Street Mall
- St Georges Terrace
- William Street
- · Barrack Street
- Parts of Wellington Street, Hay Street, Murray Street, and James Street as determined by the City

FOOD BUSINESS

2000 MIN. PEDESTRIAN CLEARANCE*

600 MIN. OUTDOOR DINING AREA KERB SETBACK

Figure 1. Example - typical street application of clearances and setbacks

CLEARANCES AND SETBACKS

The minimum width of an outdoor dining area is 600mm from the face of kerb; relevant kerb setback and pedestrian clearances (outlined below) will need to be allowed for.

The following minimum clearances and setbacks are required to ensure safe pedestrian movement and existing street functions are maintained.

^{*}Pedestrian Clearance determined by Figure 2: Pedestrian Clearances



Figure 2. Pedestrian clearances

Pedestrian clearances

A minimum continuous clear width of 2m for pedestrian circulation is required for footpaths throughout the city. Additional clearances apply to specific streets, as outlined in the diagram above.

These clearances are based on the Australian Standards minimum requirements for pedestrian access, including for people with visual impairment and users of mobility aids.

The City of Perth reserves the right to vary pedestrian clearances to respond to the local conditions of the proposed outdoor dining area, including pedestrian and vehicular traffic volumes, footpath conditions and other street uses.

Legend

- No outdoor dining (bus stop conflict)
- 3m clearance
- 2.5m clearance
- 2.2m clearance
- 2m clearance on all other streets unless noted

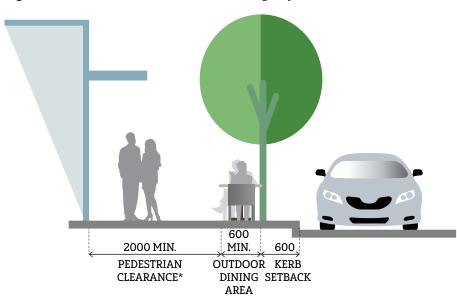
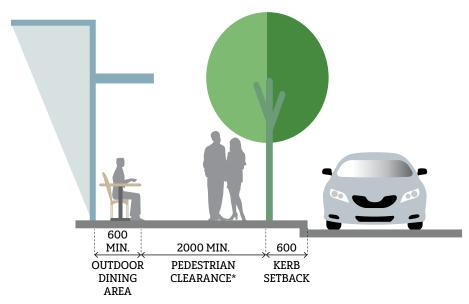


Figure 3: Kerb Setback with outdoor dining adjacent to kerbs

Figure 4: Kerb Setback with outdoor dining adjacent to building in low pedestrian volume area



Kerb setback

A setback of 600mm is required from the front face of kerb to the outdoor dining area or pedestrian clearance if outdoor dining is

adjacent buildings. This helps creates a safe environment for patrons and should reduce the likelihood of conflicts with on-street activity.

^{*}Pedestrian Clearance determined by Figure 2: Pedestrian Clearances

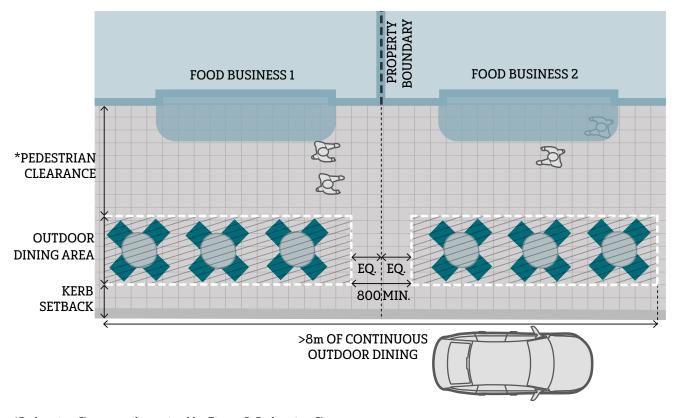


Figure 5: Example - clearances between businesses with adjacent outdoor dining areas

Clearances between businesses with adjacent outdoor dining areas

Clearances between adjacent outdoor dining areas are required to allow for pedestrian access to the street, and to allow for street cleaning and maintenance machinery access.

If the combined length of two adjacent outdoor dining areas is greater than 8m, a clear zone shall be provided, aligned with the dividing property boundary.

If no permanently fixed items are being used in the outdoor dining areas, a minimum 400mm clearance is required from the boundary of each area, giving a total clearance of 800mm. In some instances, such as pedestrian malls and areas with flush kerbs, the City may require a 1200mm clearance between two outdoor dining areas.

If permanently fixed items, such as glass screens or permanent planter boxes, are being used in the outdoor dining area, a minimum 800mm clearance is required from the boundary of each area, giving a total clearance of 1600mm.

^{*}Pedestrian Clearance determined by Figure 2: Pedestrian Clearances

FOOD BUSINESS D *PEDESTRIAN CLEARANCE **OUTDOOR** 800 DINING AREA MIN. **KERB SETBACK** EQ. DIST. EQ. DIST. >8m OF CONTINUOUS OUTDOOR DINING

Figure 6: Breaks within outdoor dining areas

Breaks within outdoor dining areas

For every 8m of continuous outdoor dining, an evenly spaced 800mm wide pedestrian break shall be provided. For example, a 12m continuous outdoor dining area would have one evenly spaced 800mm break, and an 18m continuous outdoor dining area would have two evenly spaced 800mm breaks.

Note that in some instances, such as pedestrian malls and areas with flush kerbs, the City may require a 1200mm wide clear zone.

These clearances apply to all outdoor dining areas, including those with screens and planter boxes.

^{*}Pedestrian Clearance determined by Figure 2: Pedestrian Clearances

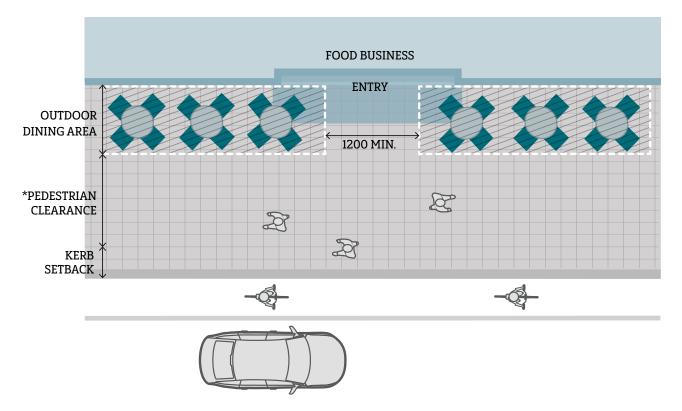


Figure 7: Entry to businesses with outdoor dining adjacent building on street with low pedestrian volume

Entry to buildings and businesses

Where outdoor dining has been approved adjacent buildings in low pedestrian volume areas a 1200mm clearance is required, from the principal pedestrian entrance of a building with outdoor dining to the pedestrian clearance, where the outdoor dining is located adjacent to buildings.

^{*}Pedestrian Clearance determined by Figure 2: Pedestrian Clearances

FOOD BUSINESS √) 45° **PEDESTRIAN** CLEARANCE INTERSECTION CLEARANCE ZONE **OUTDOOR** DINING AREA **KERB**

20 M AT UNSIGNALISED INTERSECTION NO ITEM >1100mm PERMITTED*

Figure 8: *Typical street intersection setbacks*

Intersection setbacks

To maintain sightlines for road users, outdoor dining must be setback from intersections. The typical minimum setback from both signalised and unsignalised intersections to the outdoor dining area is determined by a line of sight, set at a 45-degree angle from the corner of the building to the kerb.

Setbacks from intersections may vary depending on site-specific streetscape conditions. Additional setbacks may be required at intersections with high traffic volumes, speeds and/or poor visibility. Final intersection setbacks are subject to the City's approval

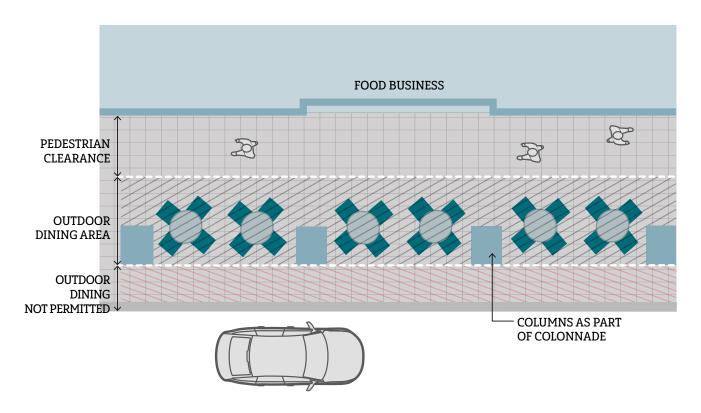
Visibility at unsignalised intersections

SETBACK

Outdoor dining furniture and fixtures within 20m of the building corner at an unsignalised intersection, including laneways, may be no greater than 1100mm high and all barriers shall be visually permeable.

^{*}Refer to Visibility at unsignalised intersections outlined below.

Figure 9: Colonnades on Hay Street



Colonnades

On Hay Street colonnades support built structures that extend over the footpath and public place. These should be integrated into the outdoor dining area to provide shade and shelter.

The outside edge of the outdoor dining area must not extend beyond the colonnade. In addition, a continuous path of travel adjacent buildings shall be provided in accordance with minimum pedestrian clearances.

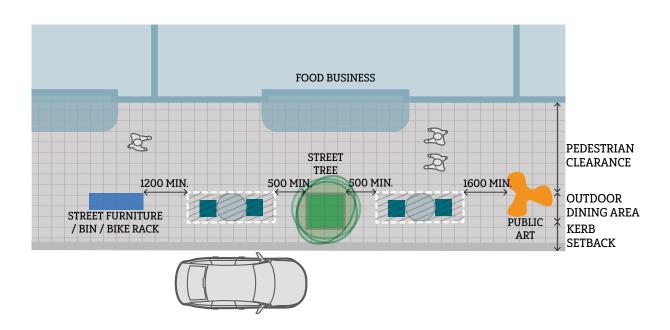


Figure 10: Street furniture, public art, and street tree setbacks

Driveways, laneways, and right-of-way's

All outdoor dining areas shall be setback 1500mm from the edge of all driveways, laneways, and right-of-way's, to ensure patron and community safety.

Street furniture and infrastructure setbacks

All outdoor dining areas shall be setback 1200mm minimum from all street furniture and other public infrastructure to maintain access for community use and contractor servicing. This includes items such as benches, bins and bike racks, but does not include manholes, service pits, or light poles.

Permit holders have an obligation to temporarily remove outdoor dining area fixtures upon request, with there being no obligation on the service provider to forewarn the permit holder in the case of an emergency (e.g. urgent drainage or electrical works). Staff of the permit holder will need to be made aware of this requirement.

Note that the permit holder or any other persons shall not be entitled to any payments, compensation or damages of any kind from the service provider or the City of Perth where outdoor dining area is removed temporarily to allow for contractor access.

Public art setbacks

The City of Perth Public Art Collection is an important cultural expression showcasing Perth's unique identity and encouraging residents and visitors to explore their City. To ensure public artworks are accessible, outdoor dining areas are to have a 1600mm setback from all public art.

As public art is site specific, the City will not support relocating public art to accommodate outdoor dining. The City of Perth will work to ensure that public art is maintained in good condition, appropriate for public display.

Street tree setbacks

Street trees are important for the quality of the City's public places. They create streets that are attractive, provide shade, improve air and water quality, and improve levels of community health and well-being. Further information is included in the Urban Forest Plan, which can be found on the City's website (www.perth.wa.gov.au/planning-development/city-initiatives/urban-forest-plan).

Existing street trees should be integrated into the outdoor dining area to provide shade, shelter and a pleasant dining experience. To ensure street trees thrive, they cannot be removed, relocated, trimmed or pruned, or modified in any way.

A 500mm clearance from the outer edge of any tree grate or pit to the outdoor dining area shall be maintained at all times to protect the trunk and root system.

The City may require amendments to existing outdoor dining areas that conflict with new street trees planted in footpaths and public places.



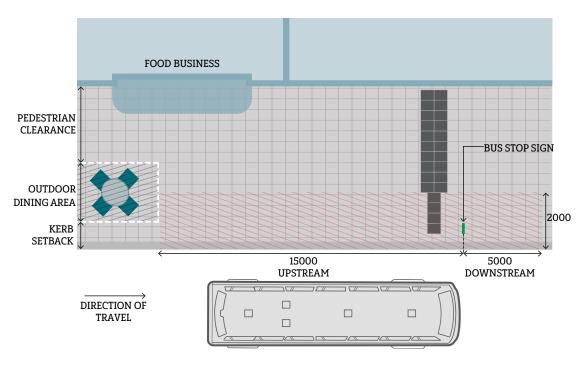


Figure 11: Public transport setbacks

Public transport setbacks

To maintain space for access and queuing, the following requirements apply:

- At taxi ranks, outdoor dining areas shall be setback a minimum of 2000mm from either of the taxi bays, with a 2000mm wide clearance along its length.
- At all bus stops, a 2000mm wide clearance from front of kerb, 5m downstream and 15m upstream, is required.

Construction site setbacks

The City of Perth will provide guidance on the management of outdoor dining areas adjacent construction sites. A minimum setback of 3000mm will be required from the outdoor dining area to the construction site. Applications will be assessed on a case by case basis.

The City of Perth reserves the right to temporarily suspend, amend, or cancel an outdoor dining permit to ensure the safety of the community during construction projects. A period of 14 days' notice will be given to the permit holder in these circumstances. Note that the permit holder or any other persons shall not be entitled to any payments, compensation or damages of any kind from the City of Perth.

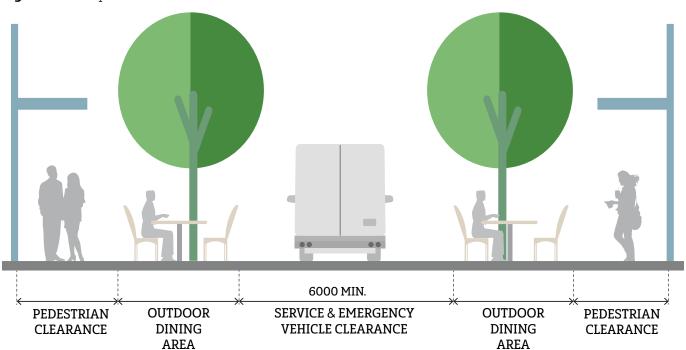


Figure 12: Mall pedestrian and vehicle clearances

Malls

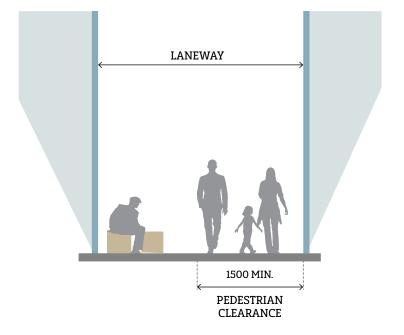
Pedestrian clearances still apply to malls and other pedestrian areas.

Access for service and emergency vehicles must be maintained; a minimum central clear width of 6m is required for their circulation.

Laneways

Where laneways are closed or temporarily closed to traffic, a minimum clear width of 1500mm for pedestrian circulation is required.

Figure 13: Laneway pedestrian clearances





DESIGNING THE OUTDOOR DINING AREA

Outdoor dining areas should respond to the existing street environment. Culturally significant features and street trees should be integrated into the space. Unless approved by the City they should not be removed, relocated or modified.

ADVERTISING AND SIGNAGE

Advertising in outdoor dining area falls within the City's Signs Policy. The policy is available for download from the City's website (www.perth. wa.gov.au/planning-development/planning-schemes-and-policies/cps2-planning-policies).

Advertising should be kept to a minimum. The City does not support advertising in outdoor dining areas as it privatises the public space and adds visual clutter.

Advertising on any item of furniture, including barriers, shall be limited to the name and logo of the business. No third party advertising is permitted.

Advertising is to take up no more than 10 per cent of the total surface area of these items. There shall be no advertising on tables or chairs.

Advertising of product brand names, is limited to umbrellas and must only relate to products sold at the business, with no liquor or tobacco advertising. No product pictures are permitted.

ELECTRICAL WORKS

No lighting or other items requiring mains power, including point-of-sale and power outlets, are to be installed in the public place. All electrical works need to be contained within the private lot.

PLACEMENT OF FURNITURE AND FIXTURES

Outdoor dining furniture and fixtures shall be located so that:

- Clear and unobstructed views of the outdoor dining area from inside the business are maintained.
- Street frontages are not obscured.
- Natural air and light is maintained.

The City of Perth will specify the maximum number of tables, chairs and other furniture during the application and approval process. Operators are to allow for approximately 600mm2 per chair, with relevant clearances and setbacks observed.

All furniture is to be placed within the approved outdoor dining zone only.

Non-fixed items

A 500mm clearance shall be provided between adjoining table and chair settings and other non-fixed items.

Fixed items

Glass screens and other items may be permanently fixed where there is a demonstrated safety need for them, predominantly streets with high volumes of traffic. Streets where fixed items are permitted includes St Georges Terrace, William and Wellington Street which are on major bus routes.

Where fixed items or furniture are approved, a 1600mm setback from the item to all street furniture, public infrastructure, street trees, buildings, and adjacent outdoor dining areas with fixed items, is required. This is to allow for street cleaning, and maintenance machinery access.

Surface treatments

Consistent and high-quality surface treatments are important to the legibility and character of the street, and ensures access to underground services. No surface treatments are to be applied or introduced to the public place as part of the outdoor dining area.

This includes, but is not limited to:

- Artificial turf
- Carpets and rugs
- Decking

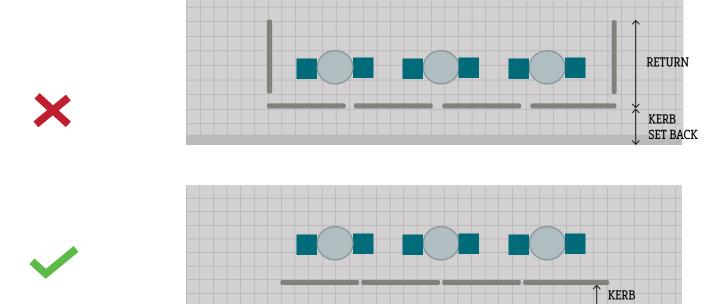
Permanent and semi-permanent structures

Permanent and semi-permanent structures compromise pedestrian access and obstruct views of and through the public place. Ensuring that businesses, pedestrians and vehicles can see and be seen is key to the success of public places with outdoor dining areas. These structures create maintenance issues and privatise what is a public place. As such, permanent and semi-permanent structures are not permitted, this includes:

- decking over existing paving
- shipping containers
- canopies
- pergolas
- canvas and plastic blinds
- drop down shades
- plastic covers
- temporary shelters
- walls (timber or brick)

Existing structures such as verandas, awnings and trees should be integrated into the outdoor dining area, to provide shade and shelter. Using additional structures where these items are present, makes the public place feel cluttered and detracts from the building's frontage and street appearance.

Figure 14: Barrier furniture



Barrier furniture

The City does not encourage the use of items that create a barrier between the outdoor dining area and the public place, as they compromise pedestrian access and obstruct view of and through the public place. Barriers are not encouraged where there is already protection from on-street activity in the form of kerbside parking or low-speed bike paths and lanes.

Barriers will only be considered for approval where protection from the street environment is required for the outdoor dining area to be useable, as determined by the City.

Barriers should not be used to enclose the area as this presents issues with cleaning and maintenance.

If barrier furniture is approved, only one type

of barrier may be used for each outdoor dining area (i.e. a combination of canvas screens and planter boxes is not permitted).

Barrier furniture must help create a high quality urban space and should not obscure street frontages. Barrier furniture includes:

- canvas screens
- · glass screens
- planter boxes

Barrier furniture shall be placed:

- Parallel with the road, on the kerbside boundary of the outdoor dining area (figure 14)
- · Abutting, with no gaps between

Barrier furniture shall not be placed:

- · Between the building and outdoor dining area
- Perpendicular to the road

Underground services

Fixed items must be setback 1000mm from underground services such as fire hydrants. sewer, telecommunications and electricity pits, manhole lids and stormwater grates and inlets. This is to allow emergency and maintenance access to service contractors.

Where footings are required for fixed items, the applicant must order and verify a Dial Before You Dig to determine services locations, and submit this as part of their application.

Non-fixed items, such as tables and chairs, may be placed on top of structurally sound infrastructure and service pits, provided they can be easily moved aside for immediate access to the services.

The permit holder, or their staff, must remove items immediately upon request by the City or any service contractor needing to undertake work on infrastructure.

Gradients and Slopes

Unlike other Australian capital cities, such as Sydney, Perth is relatively flat.

Where outdoor dining is located on footpaths or public places that are sloped or have a gradient, adjustable feet or furniture levellers can be attached to the legs of tables, chairs, and other non-fixed furniture to accommodate the topography.

Development Application

A Development Application will be required where alterations are made to the building or streetscape to accommodate outdoor dining, this may include:

- Modifications to a building's frontage
- Installation of a permanent or retractable awning
- Installation of bi-fold windows
- All works outside or adjacent heritage buildings

Information on the Development Application process can be found on the City's website (www.perth.wa.gov.au/planningdevelopment/planning-and-building-tools/ application-forms-planning-developmentbuilding-and).

Heritage buildings

Outdoor dining areas in front of heritage buildings should not adversely affect the cultural significance of the building and surrounding public place or streetscape.

All works involving permanent changes, including semi-fixed and fixed furniture and items, to places included in the City Planning Scheme Register of Places of Cultural Heritage Significance, including places within conservation areas, requires planning approval prior to progressing.

Information on Heritage Conservation and Development within the City can be found on the City's website (www.perth. wa.gov.au/planning-development/heritage/ conservation-and-development).

CCTV

A network of CCTV cameras, monitored by the City of Perth Surveillance Centre, contributes to a safe public environment for businesses, visitors and the community.

The City of Perth will review all outdoor dining areas within 10m of a CCTV camera, prior to approval.

The City may deny outdoor dining applications where they will conflict with existing CCTV cameras or request amendments to existing outdoor dining areas when new CCTV cameras are installed in locations that conflict with existing umbrellas and other tall items.

FURNITURE AND FIXTURES

Furniture and fixtures in outdoor dining areas shall be:

- Simple and contemporary in style, appearance and colour – dark, warm colours that prevent visual glare.
- Consistent in quality, style and aesthetic for each outdoor dining area, to reduce visual clutter and impact on the streetscape.
- Portable so that they can be moved or retracted from the outdoor dining area at the end of trading each day, to return the area to a public place in appearance and function.
- Maintained to ensure that they remain in good condition, acceptable to the City's satisfaction.

Materials and finishes shall be:

- · High quality and unobtrusive.
- · Hardy, durable and windproof.
- Appropriate for use in public place and suitable for outdoor environments.
- Physically sound and safe, with no sharp edges or entrapment issues.
- Protected against visible dirt and wear (consider using dark colours as these are less likely to discolour and stain).

Details of the furniture and fixtures shall be supplied to the City for approval, as part of the application process.

Accessibility

The City encourages businesses to select furniture and other items that are accessible for people of all sizes and abilities. For example, chairs should be of large size but light in weight and durable.

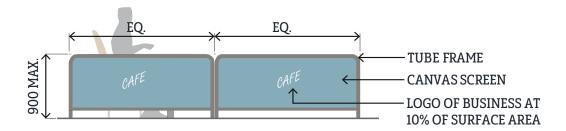
Tables and chairs

Tables and chairs shall:

- Be placed according to the requirements of non-fixed items
- Have a metal or timber frame, or be made of heavy-duty polypropylene.

For the safety of patrons, chairs must not be placed with their back to the street.

Figure 15: Canvas screens



Canvas screens

Canvas screens shall be:

- Be placed according to the requirements of barrier furniture and semi-fixed items.
- Made of a canvas material with metal frame.
- 900mm high to ensure the street remains open in appearance and feel.
- Positioned with weighted footings, that do not pose a trip hazard. Footings must attach directly to the screen and must prevent the screen blowing over in strong winds. Additional weights to secure the screens and footings, such as sand bags, are not permitted.
- Designed in accordance with Figure 15.

Details shall be supplied to the City as part of the application process.

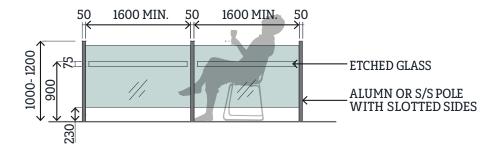
Glass screens

As glass screens need to be permanently fixed, they impact on the openness and character of the public place outside of trading hours. They also make cleaning and maintenance of streets difficult. Glass screens will only be considered for approval where permanent protection from the street environment is required for the outdoor dining area to be useable, as determined by the City.

Glass screens shall be:

- Placed according to the requirements of barrier furniture and fixed items.
- Simple in appearance and design.
- Between 1000mm and 1200mm in height
- Designed with a 230mm gap between the ground and base of the glass panel.
- Designed and certified by a structural engineer.
- Compliant with Australian Standards. Consideration shall be given to the requirements of glass panels in public place.

Figure 16: Glass screens



Support poles shall:

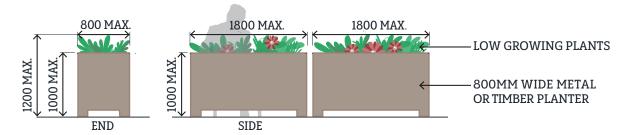
- Be either:
 - 50mm diameter round section structural marine grade aluminium supports with slotted sides to receive glass, powder coated in silver finish; or
 - 50mm diameter round section structural marine grade polished stainless-steel supports with slotted sides to receive glass.
- Placed such that there is a 1600mm gap between poles.
- Be evenly spaced along the length of the screen.
- Be surface mounted.

Details of fixing by the manufacturer or installer shall be provided by the applicant to the City, prior to approval.

Glass panels shall:

- Be a minimum of 1600mm long.
- Have a 75mm wide band of plain etched glass on each side of the panel, in accordance with Figure 16.

Figure 17: *Planter boxes*



Planter boxes

Plant species shall be hardy and lowmaintenance. Consideration should be given to the ongoing upkeep of the plants including vandalism. The City can provide advice on the selection of plants, upon request.

Planter boxes shall be:

- Be placed according to the requirements of barrier furniture, and semi-fixed items or fixed items.
- Made of metal or timber only.
- No greater than 1800mm long x 800mm wide x 1000mm high.

Planter boxes must be removed from the public space at the end of trading each day.

Retractable Awnings

Retractable awnings should only be used where verandas, permanent awnings, trees, or other forms of existing shelter are absent.

Note that retractable awnings are subject to approval and will require a Development Application to be submitted to the City of Perth.

Umbrellas

Umbrellas should only be used where verandas, awnings, trees, or other forms of existing shade or shelter are absent. Using umbrellas where these items are present makes the public place feel cluttered and detracts from the building's frontage and street appearance.

Umbrellas:

- Shall be placed according to the requirements of semi-fixed items.
- Shall be placed 1000mm minimum, in all directions, from buildings and existing infrastructure such as canopies, verandas and trees.

Figure 18: Umbrella clearances

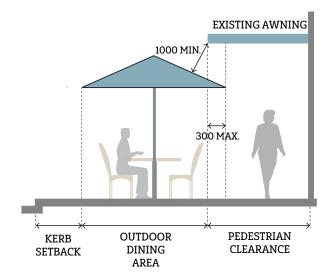
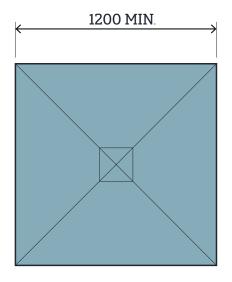
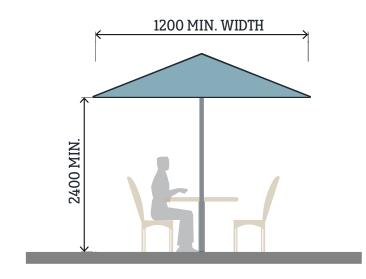


Figure 19: Umbrellas





- Canopy cannot extend more than 300mm beneath an existing awning, veranda or canopy.
- Canopy may extend a maximum of 300mm over the outdoor dining area boundary facing the shopfront and shall comply with kerb setbacks outlined above.

Umbrellas shall:

- Be minimum 1200mm wide with a 2400mm vertical clearance.
- Have a structural grade aluminium frame.
- Be a patented product, with structural design considerations (wind speed, wind pressure, and live loads) that are compliant with Australian Standards.

Umbrella fixings:

 To prevent blowing over in strong winds, umbrellas shall be securely fitted into a socket and sleeve footing, such that they are not a trip hazard.

- Socket and sleeve footings shall have a protective lid that will not present a tripping hazard when the umbrella is removed at the end of trading.
- Footing sockets for umbrellas shall be designed and constructed so that the pavement is not damaged.
- Details of the footing design shall be provided to the City as part of the application process.

Portable gas heaters

Heaters may be used in outdoor dining areas subject to the City's approval. They must be compliant with all relevant safety standards, and placed so that they do not pose a fire hazard or present a safety issue to patrons or the community.

For patron and venue safety, heaters must be free-standing, self-contained and stable. They shall be removed and properly stored when the outdoor dining area is not being used.

Menu boards

A menu board may be placed on the ground within the outdoor dining area in place of a table and chair, subject to the board not causing a trip hazard, complying with placement according to the requirements of non-fixed items, and being capable of withstanding strong and gusty wind.

Menu boards shall consist of written text. including only information on food and drink offers available at the associated business, and shall not exceed dimensions 600mm x 500mm. No pictures are to be used on the menu board.

Freestanding signs that do not meet the above requirements are prohibited.

Bi-fold windows and Perches

Outdoor dining that incorporates bi-fold windows or perches that integrate into a building's street facade are encouraged by the City where footpaths are narrow. These allow for commercial and social interaction with the street whilst providing an alternative dining layout suited to smaller outdoor dining areas.

Note that altering the building frontage to accommodate bi-fold windows or perches is subject to approval and will require a Development Application to be submitted to the City of Perth.

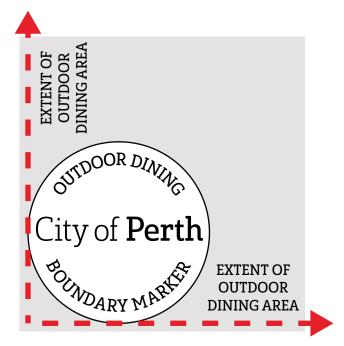
Delineation markers

To assist the permit holder in defining the extent of their outdoor dining trading area, City of Perth delineation markers can be installed by the City of Perth at the applicant's expense. If desired, a request for delineation shall be included in the applicant's submission.

The City may require the applicant to install delineation markers, at the applicant's expense, in malls, outdoor dining areas that are licensed to serve alcohol, and public places with high pedestrian volumes.

Delineation markers shall be placed such that the outer edge of the marker shows the extent of the outdoor dining area. Refer Figure 20.

Figure 20: Delineation markers



Other Furniture and Outdoor Items

Additional, minor furniture and outdoor items may be included in the application, and will be assessed by the City on a case-by-case basis.







MANAGING AND OPERATING THE **OUTDOOR DINING AREA**

REMOVAL AND STORAGE OF **FURNITURE AND FIXINGS**

Outdoor dining areas shall not be set up prior to the time specified on the permit. All furniture, including umbrellas, canvas screens and planter boxes, must be removed from the outdoor dining area and stored inside at the close of business each day, unless otherwise permitted by the City.

Glass screens are generally not required to be removed from the public place at the end of permit trading hours.

The applicant will need to clearly demonstrate where outdoor dining area equipment will be stored when making an application for a permit.

Events

Where events that require the temporary use of public places are hosted by the City (i.e. Anzac Day Parade, Christmas Pageant, City to Surf), the permit holder may be required by the City to remove all furniture and fixings from the outdoor dining area. Permit holders will be given seven (7) days written notice by the City whenever practical.

MAINTENANCE

All furniture, planters and other fixtures must be maintained in a physically sound, safe and aesthetically acceptable condition to the City's satisfaction.

Umbrellas shall be replaced by the permit holder every three to five years or at signs of weathering, such as fading or fraying, to ensure a high level of presentation is maintained.

Planting

Plants require constant attention and, if allowed to deteriorate, can have a negative effect on the streetscape. To ensure a high level of presentation, the following guidelines for the maintenance of planter boxes apply:

- Planter boxes shall be constantly checked and maintained to a high standard by the business owner. Plants are to be in good health and must look neat and tidy at all times. To ensure this, they must be appropriately pruned, watered, fertilised, and receive enough sunlight.
- The business owner is responsible for the replacement of dead plants and the removal of rubbish such as cigarette butts.
- Planter boxes that are sparse, overgrown, or weedy must be removed from the outdoor dining area immediately, and only returned once they are appropriately filled out. Failure to do so will result in approval of the planter boxes being withdrawn.



Cleaning

The following requirements apply to keeping outdoor dining areas clean and well presented:

- Must be regularly monitored by staff to ensure it presents a well-maintained image.
- Glass screens shall be regularly cleaned, as dirty or reflective screens reduce views and sightlines, presenting a safety issue.
- Businesses must provide table service or a provision for frequent cleaning and servicing of the outdoor dining area. This must include the clearing of crockery, cleaning tables, removal of food, paper, cigarette butt waste, bird faeces and plant matter, such as leaves and pollen.
- Permit holders are required to maintain the footpath to a high standard of cleanliness and hygiene, to the satisfaction of the City. This will include removing grease and stains, keeping the vicinity clear of litter and waste materials and the daily washing down of the pavement. Litter and waste must be swept, collected, and disposed of in approved receptacles. Litter or waste must not be disposed of into stormwater drains or tree wells.
- A permit holder may request the City to clean their outdoor dining area: commercial fees and charges will apply.



STREET CLEANING AND WASTE COLLECTION

The City of Perth is committed to making sure the entire city looks its best at all times.

Waste and recycling collection services and street cleaning activities operate in the City seven days a week. These services are an essential part of the City's service to its residents and businesses, and as such, may impact on some outdoor dining area's hours of operation and the nature of its design and layout. The applicant will be notified of these restrictions following application, with operating hours included as a condition on the approval of the outdoor dining permit.

FOOD AND BEVERAGE HYGIENE

The following requirements apply to food and beverage hygiene, including service and preparation, in outdoor dining areas:

- The permit holder is not permitted to prepare food in the outdoor dining area.
 There is the allowance of service of prepackaged food from within the outdoor dining area. All food is to be prepared in an approved food preparation area.
- Beverage preparation and service from within the outdoor dining area is allowed.
- The permit holder is to discourage patrons from feeding birds in the outdoor dining area.
- Smoking is not permitted within the outdoor dining area.

WASTE MANAGEMENT

The following requirements apply to waste management in outdoor dining areas:

- Litter and waste shall be removed promptly and disposed of in bins at the approved location on private property. No waste should be placed in public litter bins.
- In the case of a fast food or takeaway establishment, the City may require the permit holder to supply a bin in their outdoor dining area. Additional bins shall be stainless steel (not chrome), with a lid, and have a capacity equal to or less than 75L. They shall be kept clean and in good-working order and emptied into the business' own waste and recycling bins.
- No waste shall be placed in public litter bins.
- All businesses are required to supply their own waste and recycling bins which are to be collected on a regular basis. All bins should be kept within property boundaries, except during collection times.

SUSTAINABILITY AND HEALTH

Outdoor dining can help to reduce the impact the city has on the environment. It is important that outdoor dining positively contributes to the responsible disposal of waste, minimisation of potential waste and litter, and conservation of energy and resources.

Health Local Law

The City of Perth Health Local Law sets out standards in environmental health for business. The law is applicable to all business owners and occupiers within the City of Perth, and will be enforced with respect to outdoor dining areas.

Organic composting

Organic composting is an environmentally friendly solution for food waste. Instead of disposing of fruit and vegetable scraps or leftover bread rolls in a rubbish bin, businesses should recycle into organic compost.

The City of Perth offers an organic waste collection service to commercial properties, including food businesses. For more information on this service, please contact the City's Waste and Recycling Hotline on 1800 013 827.

Crockery and glassware

To minimise waste, crockery and glassware should be used to serve food and drink in outdoor dining areas. Single use items, including plastic containers and cutlery, add to waste consumption, cause additional litter on the street and in stormwater drains, and contribute to greenhouse gas emissions.

Crockery and glassware serve the business by indicating quality to consumers and attracting diners.

Smoking

Smoking is not permitted in outdoor dining areas. The permit holder is required to establish the outdoor dining area as 'no smoking' and manage the area to ensure patrons comply.

MAINTAINING A SAFE CITY

Outdoor dining generates activity and contributes to the passive surveillance of the city's public places. This promotes a feeling of safety for visitors, workers and residents.

To ensure patron and pedestrian safety and access in the public place is preserved, the permit holder is responsible for:

 Ensuring that staff are trained in the management of outdoor dining areas, with specific regard to access, layout, and furniture placement.

- Maintaining clear lines of sight through outdoor dining areas.
- Monitoring their outdoor dining area to ensure the safety of the community is not being compromised and that anti-social activities are not taking place.
- Maintaining clearances and ensuring appropriate circulation around the outdoor dining area to prevent injury.
- Showing consideration for the public place by allowing for pedestrian movement, including passengers alighting from vehicles and passing bike riders.

CONSUMPTION OF ALCOHOL IN OUTDOOR DINING AREAS

The City has no objection to the consumption of alcohol in the outdoor dining areas subject to compliance with requirements of the Department of Local Government, Sport and Cultural Industries (DLGSCI).

The City of Perth reserves the right to object to any liquor application if it considers the proposal would be detrimental to the amenity and safety of the area.

For more information about liquor licensing matters contact Department of Local Government, Sport and Cultural Industries (www.dlgsc.wa.gov.au/).





COMPLIANCE

The City of Perth will ensure that outdoor dining areas are operating according to the conditions of the permit and are being maintained to the standard outlined in these guidelines.

If conditions of the permit or guidelines are breached, a City of Perth representative will visit the premises and seek rectification. Action is initiated according to the impact the breach is having on the safety, access and amenity of the area.

Education

With each outdoor dining application, the City of Perth will provide:

- A copy of the guide.
- A meeting with the applicant to assist with the layout and positioning of tables, chairs, and other items within the outdoor dining area.

The permit holder is responsible for the effective operation and management of the outdoor dining area. This includes the training of staff and contractors to ensure access, safety, amenity and appearance is maintained for the community.



DECOMMISSIONING OF AN OUTDOOR DINING AREA

REINSTATEMENT OF THE STREETSCAPE ON EXPIRY OF PERMIT

In the event of the permit no longer being required, the permit being revoked or the permit not being renewed the permit holder is responsible for:

- Repairing any damage to the outdoor area to the satisfaction of the City.
- Removing any additions to the area such as furniture, plants or planter boxes.
- Removing any bolts or studs protruding from the pavement area and repairing the pavement to the same specifications as the surrounding paved area.
- Leaving the pavement in a clean condition.

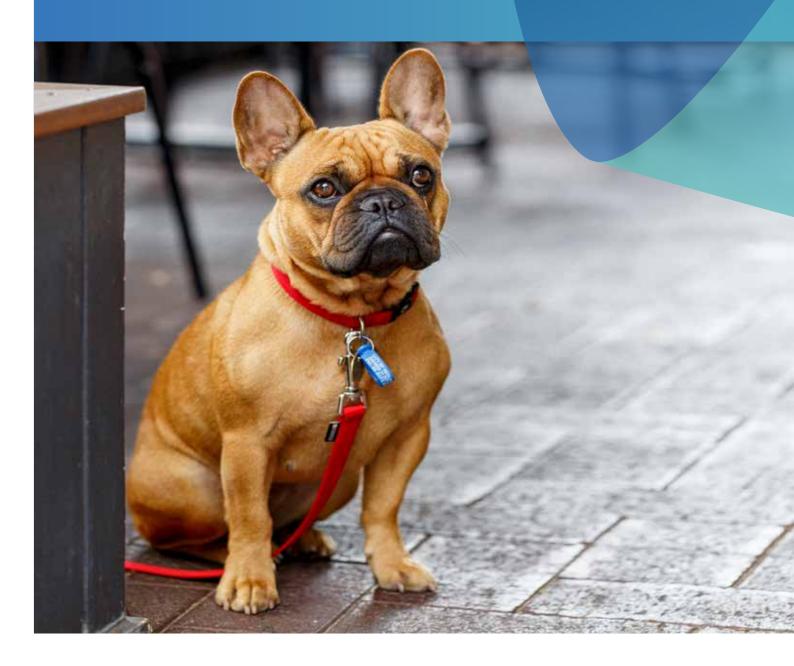
The permit holder is required to carry out the works within 14 days of cancellation of the permit and shall cover all replacement costs. If the permit holder fails to remove the furniture and fittings from the public place and reinstate the footpath to its original condition within the specified period, the furniture will be removed by the City of Perth and works carried out to reinstate the footpath at the permit holder's expense.

No payment or compensation will be given to the permit holder by the City of Perth for removal and disposal of outdoor dining furniture.

Outdoor dining infrastructure left behind in the public place after a business closes down, can cause serious safety issues for pedestrians and exposure to public liability.



APPLYING FOR AN OUTDOOR DINING PERMIT



APPLYING FOR AN OUTDOOR DINING PERMIT

The City of Perth manages all aspects of the outdoor dining permit application process, from providing information about requirements, receiving and assessing applications, and issuing permits.

An applicant interested in obtaining an outdoor dining permit must complete in full the prescribed outdoor dining application form available on the City of Perth website. Applicable fees must be paid in full before assessment of the application can commence.

The information below provides information for applicants regarding applying, re-applying and making amendments to existing permits.

APPLICATION PROCESS

A typical application for the establishment of a permit involves a six-step process:

- 1. Selection of an appropriate site for the outdoor dining.
- 2. Preparation of application information.
- 3. Lodgement of application.
- 4. Application assessment by the City of Perth requires approximately 10 weeks.
- 5. Issue of permit.
- 6. Request from City of Perth for more information.

ASSESSMENT CONSIDERATIONS

The City will take into account, but will not be limited to, the following conditions when assessing an application for an outdoor dining permit:

- The proposed outdoor dining area is in keeping with the amenity of the locality.
- The level of activation provided to the street and location.
- Public safety is not adversely affected.
- The compatibility or otherwise with existing businesses, and usual street activities.
- The required pedestrian clearance in the location.
- The type, design and quality of the proposed outdoor dining area and associated furniture.
- The proposed position of the outdoor dining area in correlation to the building line or street, including the positioning of other existing outdoor dining areas in the location.
- The impact on the streetscape, the adjoining buildings, and any heritage buildings.
- Any requirements outlined by a Development Application (if applicable), noting the provisions of the City Planning Scheme.

Plans submitted by the applicant for approval by the City are required to detail the location and type of infrastructure and services located within or near the outdoor dining area.



PROCESSING TIMES

Consideration and approval of a new permit application takes approximately eight to 10 weeks, or longer if the application is incomplete and further information is required.

CONDITIONS ON PERMITS

The City may impose conditions at its discretion that it considers to be relevant to:

- Protect the amenity, environment and/or public interest.
- Comply with the objectives of the Outdoor Dining policy.
- Comply with the Outdoor Dining Local Law 2018.
- Ensure appropriate levels of insurance and indemnity are held.
- Any operational requirements of an outdoor dining area.

BONDS

Bonds may be applied to any outdoor eating area that involves alterations to the City's infrastructure. Any bond applied will be reflective of the market rate to repair/make good any works arising from installations that require fixings and other modifications to the streetscape.

In the case of a bond being applied, the bond is not recoverable until such time that the outdoor dining area permit is cancelled, or as otherwise determined appropriate by the City.

PERMIT DURATION AND RENEWAL

Outdoor dining permits can be approved for a period not exceeding 36 months in duration. Permit holders must apply to renew their permit at or before the expiry of their permit and pay any applicable fees associated with the renewal. A permit may not be renewed by the City if the conditions of the previous permit have not been adhered to.



CANCELLATION OR SUSPENSION OF A PERMIT

The permit holder may request to cancel a permit at any time. Thirty (30) days' notice of intention to cancel must be provided in writing to the City (info.city@cityofperth.wa.gov.au).

The City reserves the absolute right to cancel or suspend a permit to allow for construction works or changing requirements of the public place. Permit holders will be given thirty (30) days written notice by the City whenever practical.

Permit fees paid in advance will only be refunded on a monthly pro-rata basis.

CHANGE OF OWNERSHIP

If the ownership of the business with an approved permit is transferred, the new proprietor is responsible for submitting a revised application form noting the change of ownership. They will be issued with a new permit subject to meeting the eligibility criteria and conditions. A permit application fee will apply to this process.

The new proprietor is responsible for ensuring the outdoor dining area is compliant with all minimum standards as set in the Outdoor Dining Guidelines and local law.

FEES AND CHARGES

The City has set appropriate fees and charges which may be amended from time to time, including:

- · permit application fee
- · annual per square metre fee
- permit renewal fee
- permit amendment fee
- · use of a payment plan
- penalties for non-compliance with conditions
- bond applied to use of area and refundable at end of permit

On approval of the application a permit fee applies. The permit fee must be paid before the permit is issued. The initial permit term is from the date of issue to the end of the financial year unless the permit is revoked by the City or is no longer required by the permit holder. Normal practice is that the permit renewal is to be effected by 1 July each third year.

To avoid additional application cost, inconvenience and the inability to operate an outdoor area the permit holder should ensure their permit is renewed by the due date.

The City will provide the option of a payment plan for any applicant that is not able to pay their annual fees in full.

HOURS OF OPERATION

The applicant is required to stipulate the hours of operation on the Outdoor Dining Application form and these operating hours may be approved or amended in consultation with the applicant depending upon the location and nature of the outdoor dining. The hours of operation of an outdoor dining area serving alcoholic beverages will be limited to the hours stipulated in the extended trading permit (issued by the Department of Local Government, Sport and Cultural Industries) or as otherwise directed in writing by the City of Perth.

Where an outdoor dining area is located in close proximity to residential neighbourhoods, proposed trading hours will be carefully considered against the safety and amenity of the area.

If an applicant chooses to apply to the Department for a liquor licence to serve alcohol in the outdoor dining area, the trading hours of the outdoor dining area will be translated onto the liquor licence.

PUBLIC RISK

The permit holder is required to maintain a valid public liability insurance policy. To meet City of Perth requirements the policy must:

- Be for a minimum amount of \$20,000,000 in respect to any single occurrence.
- Cover injury, loss or damage to persons arising out of the activity carried out under the permit or the granting of this permit.

- Note the interest of the City of Perth on the policy.
- State the period covered by the insurance policy (ie. commencement and expiration date) and be renewed upon expiry.
- Be issued by an insurer approved by the Australian Prudential Regulation Authority (APRA).
- Be supplied in an approved form, such as a Certificate of Currency.

The policy must also indemnify and release the City of Perth against all liability arising from the use or occupation of the outdoor dining area or the conduct of the permit holder's business by the holder or any of permit holder's agents including:

- Any claim made by any person for injury, loss or damage arising in any matter.
- Any loss or damage to any property belonging to the permit holder or other person located in the vicinity of the outdoor dining area caused by the permit holder or the permit holder's agent.
- Any loss, damage, injury or illness sustained or incurred by the permit holder or any of the permit holder's agents.

The City of Perth may from time to time request a Certificate of Currency from the permit holder. Failure to provide within the requested timeframe may lead to cancellation of the Permit.



APPENDIX 1 Outdoor Dining Checklists For Applicants

PURPOSE OF THE CHECKLISTS

The purpose of this checklist is to:

- Help applicants work through the Guideline's requirements in a logical sequence.
- Assist with submitting completed applications, to speed up the approval process for applicants.
- Enable outdoor dining area permit holders to self-audit to ensure compliance with the Permit and City of Perth Outdoor Dining Area Local Law and Policy.

The City appreciates that there are many specifications outlined in the Guidelines that need to be met. We understand that many applicants will find this overwhelming and for this reason we have designed 3 checklists to make this task simpler.

CHI	ECKLIST 1 - PREPARATION AND SUBMISSION			
OF	ONLINE APPLICATION	Yes	No	N/A
	-application considerations			
	e eligible to apply for an outdoor dining license, applicants need to:			
1	Be a registered food business within the City of Perth.			
2	Have clear and unobstructed access and views onto the public place where the outdoor dining area is proposed.			
3	Have a suitable area within the building or leased area to store any outdoor dining area furniture at the close of each day's trade			
Suit	ability of Location			
	etermine a suitable location for an outdoor dining area, the applicant needs to firm that:			
4	The proposed area is not required for bus stands, taxi ranks, or other public			
	uses.			
5	A minimum 3.2m combined footpath and kerb width is available.			
6	The proposed outdoor dining area is a minimum of 600mm wide.			
7	The area will comply with the requirements of the City of Perth Disability			
	Access and Inclusion Plan. This includes the Disability (Access to Premises			
	- Buildings) Standards 2010 (https://www.legislation.gov.au/Details/			
	F2011C00214).			

		Yes	No	N/A
8	The proposed outdoor dining area will align with other outdoor dining areas on the same street.			
9	If the outdoor dining area is extending beyond the applicant's frontage to a single adjacent neighbour, written permission from the neighbouring business owner and building owner is received.			
Cle	arances & Setbacks			
	letermine the required clearances and setbacks of the proposed outdoor dining a, the applicant needs to:			
10	Comply with the pedestrian clearance that applies to their proposed location (see Figure 2).			
11	Comply with the kerb setback that applies to their proposed location (See Table 1).			
12	Check there is no CCTV camera within 10m of the outdoor dining area, and confirm with City there are no conflicts.			
All	outdoor dining areas must keep a minimum:			
13	800mm clearance from an adjoining outdoor dining area (see Figure 5).			
14	800mm clearance for every 8m of outdoor dining (see Figure 6).			
15	1200mm clearance from the pedestrian entrance of a building to the			
	pedestrian clearance on the footpath or public place (see Figure 7).			
16	1200mm setback from street furniture (benches, bins, bike racks).			
17	1500mm setback from the edge of all driveways, laneways, and right-of-way's.			
18	1600mm setback from permanently fixed items (i.e. glass screens) to all street furniture, public infrastructure, street trees, buildings, and adjacent outdoor dining areas with fixed items.			
19	1600mm setback from public art.			
20	500mm setback from tree grates, pits, and plots.			
21	500mm clearance between adjoining table and chair settings and other non-fixed items.			

		Yes	No	N/A
22	2000mm setback and clearance along the length of bus bays and taxi ranks.			
23	3000mm setback from construction sites.			
If th	e Outdoor Dining Area has/is:			
24	Located near an intersection; then maintain sightlines and setbacks (see Figure 8).			
25	Located beneath colonnades; then maintain setbacks and clearances (see Figure 9).			
26	Located in a pedestrian mall; then maintain a 6m central service and emergency vehicle clearance (see Figure 11).			
27	Located in a laneway; maintain a minimum pedestrian clearance of 1500mm (see Figure 12).			
28	Umbrellas; maintain a 1000mm clearance from other structures and umbrellas (see Figure 14).			
29	Items that require permanent footings (such as umbrellas and glass screens); ensure footings are not located within 1000mm of underground services (telephone pits etc) and contact Dial before you dig on 08 9330 3166 or at wa@1100.com.au.			
To e	signing the outdoor dining area ensure the proposed outdoor dining area is designed to meet the standards ined in the guidelines, the applicant needs to ensure the following:			
30	Advertising on furniture takes up no more than 10% of the total surface area of the item.			
31	Advertising is the name and logo of the business only.			
32	No electrical fixings requiring mains power are installed in the outdoor dining area.			
33	Furniture and items don't obstruct views of the outdoor dining area from inside the business.			
34	Furniture and items don't significantly obscure the building frontage.			
35	Approximately 600mm ² has been allowed for each table and chair			
36	No new permanent and semi-permanent structures are proposed – this includes decking over existing paving, shipping containers, canopies, canvas and plastic blinds, drop down shades, plastic covers, temporary shelters, walls (timber or brick).			

		Yes	No	N/A
37	Existing shelter structures (verandas, awnings, trees) are integrated into the outdoor dining area, if present.			
38	If applicable, barrier furniture (canvas screens, glass screens, planter boxes) is placed parallel with the road and on the kerb-side of the proposed outdoor dining area			
39	The gradient and slope of the footpath is accommodated with adjustable feet or furniture levellers.			
40	No surface treatments, such as artificial turf, carpets and rugs, and decking, are used.			
41	A Development Application with the City of Perth is made if any alterations to the building or streetscape are proposed.			
42	Consult the City Planning Scheme Register of Places of Cultural Heritage Significance to determine if the outdoor dining area is in a significant location and requires planning approval.			
	ecting Furniture and Fixtures nsure the delivery of a high quality outdoor dining area, the applicant must:			
43	Meet the general quality, materials, and finishes outlined under the Furniture and Fixtures heading in the guidelines (see page 35).			
44	Ensure outdoor dining areas are accessible for people of all abilities (strong but lightweight – cater for large and small persons)			
45	Use tables and chairs that have a metal, timber, or heavy-duty polypropylene frame			
	following items may be permitted in outdoor dining areas, but must conform to requirements set out in the guide:			
46	Canvas screens (see page 36).			
47	Glass screens (see page 36 and 37).			
48	Planter boxes (see page 38).			
49	Retractable awnings (see page 38).			
50	Umbrellas (see pages 38 and 39).			
51	Portable gas heaters (see page 39).			
52	Menu boards (see page 40).			
53	Bi-fold windows (see page 40).			
54	Delineation markers (see page 40).			

		Yes	No	N/A
Ins	urance			
To e	ensure the safety of the business, patrons, and the community, successful			
	licants will need to:			
55	Provide a copy of Public Liability Insurance to the value \$20,000,000.00			
	before the City will award a license.			
On	line Application			
To l	odge an application for Outdoor Dining, the applicant must:			
56	Have all documents available electronically to attach, during the online			
	application process.			
57	Include an accurately measured and dimensioned site plan.			
58	Provide details of proposed furniture and items. This is to include images and			
	information on materials and finishes.			
59	Apply via the City of Perth website, at www.perth.wa.gov.au/alfresco-dining.			
60	Follow the prompts and complete the application.			
	Be aware of the following:			
	· You will need approximately 15 minutes to complete the online application.			
	· Incomplete applications will not be processed and the City will have no			
	record of you attempting to make application.			
	The system will time out if left idle for 20 minutes.			
	· You will receive a reference number at the end of the application process if			
	your application was successful. If not, please contact the City to discuss the			
	following working day.			
	 Processing of your application will likely take between 8-10 weeks. The City 			
	may contact you to seek more information during this period.			
	The City may apply a bond to the outdoor dining area which will incur additional costs.			

CH	ECI	KLIST 2 - INSTALLATION WORK	Yes	No	N/A
		ecklist is brief and provides applicants with handy tips to ensure nce with the City's outdoor dining area guideline.			
1	pe:	ply for an obstruction permit 7 days prior to commencing work. You are not rmitted to obstruct a public thoroughfare without a permit in place. Visit: ps://www.perth.wa.gov.au/planning-development/undertaking-works/struction-permits			
2		uble check all setbacks required for the outdoor dining area as detailed low.			
	a.	Between adjoining outdoor dining areas: 800mm minimum clearance			
	b.	For every 8m of continuous outdoor dining: 800mm minimum gap			
	C.	Located near an intersection: sightlines and setbacks outlined in Figure 7			
	d.	Located beneath colonnades: setbacks and clearances outlined in Figure 8			
	e.	Located in a pedestrian mall: 6m central service and emergency vehicle clearance			
	f.	Located in a laneway: 1500mm pedestrian clearance			
	g.	Street Furniture (benches, bins, bike racks): 1200mm clearance			
	h.	Umbrellas: 1000m from other structures and building			
	i.	Underground service pits and permanently fixed items with footings: 1000mm			
	j.	Public Art: 1600mm			
	k.	Tree grate or pit: 500mm			
	l.	Adjoining table and chair settings and other non-fixed items: 500mm			
	m.	Bus bay: 2000mm			
	n.	Construction site: 3000mm			
	Ο.	CCTV cameras and umbrellas: 10m (unless approved)			
		s highly recommended that you use tape to mark out the outdoor dining ea before you start drilling or digging.			
3.	ins	ntact the City's Health and Activity Approvals to arrange a post installation spection of the area before commencing use. Contact 08 9461 3333 or axis: info.city@cityofperth.wa.gov.au			

This checklist should be used by permit holders to ensure that compliance with the permit requirements. It is a handy checklist that permit holders can provide to staff to set up and maintain outdoor dining areas in accordance with the permit requirements. It should be used in conjunction with a copy of the outdoor dining area permit and site plan. Management of Area Start of Day 1. Set out furniture precisely in accordance with the approved plan (recommend you have a tape measure handy to check set-backs, delineation markers can be installed by the City at the applicant's expense). 2. Check furniture and other fittings for safety against collapse, sharp edges, cracks and breaks. 3. Check suitability of weather — don't put out umbrellas, menu boards or removable barricades if strong winds greater than 40km/hr are forecast. 4. Check that no obvious works to the footpath are scheduled for that day and that construction works are not being undertaken within 3m of the area. 5. If applicable, check plants and planter boxes for good condition (trim broken branches, replace dead plants). If the planter box is not in good condition, remove from the outdoor dining area until rectified. During Day 6. The area is to be kept clean and tidy. 7. Provide table service or a provision for frequent cleaning and servicing throughout the day. 8. Regularly empty bins and ensure they are not overflowing. 9. Confirm furniture and fittings have not been reconfigured by customers, and that the area still meets the approved plan. 10. Use crockery and glassware if possible, to minimise waste. 11. Ensure customers are not smoking in the area. End of Day 12. Remove all furniture and items at the end of the trading day (with the exception of approved permanently fixed items).	CH	ECKLIST 3 - ONGOING COMPLIANCE	Yes	No	N/A
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12. Remove all furniture and items at the end of the trading day (with the exception of approved permanently fixed items).	11.	Ensure customers are not smoking in the area.			
12. Remove all furniture and items at the end of the trading day (with the exception of approved permanently fixed items).		End of Day			
13. Footpath to be cleaned with biodegradable environmentally friendly products.	12.	Remove all furniture and items at the end of the trading day (with the			
1	13.	Footpath to be cleaned with biodegradable environmentally friendly products.			

Staff Member Name:	
Date:	

Please note that if you decide to cease operating your business or wish to cease using your outdoor dining area – please contact advise the City's Health and Activity Approval Services in writing via email info.city@cityofperth.wa.gov.au.

APPENDIX 2 Frequently Asked Questions

ACCESS AND LAYOUT

Why does the city have outdoor dining located adjacent the kerb?

All people regardless of age or ability should be able move through our city's public places safely and with ease. Locating outdoor dining adjacent the building in areas where there are lots of pedestrians, makes navigating the street difficult for people with vision impairment, who use the building edge as a shoreline. For this reason, outdoor dining is located adjacent the kerb in most locations.

Why are sightlines important?

It's important for safety and security that people and vehicles can easily see all street users. It also creates vibrant social spaces.

DESIGN

What sort of advertising is allowed?

The City of Perth aims to reduce intrusive advertisements and ensuring commercial and shop signage is scaled to fit the streetscape and the pedestrian environment. The City allows identification and promotional signs that add vitality and colour to business areas.

Why doesn't the City allow permanent structures?

Outdoor dining takes place in public space which is available to everyone. Permanent structures or enclosures privatises the space, and makes it exclusive even when not in use. Structures can also negatively affect sightlines and public safety, inhibit cleaning, maintenance of the street and access to underground services.

OPERATION AND MANAGEMENT

Why does my furniture have to be removed every day?

Furniture needs to be removed at the end of trading every day to ensure that the area is returned to a public place in appearance and function. Permanent furniture privatises public space, limits the flexibility of the street, and makes it difficult to clean the streets and footpaths.

Why are there clearances between furniture and through outdoor dining areas?

Clearances ensure comfortable circulation and help create a safe environment for pedestrians and vehicles. It's important that people have room to move around and through outdoor dining areas, and that access to the street and kerb is not prohibited. Clearances also make sure there is enough room for the City's fleet of street cleaning vehicles to operate – work that keeps our city looking beautiful.

LICENSING

Do I need a permit?

Yes, a permit is required for outdoor dining that extends beyond the property boundary.

APPLICATION INFORMATION

What requirements do I need to meet?

Applicants need to meet all the requirements of the guidelines, policy, and local law. The policy and local law can be found at the City's website: www.perth.wa.gov.au.

Where can I apply for a license?

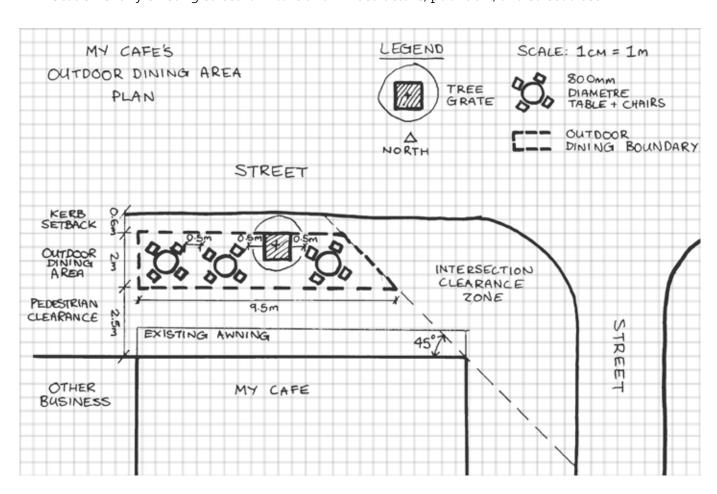
Apply via the City of Perth website, at www. perth.wa.gov.au/alfresco-dining.

APPENDIX 3 Site Plan Example

Below is an example of the level of detail required in the site plan, that must be submitted as part of the application process for new, or changes to existing, outdoor dining areas.

The site plan must be accurately measured and dimensioned. It must show:

- Extent of outdoor dining area
- Placement of furniture and items
- Pedestrian clearance
- Kerb setback
- Any other relevant clearances and setbacks
- Location of existing awnings, verandas, or canopies
- Location of any existing street furniture and infrastructure, public art, and street trees







Outdoor Dining Fee Comparison with Other Local Governments

Council	Outdoor dining fees 2018/19	Approx. Number of Outdoor Dining venues (excludes private realm)	Typical permit processing time
Town of Vincent	Footpath: - \$0 Parking bay/parklet: - \$200 application fee \$1000 approval fee including 2-year permit \$500 annual renewal	118	Online self service
City of Subiaco	\$310 per application \$135 per application if permit has expired within 30 days \$50 transfer fee No annual permit fee	70	10 days* *provided the applicant submits everything required
City of Perth	Permits: - \$40 m2 \$98 application fee Lease: - \$150 to \$200 m2 per 5-year tenure.	236	10 days* *provided the applicant submits everything required
City of Fremantle	Permit: Zone 1: \$ 108.00 m2 Zone 2: \$ 72.00 m2 Zone 3: \$ 36.00 m2 Above are annual fees. No renewal fee or transfer fees	95	10 days* *provided the applicant submits everything required
City of East Fremantle	Permit for 'Outdoor Eating Area' \$300 application fee \$30m2 Annual Fee	5	5 Days
Town of Victoria Park	One off Payment for a 'Free trade area' demarcation No Renewal or transfer fees	35	10 days* *provided the applicant submits everything required

City of Stirling	\$100 Permit application fee	27	10 days*
.,	\$30 per square meter (all areas except Scarborough) \$50 per square meter (Scarborough).		*provided the applicant submits everything required
Town of Cottesloe	\$150 Application fee \$75 Renewal fee \$75 Transfer Fee	Information not provided	10 days* *provided the applicant submits everything required
Town of Mosman Park	\$145 application fee – includes first year's fee \$145 annually after	6	5 working days
City of Nedlands	Permit for Alfresco dining: \$160 application fee \$83 Annual renewal + \$57m2 If a new application brass plate markers required at \$207	17	10 days* *provided the applicant submits everything required
City of South Perth	Permit for 'Outdoor Eating Area' \$150.00 application fee \$60 Annual Fee + \$60 Annual renewal fee per chair	23	10 days* *provided the applicant submits everything required
City of Joondalup	Outdoor Dining Permit Requires a DA Application first Outdoor Dining Permit \$320 application fee \$328 Annual renewal + \$33m2 \$41 Transfer Fees	16	10 days for Outdoor Dining Permit 2 – 3 Months for a DA application to process
City of Rockingham	Outdoor Eating Area Permit fee (Zones 1, 2 & 3) - \$100.00 per annum Area fee - \$ 15.00 m2 per annum Additional fee if licensed by Department of Racing, Gaming & Liquor to sell alcohol - \$ 50.00 per annum The Transfer of Outdoor Eating Area Permit - \$ 38.00	33	10 days* *provided the applicant submits everything required

Agenda Item 6.7

Review Complete – City of Perth Alfresco Dining Local Law 2009 (Repeal and Replace) City of Perth Outdoor Dining Local Law 2019

FILE REFERENCE: P1015923-2 REPORTING UNIT: Governance

RESPONSIBLE DIRECTORATE: Office of the Chief Executive

ATTACHMENT/S: Attachment 6.7A — Proposed City of Perth Outdoor Dining

Local Law 2019

Attachment 6.7B —Public Submissions in response to the

Alfresco Dining 2009 Local Law Review

Attachment 6.7C — Summary and consideration of Public Submissions in response to the Alfresco Dining 2009 Local Law

Review

Purpose and Background:

This report has been prepared in conjunction with the Outdoor Dining – Policy & Guidelines and is intended to enable outdoor dining areas to be managed so that they do not interfere with the safe, accessible and reasonable movement of persons and vehicles. Additionally it encourages high quality outdoor dining to enhance amenity, vitality and ambience of the district.

On 11 December 2017, the City issued a state-wide notice for its intention to review the *City of Perth Alfresco Dining Local Law 2009*. At the close of submissions on 2 February 2018, four submissions from the public had been received in regard to the review of *City of Alfresco Dining Local Law 2009*.

An internal review of the local law was also conducted that identified a number of required changes. The main drafting changes are outlined below:

- Removal of clauses relating to the requirement to display an approval sticker for alfresco dining as this have been determined to be administratively inefficient and an unnecessary requirement;
- Amendments to ensure payments plans are allowed under the local law in accordance with the resolution of Council in its meeting held on 21 November 2017;
- Amendments to remove references to no-smoking requirements on the basis these requirements are now regulated by and inconsistent with the provision of the *Tobacco Products Control Act 2006*;
- The Joint Standing Committee on Delegated Legislation (JSCDL) and the Department of Local Government, Sport and Cultural Industries (Department) have previously advised the use of the term "City" is less suitable than "local government." This has been amended in this local law and will be proposed for all future local law reviews to ensure consistency;
- Inclusion of requirements that ensure accessible movement is not impeded and aligns with the City's Disability Access and Inclusion Plan;
- Inclusion of "authorised persons" within the local law to ensure appropriate authorisation for officers administering and enforcing the local law;

- Additional clauses for been added to ensure that the permit holder's responsibilities to keep the area safe, clean and within the required location;
- Amendment to allow bonds to be required where permit holders install permanent fixtures into the public realm;
- Amendments to re-order clauses so that they now align with the relevant parts within the local law; and
- Minor amendments to references to legislation to ensure references and definitions remain current.

Legal advice was also sought in relation to the review of the *City of Perth Alfresco Dining Local Law 2009,* with this advice being considered as part of its development to avoid any risk of future disallowance by the JSCDL.

Modified Penalties

The majority of Modified Penalties have been carried over into the proposed offences within the proposed *City of Perth Outdoor Dining Local Law 2019* (Refer to Attachment 6.7A) with renumbering as required. Clauses related to smoking and the requirements for an alfresco sticker have been removed due to the removal of the associated clauses.

There are also proposed new penalties that align with new clauses in the local law. These new clauses require a person to:

- remove the outdoor dining furniture following cancellation of a permit;
- reinstate the public area, where damaged, following cancellation of a permit; and
- comply with the responsibilities of a permit holder to keep the outdoor dining area clean, well maintained, safe, and within the permitted area.

A penalty is proposed in relation to each of these new clauses as a deterrent for breach of the requirements. The clauses support the protection of the public realm from damage and the public from obstructions and hazards that can occur from the conduct of the outdoor dining area.

Stakeholder engagement was undertaken in accordance with legislation. A Public Notice was advertised in the West Australian on Monday, 11 December 2017. This notice was also placed on the public notice board of the local government and the library.

Letters notifying of the review commencing were also sent to the below identified key stakeholders on 4 January 2018. Separately, in relation to the associated policies and guidelines a stakeholder engagement plan was undertaken. The results of these were considered to determine any implications for the City's local law.

Key Stakeholders:

- Australian Hotels Association WA;
- Business Improvement Group Northbridge (BigN);
- East Perth Community Safety Group;
- Historic Heart;
- Member for Perth;
- OnWilliam;
- Small Bar Association; and
- West Perth Local

A summary of the responses and their consideration in relation to the local is detailed in Attachments 6.7B and 6.7C.

Summary

It is proposed that this new local law come into effect by the 1 January 2019.

Local Government Act 1995

CITY OF PERTH

OUTDOOR DINING LOCAL LAW 2019

ARRANGEMENT

Part 1 -	Preliminary
1.1	Short title
1.2	Commencement
1.3	Purpose and intent.
1.4	Repeal
1.5	Transitional
1.6	Application
1.7	Terms used
Part 2 -	Permit
2.1	Permit required
2.2	Exemptions
2.3	Application for a permit
2.4	Relevant considerations in determining application for permit
2.5	Decision on application for permit
2.6	Conditions which may be imposed on a permit
2.7	Compliance with conditions
2.8	Security for restoration and reinstatement
2.9	Responsibilities of permit holder
2.10	Amendment of permit conditions
2.11	Validity of permit
2.12	Renewal of permit
2.13	Transfer of permit
2.14	Cancellation or suspension of permit
2.15	Temporary removal of an outdoor eating area may be requested
2.16	Production of permit
2.17	Permit limitation

Part 3 - Objections and appeals

3.1 Application of Part 9 Division 1 of the Act

Part 4 - Enforcement

- 4.1 Direction of authorised person to be obeyed
- 4.2 Notice to repair damage to public place
- 4.3 Local government may undertake requirements of notice
- 4.4 Removal and impounding of goods
- 4.5 Offences
- 4.6 Infringement and infringement withdrawal notices
- 4.7 Offence and modified penalty
- 4.8 Authorised persons

Schedule

Local Government Act 1995

CITY OF PERTH

OUTDOOR DINING LOCAL LAW 2019

Under the powers conferred by the *Local Government Act 1995* and under all other powers enabling it, the Council of the City of Perth resolved on [DATE] to make this local law.

Part 1 - Preliminary

1.1 Short title

This is the City of Perth Outdoor Dining Local Law 2019.

1.2 Commencement

This local law will come into operation 14 days after the date of its publication in the Government Gazette.

1.3 Purpose and intent.

- (1) The purpose of this local law is to regulate the management of outdoor dining areas in any public place within the district.
- (2) This local law is intended
 - (a) to enable outdoor dining areas to be managed so that they do not interfere with the safe, accessible and reasonable movement of persons and vehicles; and
 - (b) to encourage high quality outdoor dining to enhance amenity, vitality and ambience of the district.

1.4 Repeal

The City of Perth Alfresco Dining Local Law 2009, published in the Government Gazette on 16 June 2009, is repealed.

1.5 Transitional

A licence issued under the City of Perth Alfresco Dining Local Law 2009 -

- (a) is taken to be a permit issued under this local law;
- (b) is valid for the period specified in the licence; and
- (c) may be cancelled or suspended under this local law.

1.6 Application

This local law applies throughout the district.

1.7 Terms used

In this local law, unless the context otherwise requires-

Act means the Local Government Act 1995;

authorised person means a person authorised by the local government under section 9.10 of the Act to perform any of the functions of an authorised person under this local law;

CEO means the Chief Executive Officer of the local government;

Council means the council of the local government;

district means the district of the local government;

Disability Access and Inclusion Plan has the meaning given in the *Disability Services Act* 1993

fee means a fee or charge imposed under sections 6.16 to 6.19 of the Act;

food has the meaning given in the Food Act,

Food Act means the Food Act 2008;

food business has the meaning given in the Food Act

footpath has the meaning given in the Road Traffic Code 2000;

furniture means chairs, tables, waiters' stations, planter boxes, umbrellas, screens, barriers, awnings, portable gas heaters and any other structure set up in the outdoor dining area;

Health Act means the Health (Miscellaneous Provisions) Act 1911;

Liquor Control Act means the Liquor Control Act 1988;

local government means the local government of the City of Perth;

local government property has the meaning given in the Act;

local public notice has the meaning given in the Act;

outdoor dining means outdoor dining or drinking or both in a public place;

outdoor dining area means an area in which tables, chairs and other structures are provided for the purpose of the -

- (a) supply or consumption of food or beverages or both to the public; or
- (b) preparation and supply of beverages to the public; or
- (c) the safe storage of pre-packaged meals for supply to, or consumption by, the public;

pedestrian mall means any road or portion of a road that is gazetted as a pedestrian mall;

permit means a permit issued by the local government or an authorised person under this local law:

permit period means the period referred to in clause 2.11;

permit plan means a plan attached to and forming part of a permit depicting the parts of a street or public place within which an outdoor dining area may be set up and conducted;

permit holder means a proprietor of a food business who holds a valid permit;

proprietor has the meaning given in the Food Act

Public Health Act means the Public Health Act 2016:

public place means any thoroughfare, pedestrian mall or local government property;

Regulations means the Local Government (Functions and General) Regulations 1996;

thoroughfare has the meaning given in the Act;

utility means any public or private body which provides an essential service, such as electricity, gas, water, drainage, sewerage, telecommunications or traffic control, and has equipment on, in or under a public place for that purpose;

valid, in relation to a permit, means current and for which -

- (a) all the associated fees have been paid in full; or
- (b) if any part of the associated fees are permitted by the local government to be paid in installments, all installments due to be paid by the permit holder have been paid in full; and

vehicle crossing means a crossing used by vehicles to allow access from a thoroughfare to private land or a private thoroughfare.

Part 2 - Permit

2.1 Permit required

Unless exempt under clause 2.2, a person must not set up or conduct an outdoor dining area in a public place-

- (a) other than in a portion of a public place adjacent to a food business;
- (b) unless the person is the proprietor of a food business or is acting on behalf of the proprietor of a food business referred to in paragraph (a);
- (c) unless the person is a permit holder; and
- (d) other than in accordance with the permit, including the permit plan and any conditions set out in, or applying in respect of, the permit.

2.2 Exemptions

- (1) The local government or an authorised person may give a written exemption to a person or class of persons from the requirement to have a permit.
- (2) An exemption may be given -
 - (a) on the application of a person; or
 - (b) at the discretion of the local government or an authorised person.

- (3) An exemption may be given subject to any conditions the local government or an authorised person sees fit.
- (4) An exemption may apply to, or in respect of-
 - (a) a particular event, street festival, carnival or activity approved by the local government or an authorised person;
 - (b) particular goods or services; or
 - (c) a period of time.

2.3 Application for a permit

- (1) A person who is required to obtain a permit under this local law must apply for the permit in accordance with subclause (2).
- (2) An application for a permit must-
 - (a) be in the form determined by the CEO or an authorised person;
 - (b) provide the information or documents required by -
 - (i) the form; or
 - (ii) the local government or an authorised person;
 - (c) be signed by the applicant for the permit
 - (d) be signed by any neighbouring business owner and any neighbouring building owner where the proposed outdoor dining area is intended to extend beyond the public area in front of the applicant's food business into a public area directly in front of that neighbouring business owner's premises or neighbouring building owner's property; and
 - (e) be forwarded to the local government together with the appropriate fee, if any, imposed by the local government.
- (3) The local government or an authorised person may require an applicant to provide additional information reasonably related to an application before determining the application.
- (4) The local government or an authorised person may require an applicant to give local public notice of the application for a permit.
- (5) The local government or an authorised person may refuse to consider an application for a permit which is not in accordance with subclause (2) or where the applicant has not complied with subclause (3) or (4).

2.4 Relevant considerations in determining application for permit

In determining an application for a permit, the local government or an authorised person may have regard to –

- (a) any relevant polices of the local government;
- (b) the Disability Access and Inclusion Plan of the local government; and

(c) any other matters that the local government or the authorised person considers to be relevant.

2.5 Decision on application for permit

- (1) The local government or an authorised person may, in respect of an application for a permit
 - (a) approve the application subject to any conditions; or
 - (b) refuse to approve the application.
- (2) Without limiting the scope of the discretion of the local government or authorised person under subclause 1(b), the local government or authorised person may refuse an application for a permit if, in their opinion
 - (a) the proposed outdoor dining does not conform with the requirements of any written law;
 - (b) the proposed design or furniture is unsuitable, in any respect, to the location in which the permit is to operate;
 - (c) the proposed permit holder has been convicted during the preceding 5 years of an offence against -
 - (i) this local law;
 - (ii) the City of Perth Alfresco Dining Local Law 2009;
 - (iii) the Food Act
 - (iv) the Health Act,
 - (v) the Public Health Act,
 - (vi) the Liquor Control Act, or
 - (vii) any other written law which affects outdoor dining; or
 - (d) the proposed permit holder is not a fit and proper person to hold a permit.
 - (e) the pedestrian flow on a footpath would be unreasonably impeded.
- (3) If the local government or an authorised person approves an application for a permit, it is to issue to the applicant a permit in the form determined by the CEO.
- (4) If the local government or an authorised person refuses to approve an application for a permit, it is, as soon as practicable after the decision is made-
 - (a) to give the applicant written notice of, and written reasons for, the refusal; and
 - (b) inform the applicant of his or her rights, under Part 9, Division 1 of the Act, to object to, and apply for a review of, the decision.
- (5) Where a clause of this local law refers to conditions which may be imposed on a permit the clause does not limit the power of the local government to impose other conditions on the permit under subclause (1)(a).

Where a clause of this local law refers to the grounds on which an application for a permit may be refused, the clause does not limit the power of the local government to refuse the application for a permit on other grounds under subclause (1)(b).

2.6 Conditions which may be imposed on a permit

The local government or an authorised person may approve an application for a permit subject to conditions relating to-

- (a) the area or location to which the permit applies;
- (b) the number, type, form and construction of any structure or furniture which may be used in the outdoor dining area;
- (c) the care, maintenance and cleaning of any structure or furniture used in the outdoor dining area;
- (d) the removal and storage, prior to each closure of the adjacent food business, of any structure or furniture used in the outdoor dining area;
- (e) the maintenance of pedestrian access between the outdoor dining area and the adjacent food business;
- (f) the outdoor dining area not impeding or obstructing a public place used by either pedestrians or vehicles;
- (g) the maintenance of clear sight lines for vehicles entering or leaving a thoroughfare or a vehicle crossing;
- (h) the obtaining and maintaining of public risk insurance in an amount and on the terms reasonably required by the local government or an authorised person;
- (i) the grant of another approval, licence, permit or other authorisation which may be required under any written law;
- (j) the commencement and duration of the permit;
- (k) the placement of advertising on any structure or furniture within the outdoor dining area;
- (I) the payment of all fees and taxes imposed or incurred as a result of the establishment or operation of the outdoor dining area;
- (m) the clearing of the outdoor dining area and the immediate surrounds of any rubbish, matter or thing coming from or caused by patrons of the outdoor dining area;
- specified times during which an outdoor dining area must not be set up or conducted;
- (o) the payment of costs associated with the local government preparing the public place for use as an outdoor dining area such as the reshaping of footpaths and marking the boundaries of the outdoor dining area;
- (p) where the operation of the outdoor dining area, including any installation of furniture or structures, will or may cause damage to or permanently alter

a public place, the payment of a deposit or bond against such damage or alteration.

2.7 Compliance with conditions

Where an application for a permit has been approved subject to conditions the permit holder must comply with each of those conditions.

2.8 Security for restoration and reinstatement

- (1) The local government or an authorised person may require the payment of a bond, or the provision of a bank guarantee, for a sum determined by the local government
 - (a) as a condition of a permit; or
 - (b) before the issue of a permit;

for the purposes of ensuring that -

- a public place can be repaired or reinstated where the operation of the outdoor dining area, including any installation of furniture or structures, will or may cause damage to or permanently alter the public place;
- (ii) conditions of approval in so far as they relate to the public place or local government property are complied with.
- (2) A bond required under subclause (1) is to be paid into an account established by a local government or an authorised person for the purposes of this clause.
- (3) A bond required under subclause (1) is to be returned to the permit holder if local government or an authorised person is satisfied that the operation of the outdoor dining area, including any installation of furniture or structures, has not caused damage to or permanently altered the public place.

2.9 Responsibilities of permit holder

A permit holder must —

- (a) not allow the operation of the outdoor dining area to extend beyond the area depicted on the permit plan;
- (b) keep the outdoor dining area free of any obstacle or thing likely to cause injury to persons or property;
- (c) ensure that any structure or furniture used in or in connection with the outdoor dining area remains within the outdoor dining area or the permitted storage location and does not impede pedestrian flow or access;
- (d) repair any damage to the surface of the outdoor dining area, and to any fixtures, fittings or utility services in or on the outdoor dining area, caused by or attributable to the conduct of the outdoor dining area;
- (e) pay all fees or taxes imposed or incurred as a result of the establishment or operation of the outdoor dining area;

- (f) ensure that trading within the outdoor dining area is limited to the operating hours stated in the permit; and
- (g) pay the costs associated with any alteration, repair, reinstatement or reconstruction of all or part of the outdoor dining area or adjacent public place required as a result of the operation of the outdoor dining area.

2.10 Amendment of permit conditions

- (1) A permit holder may apply in writing to the local government to amend any of the terms or conditions of the permit.
- (2) The local government or an authorised person may, in respect of an application under subclause (1)-
 - (a) amend the permit, either in accordance with the application or otherwise as it sees fit; or
 - (b) decline to amend the permit.
- (3) The local government or an authorised person may, at any time, amend any of the terms or conditions of the permit.
- (4) If the local government or an authorised person amends a permit under this clause, it is to notify the permit holder in writing of the amendment as soon as practicable after the amendment is made and, unless otherwise specified in the amendment, the amended term or condition, or both, of the permit apply from the date of the notification.
- (5) If the local government or an authorised person amends a permit otherwise than in accordance with an application from the permit holder, it is, as soon as practicable after the decision to amend is made-
 - (a) to give to the permit holder written notice of, and written reasons for, its decision to amend; and
 - (b) to inform the permit holder of his or her rights, under Part 9, Division 1 of the Act, to object to, and apply for a review of, the decision.

2.11 Validity of permit

- (1) A permit is valid for 3 years from the date on which it is issued, unless -
 - (a) it is otherwise stated in this local law or in the permit;
 - (b) the permit holder ceased being the proprietor of the adjacent food business and no transfer of permit has been approved under clause 2.13;
 - (c) any public liability insurance policy required as a condition of the permit lapses, is cancelled, or is no longer in operation; or
 - (d) it is cancelled under clause 2.14.

2.12 Renewal of permit

(1) A permit holder may apply in writing to the local government, at or before the expiry of the permit, for the renewal of the permit.

- (2) The provisions of this local law relevant to the permit which is sought to be renewed apply, with such modifications as are required, to an application for the renewal of the permit.
- (3) To avoid doubt, the local government or an authorised person may refuse to consider an application for renewal of a permit until any fee outstanding in relation to a permit is paid.

2.13 Transfer of permit

- (1) A permit cannot be transferred without the approval of the local government or an authorised person.
- (2) An application for the transfer of a valid permit is to-
 - (a) be in the form determined by the CEO;
 - (b) provide the information required by the form or under any other clause of this local law;
 - (c) be signed by the permit holder and the proposed transferee of the permit; and
 - (d) be forwarded to the local government together with any transfer fee imposed by the local government.
- (3) The local government or an authorised person may refuse to consider or determine an application for the transfer of a permit which is not in accordance with subclause (2).
- (4) The local government or an authorised person may approve an application for the transfer of a permit, refuse to approve it or approve it subject to such terms and conditions as it sees fit, and if it is approved, the proposed transferee is to become the permit holder from the date of the approval.

2.14 Cancellation or suspension of permit

- (1) A permit may be cancelled by the local government or an authorised officer on any one or more of the following grounds-
 - (a) the permit holder has not complied with-
 - (i) a term or condition of the permit; or
 - (ii) a provision of this local law, or a provision of any other written law which relates to the activity regulated by the permit;
 - (b) if it is relevant to the activity regulated by the permit-
 - (i) the permit holder is an undischarged bankrupt, or is in liquidation;
 - (ii) the permit holder has entered into a composition arrangement with creditors; or
 - (iii) a manager, administrator, trustee, receiver, or receiver and manager, is appointed in relation to any part of the permit holder's undertakings or property;

- (c) the permit holder is no longer the proprietor of the food business
- (d) the setting up or conduct of the outdoor dining area, or the behaviour of customers within the outdoor dining area, is causing a nuisance.
- (2) The local government or an authorised officer may cancel or suspend a permit if the local government or a utility requires access to or near the place to which a permit applies, for the purposes of carrying out works in or near the vicinity of that place.
- (3) If the local government or an authorised officer cancels or suspends a permit under this clause –
 - (a) it is, as soon as practicable after the decision is made-
 - (i) to give the permit holder written notice of, and reasons for, the decision;
 - (ii) to inform the applicant of his or her rights, under Part 9, Division 1 of the Act, to object to, and apply for a review of, the decision; and
 - (b) the cancellation or suspension takes effect from the date on which the permit holder is given the notice under subclause (3)(a)(i).
- (4) On the cancellation or suspension of a permit, subject to subclause (6), the permit holder is not entitled to any refund in respect of any fees paid in respect of the permit.
- (5) Where a permit is cancelled or suspended through no fault of the permit holder, the local government may refund to the permit holder all or part of the permit fee in respect of what would otherwise have been the balance of the term of the permit.
- (6) If a permit expires or is cancelled, the permit holder must
 - (a) remove all furniture, equipment, structures and other things placed in the outdoor dining area; and
 - (b) reinstate the area to the satisfaction of the local government or an authorised person or pay the costs of that reinstatement.

2.15 Temporary removal of an outdoor eating area may be requested

- (1) A permit holder must, when requested to do so
 - (a) on reasonable grounds by an authorised person or a member of the Police service: or
 - (b) in the event of an emergency or for the purposes of public safety by an emergency services agency,

temporarily remove, in accordance with the request, all or any of the structures or furniture in or on the outdoor dining area.

(2) The permit holder may replace the structures and furniture after being authorised by a person described in subclause (1)(a) or (b).

2.16 Production of permit

A permit holder must produce to an authorised person his or her permit immediately on being required to do so by an authorised person.

2.17 Permit limitation

A permit does not give the permit holder exclusive possession or use of the outdoor dining area to which it applies.

Part 3 - Objections and appeals

3.1 Application of Part 9 Division 1 of the Act

- (1) If the local government or an authorised person makes a decision
 - (a) to grant an application for a permit;
 - (b) to vary, cancel or suspend a permit;
 - (c) to impose or amend a condition to which a permit is subject, or
 - (d) use the proceeds of a bond under clause 4.3(2),

the provisions of Division 1 of Part 9 of the Act and regulation 33 of the Regulations apply to that decision.

(2) Under these provisions, an affected person may have the right to object to, or to appeal against, the decision of the local government or an authorised person.

Part 4 - Enforcement

4.1 Direction of authorised person to be obeyed

- (1) A permit holder who is given a lawful direction by an authorised person or a member of the W.A. Police must comply with that direction.
- (2) A permit holder must not obstruct or hinder an authorised person in the performance of that person's functions.

4.2 Notice to repair damage to public place

- (1) Where any portion of a public place has been damaged, physically altered, or soiled as a result of the use of that public place as an outdoor dining area, the local government or an authorised person may, by written notice to the permit holder, order the permit holder to repair or replace that portion of the public place to the satisfaction of the local government or an authorised person at the permit holder's cost.
- (2) In this clause, *permit holder* includes the person who was the permit holder when the portion of the public place was damaged or soiled.

4.3 Local government may undertake requirements of notice

(1) If a person fails to comply with a notice under clause 4.2, the local government or an authorised person may do the thing specified in the notice and recover from that person, as a debt, the costs incurred in so doing.

- (2) The local government or an authorised person may apply the proceeds of any bond received as a condition of approval to meet the costs under this clause incurred by the local government.
- (3) The liability of a permit holder to pay the local government's costs under this clause is not limited to the amount, if any, secured under clause 2.6(p) or 2.8.

4.4 Removal and impounding of goods

Where an outdoor dining area is conducted without a permit or in contravention of a term or condition of a permit, any structure or furniture may be removed and impounded by an authorised person under regulation 29 of the Regulations.

4.5 Offences

- (1) A person who fails to do anything required to be done under this local law, or who does anything which under this local law that person is prohibited from doing, commits an offence.
- (2) An offence against a clause specified in the Schedule of this local law is a prescribed offence for the purposes of section 9.16(1) of the Act.
- (3) A person who commits an offence under this local law is liable on conviction to a penalty not exceeding \$5,000 and, if the offence is of a continuing nature, to an additional penalty not exceeding \$500 for each day or part of a day during which the offence continues.

4.6 Infringement and infringement withdrawal notices

For the purposes of this local law-

- the form of the infringement notice referred to in section 9.17 of the Act, is that of Form 2 in Schedule 1 of the Regulations; and
- (b) the form of the infringement withdrawal notice referred to in section 9.20 of the Act is that of Form 3 in Schedule 1 of the Regulations.

4.7 Offence and modified penalty

The amount appearing in the final column of the Schedule adjacent to a clause specified in in that Schedule is the modified penalty for that offence.

4.8 Authorised persons

Unless expressly stated otherwise by the local government, a person appointed by the local government to be an authorised person for the purposes of this local law is taken to have also been appointed by the local government to be an authorised person for the purposes of section 9.16 of the Act in relation to offences against this local law.

SCHEDULE

CITY OF PERTH

OUTDOOR DINING LOCAL LAW 2018

OFFENCES AND MODIFIED PENALTIES

Item No	Clause No	Modified Penalty \$
1	2.1	300
2	2.7	100
3	2.9	100
4	2.14(6)	100
5	2.15	100
6	2.16	100
7	Other offences not specified	100

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Dated -	2018
The Common Seal of the City of Perth was affixed by the authority or resolution of the Counci in the presence of-) of a)
ERIC LUMSDEN	
Chair of Commissioners	S.
MARTIN MILEHAM	
Chief Executive Officer.	

25 January 2018

Mark Ridgwell
Manager Governance
City of Perth, Council House
27 St Georges Terrace
Perth WA 6000

Dear Mark,

By email:

info.city@cityofperth.wa.gov.au

Letter of Support - City of Perth Alfresco Dining Local Law 2009 Review

I refer to the City of Perth Alfresco Dining Local Law 2009 Review.

This letter has been prepared on behalf of the freehold owners of 56 William Street, Perth, and the operator of the State Buildings, Treasury WA Pty Ltd. We unequivocally support the revisions endorsed by Council on 21 November 2017.

As both a landlord and hospitality operator within the Perth CBD, we have a keen interest in bringing additional vitality to our City's central streets. We strongly believe that the proposed revisions will support more alfresco activity throughout the City and Northbridge, improving both pedestrian activity & safety.

The 2017 Alfresco Dining area survey results suggest that existing local laws result in a lack of vibrancy, amenity and a sense of place, in our City's most important streets. Survey results indicated that 79% of people believed there is insufficient alfresco dining in the City and 91% are more likely to visit a business with alfresco dining. Survey respondents further advised that the City of Perth should make it easier for tenants to operate alfresco dining areas.

Therefore, we support the following revisions to the City of Perth Alfresco Dining Law 2009, as endorsed by Council:

- 1) The implementation of an annual Alfresco Dining Fee rate of \$40.00 per square metre from 1 January 2018;
- 2) The allowance of beverage preparation and service from within the outdoor dining area;
- 3) The allowance of service of pre-packaged food from within the outdoor dining area;
- 4) The change of program name to Outdoor Dining;
- 5) The reduction of the pedestrian clearance in the new outdoor dining zones;
- 6) The permission of alcohol consumption whilst standing in an outdoor dining area;

- 7) The renewal period from annually to three yearly; and
- 8) The option of a payment plan.

We look forward to the City of Perth implementing the proposed revisions and wish to thank you for your continual commitment to improving the City for both residents and tourists alike.

Yours sincerely,

Jamie Fini

Managing Director

FJM Property Pty Ltd

For and on behalf of 56 William Street Syndicate

Director

Treasury WA Pty Ltd



ABN 15 780 467 930

25th January 2018 Mr Mark Ridgewell Manager Governance City of Perth GPO Box C120 Perth Western Australia 6839 (by email)

Reference: City of Perth Alfresco Dining Local Law Review

Dear Sir

I respond to your letter of 4th January 2018 in regards to the above.

I circulated the proposed amendments to the executive and invited their comments.

It is fair to say that any reduction in red tape and or fees is welcomed by the businesses in Northbridge. There was a query from a restaurant operator around the proposal under item 6) if this was available to all Licensees. They felt if Hotels or Taverns only then it is "unfair". It is my understanding that this amendment (to permit standing & drinking) is only for Taverns & Hotels. I am not sure I (personally) agree it is "unfair" when you look at the provisions of alcohol service as part of a restaurant Liquor License.

In respect to item 5), this may need to be monitored as there have been incidents where conflict has arisen between pedestrians & diners & the service of food & drinks from inside the premises by staff to the alfresco area.

Overall we believe the Council is demonstrating trying to strike the correct balance between activation of public space & amenity whilst maintaining a sensible approach to public liability issues.

Yours faithfully

Michael D Keiller Chair bigN



15 January 2018

Manager Governance City of Perth 27 St Georges Terrace Perth WA 6000

Dear Mr Mark Ridgwell (Via email: Mark.Ridgwell@cityofperth.wa.gov.au)

Submission supporting revisions to the City of Perth Alfresco Dining Local Law 2009

I refer to the City of Perth Alfresco Dining Law 2009 Review that is currently being advertised.

The following submission has been prepared on behalf of Happy Heart Pty Ltd (Happy Heart) and should be considered as a letter of support to the proposed revisions to the City of Perth's Alfresco Dining Local Law 2009. The Fringe World Festival also strongly supports the revisions as a means to continue to add vibrancy to the life of the City of Perth and the lifestyle choices of its citizens and visitors.

Both Fringe World Festival and Happy Heart have vested interest in the Northbridge area.

Northbridge is the heart and central home of the massively popular Fringe World Festival and the Fringe continues to be proud of the positive impact it has made on transforming people's expectations of the Northbridge entertainment precinct, the ongoing role it plays in bringing vitality to the precinct and attracting diverse markets that would otherwise stay clear.

Happy Heart will shortly commence an exciting transformation of The Rechabite Hall on William Street near the entrance to the Perth Cultural Centre into a world-class performance and hospitality facility – a venue where the kind of diverse and popular offering that Fringe World is all about has a place year-round in the precinct. Both Happy Heart and Fringe World strongly believe that the stimulation and support of more Alfresco activity throughout the City is a no-brainer means to bring more positive life to the City streets.

We also believe that more outdoor dining and hospitality options means the City continues to make the best of its natural assets and that fostering more people occupying the streets and pavements of the City will lead not only to better business for all parties and greater attraction for people to come to the City, it will also lead to greater safety and security as the more diverse and the greater the numbers of people that are occupying public spaces in the City both day and night, the more safe people feel. This has been a tried and true aspect of the success of Fringe World in the Northbridge area. It's also strongly supported by surveying conducted.









City of **Perth**



























Results from the 2017 Alfresco Dining area survey suggest that existing local law is not only inappropriate, but is unquestionably linked to ongoing issues that Northbridge and the City of Perth face regarding a lack of year-round vibrancy, amenity and sense of place.

Based on 243 responses, 79% of people believed that there is insufficient alfresco dining in the City of Perth. As well as having regard to a variety of other factors, respondents advised that stringent regulations and high fees impede local businesses from operating alfresco dining areas.

Further to the Council's meeting on 21 November 2017, both Happy Heart and the Fringe World Festival endorse the following revisions to the City of Perth Alfresco Dining Law 2009:

- 1) The implementation of an annual Alfresco Dining Fee rate of \$40.00 per square metre from 1 January 2018;
- 2) The allowance of beverage preparation and service from within the outdoor dining area;
- 3) The allowance of service of pre-packaged food from within the outdoor dining area;
- 4) The change of program name to Outdoor Dining;
- 5) The reduction of the pedestrian clearance in the new outdoor dining zones;
- 6) The permission of alcohol consumption whilst standing in an outdoor dining area;
- 7) The renewal period from annually to three yearly; and
- 8) The option of a payment plan.

We look forward to the ongoing work with all at the City of Perth in making our City all it can be and commend everyone at the City who work diligently and tirelessly to make life better for the City and its people.

Sincerely,

Marcus Canning Director HAPPY HEART Pty Ltd

Chief Executive FRINGE WORLD Festival



25th January 2018 Mr Mark Ridgewell Manager Governance City of Perth GPO Box C120 Perth Western Australia 6839 (by email)

Reference: City of Perth Alfresco Dining Local Law Review

Dear Sir

I respond to your letter of 4th January 2018 in regards to the above.

I acknowledge I sent letter on behalf of the Business Improvement Group of Northbridge. I did not wish to include my personal views within that correspondence to usurp the Committees comments.

I am something of a contrarian when it comes to alfresco; I don't share peoples obsession for it or believe in many instances it adds anything to the streetscape. Perhaps people like it because it makes us "more like Melbourne".

To my mind the numerical clauses except for 5) &6) are benign.

I have concerns around 5) given the historical instances where staff & pedestrian have come into conflict under the existing arrangements as well as anti social behavior with pedestrians interfering with diner's food. I think this needs to be monitored to see how it pans out.

Point 6) is possibly the most contentious. It raises concerns around breakages and bottles lying around that could be used as weapons. I trust that everyone "does the right thing" and it is outrageously successful; only time will tell. Will the alfresco area be able to operate until the venue closes ie if venue closes at 2am alfresco in operation until then or align with the lockout condition that is on many of the Licensed venues (ie 1/2hr before closing) or blanket midnight? I don't know if this has been considered.

My other concern is the design criteria. Currently there are some very poor examples of alfresco. There are also venues that set them up but do nothing to activate them or encourage patrons to use. Is it proposed to set guidelines or provide sketch designs of what is proposed so operators can be held to account?



All in all I am not against the proposal however, will wait to be dazzled by the architectural brilliance that will transform the streets. I have been very fortunate to visit many happening vibrant cities around the world most of which do not rely upon alfresco for their survival.

Yours faithfully

Michael Keiller

:					
#	CM Ret	Date	Туре	Summary of comments	Consideration of comments
01	39949/18	25/01/18	Community Organisation	The comments generally supported Council's resolution of 21 November 2017 and provided	These comments have been carefully taken into consideration in the formation of the guidelines and
				support for reduction in red tape and fees.	policy.
				It raised some concerns in relation to points five and six of that resolution:	In relation to the local law, setbacks are not prescribed but the new local law allows for consideration to be given
				"5) The reduction of the pedestrian clearance	to pedestrian movement. The precise setbacks can be
				in the new outdoor dining zones;	assessed and modified more efficiently via the guidelines.
				6) The permission of alcohol consumption	
				whilst standing in an outdoor dining area; "	The City's support of liquor for those standing and the
					specified circumstances is not addressed within the local law as this is a matter of policy and state legislation.
				In relation to points 5 of that resolution it	There is no prohibition or endorsement within the local
				noted that the reduction of the pedestrian	law.
				clearance in the new outdoor dining zones	
				would need to be carefully monitored to avoid	The terms of the Council resolution have been carefully
				conflict between pedestrians, diners, and	considered to ensure the local law accommodates them.
				service.	
				In relation to point 6 of that resolution it	
				advices that members of the community	
				organisation were concerned about the	
				fairness of which businesses might be allowed	
				to allow consumption of alconol while	
				standing.	
05	39578/18	15/01/18	Community Organisation	The comments endorsed Council's resolution	The terms of the Council resolution have been carefully
				of 21 November 2017 being:	considered to ensure the local law accommodates them.
				1) The implementation of an annual Alfresco	While some matters are more appropriate to be
				Dining Fee rate of \$40.00 per square metre	addressed in policy, guidelines, and budgets (particularly
				from 1 January 2018;	tees, specified setbacks, and ability to consume alcohol)
				2) The allowance of beverage preparation and	the amendments have been included into the proposed
				service from within the outdoor dining area;	local law that:
					 allow for payment plans,
				food from within the outdoor dining area;	 ensure there is not prohibition of service or
					prepacked food or preparation of drinks,

7	3-0 840	1	i i		
•		רמות	a di	4) The change of program name to Outdoor Dining; 5) The reduction of the pedestrian clearance in the new outdoor dining zones; 6) The permission of alcohol consumption whilst standing in an outdoor dining area; 7) The renewal period from annually to three yearly; and 8) The option of a payment plan.	 increase the standard licence term; and change the name of the program.
03	39949/18	25/01/18	Food business owner	The comments raised some concerns in relation to points five and six of Council's resolution of 21 November 2017 being: "5) The reduction of the pedestrian clearance in the new outdoor dining zones; 6) The permission of alcohol consumption whilst standing in an outdoor dining area;" In relation to points 5 of that resolution it noted that the reduction of the pedestrian clearance in the new outdoor dining zones would need to be carefully monitored to avoid conflict between pedestrians, diners, and service. In relation to point 6 of that resolution it raised the concern regarding potential for glass breakages and how long venues will be allowed to operate for.	These comments have been carefully taken into consideration in the formation of the guidelines and policy. In relation to the setbacks, they are not prescribed but the new local law allows for consideration to be given to pedestrian movement. The precise setbacks can be assessed and modified more efficiently via the guidelines. In relation to closure times, the local law is broad enough to allow outdoor areas to be closed prior to the business if required as there is flexibility within the local law. In relation to glass breakages, the local law requires the permit holder to maintain the outdoor dining area in a clean and safe manner as well as clearing debris that stems for the outdoor dining area.
04		25/01/18	Land/Business Owner Representative	The comments endorsed Council's resolution of 21 November 2017.	The terms of the Council resolution have been carefully considered to ensure the local law accommodates them. While some matters are more appropriate to be addressed in policy, guidelines, and budgets (particularly fees, specified setbacks, and ability to consume alcohol)

#	CM Ref	Date	Туре	Summary of comments	Consideration of comments
					the amendments have been included into the proposed
					local law that:
					 allow for payment plans,
					 ensure there is not prohibition of service or
					prepacked food or preparation of drinks,
					 increase the standard licence term; and
					 changing the name of the program.

Agenda Financial Statements and Financial Activity Statement for the

Item 6.8 Period Ended 31 August 2018

FILE REFERENCE: P1014149-25
REPORTING UNIT: Finance

RESPONSIBLE DIRECTORATE: Corporate Services

ATTACHMENT/S: Attachment 6.8A — Financial Statements and Financial

Activity Statement for the period ended 31 August 2018 Attachment 6.8B — Revised Cash Flow Statement for the

period ended 31 July 2018

Purpose and Background:

The City of Perth is required to prepare a monthly statement of financial activity, which reports on the revenue and expenditure under Section 6.4(1) and (2) of the *Local Government Act* 1995 and Regulation 34(1) of the *Local Government (Financial Management) Regulations* 1996, and details material variances between the annual budget for that month, under Regulation 22(1)(d) of the *Local Government (Financial Management) Regulations* 1996 compared to the actual revenue and expenditure for that month.

Financial Statements for the period 31 August 2018

The following statements are presented as part of the Financial Statements:

- 1. The Statement of Comprehensive Income by Program;
- 2. The Statement of Comprehensive Income by Nature or Type;
- 3. The Statement of Financial Position;
- 4. The Statement of Changes in Equity;
- 5. The Statement of Cash Flows; and
- 6. Accompanying Notes to the Financial Statements.

<u>Financial Activity Statement for the period ended 31 August 2018</u>

The Financial Activity Statement for the period ended 31 August 2018 is presented together with commentary on variances from the revised budget. The Financial Activity Statement commentary compares the actual results for the two months to 31 August 2018 with the original budget approved by Council on 3 July 2018 and amended by Council on 28 August 2018.

Operating Revenue

- 1. Parking revenue for the year to date August was \$13.0 million, which was \$507,000 above the budget. The variance mainly consisted of \$120,000 for kerbside Parking and \$428,000 for Undercover Car Parks.
- 2. Fines and costs were \$1.5 million, being \$171,000 or 10% below budget for the period.
- 3. Investment Income and Interest was \$64,000 above the budget due to the performance of the Colonial Share index balanced fund.
- 4. Rubbish collection fees were \$20,000 (0.2%) above budget for the period.

Operating Expenditure

- 1. Employee costs for the year to date were \$13.1 million being 0.1% or \$6,000 above the budget;
- 2. Materials and Contracts were \$2.4 million below the budget. The main areas of underspend were: contractors \$744,000, various Maintenance accounts \$1.2 million, Fees and Charges \$355,000 and Advertising Costs \$152,000;
- 3. Utilities were lower than the budget by \$27,000 due to lower than budgeted power consumption; and
- 4. Depreciation and Amortisation was under the budget by \$139,000 at the end of August, mainly on Infrastructure assets.

Investing Activities

Capital expenditure was \$1.8 million under budget for the year to date as detailed below.

Capital expenditure	Variance for t	he months to	August 2018	
Details	Budget 2018/19		Year to Date	
	1010,13	Actual	Budget	Variance
Digital Workplace enhancements	1,487,734	-	148,482	(148,482)
Smart Cities	2,093,519	5,730	321,062	(315,332)
Core Systems upgrade	753,532	-	19,447	(19,447)
IPMS	6,587,470	-	-	-
HRIS	913,000	37,528	177,846	(140,317)
Lighting – Car parks	669,140	391,460	602,360	(210,900)
Fibre optic network / Public Wi-fi	350,655	15,910	80,000	(64,090)
2-way street projects	1,015,000	15,881	240,666	(224,785)
Wellington Square Enhancement	1,726,000	27,952	116,712	(88,760)
Roads – Crawley (various)	840,000	753	134,285	(133,352)
Projects with no planned spend but carrying actual expenditure	5,223,342	376,693	-	376,693
Projects with no planned and actual spend for the months	18,476,444	-	-	-
All other projects	14,402,873	1,151,892	1,868,542	(716,650)
TOTAL	54,761,197	2,023,802	3,851,901	(1,828,099)

Financing Activities

- 1. Transfers to Reserves were under the budget by \$6.4 million mainly due to timing differences; and
- 2. Transfers from Reserves were above budget by \$12.8 million due to timing differences in planned parking levy payments.

Amounts sourced from Rates

Rates revenue raised was \$631,000 or 0.7% above the budget due to higher than budgeted interim rates.

Revised Cash Flow Statement for the period 31 July 2018

The Cash Flow Statement was revised to adjust for the Fire Service Levy incorrectly allocated to Materials and Contracts instead of Rates. There is no impact on the net Cash flow from Operating Activities.

Summary:

The Financial Activity Statement for the period ended 31 August 2018 and the Revised Cash Flow Statement for the period ended 31 July 2018 are presented. The Financial Activity Statement shows higher than budgeted revenue of \$510,000 for the period 31 August 2018, mainly driven by higher parking revenue from kerbside parking and undercover carparks. Operating expenditure was \$3.3 million under budget for the period 31 August 2018, mainly represented by \$2.4 million underspend in Materials and Contracts. Capital expenditure for the period 31 August 2018 was \$1.8 million under budget. Rates revenue was \$631,000 higher than the budget for the period 31 August 2018. The Cash Flow Statement for the period 31 July 2018 was revised to adjust for the incorrect allocation of the Fire Service Levy to Materials and Contracts. The revision does not impact the Net Cash flow from Operating Activities for the period.

FINANCIAL ACTIVITY STATEMENT FOR THE TWO MONTHS TO 31 AUGUST 2018

REPORT OF VARIANCES TO BUDGET

This report compares the actual performance for the two months to 31 August 2018 to the 2018/19 Budget adopted by Council on 3 July 2018 and amended by Council on 28 August 2018.

Operating Revenue

- Parking revenue for the year to date August was \$13.0 million, which was \$507,000 above the budget. The variance mainly consisted of \$120,000 for kerbside Parking and \$428,000 for Undercover Car Parks.
- Fines and costs were \$1.5 million, being \$171,000 or 10% below budget for the period.
- Investment Income and Interest was \$64,000 above the budget due to the performance of the Colonial Share index balanced fund.
- Rubbish collection fees were \$20,000 (0.2%) above budget for the period.

Operating Expenditure

- Employee costs for the year to date were \$13.1 million being 0.1% or \$6,000 above the budget.
- Materials and Contracts were \$2.4 million below the budget. The main areas of underspend were: contractors \$744,000, various Maintenance accounts \$1.2 million, Fees and Charges \$355,000 and Advertising Costs \$152,000.
- Utilities were lower than the budget by \$27,000 due to lower than budgeted power consumption.
- Depreciation and Amortisation was under the budget by \$139,000 at the end of August, mainly on Infrastructure assets.

Investing Activities

• Capital expenditure was \$1.8 million under budget for the year to date as detailed below.

Page 271 of 324

FINANCIAL ACTIVITY STATEMENT FOR THE TWO MONTHS TO 31 AUGUST 2018

REPORT OF VARIANCES TO BUDGET

Capital expenditure	Variance for t	he months to	August 2018			
Details	Budget 2018/19		Year to Date			
		Actual	Budget	Variance		
Digital Workplace enhancements	1,487,734	-	148,482	(148,482)		
Smart Cities	2,093,519	5,730	321,062	(315,332)		
Core Systems upgrade	753,532	-	19,447	(19,447)		
IPMS	6,587,470	-	-	-		
HRIS	913,000	37,528	177,846	(140,317)		
Lighting – Car parks	669,140	391,460	602,360	(210,900)		
Fibre optic network / Public Wi-fi	350,655	15,910	80,000	(64,090)		
2-way street projects	1,015,000	15,881	240,666	(224,785)		
Wellington Square Enhancement	1,726,000	27,952	116,712	(88,760)		
Roads – Crawley (various)	840,000	753	134,285	(133,352)		
Projects with no planned spend but carrying actual expenditure	5,223,342	376,693	-	376,693		
Projects with no planned and actual spend for the months	18,476,444	-	-	-		
All other projects	14,402,873	1,151,892	1,868,542	(716,650)		
TOTAL	54,761,197	2,023,802	3,851,901	(1,828,099)		

Financing Activities

- Transfers to Reserves were under the budget by \$6.4 million mainly due to timing differences.
- Transfers from Reserves were above budget by \$12.8 million due to timing differences in planned parking levy payments.

Page 272 of 324

FINANCIAL ACTIVITY STATEMENT FOR THE TWO MONTHS TO 31 AUGUST 2018

REPORT OF VARIANCES TO BUDGET

Amounts sourced from Rates

• Rates revenue raised was \$631,000 or 0.7% above the budget due to higher than budgeted interim rates.

CITY OF PERTH FINANCIAL ACTIVITY STATEMENT for the period ended 31 August 2018

	Revised		Revised Budget	
	Budget	Actual YTD	YTD	Variance YTD
	2018/19	31-Aug-18	31-Aug-18	31-Aug-18
Proceeds from Operating Activities	\$	\$	\$	\$
Operating Revenue				
Parking Fees	72,705,796	13,010,638	12,503,700	506,938
Fines and Costs	9,739,069	1,526,908	1,698,037	(171,129)
Investment Income and Interest	4,767,575	1,171,055	1,106,912	64,143
Community Service Fees	1,702,938	273,794	248,072	25,722
Rubbish Collection	9,510,263	9,076,976	9,056,611	20,365
Rentals and Hire Charges	5,369,901	901,716	903,570	(1,854)
Recurrent Grants	1,440,658	235,311	86,533	148,777
Contributions, Donations and Reimbursements	664,172	65,535	143,747	(78,213)
Other Income	4,347,168	1,538,233	1,542,820	(4,586)
Distribution from TPRC	580,000	0	0	0
	110,827,540	27,800,166	27,290,003	510,164
Less: Operating Expenditure				
Employee Costs	78,297,999	13,059,187	13,065,126	5,940
Materials and Contracts	52,144,397	5,078,745	7,493,223	2,414,478
Utilities	3,242,445	500,757	528,104	27,347
Insurance Expenditure	861,507	129,869	140,199	10,330
Depreciation and Amortisation	36,371,570	5,923,150	6,061,928	138,778
Interest Expenses	961,020	188,979	180,579	(8,400)
Loss on Disposal of Assets	1,663,040	0	83,152	83,152
Expense Provisions	622,947	97,535	103,825	6,290
Other Expenditure	25,143,394	3,836,457	4,465,117	628,660
1	199,308,319	28,814,677	32,121,252	3,306,575
Add back Depreciation	(36,371,570)	(5,923,150)	(6,061,928)	(138,778)
(Loss) / Profit on Disposals	(1,663,040)	0	(83,152)	(83,152)
-1	161,273,709	22,891,528	25,976,172	3,084,645
Net Surplus/(Deficit) from Operations	(50,446,169)	4,908,639	1,313,830	3,594,808
Capital Grants	1,469,412	423,487	0	423,487
Capital Expenditure	54,761,197	(2,023,802)	(3,851,901)	1,828,099
Proceeds from Disposal of Assets/Investments	1,516,025	0	257,517	(257,517)
Sub-total Investing Activities	57,746,634	(1,600,315)	(3,594,385)	1,994,069
Repayment of Borrowings	(7,448,608)	(1,827,148)	(1,827,148)	0
Transfers to Reserves	(40,649,178)	(552,821)	(6,904,792)	6,351,971
Transfer from Reserves	37,997,955	19,214,544	6,454,447	12,760,097
Sub-total Financing Activities	(10,099,831)	16,834,575	(2,277,493)	19,112,068
Add: Opening Funds	30,455,893	26,291,681	30,455,893	(4,164,212)
Net Surplus/(Deficit) before Rates	27,656,527	46,434,580	25,897,846	20,536,734
Amount Sourced from Rates	90,190,099	91,146,439	90,515,099	631,340
Closing Funds	117,846,626	137,581,018	116,412,945	21 169 074
Ciosing Fullus	117,040,020	137,301,018	110,412,943	21,168,074

CITY OF PERTH CURRENT POSITION AS AT THE END OF THE PERIOD 31 AUGUST 2018

	Revised			Revised		
Description	Budget	Actual YTD	В	udget YTD		Variance YTD
	2018/19	31-Aug-18	3	31-Aug-18		31-Aug-18
Current Assets	\$	\$		\$		\$
Cash and Cash Equivalents	5,341,951	9,400,950		11,073,982		(1,673,032)
Deposits and Prepayments	8,787,964	17,339,336		10,500,505		6,838,831
Money Market Investments - Municipal Funds	8,497,267	98,204,338		89,133,904		9,070,434
Money Market Investments - Restricted Funds	103,602,530	79,283,788		76,755,409		2,528,379
Trade and Other Receivables	12,211,455	49,746,391		32,304,110		17,442,281
Inventories	822,095	1,075,282		177,989		897,293
Total Current Assets	139,263,262	255,050,085		219,945,899		35,104,186
Current Liabilities						
Trade and Other Payables	18,947,077	37,366,272		26,078,420		11,287,852
Employee Entitlements	9,417,195	10,456,525		12,538,142		(2,081,617)
Provisions	500,092	819,007		699,125		119,882
Borrowings	7,448,608	7,543,000		7,543,000	\prod	0
Total Current Liabilities	36,312,972	56,184,804		46,858,688		9,326,116
			$\sqcup \sqcup$			
Working Capital Position Brought Forward	102,950,290	198,865,281		173,087,211		25,778,070
					┙	
Deduct Restricted Cash Holdings	(103,602,530)	(79,283,788)		(76,755,409)	╛	(2,528,379)
Add Current Liabilities not expected to clear	0	10,456,525		12,538,142		(2,081,617)
Add Current Borrowings	7,448,608	7,543,000		7,543,000		0
Current Funds Position Brought Forward	6,796,368	137,581,018		116,412,945		21,168,074

Net Cash on Hand	\$	\$	\$	\$
Cash On Hand	5,341,951	9,400,950	11,073,982	(1,673,032)
Money Market Investments	112,099,797	177,488,126	165,889,313	11,598,813
Overdraft	0	0	0	0
Funds on Hand	117,441,748	186,889,076	176,963,296	9,925,780
Analysis of Funds on Hand				
Reserves	103,602,530	79,283,788	76,755,409	2,528,379
Provisions	9,917,287	11,275,532	13,237,267	(1,961,735)
General Funds	3,921,931	96,329,756	86,970,619	9,359,137
Funds on Hand	117,441,748	186,889,076	176,963,296	9,925,780

EXPLANATORY NOTES – FINANCIAL ACTIVITY STATEMENT

BACKGROUND

- Regulation 34 of the Local Government (Financial Management) Regulations 1996 was amended effective from 1 July 2005.
- The amendment prescribes a monthly Financial Activity Statement (FAS) reporting the sources and application of funds, as set out in the Rate Setting Statement which is included in the Annual Budget.

PURPOSE

- The FAS reports the actual financial performance of the City in relation to its adopted budget, which has been structured on financial viability and sustainability principles.
- The FAS is intended to act as a guide to Council of the impact of financial activities and the reasons for major variances to the annual budget estimates.

PRESENTATION

- Regulation 34 prescribes the minimum detail to be included in the FAS. These are listed below.
 - Annual Budget estimates, and approved revisions to these, are to be included for comparison purposes.
 - Actual amounts of income and expenditure to the end of the month of the FAS.
 - Material variances between the comparable amounts and commentary on reasons for these.
 - The net current assets at the end of the month to which the FAS relates.
- An explanation of the composition of the net current assets at the end of the month to which the FAS relates; less committed and restricted assets.
- Councils are given the option of adopting a format which is considered most appropriate to their needs. These
 options are listed below.
 - According to nature and type classification,
 - by program, or
 - by business unit.
- It is recommended that while the information presented by cost objects (programs and activities) or by cost centres (business units) are useful for expense allocation and cost centre accountability purposes, they are less informative and difficult to comprehend in matters of disclosure and less effective in cost management and control.
- The FAS has therefore been presented in the format using nature and type classification as the most meaningful disclosure to the Council and public.

FORMAT

- The FAS is formatted to align with the Rate Setting Statement.
- The first part deals with operating income and expenditure, excluding rate revenue.
- The next classification is the amount spent on capital expenditure and debt repayments.
- The classification 'Financing Activities' provides a statement of sources of funds other than from operating or rates revenue, which are usually associated with capital expenditure.
- Attached to the FAS is a statement of 'Net Current Assets' for the budget and actual expenditure to the end of the month to which the FAS relates.
- Opening and closing funds represent the balance of 'Net Current Assets', not including any funds which are committed or restricted.
- "Committed assets" means revenue unspent but set aside under the annual budget for a specific purpose.
- "Restricted assets" means those assets the uses of which are restricted, wholly or partially, by regulations or other externally imposed requirements", e.g. reserves set aside for specific purposes.
- To avoid duplication in calculating 'Closing Funds on hand', certain balances, such as provisions and borrowings, are also deducted.
- The total Closing Funds on hand are to be taken into account when calculating the amount to be raised by rates each year.
- The classification "Net Cash on Hand" represents the balances of funds held in cash or invested and the analysis
 into those funds reserved, carried forward or remaining unspent at the end of the month to which the FAS
 relates.



CITY of PERTH

Financial Report

For the 2 months ended 31 August 2018

CITY OF PERTH MUNICIPAL

Statement of Comprehensive Income for the 2 month ended 31 August 2018

505050000000000000000000000000000000000	(By Progra		nueu 31 Augu	IST 2018	
	Budget	Revised	Actual YTD		
OPERATING REVENUE	Vote 2018/2019	Budget YTD	31/08/2018	YTD Va	гіансе
General Purpose Funding Rates	\$	\$	\$	\$	%
General Purpose Funding Other	91,205,599		91,840,576	564,477	
Law, Order, Public Safety	4,763,533	,	919,993	234,748	
Health	97,871		14,326	(1,814	
Education and Welfare	886,434	646,294	678,560	32,266	
Housing	1,987,870	307,893	328,510	20,617	6.
	1,086,624	181,104	189,611	8,507	4.
Community Amenities	12,820,109	9,485,912	9,440,501	(45,411)	
Recreation and Culture	1,736,788	290,281	327,443	37,162	
Transport	84,690,064	14,576,758	14,934,835	358,077	12.
Economic Services	1,067,654	300,703	199,961		2.
Other Property and Services	675,094	38,674	72,290	(100,742)	
Total Operating Income	201,017,640	117,805,103	118,946,606	33,616 1,141, 50 3	86.9
OPERATING EXPENDITURE			.,	1,141,505	1.0
Governance	(0 300 070)	(1.006.040)			
General Purpose Funding	(8,388,979)	(1,386,949)	(1,218,945)	(168,004)	12.
Law, Order, Public Safety	(2,177,904)	(380,159)	(328,053)	(52,106)	13.
Health	(5,857,753)	(969,542)	(973,726)	4,184	-0.4
Education and Welfare	(1,800,788)	(295,035)	(243,349)	(51,686)	17.5
Housing	(3,859,097)	(634,012)	(640,534)	6,522	-1.(
Community Amenities	(656,634)	(109,439)	(140,200)	30,761	-28.1
Recreation and Culture	(31,520,532)	(4,745,645)	(3,892,553)	(853,092)	18.0
Transport	(32,865,760)	(5,554,539)	(5,453,291)	(101,248)	1.8
Economic Services	(84,244,158)	(13,776,660)	(12,288,418)	(1,488,242)	10.8
Other Property and Services	(16,965,145)	(2,619,986)	(1,995,643)	(624,343)	23.8
Total Operating Expenditure	(9,888,529)	(1,566,136)	(1,639,965)	73,829	-4.7
	(198,225,279)	(32,038,100)	(28,814,677)	(3,223,423)	10.1
NET FROM OPERATIONS	2,792,361	85,767,003	90,131,929	4,364,926	5.1
GRANTS/CONTRIBUTIONS				, ,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,	5.11
For the Development of Assets					
- General Purpose Funding	(0.000				
- Recreation and Culture	60,000	-		_	0.09
- Transport	375,000	2	1.00 m	*	0.09
- Economic Services	377,165	2	423,487	423,487	0.0%
Total Grants/Contributions	657,247			2	0.0%
	1,469,412	85	423,487	423,487	0.0%
DISPOSAL/WRITE OFF OF ASSETS					
Gain/(Loss) on Disposal of Assets 2	(1,663,015)	83,152			
ange in net assets resulting from operations		03,132	-	(83,152)	-100.0%
J Upti muuns	, , , ,				
ore significant items		85,850,155	90 555 416	4.705.061	-
fore significant items	2,598,758	85,850,155	90,555,416	4,705,261	5.5%
fore significant items SIGNIFICANT ITEMS	2,598,758	85,850,155	90,555,416	4,705,261	5.5%
fore significant items SIGNIFICANT ITEMS Distribution from TPRC		85,850,155	90,555,416	4,705,261	
fore significant items SIGNIFICANT ITEMS	2,598,758	85,850,155	90,555,416	4,705,261	5.5%

CITY OF PERTH MUNICIPAL

Statement of Comprehensive Income for the 2 month ended 31 August 2018

(By Nature or Type)

	(By)	Nature or Type,)			
		Budget	Revised	Actual YTD		
OPERATING REVENUE	Not		Budget YTD	31/08/2018	YTD Var	iance
Rates		\$	\$	\$	\$	%
Grants and Contributions for Non Capital Purposes		90,190,099	90,515,099	91,146,439	631,340	0.79
Fees and Charges		2,104,830	230,281	300,845	70,564	30.6
Interest and Investment Income		102,135,208	25,672,745	26,021,557	348,812	1.49
Other Revenue		4,767,575	1,106,912	1,171,055	64,143	5.89
Total Revenue from Operating Activities		1,239,928	280,066	306,710	26,644	9.59
Total Revenue from Operating Activities		200,437,640	117,805,103	118,946,606	1,141,503	1.09
OPERATING EXPENDITURE						
Employee Costs		(78,297,999)	(12.0(5.100)	4.5		
Materials and Contracts		(52,144,397)	(13,065,126)	(13,059,187)	(5,939)	0.0%
Utilities		(3,242,445)	(7,493,223)	(5,078,745)	(2,414,478)	32.2%
Depreciation and Amortisation		(36,371,570)	(528,104)	(500,757)	(27,347)	5.2%
Interest		(961,020)	(6,061,928)	(5,923,134)	(138,794)	2.3%
Insurance		(861,507)	(180,579)	(188,979)	8,400	-4.7%
Expenses Provision		(622,947)	(140,199)	(129,869)	(10,330)	7.4%
Other Expenses from Ordinary Activities		(25,143,394)	(103,825)	(97,535)	(6,290)	6.1%
Total Expenses from Ordinary Activities		(197,645,279)	(4,465,117)	(3,836,471)	(628,646)	14.1%
,		(197,043,279)	(32,038,100)	(28,814,677)	(3,223,423)	10.1%
Change in Net Assets from Ordinary Activities before						
Capital Amounts		2,792,361	85,767,003	00 121 020		
		4,772,501	03,707,003	90,131,929	4,364,926	5.1%
GRANTS/CONTRIBUTIONS						
Grants and Contributions- Capital	_	1,469,412		423,487	423,487	0.0%
NET OPERATING SURPLUS		4,261,773	95 767 002			0.078
		4,201,773	85,767,003	90,555,416	4,788,413	5.6%
DISPOSAL/WRITE OFF OF ASSETS	2	(1,663,015)	83,152			
CICNIEICANIE		(-,000,013)	05,152	-	(83,152)	-100.0%
SIGNIFICANT ITEMS						
Distribution from TPRC		580,000				
hange in net assets resulting from operations		<i>y</i>		-	-	0.0%
fter capital amounts and significant items	_	3,178,758	85,850,155	90,555,416	4.705.061	
			,	70,222,410	4,705,261	5.5%

CITY OF PERTH MUNICIPAL

Statement of Financial Position as at 31 August 2018

CUPPENT ACCURA	Note	31/08/2018	30/06/2018
CURRENT ASSETS		\$	\$
Cash and Cash Equivalents	11	9,400,950	
Deposits/Prepayments Investments	4	17,339,336	
	3, 11	177,488,126	112,708,01
Trade and Other Receivables Rates Receivable	5	17,540,939	10,079,390
	1	32,205,452	
Inventories		1,075,282	
TOTAL CURRENT ASSETS		255,050,085	147,017,480
NON CURRENT ASSETS			
Investments	3	6 502 212	<i></i>
Trade and Other Receivables	5	6,593,212	6,601,317
Property, Plant and Equipment	8	62,451	62,649
Infrastructure	8	717,276,483	720,370,929
Capital Work in Progress	8	513,525,615	516,354,303
TOTAL NON CURRENT ASSETS	o	54,812,937	52,639,457
130010		1,292,270,698	1,296,028,655
TOTAL ASSETS		1,547,320,783	1,443,046,135
CURRENT LIABILITIES			
Trade and Other Payables	6	27.266.272	
Employee Benefits	7	37,366,272	22,111,117
Provisions	7	10,456,525	10,372,262
Loan Liability	9	819,007	612,044
TOTAL CURRENT LIABILITIES	7	7,543,000	7,448,608
		56,184,804	40,544,031
ON CURRENT LIABILITIES			
Employee Benefits	7	1,606,751	1,606,751
Loan Liability	9	13,761,594	
TOTAL NON CURRENT LIABILITIES		15,368,345	15,683,134 17,289,885
TOTAL LIABILITIES			1,,20,,005
TOTAL LIABILITIES		71,553,149	57,833,916
ET ASSETS		\$1,475,767,634	\$1,385,212,219
QUITY	;		+1,000,212,21)
Accumulated Surplus			ĺ
Asset Revaluation Reserve		781,291,513	672,074,377
Reserves	10	612,719,403	612,719,403
22004.700	10	81,756,718	100,418,439
OTAL EQUITY	-	\$1,475,767,634	\$1,385,212,219
	2		,5 55,=12,219

	CITY OF PERTH MUNICIPAL	RTH		
Statement of Changes in Equity for the 2 months ended 31 August 2018	in Equity for the 2	months ended.	31 August 2018	
	Accumulated Surplus	Asset Revaluation Reserve	Cash Backed Reserves	Total Equity
Balance at 1 July 2017 Change in net assets resulting from operations Transfer to Cash Backed Reserves Transfers to Asset Revaluation Reserve Transfers from Asset Revaluation Reserve Transfer from Cash Backed Reserves Balance at 30 June 2018 Balance at 1 July 2018 Change in net assets resulting from operations Transfer to Cash Backed Reserves	\$ 659,485,259 19,655,066 (33,413,115) (214,619) 361,114 26,200,674 \$672,074,378 \$ 672,074,378 90,555,416 (552,821)	\$ 612,865,897 - 214,619 (361,114) - \$612,719,402	\$ 93,205,998 33,413,115 - (26,200,674) \$100,418,439 100,418,439	\$ 1,365,557,154 19,655,066 \$1,385,212,219 \$ 1,385,212,219 90,555,416
Transfers to Asset Revaluation Reserve Transfers from Asset Revaluation Reserve Transfer from Cash Backed Reserves Balance at the end of the reporting period	19,214,544		(19,214,544)	I I
	1 4 7 4 6 4 5 1 4	3017,/12,402	\$81,756,716	\$1,475,767,635

Page 281 of 324

CITY OF PERTH

MUNICIPAL
Statement of Cash Flows for the 2 months ended 31 August 2018

ws for th			<u> 2018 </u>	
	Budget	YTD Actual		
Note			YTD Varia	tion
	\$	\$	\$	%
			(12,658,763)	-14.2%
		25,879,326	(76,189,527)	-74.6%
		1,204,252	(3,563,323)	-74.7%
		311,586	(1,508,342)	-82.9%
	197,865,811	103,945,856	(93,919,955)	-47.5%
	(78,378,106)	(13,987,593)	64,390,513	82.2%
	(56,252,703)	(13,811,560)	42,441,143	75.4%
	(961,020)	(266,201)	694,819	72.3%
	(29,966,325)	(19,419,023)		35.2%
	(165,558,154)	(47,484,377)	118,073,777	71.3%
12	32,307,657	56,461,479	24,153,822	-74.8%
	1,516,025	~	(1,516,025)	-100.0%
	(11,459,765)	-	11,459,765	-100.0%
				-100.0%
				100.0%
		-		-100.0%
	-	(2,023,802)		0.0%
•	(56,289,061)	(2,023,802)	54,265,259	96.4%
	(54,773,036)	(2,015,697)	52,757,339	96.3%
				0.0%
	(7,448,608)	(1,827,148)	5,621,460	75.5%
	(7,448,608)	(1,827,148)	5,621,460	75.5%
		295 ,969	(2,966,430)	-90.9%
_		423,487	(1,045,925)	-71.2%
	4,731,811	719,456	(4,012,355)	-84.8%
-	(25,182,176)	53,338,090	78,520,266	-311.8%
	151,411,889	133,550,987	(17,860,902)	-11.8%
11 -	126,229,713	186,889,076	60,659,363	48.1%
	Note 12	Rudget	Note 2018/2019 31/08/2018 89,209,455 76,550,692 102,068,853 25,879,326 4,767,575 1,204,252 1,819,928 311,586 197,865,811 103,945,856 (78,378,106) (13,987,593) (56,252,703) (13,811,560) (961,020) (266,201) (29,966,325) (19,419,023) (165,558,154) (47,484,377) 12 32,307,657 56,461,479 1,516,025 - (11,459,765) - (20,265,755) - (14,378,763) - (10,184,778) - - (2,023,802) (56,289,061) (2,023,802) (54,773,036) (2,015,697) (7,448,608) (1,827,148) (7,448,608) (1,827,148) (7,448,608,11,827,148) (7,448,608,11,827,148) (25,182,176) 53,338,090 151,411,889 133,550,987	Note 2018/2019 31/08/2018 YTD-Varia \$ \$ \$ \$ 89,209,455 76,550,692 (12,658,763) 102,068,853 25,879,326 (76,189,527) 4,767,575 1,204,252 (3,563,323) 1,819,928 311,586 (1,508,342) 197,865,811 103,945,856 (93,919,955) (78,378,106) (13,987,593) 64,390,513 (56,252,703) (13,811,560) 42,441,143 (961,020) (266,201) 694,819 (29,966,325) (19,419,023) 10,547,302 (165,558,154) (47,484,377) 118,073,777 12 32,307,657 56,461,479 24,153,822 1,516,025 - (1,516,025) (11,459,765) - 11,459,765 (20,265,755) - 20,265,755 (14,378,763) - 14,378,763 (10,184,778) - 10,184,778 - (2,023,802) (56,289,061) (2,023,802) 54,265,259 (54,773,036) (2,015,697) 52,757,339

Page 282 of 324 MUNICIPAL

Notes to the Balance Sheet for the 2 month ended 31 August 2018

1 Rates Receivable

	Actual YTD	2017/18 YTD
	31/08/2018	31/08/2017
	\$	\$
Outstanding Amount at 30 June 2018	564,041	323,913
Rates Levied for the Year	90,735,861	90,101,731
Late Payment Penalties	- 1	25,348
Ex Gratia Rates	7,436	7,377
Rates Administration Fee	6,684	308,574
Rates Instalment Interest	347,941	351,720
Back Rates	1,018	81,765
Bins Levy	971,877	959,010
	92,634,858	92,159,438
Amount Received during the Period	60,429,406	63,031,914
Outstanding Amount at 31 August 2018	\$32,205,452	\$29,127,524

2 Gain/(Loss) on Disposal/Write off of Assets

	Annual Budget	Actual YTD 31/08/2018
Infrastructure		
Proceeds on Disposal		-
Less: Carrying amount of assets written off	1,917,040	-
(Loss) on Write Off	(1,917,040)	-
Plant and Mobile Equipment		
Proceeds on Disposal	1,516,025	_
Less: Carrying amount of assets sold/written off	1,262,000	-
Profit on Disposal /Write Off	254,025	-
Gain/(Loss) on Disposal/Write off of Assets	(\$1,663,015)	

3 Investments

Current	31/08/2018	30/06/2018
Short Term Cash Investments *	\$	\$
Call Funds	8,515,676	19,384,434
Bank/Term Deposits	163,500,000	88,000,000
Managed Funds	5,472,450	5,323,583
Total Current Investments	\$177,488,126	\$112,708,017

^{*} Short Term Cash Investments as stated in Note 11.

Non Current Investments	31/08/2018	30/06/2018
	\$	\$
Mortgage Backed Securities (MBS)	2,472,928	2,481,033
	2,472,928	2,481,033
Equity in Local Government House	10,000	10,000
Equity in Mindarie Regional Council	450,285	450,285
Equity in Tamala Park Regional Council	3,659,999	3,659,999
	\$6,593,212	\$6,601,317

Page 283 of 324

MUNICIPAL

Notes to the Balance Sheet for the 2 month ended 31 August 2018

4 Deposits/Prepayments

	31/08/2018	30/06/2018
Prepaid Insurance	s	\$
	439,405	_
Prepaid Parking Bay Licence Fees Other	14,967,956	113,564
Duler	1,931,975	1,623,735
	\$17,339,336	\$1,737,299

5 Trade And Other Receivables

Current	31/08/2018	30/06/2018
Current	S	\$
Emergency Services Levy (ESL) Accrued Interest and Investment Income Accrued Income Modified Penalties/Fines and Costs Debtors - General Australian Taxation Office - GST Refundable	8,478,563 850,099 1,317,241 8,086,414	114,563 883,296 1,529,171 7,886,407
Other Debtors	2,628,223	1,129,144 2,225,324
Less: Provision for Doubtful Debts	21,360,540 (3,819,601)	13,767,905 (3,688,509)
Non Current	\$17,540,939	\$10,079,396
Pensioners' Rates Deferred	62,451	62,649
	\$62,451	\$62,649

6 Trade And Other Payables

Current	31/08/2018	30/06/2018
Trade Creditors Frade Creditors Emergency Services Levy Interest Payable on Loans Accrued Expenses - Operating Accrued Expenses - Capital Advances Received for Recoverable Works Income Received / Raised in Advance Australian Taxation Office - GST Payable Other Creditors	\$ 3,583,799 24,529,067 154,645 4,863,832 530,169 83,551 630,793 140,671 2,849,745	15,035,282 231,867 2,832,580 380,491 96,738 930,011 2,604,148

Page 284 of 324

MUNICIPAL

Notes to the Balance Sheet for the 2 month ended 31 August 2018

7 Employee Benefits

Current	31/08/2018	30/06/2018
Leave Entitlements	s	\$
Annual Leave	1	
Self Funded Leave	4,755,082	4,793,733
Long Service Leave	172,787	171,629
Recognition of Employees- Presentations	5,415,905	5,292,646
recognition of Employees- Presentations	112,751	114,254
Non Current	\$10,456,525	\$10,372,262
Annual Leave		
Long Service Leave	377,706	377,706
DOING DOINING LORVE	1,229,045	1,229,045
	\$1,606,751	\$1,606,751

Provisions

	31/08/2018	30/06/2018
Current	\$	\$
Workers Compensation	819,007	612,044
	\$819,007	\$612,044

8 Property, Plant and Equipment and Work in Progress

	31/08/2018	30/06/2018
Land and Air Rights - at cost/fair value	\$	\$
Less: Accumulated Depreciation	417,918,971	417,918,971
	(8,337,283)	(8,224,622)
	409,581,688	409,694,349
Buildings - at fair value		
Less: Accumulated Depreciation	413,053,999	413,053,999
	(189,223,920)	(188,619,828)
	223,830,079	224,434,171
Improvements - at fair value	45 (10.000	
Less: Accumulated Depreciation	45,619,000	45,619,000
	(2,870,491)	(1,691,557)
	42,748,509	43,927,443
Infrastructure Assets - at cost/fair value	830,149,225	000 140 00-
Less: Accumulated Depreciation	(316,623,610)	830,149,225
	513,525,615	(313,794,922)
Plant and Mobile Equipment	313,323,013	516,354,303
Plant and Mobile Equipment - at cost/fair value Less: Accumulated Depreciation	48,398,272	48,398,272
	(33,094,604)	(32,424,083)
	15,303,668	15,974,189
Office Furniture and Equipment - at cost/fair value	45.504	
Less: Accumulated Depreciation	47,596,545	47,596,545
	(21,784,006)	(21,255,768)
	25,812,539	26,340,777
Property, Plant and Equipment		
	1,230,802,098	1,236,725,232
Work in Progress - at cost	54 810 000	
	54,812,937	52,639,457
Otal Property Plant and Family	54,812,937	52,639,457
otal Property, Plant and Equipment and Work in Progress	\$1,285,615,035	\$1,289,364,689

MUNICIPAL

Notes to the Balance Sheet for the 2 month ended 31 August 2018

8 Property, Plant and Equipment and Work in Progress - Movement at Cost

	Balance 30/06/2018	Acquisitions Actual YTD 31/08/2018	Transfers Actual YTD 31/08/2018	Initial Recognition of Assets Actual YTD 31/08/2018	Disposals/ Write off/ Actual YTD 31/08/2018	Revaluation Actual YTD 31/08/2018	Balance 31/08/2018
Land and Air Rights	\$ 117.010.071	\$	\$	\$	\$		\$
	417,918,971		-	-	521		417,918,971
Buildings	413,053,999	- E	-				413,053,999
Improvements	45,619,000					54	45,619,000
Infrastructure Assets	830,149,225	-			197	19	830,149,225
Plant and Mobile Equipment	48,398,272	-	_ 1				
Office Furniture and Equipment	47,596,545	_ 1				-	48,398,272
Agricultural	1		-	-	~	-	47,596,545
Work in Progress	52,639,457	2,173,480	1.50	-	~	~	-
7.00			(6)	2			54,812,937
	\$1,855,375,469	\$2,173,480		-		-	\$1,857,548,949

9 Loan Liability

	31/08/2018	30/06/2018
Current	\$	\$
Loans - Western Australian Treasury Corporation	7,543,000	7,448,608
Non Current		
Loans - Western Australian Treasury Corporation	13,761,594	15,683,134

10 Reserve Funds

		Transfer from	Transfer to	
	Balance	Accumulated	Accumulated	Balance
Purpose of Reserve Fund	30/06/2018	Surplus	Surplus	31/08/2018
	\$	\$	\$	\$
Refuse Disposal and Treatment	3,758,149	25,537	(2,285)	3,781,401
Concert Hall - Refurbishment and Maint.	5,502,176	30,021	(715,189)	4,817,008
Asset Enhancement	30,621,651	208,479	(92,945)	30,737,185
Street Furniture Replacement	358,479	2,164	(33,197)	327,446
Parking Levy	21,222,807	23,154	(17,825,290)	3,420,671
Art Acquisition	399,276	2,761	(1,818)	400,219
Heritage Incentive	608,930	4,294	(-,010)	613,224
Parking Facilities Development	23,919,144	159,591	(543,820)	23,534,915
Employee Entitlements	1,924,579	12,964	(5.5,020)	1,937,543
David Jones Bridge	341,959	2,270		344,229
Bonus Plot Ratio	655,680	4,467		660,147
PCEC Fixed Plant Replacement	5,007,286	34,224		5,041,510
Enterprise and Initative	5,477,133	38,660		5,515,793
Public Art	621,192	4,235		625,427
	100,418,441	552,821	(19,214,544)	
Asset Revaluation	612,719,402	552,021	(17,214,344)	81,756,718
	\$713,137,842	\$552,821	(\$19,214,544)	612,719,402 \$694,476,120

^{*} The Asset Revaluation Reserve is a non cash backed reserve and cannot be used ,except for adjustments to fixed assets on their revaluation, disposal or write off

Page 286 of 324

MUNICIPAL

Notes to the Balance Sheet for the 2 month ended 31 August 2018

11 Cash Reconciliation

	31/08/2018	30/06/2018
	S	\$
Cash and Cash Equivalents	9,400,950	20,842,970
Short Term Cash Investments		112,708,017
	\$186,889,076	\$133,550,987

	31/08/2018	30/06/2018
	\$	\$
Change in Net Assets Resulting from Operations	90,555,416	11,880,256
Adjustment for items not involving the movement of Funds:		,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,
Depreciation	5,923,134	27,333,169
Doubtful Debts	131,092	17,722
Non Capitalised Work in Progress	150	1,674,471
(Gain)/Loss on Disposal/Write off/Contribution of Assets	7.61	1,609,841
	96,609,642	42,515,459
Revenues Provided By :		,,,,,,,,
Government Grants	(719,456)	(4,593,267
Contribution from Other Parties		-
Change in Operating Assets and Liabilities	(719,456)	(4,593,267)
Add Back		
AUU DACA		
Decrease in Inventories	10,475	_
Decrease in Deposits and Prepayments	-	98,007
Decrease in Accrued Interest and Dividend Income	33,197	
Decrease in Deferred Debtors	198	
Decrease in Accrued Income	211,930	1,644,079
increase in Income Received /Raised in Advance		219,814
increase in Accrued Interest Payable	2:	75,420
Increase in Accrued Expenses	2,031,252	
ncrease in Provisions	291,226	523,219
increase in Trade and Other Payables	13,463,852	4,087,823
Decrease in Income Received /Raised in Advance	(222.122)	
Decrease in Accrued Interest Payable	(312,405)	-
ncreases in Deferred Debtors	(77,222)	180
Decrease in Deterred Dectors Decrease in Accrued Expenses	- [(16,293)
ncrease in Inventories	-	(931,963)
ncrease in Trade and Other Receivables	-	(167,118)
	(39,479,173)	(1,527,498)
ncrease in Prepayments ncrease in Accrued Interest and Investment Income	(15,602,037)	-
niciease in Accided Interest and Investment Income	-	(177,779)
Jet Cach Brouided by Onessie & 4' '4'	(39,428,707)	3,827,711
Net Cash Provided by Operating Activities	\$56,461,479	\$41,749,903

Page 287 of 324

MUNICIPAL

Notes to the Balance Sheet for the 2 month ended 31 August 2018

13 Ratios

	31/08/2018	30/06/2018
1 Current Ratio		
Current Assets minus Restricted Assets		
Current Liabilities minus Liabilities	3.13	1.3.
associated with Restricted Assets		
2 Debt Ratio		
Total Liabilities		
Total Assets	4.62%	4.69%
3 Debt Service Ratio		
Debt Service Cost		
Available Operating Revenue	1.69%	4.25%
4 Rate Coverage Ratio		
Net Rate Revenue		
Operating Revenue	77.21%	44.36%
5 Outstanding Rates Ratio		
Rates Outstanding		
Rates Collectable	34.77%	0.36%
6 Untied Cash to Unpaid Creditors Ratio		
Untied Cash		
Unpaid Trade Creditors	30.03	3.15
7 Gross Debt to Revenue Ratio		
Gross Debt		
Total Revenue	17.91%	14.70%
B Gross Debt to Economically Realisable Assets Ratio		
Gross Debt		
Economically Realisable Assets	2.06%	3.23%

Restricted Assets includes reserve funds and tied contributions not utilised at 31.08.2018

CITY OF PERTH MUNICIPAL

MUNICIPAL
Statement of Cash Flows for the 1 months ended 31 July 2018

Statement of Cash Flows for the 1 months ended 31 July 2018					
	Note	Budget YTD Actual 2018/2019 31/07/2018		YTD Variation	
Cash Flows from Operating Activities		\$	\$	\$	%
Receipts					
Rates		89,209,455	11,493,054	(77,716,401)	-87.1%
Fees and Charges		102,068,853	10,879,075	(91,189,778)	-89.3%
Interest		4,767,575	586,618	(4,180,957)	-87.7%
Other		1,819,928	195,177	(1,624,751)	-89.3%
		197,865,811	23,153,924	(174,711,887)	-88.3%
Payments		, ,		, , , , , , ,	
Employee Costs		(78, 378, 106)	(7,206,226)	71,171,880	90.8%
Materials and Contracts		(56,252,703)	(10,765,264)	45,487,439	80.9%
Interest		(961,020)	(263,705)	697,315	72.6%
Other		(29,966,325)	(18,553,663)	11,412,662	38.1%
		(165,558,154)	(36,788,858)	128,769,296	77.8%
Net Cash Flows from Operating Activities	12	32,307,657	(13,634,934)	(45,942,591)	142.2%
Cash Flows from Investing Activities Receipts					
Proceeds from Disposal of Assets		1,516,025	-	(1,516,025)	-100.0%
Payments				() , ,	
Purchase Land and Buildings		(11,459,765)	*	11,459,765	-100.0%
Purchase Infrastructure Assets		(20,265,755)	*	20,265,755	-100.0%
Purchase Plant and Mobile Equipment		(14,378,763)	_	14,378,763	100.0%
Purchase Office Furniture and Equipment		(10,184,778)	72	10,184,778	-100.0%
Work in Progress			(697,477)	(697,477)	0.0%
		(56,289,061)	(697,477)	55,591,584	98.8%
Net Cash Flows from Investing Activities		(54,773,036)	(697,477)	54,075,559	98.7%
Cash Flows from Financing Activities					0.0%
Repayment of Borrowings		(7,448,608)	(1,827,149)	5,621,459	75.5%
10	1	(7,448,608)	(1,827,149)	5,621,459	75.5%
Cash Flows from Government and Other Parties Receipts from Appropriations/Grants					
Recurrent		3,262,399	80,750	(3,181,649)	-97.5%
Capital		1,469,412	-	(1,469,412)	-100.0%
		4,731,811	80,750	(4,651,061)	-98.3%
Net Increase (Decrease) in Cash Held	•	(25,182,176)	(16,078,810)	9,103,367	-36.2%
Cash at 1 July 2018		151,411,889	133,550,987	(17,860,902)	-11.8%
Cash at 31 July 2018	11	126,229,713	117,472,185	(8,757,528)	-6.9%

Agenda Item 6.9

Rates Concession – Western Australia Cricket Association

FILE REFERENCE: P1019031-8
REPORTING UNIT: Finance

RESPONSIBLE DIRECTORATE: Corporate Services

ATTACHMENT/S: N/A

Purpose and Background:

The purpose of the report is to propose a rate concession for the Western Australian Cricket Association ground (WACA) to reflect the role of the WA Cricket Association in the community and the activities that are undertaken at the ground.

Historically the WACA received an exemption for rates under S6.26(2)(g) – charitable purposes of the Local Government Act 1995. An exemption review in 2013 revealed the organisation is not exempt under the provisions of the Local Government Act 1995 as they are not considered a charitable organization, therefore the exemption was cancelled.

The WACA then sought Ministerial approval for an exemption of rates under S6.26(2)(k) of the Act for 2013/14. The Minister approved the exemption which has continued for five years until 2017/18. The Minister has not approved an exemption for 2018/19 which means under the current legislation that full commercial rates of \$167,873.60 would be applicable for 2018/19.

In May, the City's Manager Finance and Senior Rates Coordinator met with Senior Officers from the WACA to undertake a site inspection and discuss the rating of the property. The WACA ground houses the administration facilities for the Western Australia Cricket Association which undertakes commercial activities and develops and supports cricket within the WA community. The majority of the WACA's income is in the form of grants from Cricket Australia. The ground is still used for hosting cricket matches but with the Big Bash cricket moving to the Optus Stadium this has been reduced to only 27 days in the 2018/19 financial year.

Before the WACA had received a ministerial exemption in 2013, the City proposed to stage the introduction of full rates over a three-year period. 33.33% in Year 1, 66.66% in Year 2 and 100% in Year 3. This option was discussed with the WACA.

The City also undertook a rates calculation based on the proportion of the property generating commercial income. The identified commercial areas were the Museum, Prindiville stand, including Administration, the Player's Pavilion and Bradman, Boundary, President's and Willow Rooms. The playing surface was also classified as commercial on the 27 days were cricket played at the ground and tickets were sold to the public. Based on this methodology a Rates levy of \$19,452.73 was calculated which equates to 11.6% of the full Rates levy.

Summary:

It is recommended that the City grant a rates concession to the Western Australia Cricket Association to acknowledge:

- That only 27 days of cricket will be played at the venue in 2018/19
- That the principal activity undertaken at the WACA ground is administration
- The organisations broad community role in developing grassroots cricket

Under the City's delegated authority a rates concession requires Council approval.

It is the intention that the rate calculation is updated on an annual basis and the WACA will continue to be rated based on the percentage of commercial activities.

Agenda Western Australia Bicycle Network Grants 2019/20 and

Item 6.10 2020/21 – Winthrop Avenue Shared Path

FILE REFERENCE: P1022728
REPORTING UNIT: Transport

RESPONSIBLE DIRECTORATE: Planning and Development

ATTACHMENT/S: Attachment 6.10A - Proposed Project Map — Winthrop

Avenue Shared Path

Attachment 6.10B – Transport Strategy

Attachment 6.10C - Cycle Plan

Purpose and Background:

The purpose of this Briefing Report is to provide details regarding the City of Perth funding application through the State Government's Western Australia Bicycle Network (WABN) Grants Program. The City's application seeks funding for the construction of a three-metrewide, off-road, bidirectional shared path on Winthrop Avenue, along the eastern side of the carriageway, between Aberdare Road and Stirling Highway (Attachment 6.10A).

The City previously submitted a funding Expression of Interest to Department of Transport (DoT), which was successful and as a result a second-round 'Full Proposal' application was prepared and submitted to DoT on 17 October 2018.

The Winthrop Avenue WABN project has been proposed due to its strategic alignment with the State Government's Perth and Peel @3.5 Million document, which identifies Winthrop Avenue/Thomas Street in the State's preferred strategic cycle network. It also meets the objectives of the City's Strategic Community Plan, and has been identified as the preferred cycle route in the City's Council endorsed Transport Strategy (Attachment 6.10B), Cycle Plan (Attachment 6.10C) and associated Implementation Program.

The proposal includes safer crossing opportunities for pedestrians and cyclists, and entails upgrading an existing shared path between Aberdare Road and Monash Avenue, provides a new shared path between Monash Avenue and Poole Avenue and an upgrade for the existing footpath to shared path standard between Poole Avenue and Stirling Highway.

The City's WABN application spans over two stages with detailed design proposed for 2019/20 and construction to occur in 2020/21. The total estimated project cost amounts to \$1,514,800. Through the WABN program, funding is provided to local government authorities in WA for up to 50% of the total project cost. Accordingly, the City has applied for \$757,400 of State funding through the program.

If the City's funding application is successful, it will be required to contribute 50% to the total cost. This will involve seeking Council approval for budget in 2019/2020 (\$45,000 for detailed design) and 2020/21 (\$712,400 for construction) through the Council budgeting process.

Consultation

Preliminary stakeholder engagement was undertaken in 2017 as part of concept design option development. On the whole, there is in-principle support for the proposed project from key stakeholders including Botanic Gardens and Parks Authority (Kings Park), QEII Medical Centre,

UWA, DoT, Main Roads WA, Public Transport Authority, cycling, pedestrian & environmental representative groups and service and utility providers

Subject to funding approval, a Stakeholder Engagement Plan will be developed, and at this point, further stakeholder engagement will occur as part of the detailed design development stage. This will likely include community consultation.

Summary:

The provision of a high quality, dedicated, off-road shared path facility along this corridor is important in meeting the City's objective to encourage a shift to sustainable transport modes. The combination of existing poor-quality paths, the absence of paths in some parts and a hostile road environment in the proposed project location result in an area that is non-conducive to cycling despite the many major attractors within close proximity to the proposed project area, including Kings Park, University of WA (UWA) and QEII Medical Centre.

Furthermore, the proposal will be supported by several associated planned cycling projects that have been identified in the City's Transport Strategy and Cycle Plan. This will ultimately result in a complete strategic cycling network in the City of Perth, consequently making cycling more desirable and viable for a broader segment of the population.

Most significantly, this includes extension of the high quality shared path on Winthrop Avenue/Thomas Street beyond Aberdare Road, up to Kings Park Road, therefore, completing this missing link in the cycling network. Applications for funding through future rounds of the WABN Grants Program can be made by the City to facilitate these improvements.

The City of Perth will be notified in January 2019 if the Winthrop Avenue funding submission is successful, which will allow time for project design works to commence in the 2019/20 financial year. If successful, separate approval for budget in 2019/20 (\$45,000 for detailed design) and 2020/21 (\$712,400 for construction) will be sought through the Council budgeting process.

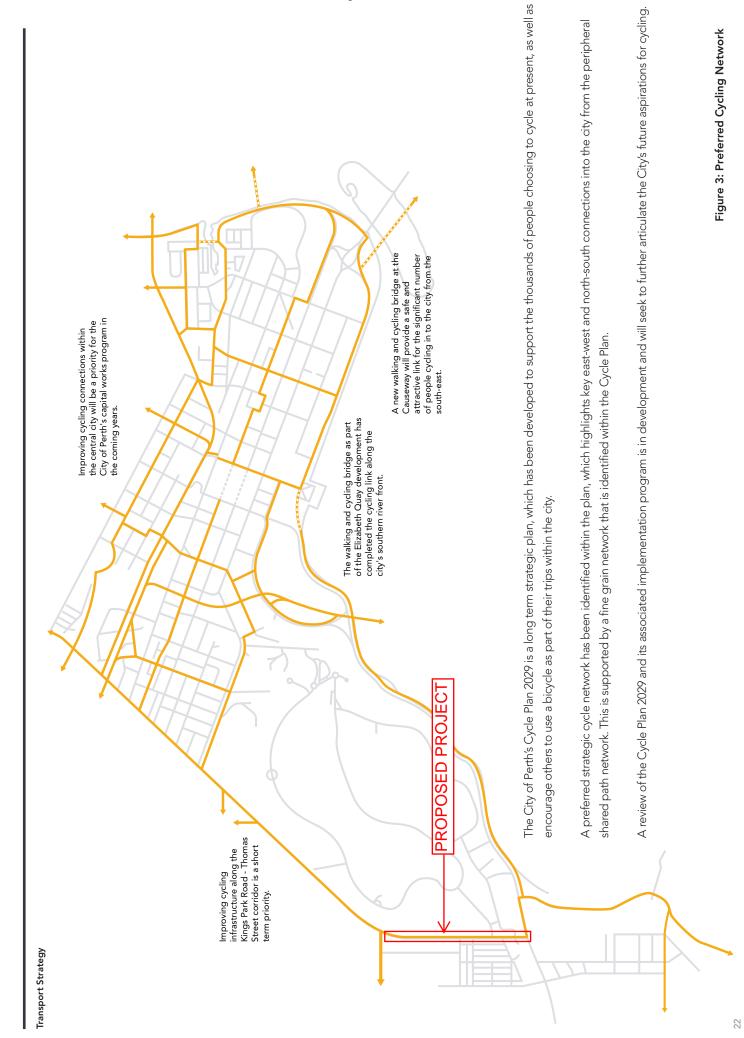


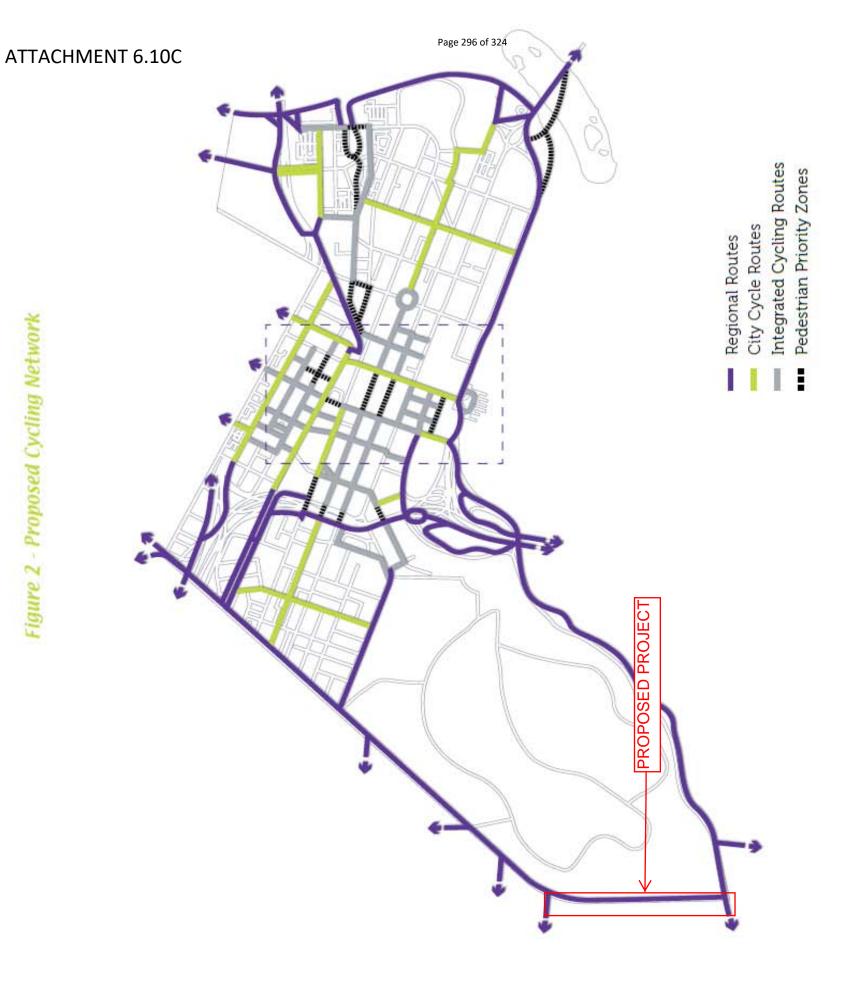


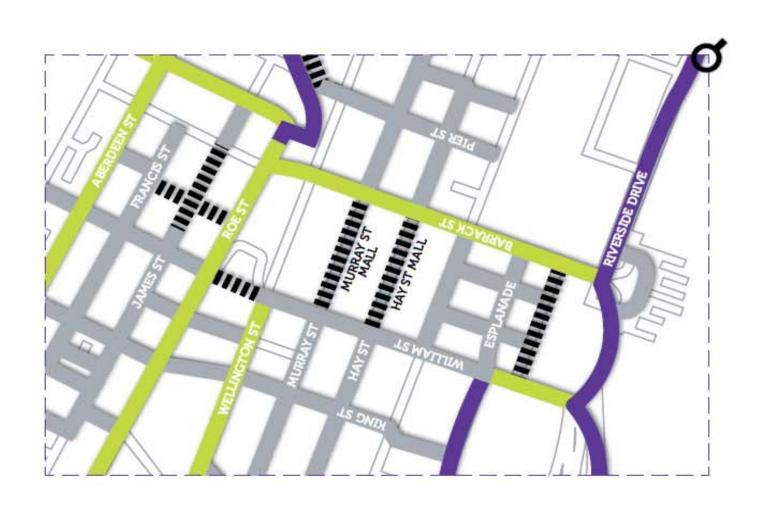
Avenue Shared Path

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Agenda Review of Council Policy 10.9 - City of Perth Common Seal and Document Signing Authority

FILE REFERENCE: P1005611-2 REPORTING UNIT: Governance

RESPONSIBLE DIRECTORATE: Office of the Chief Executive

ATTACHMENT/S: Attachment 6.11A — Existing Council Policy 10.9 — City of

Perth Common Seal and Document Signing Authority

Attachment 6.11B — Amended Council Policy 10.9 — City of

Perth Common Seal and Document Signing Authority

Purpose and Background:

Council Policy 10.9 — City of Perth Common Seal and Document Signing Authority was adopted by Council at its Ordinary Council Meeting held on **24 June 2014**. Its purpose was to ensure that officers were appropriately authorised to execute documents and that use of the City's common seal was appropriately authorised in accordance with the requirements of section 9.49A of the *Local Government Act 1995*.

While the policy does improve and clarify the authorisation of Council for the Lord Mayor, CEO and employees to sign documents on behalf of the City, the policy has been in operation since 2014 and is now due for review. Amendments are proposed to the policy that are in line with Internal Audit recommendations, accommodate the City's legal representatives signing documents on behalf of the City where appropriate, and reduce procedure within the policy while maintaining appropriate conditions on the authorisations contained within the policy.

Details:

The following key amendments have been proposed to the policy:

Clause	Proposed Amendment	Reason for Change
Clause 2.1 - Affixing	Minor amendments for clarity	To avoid administrative delays
the Common Seal	and to ensure that, as allowed	and to simplify the requirements
	by the Act, a senior employee	of the policy.
	authorised by the CEO, may	
	sign documents be common	
	seal in the CEO's stead.	
Clause 2.2.2 - Sealing	Deleted Clause 2.2.2 Sealing	It is proposed that the form of the
Clause	Clause from the Policy	sealing clause is moved to the
		procedure.
Clause 2.3 -	Administration of the	It is proposed that the removed
Administration of the	Common Seal has been	information is moved to the
Common Seal	amended to remove	procedure.
	procedural requirements.	

Page 298 of 324

Clause	Proposed Amendment	Reason for Change
Clause 3.1 - General	Removal of limitation of	This restriction may be
Document Signing	signing authorities where	inappropriate for some delegated
(Execution)	scope covers multiple units or	or statutory authorities and may
Authorities	directorates.	result in unnecessary escalation
		where business units and
		directorates are in agreement. It
		is proposed that the procedure
		notes the requirement for
		consultation and opportunity to
		escalate.
Clause 3.2.2.3	New Clause:	This clause was included as it was
	"The limitation on specific	identified that this was unclear in
	authorities does not limit the	the Policy as written.
	authority to sign documents	
	that effect a decision made in	
	accordance with statutory	
	authority or delegated	
Current Clause 3.2.3 –	authority."	The current clause is a duite also
	Deleted clause 3.2.3 relating	The current clause is advice about
Deputising or Signing on Behalf of Another	to deputising not being permitted under the Act and	legislative requirements rather than a condition of the Policy.
Person	moved its content into a	While this could be moved to
Person	Guidance Box as a note.	procedure, it is an important
	Guidance Box as a note.	clarification that Internal Audit
		has identified as a compliance
		control. It was retained within the
		policy to avoid non-compliances
		with the Policy.
Clause 3.2.3 - Specific	A note has been added to the	This addition has been proposed
Authorities in	table header advising that	as a compliance control by
Accordance with	authorities in table are subject	Internal Audit.
Section 9.49A(4) of	to the limitations in clause	
the Local	3.2.3	
Government Act 1995		
 Previously clause 		
3.2.4		
Clause 3.3 - Contracts	New Clause:	The current policy 10.9 does not
of Employment and	The addition of an	clearly address contracts of
Variations to	employment contract section	employment. This gap means
Contracts	to advise which employees are	that currently it could be found
	authorised to sign	that only the CEO, by virtue of his
	employment contracts.	statutory functions, may sign
		employment contracts. This is
		impractical in an organisation the
		size of the City. The addition of an
		employment contract section clarifies who can sign
		clarifies who can sign employment contracts and
		variations.
		variations.

Page 299 of 324

Page 299 of 324			
Clause	Proposed Amendment	Reason for Change	
Clause 3.4 - Execution	New Clause:	Section 9.49A of the Act also	
of Documents by	Execution of Documents by	requires that agents of the City be	
Lawyers on Behalf of	Lawyers on Behalf of City	authorised to sign documents on	
City		behalf of the City. Currently there	
		is no authorisation for lawyers to	
		sign documents in accordance	
		with their instructions. This	
		restriction has been highlighted	
		by the upcoming mandatory	
		requirement for certain transfer	
		of land documents to be	
		processed electronically using	
		the Property Exchange Australia	
		(PEXA) process. In these	
		circumstances, where lawyers	
		are preparing the documents,	
		they will need signing authority if	
		they are processing those	
		documents electronically as this	
		will be equivalent to signing.	
Clause 3.5 - Signing	New Clause:	It has been identified that there is	
Documents (Other	Signing Documents (Other	currently no authority for any	
Than by Common	than by Common Seal) During	officer to sign documents that	
Seal) During	Temporary Absence of the	only the CEO may sign during if	
Temporary Absence	CEO	the CEO is temporarily	
of the CEO		unavailable but no Acting CEO	
		has been appointed. This is a gap	
		that could leave urgent	
		documents unable to be	
		executed. The amendment	
		proposes that the Director	
		Corporate Services may sign the	
		document in these infrequent	
		circumstances.	
Clause 4 - Record	Deletion of Clause 4 – Record	The legislation exists in its own	
Keeping	Keeping Requirements.	right and is unnecessary to	
Requirements.		reference in the policy. Record	
		keeping requirements are noted	
		in the document control box and.	

Summary

The proposed amendments to Council Policy 10.9 ensure appropriate controls are maintained within the authorisations for execution while reducing some of the procedural content and eliminating some of the authorisation gaps within the policy.



CP 10.9 City of Perth Common Seal and Document Signing Authority

POLICY OBJECTIVE

To establish, in accordance with the requirements of section 9.49A of the *Local Government Act* 1995:

- 1. Protocols for affixing and administration of the City of Perth Common Seal; and
- 2. Authority for the Chief Executive Officer and other nominated officers to sign (execute) documents on behalf of the City of Perth.

POLICY STATEMENT

1. DEFINITION OF DOCUMENT

For the purposes of this policy, *document* means any paper or electronic document, including communications such as letters and emails, which:

- (a) convey a decision; or
- (b) establish an obligation on the City; or
- (c) is ceremonial.

2. COMMON SEAL

2.1 Affixing the Common Seal

- (1) The Common Seal shall only be affixed to documents:
 - (a) where the Council has resolved either specifically or *generally to give effect to the matter which is the subject of the document; or
 - (b) that are detailed in clause 3.2.4 of this policy; and
 - (c) in the presence of both the Lord Mayor and the Chief Executive Officer (or those duly appointed to act in their absence) and signed by both accordingly.

(*generally means the resolution encompassed or contemplated the matter.)

(2) There is no legal requirement for the Common Seal to be affixed in order for a document to be executed, as this can legally occur without the Common Seal being affixed where Council resolves to authorise the CEO or another employee to sign the document [s.9.49A(4)]. It is however, acknowledged that through custom or historical practice there are circumstances where external parties may expect the City of Perth Common Seal to be



CP10.9 City of Perth Common Seal and Document Signing Authority

affixed, however the City is to work with stakeholders to ensure that unnecessary application of the Common Seal is avoided.

2.2 Sealing Clause

The following sealing clause is to be included at the location in a document where the Common Seal is to be affixed:

The Common Seal of the)
City of Perth was affixed)
on [00 Month 2000])
by the authority of the Council in the presence of:)



The Rt. Hon. LORD MAYOR [insert first and last name]

[insert first and last name] CHIEF EXECUTIVE OFFICER

2.3 Administration of the Common Seal

The Chief Executive Officer is to:

- (a) have charge of the Common Seal and is responsible for the safe custody and proper use of it; and
- (b) maintain a register detailing for each occasion that the Common Seal is affixed:
 - (i) an identification number, which is also recorded on the document to which the Common Seal is affixed;
 - (ii) the date that the Common Seal was affixed;
 - (iii) the Council resolution or reference of this policy, which authorised the affixing of the Common Seal;
 - (iv) the parties to the document;
 - (v) a description of the type of document to which the Common Seal was affixed;
 - (vi) the expiry date of the document, if relevant;
 - (vii) the location in the City's records where the executed document is evidenced.
- (c) A quarterly report will be provided through the Elected Member's Portal listing all documents which have been executed under the Common Seal during that period.



CP10.9 City of Perth Common Seal and Document Signing Authority

3. AUTHORITY TO SIGN (EXECUTE) DOCUMENTS ON BEHALF OF THE CITY OF PERTH

3.1 General Document Signing (Execution) Authorities

- (1) Written decision making authorities (listed below) are inclusive of the authority to sign documents which give effect to decisions made under these authorities:
 - (a) Delegated Authority;
 - (b) Statutory Authorisation; or
 - (c) Operational Authorisation.
- (2) Directors may only sign (execute) documents relevant to matters within the scope of activity of their Directorate. Documents relevant to the activities of multiple Directorates may only be signed (executed) by CEO.
- (3) Managers may only sign (execute) documents relevant to matters within the scope of activity of their Unit. Documents relevant to the activities of multiple Units, may only be signed (executed) by the relevant Director, or where Units within multiple Directorates are affected, the CEO.
- (4) Where considered appropriate by the CEO, the Lord Mayor may be requested to execute documents as a co-signatory with the CEO.

3.2 Specific Document Signing (Execution) Authorities in Accordance with Section 9.49A of the Local Government Act 1995

3.2.1 <u>Document Categories</u>

The following document categories have been established to assist in determining appropriate signing authorities, detailed in clause 3.2.4 of this policy:

Category	Description
1.	 The matter is specifically resolved by Council, inclusive of a resolution to execute the resulting document under the Common Seal; or is identified under this policy as a matter requiring the Common Seal, commonly due to an internal or external historical practice.
2.	 The matter is specifically or generally resolved by Council; and is strategic and / or carries a major or lesser level of financial risk, legal complexity or political sensitivity.
3.	 The matter may be specifically or generally resolved by Council or may be subject of a Council Policy or day-to-day operations at the determination of the CEO only; and is strategic and / or carries a moderate or lesser level of financial risk, legal complexity or political sensitivity.



Category	Description
4.	 The matter is mandated in the Corporate Business Plan or Organisational Development Plan or relates to the day-to-day operations of the City under the direction of the CEO / Directors; and carries a minor or insignificant level of financial risk, legal complexity or political sensitivity.
<u>NOTE</u> :	 Documents and communications which relate to day-to-day routine communications or transactions do not require specific authorisation through this Policy as they are the subject of Section 5.41(d) of the Local Government Act 1995 prescribing the CEO's duty to manage the day to day operations of the City. Such duties are undertaken by "acting through" Officers.



CP10.9 City of Perth Common Seal and Document Signing Authority

3.2.2 <u>Limitation on Specific Authorities</u>

- (1) The specific authorities established in clause 3.2.4 are limited by the following conditions:
 - (a) Chief Executive Officer
 - (i) Unlimited \$value; and / or
 - (ii) Commitment period is specifically resolved by Council or in any other case, no greater than a 5-year period; and / or
 - (iii) Moderate or lesser level of financial risk, legal complexity or political sensitivity, unless specifically resolved by Council.
 - (b) Director
 - (i) <\$250,000p/a; and / or
 - (ii) Commitment is no greater than 3-year period; and / or
 - (iii) Moderate or lesser level of financial risk, legal complexity or political sensitivity.
 - (c) Manager
 - (i) <\$100,000p/a; and / or
 - (ii) Commitment is no greater than 3-year period; and / or
 - (iii) Minor or lesser level of financial risk, legal complexity or political sensitivity.
- (2) Where considered appropriate and despite the matter being within the above described limitations, an authorised person may escalate a document for execution by a higher level authorised person.

Note: In accordance with section 5.43 of the *Local Government Act 1995* only the local government may determine who is authorised to sign documents under section 9.49A(4). This power cannot be delegated.

3.2.3 <u>Deputising or Signing on Behalf of Another Person</u>

In accordance with Section 9.49A(4) of the *Local Government Act 1995*, which requires authority for execution of documents to be resolved by Council, a document may only be signed (executed) by a person who holds a position authorised through Council's adoption of this Policy.

Therefore, in the absence of a person authorised by this policy another person may only deputise where they have been appointed in writing to act in the authorised person's position.



CP 10.9 City of Perth Common Seal and Document Signing Authority

3.2.4 Specific Authorities in Accordance with Section 9.49A(4) of the Local Government Act 1995

			EXE	EXECUTION BY SIGNATURE ONLY	IGNATURE (NLY	
Document Type (<) Common Seal only to be applied where specified in a document prepared by an external party.	Category	Common Seal	Lord Mayor	CEO	Director	Manager	
(1) Local Laws – made and amended	П	>	×	×	×	×	
(2) Planning Schemes – adopted and amended	1	>	×	×	×	×	Pag
 (3) Land Transaction documents, including: sale; purchase; vesting; contributed assets; Notifications of factors affecting land under 70A of the Land Transfer Act 1893 – lodge or withdraw Easements – by land transfer Rights of carriage way; Rights of support to land burdened by buildings; Rights to erect a party wall; Rights to take water from wells or bores; Rights to install and operate drains and drainage works; Rights to install, maintain and operate electric power lines, telephone and other cables and supporting pylons. 	1	>	>	>	×	×	ge 305 of 324



			EXE	CUTION BY 	EXECUTION BY SIGNATURE ONLY	ONLY
Document Type (\checkmark) Common Seal <u>only</u> to be applied where specified in a document prepared by an external party.	Category	Common Seal	Lord Mayor	CEO	Director	Manager
 Restrictive Covenants – by land transfer Deeds – land transfer for public purposes 						
(4) Mortgages, Loans and Debentures	1	<i>^</i>	×	×	×	×
(5) Power of Attorney to act for the City	1/2	×	>	>	×	*
 (6) Land Transaction documents, including: Caveats - registering or removing Leases Easements - by deed, deposited plan or other legal instrument Rights of carriage way; Rights of support to land burdened by buildings; Rights to erect a party wall; Rights to light and air (Property Law Act 1969); Rights to take water from wells or bores; Rights to install and operate drains and drainage works; Rights to install, maintain and operate oil, gas or other pipelines; and Rights to install, maintain and operate electric power lines, telephone and other cables and supporting pylons. Restrictive Covenants - lodge, modify or withdraw (other than by land transfer) Deeds 	r) 2	Ē	×	>	×	¥
 Legal agreements 						



CP 10.9 City of Perth Common Seal and Document Signing Authority

Common Seal <u>on the Poperator In Type Common Seal only to be applied where specified in a document prepared by an external party.</u> Common Seal <u>only</u> to be applied where specified in a document prepared by an external party. Common Seal <u>only</u> to be applied where specified in a document prepared by an external party. Common Seal <u>only</u> to be applied where specified in a document founding and outgoing 3				EXEC	UTION BY S	EXECUTION BY SIGNATURE ONLY	NLY	
Funding Agreements with private agencies (incoming and outgoing) 2 (V) X V X Um of Understanding 2 (V) X V V Um of Understanding 3 (V) X V V and legal instruments, including contract variations, related to: Curement Contracts wice Agreements (incoming or outgoing services) ivite Agreements intenance of the public realm poll Registration: A document lodged under the Registration of Deeds Act notifying the change of name of a person. Poll Registration: A document lodged at the Offlice of Titles by a Authority evidencing that the legal requirements necessary to sell land for an enough or parts and the legal requirements and property of the public realm Authority evidencing that the legal requirements necessary to sell land for an enough or parts.	Document ype (\checkmark) Common Seal only to be applied where specified in a document prepared by an external party.	Category	Common Seal	Lord Mayor	CEO	Director	Manager	
Funding Agreements with private agencies (incoming and outgoing) 1	(7) State or Commonwealth Government Funding Agreements	2	5	×	>	>	×	
um of Understanding um of Understanding and legal instruments, including contract variations, related to: itage Agreements (incoming or outgoing services) itage Agreements (incoming or outgoi	(o) Constant Enables Action to the second of the second second of the second se	2	5	×	>	×	×	
um of Understanding 2 (**) * <td>(o) Grants and Funding Agreements with private agencies (incoming and outgoing)</td> <td>3</td> <td>5</td> <td>×</td> <td>></td> <td>></td> <td>></td> <td></td>	(o) Grants and Funding Agreements with private agencies (incoming and outgoing)	3	5	×	>	>	>	
and legal instruments, including contract variations, related to: 2 (v) x v curement Contracts vice Agreements (incoming or outgoing services) itage Agreements (incoming or outgoing services) 2 (v) x v itage Agreements (incoming or outgoing services) sitage Agreements (incoming conditions litites of planning conditions litites alm multiply approvals for City Land 3 x x v v Poll Registration: A document lodged under the Registration of Deeds Act notifying the change of name of a person. 3 x x v v notifying the change of name of a person. 3 x x v v Authority evidencing that the legal requirements necessary to sell land for any have been attended to. 3 x x v v	(9) Memorandum of Understanding	2	<u>></u>	×	>	>	>	UEC 30/ L
lent, subdivision and strata-title approvals for City Land 3 X X Y Poll Registration: A document lodged under the Registration of Deeds Act notifying the change of name of a person. 3 X X Y Orial of Advertisement: A document lodged at the Office of Titles by a Authority evidencing that the legal requirements necessary to sell land for not payment of rates, have been attended to. 3 X X Y Y Y	 (10) Contracts and legal instruments, including contract variations, related to: Procurement Contracts Service Agreements (incoming or outgoing services) Heritage Agreements Acquittal of planning conditions Maintenance of the public realm 	2	Ē	×	>	>	>	11 JZ 4
Poll Registration: A document lodged under the Registration of Deeds Act notifying the change of name of a person. 3	(11) Development, subdivision and strata-title approvals for City Land	3	×	×	>	<i>></i>	×	
	 (12) Memorial Deed Poll Registration: A document lodged under the Registration of Deeds Act 1856, notifying the change of name of a person. Memorial of Advertisement: A document lodged at the Office of Titles by a Local Authority evidencing that the legal requirements necessary to sell land for the non-payment of rates, have been attended to. 	м	×	×	>	>	×	

Page 307 of 324



!				EXEC	UTION BY SI	EXECUTION BY SIGNATURE ONLY	NLY	
Document Type (\checkmark) Common Seal only to be applied where specified in a document prepared by an external party.	ernal party.	Category	Common Seal	Lord	CEO	Director	Manager	
 Prohibiting dealings in land: A document lodged at the Office of Titles under of a number of statutes, which when noted on a Certificate of Title acts as a caveat. 	Office of Titles under one ate of Title acts as a							
(13) Documents that fulfil a statutory local government duty or power , for which the is no power of delegation or authorisation and is a matter which constitutes a potential risk to the City.	power, for which there r which constitutes a	4	×	×	>	>	>	Fage 300 01 3.
 (14) Communications on behalf of the City, with: Commonwealth or State Ministers Sister City counterpart political or government significant significant 	Note: Officers are authorised to sign routine day to day operational	2/3	×	<i>^</i>	>	×	×	<u>-</u> -
 (15) Communications on behalf of the City, with CEO's of: Commonwealth or State Government Departments Industry representative bodies Cit, 	communications where the recipient is of a similar organisational level as the City of Perth Officer.	3/4	×	×	>	>	×	
(16) Communications on behalf of the City, relevant to the day-to-day operations of the City and which are subject of a level of political sensitivity or potential risk to the City.	o-day operations of the or potential risk to the	3/4	×	×	>	\	>	
(17) Ceremonial Certificates - Common Seal may be affixed at the discretion:Honorary FreemanHonorary Citizenship	ie Lord Mayor's	3/4	>	>	>	×	×	



CP 10.9 City of Perth Common Seal and Document Signing Authority

		,	EXEC	UTION BY S	EXECUTION BY SIGNATURE ONLY	ONLY
Document Iype (<) Common Seal only to be applied where specified in a document prepared by an external party.	Category	Common Seal	Lord Mayor	CEO	Director	Manager
(18) Deeds of Settlement – Employee matters	4	×	×	>	×	×
(19) Enterprise Bargaining Agreements	4	×	×	^	×	×

Transitional Arrangements:

Implementation of this policy, specific to sub-clauses 3.2.2(14) and (15) above and the extent of authorisation required to facilitate the role of the City's Manager Economic Development, is to be monitored and be subject of future policy review, as fulfilment of this role requires communications which may fall outside the signing authorities detailed above.



CP 10.9 City of Perth Common Seal and Document Signing Authority

4. RECORD KEEPING REQUIREMENTS

All documents signed (executed) on behalf of the City must be processed and captured in accordance with the City's Record Keeping requirements and in accordance with the State Records Act 2000.

Document	Contr	ol Box							
Document R	esponsi	bilities:							
Custodian:	Manag	er Governance			Custodian L	Jnit:	Governa	nce	
Decision Make	er:	Council							
Compliance	Require	ments:							
Legislation:		Section 9.49	of the <i>Local</i>	Governmen	t Act 1995				
Industry:		Nil.							
Organisationa	l:	Administration	on Policy – De	ecision Maki	ng Framework	<			
		Administration	on Policy – Re	ecord Keepin	ıg				
		PR0572 Corp	Procedure -	Common Se	eal				
		Legal Advice	TRIM – 1480	19/13					
Document M	lanager	nent:							
Risk Rating:		Medium	Review Fre	quency:	Two years	Next Due:	June 2016	TRIM Ref:	75522/04
Version #	Decisio	n Reference:		Synopsis:					
1.	OCM 2	4/06/14 – 269,	′ 14	New Policy	/ –gives effect	to s.9.49A of t	he Local G	overnment Act	1995
				Guidance l	oox added at o	clause 3.2.2 per	Internal A	udit Recomme	ndations.
2.	Admini	strative Updat	e 20/09/18	Recomme	ndation includ	led in report en	dorsed by	Council on 28/	08/18 – Item
				13.25					



CP 10.9 City of Perth Common Seal and Document Signing Authority

POLICY OBJECTIVE

To establish, in accordance with the requirements of section 9.49A of the *Local Government Act* 1995 (Act):

- 1. Protocols for affixing and administration of the City of Perth Common Seal; and
- 2. Authority for the Chief Executive Officer (CEO) and other nominated officers to sign (execute) documents on behalf of the City of Perth.

POLICY STATEMENT

1. DEFINITION OF DOCUMENT

For the purposes of this policy, *document* means any paper or electronic document, including communications such as letters and emails, which:

- (a) conveys a decision; or
- (b) establishes an obligation on the City; or
- (c) is ceremonial.

2. COMMON SEAL

2.1 Affixing the Common Seal

- (1) The Common Seal may be applied to documents that:
 - (a) give effect to decisions of Council; or
 - (b) as detailed in clause 3.2.4.
- (2) The Common Seal is to be applied in the presence of both:
 - (a) the Lord Mayor (or in the Lord Mayor's absence the Deputy Lord Mayor); and
 - (b) the CEO (or an Acting CEO or senior employee authorised by the CEO).

Note: For most documents, there is no legal requirement for the Common Seal to be affixed if Council has resolved to authorise a person to sign the document [s. 9.49(1)(b); s.9.49A(4)].

Exceptions include local laws and planning schemes.



CP10.9 City of Perth Common Seal and Document Signing Authority

2.2 Administration of the Common Seal

The CEO is to:

- (a) be responsible for the safe custody and proper use of the Common Seal;
- (b) maintain a register of each time the Common Seal is used; and
- (c) provide a quarterly report to Elected Members listing the documents that the Common Seal has been applied to.

3. AUTHORITY TO SIGN (EXECUTE) DOCUMENTS ON BEHALF OF THE CITY OF PERTH

3.1 General Document Signing (Execution) Authorities

(1) Where a person has the written authority to make a decision ("written decision-making authority") that person also has the authority to sign documents which give effect to that decision.

Written decision-making authorities are:

- (a) Delegated Authority;
- (b) Statutory Authority; or
- (c) Operational Authorisation.
- (2) Where considered appropriate by the CEO, the Lord Mayor may be requested to execute documents as a co-signatory with the CEO.

3.2 Specific Document Signing (Execution) Authorities in Accordance with Section 9.49A of the Act

3.2.1 Document Categories

The following document categories have been established to assist in determining appropriate signing authorities, detailed in clause 3.2.4 of this policy:

Category	Description
	The matter is specifically resolved by Council, inclusive of a resolution to execute
1.	the resulting document under the Common Seal; <u>or</u>
	• is identified under this policy as a matter requiring the Common Seal, commonly
	due to an internal or external historical practice.
	The matter is specifically or generally resolved by Council; and
2.	• is strategic and / or carries a major or lesser level of financial risk, legal complexity
	or political sensitivity.
	The matter may be specifically or generally resolved by Council or may be subject
3.	of a Council policy or day-to-day operations at the determination of the CEO only;
	and



CP10.9 City of Perth Common Seal and Document Signing Authority

Category	Description
	• is strategic and / or carries a moderate or lesser level of financial risk, legal complexity or political sensitivity.
4.	 The matter is mandated in the Corporate Business Plan or relates to the day-to-day operations of the City under the direction of the CEO / Directors; and carries a minor or insignificant level of financial risk, legal complexity or political sensitivity.
NOTE:	• Documents and communications which relate to day-to-day routine communications or transactions do not require specific authorisation through this policy as they are the subject of Section 5.41(d) of the Act prescribing the CEO's duty to manage the day to day operations of the City. Such duties are undertaken by "acting through" Officers.

3.2.2 Limitation on Specific Authorities

- (1) The specific authorities established in clause 3.2.4 are limited by the following conditions:
 - (a) Chief Executive Officer
 - (i) Unlimited \$value;
 - (ii) Commitment period is specifically resolved by Council or in any other case, no greater than a 5-year period; and
 - (iii) Moderate or lesser level of financial risk, legal complexity or political sensitivity, unless specifically resolved by Council.
 - (b) Director
 - (i) <\$250,000p/a;
 - (ii) Commitment is no greater than 3-year period; and
 - (iii) Moderate or lesser level of financial risk, legal complexity or political sensitivity.
 - (c) Manager
 - (i) <\$100,000p/a;
 - (ii) Commitment is no greater than 3-year period; and
 - (iii) Minor or lesser level of financial risk, legal complexity or political sensitivity.
- (2) Where considered appropriate an authorised person may escalate a document for execution by a higher level authorised person.



CP10.9 City of Perth Common Seal and Document Signing Authority

(3) The limitation on specific authorities does not limit the authority to sign documents that effect a decision made in accordance with statutory authority or delegated authority.

Note: In accordance with section 5.43 of the Act only the local government may determine who is authorised to sign documents under section 9.49A(4) of the Act. This power cannot be delegated.

As per clause 2.1(2), the CEO may authorise a senior employee to execute a containing the common seal documents on the CEO's behalf in accordance with 9.49A(3).

Note: Signing on Behalf of Another Person

In accordance with Section 9.49A(1)(b) of the Act, a document may only be executed by a person who holds a position authorised to sign documents:

- (a) through Council's adoption of this policy; or
- (b) by a resolution of Council.

In the absence of an authorised person, another person may only execute the document where they have been appointed in writing to act in the authorised person's position



CP 10.9 City of Perth Common Seal and Document Signing Authority

Specific Authorities in Accordance with Section 9.49A(4) of the Local Government Act 1995 3.2.3

Document Type			EXE	EXECUTION BY SIGNATURE ONLY	IGNATURE (NLY
$\underline{\chi}$ to be applied where specified in the relevant document. able subject to limitations in clause 3.2.2	Category	Seal	Lord Mayor	CEO	Director	Manager
(1) Local Laws – made and amended	П	>	×	×	×	×
(2) Planning Schemes – adopted and amended	1	>	×	×	×	Pag *
 (3) Land Transaction documents, including: sale; purchase; vesting; contributed assets; Notifications of factors affecting land under 70A of the Land Transfer Act 1893 – lodge or withdraw Easements – by land transfer Rights of carriage way; Rights of support to land burdened by buildings; Rights to erect a party wall; Rights to take water from wells or bores; Rights to install and operate drains and drainage works; Rights to install, maintain and operate electric power lines, telephone and other cables and supporting pylons. 	1	>	>	>	×	xe 315 of 324



Document Type			EXE	UTION BY S	EXECUTION BY SIGNATURE ONLY	NLY
(<) Common Seal only to be applied where specified in the relevant document. Note: Authorities in table subject to limitations in clause 3.2.2	Category	Common Seal	Lord Mayor	CEO	Director	Manager
 Restrictive Covenants – by land transfer 						
 Deeds – land transfer for public purposes 						
(4) Mortgages, Loans and Debentures	1	~	×	×	×	×
(5) Power of Attorney to act for the City	1/2	×	>	>	×	*
 (6) Land Transaction documents, including: Caveats - registering or removing Leases Easements - by deed, deposited plan or other legal instrument Rights of carriage way; Rights of support to land burdened by buildings; Rights to erect a party wall; Rights to light and air (Property Law Act 1969); Rights to take water from wells or bores; Rights to install and operate drains and drainage works; Rights to install, maintain and operate electric power lines, telephone and other cables and supporting pylons. Restrictive Covenants - lodge, modify or withdraw (other than by land transfer) Deeds 	2	<u>S</u>	×	>	×	ge 316 of 324



Document Type			EXEC	UTION BY S	EXECUTION BY SIGNATURE ONLY	NLY
(\checkmark) Common Seal <u>only</u> to be applied where specified in the relevant document. Note: Authorities in table subject to limitations in clause 3.2.2	Category	Seal	Lord Mayor	CEO	Director	Manager
(7) State or Commonwealth Government Funding Agreements	7	5	×	>	>	×
(o) Crante and Eunding Agreements with arivate agencies (incoming and outgoing)	2	5	×	/	×	×
(o) Grafits and Funding Agreements with private agencies (filtorining and Odtgoing)	3	(~)	×	1	^	>
(9) Memorandum of Understanding	2	(~)	×	\	/	age 317 c
 (10) Contracts and legal instruments, including contract variations, related to: Procurement Contracts Service Agreements (incoming or outgoing services) Heritage Agreements Acquittal of planning conditions Maintenance of the public realm 	2	2	×	>	>	F 324
(11) Development, subdivision and strata-title approvals for City Land	ĸ	×	×	>	>	×
 (12) Memorial Deed Poll Registration: A document lodged under the Registration of Deeds Act 1856, notifying the change of name of a person. Memorial of Advertisement: A document lodged at the Office of Titles by a Local Authority evidencing that the legal requirements necessary to sell land for the non-payment of rates, have been attended to. 	м	×	×	>	>	×



Document Type				EXEC	UTION BY S	EXECUTION BY SIGNATURE ONLY	NLY
(\checkmark) Common Seal <u>only</u> to be applied where specified in the relevant document. Note: Authorities in table subject to limitations in clause 3.2.2		Category	Common Seal	Lord Mayor	CEO	Director	Manager
 Prohibiting dealings in land: A document lodged at the Office of Titles under one of a number of statutes, which when noted on a Certificate of Title acts as a caveat. 	fice of Titles under one e of Title acts as a						
(13) Documents that fulfil a statutory local government duty or power , for which the is no power of delegation or authorisation and is a matter which constitutes a potential risk to the City.	r power , for which there er which constitutes a	4	×	×	>	>	Page 318 01 3
 (14) Communications on behalf of the City, with: Commonwealth or State Ministers Sister City counterpart political or government leaders 	Note: Officers are authorised to sign routine day to day operational	2/3	×	>	>	×	×
 (15) Communications on behalf of the City, with CEO's of: Commonwealth or State Government Departments Industry representative bodies City 	communications where the recipient is of a similar organisational level as the City of Perth Officer.	3/4	×	×	>	<i>></i>	×
(16) Communications on behalf of the City, relevant to the day-to-day operations of the City and which are subject of a level of political sensitivity or potential risk to the City.	day operations of the or potential risk to the	3/4	×	×	>	\	~
 (17) Ceremonial Certificates - Common Seal may be affixed at the Lord Mayor's discretion: Honorary Freeman Honorary Citizenship 	Lord Mayor's	3/4	>	>	>	×	×



Document Type			EXEC	UTION BY 5	EXECUTION BY SIGNATURE ONLY	ONLY
(\checkmark) Common Seal only to be applied where specified in the relevant document. Note: Authorities in table subject to limitations in clause 3.2.2	Category	Common Seal	Lord Mayor	CEO	Director	Director Manager
(18) Deeds of Settlement – Employee matters	4	×	×	>	×	×
(19) Enterprise Bargaining Agreements	4	×	×	>	×	×



CP 10.9 City of Perth Common Seal and Document Signing Authority

3.3 CONTRACTS OF EMPLOYMENT AND VARIATIONS TO CONTRACTS

Contracts of Employment and variation documents relating to an officer's employment with the City of Perth may be signed on behalf of the City by the following signatories according to the level of position concerned:

Level of Position	Signatory
CEO	Lord Mayor
Director/Manager	CEO
Any position below Manager	Relevant Director

For positions within the Office of the CEO the signatory will be determined by the level of the position being offered or varied as follows:

Level of position	Signatory				
Manager	CEO				
Any position below Manager	CEO or relevant Manager				

3.4 EXECUTION OF DOCUMENTS BY LAWYERS ON BEHALF OF CITY

- (1) Lawyers appointed by the City to act on its behalf for a matter may, where so instructed:
 - (a) correspond with third parties on behalf of the City;
 - (b) sign and lodge court documents on behalf of the City;
 - (c) electronically sign documents identified in category 3.2.4(6) in accordance with the Property Exchange Australia (PEXA) process;
 - (d) only electronically sign land transaction documents identified in category 3.2.4(3) in accordance with the PEXA process that relate to easements, notifications affecting land under section 70A of the *Transfer of Land Act 1893*, and restrictive covenants;



CP 10.9 City of Perth Common Seal and Document Signing Authority

- (e) only electronically sign other land transaction documents identified in category 3.2.4(3) in accordance the PEXA process where Council has specifically resolved to provide authority; and
- (f) sign such other documents as instructed by the City from time to time.
- (2) Officers are to ensure an appropriate level of authority is obtained prior to instructing lawyers to act.

3.5 SIGNING DOCUMENTS (OTHER THAN BY COMMON SEAL) DURING TEMPORARY ABSENCE OF THE CEO

Where the CEO:

- (a) is temporarily unavailable for executing documents requiring the CEO's signature;
- (b) no Acting CEO has been appointed; and
- (c) the CEO has advised the Director Corporate Services in writing of the temporary unavailability,

then the Director Corporate Services is authorised to sign documents that the CEO is authorised to sign by signature (under this policy or a Council resolution), except where the Director Corporate Services believes the execution should await the CEO's availability.

Document Control Box										
Document Ro	esponsil	oilities:								
Custodian:	Manag	er Governance			Custodian L	Init:	Governa	nce		
Decision Make	er:	Council								
Compliance Requirements:										
Legislation: Sections 9.49A, 9.49B, 9.49 and 5.43 of the Local Government Act 1995										
		State Record	s Act 2000 (re	ecord keepin	g requiremen	ts)				
Industry:		Nil.								
Organisationa	l:	Organisation	al Policy – De	cision Makir	ng Framework					
		Organisation	al Policy – Re	cord Keepin	g					
		PR0572 Corp	Procedure –	Common Seal						
		Legal Advice	CM - 148019)/13						
Document M	lanagen	nent:								
Risk Rating: Medium Review			Poviou Ero	eview Frequency:		Next Due:	June	TRIM Ref:	75522/04	
Risk Rating:	Mediaiii	Review Fie	quency.	luency: Two years Next Due: 2016 TRIM Ref: 755						
Version #	Decisio	ision Reference: Synopsis:								
1.	OCM 2	4/06/14 – 269,	'14	New Policy –gives effect to s.9.49A of the Local Government Act 1995						
Guidance box added at clause 3.2.2 per Internal Audit Recommendations.							endations.			
2. Administrative Update 20/09/18 Recommendation included in report endorsed by Coun						Council on 28/	/08/18 – Item			
13.25										

Agenda Repeal of Council Policy 18.10 Street Marches and Public

Item 6.12 Meetings – CBD Retail Precinct

FILE REFERENCE: 231624/18

REPORTING UNIT: Health and Activity Approvals

RESPONSIBLE DIRECTORATE: Community and Commercial Services

ATTACHMENT/S: Attachment 6.12A – Council Policy 18.10 – Street Marches

and Public Meetings - CBD Retail Precinct

Purpose and Background:

A review of current policies administered by the Health and Activity Approval Business Unit has identified that Council Policy 18.10 – Street Marches and Public Meetings – CBD Retail Precinct, is no longer required.

Policy 18.10 requires an application to be made to Council who can approve the conduct of public meetings, rallies and street marches.

Public meetings, rallies and street marches are governed under the *Public Order in Streets Act* 1984 (WA). Under this Act, specifically section 7, the Commissioner of Police or an authorised officer (being a police officer authorised by the Commissioner) has the authority to grant or permit a permit for a public meeting or procession. There is no reference to a power granted to a local government to consider these permits or to stop an activity permitted by the Commissioner. Further, no reference of this power is made in *the Local Government Act* 1995 (WA) or its regulations.

The West Australian Police (WAPOL) were consulted in relation to "Policy 18.10 – Street Marches and Public Meetings – CBD Retail Precinct" to determine the relevance of the City's policy. Advice from the police was that they are the rightful authority to oversee such events and that the City plays the role of referral agency for the purpose of making comment only. The police notify the city of all street marches and public meetings they approve or become aware of.

The City has no authority to stop a public meeting or procession where a permit has been issued by the police under the *Public Order in Streets Act 1984*. On this basis the City's policy position, first adopted in 1999, is not legally binding and is 'ultra vires'.

Legal opinion was sought from the City's Paralegal and it was confirmed the authority does not sit with the City.

Council Policy 22.3 – Traffic Management in Road Reserves – covers how events are handled and approved and this can be extended to street marches and public meetings from a traffic management and public safety point of view. Consultation with MRWA and WAPOL is standard practise for many applications.

Summary

Council Policy 18.10 – Street Marches and Public Meetings – CBD Retail Precinct is an overreach of the City authority. All aspects of the policy intent are addressed either by WAPOL and/or Council Policy 22.3 – Traffic Management in Road Reserves.



CP18.10 Street Marches and Public Meetings – CBD Retail Precinct

POLICY OBJECTIVE

To regulate the use of Forrest Place, Hay Street Mall and Murray Street Mall and other streets and reserves for public meetings, rallies and street marches.

To recognise the rights of the citizen to hold public meetings, rallies and street marches within the City.

POLICY STATEMENT

That:-

- 1. the Council approves the conduct of public meetings, rallies and street marches subject to:-
 - 1.1 application in writing being received by the City no less than two weeks prior to the proposed date;
 - 1.2 approval being subject to availability of the CBD Retail Precinct, streets and reserves as required by the applicant;
 - 1.3 the location of staging and infrastructure being approved by the City;
 - 1.4 the conduct of the meeting, rally or march not causing unreasonable interference with the commercial or business activities of any adjoining premises;
 - 1.5 the generation of noise by amplifiers or other means in the Forrest Place precinct being subject to the City's Policy No. 14.7 'Sound Control Guidelines Forrest Place'
 - 1.6 the sale of any goods being subject to approval;
 - 1.7 the applicant being responsible for any costs incurred in regard to:-
 - 1.7.1 removal of litter and rubbish;
 - 1.7.2 repairs to the Council's property;
 - 1.7.3 damage occurring to Forrest Place due to the rally. The cost of this being in the first instance deducted from the bond for Forrest Place or charged over and above this amount should the damage exceed \$500;



CP18.10 Street Marches And Public Meetings – CBD Retail Precinct

- 2. the conduct of public meetings, rallies and marches shall not be approved in the following circumstances:-
 - 2.1 where interference with a promotion of the Council could occur;
 - 2.2 on the recommendation of the Commissioner of Police;
 - 2.3 where the Council has reasonable grounds to believe the conditions of approval will not be met.

Document Control Box										
Document R	esponsil	bilities:								
Custodian:	Health	and Activity Ap	provals		Custodian L	Jnit:	Health a	nd Activity App	rovals	
Decision Maker:										
Compliance	Require	ments:								
Legislation:		Public Order	in Streets Act	1984						
Industry:										
Organisationa	ıl:									
Document M	1anagen	nent:								
Risk Rating: High Review Frequency: Annual Next Due: 2008 TRIM Ref: P1006							P1006733			
Version # Decision Reference: Synop					Synopsis:					
1.	OCM 19/02/90 (79/90)			Previous Policy No. CP7, ST12, ST6						
2.	OCM 2	28/04/98 (353/98)								
3. OCM 30/01/07 (72/07)										