

Ordinary Council Meeting

Notice of Meeting

30 October 2018

6.00pm

Council Chamber

Level 9

Council House

27 St Georges Terrace, Perth WA

6000



City of Perth

Agenda

ORDER OF BUSINESS AND INDEX

- 1 Prayer/Acknowledgment of Country
- 2 Declaration of Opening
- 3 Apologies
- 4 Question Time for the Public and Notification of Deputations
 - 4.1 Question Time
 - 4.2 Notification of Deputations
- 5 Members on Leave of Absence and Application for Leave of Absence
- 6 Confirmation of minutes
 - Ordinary Council Meeting – 25 September 2018
 - Special Council Meeting – 12 October 2018
 - Agenda Briefing Session – 23 October 2018
- 7 Announcements by the Chair Commissioner
- 8 Disclosure of Members' interests
- 9 Questions by Members of which due notice has been given
- 10 Correspondence
- 11 Petitions
- 12 Matters for which the meeting may be closed

In accordance with Section 5.23(2) of the *Local Government Act 1995*, should a Commissioner wish to discuss the content of the confidential attachments listed below, it is recommended that Council resolve to close the meeting to the public prior to discussion of the following:

Attachment No.	Item No. and Title	Reason
Confidential Attachments 13.8B and 13.8C	Item 13.8 – Strategic Event Sponsorship – West Coast Fever	s5.23(2)(e)(iii)

Report No.	Item Title	Page
13.1	Advice to Metropolitan Redevelopment Authority - 3 (Proposed Lots 4 And 5) Trinity Avenue, East Perth - Proposed Five-Storey Mixed Use Development Containing Office, Commercial Car Parking and Restaurant/Café Uses	1
13.2	Advice to Metropolitan Redevelopment Authority - 3 (Proposed Lots 4 And 5) Trinity Avenue, East Perth – Proposed Six-Storey Mixed Use Development Containing Office, Commercial Car Parking and Restaurant/Café Uses	57
13.3	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	113
13.4	Advice to the Western Australian Planning Commission - 35 (Lot 2886) Stirling Highway, Crawley – Forrest Hall Stage 2 – Proposed Mixed Use Development Containing Nine Scholar Rooms, 65 Short-Stay Rooms and Office Space with Car and Bicycle Parking	137
13.5	190 (Lot 101) Aberdeen Street, Northbridge – Proposed LED Sky Sign Displaying Variable Third Party Advertising Content	218
13.6	Key Sector Development Sponsorship – Perth Angels ‘Angel Investing Series’	232
13.7	Key Sector Development Sponsorship – Innovate Australia	242
13.8	Strategic Event Sponsorship – West Coast Fever	248
13.9	New Year’s Eve Northbridge 2018	290
13.10	Heritage Grant - No. 621 Hay Street, Perth	294
13.11	Skate Park Feasibility Study	301
13.12	Parklets Policy	326
13.13	Outdoor Dining – Policy and Guidelines	347
13.14	Review Complete – City of Perth Alfresco Dining Local Law 2009 (Repeal and Replace) City of Perth Outdoor Dining Local Law 2019	465
13.15	Western Australia Bicycle Network Grants 2019/20 and 2020/21 – Winthrop Avenue Shared Path	543
13.16	Financial Statements and Financial Activity Statement for the Period Ended 31 August 2018 and Cash Flow Statement for the Period Ended 31 July 2018	550
13.17	Payments from Municipal and Trust Funds – September 2018	572
13.18	Rates Concession – Western Australia Cricket Association (WACA)	374
13.19	Third Party Travel Contribution – Manager Library – Australian Library and Information Association’s Library Design Conference 2019	577
13.20	Review of Council Policy 10.9 - City of Perth Common Seal and Document Signing Authority	579
13.21	Repeal of Council Policy 18.10 Street Marches and Public Meetings – CBD Retail Precinct	606
13.22	Nominations of Commissioners for the Perth Theatre Trust Board	610

- 14 Motions of which Previous Notice has been given
- 15 Urgent Business
- 16 Closure



ERICA BARRENGER
ACTING CHIEF EXECUTIVE OFFICER
25 October 2018

This meeting is open to members of the public

INFORMATION FOR THE PUBLIC ATTENDING COUNCIL MEETINGS

Welcome to this evening's Council meeting. 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.

Question Time for the Public

- An opportunity is available at Council meetings for members of the public to ask a question about any issue relating to the City. This time is available only for asking questions and not for making statements. Complex questions requiring research should be submitted as early as possible in order to allow the City sufficient time to prepare a response.
- The Presiding Person may nominate a Member or officer to answer the question and may also determine that any complex question requiring research be answered in writing. No debate or discussion is allowed to take place on any question or answer.
- To ask a question please write it on the white Question Sheet provided at the entrance to the Council Chamber and hand it to a staff member before the meeting begins. Alternatively questions can be forwarded to the City of Perth prior to 3.00pm on the day of the meeting, by:-
 - Letter: Addressed to GPO Box C120, Perth, 6839;
 - Email: governance@cityofperth.wa.gov.au.
- Question Sheets are also available on the City's web site: www.perth.wa.gov.au.

Deputations

Applications for deputations to a Ordinary Council Meeting 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 deputation.

Disclaimer

Members of the public should note that in any discussion regarding any planning or other application that any statement or intimation of approval made by any Member or officer of the City during the course of any meeting is not intended to be and is not to be taken as notice of approval from the City. No action should be taken on any item discussed at a Council meeting prior to written advice on the resolution of the Council being received.

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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 Alarm and Evacuation Alarm.

ALERT ALARM

beep beep beep

All Wardens to respond.

Other staff and visitors should remain where they are.



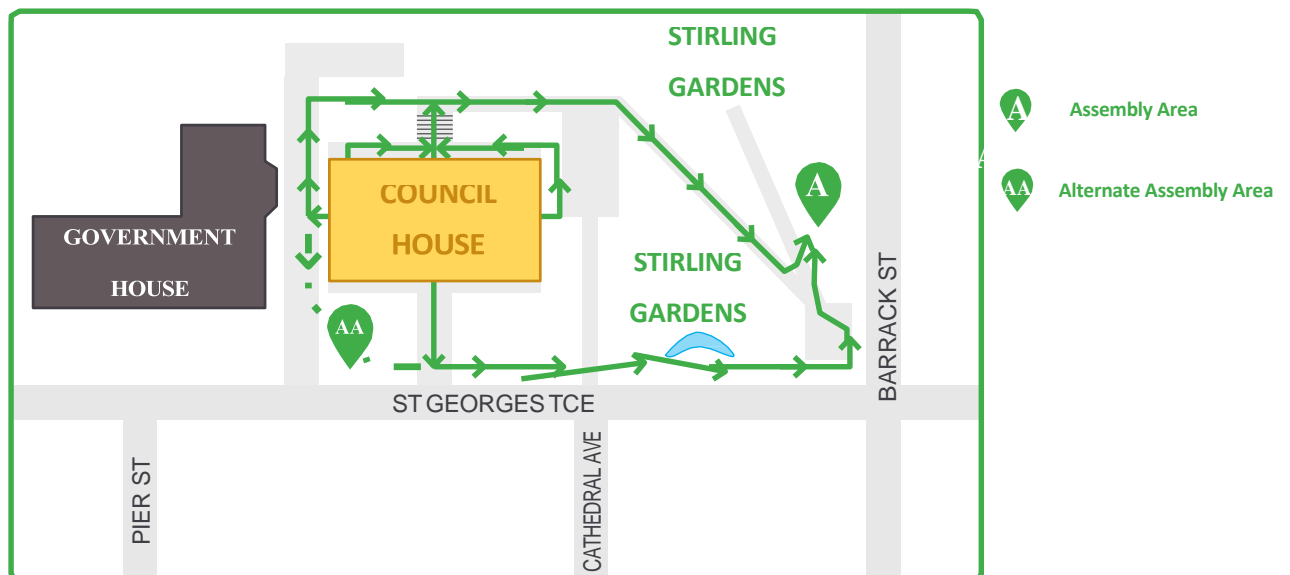
EVACUATION ALARM / PROCEDURES

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





Council Chambers Seating Layout



Manger Governance
Mark Ridgwell



Chair Commissioner
Eric Lumsden



Acting Chief
Executive Officer
Erica Barrenger



Director Community and
Commercial Services
Rebecca Moore



Commissioner
Andrew Hammond



Commissioner
Gaye McMath



Personal Aide
Paul Anastas



Acting Director Planning
and Development
Robert Farley



Manager
Development Approvals
Margaret Smith



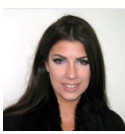
Acting Director Economic
Development and Activation
Ben Fitzpatrick



Construction
and Maintenance
Paul Crosetta



Director
Corporate Services
Robert Mianich



Governance Officer
Ashlee Rutigliano

Report to the Ordinary Council Meeting

Agenda
Item 13.1 **Advice to the Metropolitan Redevelopment Authority -
 3 (Proposed Lots 4 and 5) Trinity Avenue, East Perth - Proposed
 Five-Storey Mixed Use Development Containing Office,
 Commercial Car Parking and Restaurant/Café Uses**

Recommendation:

*That Council **ADVISES** the Metropolitan Redevelopment Authority that it recommends approval for the proposed five-storey mixed-use development containing office, tenant and public fee-paying car parking and restaurant/café uses on 'Site E and F' of the Waterbank Precinct at 3 (proposed Lots 4 and 5) Trinity Avenue, East Perth, subject to the following conditions:*

- 1. the ground floor level being designed so that it can be adapted in the future for any of the preferred land uses as identified in the Waterbank Precinct Design Guidelines, being Retail and/or Dining & Entertainment;*
- 2. the glazing on the western side of the pedestrian access way being relocated to a position in front of the structural pillars to improve navigation by people with impaired vision;*
- 3. the proposed crossovers along the eastern boundary being rationalised where possible to provide for an improved interface between the building and the street;*
- 4. all windows and glazed areas at ground level being clear glass with protection of windows from the sun or for privacy achieved instead through architectural devices and landscaping;*
- 5. further review of the façade details being undertaken to assist in breaking up the massing of the building as its long and low proportions result in a somewhat monolithic design;*
- 6. implementation of wind mitigation measures to reduce the adverse wind impacts within the pedestrian easement identified in the Cundall Wind Assessment CFD Study Report dated 26 February 2018, which advised that the area is not suitable for sitting activities (such as the proposed alfresco dining) throughout the year.*

(Cont'd)

7. *final details and a sample board of the high quality and durable materials, colours and finishes for the proposed building being prepared in consultation with the City and being submitted to the Metropolitan Redevelopment Authority for approval prior to applying for a building permit;*
8. *all development and works shown outside of the Lot boundaries including vehicle crossover/s, footpaths and alfresco areas, not forming part of this approval and being the subject of separate applications for approval and lease/licence arrangements where relevant;*
9. *any proposed air conditioner condensers, external building plant, lift overruns, piping, ducting, water tanks, transformers, fire control rooms and fire booster cabinets being located so that they cannot be viewed from any location external to the site and to minimise any visual and noise impacts on the adjacent properties, including any such plant or services located within the vehicle entrance of the development, with details of the location and screening of such plant and services being submitted to and approved by the Metropolitan Redevelopment Authority prior to applying for a building permit;*
10. *stormwater disposal/management being to the Metropolitan Redevelopment Authority's and the City's specifications with details being submitted to and approved by the Metropolitan Redevelopment Authority, in consultation with the City, prior to applying for a building permit;*
11. *a maximum of 51 tenant car parking bays being provided on site for the exclusive use of the tenants or occupants of the commercial tenancies within the development and not being leased or otherwise reserved for use of the tenants or occupants of other buildings or sites;*
12. *a maximum of 39 long-stay fee-paying public car parking bays being provided on site;*
13. *the roller door that separates the public fee-paying parking from the tenant car parking being relocated to create a vehicle waiting space to minimise any obstruction of the circulation ramp and aisles;*
14. *the dimensions of all car parking bays, aisle widths and circulation areas complying with the Australian Standard AS2890.1, ensuring that vehicles can enter and exit the building in forward gear;*

(Cont'd)

15. *a detailed landscaping and reticulation plan being submitted to and approved by the Metropolitan Redevelopment Authority prior to applying for a building permit, with the approved landscaping being installed prior to the occupation of the building and thereafter maintained to a high standard;*
16. *the Waste Management Plan being updated to comply with the City's draft Waste Services Guidelines for New Development 2015 including:*
 - 16.1 *details of the method of waste and recycling separation within the tenancies and office;*
 - 16.2 *details of the method of waste and recycling transfer from the office levels;*
 - 16.3 *inclusion of compliant paths for wheeling bins between waste presentation and collection points;*
 - 16.4 *inclusion of compliant swept path analysis plans; and*
 - 16.5 *details of how the service providers will gain access to the loading area;*

with a final Waste Management Plan being prepared in consultation with the City and submitted to and approved by the Metropolitan Redevelopment Authority, prior to applying for a building permit;
17. *the two ground-floor commercial tenancies being restricted to 'Retail' or 'Dining & Entertainment' uses with any other land uses requiring a separate application for approval;*
18. *a detailed acoustic report demonstrating how the development will comply with the 'satisfactory' criteria of AS/NZS 2107:2000 and the Environmental Protection (Noise) Regulations 1997 being submitted and approved by the Metropolitan Redevelopment Authority, in consultation with the City, prior to applying a building permit;*
19. *any public art and interpretative elements being integrated into the building design and being made from quality materials and to be durable and easy to maintain, with the design and curation of the public art being undertaken in consultation with the City; and*
20. *a construction management plan for the proposal being submitted to and approved by the Metropolitan Redevelopment Authority prior to applying for a building permit, detailing how it is proposed to manage:*

(Cont'd)

- 20.1 the delivery of materials and equipment to the site;**
- 20.2 the storage of materials and equipment on the site;**
- 20.3 the parking arrangements for the contractors and subcontractors;**
- 20.4 any dewatering of the site; and**
- 20.5 any other matters likely to impact on the surrounding properties.**

FILE REFERENCE: 2018/5356

REPORTING UNIT: Development Approvals

RESPONSIBLE DIRECTORATE: Planning and Development

DATE: 3 October 2018

ATTACHMENT/S: Attachment 13.1A – Location Plan
Attachment 13.1B – Perspectives
Attachment 13.1C – Development Plans

3D MODEL PRESENTATION: N/A

LANDOWNER: Metropolitan Redevelopment Authority

APPLICANT: Lend Lease (Waterbank) Pty Ltd

ZONING: (MRS Zone) Redevelopment Scheme/Act Area
(City Planning Scheme Use Area) N/A
(City Planning Scheme Precinct) East Perth (P15)

APPROXIMATE COST: \$69 million

Council Role:

- | | | |
|-------------------------------------|----------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <input type="checkbox"/> | Advocacy | <i>When the Council advocates on its own behalf or on behalf of its community to another level of government/body/agency.</i> |
| <input type="checkbox"/> | Executive | <i>The substantial direction setting and oversight role of the Council e.g. adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.</i> |
| <input type="checkbox"/> | Legislative | <i>Includes adopting local laws, town planning schemes and policies</i> |
| <input checked="" type="checkbox"/> | Quasi-Judicial | <i>When the Council determines an application/matter that directly affects a person's right and interests. The judicial character arises from the obligation to abide by the principles of natural justice. Examples of Quasi-Judicial authority include town planning applications, building licences, applications for other permits/licences (eg under Health Act, Dog Act or Local Laws) and other decisions that may be appealable to the State Administrative Tribunal.</i> |
| <input type="checkbox"/> | Information | <i>For the Council/Committee to note.</i> |

Legislation / Strategic Plan / Policy:

Legislation

Metropolitan Redevelopment Authority Act 2011

Metropolitan Redevelopment Authority's Central Perth Redevelopment Scheme

Policy

Policy No and Name:

Metropolitan Redevelopment Authority's Riverside Master Plan 2008

Waterbank Precinct Design Guidelines 2015

Purpose and Background:

The four hectare 'Waterbank Precinct' (the Precinct) is situated on the eastern edge of the city and is bound by Trinity College to the north, the Swan River to the east, the Causeway interchange to the south and the Western Australian Police site to the west. The Precinct forms part of the Metropolitan Redevelopment Authority's (MRA) greater Riverside Project Area.

At its meeting held on **11 August 2015**, Council considered the first stage of subdivision of the Waterbank Precinct and resolved to advise the MRA of its in-principle support subject to conditions and the submission of additional details and information. The Minister for Planning (upon the advice and recommendations of the MRA) granted conditional approval for the subdivision on 9 February 2016.

At its meeting held on **3 November 2015**, Council considered the first private lot development within the Precinct for a mixed-use building on 'Site G'. Council resolved to advise the MRA of its support for the application subject to relevant design revisions and conditions. The Minister granted conditional approval for the development on 1 March 2016.

At its meeting held on **2 February 2015**, Council considered an application for the design and construction of the Precinct's infrastructure and public domain components and resolved to advise the MRA of its support subject to conditions. The Minister granted conditional approval for the development on 9 February 2016.

At its meeting held on **23 February 2016**, Council considered the second stage of subdivision of the Waterbank Precinct and resolved to advise the MRA of its in-principle support subject to relevant design revisions and conditions. The Minister granted conditional approval for the development on 30 November 2016.

At its meeting held on **19 July 2016**, Council considered the second private lot development within the Precinct for a mixed-use building on 'Site B'. Council resolved to advise the MRA of its support for the application subject to relevant design revisions and conditions. The Minister granted conditional approval for the development on 18 January 2017.

On 21 September 2018, two development applications for 3 (proposed Lots 4 and 5) Trinity Avenue were referred to the City by the MRA. The development applications are identical with the exception that one is for a five-storey development (the subject of this report) and the other is for one more commercial floor, making it a six-storey mixed-use development. That application is also being considered at the same Council meeting.

Details:

A development application for a new commercial building on 'Sites E and F' (proposed Lots 4 and 5) of the Waterbank Precinct has been referred to the City for comment by the MRA. The application is the third private lot development for the Precinct received by the MRA.

The application proposes a five-storey mixed used development that will extend across proposed Lots 4 and 5. The proposed development is predominantly office and is separated at the ground level by a central pedestrian access way which links the public realm on Hay Street to the central open space within the Precinct. There is a large office tenancy, two small restaurant/café tenancies and building services located at the ground floor.

Tenant and public fee-paying car parking is located on level one, with a total of 92 vehicle parking bays being proposed. This includes 49 tenant bays, 39 long stay fee paying public bays, four universal access bays and 10 motorcycle bays. Access to the car parking is via the eastern elevation, being Kwillenah Way.

Above this there are three levels of commercial floor space serviced by a central lift core. A roof terrace is provided overlooking the public open space, south of the development. The proposed terrace will provide an outdoor amenity space for the tenants of the building.

The architect has advised that the building aims to offer a unique work lifestyle opportunity, afforded by its waterfront location as well as being clear response to the development guidelines. The architect provided the following in regard to the design of the building:

"The design has been carefully enhanced to reinforce visual and physical connection to the surrounding natural environment, with people centric spaces fostering interaction and empowering people to work flexibly 'Anywhere, Anytime'.

The natural setting establishes a unique opportunity to live, work and recreate on and in the Swan River - embracing Perth's casual sophistication - embedding the building in its context to become 'Of the Waterfront'. The building has been developed to capture aspirations and visions presented through relevant briefing documents".

The building is proposed to use a modular façade system, utilising vision glass with a gradient frit and an integrated aluminium framing system with a horizontal flush edge detail.

At the ground level, precast concrete profiled with different degrees of coarseness and profiling will be used, with anti-graffiti coating being applied. A glass awning with gradient frit detail, supported by powder coated steel supports, is proposed to the northern façade as well as the majority of the southern façade. Two large glass canopies are proposed over the main building entrances, which are also the entrances to the central pedestrian access way.

Aluminium reverse-pitched louvres will be used to screen the car park at level one as well as the plant equipment on the roof. The roof is proposed to be grey Colourbond and meet thermal and reflectivity requirements. Two roller doors are proposed to the outside of the development, one being solid whilst the other is perforated.

Compliance with Planning Scheme:

Land Use and Development Requirements

Under the provisions of the *Metropolitan Redevelopment Authority Act 2011*, the MRA is responsible for planning and development control within the Central Perth Redevelopment Area (CPRA). The Riverside Project Area, which includes the Waterbank Precinct, is subject to the provisions of the MRA's Central Perth Redevelopment Scheme (CPRS). The general land use intent of the CPRS is to create diverse mixed land use urban environments, including creating high quality spaces for people through an activated and interesting public realm. Retail, Residential and Dining and Entertainment land uses are preferred uses within the Waterbank Precinct, whilst Culture and Creative Industry, Commercial and Community land uses are contemplated uses within the Precinct.

The form and function of development within the Precinct is guided by the MRA's Waterbank Precinct Design Guidelines, with the latest iteration of the Guidelines being adopted by the MRA on 4 May 2015. The Guidelines aim to facilitate a mixed-use precinct which provides a richness of architecture and diversity of land uses that respond to the character of the Swan River and associated landscape. The vision of the Waterbank Precinct under the Guidelines is to:

"Create a prime visitor destination with a lively blend of entertainment, cultural, commercial, retail and residential uses within a Waterbank precinct of international standard."

The specific statement of design intent for Site's E and F within the Guidelines is as follows:

"Sites E and F are located to the north of the central public open space of Waterbank. Site E will help enclose and activate the entry square in the north-west corner of the precinct and both Sites E and F will enclose the central public space."

"Buildings in this area will comprise of low rise commercial buildings. Associated dining and entertainment and retail uses incorporating visually permeability and at grade access will be located at the ground floor. These uses will contribute to a high level of activation of the central open space. Sites E and F will be separated by an internal street connection that will serve to break up the massing of the buildings and provide an additional north-south access point. The limited depth of these buildings offers opportunities to create visual connections between the central open space, Trinity Avenue and the associated pedestrian link".

The Central Perth Development Policies set out development approval requirements and performance standards for the development of land in the CPRA. The policies relevant to this development include Green Building Design, Sound and Vibration Attenuation, Public Art and Signage.

Comments:

Land Use

The proposed land uses for Sites E and F are generally in accordance with the preferred land uses stipulated in the CPRS and Design Guidelines which are 'Retail' and 'Dining & Entertainment' at the ground level and 'Commercial (Office)' above ground floor level.

Public parking is not a defined land use under the CPRS or the Design Guidelines, its provision is guided by the Perth Parking Policy.

Site E is proposed to include a large commercial tenancy at the ground floor level whilst Site F proposes to include two small dining tenancies, with the remainder of the area being occupied by building services and equipment including bike stores, end of trip facilities, mechanical plant and equipment and vehicle access.

At the ground level, the two dining and one commercial tenancies have a combined net lettable area of 1,474m² although only 160m² of this area is proposed to be used for a preferred land use, being Retail or Dining & Entertainment.

Building Height and Setbacks

The building height and setback requirements for Sites E and F are the same, being a minimum of 2 storeys and a maximum of 6 storeys, up to 24 metres. Nil setbacks from all boundaries are permitted and the maximum site coverage permitted for the two sites is 100 percent.

The proposed development complies with the building height, setback and site coverage requirements, as outlined in the Waterbank Precinct Design Guidelines.

Building Design, Materials and Finishes

Further review of the façade details should be undertaken to assist in breaking up the massing of the building as its long and low proportions result in a somewhat monolithic design.

The Design Guidelines outline requirements for active frontages throughout the Precinct, with primary frontages needing to achieve a minimum of 80 percent street level activation and secondary frontages with the lower minimum at 50 percent. The northern and southern sides of Sites E and F as well as the western edge have been identified as primary frontages. The central access way and the eastern edge have been identified as secondary frontages.

The application has stated that the ground level achieves a total of 77 percent activation across its 329 metres of frontage although the ability for an office tenancy and service areas to be included as 'active' frontage is questionable and a matter for the MRA to determine. Under the Design Guidelines, active frontages are considered to be *"areas which provide a direct visual relationship between the internal areas of a building and the adjacent public realm"*.

Further to this, the Design Guidelines, under Land Use, state that *"offices and general commercial uses are encouraged above street level, as they typically do not have active frontages. Service commercial uses that require a 'shop front' may be considered at ground level if they are deemed appropriate within the precinct"*. Therefore, the application's inclusion of the office tenancy as being an "active frontage" is considered contrary to the provisions in the Design Guidelines.

The lack of activation is further added to by the minimal area of the ground floor, being 160m², that will be used for 'Retail' or 'Dining and Entertainment' Use Categories, which are the preferred land uses at ground level. The inclusion of alfresco dining to both tenancies is likely to enhance the activation of the ground floor level.

As possibly the first development within the Precinct, noting previous approvals for Sites B and G have lapsed or are unlikely to proceed, 'Retail' or 'Dining and Entertainment' uses at the ground floor are desirable, although it is acknowledged that until this precinct is fully developed most retail or dining uses would not be commercially viable and that such tenancies are likely to remain vacant for an extended period. In the short to medium term it is agreed that office uses are appropriate at ground level provided the ground floor is designed so that it can be adapted for more active and preferred uses in the future, should there be demand. A condition should also be imposed to ensure that office windows are clear glass with privacy being addressed through architectural or landscaping treatments, in accordance with the Waterbank Precinct Design Guidelines.

The proposed design of the eastern boundary is of concern as it includes approximately 12 metres of crossovers. It is considered that the eastern elevation is the preferred vehicle access points as it has the least visibility from the public realm however any possibility of further reducing the extent of the crossovers and their impact on pedestrian safety should be investigated.

The proposed inclusion of alfresco dining within the pedestrian access way is positive for activation of the street although when considered in conjunction with the findings of the wind assessment, it may be difficult to achieve an environment appropriate for alfresco dining. A condition should be imposed on any approval to further review wind mitigation measures to improve the comfort for pedestrians and diners in this location.

The MRA requires public art to be provided as a component of any major development. As the City usually becomes the custodian of these public art assets once normalisation occurs, a condition of any approval should require that the public art be made from quality materials and to be durable and easy to maintain, with the design and selection of the public art being undertaken in consultation with the City's officers.

Car Parking

The Design Guidelines allow for the provision of commercial tenant car parking in accordance with the maximums prescribed in the Department of Transport's Perth Parking Policy (PPP). The vehicle parking proposed on site is consistent with the PPP for 'Integrated Access' via a Category 3 street which allows for a maximum of 51 tenant parking bays for the sites based on the 3,376m² site area.

In regard to the long stay public parking, the site is located within the 'General Parking Zone' where long stay public parking may be permitted subject to compliance with the provisions of the PPP and gaining approval from the relevant planning authority.

The need to separate the public fee-paying car parking from the tenant parking is understood although due to the current location of the roller door, a car waiting to enter the tenant parking area will block circulation within the public car parking area. The relocation of the roller door to allow for a waiting space would reduce the potential impact on other users, particularly during morning peak times.

Bicycle Parking

The Design Guidelines require bicycle parking and end of trip facilities to be provided at a rate of 10 percent of building staff, based on 1 person per 15m² of Net Lettable Area (NLA). Two female and two male showers are also required for the first 10 bicycle bays with additional

showers being provided at a rate of one male and one female shower for every 10 bicycle parking bays. The requirements for visitor bicycle parking is a minimum of 1 space per 750m² of NLA and being located and signed near the main public entrance to the building.

The development proposes 108 secure bicycle bays as well as a minimum of 6 kayak storage bays, for the exclusive use of the tenants within the development. 108 lockers as well as 10 female and 10 male showers are also proposed at the ground floor. Nine U-rail visitor bicycle parking racks are also proposed to be provided directly outside the building entrance.

The bicycle parking, end of trip facilities and visitor's bays proposed to be provided are in excess of those required under the Design Guidelines. Such facilities are supported.

Pedestrian Access

A condition of the Waterbank Stage 1 subdivision approval was for a public access easement, between Hay Street and the central open space, to be created. This access way is also identified in the Waterbank Precinct Design Guidelines.

An 8-metre wide pedestrian access way is proposed at ground level to meet the requirements of the Design Guidelines and the condition of subdivision approval. The access way is also considered to break up the mass of the proposal at the ground level and draw attention to the central lobby. Approximately half of the access way is proposed to be used for alfresco dining. As mentioned previously, a condition should be imposed on any approval to further review wind mitigation measures to improve the comfort for pedestrians and diners within the access way.

To improve the ability of people with impaired vision to navigate the access way, the side of the access way without alfresco dining, being the western side, should be kept clear of any obstructions. It appears that the existing columns may cause an obstruction, although it may be possible to relocate the glazing so that the columns are behind the glazing, creating a straight edge which is easier to navigate. A condition is recommended in this regard.

Waste

The proposed development will provide two separate bin stores for the office and dining tenancies with both bin stores being located on the ground floor. Waste servicing needs to be further clarified via a revised Waste Management Plan (WMP), in particular, the City requires:

- details of the method of waste and recycling separation within the tenancies and office;
- details of the method of waste and recycling transfer from the office levels;
- details of the dimensions and functionality of the bin rooms, access widths to show that there is adequate space for bins to be manoeuvred, opening widths of the roller doors, tap and sewer points as well as the location of the waste truck when servicing the bins, showing a 3-metre operating space to the rear of the truck;
- inclusion of compliant paths for wheeling bins between waste presentation and collection points;
- inclusion of compliant swept path analysis plans;
- the City currently does not collect commingled recycling or paper daily (only 5 days) therefore the applicant may wish to change their collection provider to 'the City of Perth or a private waste contractor'. This will allow the operator to test the market when the building is complete and ensure they utilise the organisation best suited; and
- details of how the service providers will gain access to the loading area.

Noise

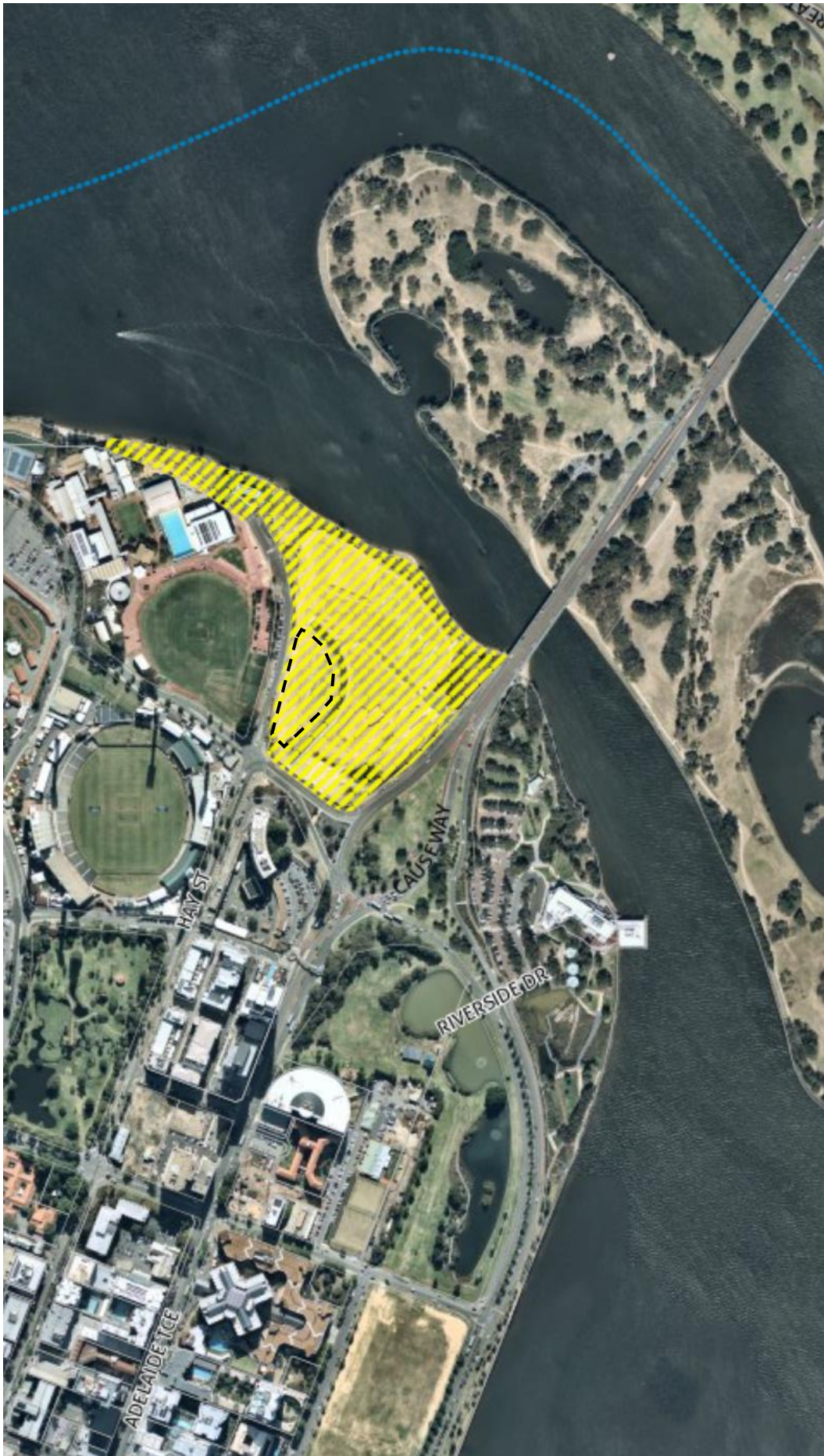
The development will be located within a mixed-use precinct and may have dining or entertainment uses at the ground floor level. To avoid conflict between these activities and occupants of the proposed development, the building will need to be designed to suitably ameliorate these noise impacts.

Any approval should include a condition requiring that the building be constructed and certified to comply with the MRA's Sound and Vibration Attenuation Policy and the *Environmental Protection (Noise) Regulations 1997* and the National Construction Code.

Conclusion

Whilst the proposed development is generally consistent with the MRA's associated guiding documents, several design and use improvements are recommended. As none of these would cause any significant change to the proposed development it is considered that these matters could be addressed as conditions of any approval.

It is therefore recommended that the MRA be advised of the issues identified within this report, with the matters to be addressed by way of conditions on any development approval.



2018/5356 – WATERBANK REDEVELOPMENT – 3 (PROPOSED LOTS 4 AND 5) TRINITY AVENUE, EAST PERTH

03 DESIGN
ELEVATIONS

FUTURE
TENANT
SIGNAGE



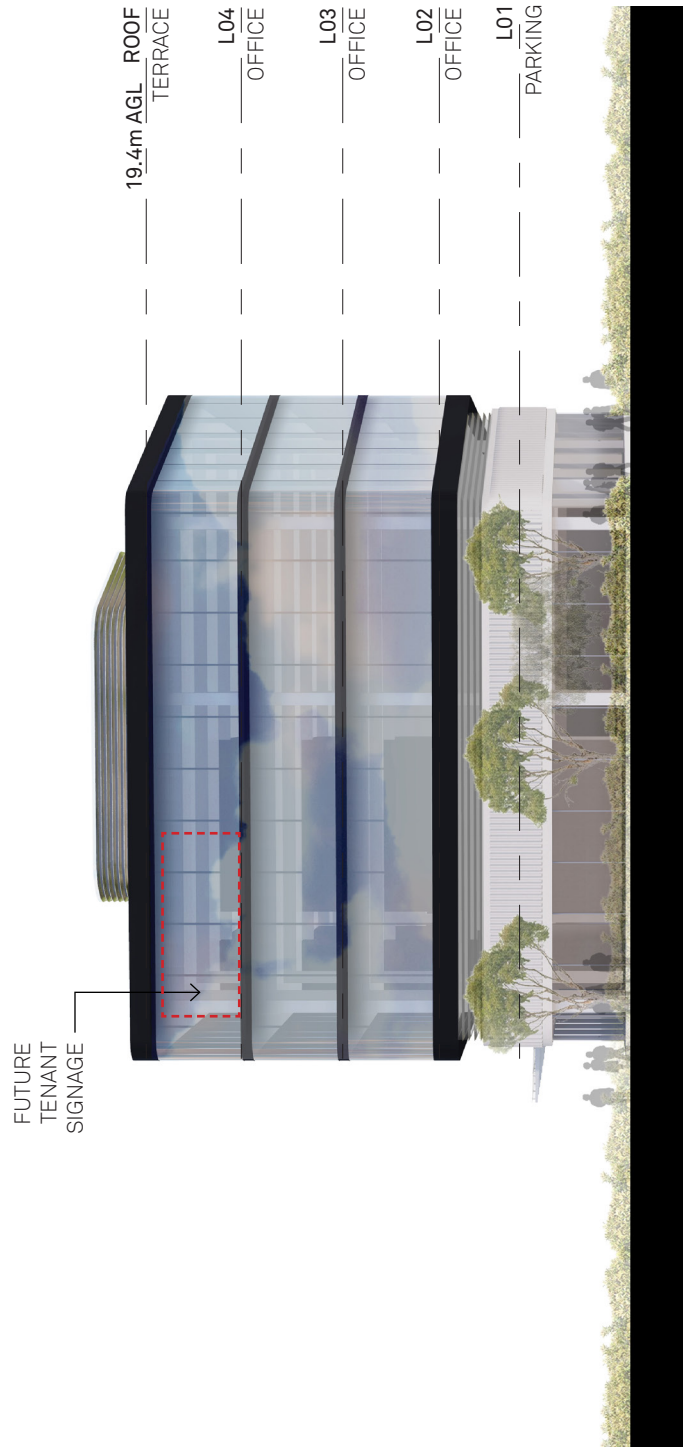
NORTH ELEVATION



SOUTH ELEVATION

03 DESIGN

ELEVATIONS









Architecture
Interior Design
Landscape Architecture
Planning
Urban Design

Australia
China
Hong Kong
Singapore
United Kingdom
United States of America

WATERBANK LOTS 4 + 5 CONCEPT REPORT

Retail & Commercial Building
Waterbank, Perth WA

Prepared for Lendlease
7 September 2018
Revision 09

METROPOLITAN REDEVELOPMENT
AUTHORITY

19 SEP 2018

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Contact
Kristjan Donaldson Principal
krdonaldson@hassellstudio.com
Reuben Bourke Senior Associate
rbourke@hassellstudio.com

HASSELL
Level 1 Commonwealth Bank Building
242 Murray Street
Perth WA Australia 6000
T +61 8 6477 6000
hassellstudio.com

Document control			
Rev	Date	Approved by	Description
01	16.01.2018	Kristjan Donaldson	Draft
02	19.01.2018	Kristjan Donaldson	Issued for DA submission
03	06.07.2018	Kristjan Donaldson	Draft
04	20.07.2018	Kristjan Donaldson	Draft
05	26.07.2018	Kristjan Donaldson	Issued for DA submission
06	24.08.2018	Kristjan Donaldson	Issued for DA submission - 6 storeys
07	24.08.2018	Kristjan Donaldson	Issued for DA submission - 5 storeys
08	07.09.2018	Kristjan Donaldson	Issued for DA submission - 6 storeys
09	07.09.2018	Kristjan Donaldson	Issued for DA submission - 5 storeys

01	02	03	04	05
Executive Summary	Site Analysis	Design	Architectural Drawings	Landscape Architecture
Page 4	Page 5	Page 9	Page 25	Page 32
	_MRA Waterbank Design Guidelines	_Design Drivers	_Plans	_Context
	_Site	_Building Organisation	_Elevations	_Concepts
	_Solar Access Review	_Ground Floor	_Sections	_Landscape plan
		_Ground Plane Activation		_Materiality
		_First Floor		_End of Trip entry
		_Typical Office Floor (Levels 2-5)		_Southern View
		_Roof		_Roof Terrace
		_Elevations		_Pedestrian Thoroughfare Study
		_Sections		
		_Perspective Views		
		_Palette		

01 EXECUTIVE SUMMARY

The design for the Commercial Office & Retail building located at Perth's Waterbank Lots 4 & 5 for Lendlease embraces the unique work lifestyle opportunity afforded by its waterfront location as a clear reponse to development guidelines and associated briefing.

Lendlease has defined a series of *Place Pillars* for Waterbank - guiding principles which establish a future focused workplace with emphasis on people and their experience over built form; a place where people will thrive. The organisation of built form becomes a catalyst for improvements in occupant wellbeing, collaboration and performance.

The design has been carefully enhanced to reinforce visual and physical connection to the surrounding natural environment, with people-centric spaces fostering interaction and empowering people to work flexibly 'Anywhere, Anytime'.

The natural setting establishes a unique opportunity to live, work and recreate on and in the Swan River - embracing Perth's casual sophistication - embedding the building in its context to become 'Of the Waterfront'.

The building has been developed to capture aspirations and visions presented through relevant briefing documents.

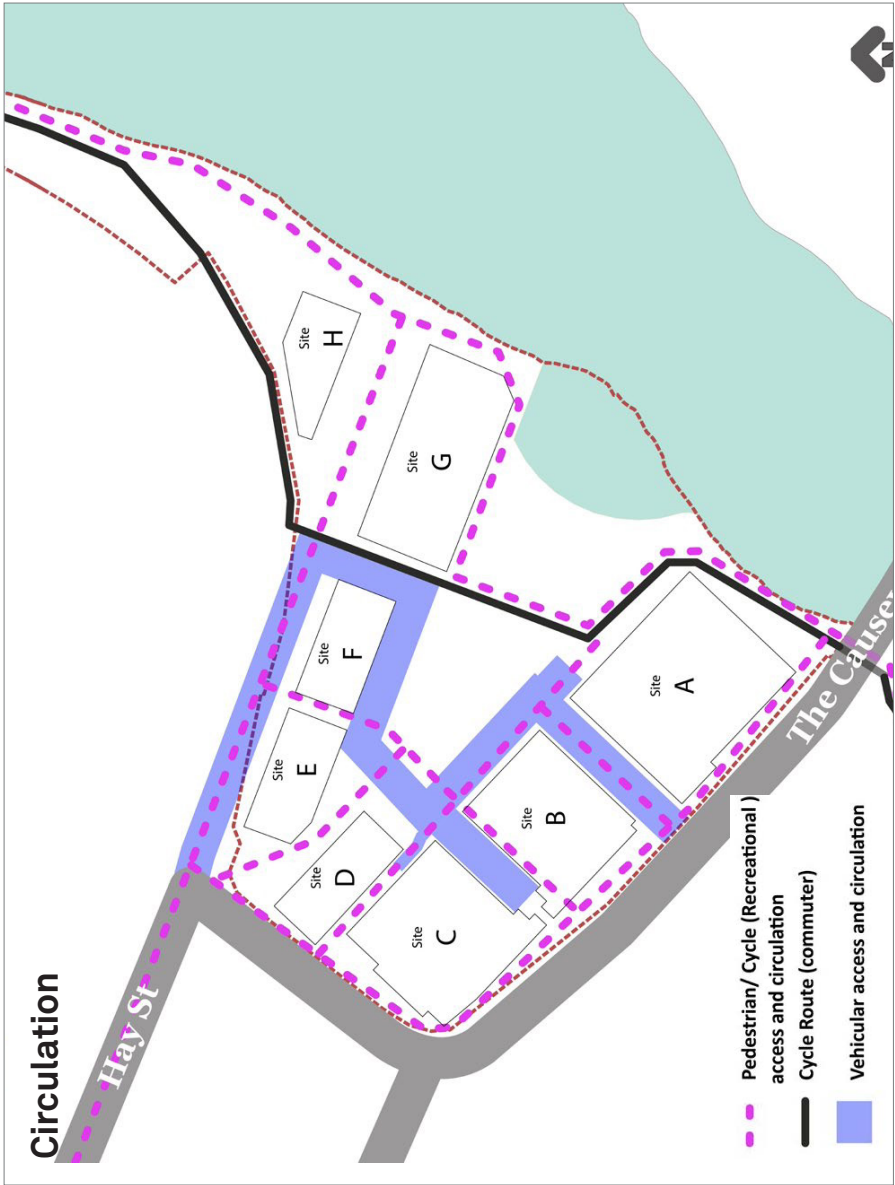
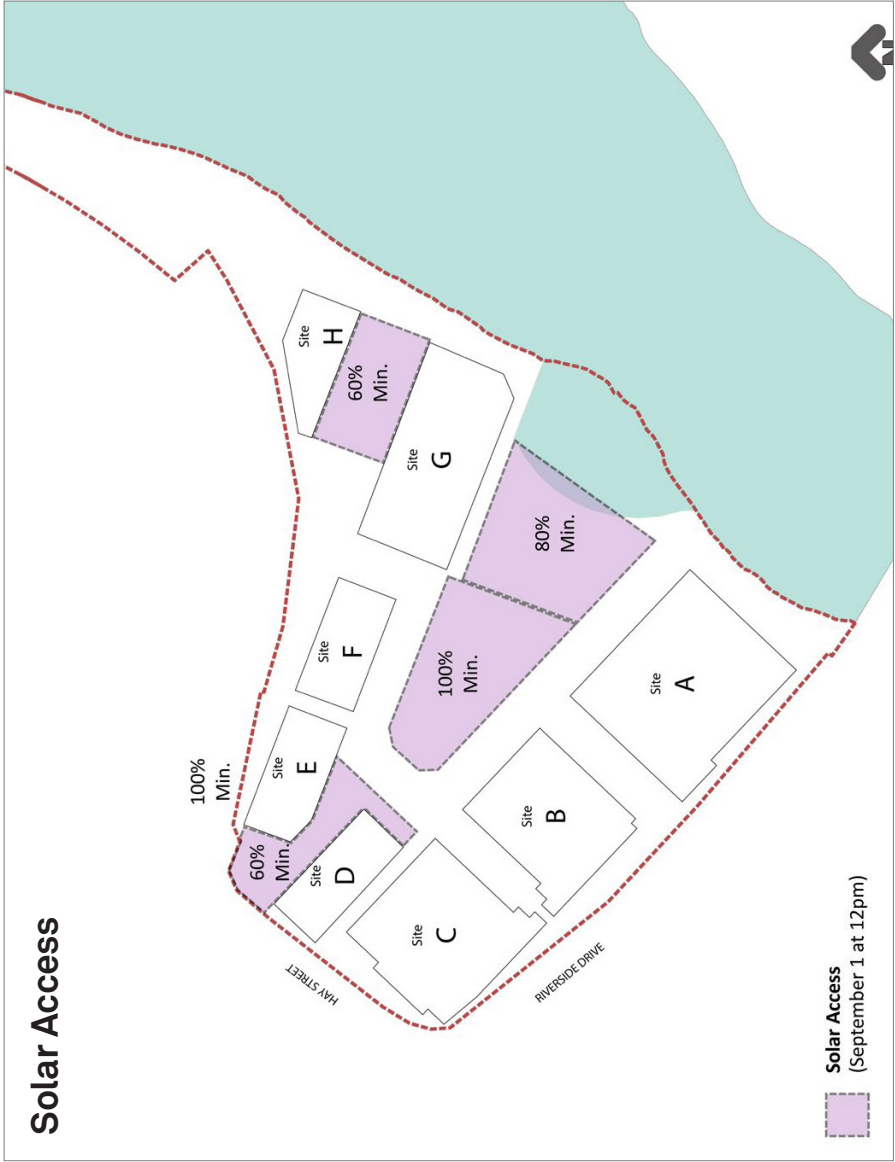
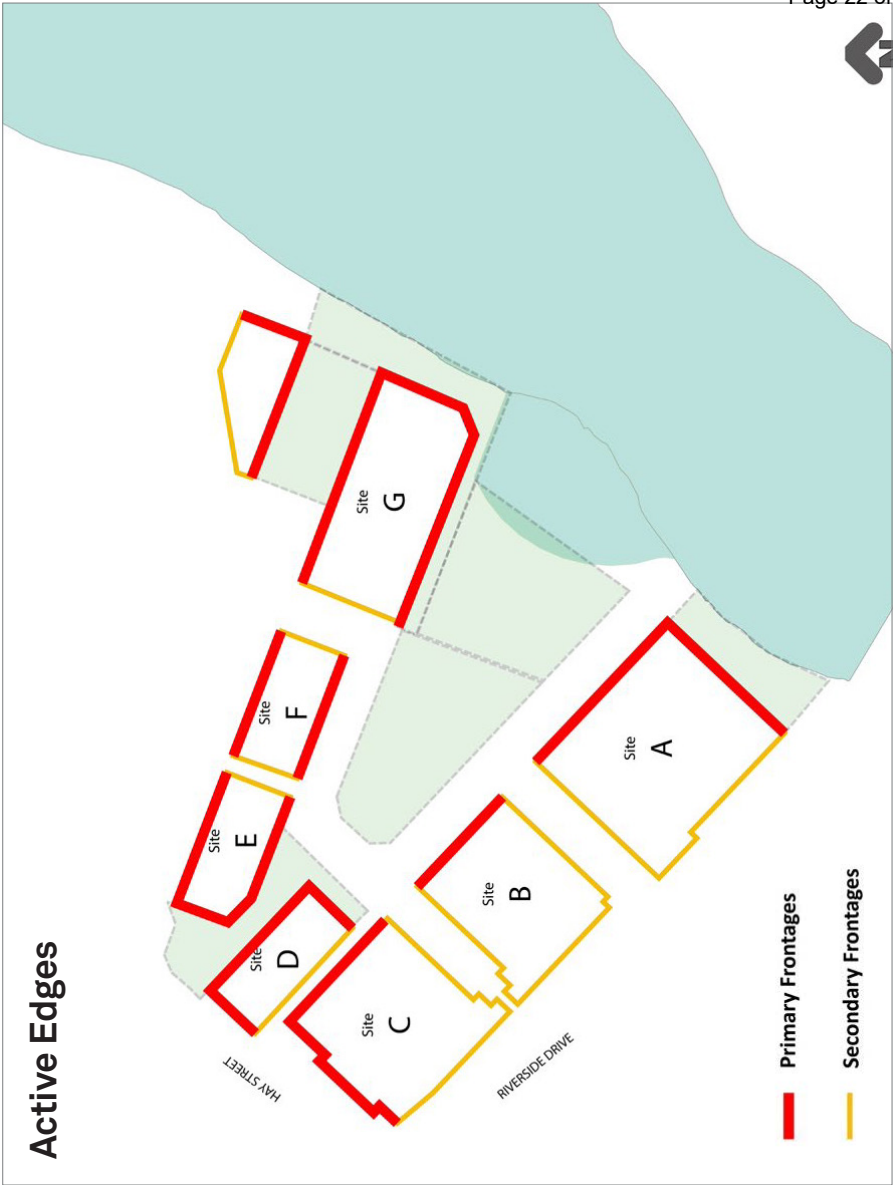
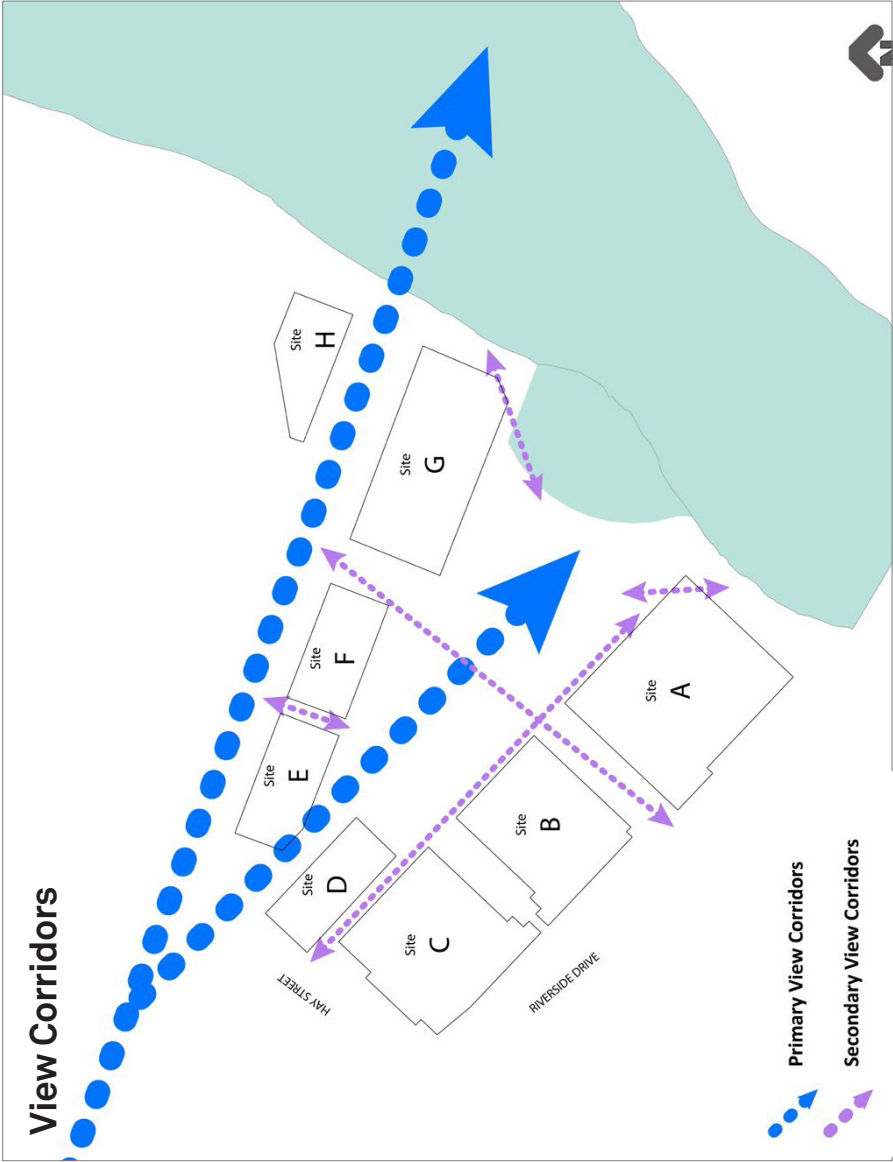


Page 21 of 612



Lendlease Place Pillars

NOTE: Site E & F are referred to in this document as Lots 4 & 5 respectively.



NOTE:

Lot 1 development outcome
subject to agreement between
MRA and Lendlease.



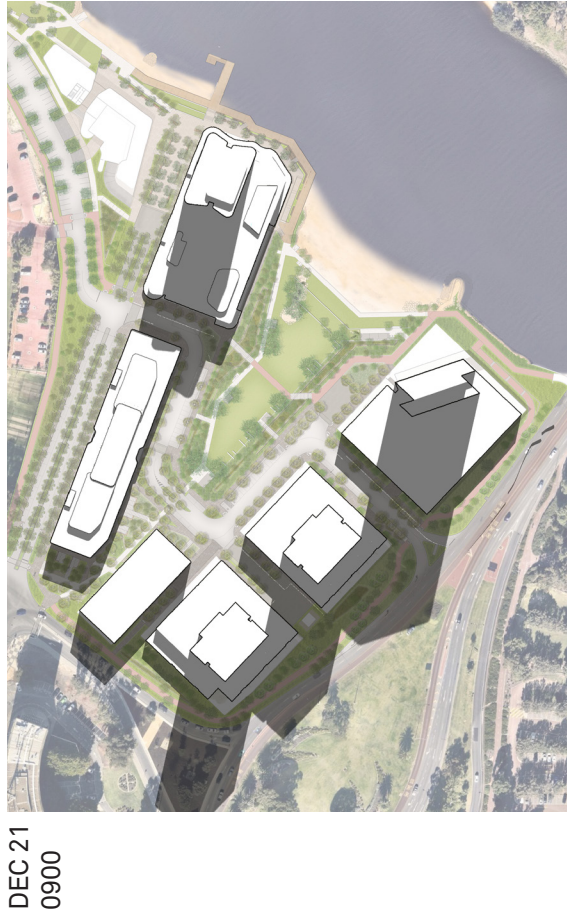
NOTE:

Lot 1 development outcome
subject to agreement between
MRA and Lendlease.

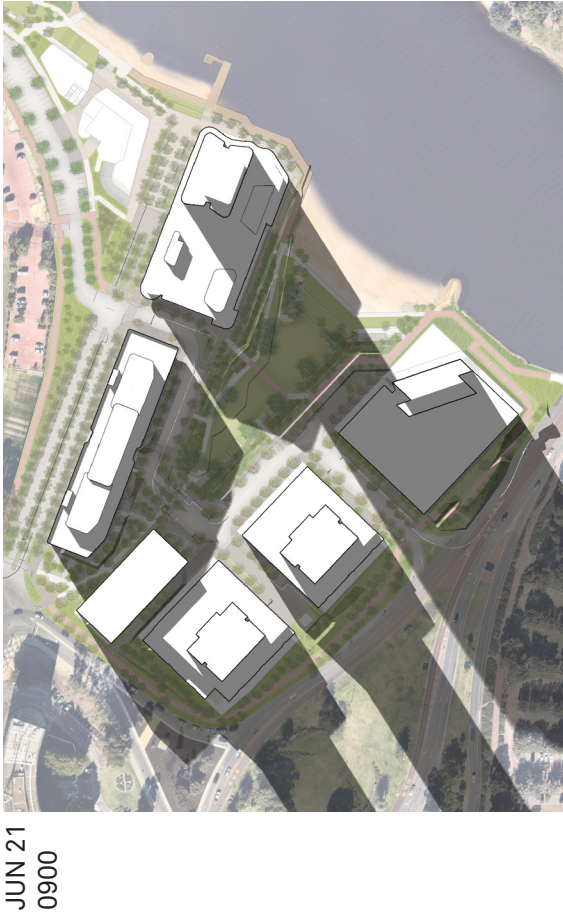


02 SITE ANALYSIS

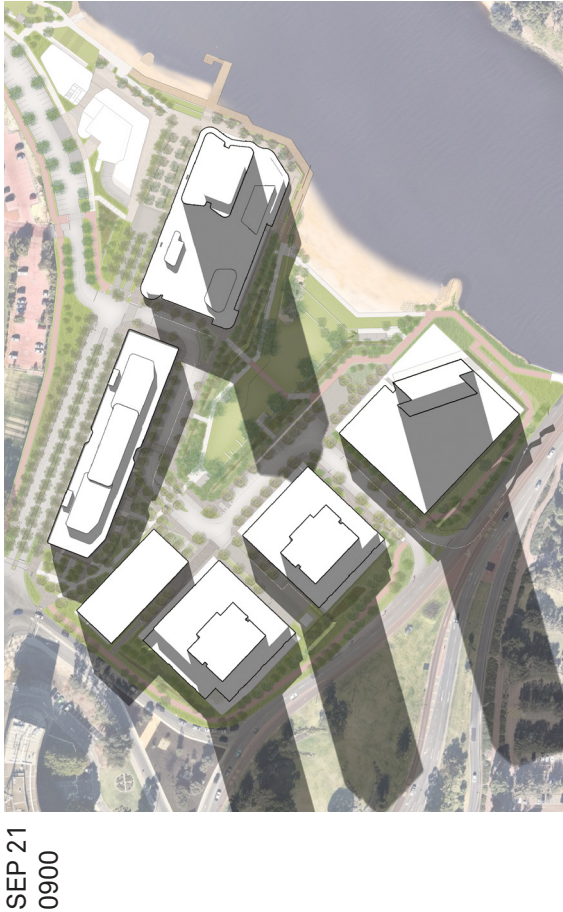
SOLAR ACCESS REVIEW



DEC 21
0900



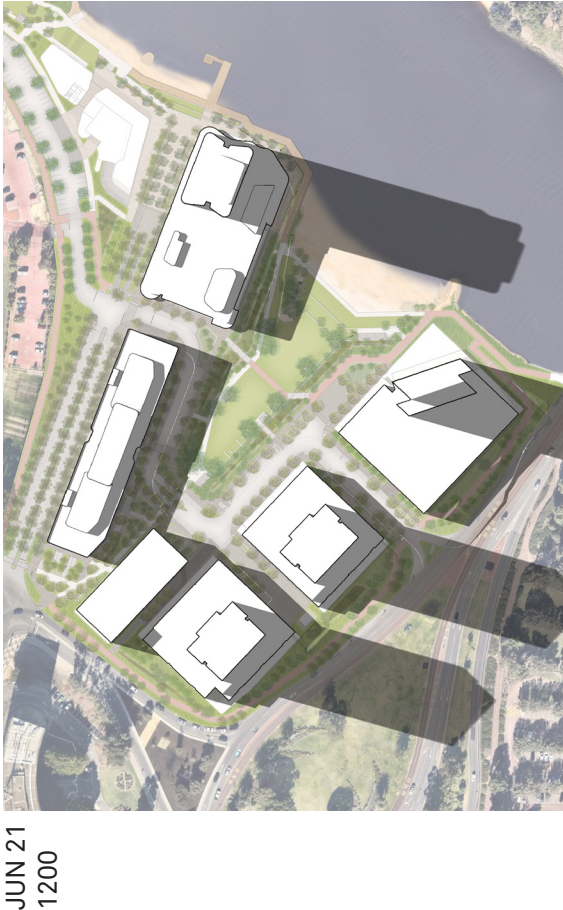
JUN 21
0900



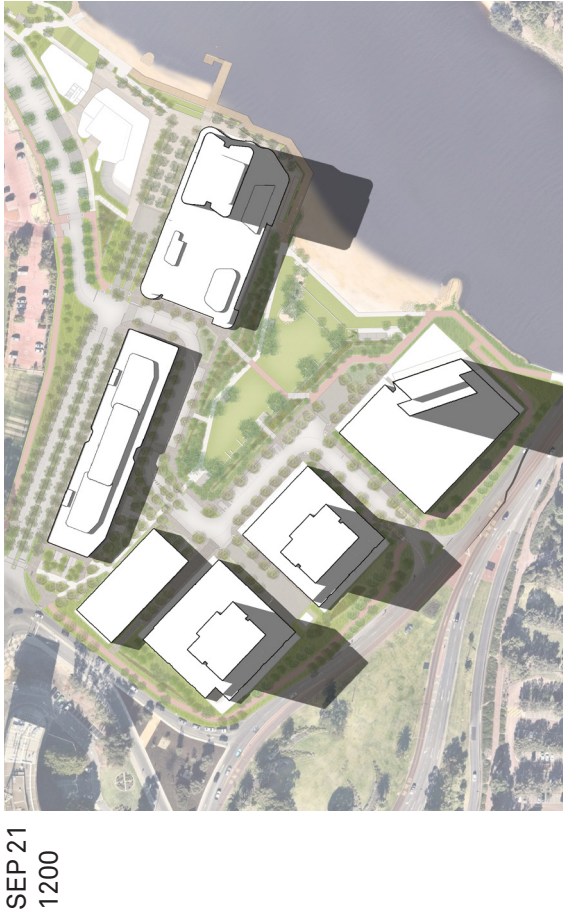
SEP 21
0900



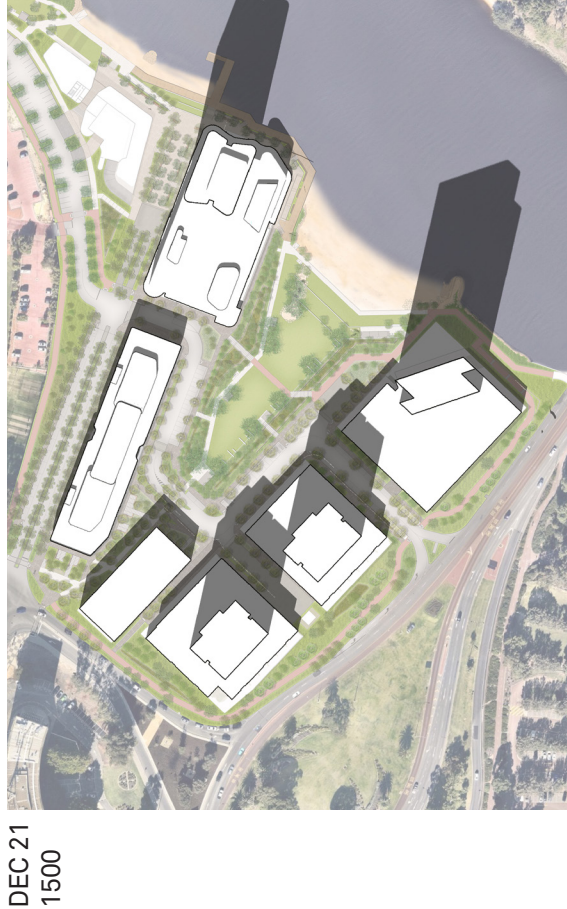
DEC 21
1200



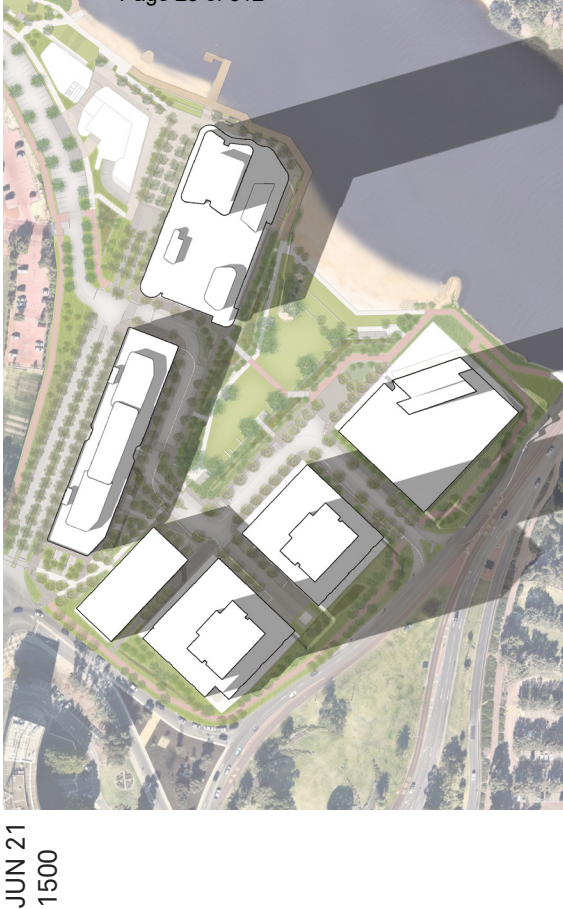
JUN 21
1200



SEP 21
1200



DEC 21
1500

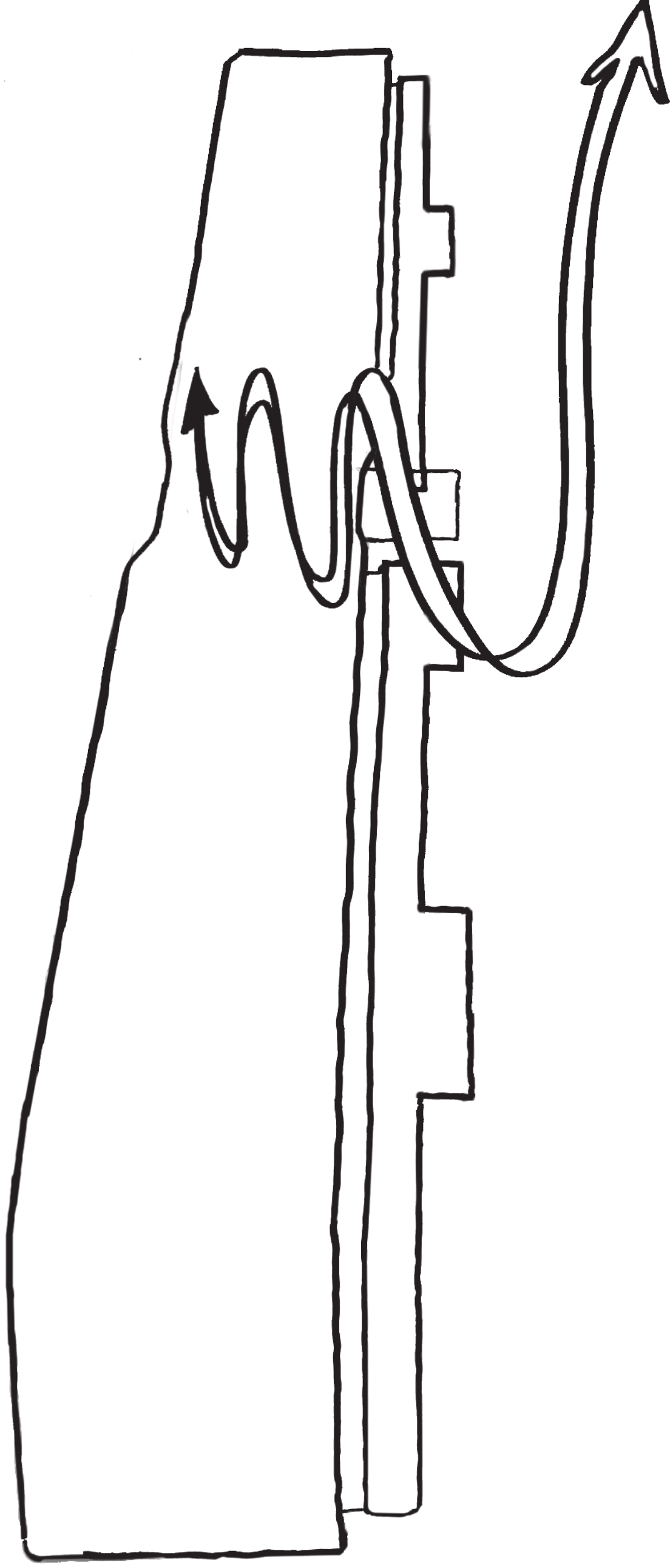


JUN 21
1500



SEP 21
1500

ANYWHERE, ANYTIME OF THE WATERFRONT CASUAL SOPHISTICATION



DESIGN DRIVERS

Anywhere, Anytime

Work is no longer defined by traditional boundaries of concrete, steel and glass; it is an activity done flexibly; anytime and anyplace. Tomorrow's workplace is seen as a place to come together and harness the power of teamwork and as such, the role of the office has fundamentally changed; if it isn't somewhere you have to be, it must be somewhere you want to be.

This building at Waterbank supports these new and agile work patterns where today's employees are no longer tied to a desk, but enabled by mobile technology are free to work anywhere, anytime. Tenants will have unprecedented flexibility to choose between a host of different work settings; from a desk on the 3rd floor to a cafe or outdoor meeting area adjacent the building or in the park itself, all enabled by site-wide WiFi, engaging and activating the public domain through work activity.

The design facilitates this connection by consolidating the vertical circulation on axis with the public thoroughfare linking North and South, with Retail activating the permeable ground level.

Of the Waterfront

The building grows out of its context by taking cues from the natural material palette of the riverfront. A simple tectonic logic defines the character of the massing with its glazed upper floor plate over an articulated concrete base. The organic nature of the architecture with curvaceous forms operating at different scales form the building and capture space.

The plinth texture and corrugation of the facade detail references the patterns of the winding riverfront. This is further embraced through inside out expression through Lobby, Retail and end of trip spaces. The architecture concentrates a finer grain of detail of human scale to the ground plane.

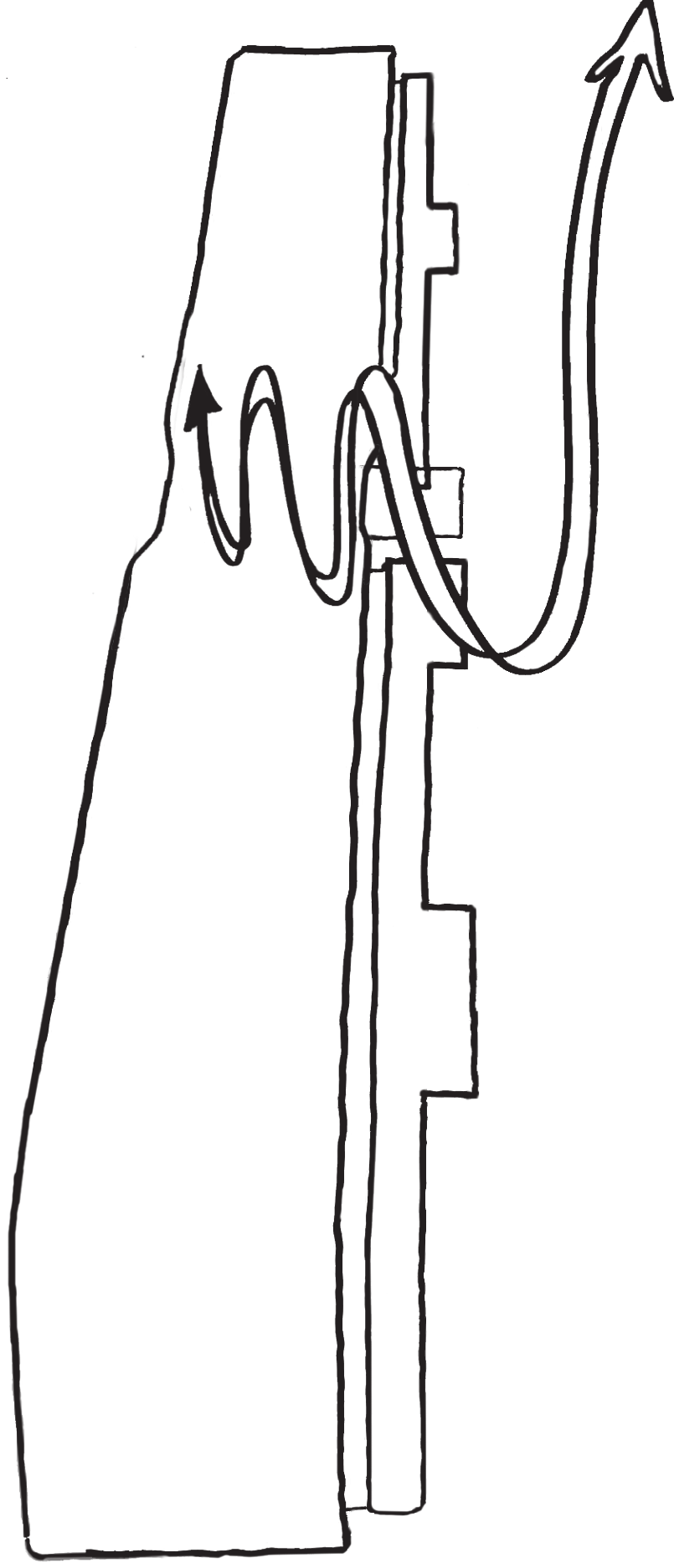
The building looks to be ad-hoc, functional but not clinical, integrated not segregated, relaxed and immersive, detailed and of human scale to the ground plane.

Casual Sophistication

Architecturally the building balances corporate identity (workplace) with the unique lifestyle offering of context (podium Architecture blended with Landscape).

Clean lines of the workplace are balanced with a more playful articulation of the ground level facade, which blurs the boundary between building and landscape, indoor and outdoor.

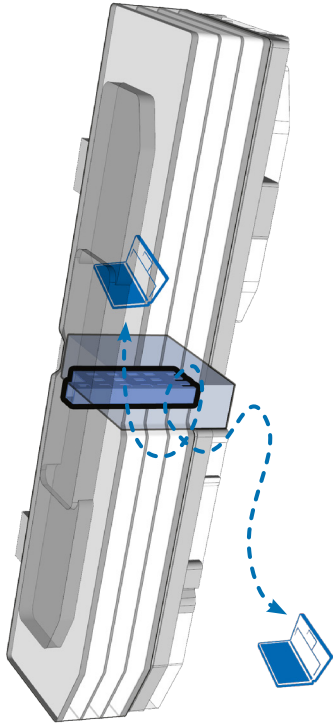
The conventionally concealed end of trip bike store, and facilitation of a kayak store has been expressed, giving additional depth and visual interest, whilst reiterating connection to the waterfront.



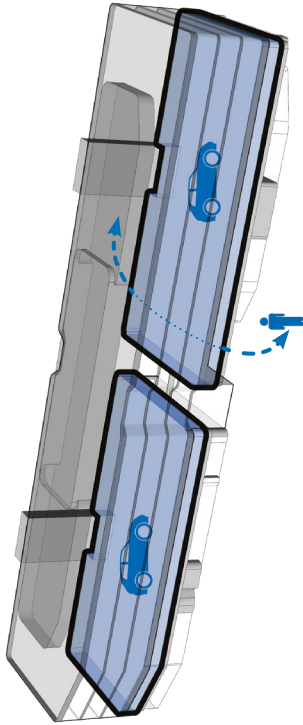
03 DESIGN

BUILDING ORGANISATION

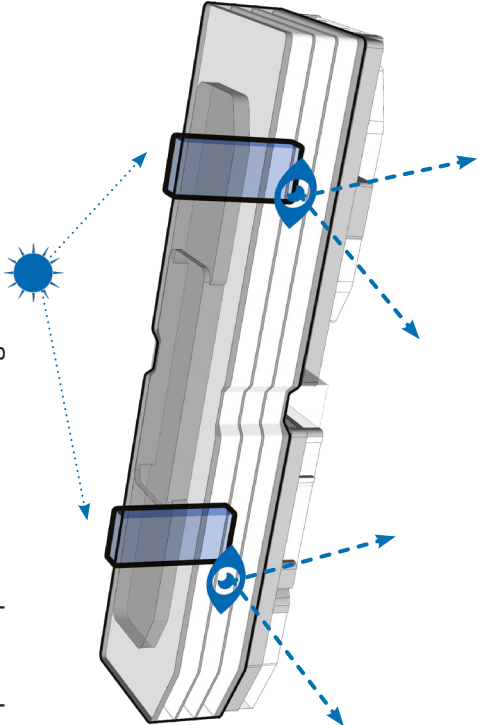
CONNECTED WORKPLACE
bridging workplace and public
domain



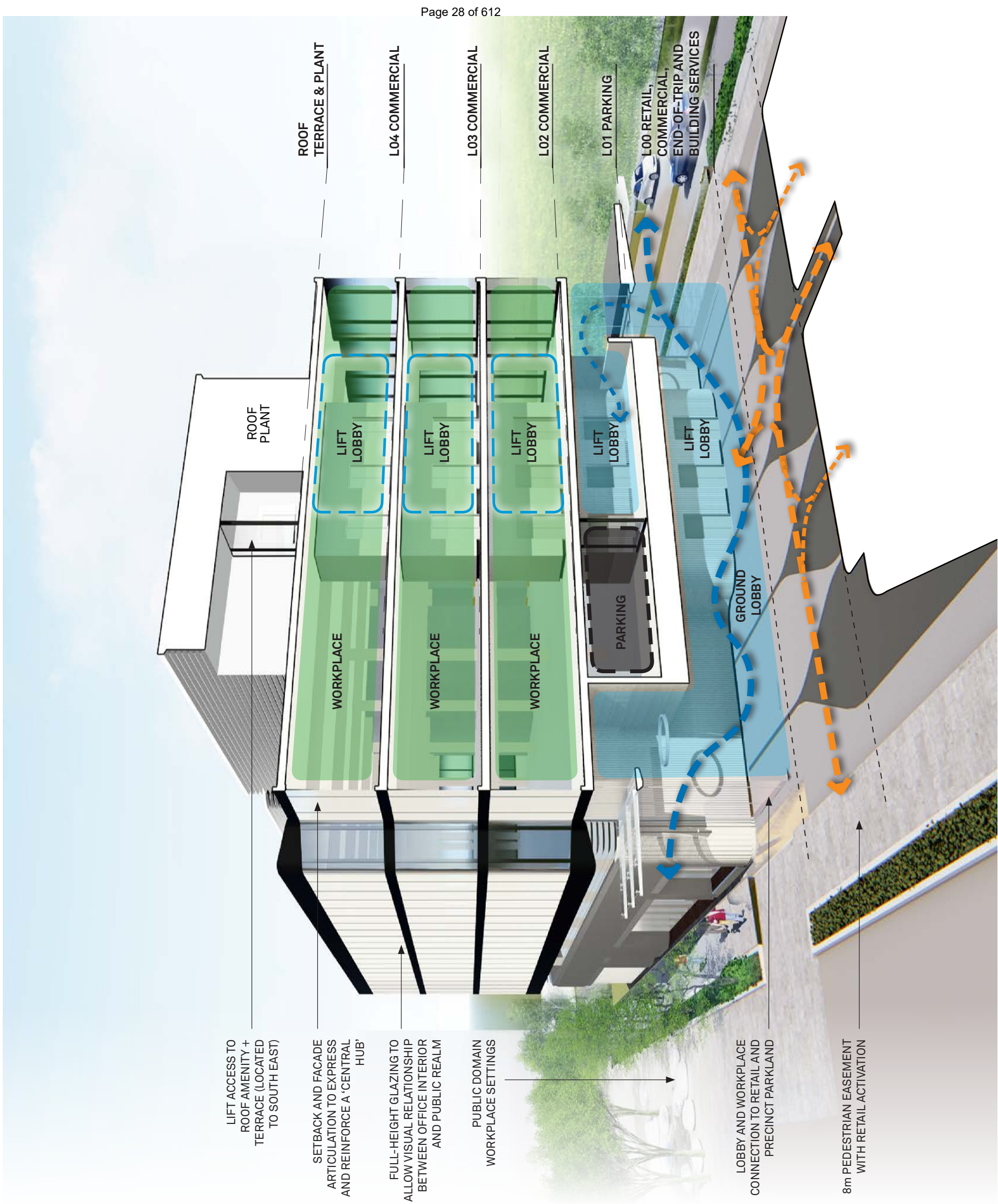
ELEVATED CAR PARKING
permeable ground plane



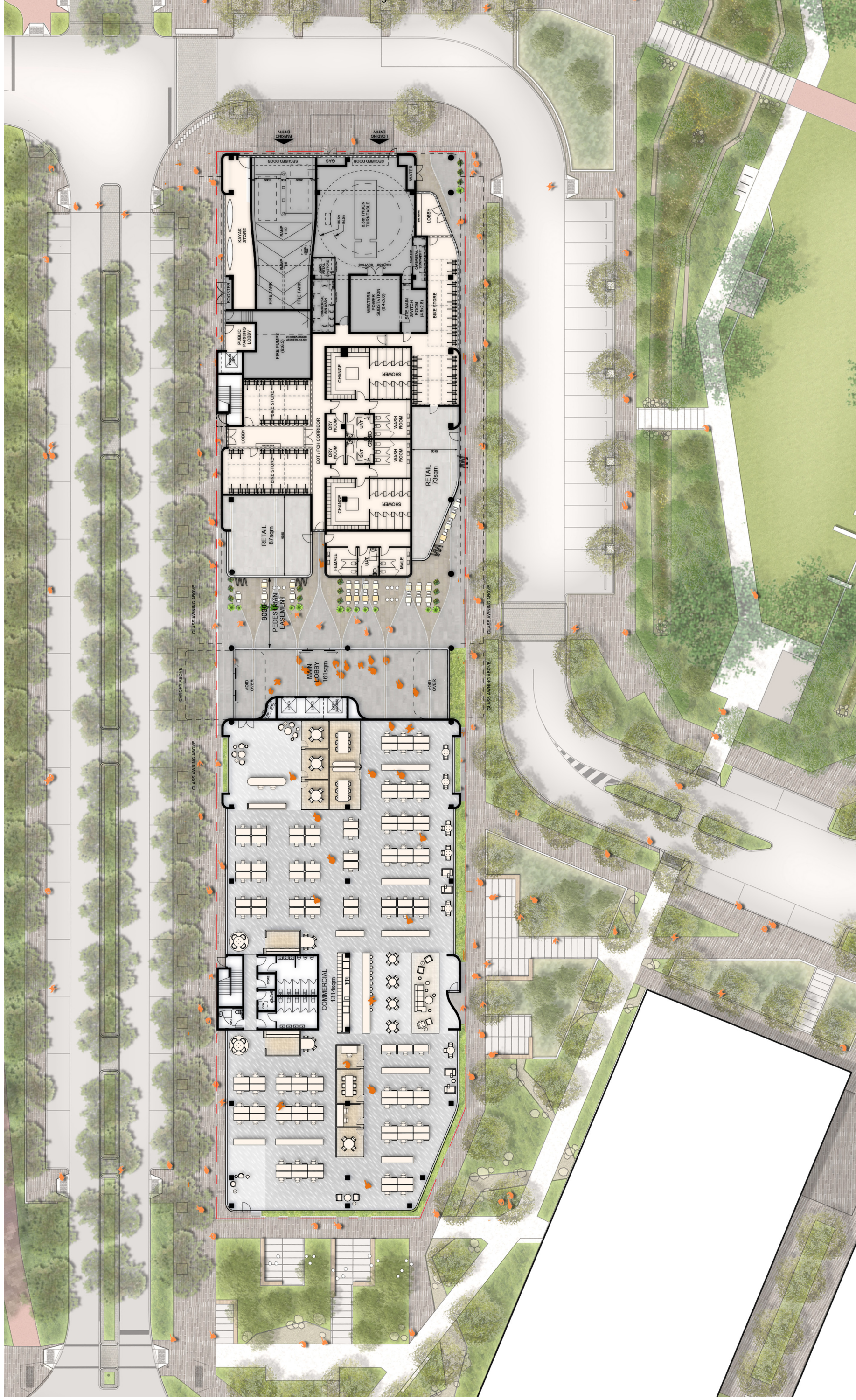
OFFSET CORE
to open up workplace to park views
and provide passive solar shading



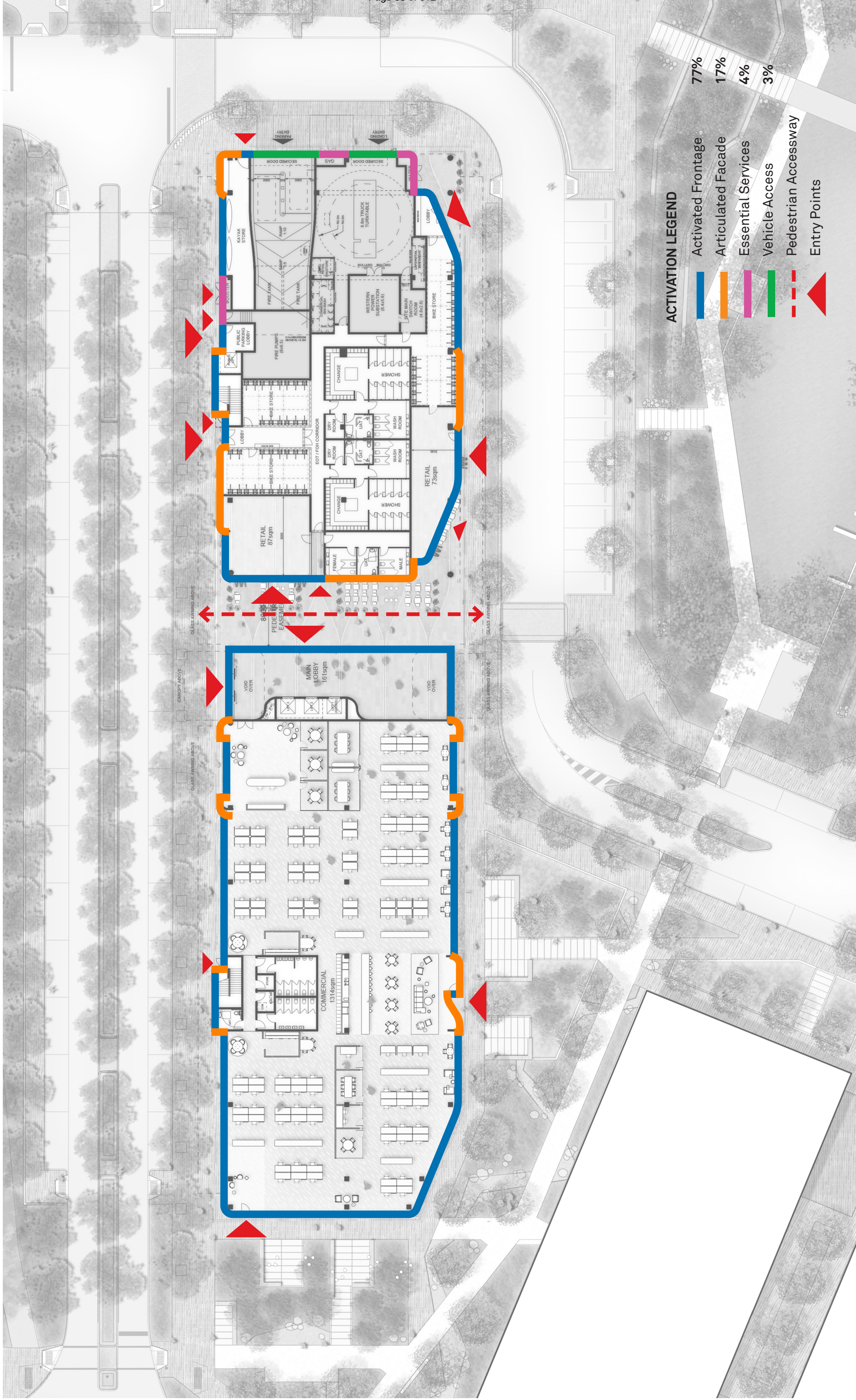
HASSELL



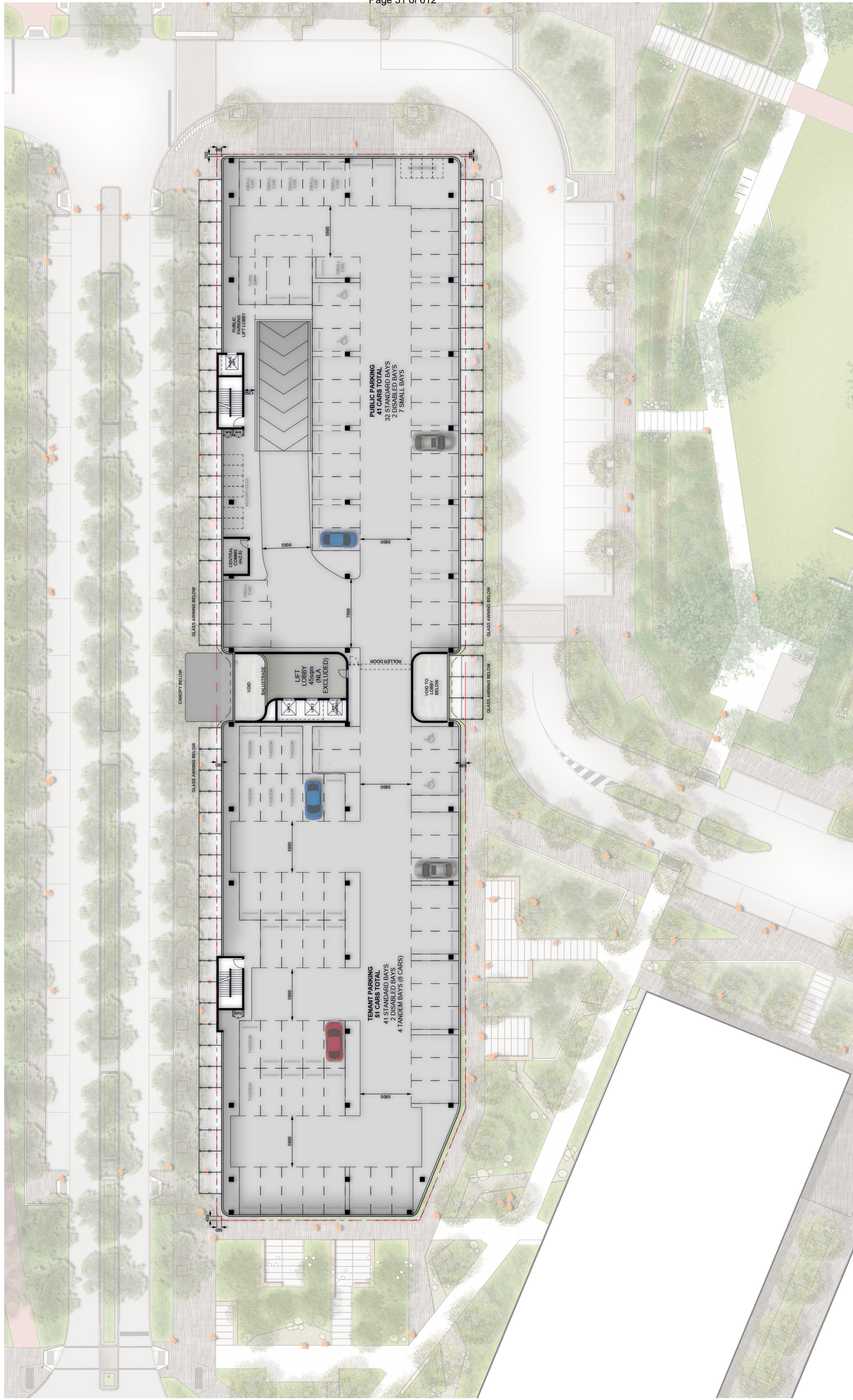
GROUND FLOOR



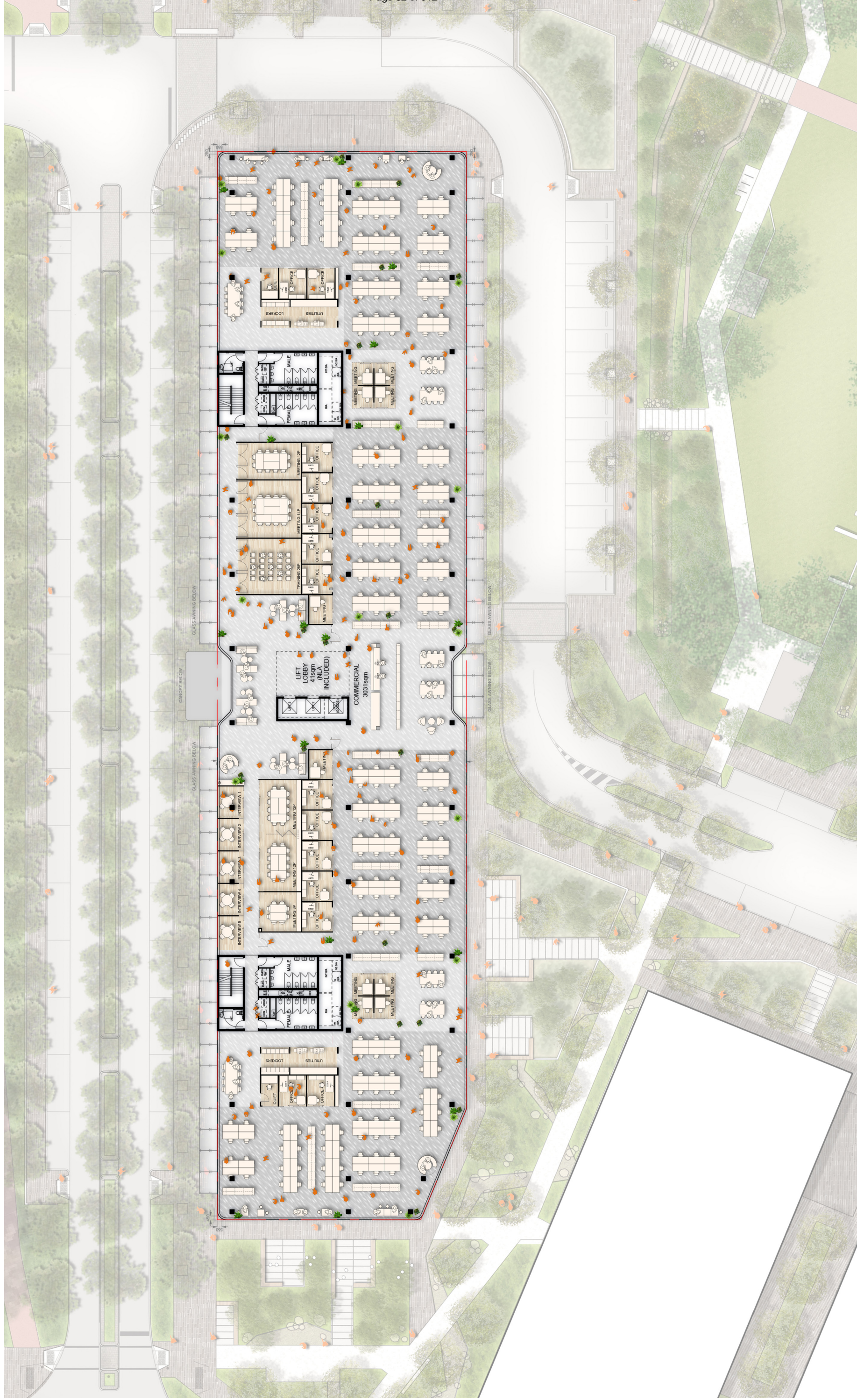
GROUND PLANE ACTIVATION

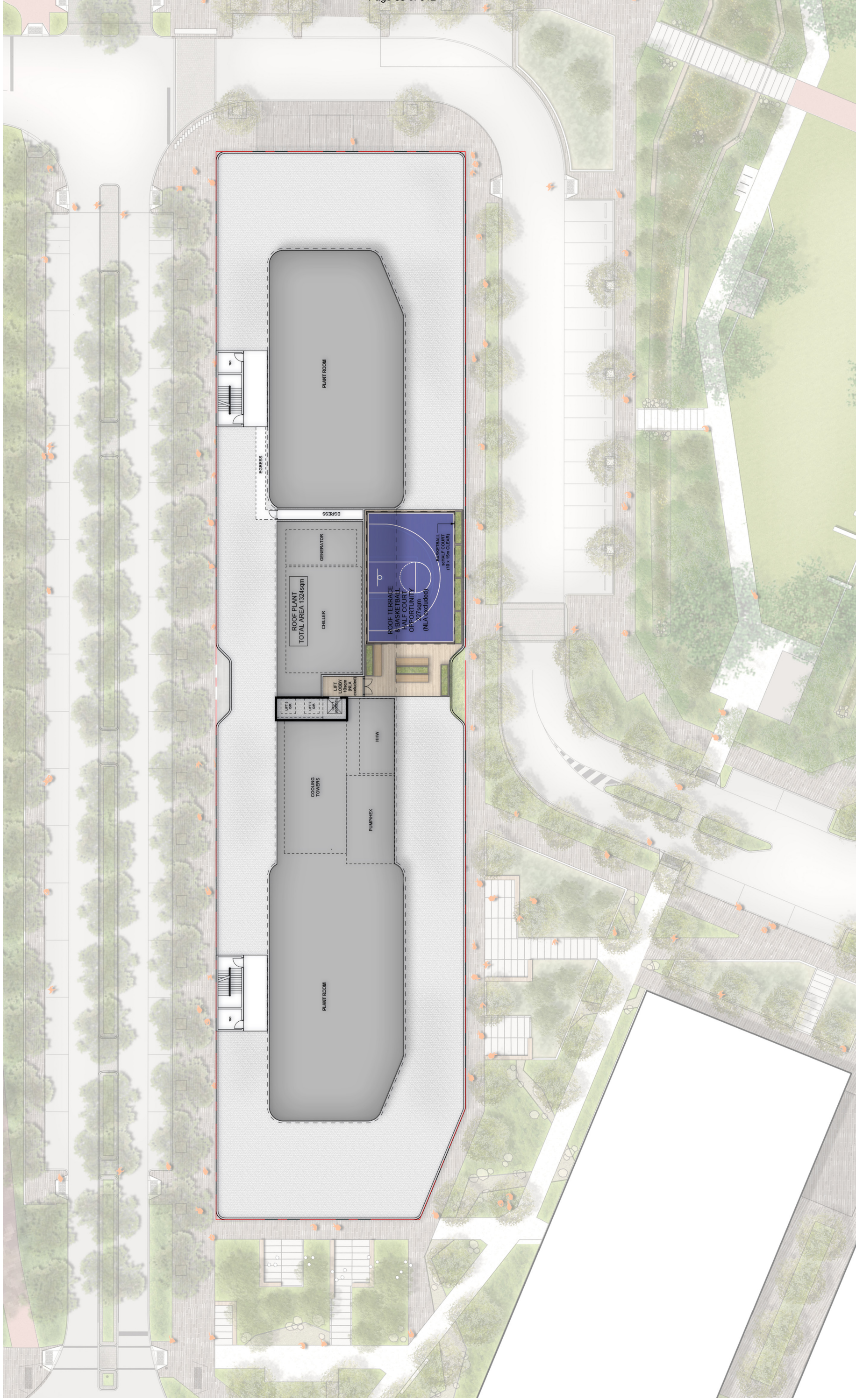


FIRST FLOOR

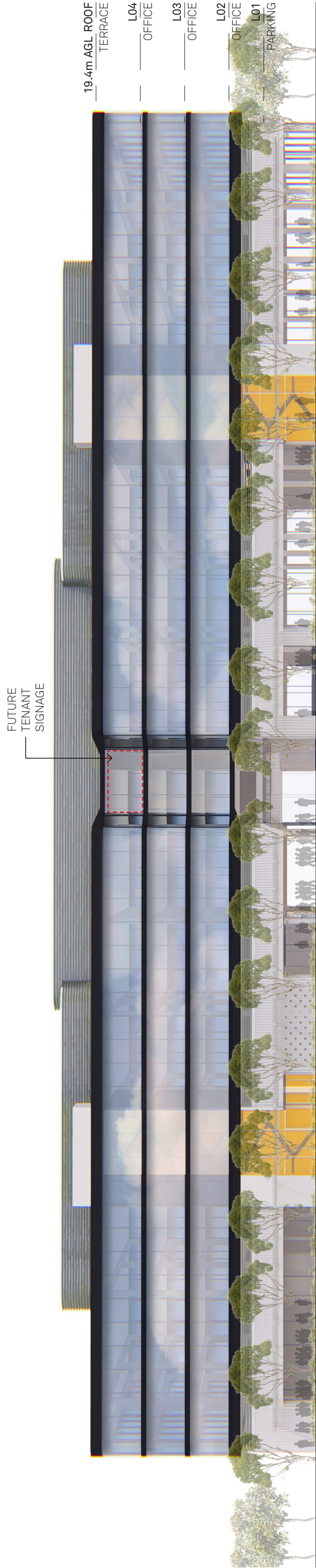


TYPICAL OFFICE FLOOR (LEVELS 2-4)





ELEVATIONS



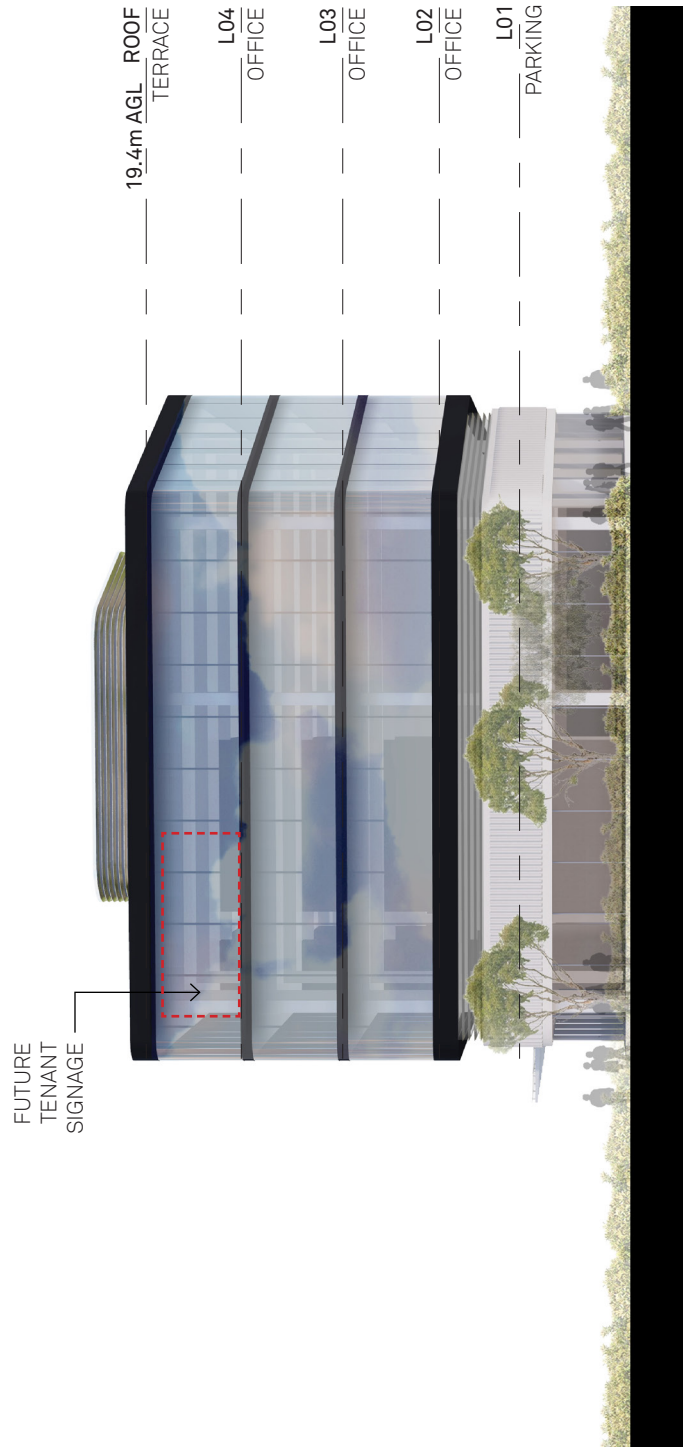
NORTH ELEVATION

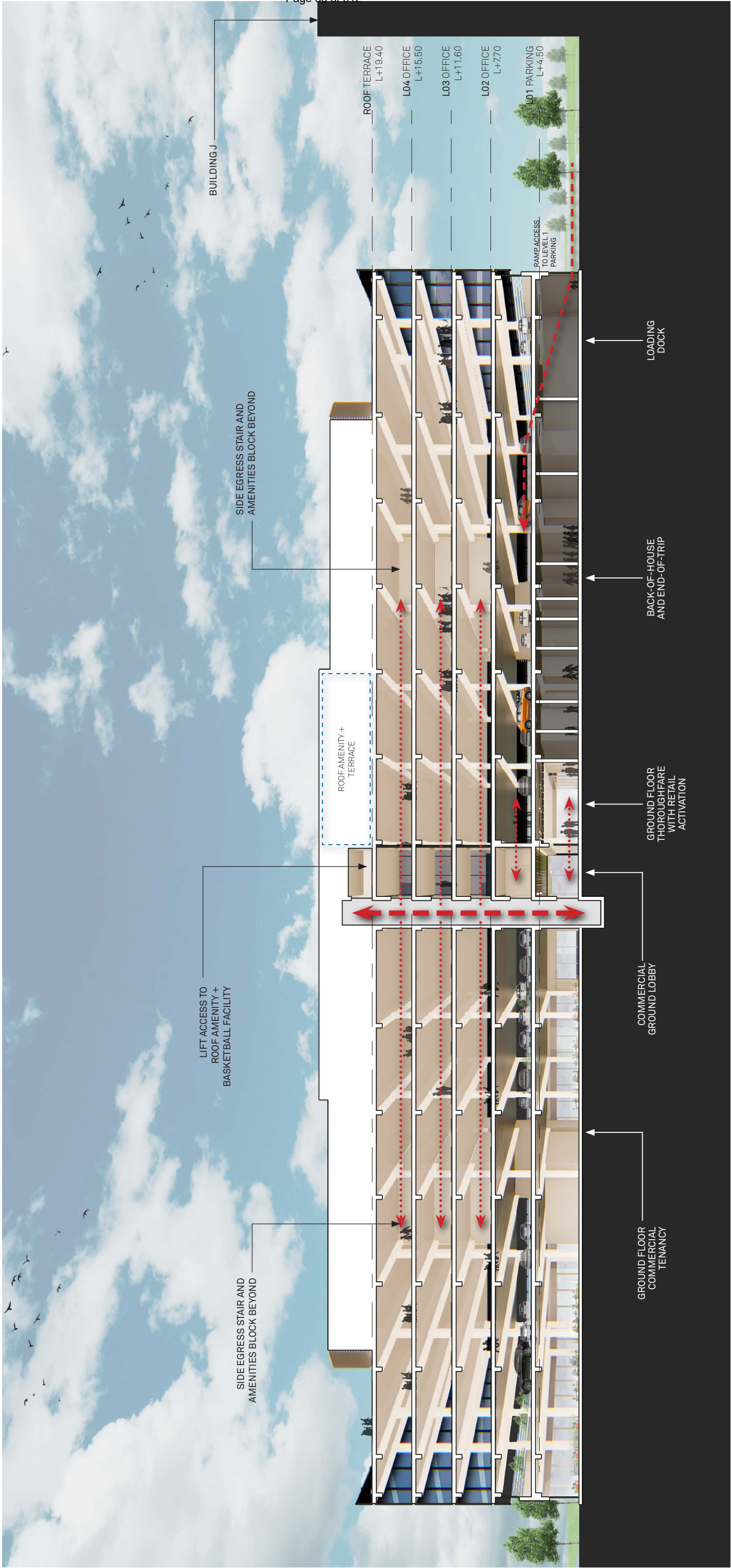


SOUTH ELEVATION

03 DESIGN

ELEVATIONS





NORTH ENTRY





WORKPLACE CONCEPT



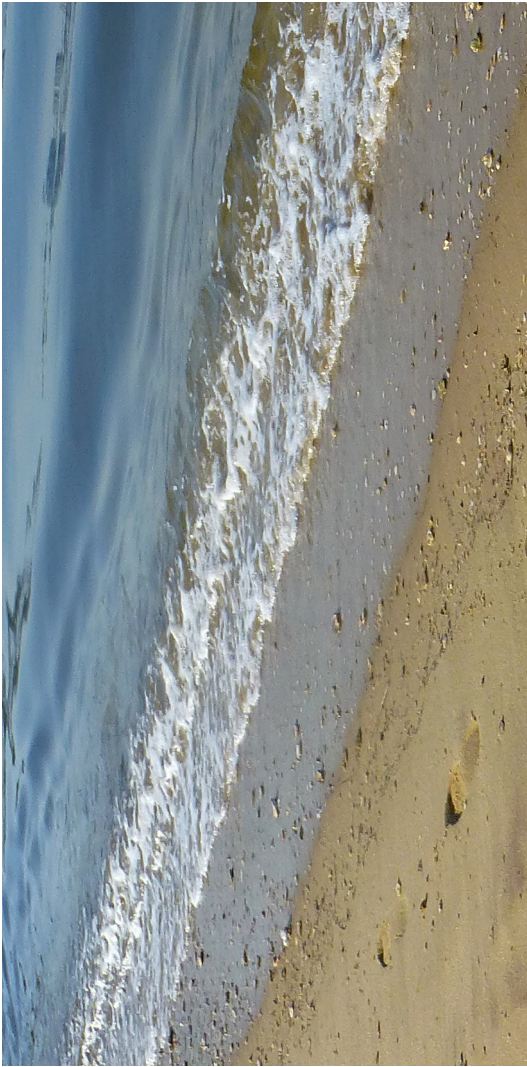
PALETTE



_Melaleuca



_Limestone



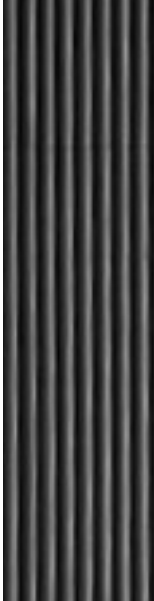
_Swan River

The proposed material palette is respectful of the surrounding riverine setting. Materials are consistent with landscape elements. Selections are to be of a minimal pallet, which consider durability, low maintenance and the character of the wider Waterbank precinct.

MATERIALS



5_ modular facade systems



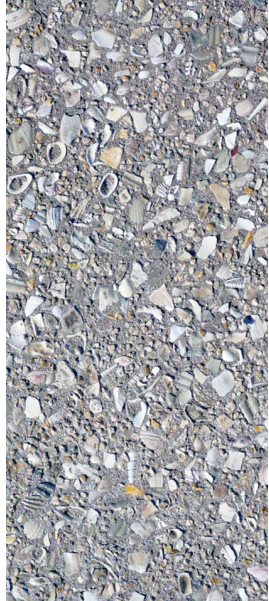
4_ anodised aluminium louvers



3_ pre-cast concrete 'plinth' - profiled

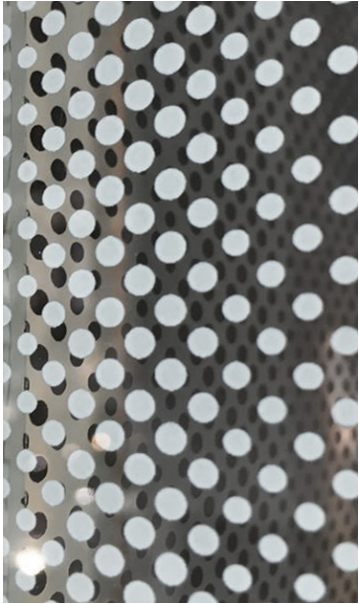
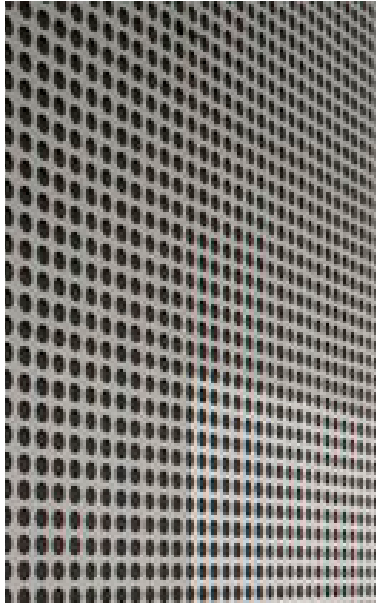


2_ pre-cast concrete 'plinth' - smooth



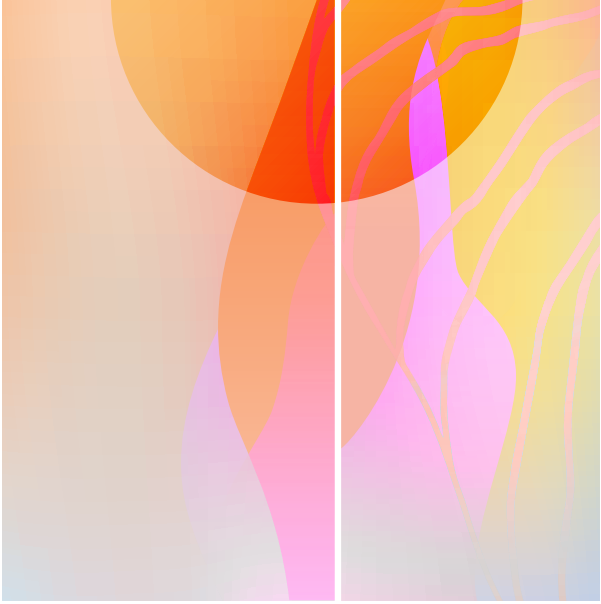
1_ in-situ concrete pavement

FORM / PATTERN / TEXTURE

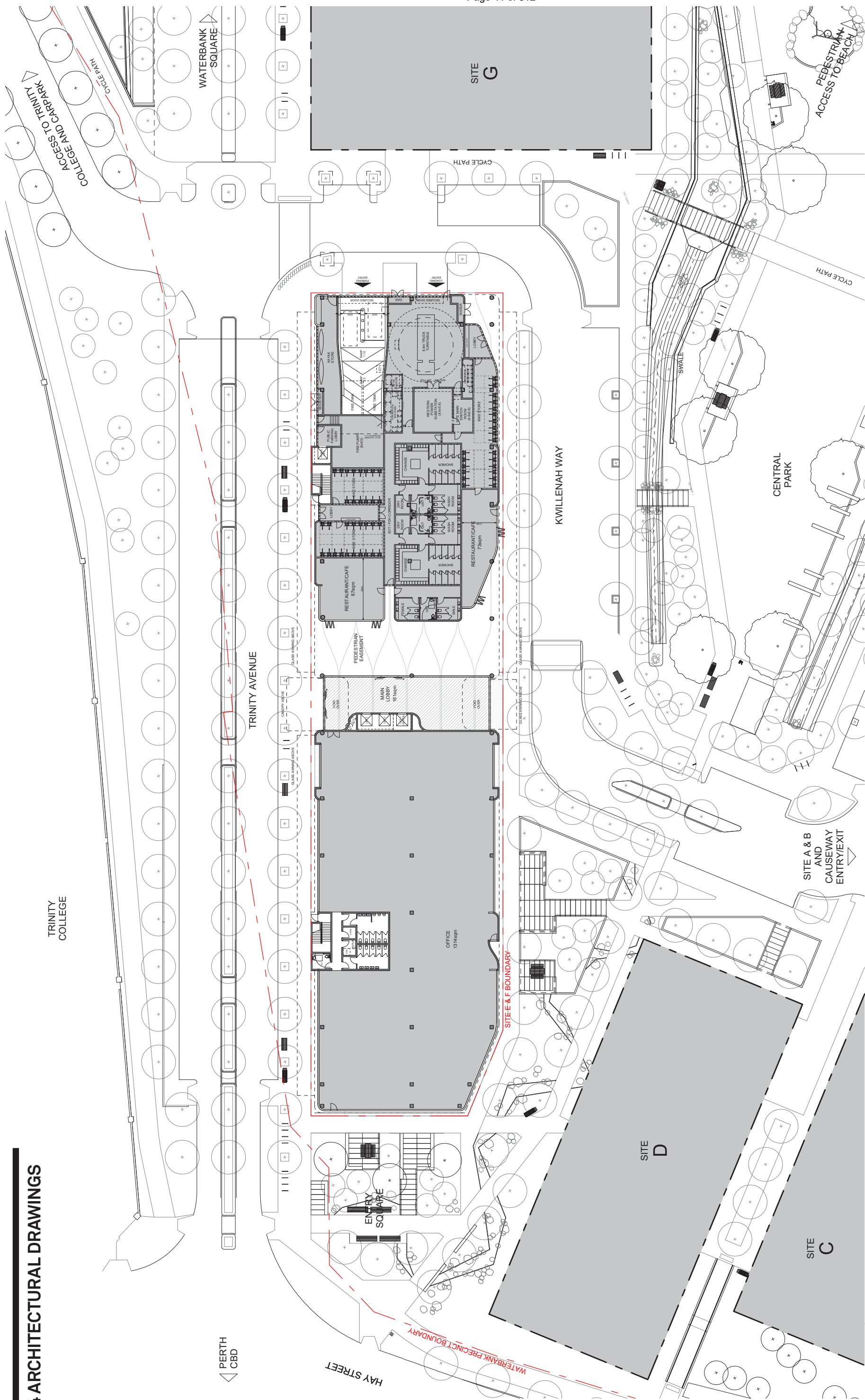


_Form, pattern and texture (indicative only)

COLOUR / GRAPHIC



_Colour, graphic and finishes (indicative only)



SK017.10 GENERAL ARRANGEMENT

SITE PLAN

METROPOLITAN REDEVELOPMENT
AUTHORITY
19 SEP 2018
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Date
7-Sep-18

Client
Lend Lease

Project Name
Waterbank E + G

Drawing
SK017.10

Scale
1:500 @ A3



100



PARKING

LEVEL 01	92 bays
BAYS/1000sqm NLA = 8.57	

Unless otherwise noted on drawing:

- NLA areas calculated as shown hatched
Includes all Lift Lobby areas, except
parking level Lift Lobbies
Excludes all Amenities, corridors to Amenities,
Terrace, BoH and EoT areas
GFA measured to outside face of facade,
includes roof area, excludes major voids,
includes stair and ramps

METROPOLITAN REDEVELOPMENT
AUTHORITY
19 SEP 2018
RECEIVED

HASELL

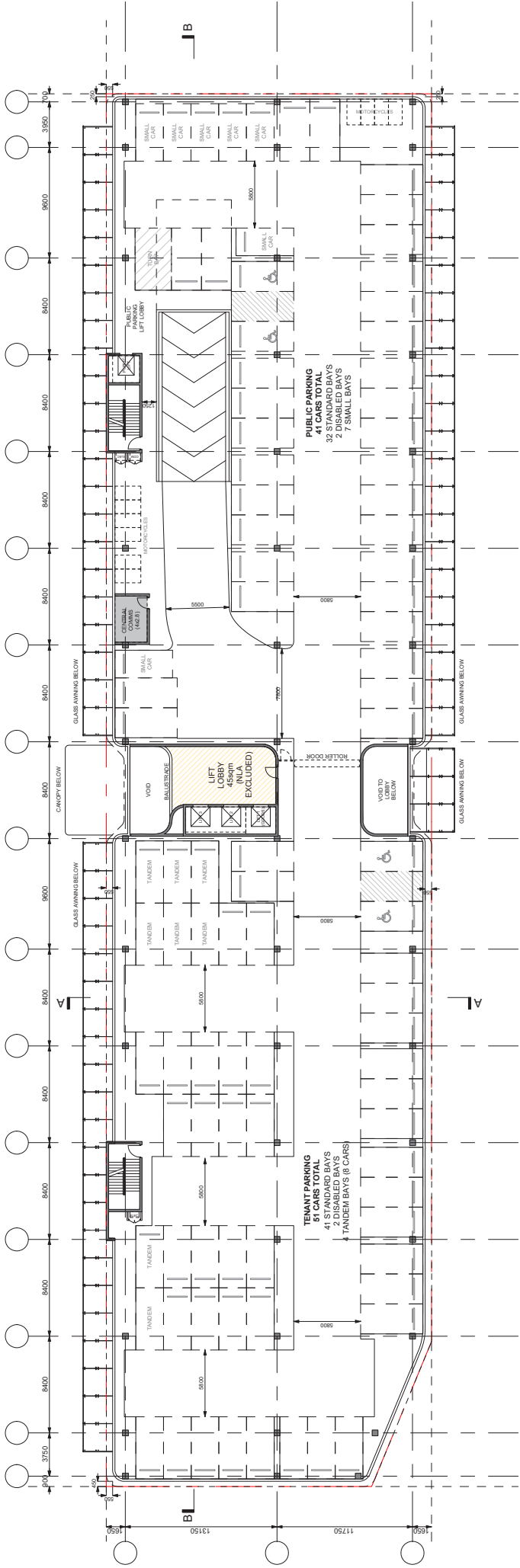


Scale
1:500 @ A3

Client
Lend Lease

Project Name
Waterbank E + G

Drawing
SK017.1



L01 PARKING

SK017.2 GENERAL ARRANGEMENT
L01 PARKING

METROPOLITAN REDEVELOPMENT
AUTHORITY
19 SEP 2018
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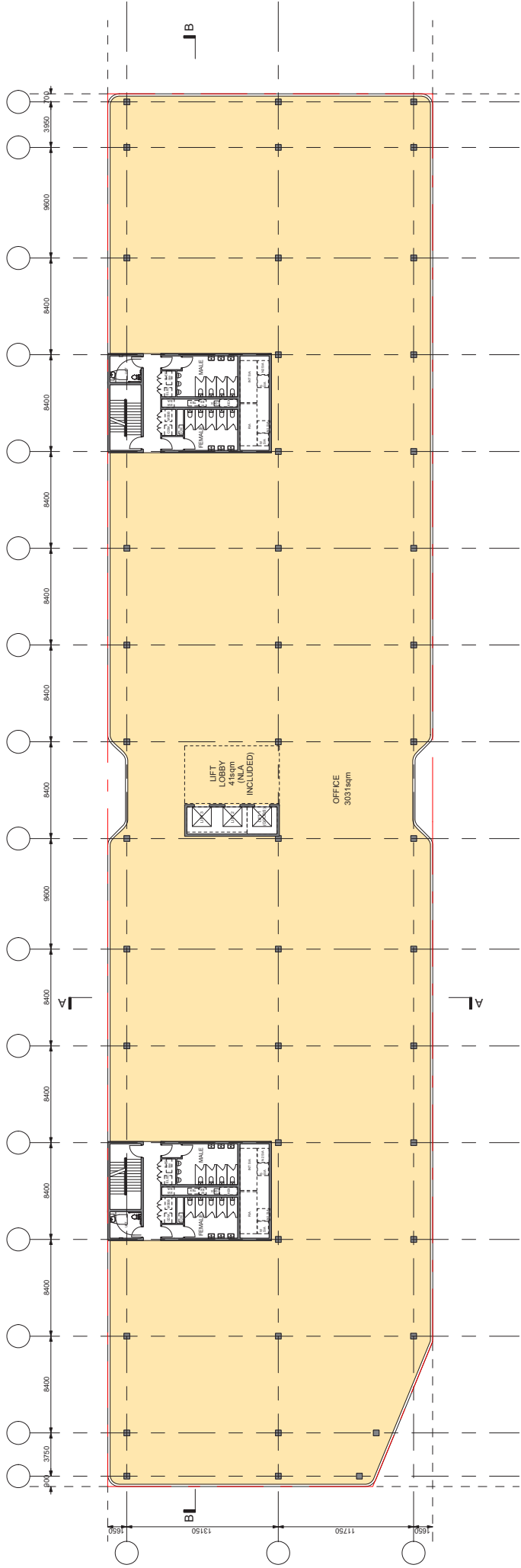
Date
7-Sep-18

Scale
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Client
Lend Lease

Project Name
Waterbank E + G

Drawing
SK017.2



L02-04 COMMERCIAL OFFICE TENANCY

SK017.3 GENERAL ARRANGEMENT
L02-04 COMMERCIAL OFFICE TENANCY



HASSELL



Date
7-Sep-18

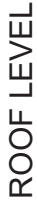
Scale
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Client
Lend Lease

Project Name
Waterbank E + G

Drawing
SK017.3

1. *Journal of the American Medical Association*, 1997; 277: 1039-1043.



- Roof anticipated to be metal deck
- Plant room area based on initial input from Link Engineering Consultants "Waterbank E & G - Mechanical Spatial Requirements" dated 21 September 2017
- It is anticipated plant will be an enclosed space with louvred roof.
- Opportunity for introduction of solar panels.



PAGE 28



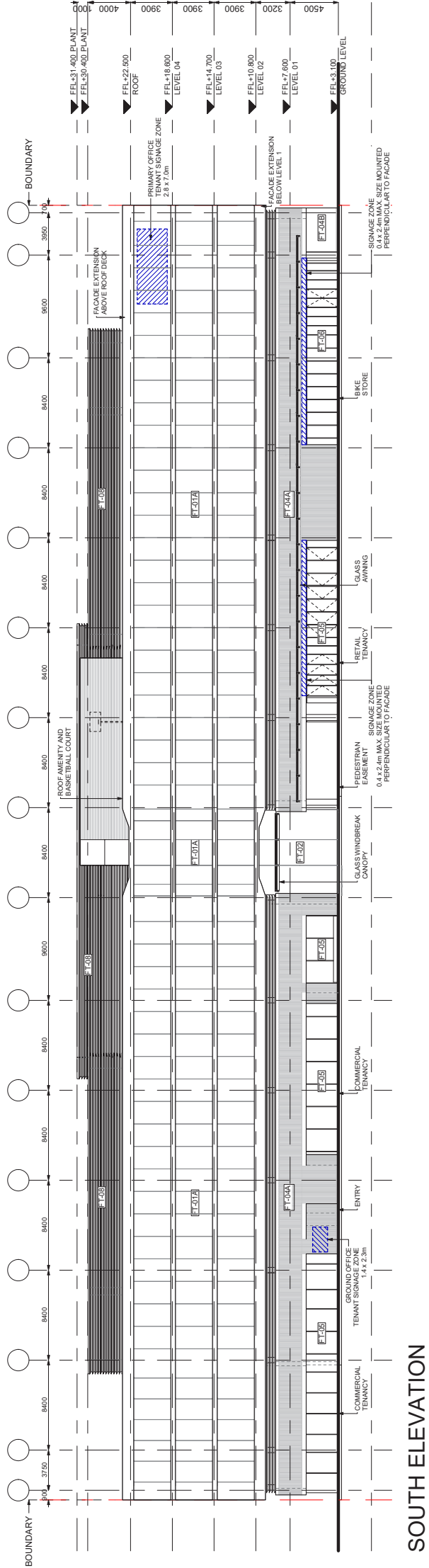
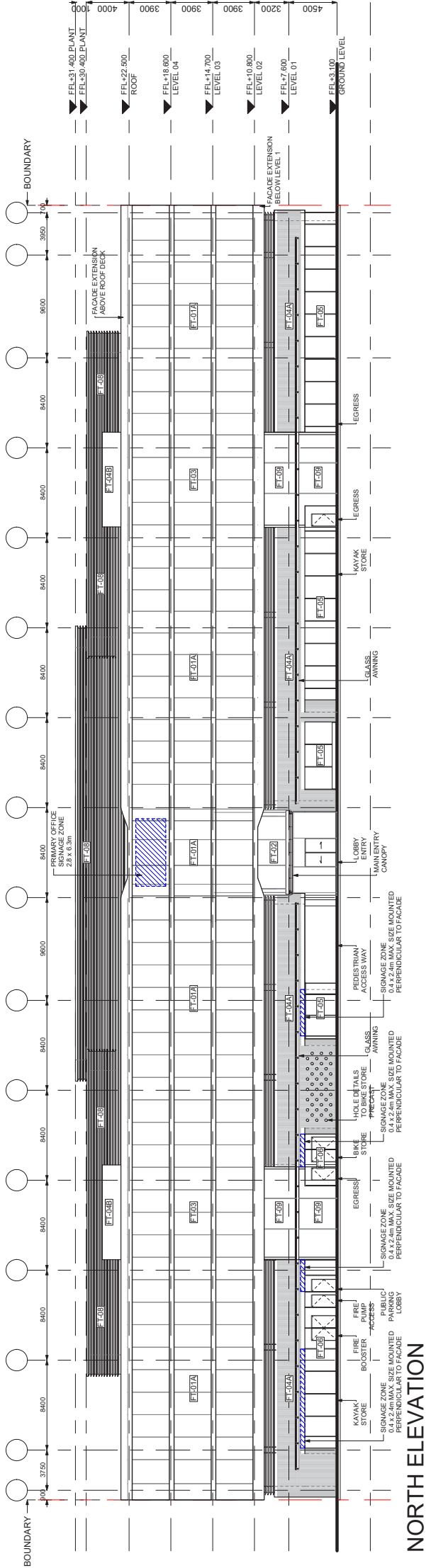
Client
Lend Lease

Drawing SK017.4

1. *Journal of the American Medical Association*, 2000; 284: 2689-2695.

FACADE TYPES

FT-01A	MODULAR CARLESS FACADE SYSTEM VISION GLASS INTEGRATING ALUMINIUM FRAMING SYSTEM WITH HORIZONTAL FLUSH EDGE DETAIL AND GRADIENT FINISH DETAIL TO GLASS (TYPICAL)
FT-02	CLEAR VISION GLASS INTEGRATING ALUMINIUM FRAMING HORIZONTAL BRACE TO FUTURE DETAILS
FT-03	MODULAR FACADE SYSTEM VISION GLASS INTEGRATING ALUMINIUM FRAMING SYSTEM WITH SHADOWBOX BACK TO NORTH/FACESS STAINS
FT-04A	WHITE PRECAST CONCRETE PROFILED WITH SMOOTH FINISH DETAIL TO EDGE
FT-04B	WHITE PRECAST CONCRETE SMOOTH FINISH
FT-05	MODULAR FACADE SYSTEM SHORFPONT GLASS INTEGRATING ALUMINIUM FRAMING SYSTEM TYPICAL TO GROUND LEVEL AND ROOF TERRACE LOBBY
FT-06	MODULAR FACADE SYSTEM PERMEABLE MESH FACADE INTEGRATING ALUMINIUM FRAMING SYSTEM TO BIKEPARK STORE
FT-07A	PROFILED ROLLER DOOR (SOLID)
FT-07B	PROFILED ROLLER DOOR (PERFORATED)
FT-08	ANODISED ALUMINIUM REVERSE-PITCHED LOUVRES WITH CONCEALED SUPPORT TO CAR PARK AND ROOF PLANT
FT-09	MESH FACADE INTEGRATING ALUMINIUM FRAMING SYSTEM

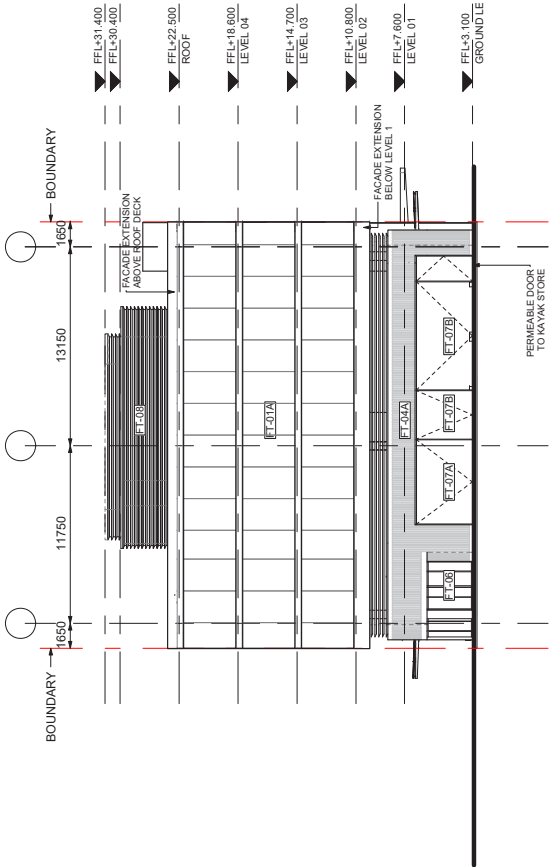


SK017.6 GENERAL ARRANGEMENT SOUTH & NORTH ELEVATIONS

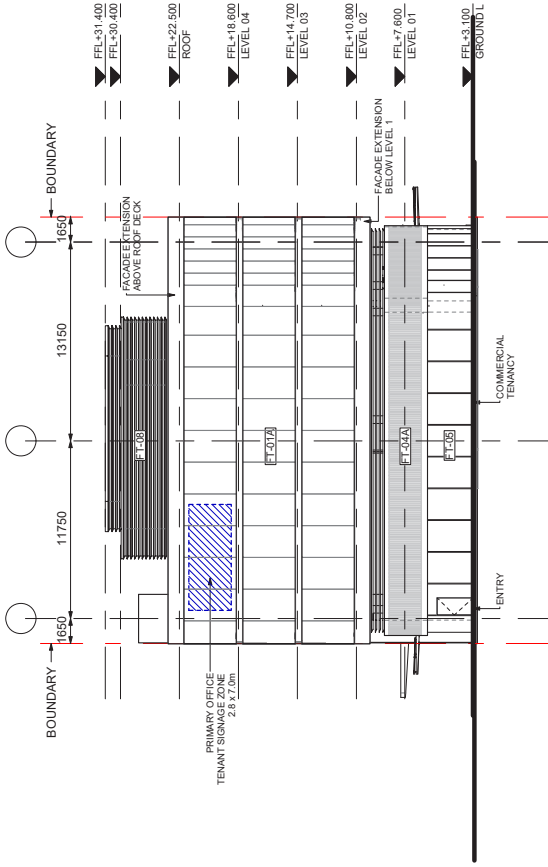
METROPOLITAN REDEVELOPMENT
AUTHORITY
19 SEP 2018
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Date	Scale	Client
7-Sep-18	1:500 @ A3	Lend Lease

Project Name	Drawing
Waterbank E + G	SK017.6



EAST ELEVATION



WEST ELEVATION

SK017.7 GENERAL ARRANGEMENT
EAST & WEST ELEVATIONS

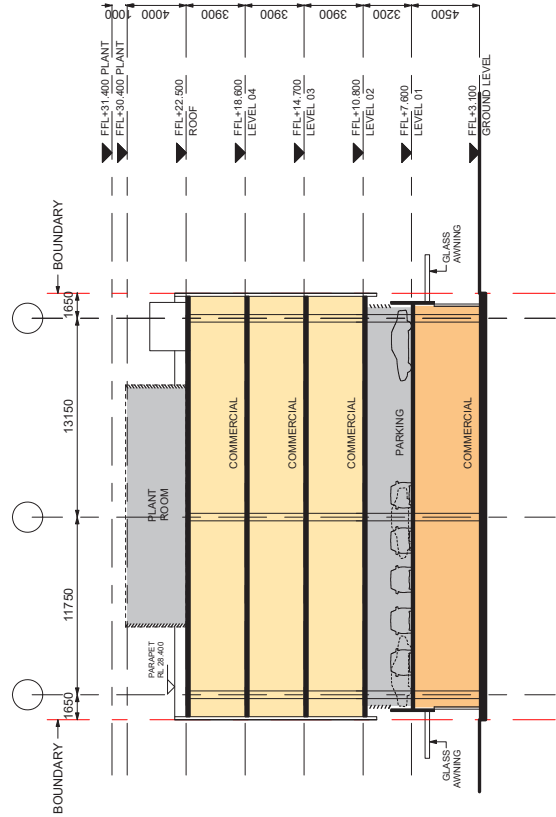


FACADE TYPES	
FT-01A	MODULAR CAPLESS FACADE SYSTEM VISION GLASS INTEGRATING ALUMINIUM FRAMING SYSTEM WITH HORIZONTAL FLUSH EDGE DETAIL AND GRADIENT FRIT DETAIL TO GLASS (TYPICAL)
FT-02	CLEAR VISION GLASS INTEGRATING ALUMINIUM FRAMING HORIZONTAL BRACE TO FUTURE DETAILS
FT-03	MODULAR FACADE SYSTEM VISION GLASS INTEGRATING ALUMINIUM FRAMING SYSTEM WITH SHADOWBOX BACK TO NORTH FLESS STAINS
FT-04A	WHITE PRECAST CONCRETE PROFILED WITH SMOOTH FINISH DETAIL TO EDGE
FT-04B	WHITE PRECAST CONCRETE SMOOTH FINISH
FT-05	MODULAR FACADE SYSTEM SHOPFRONT GLASS INTEGRATING ALUMINIUM FRAMING SYSTEM TYPICAL TO GROUND LEVEL AND ROOF TERRACE LOBBY
FT-06	MODULAR FACADE SYSTEM PERMEABLE MESH FACADE INTEGRATING ALUMINIUM FRAMING SYSTEM TO BIKE/KAYAK STORE
FT-07A	PROFILED ROLLER DOOR (SOLID)
FT-07B	PROFILED ROLLER DOOR (PERFORATED)
FT-08	ANODISED ALUMINIUM REVERSE-PITCHED LOUVRES WITH CONCEALED SUPPORT TO CAR PARK AND ROOF PLANT
FT-09	MESH FACADE INTEGRATING ALUMINIUM FRAMING SYSTEM

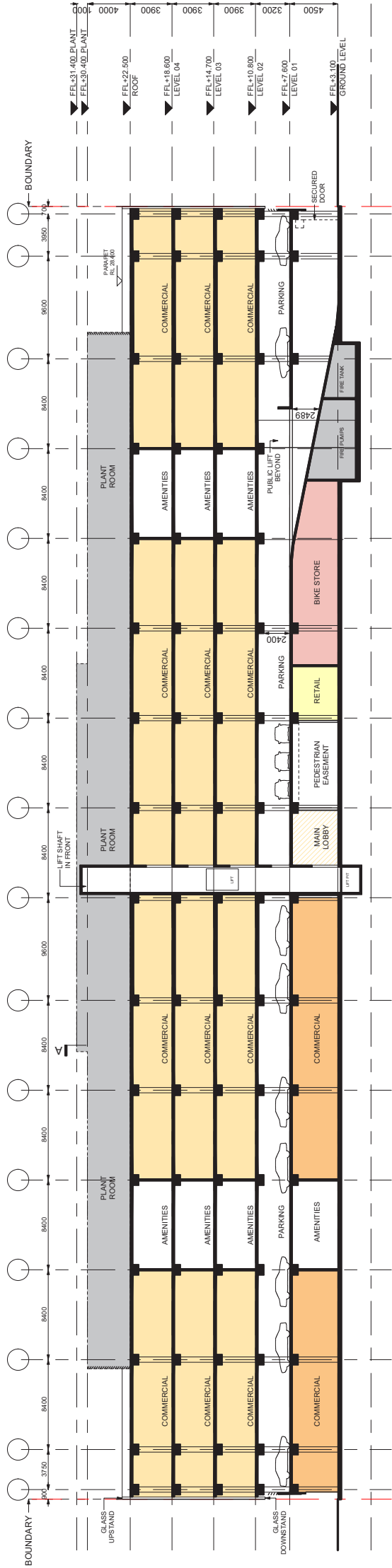


Date	7-Sep-18
Scale	1:500 @ A3
Client	Lend Lease
Project Name	Waterbank E + G
Drawing	SK017.7

04 ARCHITECTURAL DRAWINGS



SECTION A-A



SECTION B-B

SK017.5 GENERAL ARRANGEMENT
GENERAL ARRANGEMENT SECTIONS

METROPOLITAN REDEVELOPMENT
AUTHORITY
19 SEP 2018
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Date
7-Sep-18

Scale
1:500 @ A3

Client
Lend Lease

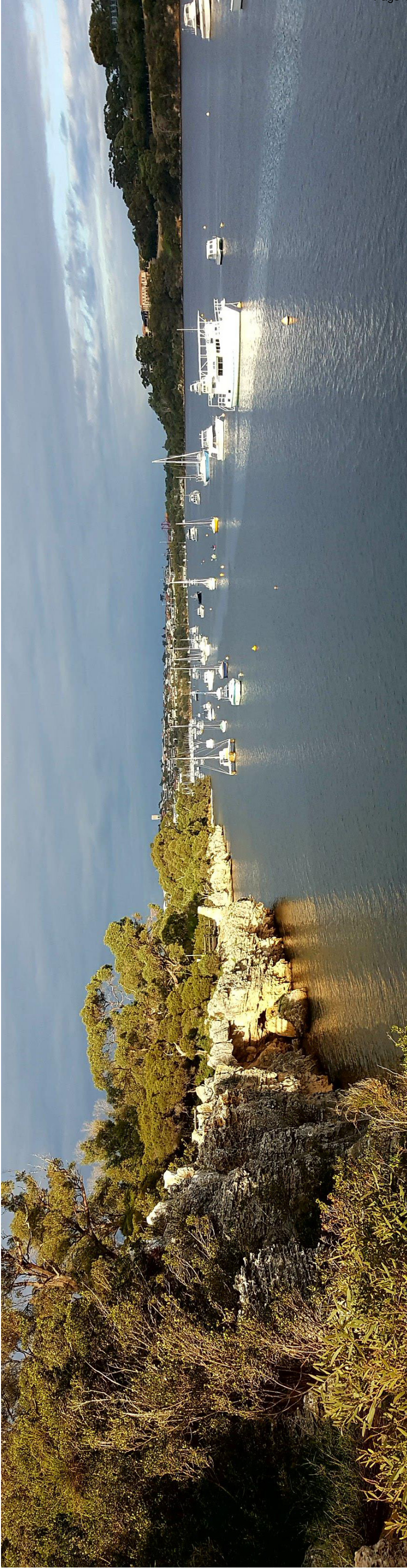
Project Name
Waterbank E + G

Drawing
SK017.5



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ERODED COVES AND SWAN RIVERSCAPES



Page 49 of 612

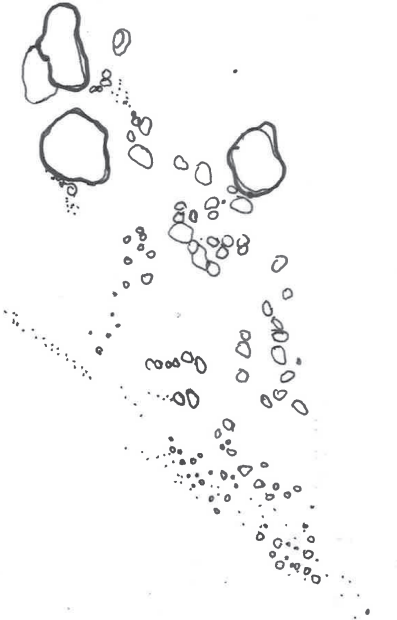
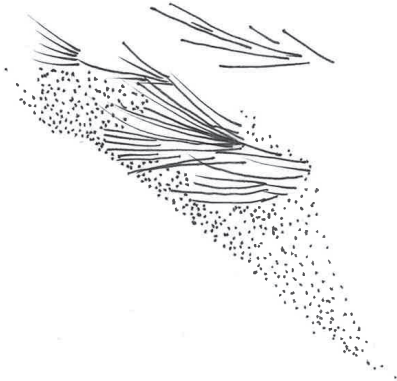


Prevailing winds and currents cause erosion and deposition along the swan rivers edge.



EROSION

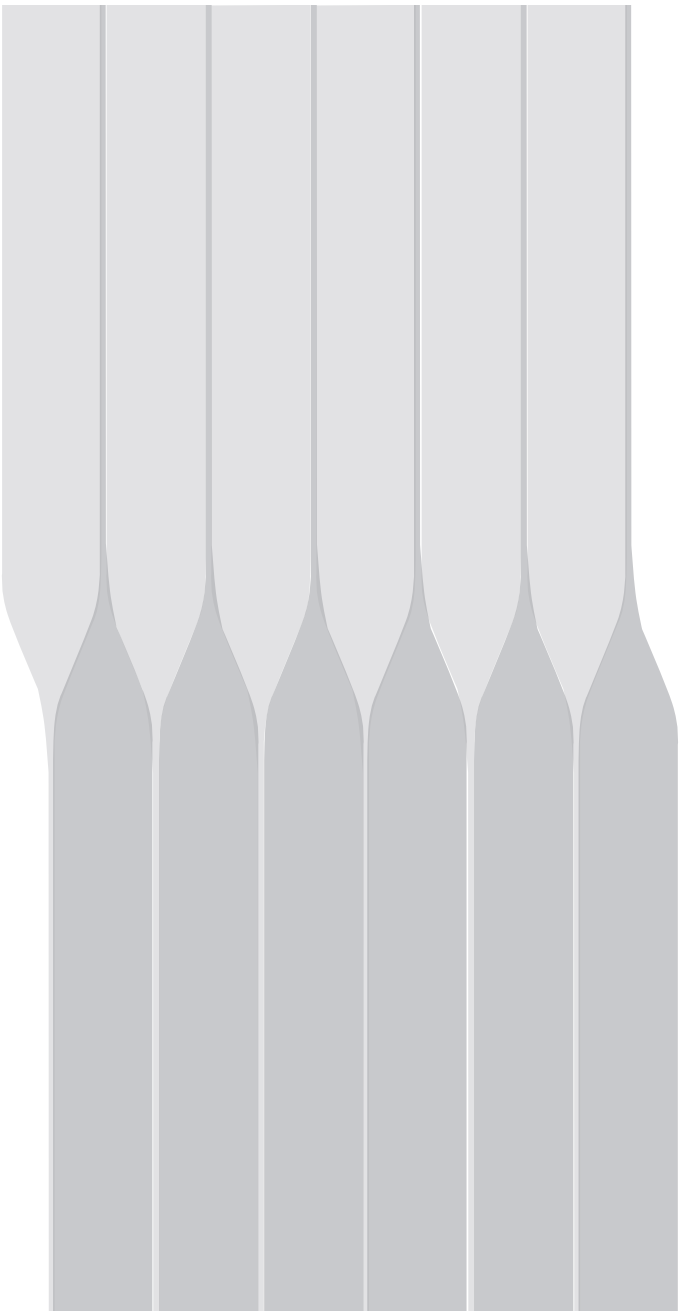
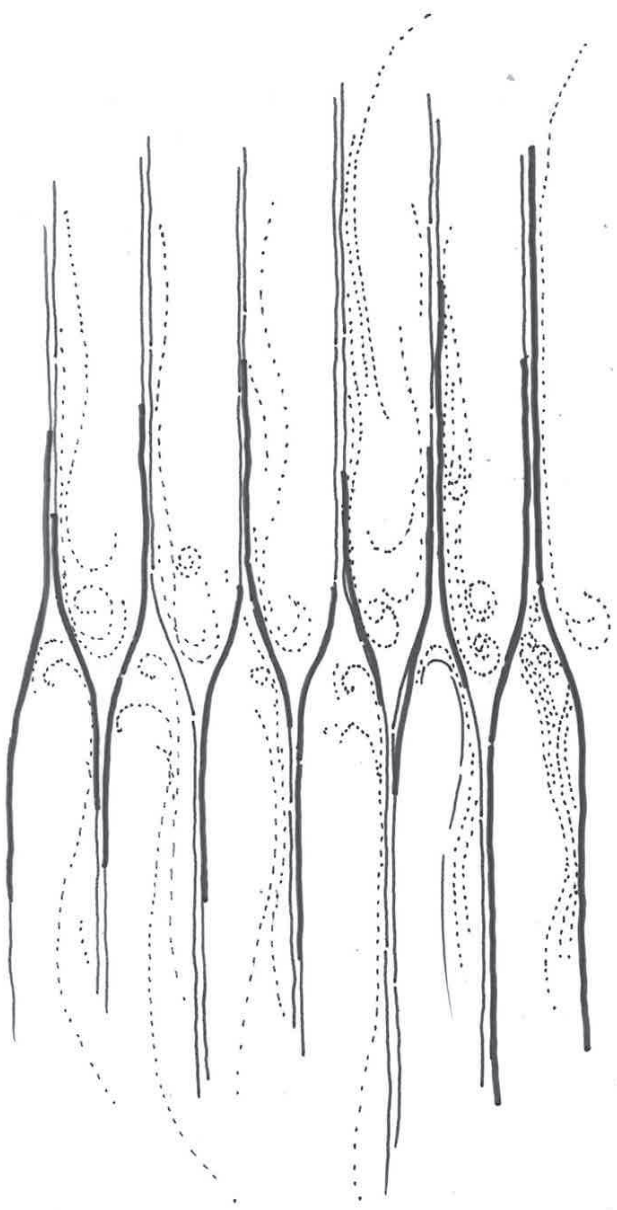
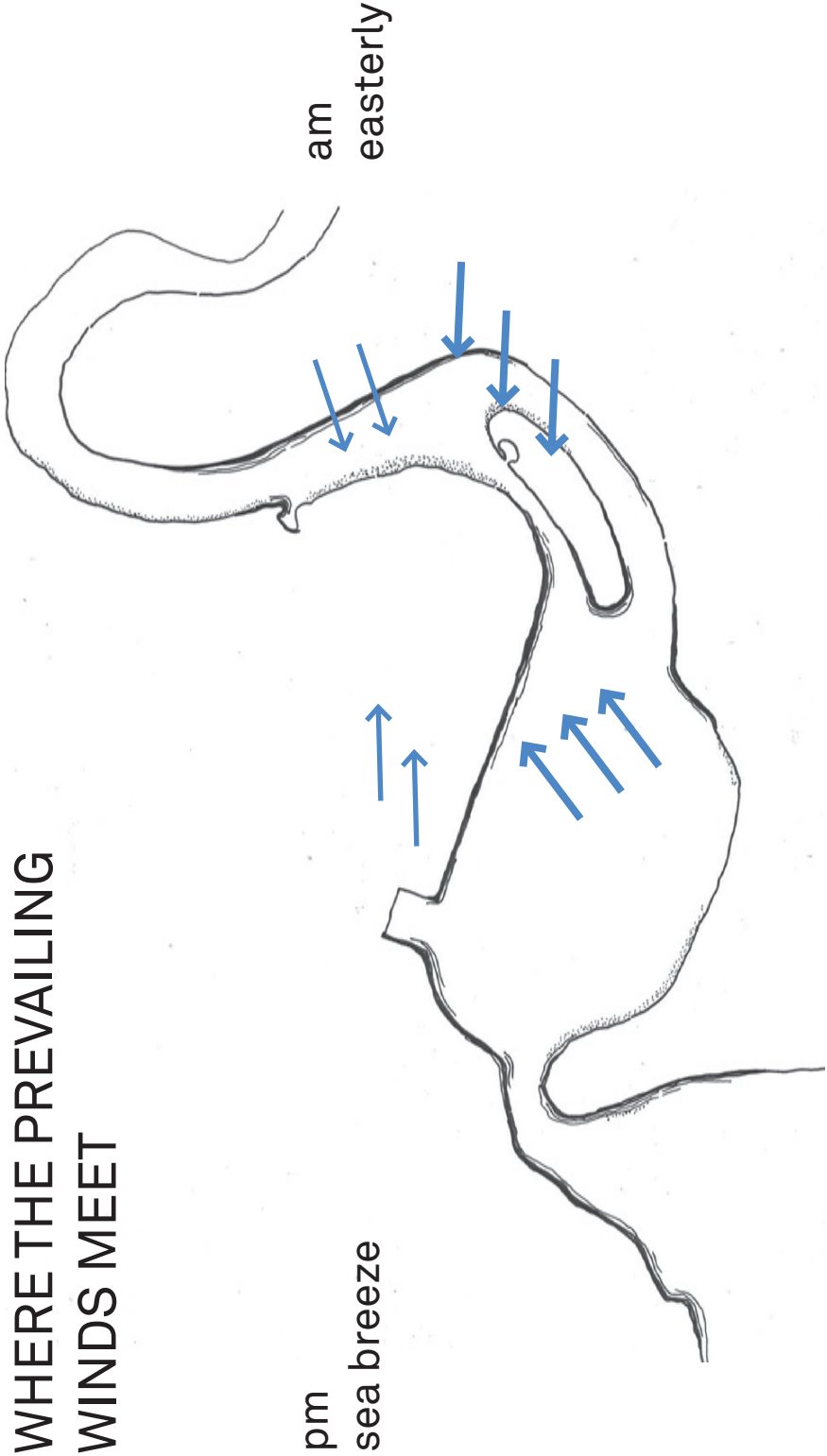
DEPOSITION



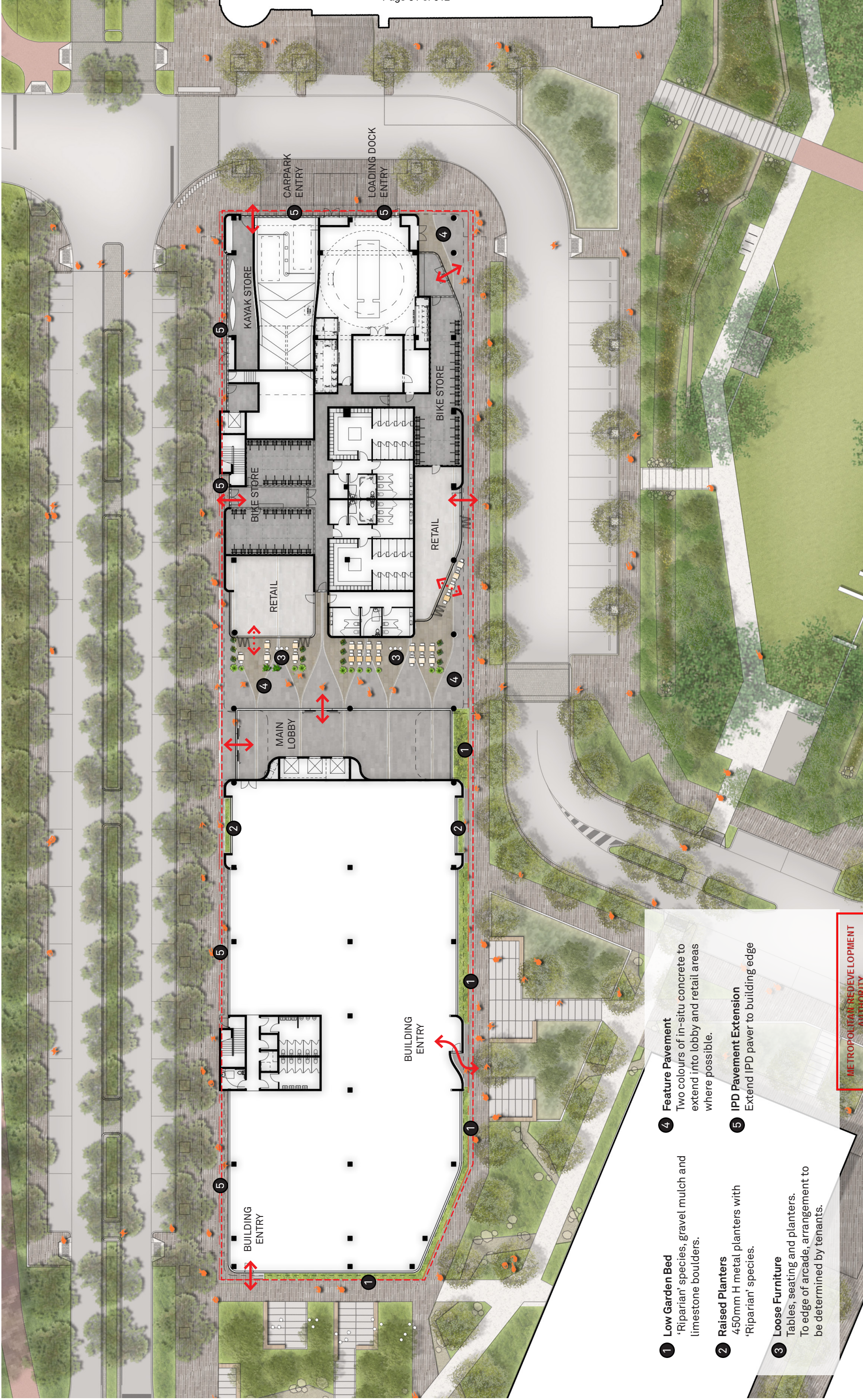
CONCEPTS

An interpretation of Waterbank river conditions has informed the paving layout to the public areas of the proposal, representing a meeting of prevailing wind conditions, water currents and people. This curvilinear layout introduces a gentle visual rhythm to the pedestrian thoroughfare, and ties the two ‘wings’ of active use either side of this thoroughfare together.

WHERE THE PREVAILING WINDS MEET



05 LANDSCAPE
LANDSCAPE PLAN



1 Low Garden Bed
'Riparian' species, gravel mulch and limestone boulders.

2 Raised Planters
450mm H metal planters with 'Riparian' species.

3 Loose Furniture
Tables, seating and planters. To edge of arcade, arrangement to be determined by tenants.

4 Feature Pavement
Two colours of in-situ concrete to extend into lobby and retail areas where possible.

5 IPD Pavement Extension
Extend IPD paver to building edge

METROPOLITAN REDEVELOPMENT
AUTHORITY

19 SEP 2018

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05 LANDSCAPE

MATERIALITY

The proposed material palette is respectful of the surrounding swan river setting. Materials are consistent with the building and facade elements. Selections consider durability, low maintenance, low water use and the character of the wider Waterbank precinct.

View of North Entry



Change of surface treatment and linear drainage grate at lobby facade alignment

CCP Standard Unit Paver to sidewalk as per approved IPD design.

HARDSCAPE



1_Compacted Fines



2_Exposed Aggregate Concrete

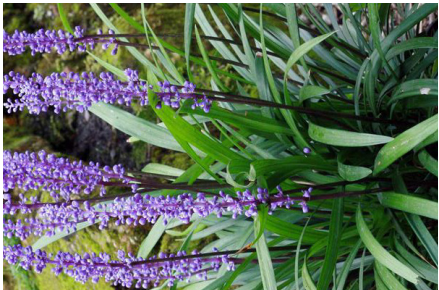


2_Exposed Aggregate Concrete



3_Gravel Mulch

PLANTING



Liriope muscari



Samolus repens



Lomandra longifolia 'Tanika'



Eremophila glabra 'Emu Bush'



Senecio serpens



05 LANDSCAPE

ROOF TERRACE



ROOF TERRACE STYLE



Page 54 of 612

ROOF TERRACE PLAN

- 1

Movable Raised Planters
1200mm H lightweight free draining planters which can be moved around the space.
- 2

Loose Furniture
Series of movable tables, seating and lounges can be moved around the free space.
To edge of arcade, arrangement to be determined by tenants.
- 3

Deck Surface Treatment
Continuous surface treatment of timber deck allowing flexibility of space for varied uses.
- 4

Opportunity for Basketball Court
Proprietary basketball court surface tile treatment.
- 5

Balustrade Edge
Balustrade to be integrated with main building fabric.

MATERIALITY



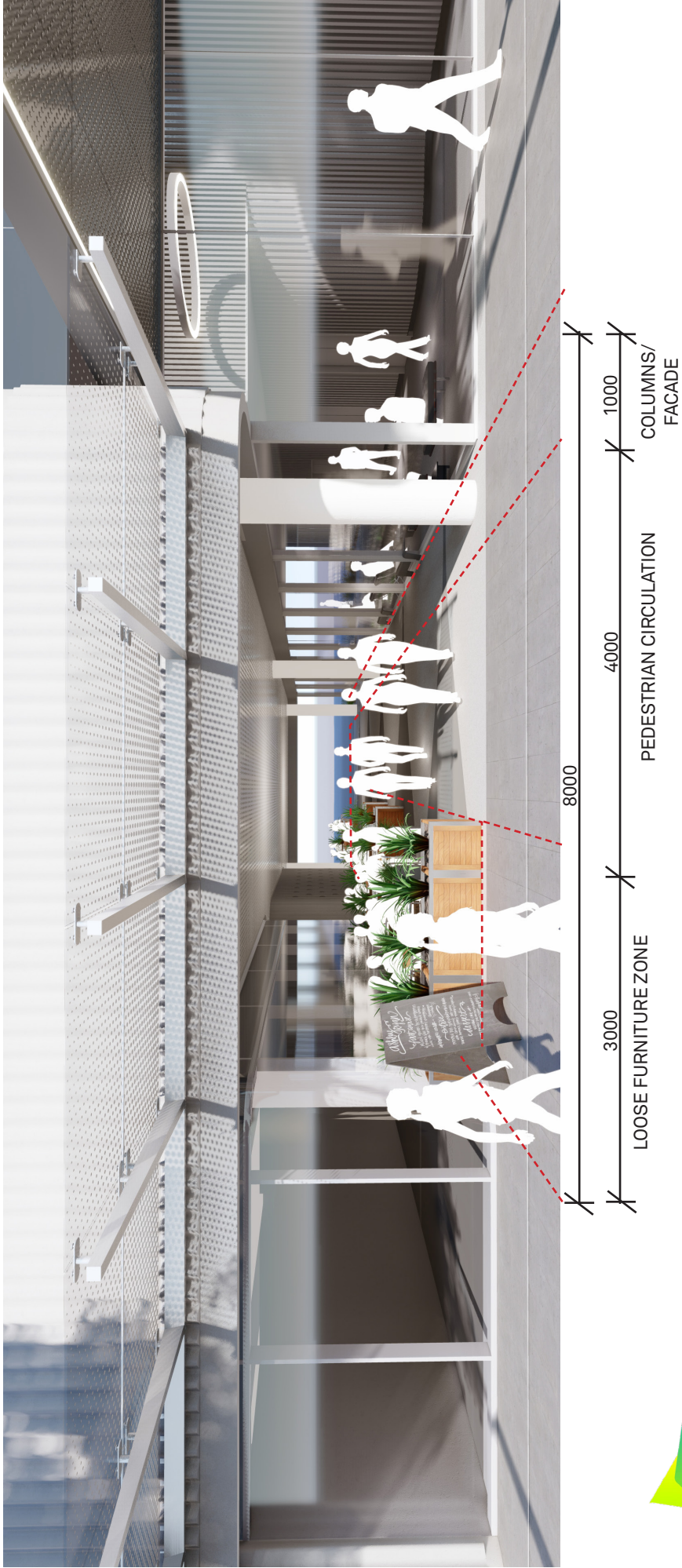
Senecio serpens
Eremophila glabra 'Emu Bush'
Lomandra longifolia 'Tanika'
Carpobrotus rossii
GRAVEL MULCH
TIMBER DECKING

PEDESTRIAN THOROUGHFARE STUDY



Precedent: 140 William Street

- _Simple high quality surface stone treatment.
- _Flexibility for loose tenancy furniture / pop up retail/ exhibition.
- _Feature/ detail within soffit.
- _Inadequate space for outdoor seating/ dining.



Proposed: WATERBANK Lots 4 & 5

- _High quality surface treatment with subtle pattern to breakdown width.
- _Flexibility for loose tenancy furniture / pop up retail/ exhibition. Zone up to 4m wide directly outside of the retail/ F & B tenancy to be loose.

Australia	China	United Kingdom
Adelaide HASSELL Level 1 82 Waymouth Street Adelaide SA Australia 5000 T +61 8 8220 5000 E adelaide@hassellstudio.com	Beijing HASSELL Suite 308-B011 Building A Beijing Fortune Centre 7 Middle Dong San Huan Road Chaoyang District Beijing 100026 China T +8610 5126 6908 E beijing@hassellstudio.com	Cardiff HASSELL Level 2 Park House Greyfriars Road Cardiff CF10 3AF United Kingdom T +44 29 2072 9071 E cardiff@hassellstudio.com
Brisbane HASSELL 36 Warry Street Fortitude Valley QLD Australia 4006 T +61 7 3914 4000 E brisbane@hassellstudio.com	Hong Kong HASSELL 22F, 169 Electric Road North Point Hong Kong T +852 2552 9098 E hongkong@hassellstudio.com	London HASSELL 1 Curtain Place London EC2A 3AN United Kingdom T +44 20 7490 7669 E london@hassellstudio.com
Melbourne HASSELL 61 Little Collins Street Melbourne VIC Australia 3000 T +61 3 8102 3000 E melbourne@hassellstudio.com	Shanghai HASSELL 12F base 45 Caoxi North Road Xuhui District Shanghai 200030 China T +8621 5467 9333 E shanghai@hassellstudio.com	San Francisco HASSELL Level 7 25 Taylor Street San Francisco CA 94102 United States of America T +1 415 860 7067 E sanfrancisco@hassellstudio.com
Perth HASSELL Level 1 Commonwealth Bank Building 242 Murray Street Perth WA Australia 6000 T +61 8 6477 6000 E perth@hassellstudio.com	South East Asia Singapore HASSELL 33 Tras Street #02-01 078973 Singapore T +65 6224 4688 E singapore@hassellstudio.com	United States of America
Sydney HASSELL Level 2 Pier 8/9, 23 Hickson Road Sydney NSW Australia 2000 T +61 2 9101 2000 E sydney@hassellstudio.com		

Report to the Ordinary Council Meeting

Agenda Item 13.2	Advice to the Metropolitan Redevelopment Authority - 3 (Proposed Lots 4 and 5) Trinity Avenue, East Perth – Proposed Six-Storey Mixed Use Development Containing Office, Commercial Car Parking and Restaurant/Café Uses
-----------------------------	---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

Recommendation:

*That Council **ADVISES** the Metropolitan Redevelopment Authority that it recommends approval for the proposed six-storey mixed-use development containing office, tenant and public fee-paying car parking and restaurant/café uses on 'Site E and F' of the Waterbank Precinct at 3 (proposed Lots 4 and 5) Trinity Avenue, East Perth, subject to the following conditions:*

- 1. the ground floor level being designed so that it can be adapted in the future for any of the preferred land uses as identified in the Waterbank Precinct Design Guidelines, being Retail and/or Dining and Entertainment;*
- 2. the glazing on the western side of the pedestrian access way being relocated to a position in front of the structural pillars to improve navigation by people with impaired vision;*
- 3. the proposed crossovers along the eastern boundary being rationalised where possible to provide for an improved interface between the building and the street;*
- 4. all windows and glazed areas at ground level being clear glass with protection of windows from the sun or for privacy achieved instead through architectural devices and landscaping;*
- 5. further review of the façade details being undertaken to assist in breaking up the massing of the building as its long and low proportions result in a somewhat monolithic design;*
- 6. implementation of wind mitigation measures to reduce the adverse wind impacts within the pedestrian easement identified in the Cundall Wind Assessment CFD Study Report dated 26 February 2018, which advised that the area is not suitable for sitting activities (such as the proposed alfresco dining) throughout the year.*
- 7. final details and a sample board of the high quality and durable materials, colours and finishes for the proposed building being prepared in consultation with the City and being submitted to the Metropolitan Redevelopment Authority for approval prior to applying for a building permit;*

(Cont'd)

8. *all development and works shown outside of the Lot boundaries including vehicle crossover/s, footpaths and alfresco areas, not forming part of this approval and being the subject of separate applications for approval and lease/licence arrangements where relevant;*
9. *any proposed air conditioner condensers, external building plant, lift overruns, piping, ducting, water tanks, transformers, fire control rooms and fire booster cabinets being located so that they cannot be viewed from any location external to the site and to minimise any visual and noise impacts on the adjacent properties, including any such plant or services located within the vehicle entrance of the development, with details of the location and screening of such plant and services being submitted to and approved by the Metropolitan Redevelopment Authority prior to applying for a building permit;*
10. *stormwater disposal/management being to the Metropolitan Redevelopment Authority's and the City's specifications with details being submitted to and approved by the Metropolitan Redevelopment Authority, in consultation with the City, prior to applying for a building permit;*
11. *a maximum of 51 tenant car parking bays being provided on site for the exclusive use of the tenants or occupants of the commercial tenancies within the development and not being leased or otherwise reserved for use of the tenants or occupants of other buildings or sites;*
12. *a maximum of 39 long-stay fee-paying public car parking bays being provided on site;*
13. *the roller door that separates the public fee-paying parking from the tenant car parking being relocated to create a vehicle waiting space to minimise any obstruction of the circulation ramp and aisles;*
14. *the dimensions of all car parking bays, aisle widths and circulation areas complying with the Australian Standard AS2890.1, ensuring that vehicles can enter and exit the building in forward gear;*
15. *a detailed landscaping and reticulation plan being submitted to and approved by the Metropolitan Redevelopment Authority prior to applying for a building permit, with the approved landscaping being installed prior to the occupation of the building and thereafter maintained to a high standard;*
16. *the Waste Management Plan being updated to comply with the City's draft Waste Services Guidelines for New Development 2015 including:*
 - 16.1 *details of the method of waste and recycling separation within the tenancies and office;*

(Cont'd)

- 16.2 details of the method of waste and recycling transfer from the office levels;**
 - 16.3 inclusion of compliant paths for wheeling bins between waste presentation and collection points;**
 - 16.4 inclusion of compliant swept path analysis plans; and**
 - 16.5 details of how the service providers will gain access to the loading area;**
- with a final Waste Management Plan being prepared in consultation with the City and submitted to and approved by the Metropolitan Redevelopment Authority, prior to applying for a building permit;**
- 17. the two ground-floor commercial tenancies being restricted to 'Retail' or 'Dining & Entertainment' uses with any other land uses requiring a separate application for approval;**
 - 18. a detailed acoustic report demonstrating how the development will comply with the 'satisfactory' criteria of AS/NZS 2107:2000 and the Environmental Protection (Noise) Regulations 1997 being submitted and approved by the Metropolitan Redevelopment Authority, in consultation with the City, prior to applying a building permit;**
 - 19. any public art and interpretative elements being integrated into the building design and being made from quality materials and to be durable and easy to maintain, with the design and curation of the public art being undertaken in consultation with the City of Perth; and**
 - 20. a construction management plan for the proposal being submitted to and approved by the Metropolitan Redevelopment Authority prior to applying for a building permit, detailing how it is proposed to manage:**
 - 20.1 the delivery of materials and equipment to the site;**
 - 20.2 the storage of materials and equipment on the site;**
 - 20.3 the parking arrangements for the contractors and subcontractors;**
 - 20.4 any dewatering of the site; and**
 - 20.5 any other matters likely to impact on the surrounding properties.**

FILE REFERENCE:	2018/5355
REPORTING UNIT:	Development Approvals
RESPONSIBLE DIRECTORATE:	Planning and Development
DATE:	3 October 2018
ATTACHMENT/S:	Attachment 13.2A – Location Plan Attachment 13.2B – Perspectives Attachment 13.2C – Development Plans

3D MODEL PRESENTATION: N/A
 LANDOWNER: Metropolitan Redevelopment Authority
 APPLICANT: Lend Lease (Waterbank) Pty Ltd
 ZONING: (MRS Zone) Redevelopment Scheme/Act Area
 (City Planning Scheme Use Area) N/A
 (City Planning Scheme Precinct) East Perth (P15)
 APPROXIMATE COST: \$85 million

Council Role:

- | | | |
|-------------------------------------|----------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <input type="checkbox"/> | Advocacy | <i>When the Council advocates on its own behalf or on behalf of its community to another level of government/body/agency.</i> |
| <input type="checkbox"/> | Executive | <i>The substantial direction setting and oversight role of the Council e.g. adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.</i> |
| <input type="checkbox"/> | Legislative | <i>Includes adopting local laws, town planning schemes and policies</i> |
| <input checked="" type="checkbox"/> | Quasi-Judicial | <i>When the Council determines an application/matter that directly affects a person's right and interests. The judicial character arises from the obligation to abide by the principles of natural justice. Examples of Quasi-Judicial authority include town planning applications, building licences, applications for other permits/licences (eg under Health Act, Dog Act or Local Laws) and other decisions that may be appealable to the State Administrative Tribunal.</i> |
| <input type="checkbox"/> | Information | <i>For the Council/Committee to note.</i> |

Legislation / Strategic Plan / Policy:

Legislation

Metropolitan Redevelopment Authority Act 2011
 Metropolitan Redevelopment Authority's Central Perth Redevelopment Scheme

Policy

Policy No and Name: Metropolitan Redevelopment Authority's Riverside Master Plan 2008
 Waterbank Precinct Design Guidelines 2015

Purpose and Background:

The four hectare 'Waterbank Precinct' (the Precinct) is situated on the eastern edge of the city and is bound by Trinity College to the north, the Swan River to the east, the Causeway interchange to the south and the Western Australian Police site to the west. The Precinct forms part of the Metropolitan Redevelopment Authority's (MRA) greater Riverside Project Area.

At its meeting held on **11 August 2015**, Council considered the first stage of subdivision of the Waterbank Precinct and resolved to advise the MRA of its in-principle support subject to conditions and the submission of additional details and information. The Minister for Planning (upon the advice and recommendations of the MRA) granted conditional approval for the subdivision on 9 February 2016.

At its meeting held on **3 November 2015**, Council considered the first private lot development within the Precinct for a mixed-use building on 'Site G'. Council resolved to advise the MRA of its support for the application subject to relevant design revisions and conditions. The Minister granted conditional approval for the development on 1 March 2016.

At its meeting held on **2 February 2015**, Council considered an application for the design and construction of the Precinct's infrastructure and public domain components and resolved to advise the MRA of its support subject to conditions. The Minister granted conditional approval for the development on 9 February 2016.

At its meeting held on **23 February 2016**, Council considered the second stage of subdivision of the Waterbank Precinct and resolved to advise the MRA of its in-principle support subject to relevant design revisions and conditions. The Minister granted conditional approval for the development on 30 November 2016.

At its meeting held on **19 July 2016**, Council considered the second private lot development within the Precinct for a mixed-use building on 'Site B'. Council resolved to advise the MRA of its support for the application subject to relevant design revisions and conditions. The Minister granted conditional approval for the development on 18 January 2017.

On 21 September 2018, two development applications for 3 (Lots 4 and 5) Trinity Avenue were referred to the City by the MRA. The development applications are identical with the exception that one is for a six-storey development (the subject of this report) and the other is for one less commercial floor, making it a five-storey mixed-use development. That application is also being considered at the same Council meeting.

Details:

A development application for a new commercial building on 'Sites E and F' (proposed Lots 4 and 5) of the Waterbank Precinct has been referred to the City for comment by the MRA. The application is the third private lot development for the Precinct received by the MRA.

The application proposes a six-storey mixed used development that will extend across proposed Lots 4 and 5. The proposed development is predominantly office and is separated at the ground level by a central pedestrian access way which links the public realm on Hay Street to the central open space within the Precinct. There is a large office tenancy, two small restaurant/café tenancies and building services located at the ground floor.

Tenant and public fee-paying car parking is located on level one, with a total of 92 vehicle parking bays being proposed. This includes 49 tenant bays, 39 long stay fee paying public bays, four universal access bays and 10 motorcycle bays. Access to the car parking is via the eastern elevation, being Kwillenah Way.

Above this there are four levels of commercial floor space serviced by a central lift core. A roof terrace is provided overlooking the public open space, south of the development. The proposed terrace will provide an outdoor amenity space for the tenants of the building.

The architect has advised that the building aims to offer a unique work lifestyle opportunity, afforded by its waterfront location as well as being clear response to the development guidelines. The architect provided the following in regard to the design of the building:

“The design has been carefully enhanced to reinforce visual and physical connection to the surrounding natural environment, with people centric spaces fostering interaction and empowering people to work flexibly ‘Anywhere, Anytime’.

The natural setting establishes a unique opportunity to live, work and recreate on and in the Swan River - embracing Perth’s casual sophistication - embedding the building in its context to become ‘Of the Waterfront’. The building has been developed to capture aspirations and visions presented through relevant briefing documents”.

The building is proposed to use a modular façade system, utilising vision glass with a gradient frit and an integrated aluminium framing system with a horizontal flush edge detail.

At the ground level, precast concrete profiled with different degrees of coarseness and profiling will be used, with anti-graffiti coating being applied. A glass awning with gradient frit detail, supported by powder coated steel supports, is proposed to the northern façade as well as the majority of the southern façade. Two large glass canopies are proposed over the main building entrances, which are also the entrances to the central pedestrian access way.

Aluminium reverse-pitched louvres will be used to screen the car park at level one as well as the plant equipment on the roof. The roof is proposed to be grey Colourbond and meet thermal and reflectivity requirements. Two roller doors are proposed to the outside of the development, one being solid whilst the other is perforated.

Compliance with Planning Scheme:

Land Use and Development Requirements

Under the provisions of the Metropolitan Redevelopment Authority Act 2011, the MRA is responsible for planning and development control within the Central Perth Redevelopment Area (CPRA). The Riverside Project Area, which includes the Waterbank Precinct, is subject to the provisions of the MRA’s Central Perth Redevelopment Scheme (CPRS). The general land use intent of the CPRS is to create diverse mixed land use urban environments, including creating high quality spaces for people through an activated and interesting public realm. Retail, Residential and Dining and Entertainment land uses are preferred uses within the Waterbank Precinct, whilst Culture and Creative Industry, Commercial and Community land uses are contemplated uses within the Precinct.

The form and function of development within the Precinct is guided by the MRA's Waterbank Precinct Design Guidelines, with the latest iteration of the Guidelines being adopted by the MRA on 4 May 2015. The Guidelines aim to facilitate a mixed-use precinct which provides a richness of architecture and diversity of land uses that respond to the character of the Swan River and associated landscape. The vision of the Waterbank Precinct under the Guidelines is to:

"Create a prime visitor destination with a lively blend of entertainment, cultural, commercial, retail and residential uses within a Waterbank precinct of international standard."

The specific statement of design intent for Site's E and F within the Guidelines is as follows:

"Sites E and F are located to the north of the central public open space of Waterbank. Site E will help enclose and activate the entry square in the north-west corner of the precinct and both Sites E and F will enclose the central public space."

Buildings in this area will comprise of low rise commercial buildings. Associated dining and entertainment and retail uses incorporating visually permeability and at grade access will be located at the ground floor. These uses will contribute to a high level of activation of the central open space. Sites E and F will be separated by an internal street connection that will serve to break up the massing of the buildings and provide an additional north-south access point. The limited depth of these buildings offers opportunities to create visual connections between the central open space, Trinity Avenue and the associated pedestrian link".

The Central Perth Development Policies set out development approval requirements and performance standards for the development of land in the CPRA. The policies relevant to this development include Green Building Design, Sound and Vibration Attenuation, Public Art and Signage.

Comments:

Land Use

The proposed land uses for Sites E and F are generally in accordance with the preferred land uses stipulated in the CPRS and Design Guidelines which are 'Retail' and 'Dining & Entertainment' at the ground level and 'Commercial (Office)' above ground floor level.

Public parking is not a defined land use under the CPRS or the Design Guidelines, its provision is guided by the Perth Parking Policy.

Site E is proposed to include a large commercial tenancy at the ground floor level whilst Site F proposes to include two small dining tenancies, with the remainder of the area being occupied by building services and equipment including bike stores, end of trip facilities, mechanical plant and equipment and vehicle access.

At the ground level, the two dining and one commercial tenancies have a combined net lettable area of 1,474m² although only 160m² of this area is proposed to be used for a preferred land use, being Retail or Dining & Entertainment.

Building Height and Setbacks

The building height and setback requirements for Sites E and F are the same, being a minimum of 2 storeys and a maximum of 6 storeys, up to 24 metres. Nil setbacks from all boundaries are permitted and the maximum site coverage permitted for the two sites is 100 percent.

The proposed development complies with the building height, setback and site coverage requirements, as outlined in the Waterbank Precinct Design Guidelines.

Building Design, Materials and Finishes

Further review of the façade details should be undertaken to assist in breaking up the massing of the building as its long and low proportions result in a somewhat monolithic design.

The Design Guidelines outline requirements for active frontages throughout the Precinct, with primary frontages needing to achieve a minimum of 80 percent street level activation and secondary frontages with the lower minimum at 50 percent. The northern and southern sides of Sites E and F as well as the western edge have been identified as primary frontages. The central access way and the eastern edge have been identified as secondary frontages.

The application has stated that the ground level achieves a total of 77 percent activation across its 329 metres of frontage although the ability for an office tenancy and service areas to be included as 'active' frontage is questionable and a matter for the MRA to determine. Under the Design Guidelines, active frontages are considered to be *"areas which provide a direct visual relationship between the internal areas of a building and the adjacent public realm"*.

Further to this, the Design Guidelines, under Land Use, state that *"offices and general commercial uses are encouraged above street level, as they typically do not have active frontages. Service commercial uses that require a 'shop front' may be considered at ground level if they are deemed appropriate within the precinct"*. Therefore, the application's inclusion of the office tenancy as being an "active frontage" is considered contrary to the provisions in the Design Guidelines.

The lack of activation is further added to by the minimal area of the ground floor, being 160m², that will be used for 'Retail' or 'Dining & Entertainment' Use Categories, which are the preferred land uses at ground level. The inclusion of alfresco dining to both tenancies is likely to enhance the activation of the ground floor level.

As possibly the first development within the Precinct, noting previous approvals for Sites B and G have lapsed or are unlikely to proceed, 'Retail' or 'Dining & Entertainment' uses at the ground floor are desirable, although it is acknowledged that until this precinct is fully developed most retail or dining uses would not be commercially viable and that such tenancies are likely to remain vacant for an extended period. In the short to medium term it is agreed that office uses are appropriate at ground level provided the ground floor is designed so that it can be adapted for more active and preferred uses in the future, should there be demand. A condition should also be imposed to ensure that office windows are clear glass with privacy being addressed through architectural or landscaping treatments, in accordance with the Waterbank Precinct Design Guidelines.

The proposed design of the eastern boundary is of concern as it includes approximately 12 metres of crossovers. It is considered that the eastern elevation is the preferred vehicle access points as it has the least visibility from the public realm however any possibility of further

reducing the extent of the crossovers and their impact on pedestrian safety should be investigated.

The proposed inclusion of alfresco dining within the pedestrian access way is positive for activation of the street although when considered in conjunction with the findings of the wind assessment, it may be difficult to achieve an environment appropriate for alfresco dining. A condition should be imposed on any approval to further review wind mitigation measures to improve the comfort for pedestrians and diners in this location.

The MRA requires public art to be provided as a component of any major development. As the City usually becomes the custodian of these public art assets once normalisation occurs, a condition of any approval should require that the public art be made from quality materials and to be durable and easy to maintain, with the design and selection of the public art being undertaken in consultation with the City's officers.

Car Parking

The Design Guidelines allow for the provision of commercial tenant car parking in accordance with the maximums prescribed in the Department of Transport's Perth Parking Policy (PPP). The vehicle parking proposed on site is consistent with the PPP for 'Integrated Access' via a Category 3 street which allows for a maximum of 51 tenant parking bays for the sites based on the 3,376m² site area.

In regard to the long stay public parking, the site is located within the 'General Parking Zone' where long stay public parking may be permitted subject to compliance with the provisions of the PPP and gaining approval from the relevant planning authority.

The need to separate the public fee-paying car parking from the tenant parking is understood although due to the current location of the roller door, a car waiting to enter the tenant parking area will block circulation within the public car parking area. The relocation of the roller door to allow for a waiting space would reduce the potential impact on other users, particularly during morning peak times.

Bicycle Parking

The Design Guidelines require bicycle parking and end of trip facilities to be provided at a rate of 10 percent of building staff, based on 1 person per 15m² of Net Lettable Area (NLA). Two female and two male showers are also required for the first 10 bicycle bays with additional showers being provided at a rate of one male and one female shower for every 10 bicycle parking bays. The requirements for visitor bicycle parking is a minimum of 1 space per 750m² of NLA and being located and signed near the main public entrance to the building.

The development proposes 108 secure bicycle bays as well as a minimum of 6 kayak storage bays, for the exclusive use of the tenants within the development. 108 lockers as well as 10 female and 10 male showers are also proposed at the ground floor. Nine U-rail visitor bicycle parking racks are also proposed to be provided directly outside the building entrance.

The bicycle parking, end of trip facilities and visitor's bays proposed to be provided are in excess of those required under the Design Guidelines. Such facilities are supported.

Pedestrian Access

A condition of the Waterbank Stage 1 subdivision approval was for a public access easement, between Hay Street and the central open space, to be created. This access way is also identified in the Waterbank Precinct Design Guidelines.

An 8-metre wide pedestrian access way is proposed at ground level to meet the requirements of the Design Guidelines and the condition of subdivision approval. The access way is also considered to break up the mass of the proposal at the ground level and draw attention to the central lobby. Approximately half of the access way is proposed to be used for alfresco dining. As mentioned previously, a condition should be imposed on any approval to further review wind mitigation measures to improve the comfort for pedestrians and diners within the access way.

To improve the ability of people with impaired vision to navigate the access way, the side of the access way without alfresco dining, being the western side, should be kept clear of any obstructions. It appears that the existing columns may cause an obstruction, although it may be possible to relocate the glazing so that the columns are behind the glazing, creating a straight edge which is easier to navigate. A condition is recommended in this regard.

Waste

The proposed development will provide two separate bin stores for the office and dining tenancies with both bin stores being located on the ground floor. Waste servicing needs to be further clarified via a revised Waste Management Plan (WMP), in particular, the City requires:

- details of the method of waste and recycling separation within the tenancies and office;
- details of the method of waste and recycling transfer from the office levels;
- details of the dimensions and functionality of the bin rooms, access widths to show that there is adequate space for bins to be manoeuvred, opening widths of the roller doors, tap and sewer points as well as the location of the waste truck when servicing the bins, showing a 3-metre operating space to the rear of the truck;
- inclusion of compliant paths for wheeling bins between waste presentation and collection points;
- inclusion of compliant swept path analysis plans;
- the City currently does not collect comingled recycling or paper daily (only 5 days) therefore the applicant may wish to change their collection provider to 'the City of Perth or a private waste contractor'. This will allow the operator to test the market when the building is complete and ensure they utilise the organisation best suited; and
- details of how the service providers will gain access to the loading area.

Noise

The development will be located within a mixed-use precinct and may have dining or entertainment uses at the ground floor level. To avoid conflict between these activities and occupants of the proposed development, the building will need to be designed to suitably ameliorate these noise impacts.

Any approval should include a condition requiring that the building be constructed and certified to comply with the MRA's Sound and Vibration Attenuation Policy and the *Environmental Protection (Noise) Regulations 1997* and the National Construction Code.

Conclusion

Whilst the proposed development is generally consistent with the MRA's associated guiding documents, several design and use improvements are recommended. As none of these would cause any significant change to the proposed development it is considered that these matters could be addressed as conditions of any approval.

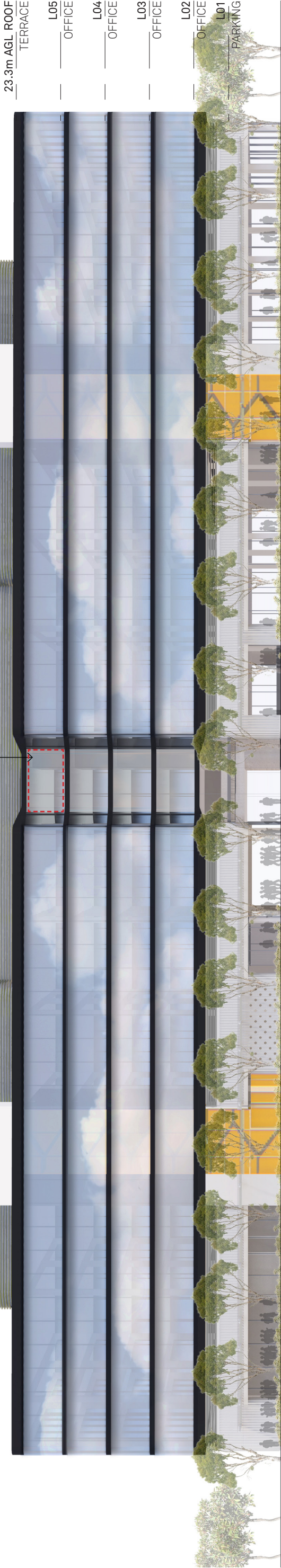
It is therefore recommended that the MRA be advised of the issues identified within this report, with the matters to be addressed by way of conditions on any development approval.



2018/5355 – WATERBANK REDEVELOPMENT – 3 (PROPOSED LOTS 4 AND 5) TRINITY AVENUE, EAST PERTH

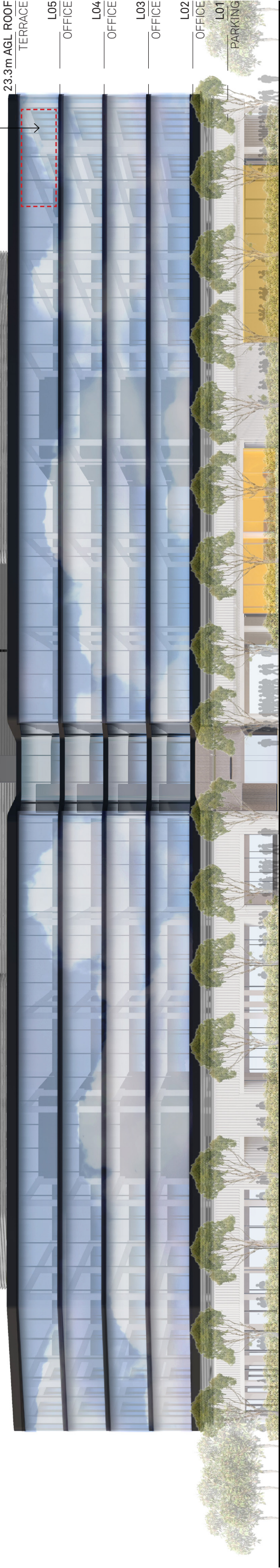
03 DESIGN
ELEVATIONS

FUTURE
TENANT
SIGNAGE



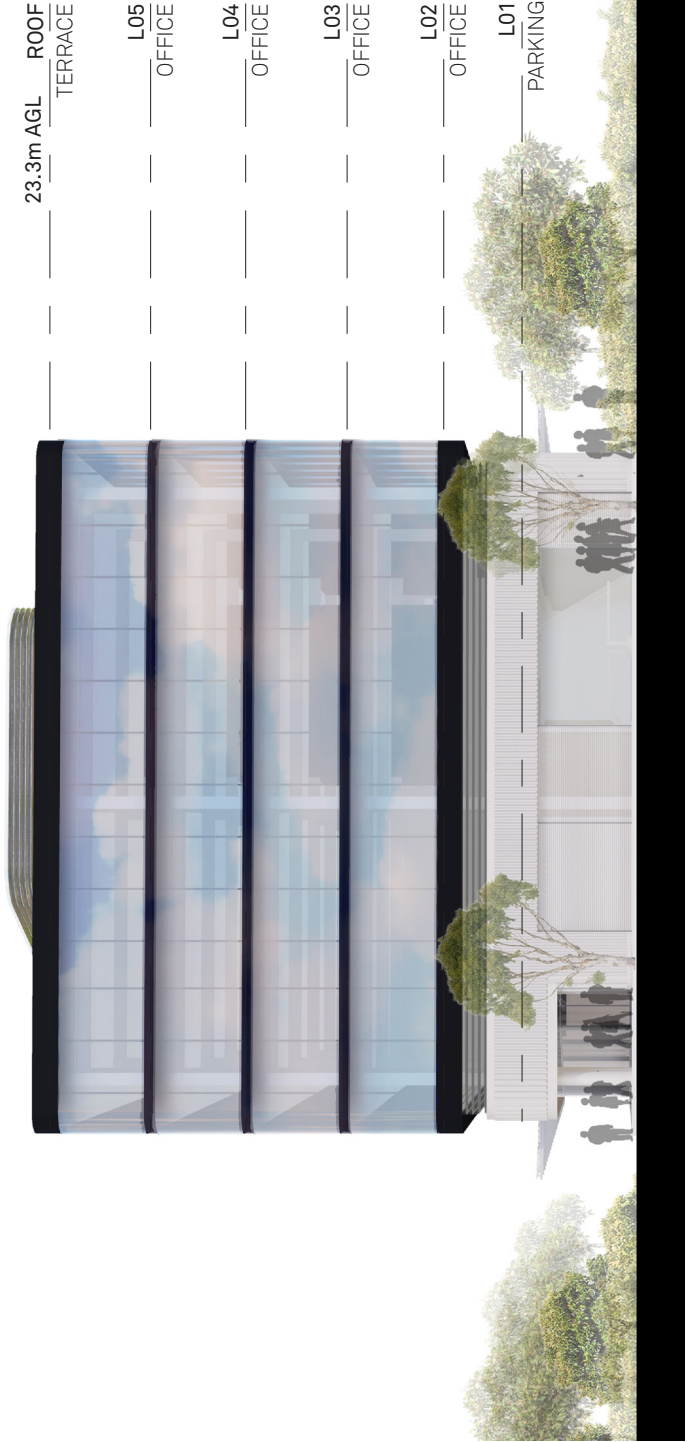
NORTH ELEVATION

FUTURE
TENANT
SIGNAGE

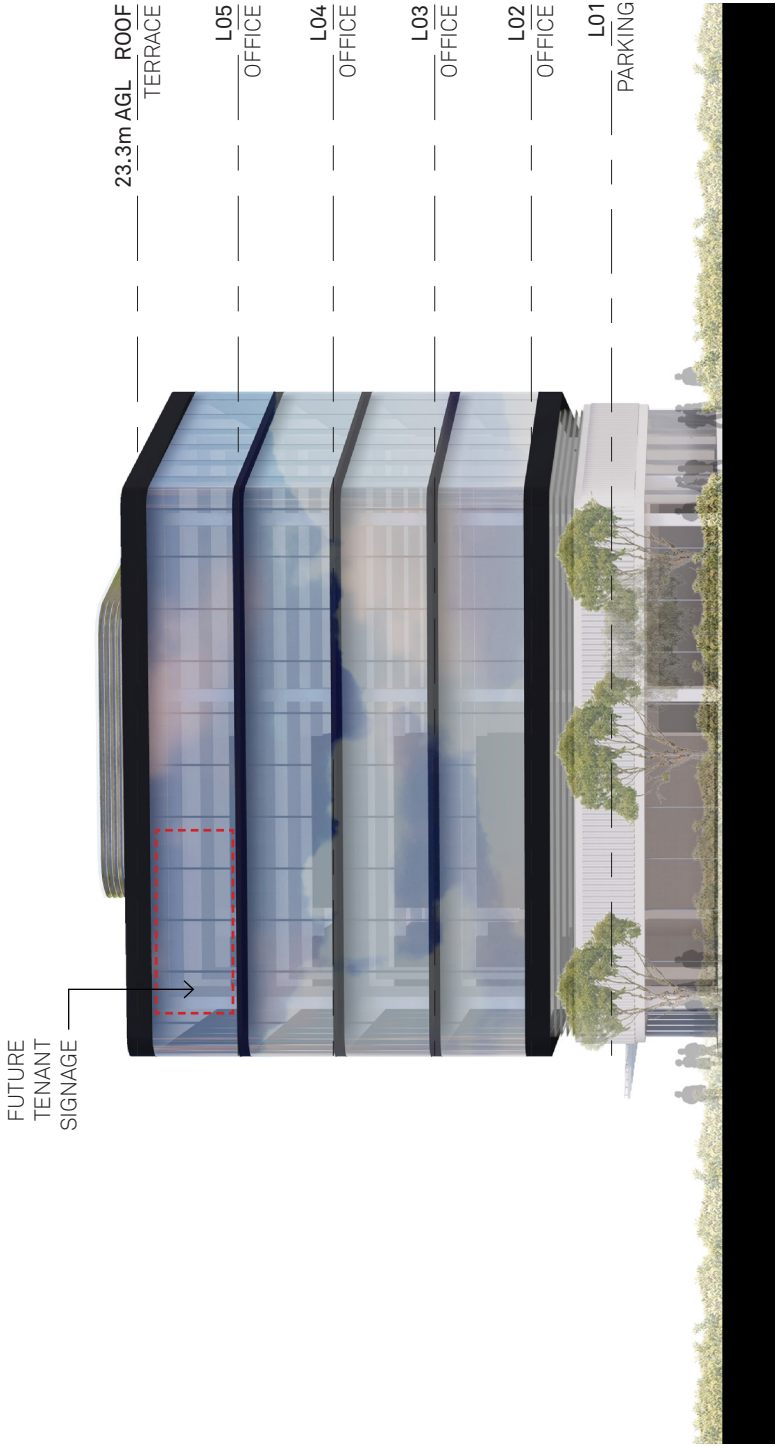


SOUTH ELEVATION

ELEVATIONS



EAST ELEVATION



WEST ELEVATION



NORTH ENTRY







Architecture
Interior Design
Landscape Architecture
Planning
Urban Design

Australia
China
Hong Kong
Singapore
United Kingdom
United States of America

WATERBANK LOTS 4 + 5 CONCEPT REPORT

Retail & Commercial Building
Waterbank, Perth WA

Prepared for Lendlease
7 September 2018
Revision 08

METROPOLITAN REDEVELOPMENT
AUTHORITY

19 SEP 2018

RECEIVED



lendlease

HASSELL

Contact
Kristjan Donaldson Principal
krdonaldson@hassellstudio.com
Reuben Bourke Senior Associate
rbourke@hassellstudio.com

HASSELL
Level 1 Commonwealth Bank Building
242 Murray Street
Perth WA Australia 6000
T +61 8 6477 6000
hassellstudio.com

Document control			
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01	16.01.2018	Kristjan Donaldson	Draft
02	19.01.2018	Kristjan Donaldson	Issued for DA submission
03	06.07.2018	Kristjan Donaldson	Draft
04	20.07.2018	Kristjan Donaldson	Draft
05	26.07.2018	Kristjan Donaldson	Issued for DA submission
06	24.08.2018	Kristjan Donaldson	Issued for DA submission - 6 storeys
07	24.08.2018	Kristjan Donaldson	Issued for DA submission - 5 storeys
08	07.09.2018	Kristjan Donaldson	Issued for DA submission - 6 storeys
09	07.09.2018	Kristjan Donaldson	Issued for DA submission - 5 storeys

01	02	03	04	05
Executive Summary	Site Analysis	Design	Architectural Drawings	Landscape Architecture
Page 4 _MRA Waterbank Design Guidelines _Site _Solar Access Review	Page 5	Page 9 _Design Drivers _Building Organisation _Ground Floor _Ground Plane Activation _First Floor _Typical Office Floor (Levels 2-5) _Roof _Elevations _Sections _Perspective Views _Palette	Page 25 _Plans _Elevations _Sections	Page 32 _Context _Concepts _Landscape plan _Materiality _End of Trip entry _Southern View _Roof Terrace _Pedestrian Thoroughfare Study

01 EXECUTIVE SUMMARY

The design for the Commercial Office & Retail building located at Perth's Waterbank Lots 4 & 5 for Lendlease embraces the unique work lifestyle opportunity afforded by its waterfront location as a clear reponse to development guidelines and associated briefing.

Lendlease has defined a series of *Place Pillars* for Waterbank - guiding principles which establish a future focused workplace with emphasis on people and their experience over built form; a place where people will thrive. The organisation of built form becomes a catalyst for improvements in occupant wellbeing, collaboration and performance.

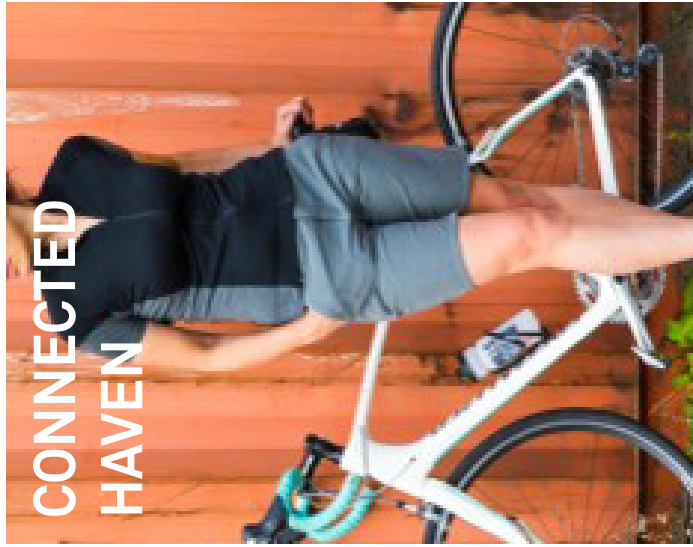
The design has been carefully enhanced to reinforce visual and physical connection to the surrounding natural environment, with people-centric spaces fostering interaction and empowering people to work flexibly 'Anywhere, Anytime'.

The natural setting establishes a unique opportunity to live, work and recreate on and in the Swan River - embracing Perth's casual sophistication - embedding the building in its context to become 'Of the Waterfront'.

The building has been developed to capture aspirations and visions presented through relevant briefing documents.

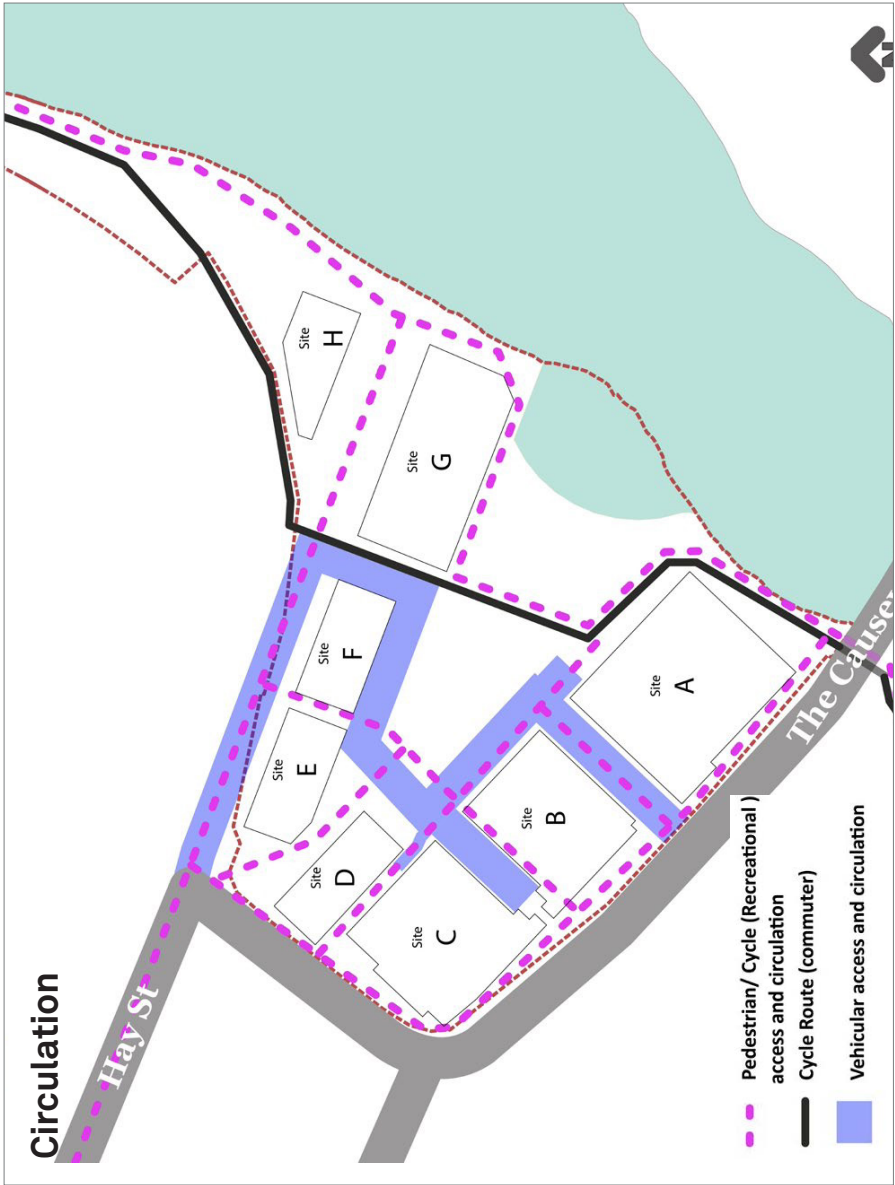
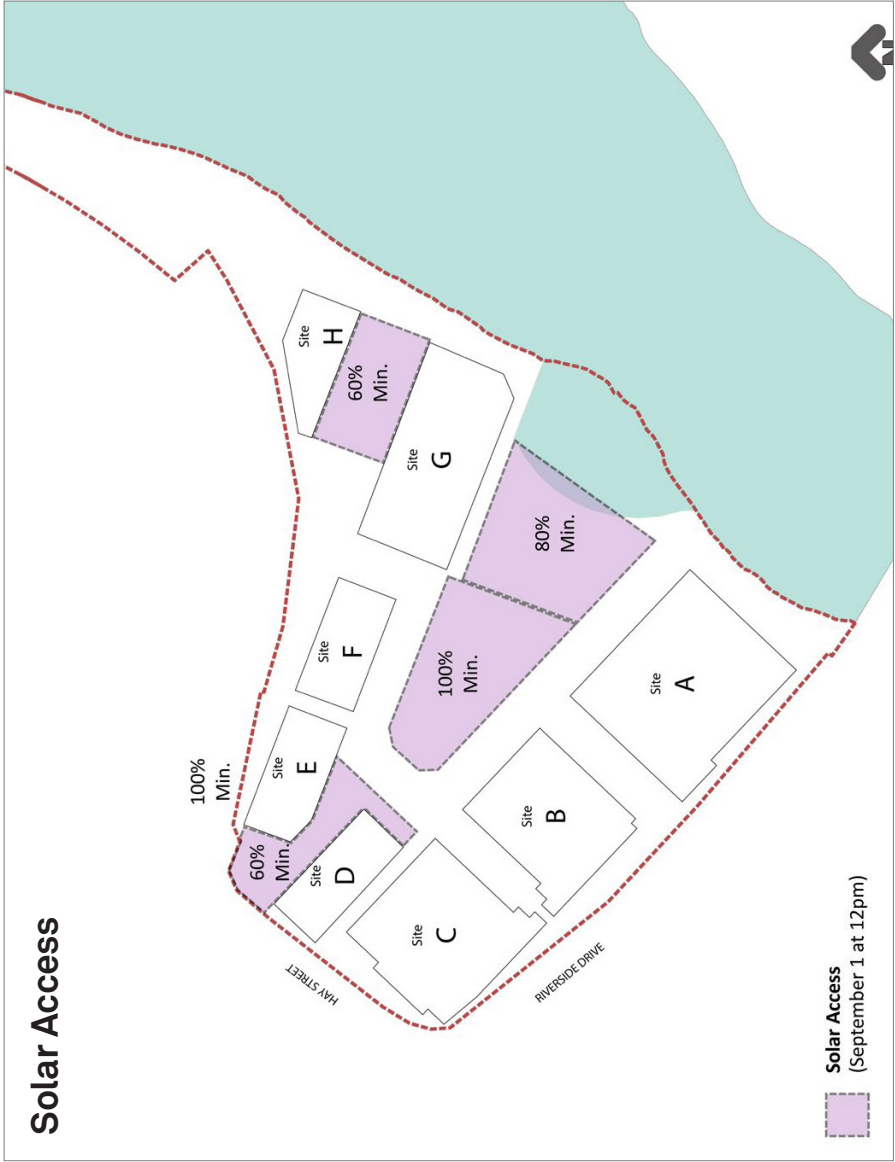
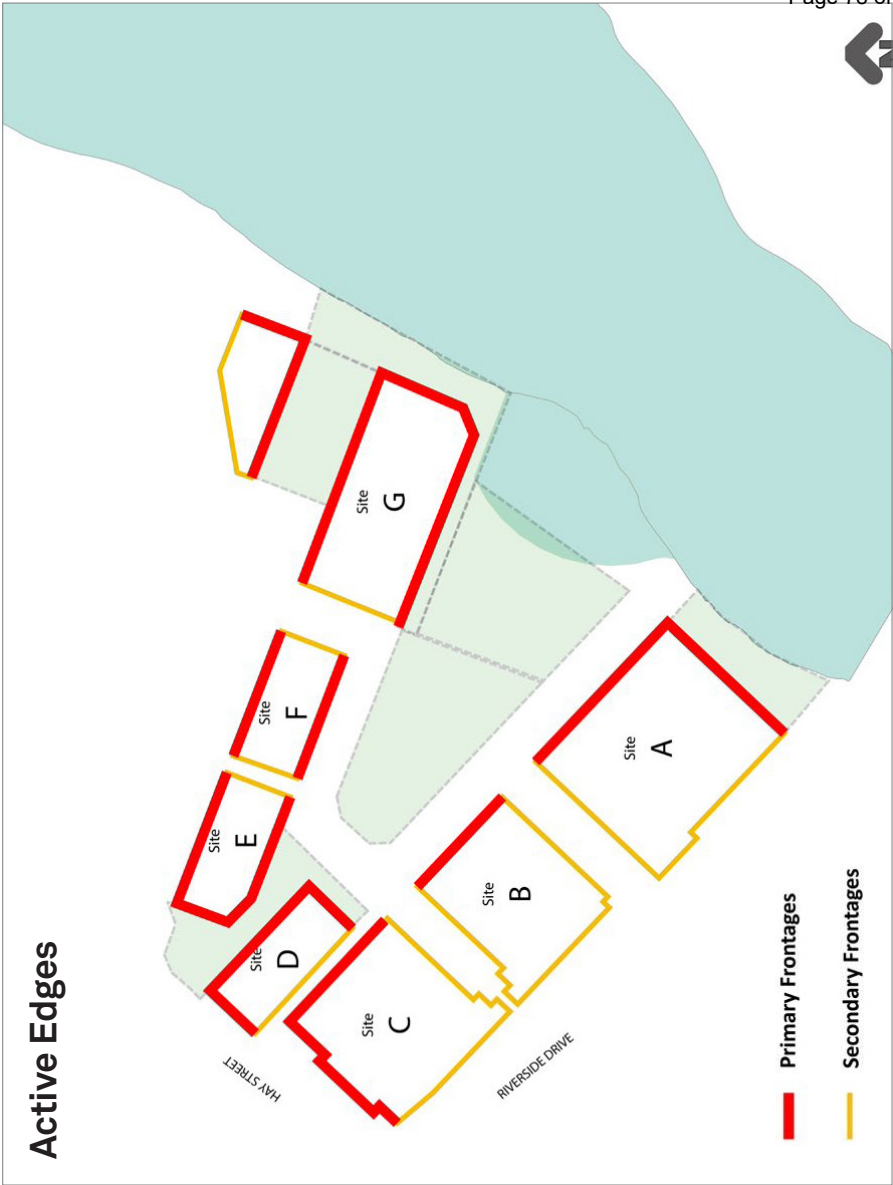
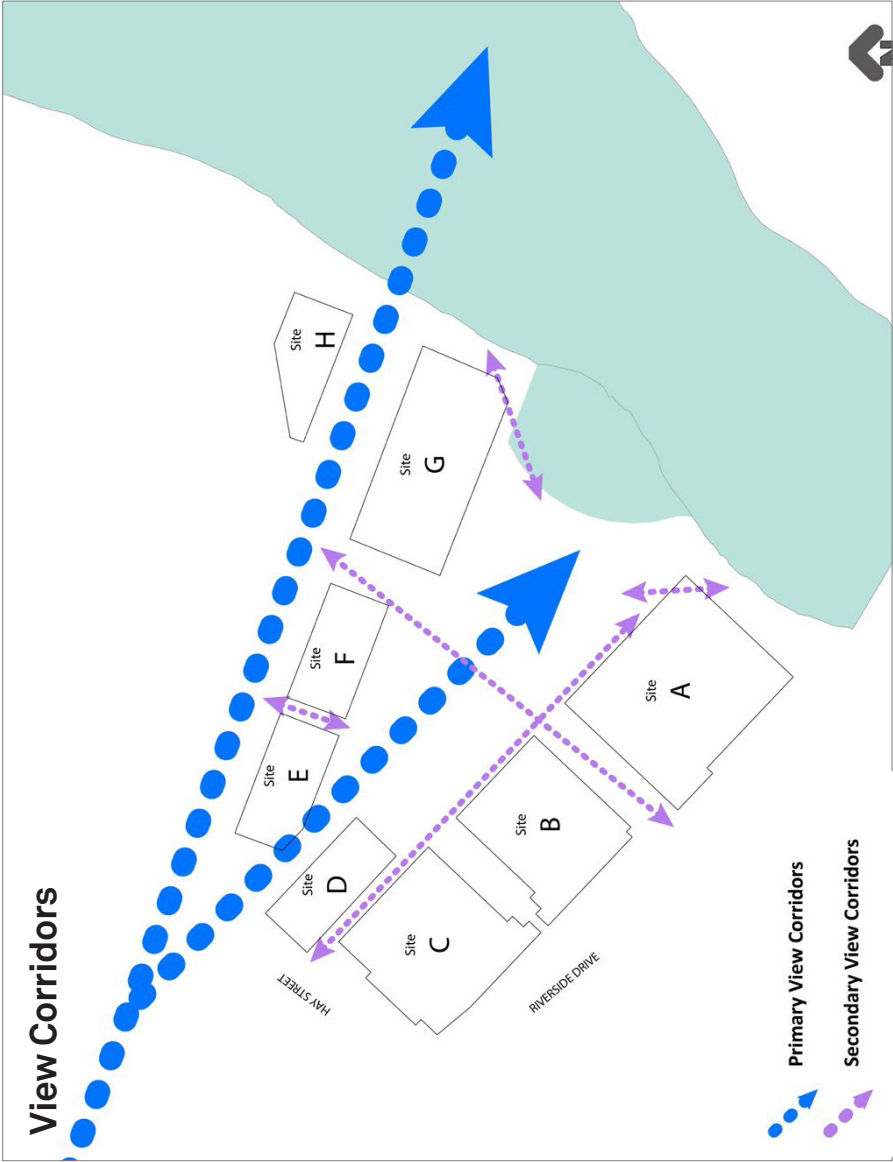


Page 77 of 612



Lendlease Place Pillars

NOTE: Site E & F are referred to in this document as Lots 4 & 5 respectively.

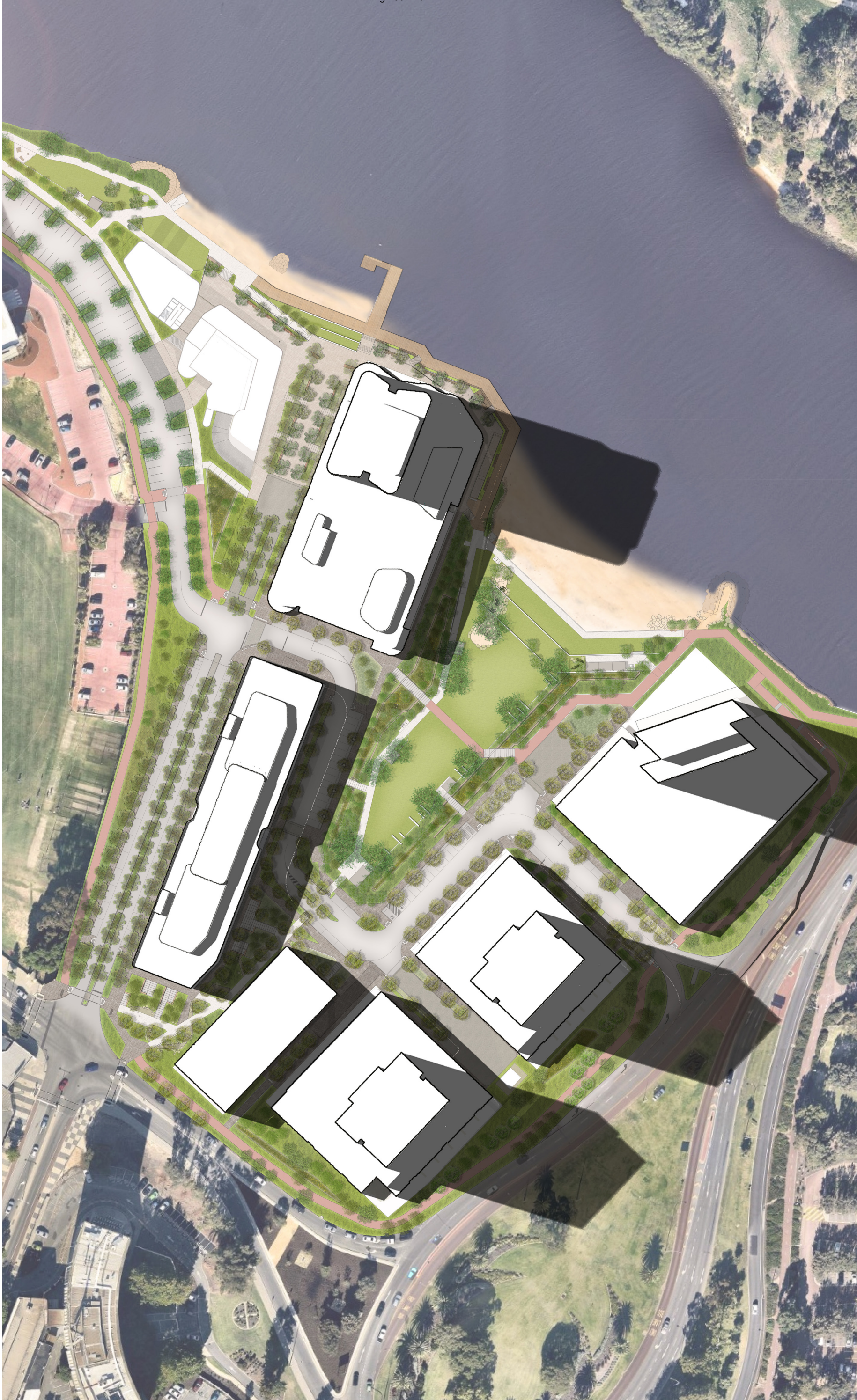


NOTE:

Lot 1 development outcome
subject to agreement between
MRA and Lendlease.

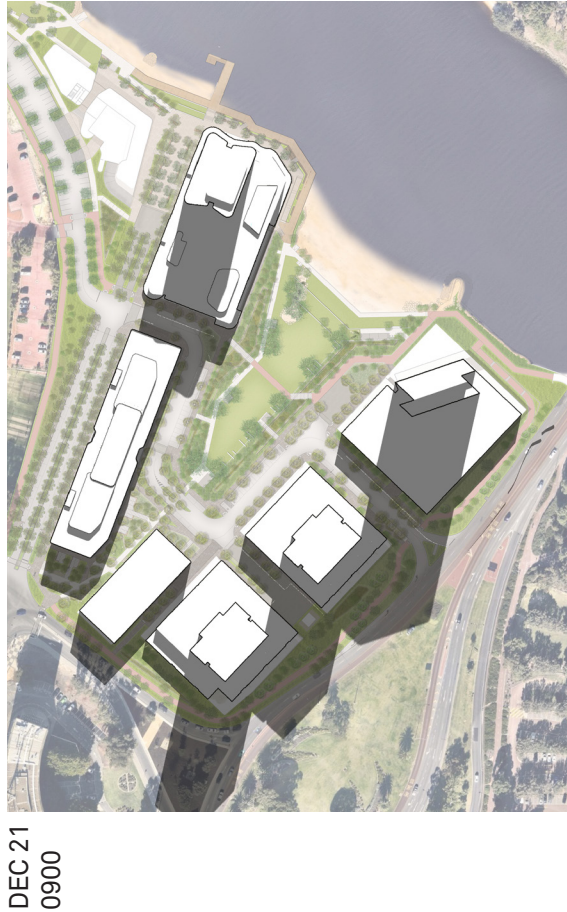


NOTE:
Lot 1 development outcome
subject to agreement between
MRA and Lendlease.

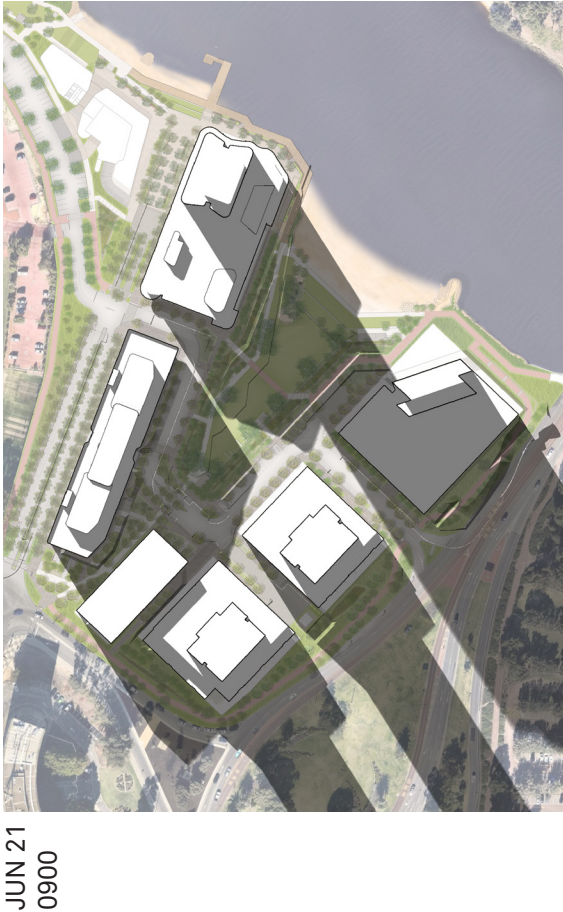


02 SITE ANALYSIS

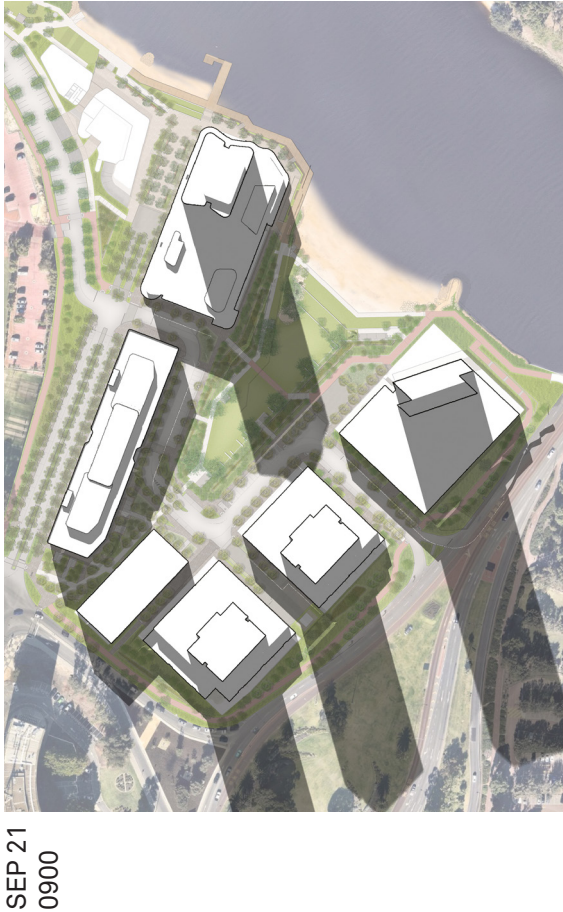
SOLAR ACCESS REVIEW



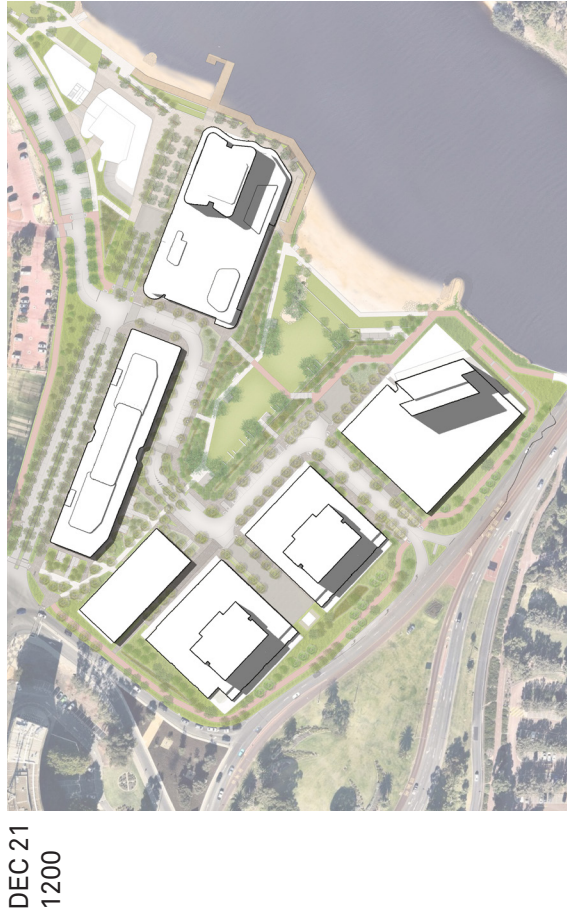
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0900



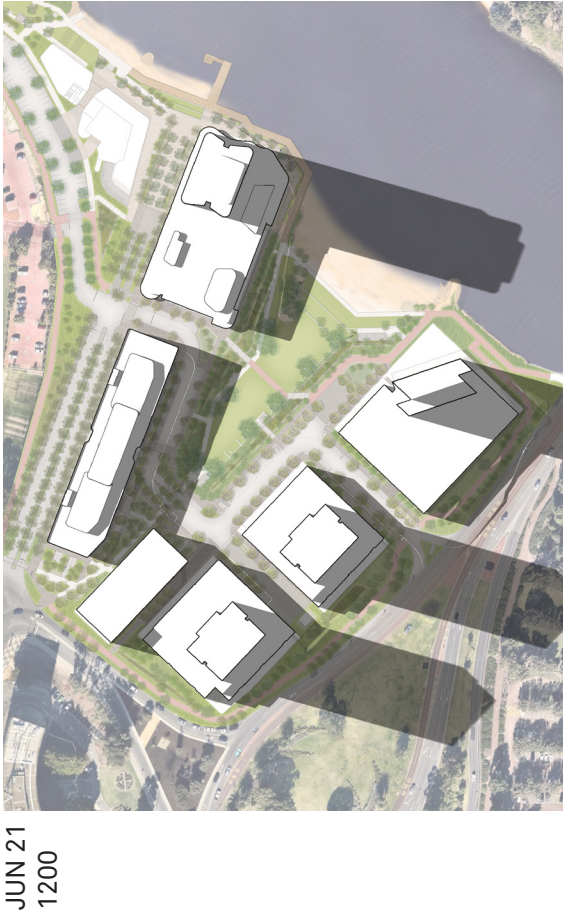
JUN 21
0900



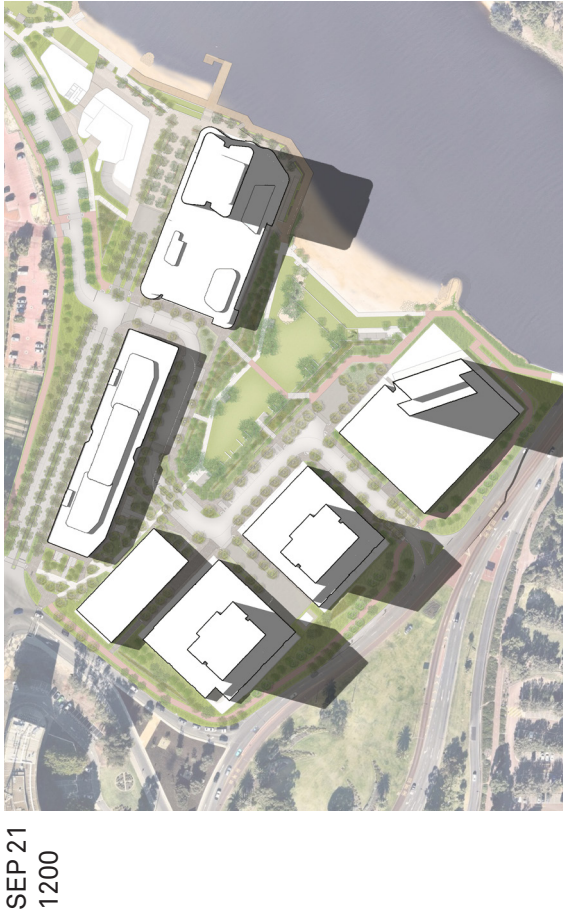
SEP 21
0900



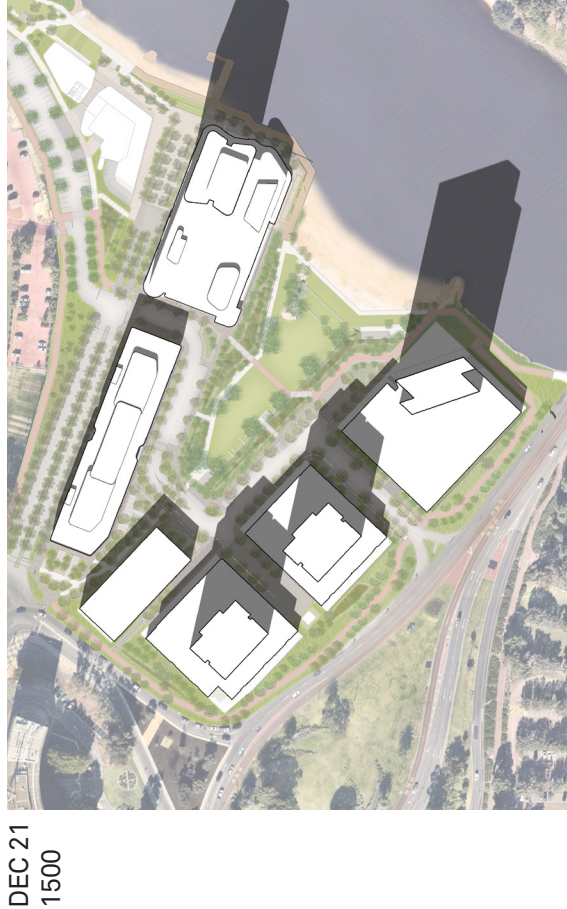
DEC 21
1200



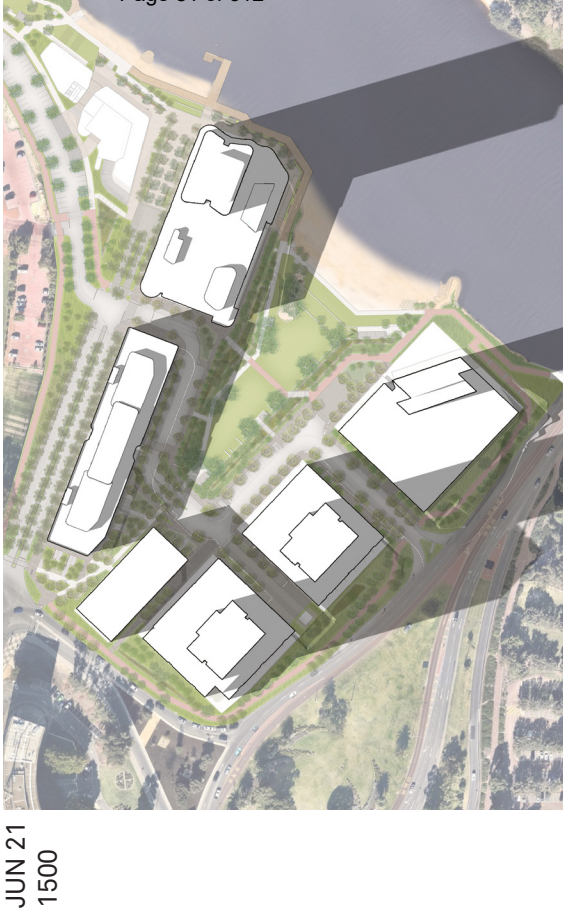
JUN 21
1200



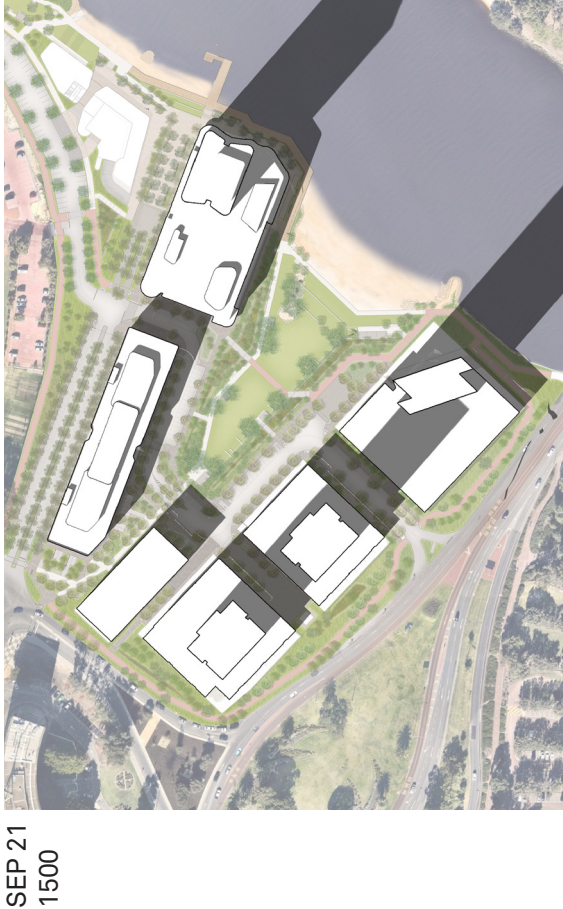
SEP 21
1200



DEC 21
1500

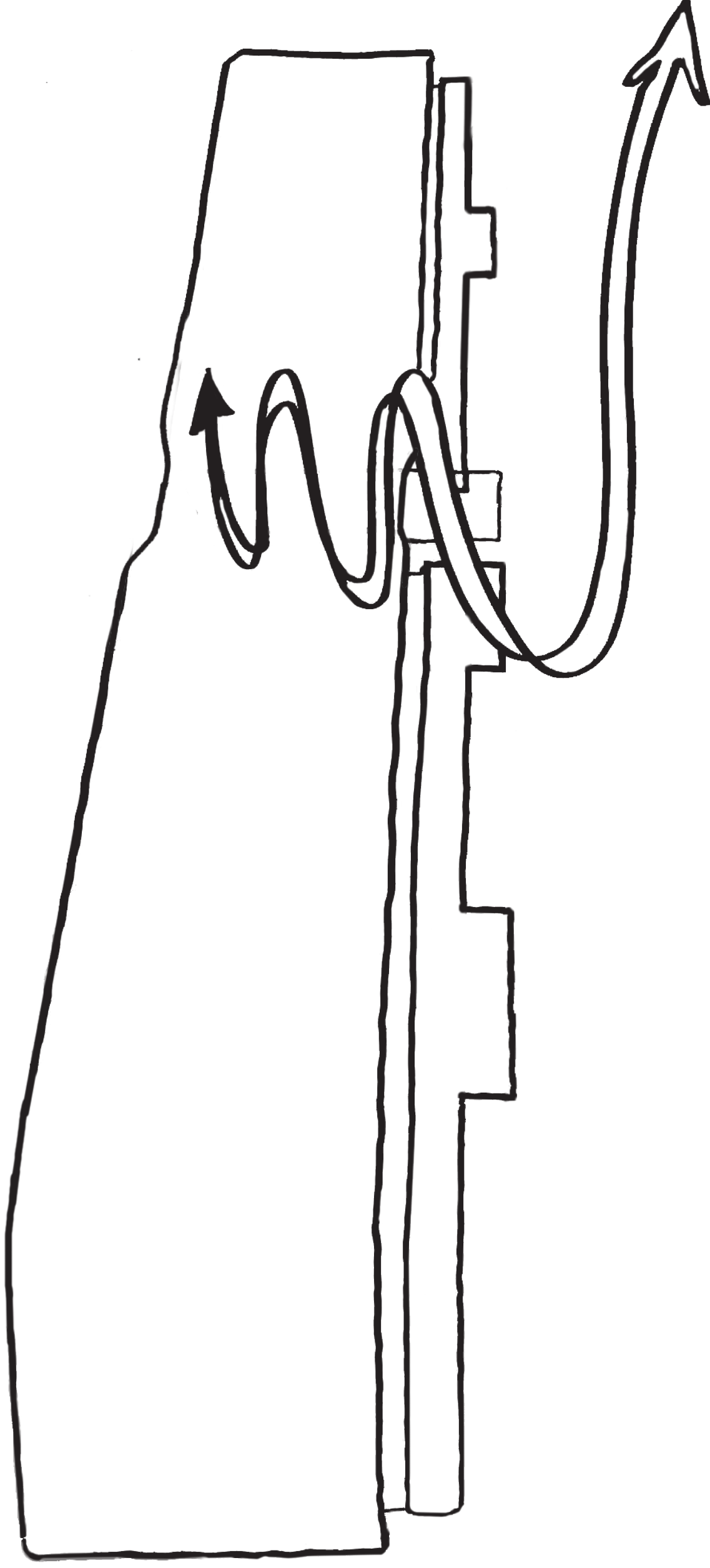


JUN 21
1500



SEP 21
1500

ANYWHERE, ANYTIME OF THE WATERFRONT CASUAL SOPHISTICATION



DESIGN DRIVERS

Anywhere, Anytime

Work is no longer defined by traditional boundaries of concrete, steel and glass; it is an activity done flexibly; anytime and anyplace. Tomorrow's workplace is seen as a place to come together and harness the power of teamwork and as such, the role of the office has fundamentally changed; if it isn't somewhere you have to be, it must be somewhere you want to be.

This building at Waterbank supports these new and agile work patterns where today's employees are no longer tied to a desk, but enabled by mobile technology are free to work anywhere, anytime. Tenants will have unprecedented flexibility to choose between a host of different work settings; from a desk on the 3rd floor to a cafe or outdoor meeting area adjacent the building or in the park itself, all enabled by site-wide WiFi, engaging and activating the public domain through work activity.

The design facilitates this connection by consolidating the vertical circulation on axis with the public thoroughfare linking North and South, with Retail activating the permeable ground level.

Of the Waterfront

The building grows out of its context by taking cues from the natural material palette of the riverfront. A simple tectonic logic defines the character of the massing with its glazed upper floor plate over an articulated concrete base. The organic nature of the architecture with curvaceous forms operating at different scales form the building and capture space.

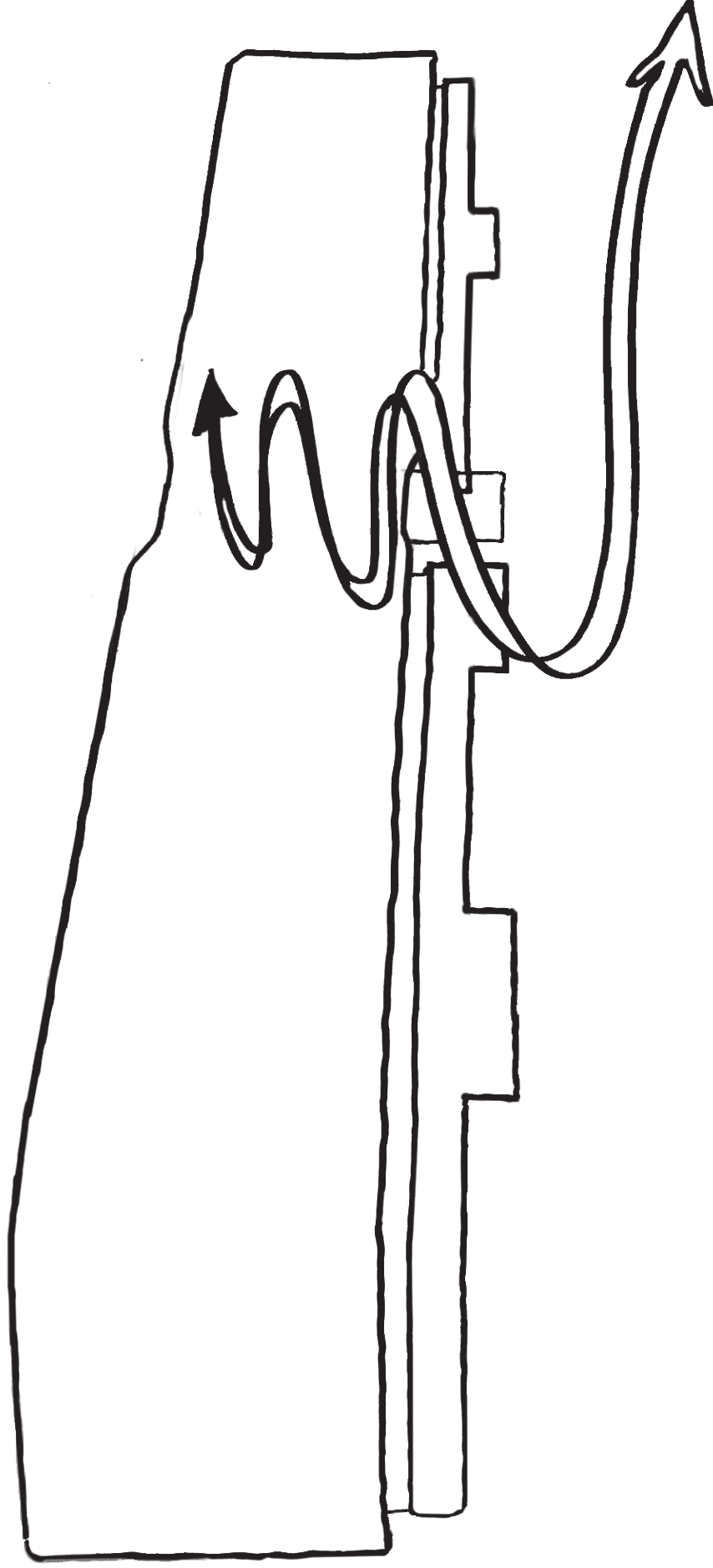
The plinth texture and corrugation of the facade detail references the patterns of the winding riverfront. This is further embraced through inside out expression through Lobby, Retail and end of trip spaces. The architecture concentrates a finer grain of detail of human scale to the ground plane.

The building looks to be ad-hoc, functional but not clinical, integrated not segregated, relaxed and immersive, detailed and of human scale to the ground plane.

Casual Sophistication

Architecturally the building balances corporate identity (workplace) with the unique lifestyle offering of context (podium Architecture blended with Landscape). Clean lines of the workplace are balanced with a more playful articulation of the ground level facade, which blurs the boundary between building and landscape, indoor and outdoor.

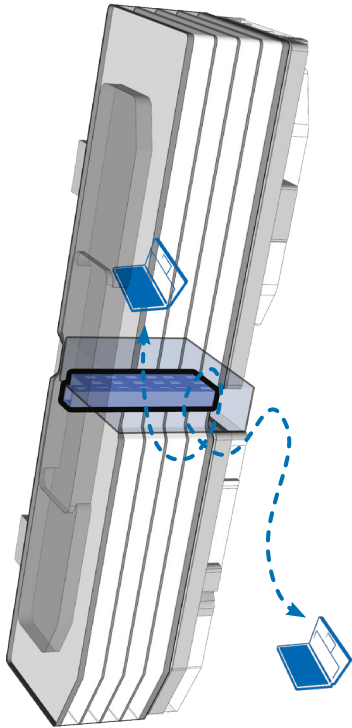
The conventionally concealed end of trip bike store, and facilitation of a kayak store has been expressed, giving additional depth and visual interest, whilst reiterating connection to the waterfront.



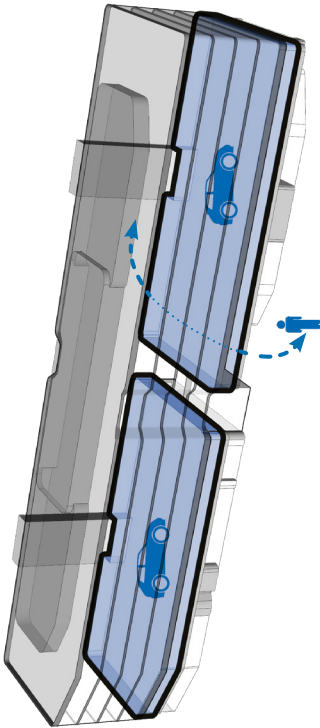
03 DESIGN

BUILDING ORGANISATION

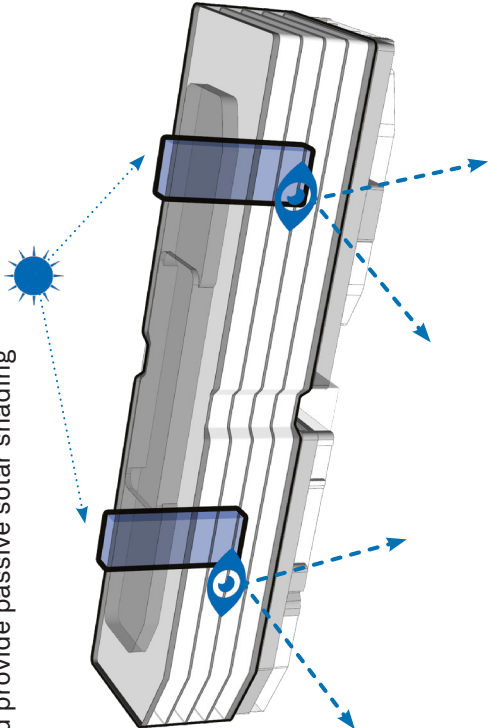
CONNECTED WORKPLACE
bridging workplace and public
domain



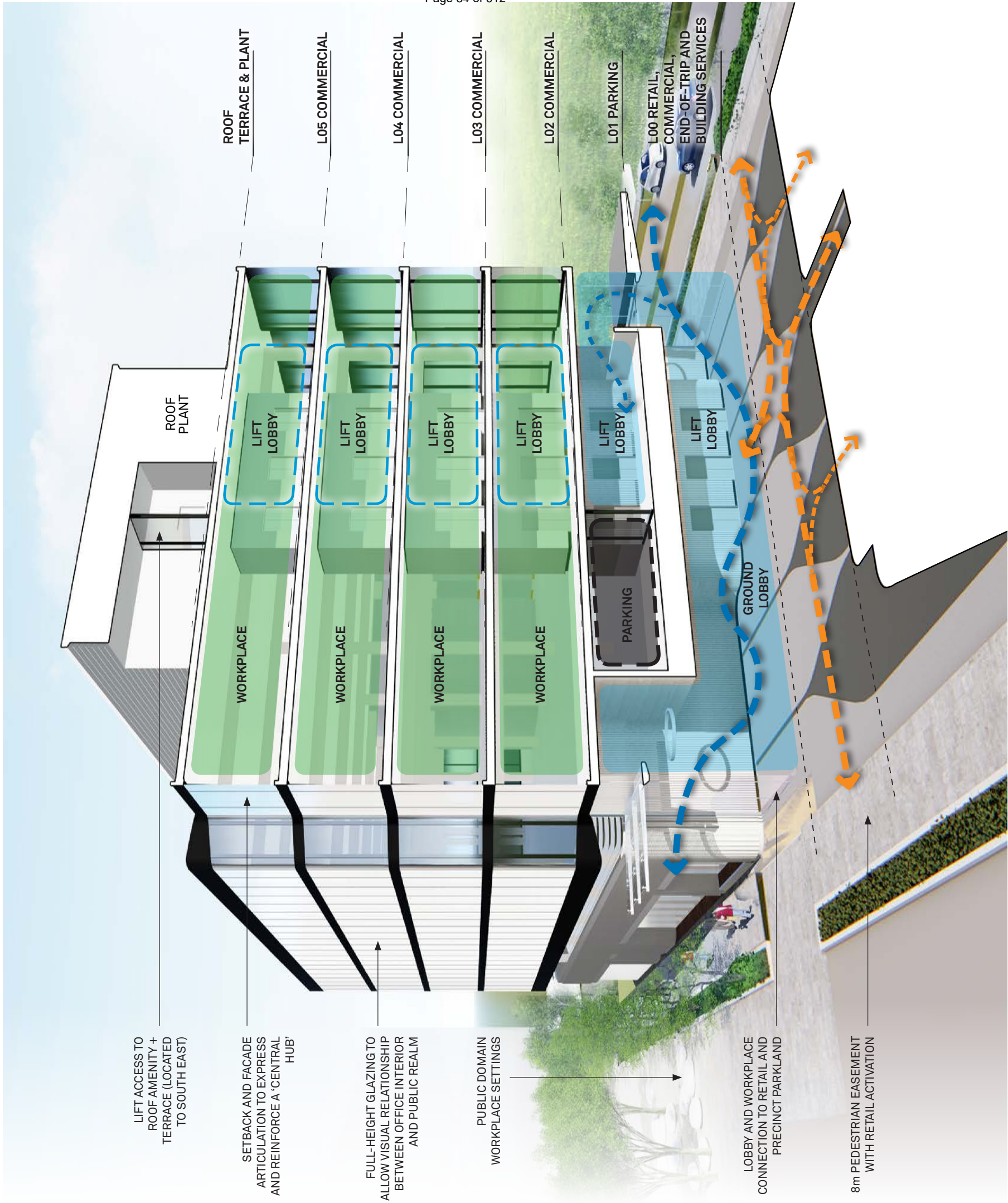
ELEVATED CAR PARKING
permeable ground plane

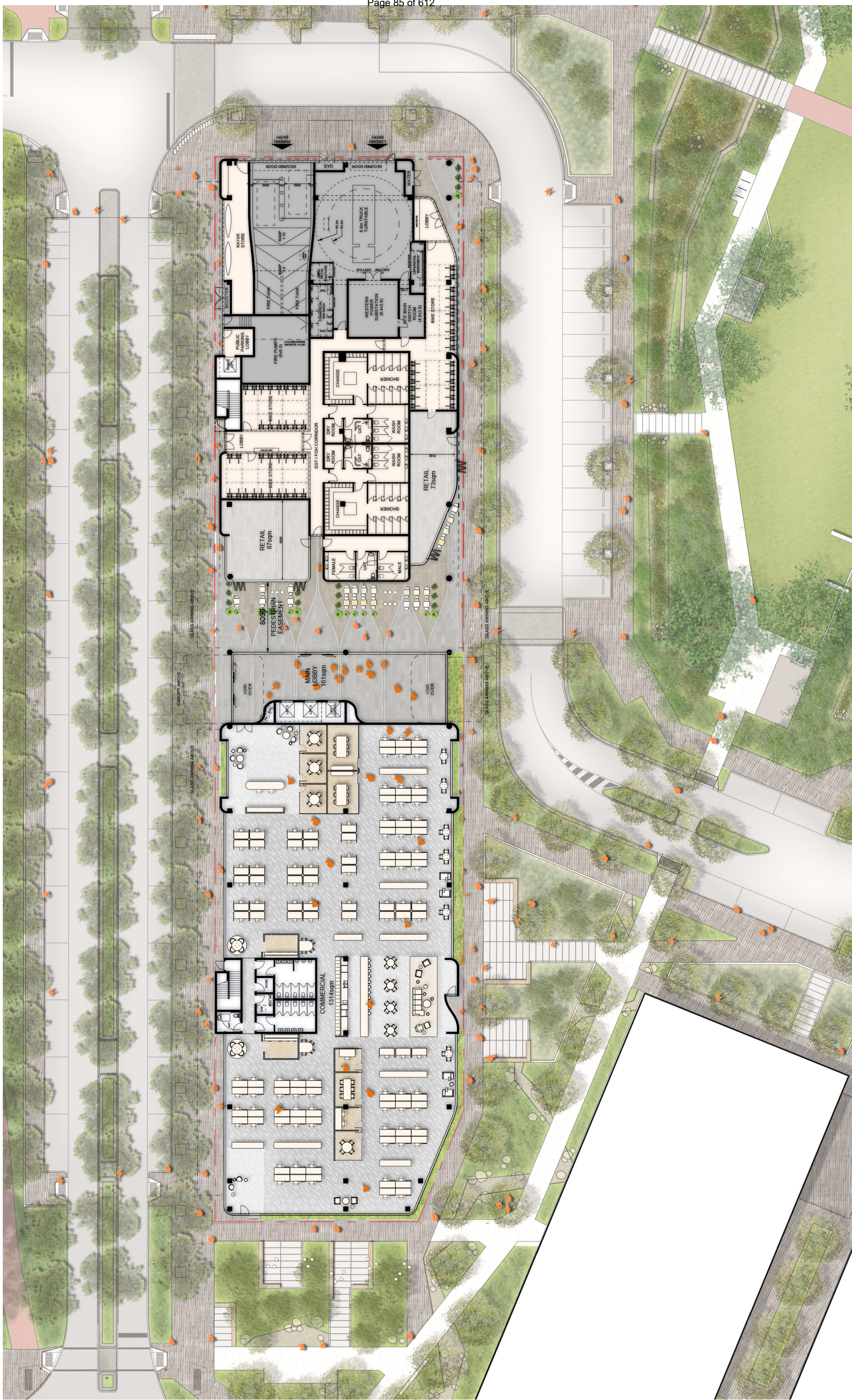


OFFSET CORE
to open up workplace to park views
and provide passive solar shading

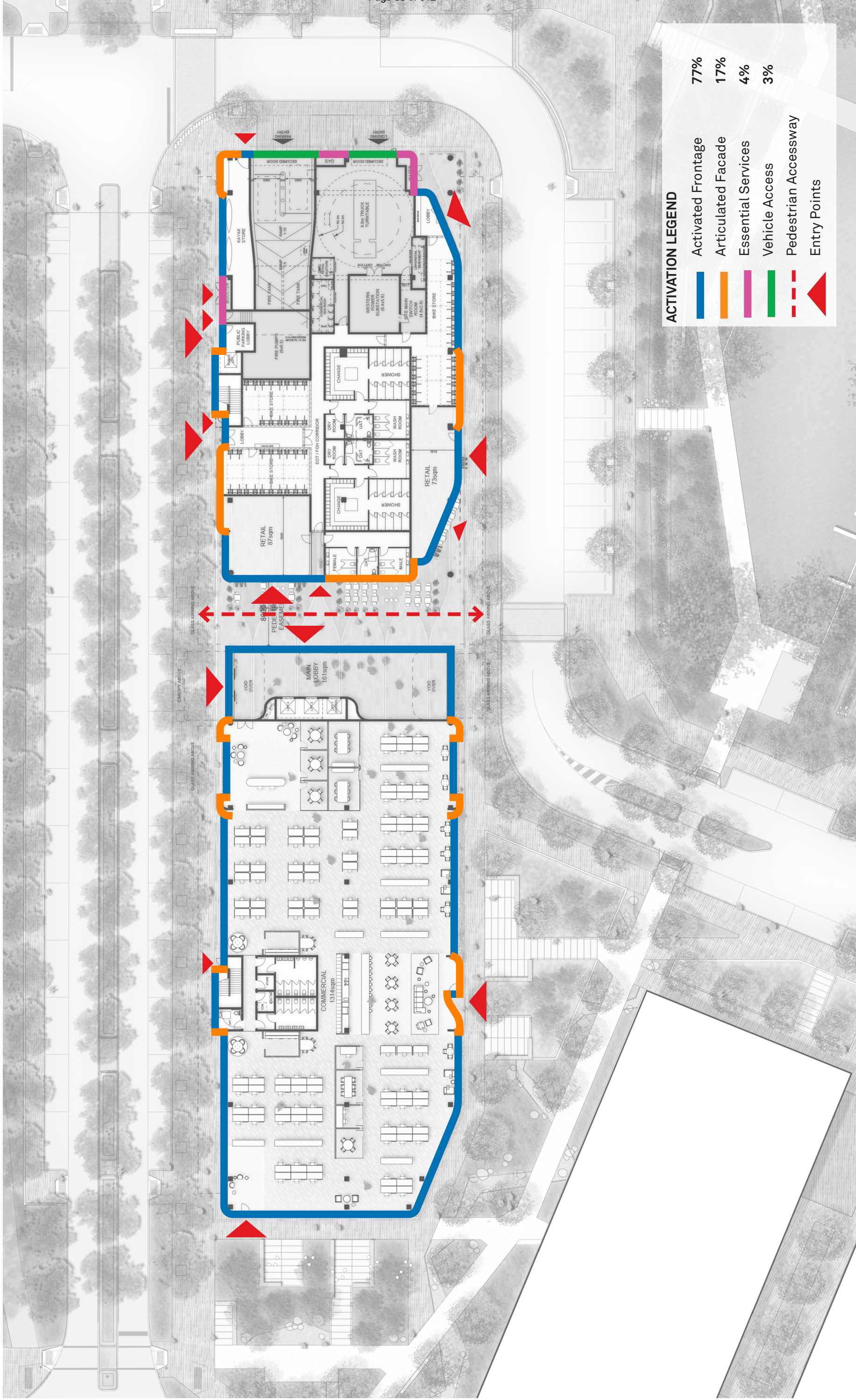


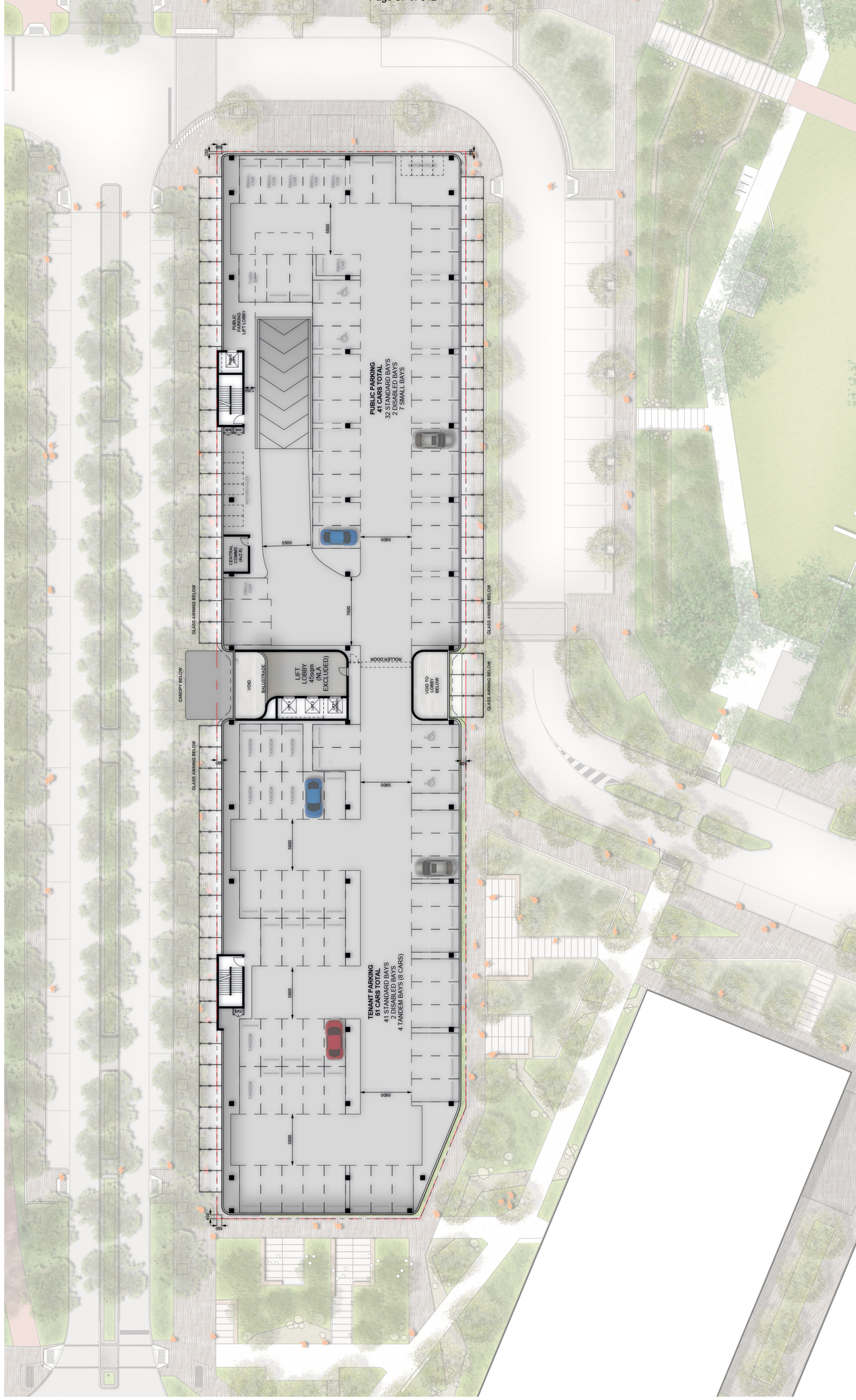
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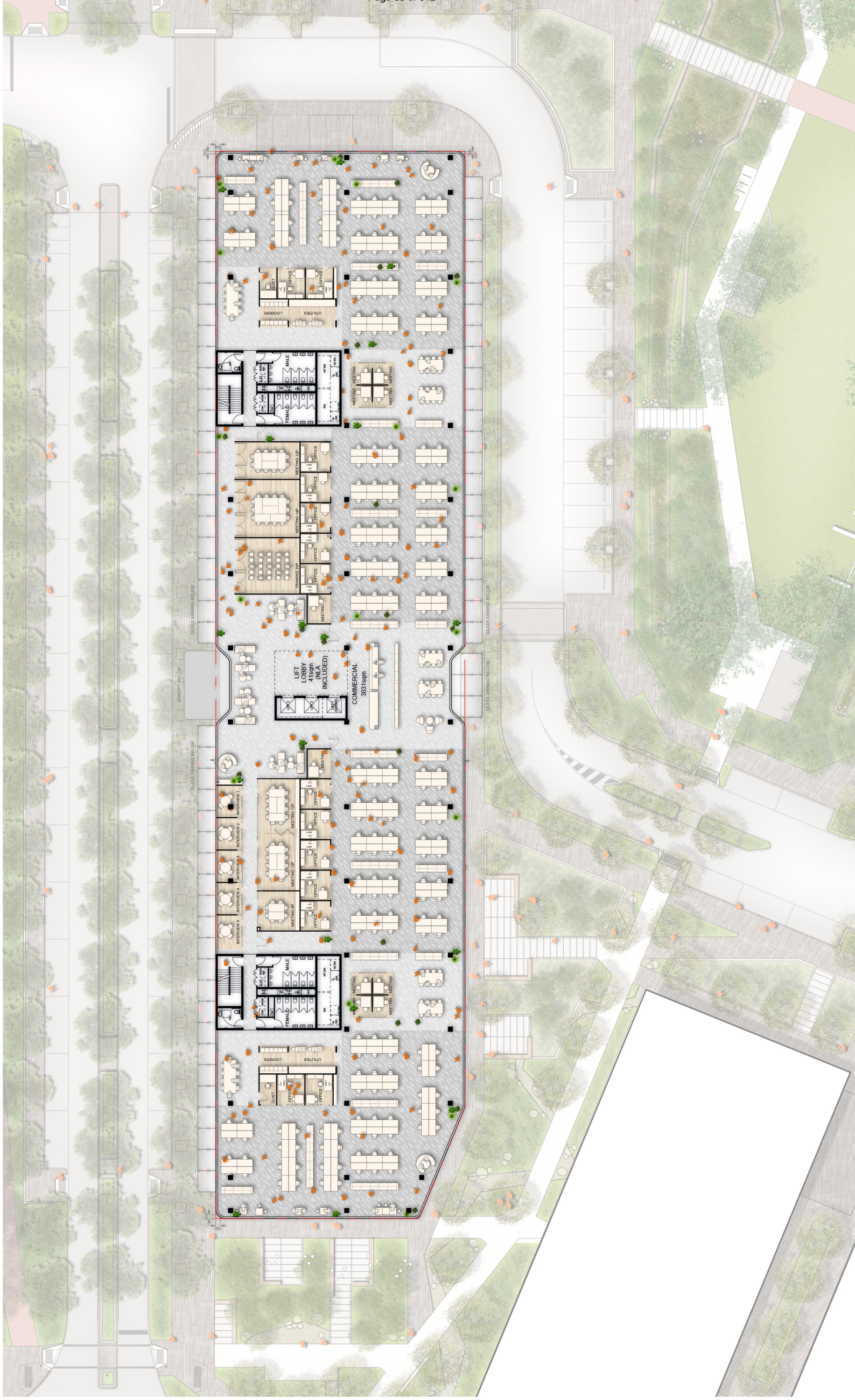


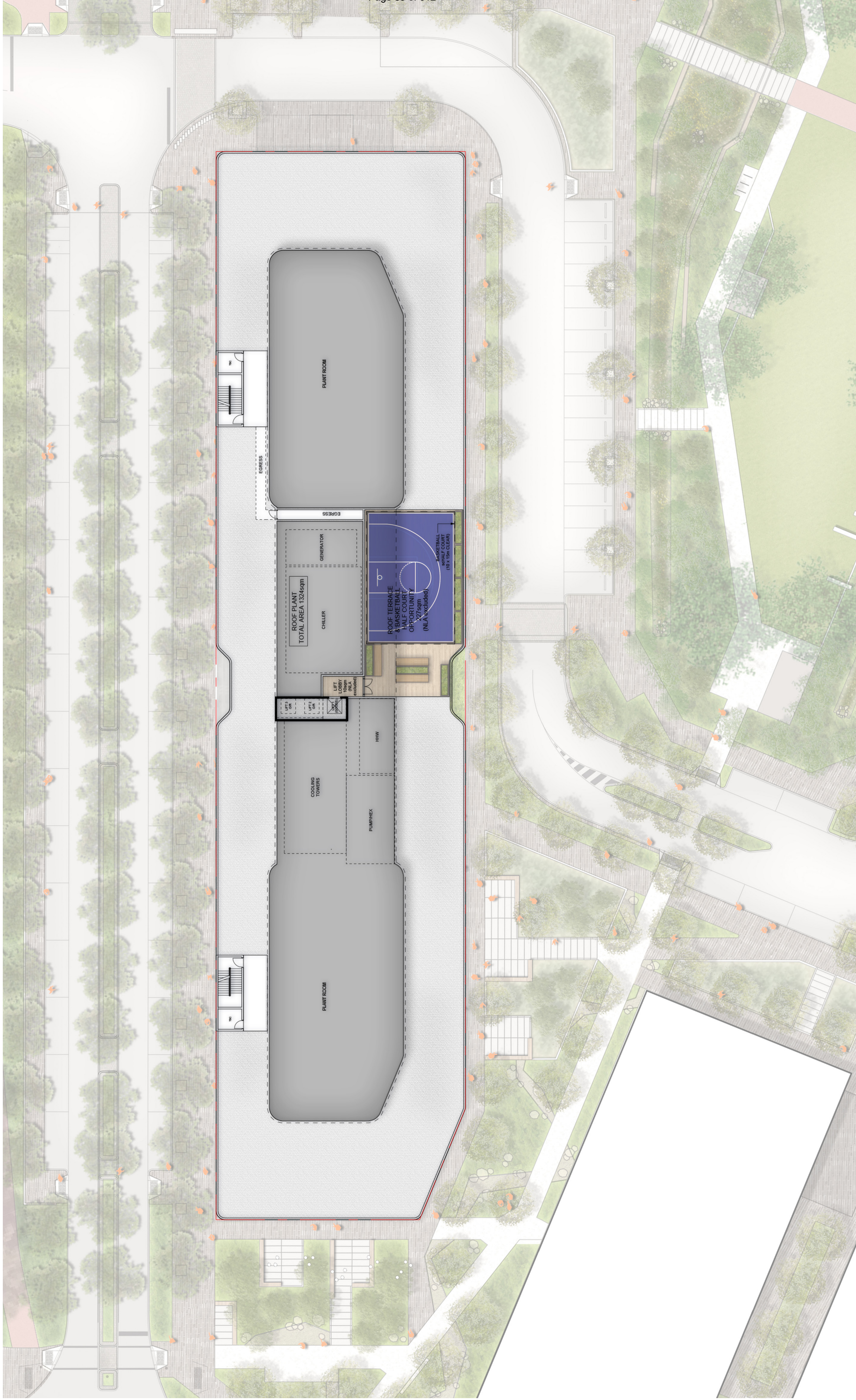
GROUND PLANE ACTIVATION





TYPICAL OFFICE FLOOR (LEVELS 2-5)

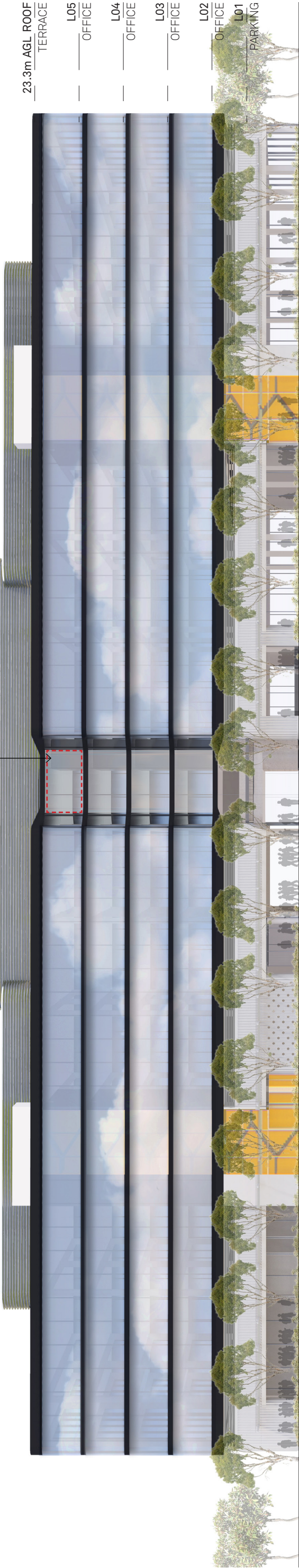




03 DESIGN

ELEVATIONS

FUTURE
TENANT
SIGNAGE



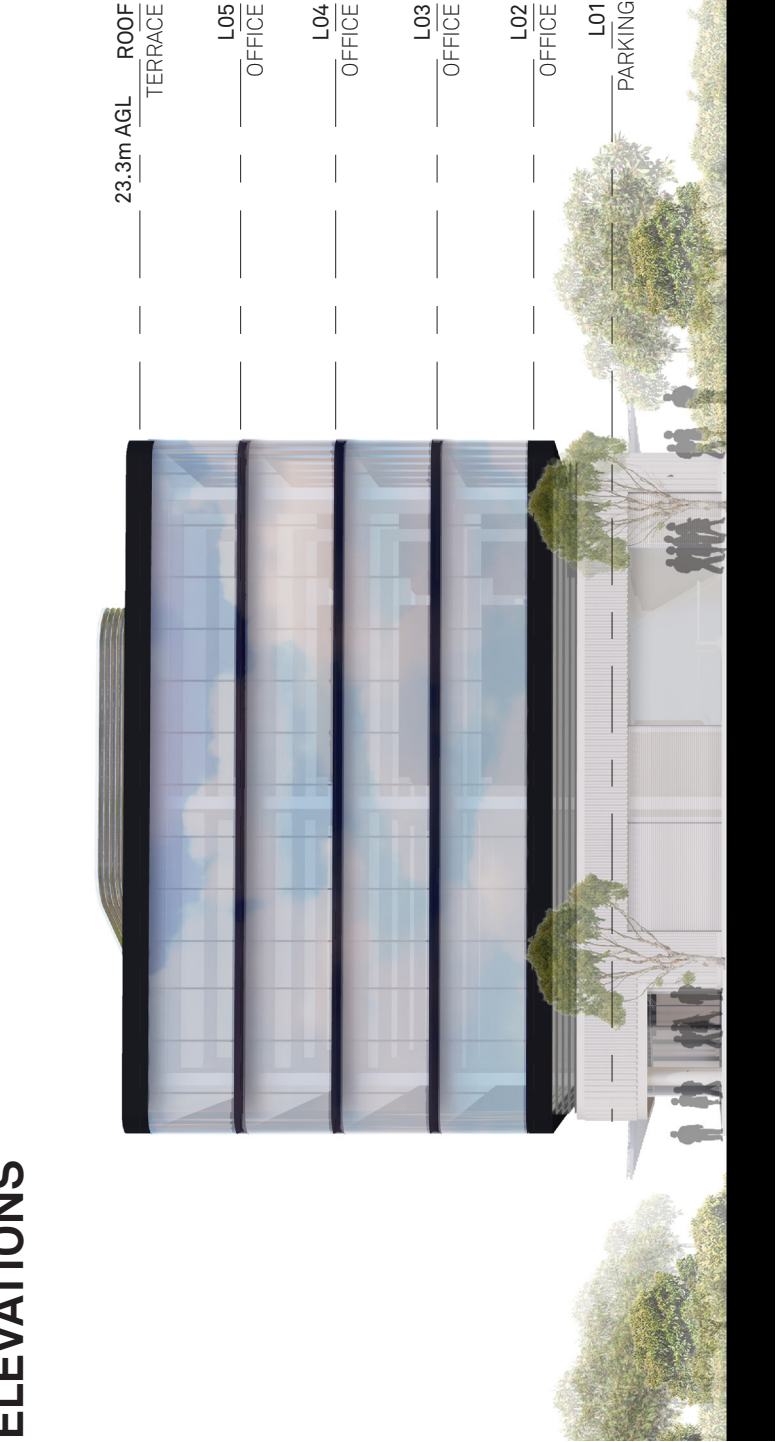
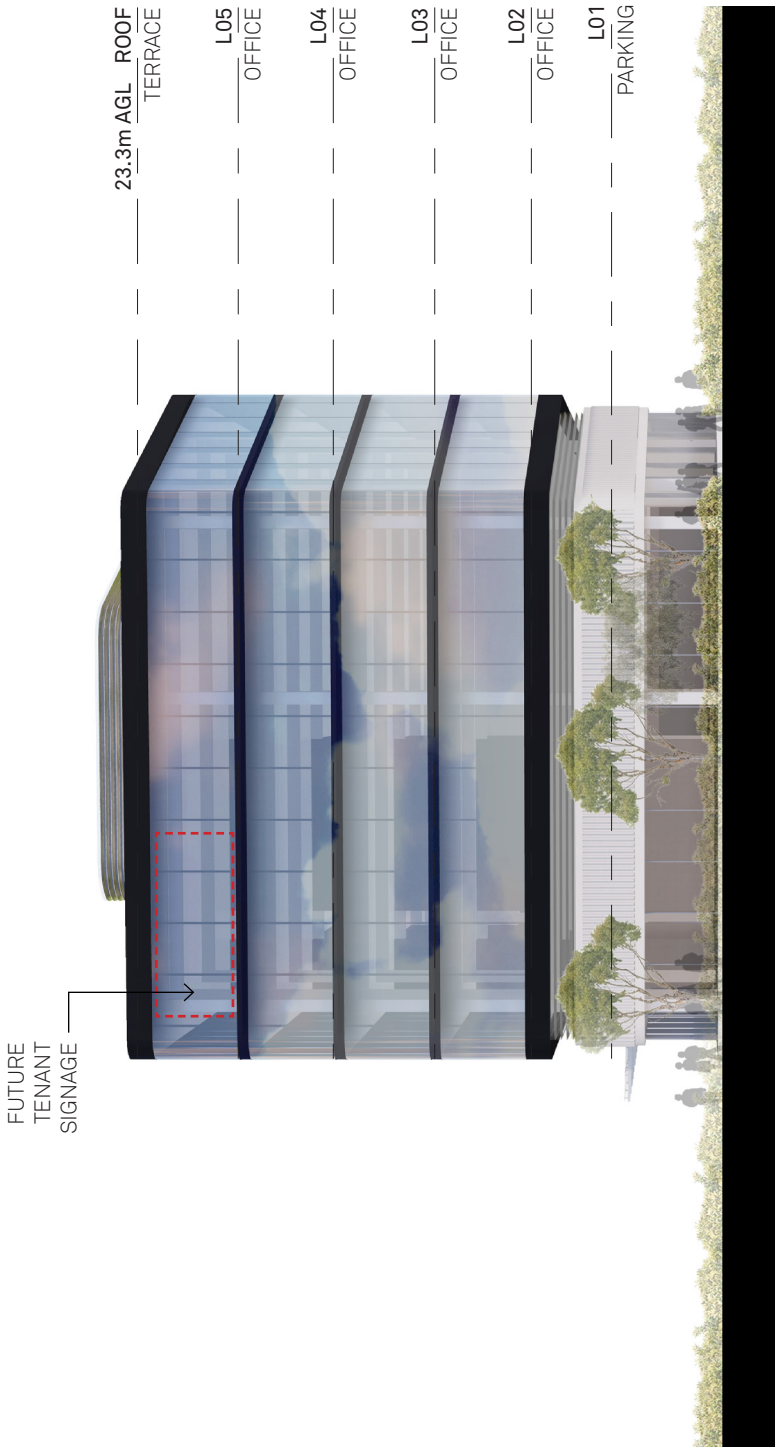
NORTH ELEVATION

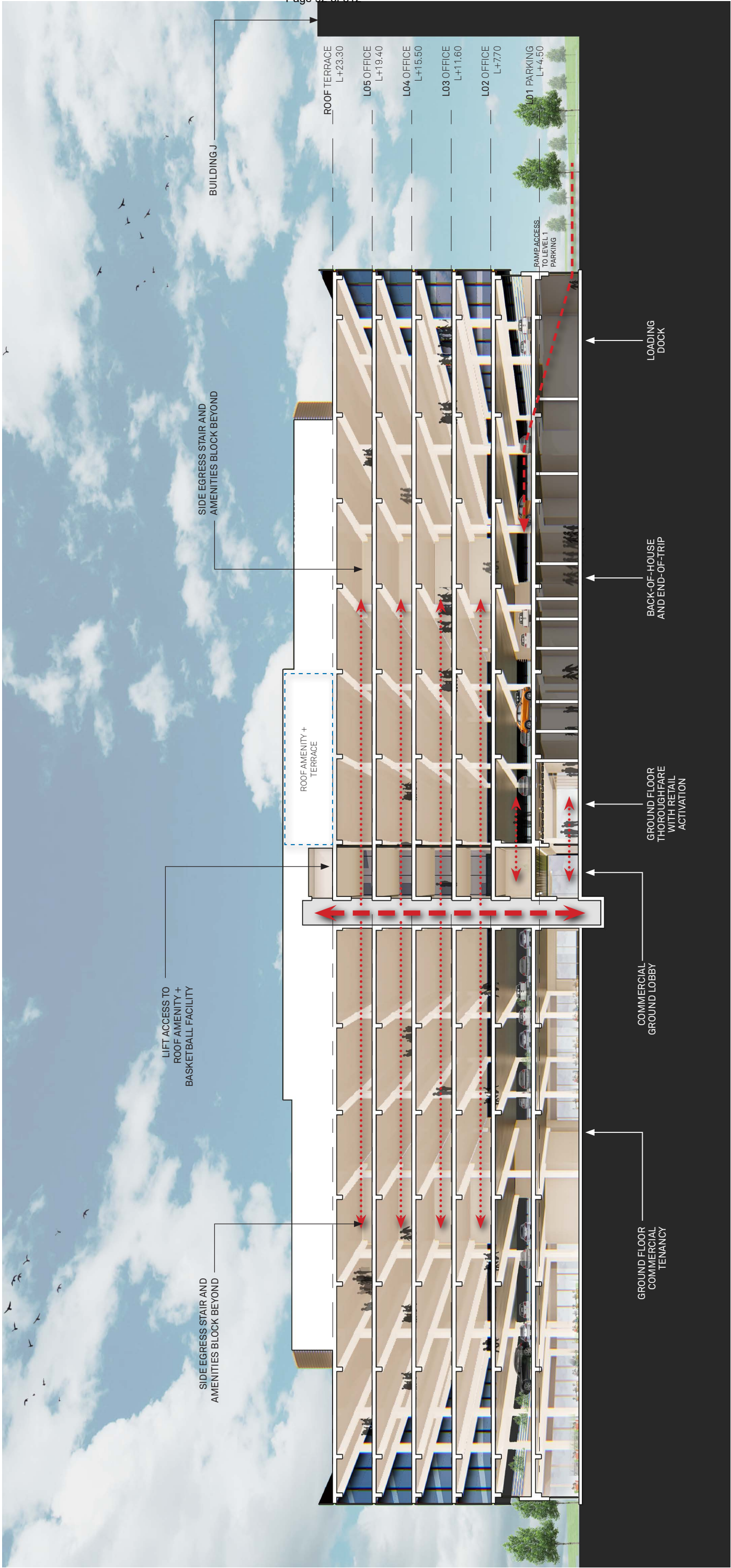
FUTURE
TENANT
SIGNAGE



SOUTH ELEVATION

ELEVATIONS







SOUTH ENTRY



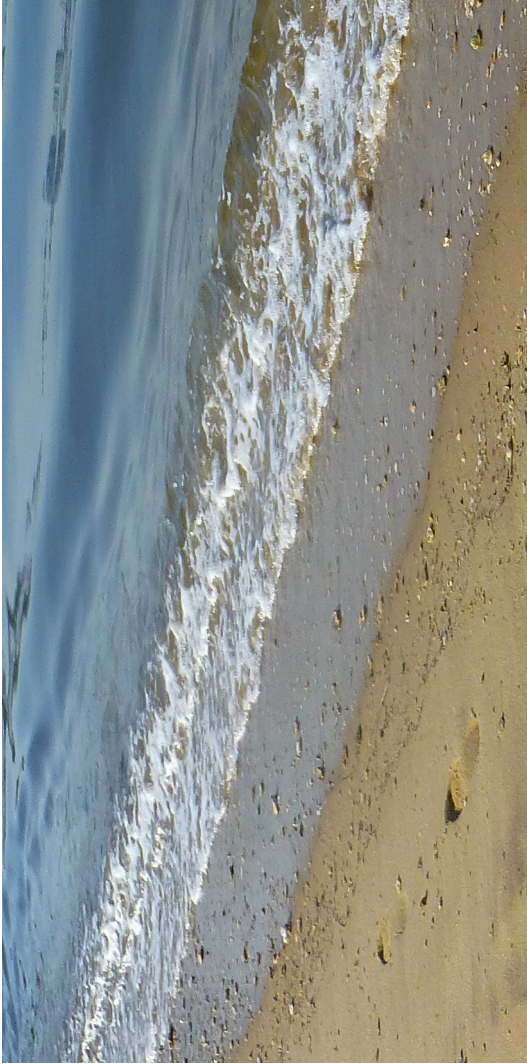




_Melaleuca



_Limestone



_Swan River

The proposed material palette is respectful of the surrounding riverine setting. Materials are consistent with landscape elements. Selections are to be of a minimal pallet, which consider durability, low maintenance and the character of the wider Waterbank precinct.

MATERIALS



5_ modular facade systems



4_ anodised aluminium louvers



3_ pre-cast concrete 'plinth' - profiled

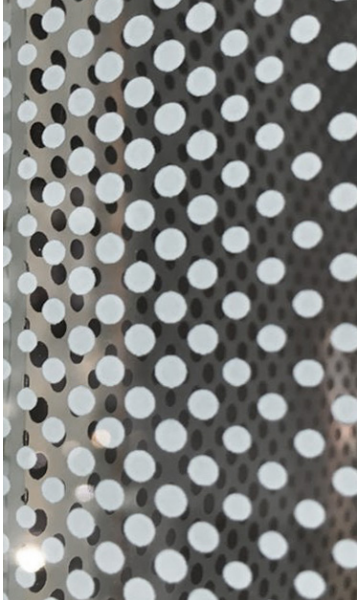
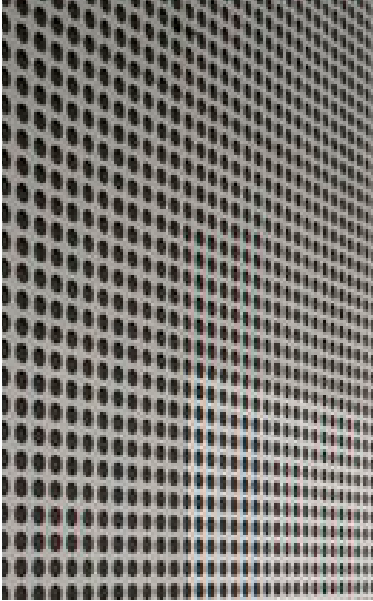


2_ pre-cast concrete 'plinth' - smooth



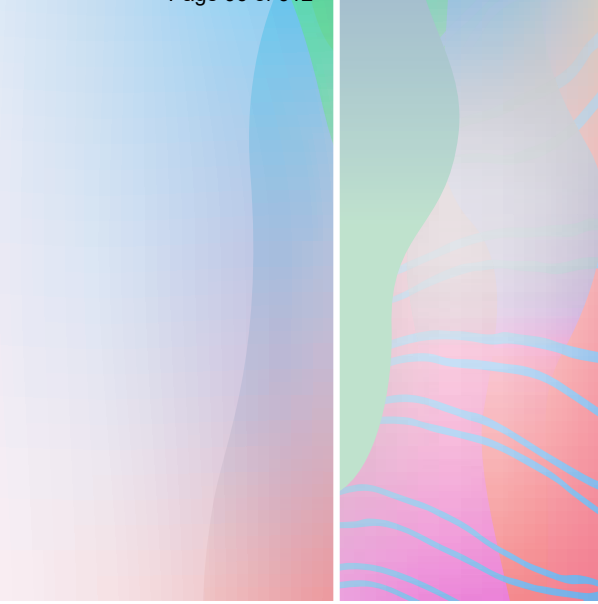
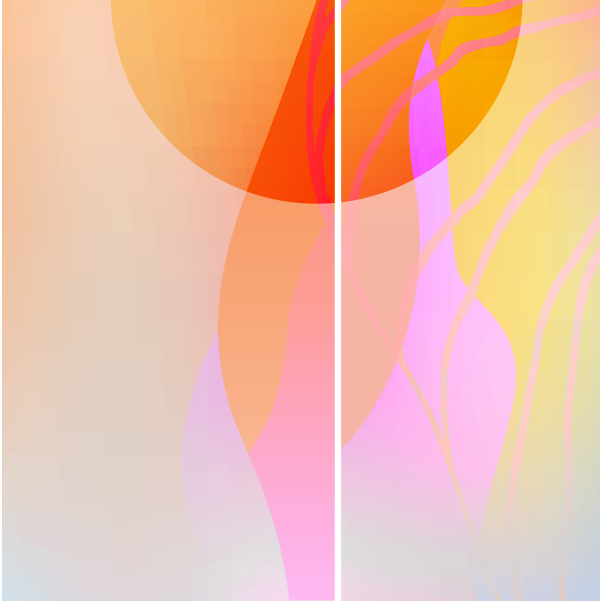
1_ in-situ concrete pavement

FORM / PATTERN / TEXTURE



_Form, pattern and texture (indicative only)

COLOUR / GRAPHIC



_Colour, graphic and finishes (indicative only)

ACCESS TO TRINITY
COLLEGE AND CARPARK



Date 7-Sep-18

Scale
1:500 @ A3

Client
Lend Lease

Project Name
Waterbank E + G

Drawing
SK011.10

SK011.10 GENERAL ARRANGEMENT

SITE PLAN

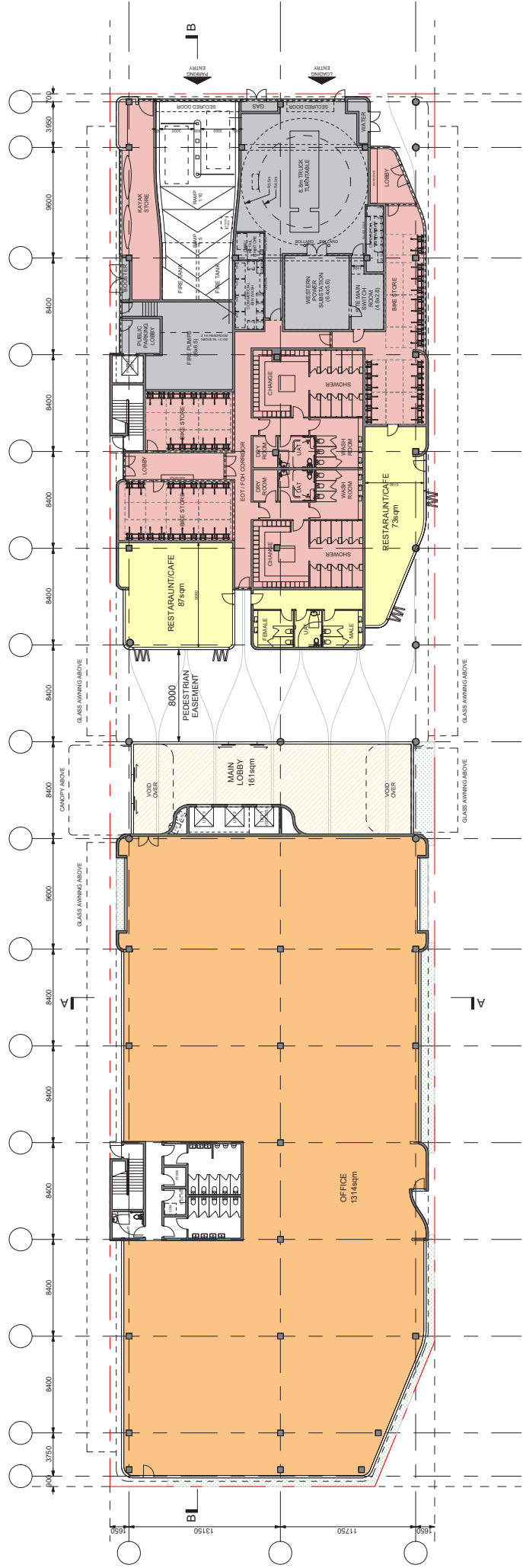
**METROPOLITAN REDEVELOPMENT
AUTHORITY**

19 SEP 2018

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L00 GROUND FLOOR

PARKING

LEVEL 01	92 bays
BAYS/1000sqm NLA = 6.68	

NOTE:

Unless otherwise noted on drawing:

- _NLA areas calculated as shown hatched
- _includes all Lift Lobby areas, except parking level Lift Lobbies
- _excludes all Amenities, corridors to Amenities, Terrace, BoH and EoT areas
- _GFA measured to outside face of facade, includes roof area, excludes major voids, includes stair and ramps

LOTS E + G	NLA				GFA	
	COMMERCIAL LOBBY	COMMERCIAL GF TENANCY	COMMERCIAL FLOORPLATES	CAFE/RETAIL	TOTAL NLA	TOTAL GFA
GROUND	166 sqm	1314 sqm		160 sqm	1640 sqm	2860 sqm
LEVEL 01						
LEVEL 02			3031 sqm		3031 sqm	3045 sqm
LEVEL 03			3031 sqm		3031 sqm	3331 sqm
LEVEL 04			3031 sqm		3031 sqm	3331 sqm
LEVEL 05			3031 sqm		3031 sqm	3331 sqm
LEVEL 06 (ROOF)						
TOTAL	166 sqm	1314 sqm	12124 sqm	160 sqm	13764 sqm	22560 sqm
OVERALL EFFICIENCY = 61.01%						

SK011.1 GENERAL ARRANGEMENT
L00 GROUND FLOOR



HASSELL



Date
7-Sep-18

Scale
1:500 @ A3

Client
Lend Lease

Project Name
Waterbank E + G

Drawing
SK011

100



SK011.2 GENERAL ARRANGEMENT L01 PARKING

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Client
Lend Lease

Project Name	Waterbank E + G

Drawing
SK011

1. *Journal of the American Medical Association*, 2000; 283: 2689-2695.



Page 100 of 612

SK011.3 GENERAL ARRANGEMENT
L02-05 COMMERCIAL OFFICE TENANCY

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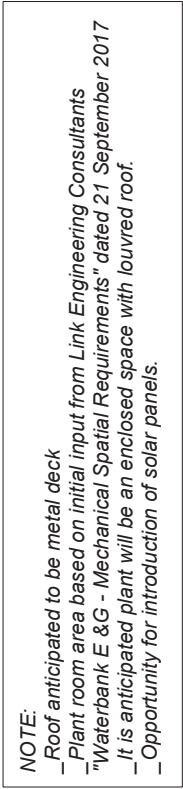
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Client
Lend Lease

Project Name	Waterbank E + G
---------------------	-----------------

Drawing
SK011

1. *Journal of the American Medical Association*, 2000; 284: 2689-2695.



ROOF LEVEL

NOTE:

Roof anticipated to be metal deck
Plant room area based on initial input from Link Engineering Consultants
"Waterbank E & G - Mechanical Spatial Requirements" dated 21 September 2017
It is anticipated plant will be an enclosed space with louvred roof.
Opportunity for introduction of solar panels.

SK011.4 GENERAL ARRANGEMENT L06 ROOF

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7-Sep-18

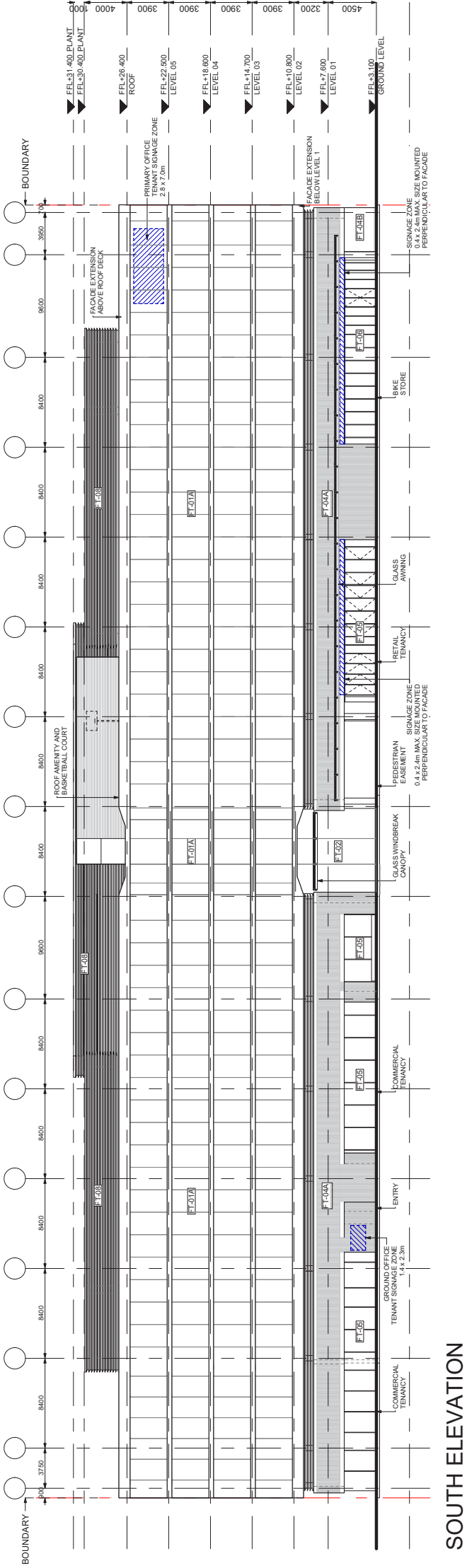
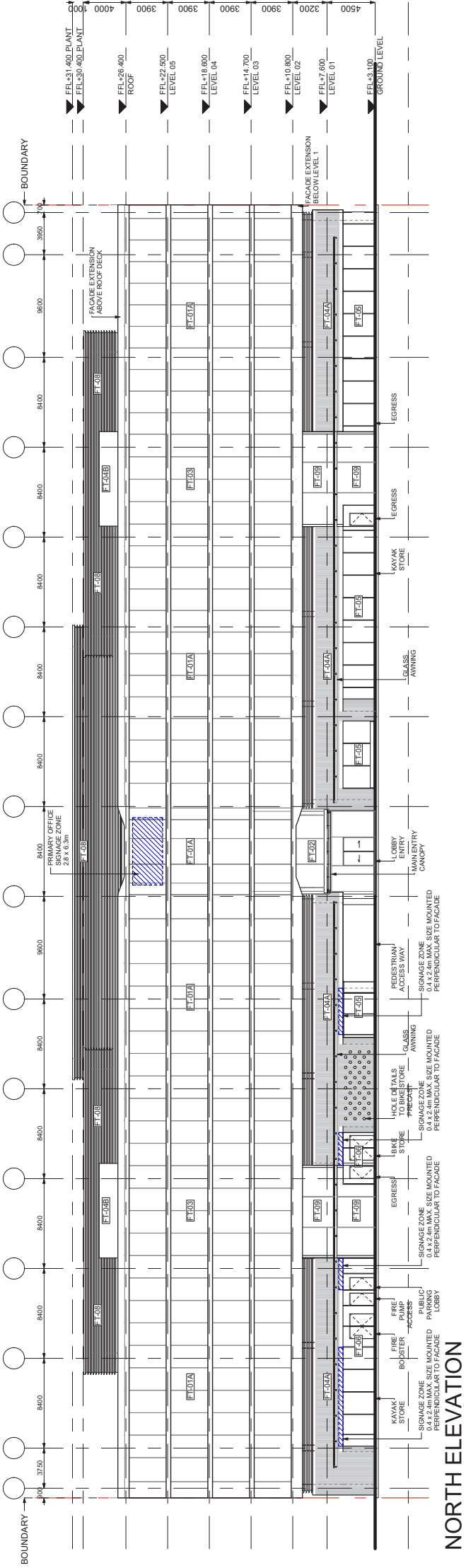
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Client
Lend Lease

Project Name
Waterbank E + G

Drawing
SK011

04 ARCHITECTURAL DRAWINGS



SK011.6 GENERAL ARRANGEMENT
SOUTH & NORTH ELEVATIONS

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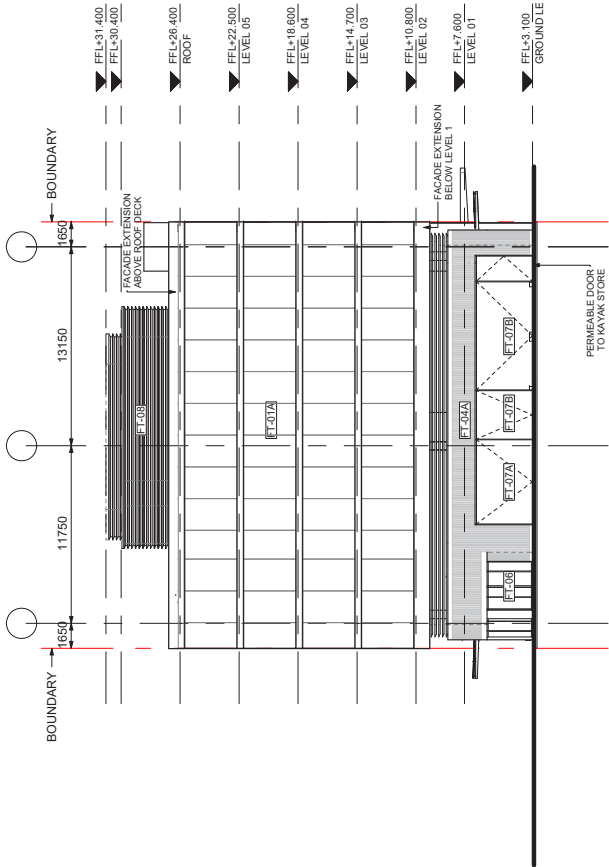
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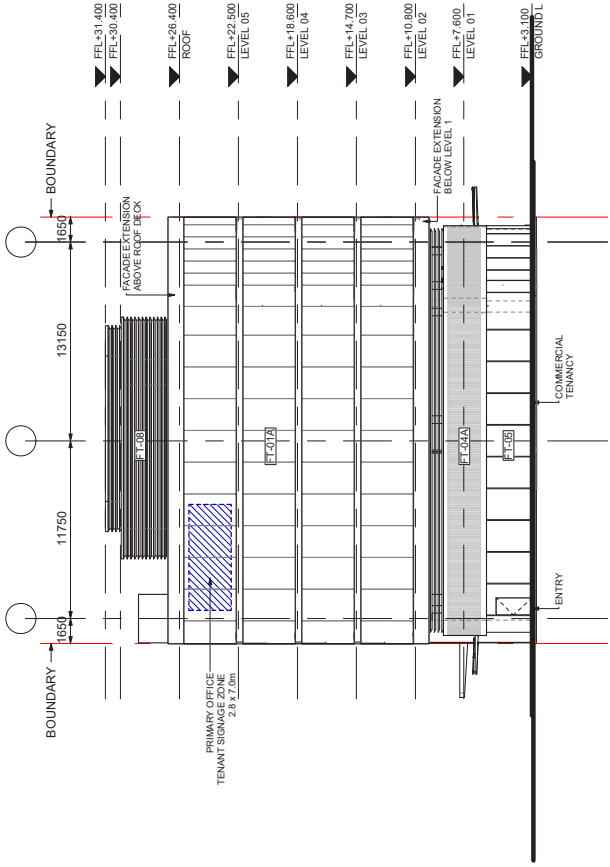
Date 7-Sep-18
Scale 1:500 @ A3
Client Lend Lease

Project Name Waterbank E + G
Drawing SK011

04 ARCHITECTURAL DRAWINGS



EAST ELEVATION



WEST ELEVATION

FACADE TYPES

- FT-01A MODULAR CAPLESS FACADE SYSTEM VISION GLASS INTEGRATING ALUMINIUM FRAMING SYSTEM WITH HORIZONTAL FLUSH EDGE DETAIL AND GRADIENT FRIT DETAIL TO GLASS (TYPICAL)
- FT-02 CLEAR VISION GLASS INTEGRATING ALUMINIUM FRAMING HORIZONTAL BRACE TO FUTURE DETAILS
- FT-03 MODULAR FACADE SYSTEM VISION GLASS INTEGRATING ALUMINIUM FRAMING SYSTEM WITH SHADOWBOX BACK TO NORTH FGRESS STAIRS
- FT-04A WHITE PRECAST CONCRETE PROFILED WITH SMOOTH FINISH DETAIL TO EDGE
- FT-04B WHITE PRECAST CONCRETE SMOOTH FINISH
- FT-05 MODULAR FACADE SYSTEM SHOPFRONT GLASS INTEGRATING ALUMINIUM FRAMING SYSTEM TYPICAL TO GROUND LEVEL AND ROOF TERRACE LOBBY
- FT-06 MODULAR FACADE SYSTEM PERMEABLE MESH FACADE INTEGRATING ALUMINIUM FRAMING SYSTEM TO BIKE/KAYAK STORE
- FT-07A PROFILED ROLLER DOOR (SOLID)
- FT-07B PROFILED ROLLER DOOR (PERFORATED)
- FT-08 ANODISED ALUMINIUM REVERSE-PITCHED LOUVRES WITH CONCEALED SUPPORT TO CAR PARK AND ROOF PLANT
- FT-09 MESH FACADE INTEGRATING ALUMINIUM FRAMING SYSTEM

SK011.7 GENERAL ARRANGEMENT
EAST & WEST ELEVATIONS

METROPOLITAN REDEVELOPMENT
AUTHORITY
19 SEP 2018
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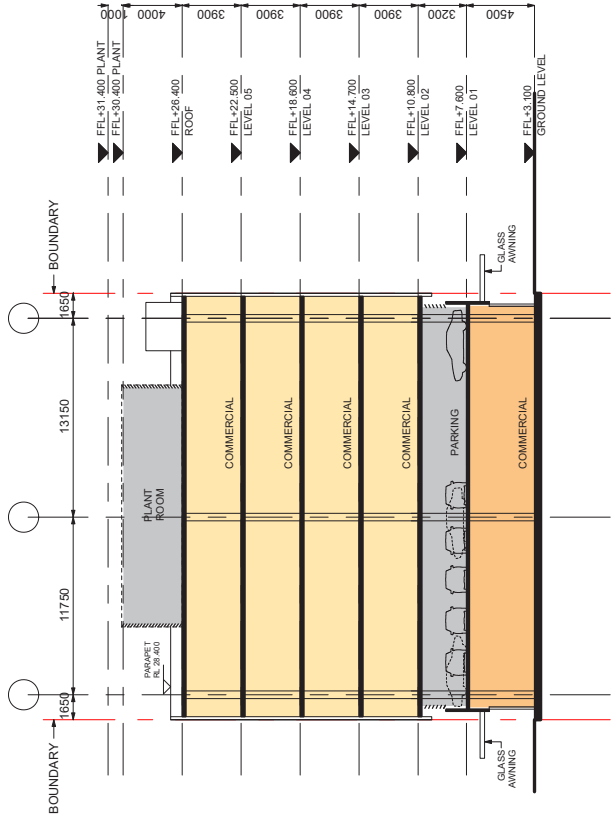
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Client
Lend Lease

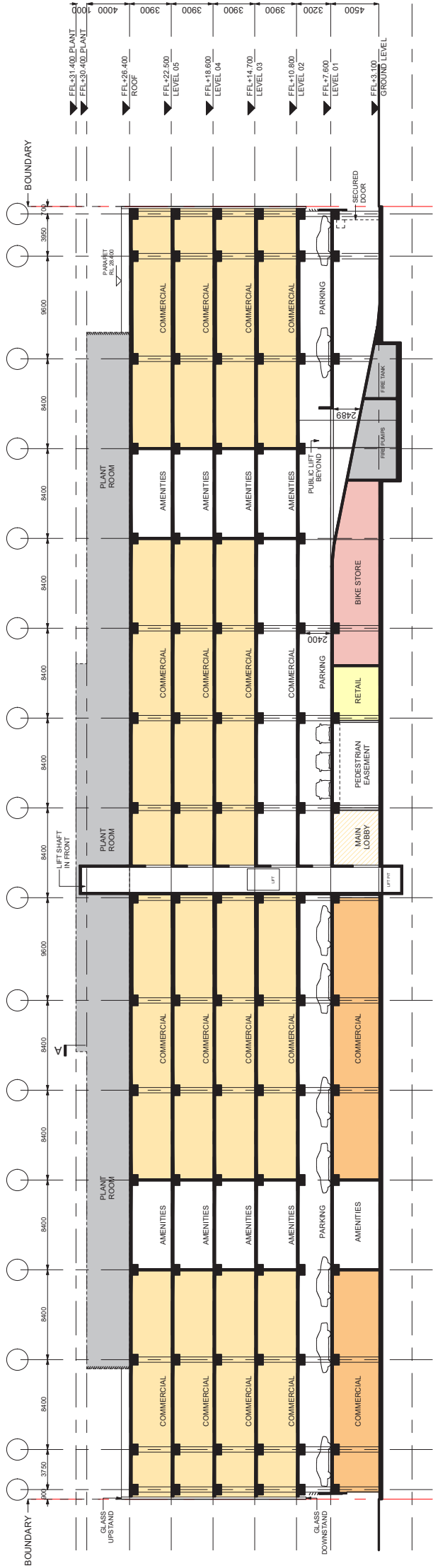
Project Name
Waterbank E + G

Drawing
SK011

04 ARCHITECTURAL DRAWINGS



SECTION A-A



SECTION B-B

SK011.5 GENERAL ARRANGEMENT
GENERAL ARRANGEMENT SECTIONS



HASSELL



Date
7-Sep-18

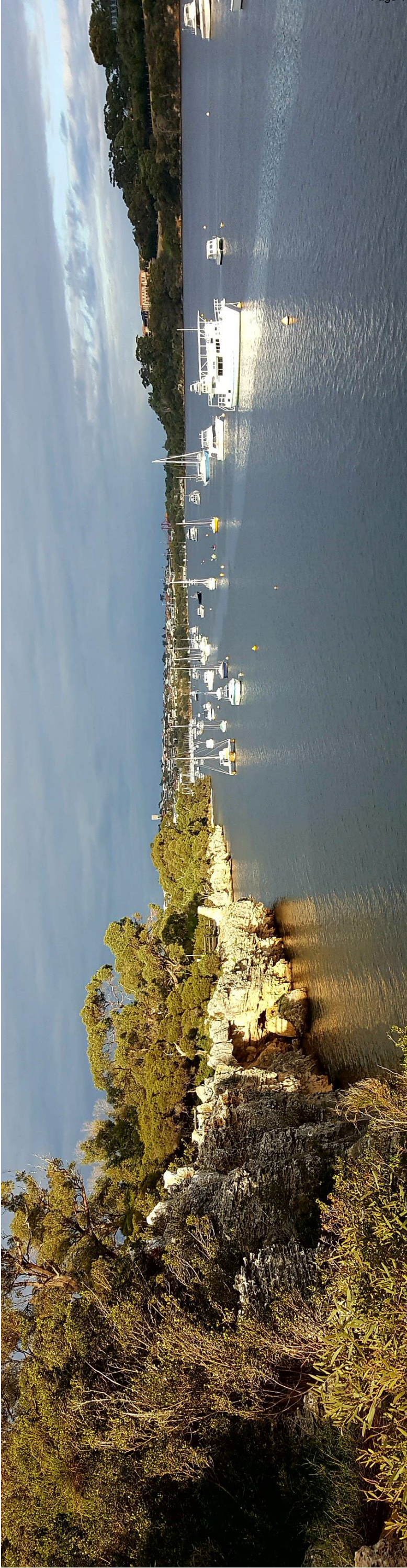
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Client
Lend Lease

Project Name
Waterbank E + G

Drawing
SK011

ERODED COVES AND SWAN RIVERSCAPES



Page 105 of 612

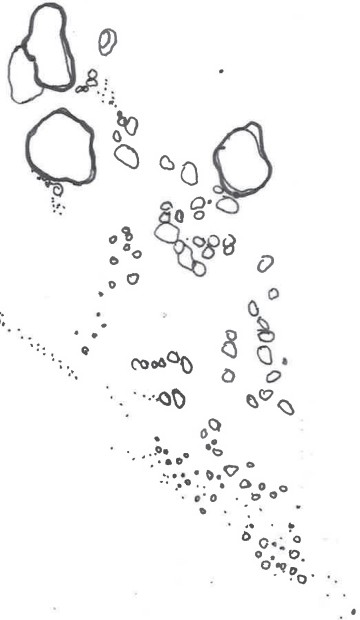
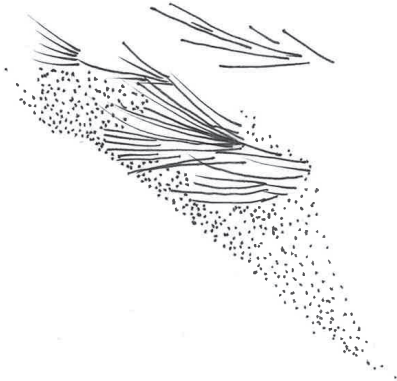


Prevailing winds and currents cause erosion and deposition along the swan rivers edge.



EROSION

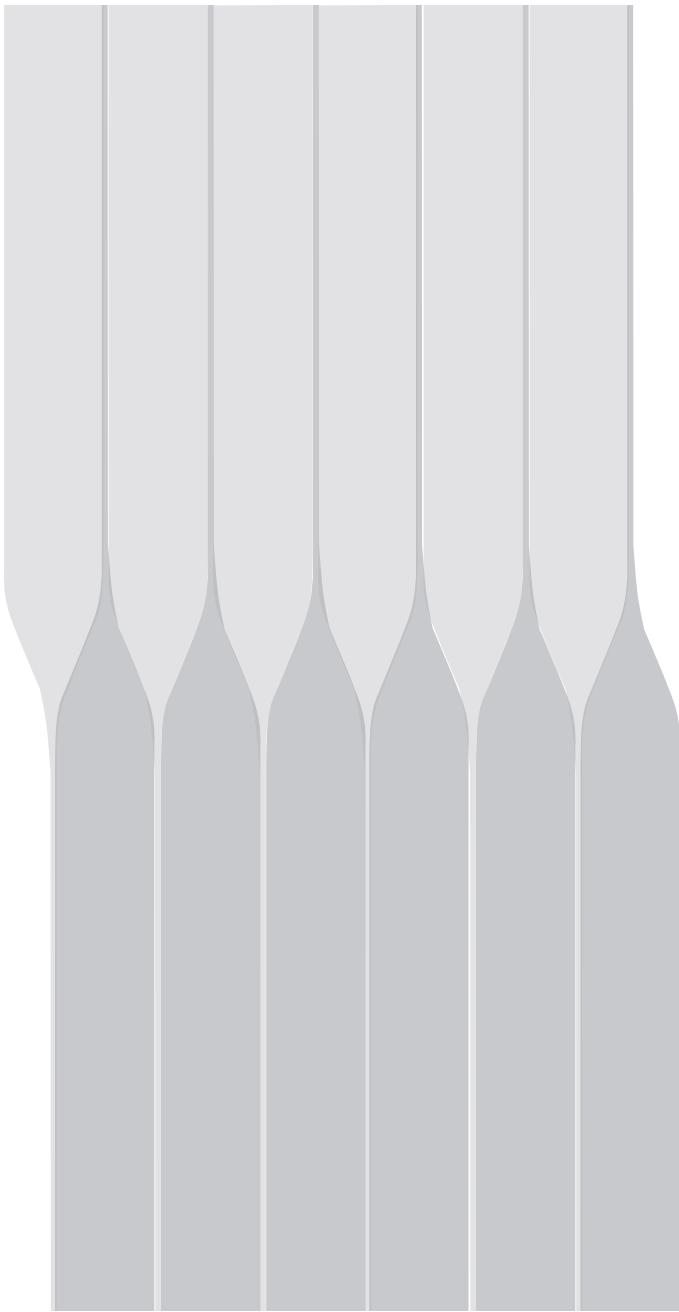
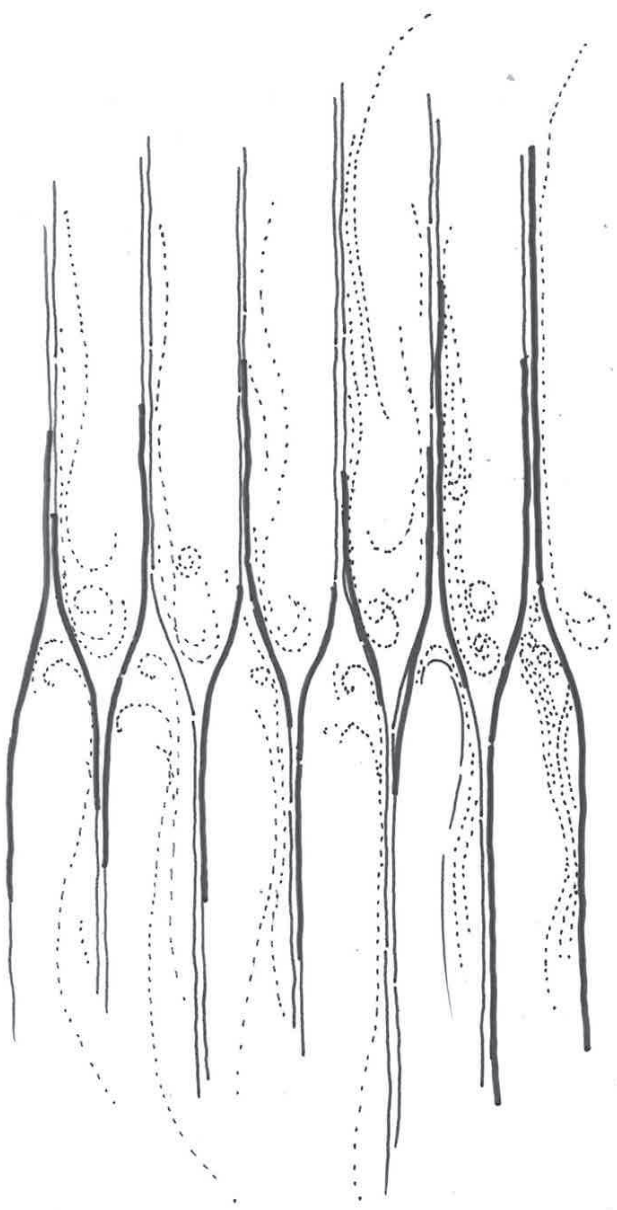
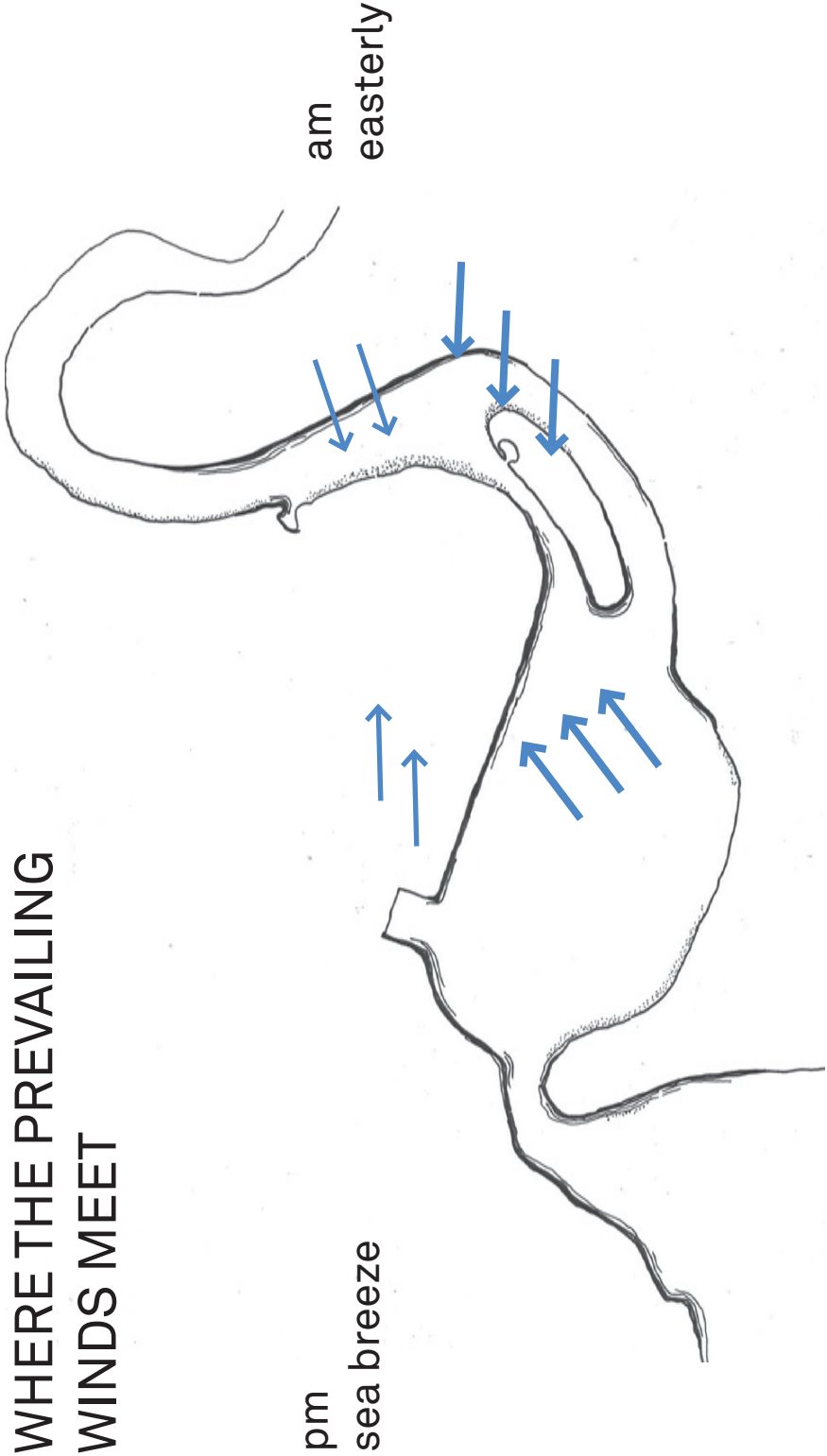
DEPOSITION



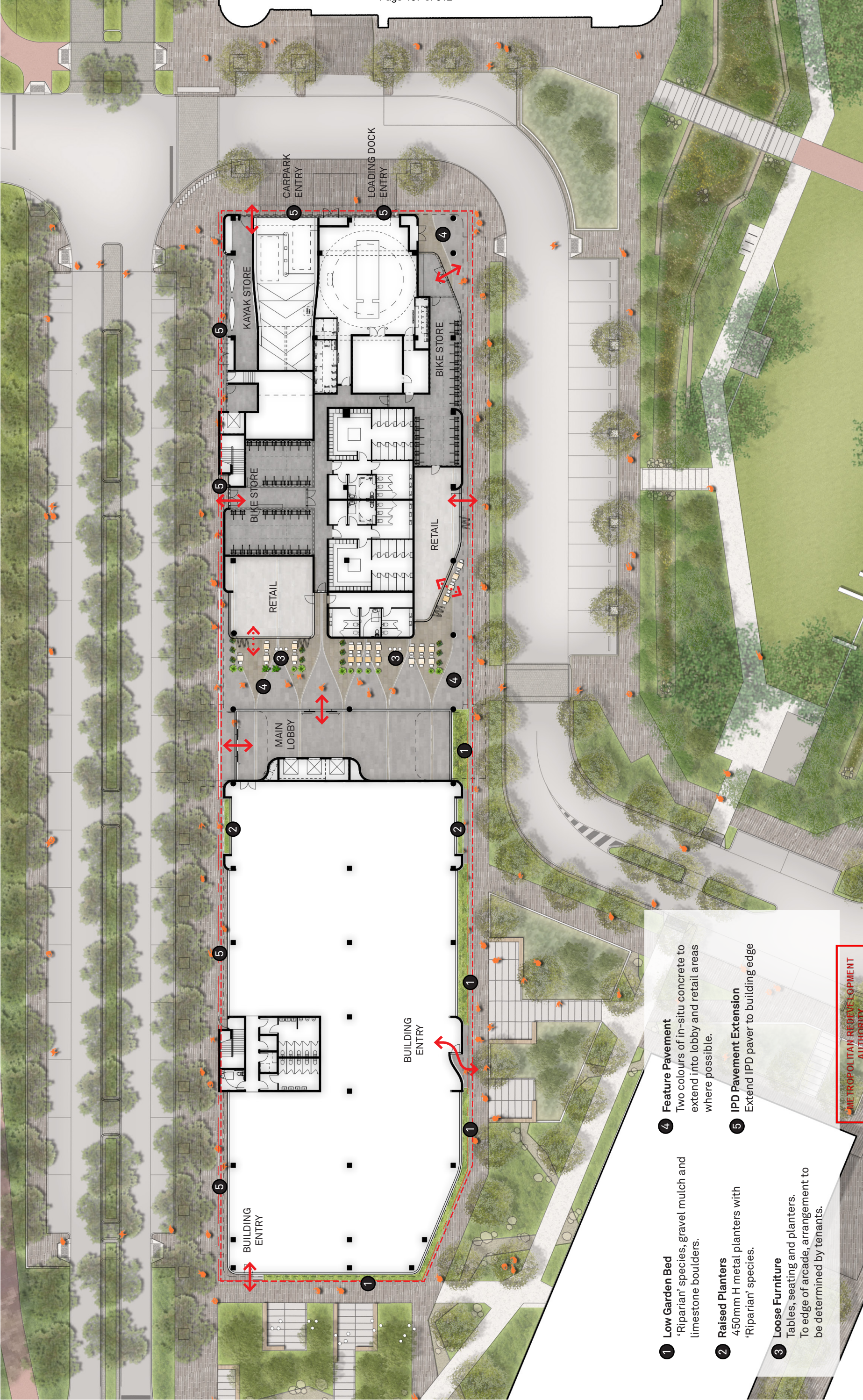
CONCEPTS

An interpretation of Waterbank river conditions has informed the paving layout to the public areas of the proposal, representing a meeting of prevailing wind conditions, water currents and people. This curvilinear layout introduces a gentle visual rhythm to the pedestrian thoroughfare, and ties the two ‘wings’ of active use either side of this thoroughfare together.

WHERE THE PREVAILING WINDS MEET



05 LANDSCAPE
LANDSCAPE PLAN



- 1 Low Garden Bed**
'Riparian' species, gravel mulch and limestone boulders.
- 2 Raised Planters**
450mm H metal planters with 'Riparian' species.
- 3 Loose Furniture**
Tables, seating and planters. To edge of arcade, arrangement to be determined by tenants.
- 4 Feature Pavement**
Two colours of in-situ concrete to extend into lobby and retail areas where possible.
- 5 IPD Pavement Extension**
Extend IPD paver to building edge

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05 LANDSCAPE

MATERIALITY

The proposed material palette is respectful of the surrounding swan river setting. Materials are consistent with the building and facade elements. Selections consider durability, low maintenance, low water use and the character of the wider Waterbank precinct.

View of North Entry



Change of surface treatment and linear drainage grate at lobby facade alignment

CCP Standard Unit Paver to sidewalk as per approved IPD design.

HARDSCAPE



1_Compacted Fines



2_Exposed Aggregate Concrete

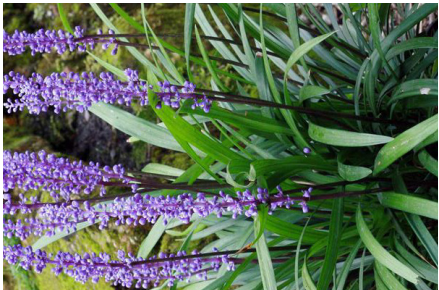


2_Exposed Aggregate Concrete



3_Gravel Mulch

PLANTING



Liriope muscari



Samolus repens



Lomandra longifolia 'Tanika'



Eremophila glabra 'Emu Bush'



Senecio serpens



05 LANDSCAPE

ROOF TERRACE



ROOF TERRACE STYLE



Page 110 of 612

ROOF TERRACE PLAN

- 1

Movable Raised Planters
1200mm H lightweight free draining planters which can be moved around the space.
- 2

Loose Furniture
Series of movable tables, seating and lounges can be moved around the free space.
To edge of arcade, arrangement to be determined by tenants.
- 3

Deck Surface Treatment
Continuous surface treatment of timber deck allowing flexibility of space for varied uses.
- 4

Opportunity for Basketball Court
Proprietary basketball court surface tile treatment.
- 5

Balustrade Edge
Balustrade to be integrated with main building fabric.

MATERIALITY



TIMBER DECKING

GRAVEL MULCH

Carpobrotus rossii

Lomandra longifolia 'Tanika'

Senecio serpens

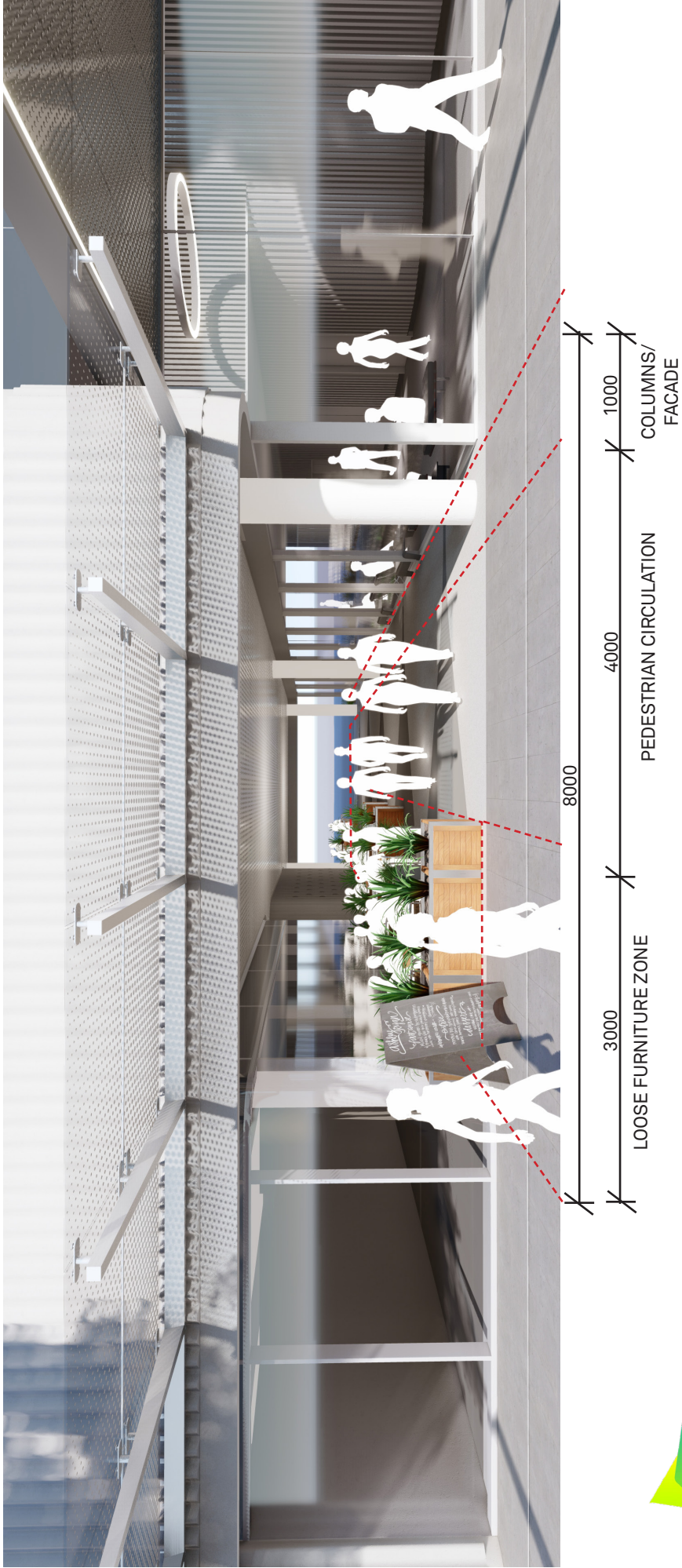
Eremophila glabra 'Emu Bush'

PEDESTRIAN THOROUGHFARE STUDY



Precedent: 140 William Street

- _Simple high quality surface stone treatment.
- _Flexibility for loose tenancy furniture / pop up retail/ exhibition.
- _Feature/ detail within soffit.
- _Inadequate space for outdoor seating/ dining.



Proposed: WATERBANK Lots 4 & 5

- _High quality surface treatment with subtle pattern to breakdown width.
- _Flexibility for loose tenancy furniture / pop up retail/ exhibition. Zone up to 4m wide directly outside of the retail/ F & B tenancy to be loose.

Australia	China	United Kingdom
Adelaide HASSELL Level 1 82 Waymouth Street Adelaide SA Australia 5000 T +61 8 8220 5000 E adelaide@hassellstudio.com	Beijing HASSELL Suite 308-B011 Building A Beijing Fortune Centre 7 Middle Dong San Huan Road Chaoyang District Beijing 100026 China T +8610 5126 6908 E beijing@hassellstudio.com	Cardiff HASSELL Level 2 Park House Greyfriars Road Cardiff CF10 3AF United Kingdom T +44 29 2072 9071 E cardiff@hassellstudio.com
Brisbane HASSELL 36 Warry Street Fortitude Valley QLD Australia 4006 T +61 7 3914 4000 E brisbane@hassellstudio.com	Hong Kong HASSELL 22F, 169 Electric Road North Point Hong Kong T +852 2552 9098 E hongkong@hassellstudio.com	London HASSELL 1 Curtain Place London EC2A 3AN United Kingdom T +44 20 7490 7669 E london@hassellstudio.com
Melbourne HASSELL 61 Little Collins Street Melbourne VIC Australia 3000 T +61 3 8102 3000 E melbourne@hassellstudio.com	Shanghai HASSELL 12F base 45 Caoxi North Road Xuhui District Shanghai 200030 China T +8621 5467 9333 E shanghai@hassellstudio.com	United States of America San Francisco HASSELL Level 7 25 Taylor Street San Francisco CA 94102 United States of America T +1 415 860 7067 E sanfrancisco@hassellstudio.com
Perth HASSELL Level 1 Commonwealth Bank Building 242 Murray Street Perth WA Australia 6000 T +61 8 6477 6000 E perth@hassellstudio.com	South East Asia Singapore HASSELL 33 Tras Street #02-01 078973 Singapore T +65 6224 4688 E singapore@hassellstudio.com	
Sydney HASSELL Level 2 Pier 8/9, 23 Hickson Road Sydney NSW Australia 2000 T +61 2 9101 2000 E sydney@hassellstudio.com		

Report to the Ordinary Council Meeting

Agenda Item 13.3	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
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Recommendation:***That Council:***

1. ***ADVISES the Metropolitan Redevelopment Authority that it recommends approval for the 32-level mixed-use development comprising office, retail, child care, dining and exhibition uses and 136 tenant car parking bays at 1 (Lot 7) The Esplanade, Perth subject to:***

1.1 the following matters being addressed in consultation with the City and to the satisfaction of the Metropolitan Redevelopment Authority with final details being submitted for approval by the Metropolitan Redevelopment Authority prior to applying for the relevant building permit:

- a) ***the design of the ground and lower levels of the northern façade of the building being reviewed to provide a more suitable interface with the adjacent streetscape along The Esplanade noting this area of the building does not include a podium element which would traditionally provide a 'human scale' for a building of this bulk and scale;***
- b) ***the design of the proposed awnings being revised to provide a minimum clearance of one metre from the canopies of the existing street trees and to allow for the future growth and maintenance of the street trees;***
- c) ***external facing doors swings being modified (where required) to be contained within the property boundaries noting the City will not permit any door swing encroachments within the adjacent footpath areas;***
- d) ***additional details demonstrating the suitability and integration of any security measures which may impact on the permeability of the ground plane and creation of entrapment areas;***
- e) ***the design of the south-west and south-east areas of the ground plane being revised to provide for unimpeded pedestrian movements and appropriate transition levels between the southern tenancies and the adjacent footpath;***

(Cont'd)

- 1.2 final details and a sample board of the high quality and durable materials, colours and finishes for the proposed development being submitted to and approved by the Metropolitan Redevelopment Authority, in consultation with the City, prior to applying for a building permit;**
- 1.3 any proposed external building plant, lift overruns, piping, ducting, water tanks, transformers, air condensers and fire booster cabinets being located so as to minimise any visual and noise impact on the adjacent developments and being screened from any location external to the site, including any such plant or services located within the vehicle entrance of the development, with details of the location and screening of such plant and services being submitted to and approved by the Metropolitan Redevelopment Authority prior to applying for a building permit;**
- 1.4 a landscaping, reticulation and management plan, ensuring appropriate levels of surveillance being maintained between the development and the adjacent streets and through the site and incorporating interpretive elements specifically related to the site's relationship to the following heritage matters including (but not limited to):**
 - a) Aboriginal settlement and fishing;**
 - b) approximate location of Perth's original shore line.**
 - c) approximate location of the landing of Governor Stirling's row boat to walk up what is now Barrack Street and for Helen Dance to cut down the Banksia to proclaim the colony;**
 - d) the Florence Hummerston building (State Registered building) which was once located in the vicinity; and**
 - e) location of the original Barrack Street wharf, which has been interpreted in the adjacent EQ Lots 9 and 10 (Ritz Carlton) development;**

with final details being prepared in consultation with the City and being submitted to and approved by the Metropolitan Redevelopment Authority, prior to applying for a building permit, with the approved landscaping being installed prior to the occupation of the building and thereafter maintained to a high standard;

- 1.5 any public art and interpretative elements being made from quality materials and to be durable and easy to maintain, with the design and curation of the public art being undertaken in consultation with the City;**
- 1.6 all development and works shown outside of the Lot boundaries, with the exception of awnings, not forming part of this approval and being the subject of separate applications for approval approved by the Metropolitan Redevelopment Authority and/or City, noting the City will not support any removal or substantial pruning of existing street trees;**

(Cont'd)

- 1.7 the proposed floor levels of the pedestrian and vehicle entrances to the building being designed to match the current levels of the immediately adjacent footpaths and promenades, to the City's specifications and to the Metropolitan Redevelopment Authority satisfaction;**
- 1.8 on-site stormwater disposal/management being to the City's specifications with details being submitted to the Metropolitan Redevelopment Authority for approval prior to applying for a building permit;**
- 1.9 the maximum of 102 tenant car parking bays being provided on-site in accordance with the current provisions of the Perth Parking Policy, noting the site's compromised access and noting the increased traffic likely to be generated by other developments located adjacent to the site and the high accessibility of the site via alternative means of transport, with all tenant car parking bays being for the exclusive use of the tenants or occupants of the development and not being leased or otherwise reserved for use of the tenants or occupants of other buildings or sites;**
- 1.10 the dimensions of all car parking bays, aisle widths and circulation areas complying with the Australian Standard AS2890.1, ensuring that vehicles can enter and exit the building in forward gear;**
- 1.11 a Parking Management Plan, identifying the management and maintenance strategies for access to ACROD and other Special Purpose bays and bicycle parking facilities, being submitted and approved by the Metropolitan Redevelopment Authority prior to applying for a building permit;**
- 1.12 the proposed development being designed and constructed in such a manner so that existing and possible future noise levels associated with:
 - a) inner city activities including commercial and entertainment uses and activities;**
 - b) traffic impacts;**
 - c) the Bell Towers; and**
 - d) noise generated from within the development including all mechanical services and plant infrastructure;****

that could potentially affect occupants of the development, can be successfully attenuated. Details of such noise attenuation measures shall be prepared by a qualified acoustic consultant and be submitted for approval in consultation with the City prior to the submission of an application for the relevant building permit. The construction specifications detailed in the above acoustic report must be implemented in full to the satisfaction of the Planning authority with the

(Cont'd)

relevant working drawings being certified by an accredited acoustic consultant to confirm compliance with the specifications prior to applying for a building permit;

1.13 the recommendations of Crime Prevention Through Environmental Design (CPTED) strategic report prepared by JMG Building Surveyors dated 14 August 2018 being implemented to the satisfaction of the Metropolitan Redevelopment Authority, prior to applying for a building permit;

1.14 a final Waste Management Plan complying with the City's waste collection requirements including:

- a) clarification in relation to which land uses/tenancies will be using each bin room;***
- b) waste and recycling separation methodology;***
- c) collection travel distances noting a maximum of 10 metres is required;***
- d) modification of proposed service vehicle reversing movements to include sufficient clearances***
- e) additional bin room details outlining full dimensions, access and opening widths, tap and sewer points and waste vehicle servicing position and clearances***
- f) functionality of the three loading bay system; and***
- g) access for waste servicing staff noting the secure nature of the development;***

being prepared in consultation with the City and being submitted to and approved by the Metropolitan Redevelopment Authority, prior to applying for the relevant building permit;

1.15 any signage for the development being designed as an integral component of the development with details of any signage being subject to a separate application for approval by the Metropolitan Redevelopment Authority;

1.16 an acid sulphate soils self-assessment form and, if required as a result of the self-assessment, an acid sulphate soils report and an acid sulphate soils management plan shall be submitted to the Department of Water and Environment Regulation, prior to any applying for a building permit. Where an acid sulphate soils management plan is required to be submitted, all development works shall be carried out in accordance with the approved management plan;

1.17 a pre-works geotechnical report certifying that the land is physically capable of sustaining the proposed development or advising how the site is to be remediated and compacted to ensure it is capable of sustaining the

(Cont'd)

proposed development being submitted to the Metropolitan Redevelopment Authority for approval prior to applying for a building permit and in the event that remediation works are required, a post geotechnical report certifying that all works have been carried out in accordance with the pre-works geotechnical report being submitted prior to the commencement of construction of the development;

1.18 all existing street trees located adjacent to the site, with particular attention to the mature Ficus street trees located in the Barrack Street road reserve, being retained and protected from damage throughout any development works with tree protection zones being established (where required) and maintained during the construction period in accordance with Australian Standard S4970-2009 - Protection of Trees on Development Sites to the satisfaction of the Metropolitan Redevelopment Authority, in consultation with the City; and

1.19 a construction management plan for the proposal being submitted to and approved by the Metropolitan Redevelopment Authority, in consultation with the City, prior to applying for a building permit, detailing how it is proposed to manage:

- a) the delivery of materials and equipment to the site;*
- b) the storage of materials and equipment on the site;*
- c) the parking arrangements for the contractors and subcontractors;*
- d) maintaining acceptable access at all times between the surrounding streets and Elizabeth Quay;*
- e) any dewatering of the site;*
- f) construction/upgrading of the crossover;*
- g) the protection of street trees and any other City and MRA assets; and*
- h) other matters likely to impact on the surrounding properties.*

2. the Metropolitan Redevelopment Authority advise the applicant to consult with the City in regard to the requirements of the Health Act and Regulations for Public Buildings and may differ from the Building Code of Australia provisions prior to applying for a building permit.

3. the Metropolitan Redevelopment Authority be advised that City officers will provide detailed comments and recommendations in relation to the associated Traffic Impact Assessment in due course.

FILE REFERENCE:	DA-2018/5360
REPORTING UNIT:	Development Approvals
RESPONSIBLE DIRECTORATE:	Planning and Development
DATE:	15 October 2018

ATTACHMENT/S: Attachment 13.3A - Location Plan
Attachment 13.3B - Perspectives
Attachment 13.3C - Development Plans

3D MODEL PRESENTATION: N/A

LANDOWNER: Chevron (TAPL) Pty Ltd

APPLICANT: PTS Town Planning

ZONING: (MRS Zone) Redevelopment Scheme/Act Area
(MRA Central Perth Redevelopment Scheme Precinct) Elizabeth Quay - Inlet (P39)
(City Planning Scheme Use Area) N/A

APPROXIMATE COST: N/A

Council Role:

- | | | |
|-------------------------------------|----------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <input type="checkbox"/> | Advocacy | <i>When the Council advocates on its own behalf or on behalf of its community to another level of government/body/agency.</i> |
| <input type="checkbox"/> | Executive | <i>The substantial direction setting and oversight role of the Council e.g. adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.</i> |
| <input type="checkbox"/> | Legislative | <i>Includes adopting local laws, town planning schemes and policies</i> |
| <input checked="" type="checkbox"/> | Quasi-Judicial | <i>When the Council determines an application/matter that directly affects a person's right and interests. The judicial character arises from the obligation to abide by the principles of natural justice. Examples of Quasi-Judicial authority include town planning applications, building licences, applications for other permits/licences (eg under Health Act, Dog Act or Local Laws) and other decisions that may be appealable to the State Administrative Tribunal.</i> |
| <input type="checkbox"/> | Information | <i>For the Council/Committee to note.</i> |

Legislation / Strategic Plan / Policy:

Legislation

Metropolitan Redevelopment Authority Act 2011
Metropolitan Redevelopment Regulations 2011
Metropolitan Redevelopment Authority's Central Perth Redevelopment Scheme

Policy

Policy No and Name: Metropolitan Redevelopment Authority's Elizabeth Quay Design Guidelines

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 street verge areas surrounding the site have been paved and planted as part of the overall Elizabeth Quay development. More broadly the site context includes:

- the development of Lots 9 and 10 to the south, which are under construction for a mixed use residential and hotel development;
- the future development of Lots 5 and 6 to the west;
- existing commercial and residential development on the northern side of The Esplanade; and
- the Supreme Court and Supreme Court Gardens on the eastern side of Barrack Street.

The application, the subject of this report, has been referred to the City for comment by the MRA.

Details:

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.

A summary of the main features of the proposed development are as follows:

Basement Level 2	<ul style="list-style-type: none"> • Vehicle access from basement level 1; • 112 tenant car parking bays; • Store rooms and workshop; and • Plant rooms.
Basement Level 1	<ul style="list-style-type: none"> • Vehicle access from/to Duchess Way; • Separate bicycle access from Duchess Way; • 24 tenant bays, six child care centre drop-off bays and two universal access bays; • Two end of trip facilities, one for the major tenant and one for the other tenants: <ul style="list-style-type: none"> ○ Major Tenant - 500 bays, 650 lockers and 50 showers; ○ Other Tenant/s – 93 bays, 112 lockers and 15 showers; • Service area including six loading/service bays; • Waste and recycling storage areas; and • Plant rooms.
Ground Floor Level	<ul style="list-style-type: none"> • Office building lobby and cafe; • Exhibition space; • Eight tenancies in the podium buildings fronting Geoffrey Bolton Avenue including retail and restaurant/café uses; • Child care centre lobby; and • Landscape and hardscape treatments.
First Floor Level	<ul style="list-style-type: none"> • Void to office building; and • Gymnasium and child care centre in podium building fronting Geoffrey Bolton Avenue.

Second Floor Level	<ul style="list-style-type: none"> • Lobby and meeting spaces connecting the office building to the podium building; • Upper level of child care centre; and • Outdoor terrace fronting Geoffrey Bolton Avenue.
Third Floor Level	<ul style="list-style-type: none"> • Office building conference facilities (1,889m²); and • Landscaped roof of podium building.
Fourth Floor Level	<ul style="list-style-type: none"> • Office building conference facilities (1,889m²).
Fifth Floor Level	<ul style="list-style-type: none"> • Plant.
Sixth to Twenty Eighth Floor Levels	<ul style="list-style-type: none"> • Typical office floor plates (1,197m² – 2,017m²).
Roof Level	<ul style="list-style-type: none"> • Plant

With respect to the design of the proposal, the applicant advises that the design “sets a new standard for a contemporary premium grade office building in Perth. The confidently timeless architectural identity of the building design will create a sophisticated addition to Perth’s skyline and provide a clear gateway to the southern edge of the city. The distinctive identity, created through its gentle curvature and high-quality detailing responds to the prevailing climatic conditions and is designed from the inside out, with the user experience at its heart.”

The applicant further advises that “the key architectural concepts can be briefly summarised as follows:

Site Responsive

- Permeable ground plane that connects the Supreme Court Garden to Elizabeth Quay;
- Retention, celebration and successful integration of the significant fig tree;
- Creation of high quality interactive internal and urban spaces designed to be used 365 days of the year;
- Podium levels positively engage with Elizabeth Quay, maximise views and respond to the prevailing wind conditions;
- Tower positioned to the north of the site to minimise shadows on Elizabeth Quay and maximise views; and
- Tower form orientated and shaped to minimise wind and solar exposure.

Scale, Proportions and Materiality

- Human scale and experience created at podium level;
- Refined, restrained, sophisticated palette of materials that are high quality, tactile and textured; and
- High levels of transparency.

Designed from the Inside Out

- Side core located to north to maximise views;
- Large clear span open floor plates;
- Column free perimeter to maximise floor plate flexibility;
- Flexible locations of interconnecting stair, voids and lift strategy;
- Podium levels designed to maximise public engagement while maintaining a secure environment; and
- Waterfront destination Hub as the focal point for all employees and public interface.

Landscape Design

- *Responds to the context of Elizabeth Quay, the Perth CBD and the Supreme Court Gardens with the western part of the site having an urban civic character tying in with the CBD, whilst the eastern side connects to the garden character of the Supreme Court Gardens, and the south interfaces with Elizabeth Quay;*
- *The fabric of the public plaza is designed to draw people into the development. Clear sight lines are maintained along with landscape landmark elements such as public art and a mature tree in the centre of the southern plaza space; and*
- *High quality, robust materiality is proposed throughout the public realm complementing the architecture and internal spaces of the tower.”*

Compliance with Planning Scheme:

Land Use

Under the provisions of the *Metropolitan Redevelopment Authority Act 2011*, the MRA is responsible for planning and development control within the Central Perth Redevelopment Area (CPRA). The Elizabeth Quay project area is subject to the provisions of the MRA’s Central Perth Redevelopment Scheme (CPRS). The general land use intent of the CPRS is to create diverse mixed land use urban environments, including creating high quality spaces for people through an activated and interesting public realm. Commercial, Retail, and Dining and Entertainment land uses are preferred uses within the Inlet Precinct, whilst Culture and Creative Industry and Community land uses are contemplated uses within the Precinct.

The land uses proposed are generally in accordance with the preferred land uses stipulated in the CPRS and associated Elizabeth Quay Design Guidelines. The Site Specific Provisions for Sites 7 and 8 under the Design Guidelines, identifies shops, restaurants/café and small bars at ground level with offices, shops and restaurants/café within the upper podium levels and office in the tower levels. 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. It is therefore considered that the mix of uses proposed for the site is consistent with the relevant framework and will contribute to the local day and night time economy in support of the office uses located both on and in the vicinity of the site.

Development Requirements

The form and function of development within Elizabeth Quay is guided by the MRA’s Elizabeth Quay Design Guidelines. The Guidelines aim to transform the relationship between the city and the river and enhance the identity of central Perth. The vision for Elizabeth Quay under the Guidelines is:

“a highly interactive civic space, accessible to the whole region and within walking distance of all major facilities within central Perth.”

The Guidelines recognises the potential for Sites 7 and 8 to be amalgamated should a developer wish to propose an integrated development solution for the combined site. The specific development intent for an amalgamated Sites 7 and 8 within the Guidelines is as follows:

“Future development on the combined sites will be designed to ensure that the tower, or towers, does not negatively impact on the city skyline, view corridors or the public realm. The tower(s) will be designed and proportioned in such a way as to minimise apparent size from surrounding view points and avoid excessive overshadowing of the adjacent public realm.

The lower levels will be highly activated with a fine grain architectural response incorporating multiple openings at grade and opportunity for integrated pedestrian connections in the form of retail arcades.

Development is to include heritage interpretation that compliments and builds upon heritage interpretation elements in the public realm relating to Florence Hummerston Kiosk. Design of interpretation elements is to be consistent with the Elizabeth Quay Heritage Interpretation Strategy.

Towers should not present as a ‘wall’ of development to the north of the Inlet and the extent of area between Sherwood Court and Barrack Street occupied by a single tower should be minimised through an appropriate design response such as:

- *orientating the tower off a direct axis with the street grid;*
- *incorporating secondary setbacks at upper levels; or*
- *an innovative design solution with different sized floor plates oriented to different views.”*

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:	3 storeys up to 15 metres (Duchess Way, Geoffrey Bolton Avenue and Barrack Street frontages) 30 storeys up to 136 metres (The Esplanade frontage)	Minimum: 2 storeys up to 8 metres Maximum: 6 storeys up to 24 metres
Tower Height (including Podium):	30 storeys	Minimum: 20 storeys Maximum: 36 storeys
Lot Setbacks:	Nil (Geoffrey Bolton Avenue, Duchess Way and The Esplanade) and 3 metres (Barrack Street)	Nil to lot boundary at ground level
Setbacks Above Podium:	Nil to 2 metres north (The Esplanade) and 29 metres south (Geoffrey Bolton Avenue) 9.5 to 18 metres west (Duchess Way) and 12.5 metres east (Barrack Street)	Minimum: 5 metres north and south Minimum: 10 metres east and west
Active Edges: Primary Frontage		

Development Standard	Proposed	Required/Permitted
Secondary Frontages	88% (Geoffrey Bolton Avenue) 100% (Barrack Street) 43% (The Esplanade) 75 % (Duchess Way)	Min 80% Activation at Street Level Min 50% Activation at Street Level
Solar Access:	96% solar access	Maintain 80% minimum solar access to the Promenade at 12pm on 1 September
Vehicle and Service Access:	One crossover provided from/to Duchess Way	Single access point only from Sherwood Court extension (Duchess Way)
Vehicle Parking:		
Tenant car parking bays	136 bays	102 bays (maximum in accordance with the Perth Parking Policy)
Scooter/motorcycle bays	14 bays	14 bays (minimum)
Bicycle Parking:	593 bays	327 bays (minimum)

The Central Perth Development Policies set out development approval requirements and performance standards for the development of land in the CPRA. The policies relevant to this development include Green Building Design, Sound and Vibration Attenuation, Providing Public Art, Signage, Affordable and Diverse Housing, Hosting Public Events and Adaptable Housing.

Comments:

Building Height and Setbacks

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 applicant advises that the intent of the design is to provide a primary street address for the office building by bringing the office building to ground along The Esplanade to provide a clear corporate address. The applicant further advises that the 'tower to ground' approach is similar to the other buildings along The Esplanade and therefore is consistent with the prevailing streetscape. In addition, the siting of the tower on the north of the site to provide minimal overshadowing to the public spaces within Elizabeth Quay area has resulted in the proposed variation. To offset the impact, the building includes an awning at the lower level along the extent of the northern façade to provide a pedestrian scale to The Esplanade frontage.

It is considered that the variation can be supported based on the above however it is recommended that the final design and treatment of The Esplanade frontage at the lower levels be revised to improve its interface and relationship to the street. This is considered to offset (in part) the significance of the variation sought.

A 0.5 metre setback variation is also sought for the western portion of the tower however the variation only relates to approximately 7% of the western elevation of the tower and is offset by greater setbacks being provided for the remainder of the elevation. The variation is considered to be minor in the context of the development and can be supported.

The height of the tower is compliant with the provisions of the Design Guidelines noting 30 storeys is proposed with the Guidelines prescribing a minimum of 20 storeys and maximum of 36 storeys for the site.

Building Design

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 as described below.

The Guidelines require activation of the ground floor frontages for 80% of primary frontages (northern street) and 50% of secondary frontages (other streets). Whilst three of the four frontages achieve the required levels of 'activation', the northern elevation adjacent to The Esplanade includes a substantial proportion of inactive frontage. This is primarily based on the core for the building being located in this area. As outlined previously, it is recommended that this section of the building be reconsidered in terms of its lack of activation and potential negative presence along the streetscape.

The proposal addresses (in part) the Guidelines requirement for a permeable ground and lower levels which provide suitable views through and in/out of the site. This is largely achieved through the provision of an extensive glazed lobby and central covered pedestrian link. However, it is noted that only indicative security measures have been provided in relation to the management of public access to the pedestrian link area. It is therefore recommended that additional details be required as part of any approval which demonstrate the suitability and integration of any additional security measures and landscaping which may impact on permeability and creation of entrapment areas (e.g. bike ramp area).

The south-west and south-east areas of the ground plane appear to result in pedestrian movements being potentially impeded via pinch points. This is related to the location of existing street trees, inclusion of an 800mm high 'feature seating wall' along the Barrack Street boundary and the alignment of the building facades. In addition, the floor levels of the southern tenancies and the adjacent footpath appear to be incompatible in providing a suitable transition between the spaces. It is therefore recommended that additional refinement and details be required in relation to ensuring adequate pedestrian comfort, safety and access in these areas.

The proposal includes awning elements which provide for suitable levels of pedestrian shelter in and around the development however the design and extent of the awning elements requires refinement to prevent any impact on existing street trees. It is recommended this requirement form part of the City's recommendation to the MRA.

Two mature Ficus trees are located on the corner of The Esplanade and Barrack Street to the northeast of the site. Whilst the trees are located outside of the subject site's property boundaries, their root systems extend into the site. Whilst the proposed development has been designed to facilitate a suitable root system protection zone, it is recommended that this requirement form part of any approval via a relevant condition.

Heritage and Public Art

A Heritage Agreement exists that was prepared in relation to the interpretation of the historical elements of the site and outlines the obligations of the owner, however the City was not a signatory to the agreement. City officers consider that the site is significant from a heritage perspective based on its relationship to:

- Aboriginal settlement and fishing;
- approximate location of Perth's original shore line;
- approximate location of the landing of Governor Stirling's row boat to walk up what is now Barrack Street and for Helen Dance to cut down the Banksia to proclaim the colony;
- the Florence Hummerston building (State Registered building) which was once located on this site; and
- location of the original Barrack Street wharf, which has been interpreted in the adjacent EQ Lots 9 and 10 (Ritz Carlton) development.

The MRA requires public art to be provided as a 'percent for art' component of any major development. It is recommended that the MRA be advised of the City's preference for any landscaping, hardscaping and public art elements within the development to interpret the site's heritage significance as outlined above.

As the City usually becomes the custodian of these public art assets once normalisation occurs, a condition of any approval should require that the public art be made from quality materials and to be durable and easy to maintain, with the design and selection of the public art being undertaken in consultation with the City's Officers.

Car Parking and Traffic Management

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 (PPP). The applicant advises that the DoT in its correspondence dated 17 July 2013, advised that it would be willing to support a recommendation to the Minister for Transport; Planning; Lands to licence a maximum of 136 tenant bays on the site. The support was conditional on the provision of a minimum of 444 bicycle bays, 577 lockers (1.3 lockers per bike bay) and 44 showers noting any increase in floor area would result in a corresponding increase in the required end of trip facilities. In a meeting held in May 2018, the DoT reaffirmed its advice to the applicant in this regard.

The proposed development includes 593 bicycle bays, 762 lockers and 65 showers and therefore exceeds the criteria provided by the DoT in order for them to support the proposed provision of 136 tenant car parking bays. Notwithstanding the DoT's support for parking to be provided in excess of the maximums prescribed by the PPP, it is recommended that the MRA be advised of the City's position that the prescribed maximums should be adhered to based on the high accessibility of the site via alternative means of transport (with the site being in close proximity to ferry, train and bus services) and noting that there will be significant increases in traffic movements and volumes in this locality once other developments within

Elizabeth Quay are completed, adding to traffic congestion on the local road network and the potential for more pedestrian and vehicle conflict within Elizabeth Quay given the 'shared zone' character of the road designs in this precinct..

With regards to on-site car parking and servicing management, access to on-site car parking is proposed via a two-way crossover along Duchess Way which is consistent with the Design Guidelines.

The applicant submitted a Traffic Impact Assessment (TIA) in support of the application. The TIA outlines:

- the existing transport conditions proximate to the site;
- the suitability of the proposed parking provision within the site;
- the adequacy of the proposed site layout;
- the traffic generating characteristics of the proposed development; and
- the anticipated impact of the proposed development on the surrounding road network.

The TIA concludes that the proposed development accords to the key design principles of MRA's Elizabeth Quay Design Guidelines. However, City Officers have not had the opportunity to undertake a detailed review of the TIA which is considered to be extensive due to the size and complexity of the subject proposal. A separate detailed response will be sent to the MRA regarding the City's assessment of the TIA.

Noise

The application does not include an associated acoustic assessment on the basis that the proposed development does not include noise sensitive uses other than the child care centre and the site is greater than 100 metres from the Elizabeth Quay Train Station and train line.

The applicant advised that an acoustic consultant has provided preliminary input to the design and following any approval, a detailed acoustic assessment will be undertaken to confirm the results and compliance with the relevant MRA policy and noise legislation. It is recommended that any approval should include a condition requiring that the building be constructed and certified to comply with these identified requirements.

Waste

The applicant has submitted a Waste Management Plan (WMP) in support of the application. The WMP confirms that the development will generally be consistent with the City's servicing requirements however, some matters need to be further addressed in preparation of the final WMP to be submitted at the building permit stage. The matters identified by City officers as requiring additional information include:

- clarification in relation to which land uses/tenancies will be using each bin room;
- waste and recycling separation methodology;
- collection travel distances noting a maximum of 10 metres is required;
- modification of proposed service vehicle reversing movements to include sufficient clearances
- additional bin room details outlining full dimensions, access and opening widths, tap and sewer points and waste vehicle servicing position and clearances
- functionality of the three loading bay system; and
- access for waste servicing staff noting the secure nature of the development.

Wind

The applicant has submitted a Pedestrian Wind Tunnel Test Report in support of the proposed development. The report and associated tests, provide an assessment of the forecast pedestrian wind environment in and around the development site. The report identifies that based on consideration of the relevant assessment criteria and the intent of the associated MRA Design Guidelines, the conditions will be suitable for the intended use of the space/s within and around the development.

Conclusion

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.

Based on the above it is recommended that the Metropolitan Redevelopment Authority be advised that Council supports the proposed development subject to conditions addressing the matters raised in this report.



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



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



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



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



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



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



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



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



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

Report to the Ordinary Council Meeting

Agenda Item 13.4	Advice to the Western Australian Planning Commission - 35 (Lot 2886) Stirling Highway, Crawley – Forrest Hall Stage 2 – Proposed Mixed Use Development Containing Nine Scholar Rooms, 65 Short-Stay Rooms and Office Space with Car and Bicycle Parking
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Recommendation:

*That Council **ADVISES** the Western Australian Planning Commission that it recommends approval for the proposed mixed-use development (Forrest Hall stage 2) comprised of nine scholar rooms, 65 short stay accommodation rooms with club lounge and back of house facilities and office space with 38 car-bays and 13 bicycle bays at 35 (Lot 2886) Stirling Highway, Crawley subject to the following conditions and advice:*

- 1. the short stay accommodation being used predominantly for university purposes at all times, to the satisfaction of the Western Australian Planning Commission;*
- 2. the external materials, colours and finishes being consistent and compatible with those of the Forrest Hall Stage One development with final details of the design and a sample board of the high quality and durable materials, colours and finishes being submitted to and approved by the Western Australian Planning Commission, in consultation with the City, prior to applying for a building permit;*
- 3. air conditioner condensers not being permitted on balconies where they affect the use of the balcony or can be viewed from the street or public realm and any proposed external building plant, lift overruns, piping, ducting, water tanks, transformers and fire booster cabinets being located so as to minimise any visual and noise impact on the nearby developments and being screened from view, including any such plant or services located within the vehicle entrance of the development, with details of the location and screening of such plant and services being submitted to and approved by the Western Australian Planning Commission, in consultation with the City, prior to applying for a building permit;*
- 4. a lighting plan for the development demonstrating how safety will be addressed within and immediately adjacent to the site and including details of how the architectural elements will be illuminated to provide an attractive building at night and ensuring the lighting meets the relevant standards and does not result in any nuisance to neighbouring properties in terms of light spill with details being submitted to and approved by the Western Australian Planning Commission, in consultation with the City, prior to applying for a building permit;*

(Cont'd)

5. *the design of the boundary wall abutting Hackett Drive being revised to provide a minimum of 50% visual permeability for the portion constructed more than 1.2 metres above the Hackett Drive footpath level to allow for some passive surveillance of the street to occur, with final details being submitted to and approved by the Western Australian Planning Commission, prior to applying for a building permit;*
6. *the dimensions of all car parking bays, loading bays, the vehicle entrance, aisle widths and circulation areas complying with the Australian Standard AS2890.1 with a certificate of compliance by an architect or engineer being submitted to the Western Australian Planning Commission prior to applying for a building permit;*
7. *the 38 tenant car bays and one universal access bay provided on-site being for the exclusive use of staff and guests of the development and not being leased or otherwise reserved for the use of tenants or occupants of other buildings or sites;*
8. *a minimum of one secure bicycle bay per scholar unit being provided onsite, with details of the design and location of these facilities being submitted to and approved by the Western Australian Planning Commission, in consultation with the City, prior to applying for a building permit;*
9. *a Vehicular, Service and Delivery Access Plan, outlining the management strategies to deal with the dropping off and picking up of short-stay guests via taxi or other transport modes; strategies for advising guests upfront of limitations on parking in the locality; and including arrangements for on-site servicing of the building, being submitted to and approved by the Western Australian Planning Commission, in consultation with the City, prior to the occupation of the development with the plan being implemented by the property owner/manager thereafter to the satisfaction of the Western Australian Planning Commission;*
10. *a final Waste Management Plan for both stages 1 and 2 of the Forrest Hall development being prepared in consultation with the City, identifying permanent storage and wash down facilities for bins for both recyclables and general waste and including a waste disposal/collection strategy demonstrating how these facilities will be serviced, and being submitted to and approved by the Western Australian Planning Commission, prior to applying for a building permit, with the approved Waste Management Plan being implemented by the owners/managers of the development;*

(Cont'd)

- 11. a detailed landscaping, reticulation and management plan being submitted to and approved by the Western Australian Planning Commission, prior to applying for a building permit, with the landscaping being installed prior to occupation of the development and thereafter maintained to a high standard to the satisfaction of the Western Australian Planning Commission;**
- 12. additional noise assessment of mechanical plant associated with the development being undertaken to determine the cumulative impact of the plant upon nearby noise sensitive premises. The assessment is to demonstrate compliance with the assigned levels under the Environmental Protection (Noise) Regulations 1997 and shall be submitted to and approved by the Western Australian Planning Commission, in consultation with the City, prior to applying for a building permit. If it is determined that mechanical installations will result in noise emissions that breach assigned levels, details of noise mitigation measures including predicted attenuation levels shall be included within the assessment;**
- 13. all accommodation rooms being designed to ameliorate the impacts from traffic noise from the adjacent streets. Details of such noise attenuation measures shall be prepared by a qualified acoustic consultant and be submitted to and approved by the Western Australian Planning Commission, in consultation with the City, prior to applying for a building permit;**
- 14. a construction management plan prepared in accordance with the requirements of the City of Perth's Construction Management Plan proforma being submitted to and approved by the Western Australian Planning Commission, in consultation with the City, prior to applying for a building permit, with the approved plan being implemented thereafter to the satisfaction of the Western Australian Planning Commission;**
- 15. on-site stormwater disposal/management being to the City of Perth's specifications with details being submitted to and approved by the Western Australian Planning Commission, in consultation with the City, prior to applying for a building permit;**
- 16. the floor level of any habitable areas within the building being a minimum of 2.00m AHD. Basement car parks and similar areas may be permitted below this level if the structure and any access to the structure is tanked to a level of 2.00m AHD;**
- 17. the existing street trees being protected throughout the construction of the development, with the recommendations contained in the Arboriculture Assessment Report dated 5 September 2018 proposed by Classic Tree Services, being implemented in full prior to the commencement of, and until the completion of the works to the satisfaction of the Western Australian Planning Commission;**

(Cont'd)

- 18. any works shown outside of the Lot boundaries not forming part of this approval and being the subject of separate applications for approval; and**
- 19. adequate access to the adjacent Department of Biodiversity, Conservation and Attractions reserves and Water Corporation facilities being maintained, both during and after construction of the proposed development to the satisfaction of the Western Australian Planning Commission.**

Advice:

- 1. further to the requirement for a final Waste Management Plan, it is noted that the landowner will be required to enter into an agreement with the Department of Biodiversity, Conservation and Attraction to ensure rights of access over the adjoining foreshore reserve are granted to enable adequate truck manoeuvring for ongoing waste collection purposes.**
- 2. the landscaped plaza area between the stage one and stage two developments should be designed and maintained to assist in the development being more welcoming and encouraging public access through the space.**

FILE REFERENCE:	DAP-2018/5329
REPORTING UNIT:	Development Approvals
RESPONSIBLE DIRECTORATE:	Planning and Development
DATE:	15 October 2018
ATTACHMENTS:	Attachment 13.4A – Location Plan Attachment 13.4B – Perspectives Attachment 13.4C – Schedule of Submissions Attachment 13.4D – Draft Masterplan and Letter of Support Attachment 13.4E – Transport Impact Statement
3D MODEL PRESENTATION:	A 3D Model for this application is be available.
LANDOWNER:	The University of Western Australia
APPLICANT:	The University of Western Australia
ZONING:	(MRS Reserve) Public Purposes (University) and Parks and Recreation
APPROXIMATE COST:	\$35 million

Council Role:

- | | | |
|--------------------------|-------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <input type="checkbox"/> | Advocacy | <i>When the Council advocates on its own behalf or on behalf of its community to another level of government/body/agency.</i> |
| <input type="checkbox"/> | Executive | <i>The substantial direction setting and oversight role of the Council e.g. adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.</i> |
| <input type="checkbox"/> | Legislative | <i>Includes adopting local laws, town planning schemes and policies</i> |



Quasi-Judicial

When the Council determines an application/matter that directly affects a person's right and interests. The judicial character arises from the obligation to abide by the principles of natural justice. Examples of Quasi-Judicial authority include town planning applications, building licences, applications for other permits/licences (eg under Health Act, Dog Act or Local Laws) and other decisions that may be appealable to the State Administrative Tribunal.



Information

For the Council/Committee to note.

Legislation / Strategic Plan / Policy:

Legislation

Planning and Development Act 2005
Metropolitan Region Scheme

Policy

Policy No and Name: N/A

Purpose and Background:

The development site is located on the northern portion of a 6,894m² lot located at the corner of Hackett Drive and Mounts Bay Road, Crawley, adjacent to the University of Western Australia (UWA). The site was previously used for car parking. This carpark was also utilised by members of the adjacent Perth Dinghy Club, Cygnet Hall Boatshed and the UWA Boat club.

The Forrest Research Foundation at the UWA was established in 2014 following the donation of \$65 million, over 10 years, through the Minderoo Foundation Trust. The donation is to assist Western Australia in becoming a world-class centre of research and innovation through attracting outstanding intellects to this State, to pursue either doctoral studies or a postdoctoral fellowship. The 'Forrest Hall' development is to provide accommodation for these students.

On 11 April 2016, the Western Australian Planning Commission (WAPC) conditionally approved stage 1 of the Forrest Hall development on the site (FH1), which included a five-storey student accommodation building containing 33 multiple dwellings, 39 residential car parking bays and associated site development and landscaping.

At its meeting held on 18 May 2017 the City of Perth Local Development Assessment Panel (LDAP) approved amendments to the development consisting of:

- the construction of an additional level (fourth level) on the main portion of the building adding three additional two-bedroom residential units;
- internal rearrangement of the approved third level to provide one additional two-bedroom residential unit;
- replacement of one undercroft car bay with a motorcycle bay and additional bicycle parking provisions to facilitate additional structural support of the building occurring within the car bay zone that is proposed for removal; and
- associated structural works to accommodate the additional level.

On 3 August 2017, a subsequent application for amendments to the development was approved by the LDAP, consisting of an additional wing to the east of the previously approved Forrest Hall (Stage 1) development to contain four one-bedroom apartments and four studio apartments. Minor modifications were also approved to the previously approved eastern lower ground floor two-bedroom apartment. This stage 1 of the development has recently been completed.

Access Arrangements

Subsequent to the original development approval being issued the UWA sought a review of three conditions of approval by the State Administrative Tribunal (SAT) relating to the requirement for a parking management plan; the provision of a three-metre-wide access way; and access easements being provided to maintain access to the Department of Biodiversity, Conservation and Attractions (DBCA) leases on the foreshore.

The SAT decision was handed down on 12 May 2017 requiring an access way to be constructed along the southeast boundary of Lot 2885 and across adjoining Lot 13177 including a public access easement to maintain access for the sites.

Details:

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 who are part of the Forrest Foundation scholarship programme, ranging from 1 bedroom (including accessible one-bedroom layouts) to 3 bedrooms;
- 65 Short Stay Accommodation Rooms for the purposes of supporting the Forrest Foundation scholarship programme;
- a Club Lounge and Back of House service areas to support the Short Stay Accommodation;
- office space;
- undercroft carpark with 38 car-bays, one ARCOD bay and 13 bicycle bays; and
- landscaped external terrace and walled private gardens.

The applicant has advised that due to exceptional interest in the Forrest Research Fund (FRF) scholarships it is proposed to construct a mixed-use development adjacent to Forrest Hall stage 1. The facility will also provide a high-quality short stay accommodation facility that generates sufficient revenue to support the FRF Scholarship Scheme in perpetuity. The applicant has advised that all monies earned by the facility, less expenses, will be allocated to fund the ongoing operation of the scholarship in perpetuity.

The proposal will be a prominent development however the proposal will maintain views of Winthrop Tower from both Mounts Bay Road and the Swan River. The proposed development also respects the existing views towards the river from the adjacent University colleges along Mounts Bay Road. The proposal will be constructed from materials matching FH1, which include sandstone in keeping with the traditional use of sandstone for University buildings on the campus. The building materials meet the material palette in accordance with the Campus Plan 2010 prepared by UWA.

No further access points are proposed to Hackett Drive or Mounts Bay Road with the development utilising the existing crossover servicing the car parking area from Hackett Drive.

Currently, users of the Perth Dinghy Club, Cygnet Hall Boatshed and the UWA Boat club access the DBCA reserve, whereon their facilities are located, through the University carpark. The development will maintain the agreed access arrangements to the DBCA leases.

Details of the proposed development are as follows:

Basement / Lower Ground Floor Level	This level contains 39 car parking bays which will be accessed via the existing vehicle entrance to FH1. This level will also accommodate a loading bay, back of house, bin room and building plant. An end of trip facility accommodating 13 bicycle bays and front of house lobby area will also be accessed through the existing vehicle entrance and Porte cochere area. To the southern portion of the site the development will include 7 one-bedroom scholar rooms, 1 one-bedroom accessible scholar room and 1 three-bedroom scholar room fronting onto landscaped garden areas.
Ground Floor	This level will include the main entrance and lobby and 970m ² of office space with dedicated toilets and plant. The level will also include 15 one-bedroom short stay rooms, 1 one-bedroom accessible short stay room, back of house and a covered terrace and gardens.
First Floor Level	This level contains a club lounge with dedicated prep kitchen and toilets facing onto a landscaped external terrace. The level will also include 15 one-bedroom short stay rooms, 1 one-bedroom accessible short stay room, back of house and associated plant.
Second Floor Level	This level contains 19 one-bedroom short stay rooms and 2 one-bedroom accessible short stay rooms
Third and Fourth Floor Levels	These levels each contain 6 one-bedroom short stay rooms.

Compliance with Planning Scheme:

Land Use

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) and therefore the CPS2 provisions are not relevant to the site. It is however desirable to consider the CPS2 Statement of Intent for the Matilda Bay Precinct (P9) and the relevant policies guiding design, parking and residential development. The City is to provide comment to the Western Australian Planning Commission who will be responsible for preparing the report and recommendation for determination by the City of Perth LDAP.

The UWA has high demand for student accommodation and the State Government, through the 'Perth and Peel @3.5 million' strategic plan has identified this locality as being a 'specialised activity centre'. Specialised activity centres provide opportunities for the development of complementary activities, particularly knowledge-based businesses. They present a unique opportunity to combine specialised employment, residential living and education in one place, while also activating the area so it becomes a distinctive and engaging location for the community. Furthermore, the intent of the Matilda Bay Precinct is for the land to accommodate a variety of uses located within defined areas, including associated university housing.

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'), provided that the short stay accommodation predominantly caters for visitors to the University. The University's Campus Plan 2010 identifies that several other university campuses offer on-site, short-stay accommodation. This is in addition to the student colleges, which can provide accommodation outside of the academic year. These short-stay facilities could also be used for crisis-care accommodation, for newly appointed staff and for people undertaking continuing professional development and skills 'top up' courses.

The applicant has advised that it is proposed that the short-stay accommodation component of the development will provide a source of revenue to support the scholarship scheme in perpetuity. The facility will be operated and managed by the University Club, and revenue derived will be directed back to the scholarship scheme. The additional scholar units proposed to be provided are considered consistent with the intent of the area and will be complementary to the main University campus and nearby colleges and as such can be supported.

UWA is in discussions with a philanthropic agency to lease the office component for purposes that will be aligned with university education, research and engagement. The development of university aligned partnership space has been established on campus in recent years through developments such as the Indian Ocean Marine Research Centre and the C02 Building.

Development Requirements

The requirements of the CPS2 are not applicable to the application, however due regard to fundamental planning and design principles of the Scheme should be applied in the City's assessment of any proposal prior to its comments and recommendations to the WAPC.

The Campus Plan 2010 prepared by UWA sets out several recommendations in relation to architectural style of future buildings on the site including:

- embracing the concept of larger-scale structures and prepare planning studies to ensure open space is not compromised;
- accepting the current architectural approach but encourage commissioned architects to innovate, particularly on sites deemed to be of greater prominence or significance than others;
- continuing to provide coherence through the colour palette, and through the placement/design of some sites/buildings, which encourage use/connection between both inside/ outside spaces. This is a strength that would be beneficial to maintain in further development of the campus and its stakeholders;
- offering varying opportunities for expressive form of architecture within the colour and material palette on selected sites around campus; and
- accepting the future challenge of changing building types, materials and technology.

The Campus Plan also encourages alternative modes of transport including:

- removing smaller surface car parks when the opportunity arises, delivering small building sites or landscape opportunities;
- reducing the use of cars on campus; and
- ensuring the architecture and landscape quality of the campus is not compromised by roads and parking facilities.

The building is of a similar scale and form as the existing FH1 and bookends the other side of the site. The scholar accommodation is self-contained with appropriate kitchen, bathroom and study facilities. The accommodation provides limited private outdoor space for the individual units, however adequate common outdoor space is provided on the same level ground floor and common outdoor terrace area provided.

Due to the narrowness of the Hackett Drive road reserve there is some concern with regards to the bulk and scale of the building when viewed from the south-west. In addition to this, the building is oriented towards the river and therefore a mostly inactive façade is presented to Hackett Drive.

Given the building's proximity to the verge an arborist report has been submitted as part of the application confirming that all trees outside of the property boundary will not be impacted by the works.

Comments:

Consultation

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

- a) disagree with the proposed development's location and scale and considerable reduction the ambience of the area. The development will obscure views of Matilda Bay foreshore for members of the community;
- b) disagree with the encroachment of any further buildings or parking within the foreshore area. The development could set precedent for development along the bay and elsewhere along the river;
- c) UWA has sufficient land elsewhere on the campus that could be developed for the same purpose. UWA has sufficient existing accommodation;
- d) development of this land should be treated 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;
- e) the development will dominate the area with the size of the completed development out of keeping with the river environment where older buildings there relate mostly to river use;
- f) the use of the building is not considered to be in keeping with the reservation of the land;
- g) access to the older buildings and parking for the users of the 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. The development has very limited car bays;
- i) the community has not been consulted and there is a lack of understanding for the community within the area; and
- j) the application should be referred to the Department of Biodiversity, Conservation and Attraction (DBCA) for assessment, noting the development of a Perth Water Precinct Plan.

With regards to point i), as the City is not determining the application it is not normally the City's role to advertise the application for public comment. Noting this, the City is providing this opportunity in this case in acknowledgement of the prominence of the site and due to the interest shown by the community in the recently completed Stage 1.

In response to point j), the development falls within the Swan River development control area buffer and, therefore, the WAPC will refer the application to DBCA as part of its assessment of the application.

The concerns identified during the consultation period have been noted and are addressed later in the report. A full extract of the submission can be found in Attachment 13.4C of this report.

Design Advisory Committee

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."*

The applicant subsequently submitted revised plans and details to address the relevant points above (i.e. items 2 to 4). The following sections detail the extent to which the revised plans respond to the relevant design matters raised by the DAC.

Building Design, Height and Setbacks

The development is considered to be consistent in scale with other developments recently approved within the area including St Thomas More College (five storeys), University Hall (six storeys), the approved School of Indigenous Studies (four storeys) and the proposed St Georges College Expansion (four storeys). In addition, there are a number of residential towers along Mounts Bay Road which are in close proximity to the foreshore that are far greater in scale than the proposed development. Whilst the preservation of views is not a valid planning consideration, it is noted that the proposed development would not obscure views from any private residential developments.

In response to the DAC's concerns stating the design of Forrest Hall Stage 2 does not fully embrace the possibilities of this site, the applicant has advised that the site is identified in UWA's Campus Plan for the development of a landmark building. In addition, it has long been

reserved by the University for the construction of a significant development. 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.

The first stage of the development was designed to allow the remainder of the site to be developed if the opportunity arose. The applicant asserts that Forrest Hall 2 is designed to sit in harmony with Forrest Hall 1 and the entire development embraces the possibilities of the site and will deliver a timeless architectural statement, which invites the public through the site and opens up access to the river whilst respecting the long-established University aesthetic. The proposed design, finishes and materials used for the building will match the completed stage one of the development and is considered an acceptable outcome.

The applicant has justified that previously the whole site was used as an at grade car park which was bounded by a limestone retaining wall to the north, and did not offer pedestrian permeability through to the river. The development of Forrest Hall 1, with its pedestrian spine running northwest - southeast, has opened up the area to the public, whilst still providing University development in accordance with the reservation of the land.

As previously outlined, there are no specific requirements for the site under CPS2 or the MRS in relation to building height and setbacks. When considered in the context of the site and adjoining properties, it is considered that the overall heights and setbacks proposed are consistent with the existing stage 1 of the development and will not create any undue impacts on adjoining properties or the streetscape generally.

Due to the narrowness of the Hackett Drive road reserve there is some concern with regards to the bulk and scale of the building when viewed from the south-west. In addition to this, the building is oriented towards the river and therefore a mostly inactive façade is presented to Hackett Drive.

The applicant noted that the development is predominantly for University residential purposes, both short and long term. The entire development has been designed to provide residential amenity whilst also acknowledging the civic location of the building. The outcome of this consideration is a building which provides a welcoming and private residential environment for students and visitors whilst also welcoming the public through and around the ground floor plane.

The applicant has increased the glazed area to the office space abutting the pedestrian entry between the two stages to include increased visual permeability and pedestrian interaction. Noting this, no further active uses have been incorporated into the design to make the area more welcoming to pedestrians entering the development. It is recommended that an advice note be included in any recommendation encouraging the applicant to ensure that the pedestrian spine between the stages one and two is designed and maintained to assist in the development being more welcoming and encouraging public access through the space.

Additional windows have also been incorporated to the southern side of the club lounge and walkway to the short stay accommodation rooms to increase visual permeability, 'break up' the façade and attempt to make the building more welcoming. The above revisions to the original design of the development are considered to be improvements that collectively address the main issues raised by the DAC.

The building has been modified to increase the setback to Hackett Drive to reduce the building's perceived bulk and by incorporating more openings and reducing the height of the

boundary walls proposed abutting Hackett Drive. The increased setback also allows for more opportunity to incorporate inground landscaping adjacent to the retaining wall to soften the setback area. The proposed boundary wall will have a maximum height above the Hackett Drive footpath level of 1.855 metres in lieu of the 2.655m initially proposed. This height allows for some protection against traffic noise and security for the units. It is recommended that the wall be designed to allow a minimum of 50% visual permeability for the portion constructed more than 1.2 metres above the Hackett Drive footpath level to allow for some passive surveillance of the street to occur.

Noting the above, it is considered that the revised plans and details have satisfactorily addressed the matters raised by the DAC and that the proposal is generally consistent with the design objectives for the site. However, it is recommended that final details in relation to the buildings materials, colours, finishes and associated landscape treatments be provided prior to the commencement of works to ensure the delivery of a cohesive development and that the design quality is maintained on this prominent site.

Land Use and Precedent

With regards to the land being treated differently due to the location adjoining the river, it is noted that there are no development standards applicable to development and therefore each individual application is assessed on its merit. The applicant had advised that the University has always recognised the significance of the location and it is why they have engaged internationally renowned architect and UWA alumnus Kerry Hill to develop a respectful and considered design for this landmark development. The University believes that the development will result in a timeless and iconic architectural statement.

The applicant has advised that the Forrest Hall site is part of the Crawley campus and does not form part of the Swan River foreshore. In the 1960s, the Forrest Hall site was separated from the main Crawley campus due to the realignment of Hackett Drive, an initiative that the University agreed to and supported for the safety of general users of Hackett Drive and Mounts Bay Road / Stirling Highway.

With regards to the location, the site is reserved under the Metropolitan Regional Scheme for Public Purposes (University) and therefore the development of the site in association with the University is consistent with the reservation. It is also noted that the site's reservation for its purpose paired with its proximity to the river is a rarity and therefore is unlikely to set any precedent for redevelopment along the foreshore that is reserved under the MRS for Parks and Recreation.

It is not considered relevant that UWA has other landholdings that can be developed in lieu of this site as the site is reserved for the purposes of Public Purpose - University and is subject to a 999 year lease to UWA. In addition to this, the applicant has advised that the site is identified in the University's 2010 Campus Plan for the development of a landmark gateway development.

The applicant had justified the use of the site for short stay accommodation to assist in ongoing funding for the Minderoo Foundation scholarship program. Whilst it is acknowledged that the diversification of land uses on University campuses throughout Australia and the world is a growing trend, care needs to be taken to ensure that the land use still relates predominantly to the university purpose of the reserve. If the short stay accommodation was only to be used for university purposes so as only visitors on UWA business would be able to stay at the site the use would be considered to be in accordance with the intent of the reserve.

The applicant has requested that such a restriction not be placed on any approval, however they would support that the 'predominant' use must be for UWA purposes. It is considered that this is acceptable and should be included as a condition as part of the City's recommendation to the WAPC.

Access and Parking

Concern has been raised during community consultation regarding access to the DBCA leased buildings and parking for the users of the buildings being compromised. Access arrangements have already been agreed to as part of the Forrest Hall 1, with a new access way to be constructed along the abutting boundary. The plans provided are consistent with that previously approved. 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. This will be further discussed in the waste section of this report.

The signalised intersection of Hackett Drive and Mounts Bay Road provides a pedestrian phase for residents and guests of Forrest Hall to safely cross Hackett Drive to access the main UWA campus.

The development results in the removal of the fee-paying car park that previously occupied the site. With regards to the loss of parking, there is no requirement under the MRS for parking to be provided on the site; the site has been identified under the UWA Campus Plan as a development opportunity and the proposed development is consistent with the intent of the reserve. While it is acknowledged that the former car park was utilised by university students, members of the adjacent rowing and dinghy clubs, members of the public visiting the Matilda Bay foreshore reserve and patrons of seasonal events such as the Sommerville Cinema on the UWA campus, the applicant has advised that the use of the site for car parking has only ever been an interim use. Furthermore, future development of the Crawley campus is dependent upon creating better transport linkages with Perth city and other metropolitan centres. The 1990 Campus Plan signalled an end of the campus being a primarily 'drive to' destination and the provision of public transport, cycling and walking access to the campus was further developed.

The 2000 Campus Plan has capped parking at 4,250 bays, of which 3,300 were controlled by the University and the remaining 950 by relevant local governments. The intent of this parking cap is to promote alternative modes of transport which offer more sustainable and environmentally friendly methods of travel and is a policy that has been supported by the WAPC and the University. There are currently approximately 3,900 parking bays in and around the Crawley campus. Consequently, the proposed development will not exceed the parking cap.

The applicant has also advised that the development of Forrest Hall 2 on the site will reduce the number of vehicle movements to and from the site via the existing crossover connection to Hackett Drive, with a resultant reduction in the perceived impact of traffic movements at this junction.

The development has been accompanied by a Transport Impact Statement (refer to Attachment 13.4E) which was reviewed by the City's Officers with no concerns being raised regarding the proposal's impact on the area.

Forrest Hall 1 incorporates 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. The proposed FH2 development will incorporate an undercroft carpark with 38 car-bays, one universal access bay and 13 bicycle bays. The development will provide office space to accommodate approximately 70 staff, nine Forrest Scholar units and 65 short stay units for visitors. Car bays in Forrest Hall 2 are proposed to be allocated as follows:

- 6 to short stay accommodation units;
- 32 to office space; and
- Nil to Forrest Scholar units.

It is common for short stay accommodation uses within the City to have no or minimal parking with guest able to utilise public transport or taxi services. Notwithstanding, it is considered appropriate that a condition of any approval requires the submission of a Vehicular, Service and Delivery Access Plan that includes strategies to deal with the dropping off and picking up of short stay guests via taxi or other transport modes and for advising guests of limitations on parking in the locality.

Waste

Forrest Hall stage 1 was completed prior to the preparation of the City's Waste Guidelines and as such does not have adequate head height for a waste truck to enter the porte cochere to collect waste. The previous waste management strategy approved for the site included the collection of waste via a ute which would be transported elsewhere on the campus for collection.

This method has been found to be unviable for the collection of waste and has resulted in the contractor collecting the waste wheeling the bins from the bin room up two ramps to the driveway. This is not an ideal situation in terms of safety and results in the waste truck sitting onsite for an extended period during rubbish collection. Due to this, it is recommended that an updated waste management plan be provided for both stages 1 and 2 of the development prior to the submission of a building permit to ensure consistent and safe collection of waste across the development.

The applicant has proposed to use a full size waste vehicle, which will pull up next to the vehicle entrance to access the site. Due to the limited turning space, the waste truck cannot access the site and safely exit in a forward motion. To address this, it is proposed that the waste vehicle will utilise the existing DBCA controlled reserve to turn around and access the vehicle entrance. A masterplan for this area is in draft form (see Attachment 13.4D). It is noted that this land is not subject to this planning application, however the DBCA have provided a letter of support for the vehicle movements (see Attachment 13.4D).

It is considered appropriate for an advice note to be included in any approval granted, requiring UWA to enter into an agreement with the DBCA to maintain access to this space to ensure ongoing safe waste collection for the development.

Bicycle Parking

Eight public bicycle parking bays with capacity for 14 bicycles were provided within the Forrest Hall Stage 1 development, with a further 38 secure bicycle parking bays provided in the basement of the development. To facilitate the stage 2 development, two of the existing public bicycle parking bays will be removed, with a remaining capacity for 12 public bicycles

bays and 13 secure bicycle parking bays within the basement. The additional secure bays will allow for sufficient bicycle parking for the additional scholar rooms to be provided within the second stage of the development. End of trip facilities will also be provided within the basement area for staff within the site.

Whilst it is noted that there are no applicable bicycle parking requirements, it is considered that due to the development being primarily for short-stay accommodation, there is sufficient bicycle parking provided for the development.

Conclusion

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 supported on the basis that it is consistent with the MRS reservation of the land for 'Public Purposes – University', and will complement the existing stage one development on the site and will not detract from the amenity of the area. The design of the development is considered to provide an appropriate response to its setting. It is therefore recommended that Council advise the WAPC of its conditional support for the proposed development subject to the recommended condition within this report.



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

ATTACHMENT 13.4B



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



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



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



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



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

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

Respondent		Respondent's Comment
1.	Email Only	<p>I do not agree with Forrest Hall being built in this location to this size and scale.</p> <p>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.</p>
2.	Email Only	<p>I do not agree with Forrest Hall being built in this location to this size and scale.</p>
3.	Email Only	<p>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.</p>
4.	Email Only	<p>As a long term resident of Crawley there appears to have been limited information provided to the residents on this project.</p> <p>I do understand the proposed building is of considerable size providing mixed residential, office and car parking at the rivers edge.</p> <p>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.</p> <p>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.</p> <p>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.</p> <p>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?</p>

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

Respondent	Respondent's Comment
7.	<p>I have lived in this area for over 30 years.</p> <p>Objections to Development Plans by the University of WA on the Matilda Bay foreshore. ---- Forrest Hall, Stage 2. Reference : DAP—2018/5329</p> <p>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 .</p> <p>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.</p> <p>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.</p> <p>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 .</p> <p>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).</p> <p>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.</p> <p>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</p>

Respondent	Respondent's Comment
	<p>precedent for not only Matilda Bay but also for much land along Perth's waterways.</p> <p>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.</p> <p>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".</p> <p>Note too "the Parks and Wildlife Service ensures social, environmental and aesthetic values are not compromised by new developments ". See their website.</p> <p>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.</p>
8.	<p>35 (Lot 2886) Stirling Highway, Crawley – Forrest Hall Stage 2 – Proposed Mixed Use Development</p> <p>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:</p> <p>1. 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.</p> <p>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:</p> <p><i>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</i></p>

Respondent

Respondent's Comment

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, UWA as represented by the Vice Chancellor 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.

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.

3. 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 club buildings.*

Respondent

Respondent's Comment

	<p>The Plan states that:</p> <p><i>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.</i></p> <p>The Forrest Hall Stage 2 development documentation appears to completely ignore the objectives of the <i>Matilda Bay Management Plan</i> and the principles of <i>visual landscape planning</i> as outlined in the Western Australian Planning Commission's <i>Manual for Visual Landscape Planning in WA - evaluation, assessment, siting and design</i>. This Manual states that the protection of landscape values is now expected by communities.</p> <p>The Environmental Protection Authority (EPA) in its <i>Environmental Guidance for Planning and Development</i> 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.</p> <p>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 city.</p> <p>This vista must not be blocked by Forest Hall Stage 2.</p> <p>4. The protection of the views to and from St George's College</p> <p>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:</p> <p><i>The garden has aesthetic significance for the colourful flower beds contrasting with massed tree groups and views to the Swan River.</i></p> <p>These views will be partially blocked by the Stage 2 Forrest Hall building. The College, its tower and its gardens will no longer be</p>	
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Respondent		Respondent's Comment
		<p>visible from around Matilda Bay. The assessment documentation stresses the important contribution the garden makes to the surrounding environment.</p>  <p>Forrest Hall Stage 1 - the present view</p>

Respondent	Respondent's Comment
	 <p data-bbox="1050 1236 1082 1680">Future view with Forrest Hall Stage 2</p>
	<p data-bbox="1187 1261 1219 1630">5. Blocked pedestrian access</p> <p data-bbox="1246 120 1321 1630">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.</p> <p data-bbox="1355 120 1386 1630">The walk along the outside of Forrest Hall in Hackett Drive, around the corner and along Mounts Bay Road, is unpleasant. The</p>

Respondent	Respondent's Comment
<p>9.</p> <p>Landowner Hardy Road, Nedlands</p>	<p>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.</p> <p>Issues of concern</p> <p>1. Location, design and height of Forrest Hall and Forrest Hall Stage 2:</p> <p>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.</p> <p>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:</p> <ul style="list-style-type: none"> . 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. <p>2. Convocation & Forrest Hall Stage 2:</p> <p>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></p> <p>3. Future Parking Needs of the location around Forrest Hall and Forrest Hall Stage 2:</p> <p>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!</p> <p>For these reasons, we object to the location, height and design of Forrest Hall Stage 2 and request that:</p> <ul style="list-style-type: none"> . the WA Planning Commission reject the development application it has received for Forrest Hall Stage 2,

Respondent's Comment		
Respondent		
		<p>. other locations be sought for Forrest Hall Stage 2, such as next to St George's College across Stirling Highway, and</p> <p>. 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.</p>
10.	Landowner, Monash Avenue, Nedlands	<p>Issues of Concern</p> <p>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.</p> <ul style="list-style-type: none"> • 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 <i>connection people have with rivers related to their beliefs, traditions, memories and their</i>

Respondent		Respondent's Comment
		<i>commitment to looking after them</i>
		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.	<p>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.</p> <p>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.</p> <p>HISTORY</p> <p>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.</p> <p>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.</p> <p><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.</p> <p>STATEMENT OF INTENT <i>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.</i></p>

Respondent

Respondent's Comment

The relationship of these areas with the river, Kings Park and the city centre is the principal element of the Precinct. Together they 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 care taken to ensure that no environmental damage is caused to Kings Park or the river foreshore. In addition, the fine established 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 traffic.

- 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 pedestrians and cyclists might lose their longstanding privilege of uninterrupted riverfront path access and views all the way from Perth city to Pelican Point. In his opinion, UWA owed it to the people of Perth to landscape the riverfront area 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 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 residents we have spoken to have received any notifications of any plans related to Forrest Hall Stages 1 or 2. Where is 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 location, and at plans for Forrest Hall Stage 2 to be constructed to the south of it along Matilda Bay. (see attached)

Respondent	Respondent's Comment
	<ul style="list-style-type: none"> • 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 local community out of any consultation on Forrest Hall. Planners from the City of Perth were pessimistic about any such meetings. We have also heard that UWA has the reputation of being a law unto itself. • So COPWR sent a letter to Andrew and Nicola Forrest requesting a meeting with them to discuss the Forrest Hall development, but COPWR only received a dismissive response from Head of Corporate Services at UWA. (see attached) • Similarly COPWR were concerned about the Vice Chancellor's response to a question related to Forrest Hall at Convocation, as she failed to alert Convocation to the fact that the consultation was already in progress. (see attached) • COPWR's letter of concern on this issue received a reply from 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. <p>In summary:</p> <p>The fact that UWA appears to have treated its own Convocation with contempt by choosing to keep its members in the dark on this contentious project, makes it less surprising though still totally unacceptable that it has failed to communicate with its 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 Engagement Workshop.</p> <p>SPECIFIC CONCERNS</p> <p>LOCATION</p>

Respondent	Respondent's Comment
	<p>In the wrong location:</p> <ul style="list-style-type: none"> - 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? <p>DESIGN</p> <p>Large “block-like” style, not in keeping with river foreshore and open spaces</p> <p>Colour and use of glass and transparency not in design</p> <p>Why are there no development standards applicable to the site, which is so special to the people of Perth?</p> <p>HEIGHT</p> <p>Too high to see over from Stirling Highway/Mounts Bay Road/Hackett Drive</p> <p>Height was extended and number of rooms for accommodation increased during construction – who approved this amendment - approved by Council?</p> <p>USAGE</p> <p>For student accommodation, and the general public, not principally for education, as the precinct has been set aside for.</p> <p>What has Forrest Hall's usage rate been? Has it been full, or could it be a “white elephant”?</p> <p>See https://www.stcatherinesonpark.com.au/index.site.attractions.attraction.3374.html</p>

Respondent		Respondent's Comment
		<p>Hotel Trinity On Hampden, Perth - trivago.com.au</p> <p>CONSULTATION PROCESS</p> <p>Which "immediate neighbours" were consulted? We have heard from Crawley residents that they were not consulted prior to submission of development application, and afterwards.</p> <p>Convocation was misled at the Spring Convocation meeting.</p> <p>FUTURE PARKING AREAS</p> <p>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.</p>
12.	No details	<p>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.</p> <p>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.</p> <p>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'.</p> <p>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.</p>
13.	Summary of Submissions to City	<p>Local resident letters to City of Perth Western Residents Inc.</p>

Respondent	Respondent's Comment
<p>of Perth Western Residents Inc.</p>	<p>Letters Received:</p> <p>As local residents (Crawley Ave.), we would like to express our deep concerns concerning the proposed addition to Forest Hall.</p> <p>The current building has covered a large area of river frontage & caused a loss of considerable university parking space.</p> <p>The traffic in that area is already excessive & will be worsened by further vehicles with nowhere to park.</p> <p>Further building in that place, for the sake of a few more overseas dollars, will sadly considerable reduce the ambience of the area.</p> <p>Consequently, we would like to express our strongest objection to further building in that space.</p> <p>- Resident</p> <p>Good Afternoon, I'm advised that a second Forrest Hall building is in planning stages and currently lodged with PCC Planning Department for approval.</p> <p>As a long term resident of Crawley there appears to have been limited information provided to the residents on this project.</p> <p>I do understand the proposed building is of considerable size providing mixed residential, office and car parking at the rivers edge.</p> <p>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.</p> <p>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.</p> <p>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.</p> <p>Now it looks as though we have a further blot on this very rare picturesque bay, Forrest House Stage two. How long before UWA</p>

Respondent	Respondent's Comment
	<p>buildings stretch along the foreshore and Hackett Drive becomes an internal UWA road?</p> <p>Does the UWA actually need more residences, if so they have considerable land holdings in the locality. I suggest they use them.</p> <p>I do not agree to more Matilda Bay river edge development. May I suggest that this project be halted before it is too late.</p> <p>- Resident</p>
	<p>Dear Anna. Please add me to your list of residents who overwhelmingly OBJECT to this building proposal.</p> <p>- Resident</p>
	<p>"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 monoliths for short stay accommodation plus a few seminar rooms blocking 500metres of riverfront views"</p> <p>- Resident</p>
	<p>I do not agree with Forrest Hall being built in this location to this size and scale.</p> <p>- Resident</p>
	<p>I am a Perth Nedlands resident since 1942 and Matilda Bay has been a wonderful place for us to bring our children and Grandchildren to paddle or swim or catch crabs and prawns or just picnic.</p>
	<p>The Forrest 2 building is a real blot on the landscape It spoils the environment and brings more traffic to our beautiful riverfront</p>

Respondent

Respondent's Comment

playground;

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 buildings. how dare anyone think they can monopolise such a great heritage for the future. buildings of any kind should not be at Matilda Bay. Please recognise how the site has been damaged already and stop future vandals from being self-centred and not mindful of others.

- Resident

Anna, I have just been forwarded your emails as I only read today about the plans needing response next week. I phoned City of Perth, spoke with Tegan and then Stephanie Robey who forwarded your emails. I am going to write a response over the weekend 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

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 scenery, traffic and disturbance to the neighborhood. Stage 2 will surely cause further if not double the havoc. I feel very strongly 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

Respondent	Respondent's Comment
	<p>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.</p> <p>Thank you.</p> <p>Best regards.</p> <p>C. H.</p> <p>Crawley</p> <p>I wish to voice my objection both to the scale and the location of Forrest Hall Stage 2.</p> <p>- Resident</p> <p>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 development application to build Forrest Hall Stage 2 as a similar-looking student hotel-style building next to the 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.</p> <p>B L, Hollywood resident</p> <p>Forrest Hall is a big imposing building built for student accommodation, without regard to the City's natural cultural (river</p>

Respondent's Comment		
Respondent		
		<p>foreshore) infrastructure.</p> <ul style="list-style-type: none"> - Resident <p>Forrest Hall is too big and it looks ugly!</p> <ul style="list-style-type: none"> - Student, UWA
14.	Landowner Kings Park Ave, Crawley	<p>Objections to Forrest Hall, stage 2 at Matilda Bay foreshore</p> <p>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.</p> <p>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 unencumbered assess to the Crawley foreshore .</p> <p>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.</p> <p>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 134th 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.</p> <p>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</p>

Respondent's Comment		
Respondent		
		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 Dean St, Claremont	<p>I believe that UWA's proposed development of The Forrest Hall Stage 2 on Matilda Bay is totally inappropriate.</p> <p>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.</p> <p>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.</p> <p>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.</p> <p>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.</p> <p>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.</p> <p>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.</p> <p>Should UWA require short term accommodation for visitors and the revenue that this would generate I am sure that there are</p>

Respondent	Respondent's Comment
16.	<p>other locations that would be suitable without using this land on the river bank.</p> <p>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.</p> <p>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.</p> <p>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.</p>
<p>Landowner, Park Avenue, Crawley</p>	<p>Dear Sirs</p> <p>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.</p> <p>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.</p> <p>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.</p> <p>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</p> <p>UWA has significant room on campus, or the surrounding area, to build. That option appears not to have been considered.</p> <p>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.</p>

Respondent's Comment		
Respondent		
17.	Email Only	<p>I entreat you to learn from experience in other parts of the world and to preserve what little amenity remains.</p> <p>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.</p> <p>Hopefully, they will rethink the plans and build something more appropriate and appealing to the eyes of everyone!</p>
18.	Email Only	<p>I have been a resident of Crawley in one of the apartments 22 Mounts Bay Road for over 14 years.</p> <p>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.</p> <ol style="list-style-type: none"> 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. <p>Adding to this building would ruin the openness of this unique position</p> <ol style="list-style-type: none"> 3. I am a member of UWA Club. The approach to the club was a lovely sweep along the river. This has now disappeared. <p>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.</p> <ol style="list-style-type: none"> 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. <p>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</p>

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

[Redacted]

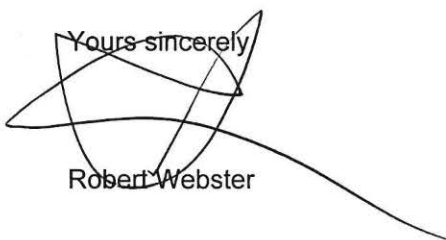
Dear Ms Vanderbom

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

[Redacted]



Pursue impossible



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 Vanderbom

President

City of Perth Western Residents' Inc.

Email: [REDACTED]

Dear Ms. Vanderbom

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 Attractions 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. This 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

A handwritten signature in black ink, appearing to read 'Tim Fisher'.

Tim Fisher
A/Manager, Regional Parks Unit

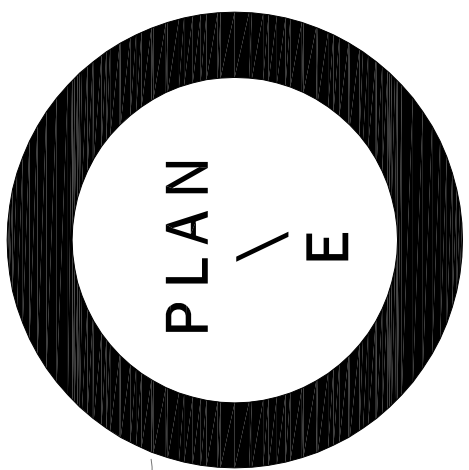
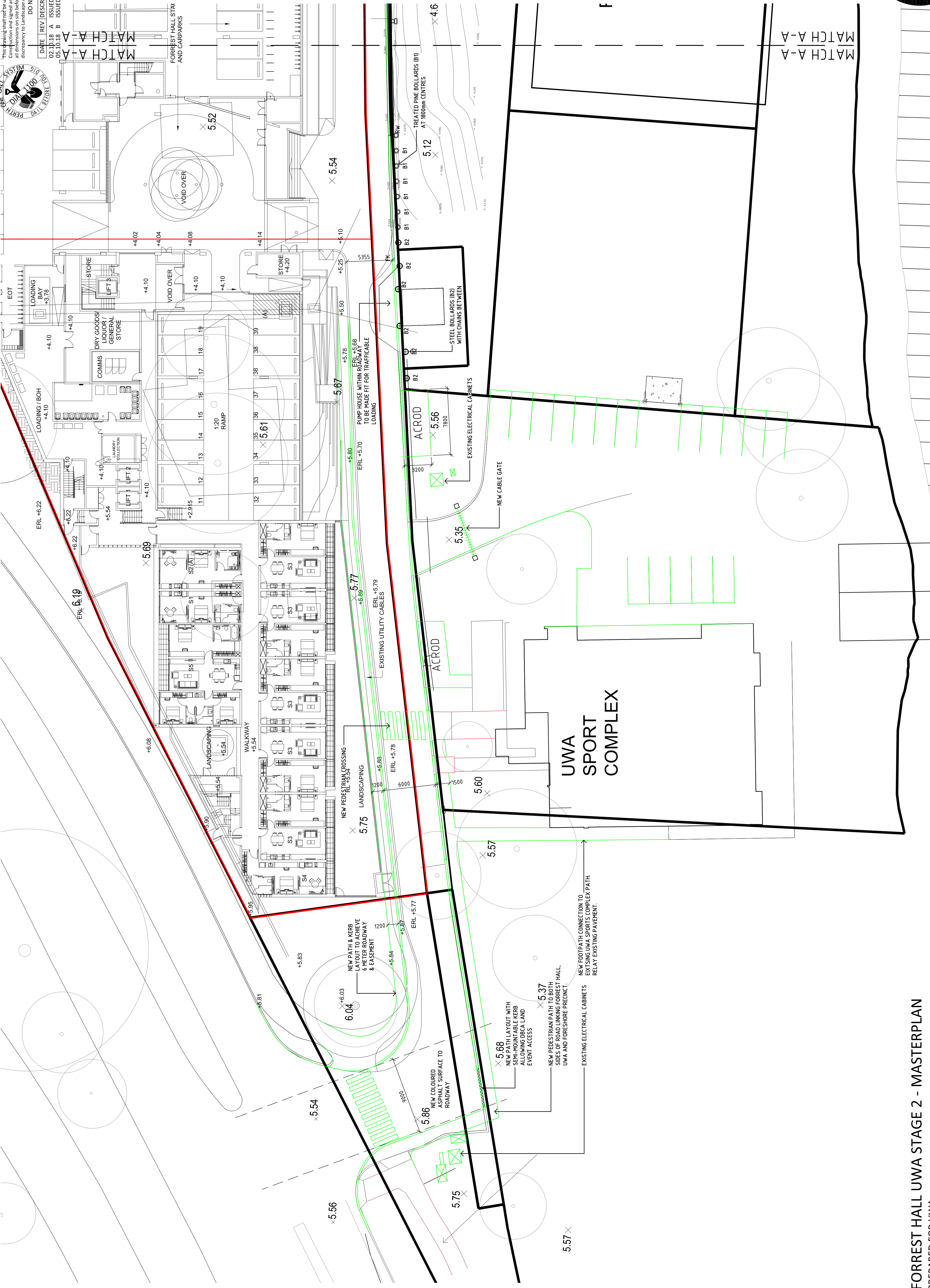
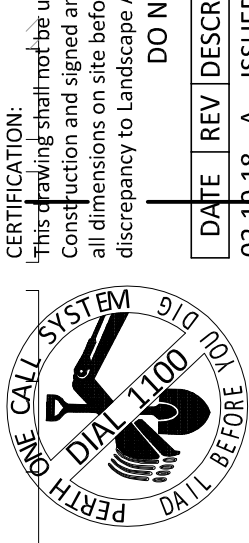
5 October 2018

**Regional Parks Unit
Swan Region**
Cnr Australia II Drive and Hackett Drive, Crawley WA 6009
Locked Bag 104, Bentley Delivery Centre, Western Australia 6983
Phone: (08) 9442 0300 Email: regional.parks@dbca.wa.gov.au
dbca.wa.gov.au

CERTIFICATION: This drawing shall not be used for construction purposes unless Revised D issued for Construction and signed and approved by the Certifying Landscape Architect. Verify all dimensions on site before commencing work or ordering materials. Refer any discrepancy to Landscape Architect before proceeding with the works.

DO NOT SCALE FROM THE DRAWING

DATE	REV	DESCRIPTION	BY	AP
02.10.18	A	ISSUED FOR CLIENT REVIEW.	JE	AB
05.10.18	B	ISSUED FOR CLIENT REVIEW.	JE	AB



FORREST HALL UWA STAGE 2 - MASTERPLAN
PREPARED FOR UWA

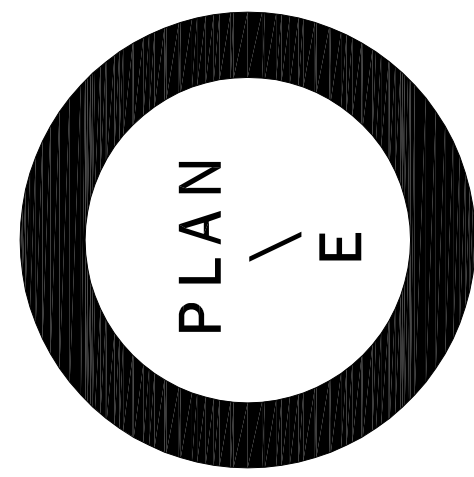
LANDSCAPE PRELIMINARY DESIGN
HARDWORKS

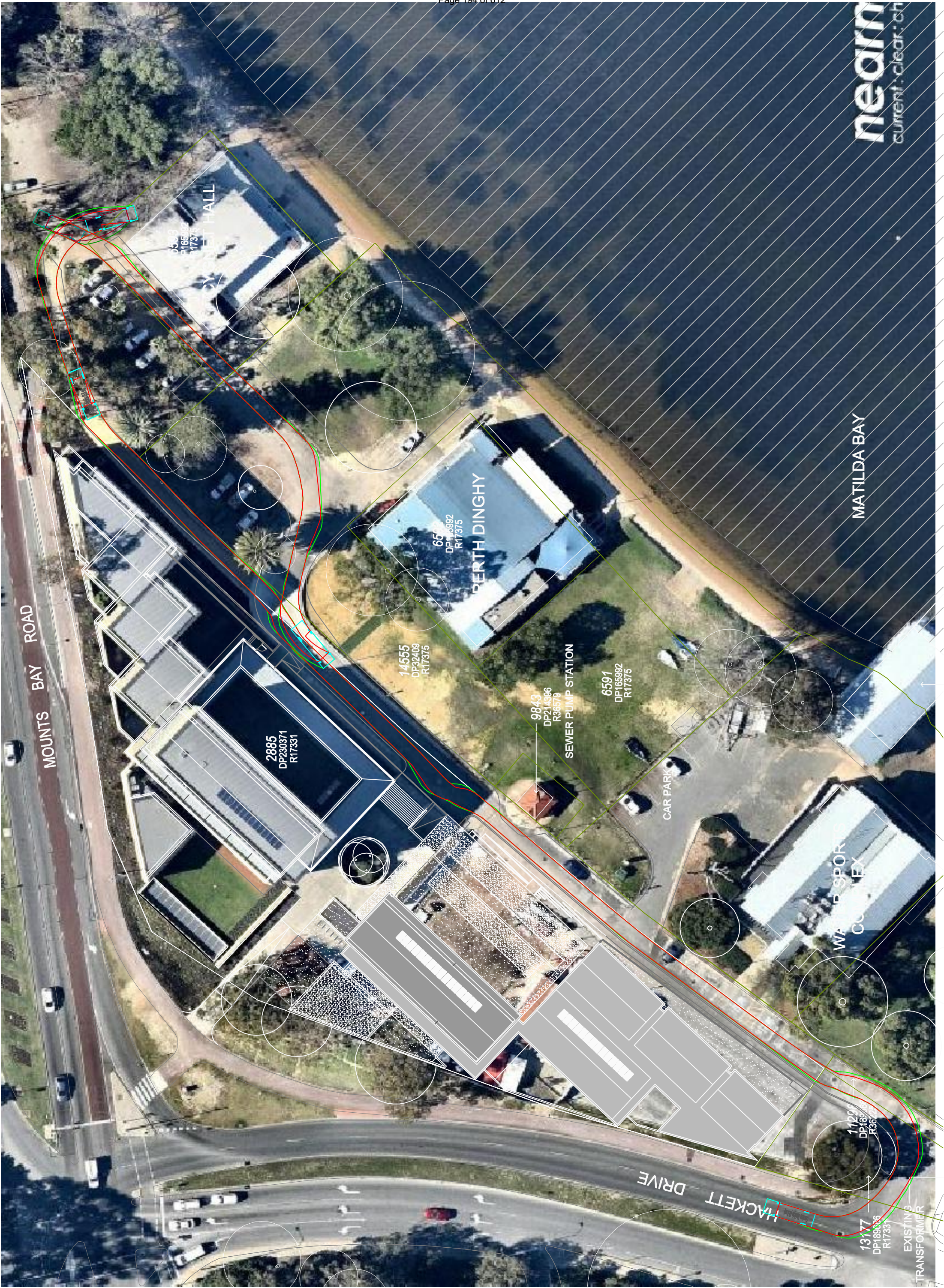
JOB NO. 17142-02
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REV B
OCTOBER 2018

LANDSCAPE ARCHITECTS
414 ROSEBY RD SUBIACO WA 6008
T: (08) 9388 9566 E: mail@plane.com.au
LANDSPACE PTY LTD ACN 056 538 679







nearm
current: clear: ch



Transport Statement for Forrest Hall Stage 2

Kerry Hill Architects

Transport Statement

IW192100-TS-001 | 003

10 October 2018

Document history and status

Revision	Date	Description	By	Review	Approved
000	14/08/18	Draft Transport Statement Issued for Review	MBM / LD	RI	RI
001	23/08/18	Final Transport Statement	MBM / LD	RI	RI
002	24/08/18	Final Transport Statement – UWAcomments	MBM	LD	LD
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Author: Mina Bayat Mokhtari / Laura Donovan
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Jacobs Group (Australia) Pty Limited
ABN 37 001 024 095
11th Floor, Durack Centre
263 Adelaide Terrace
PO Box H615
Perth WA 6001 Australia
T +61 8 9469 4400
F +61 8 9469 4488
www.jacobs.com

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Contents

1.	Introduction.....	3
2.	Applicable Planning Regulations	4
2.1	UWA-QEII Specialised Activity Centre	4
2.2	Campus Plan – Parking Management.....	4
3.	Surrounding Transport Network.....	5
3.1	Existing Situation	5
3.2	Road Network.....	5
3.3	Public Transport Network	5
3.4	Walking and Cycling.....	6
3.5	UWA Parking	7
3.5.1	Car Parking.....	7
3.5.2	Bicycle Parking	7
4.	Proposed Development	8
5.	Vehicular Access & Parking.....	9
5.1	Existing Access from Hackett Drive	9
5.2	Required Parking Numbers	9
6.	Traffic Impact Assessment.....	11
7.	Traffic Management on the Frontage Streets.....	15
7.1	Site Access - Hackett Drive Intersection	15
7.2	Mounts Bay Road and Hackett Drive Intersection	15
8.	Public Transport Access	16
9.	Pedestrian and Cyclist Access	17
10.	Site Specific Issues	18
11.	Safety Issues.....	19
12.	Conclusion and Recommendation	20

Appendix A. Forrest Hall Accessway Easement Plan

1. Introduction

Jacobs has been engaged by Kerry Hill Architects on behalf of their client UWA to undertake a transport assessment for the Forrest Hall Stage 2 (FH2). It is intended that this transport assessment will be included in a Development Application (DA) submission.

This TS report has been prepared in accordance with the Transport Assessment Guidelines for Development Volume 4 – Individual Development (WAPC, 2016), with reference to the DA drawings for the FH2 development.

The FH2 development is located on the existing Car Park 23 of UWA, and is proposed to adjoin the recently developed Forrest Hall Stage 1 student accommodation located on the northern end of the site.

2. Applicable Planning Regulations

2.1 UWA-QEII Specialised Activity Centre

The UWA-QEII as a Specialised Activity Centre, acknowledges the significance of the centre which comprises elements of retail, commercial, residential, sports, cultural amenities and green spaces, all required to support the largest health and knowledge based centre in the State.

The UWA-QEII Activity Centre is the second largest commuter destination in the Perth Metropolitan Area outside the CBD and is likely to attract in excess of 50,000 people each day by 2020 (30,000 students and staff to UWA and up to 20,000 QEII staff, patients and visitors), demanding corresponding services and infrastructure to meet their needs.

To provide equitable access to this increasingly popular destination investigations have been undertaken into the potential to implement a light rail route connecting the UWA-QEII activity centre to Perth City, via West Perth and are being considered at State Government Level.

2.2 Campus Plan – Parking Management

As UWA is located within the Department of Planning, Lands and Heritage defined Metropolitan Region Scheme (MRS) the FH2 development is not subject to the City of Perth Parking Policy 5.1. Instead car parking at the Crawley campus is capped at 4,250 bays, an initiative from the 2000 Campus Plan supported by UWA and the Western Australian Planning Commission (WAPC) that is intended to limit traffic growth and congestion as the university grows in size.

3. Surrounding Transport Network

3.1 Existing Situation

The site is located immediately to the east of the intersection of Mounts Bay Road and Hackett Drive within the City of Perth. It is currently operated as a car park (UWA Car Park 23), zoned for “Public Purposes – University” in accordance with the MRS (DPLH). The area northeast of the car park was recently developed for Forrest Hall Stage 1, which includes 45 units for scholar and short stay accommodation.

Current vehicular access to the site is provided off Hackett Drive. Public Transport accessibility is very important, with an estimated 16% of staff trips and 38% of student trips accessing UWA by public transport according to the 2015 UWA Commuting Survey. The 950 bus service link between the Elizabeth Quay and the Crawley site is the most frequently used route.

There is an existing well used adjacent Principal Shared Path (PSP) which skirts the perimeter of the site running parallel to the road network. This PSP route extends to the wider PSP network and provides a number of opportunities for cycle access to the various University sites. The Perth Bicycle Network (PBN) provides a continuous signed route for cyclists across Perth linking to the Crawley site, public transport hubs and other sites. The two sections of the PBN that connect to UWA are:

- Route 21 – Begins at Mounts Bay Road, located at the eastern boundary of the Crawley campus, connects to Princess Road and finally to Bay View Terrace, Claremont; and
- Route 15 – Begins at Winthrop Avenue (residential colleges) connects to Park Road, Bedford Road, subway at the Perth to Fremantle Railway, Mount Claremont School, Stephenson Avenue, to Challenge Stadium, UWA Sports Park.

Paths shared by cyclists and pedestrians connect the Crawley site with QEIIIMC, Kings Park and Rosalie Park. There are a limited number of ‘Bicycle Friendly Streets’ connecting to the paths shared by cyclists and pedestrians.

3.2 Road Network

The signalised intersection at Mounts Bay Road and Hackett Drive is located to the northwest of the development site. Recent intersection traffic count data provided by Main Roads WA indicated that Mounts Bay Road, west of Hackett Drive currently carries approximately 31,000 vehicles per day (vpd). Hackett Drive, south of Mounts Bay Road carries approximately 8,700 vpd.

The existing access to Car Park 23 provides all movement access from Hackett Drive. This access, as well as providing the single point of access to the car park, also provides access to Forrest Hall Stage 1, UWA Watersports Club, Perth Dinghy Sailing Club and Cygnet Hall. There is no vehicular access from Mounts Bay Road.

3.3 Public Transport Network

The UWA Commuting Survey 2015 shows that public transport use has increased for staff from 13% of trips in 2010 to 16% of trips in 2015, with student public transport use increasing from 34% to 38%. The percentage of trips to and from UWA involving a private vehicle that is parked at UWA has decreased since 2010 for both staff and students (from 67% to 62% for staff and from 44% to 37% for students). This overall trend shows an increase in people using public and active transport.

In 2013 a bus priority lane was constructed in front of the site extending west to the intersection of Stirling Highway / Broadway with the aim of improving priority movements and establishing predictable journey durations for public transport services.

UWA is currently serviced by high frequency routes from Perth, Subiaco, Claremont, Morley and Stirling Train Station. The link between the Elizabeth Quay Bus Station and UWA is the most frequently used route according

to the 2015 Commuting Survey, with 89% of staff who indicated they used public transport regularly using the 950 UWA sponsored service. The current public transport network system is shown in **Figure 3.1** below.

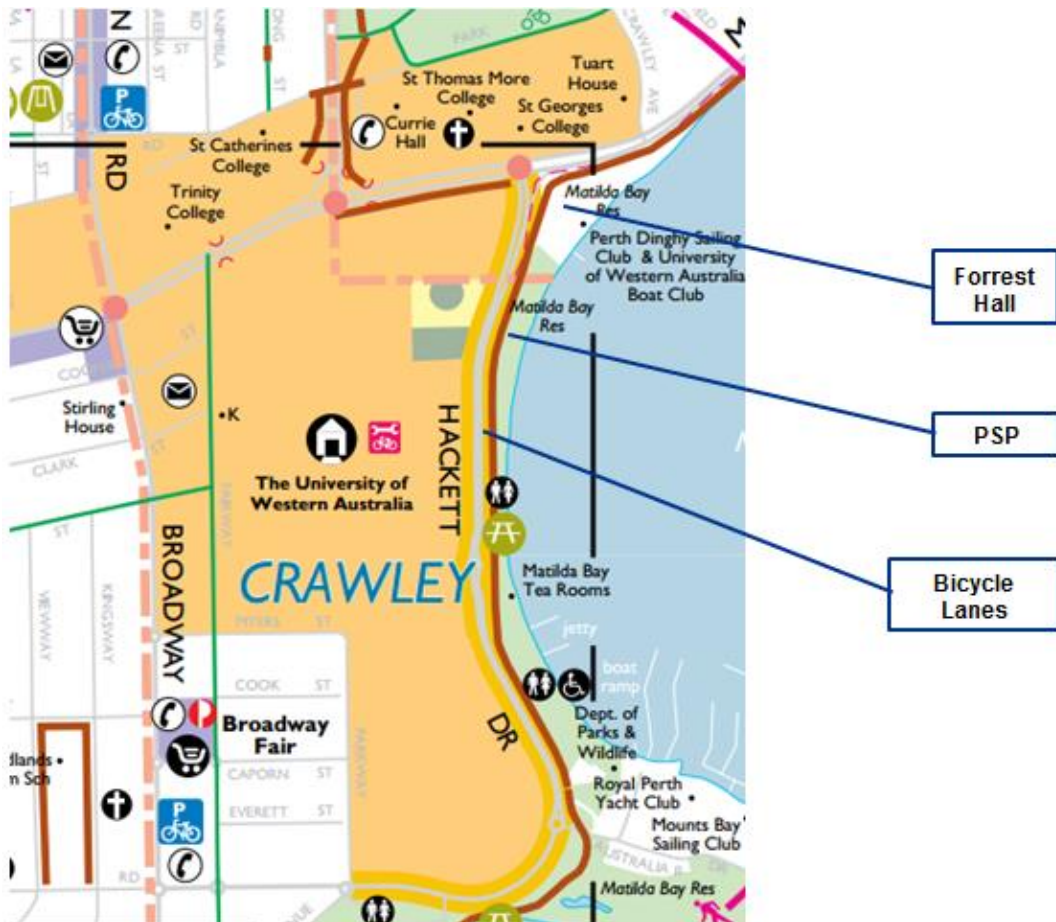
Figure 3.1 : Public Transport Network (Source: DoT Travel Smart Map-UWA)



3.4 Walking and Cycling

The UWA Commuting Survey 2015 shows that cycling rates for staff were an encouraging 12.2%, far above the average cycling rate recorded across the PBN for the same timeframe. Student cycling rates had experienced an increase from 6.7% in 2010 to 8.2% in 2015. The existing access into Car Park 23 also facilitates a key north/south PSP which runs along the eastern side of Hackett Drive. The local cycle network has been identified as “High Quality Shared Path” in the Department of Transport Perth Cycle Network. This indicates the accessibility to the proposed FH2 development site through walking and cycling as per the bike network as shown in **Figure 3.2** is adequate.

Figure 3.2 : Bicycle Network (Source: DoT Travel Smart Map-UWA)



3.5 UWA Parking

3.5.1 Car Parking

Since Campus Plan 2000, the University's parking numbers on the then campus area were capped; a policy that has been supported by the Western Australian Planning Commission and the University. The 2000 plan capped parking at 4,250 bays, of which 3,300 were controlled by the University and the remaining 950 by local governments. The intent of this parking cap is to promote alternative modes of transport which offer more sustainable and environmentally friendly methods of travel. There are currently approximately 3,900 parking bays in and around the Crawley campus. Consequently the proposed development will not exceed the parking cap.

Car Park 23, the site on which the FH2 development is proposed, currently has a capacity of 113 surface parking bays comprising of 110 general paid bays, 2 ACROD bays and 1 loading bay. With the proposed development, all of the parking bays will be removed from the existing Car Park 23, which will result in a reduced vehicle movement to / from the development site. Approximately 38 private secure bays will be provided under the proposed FH2 development, as well as one ACROD bay for users of the proposed building.

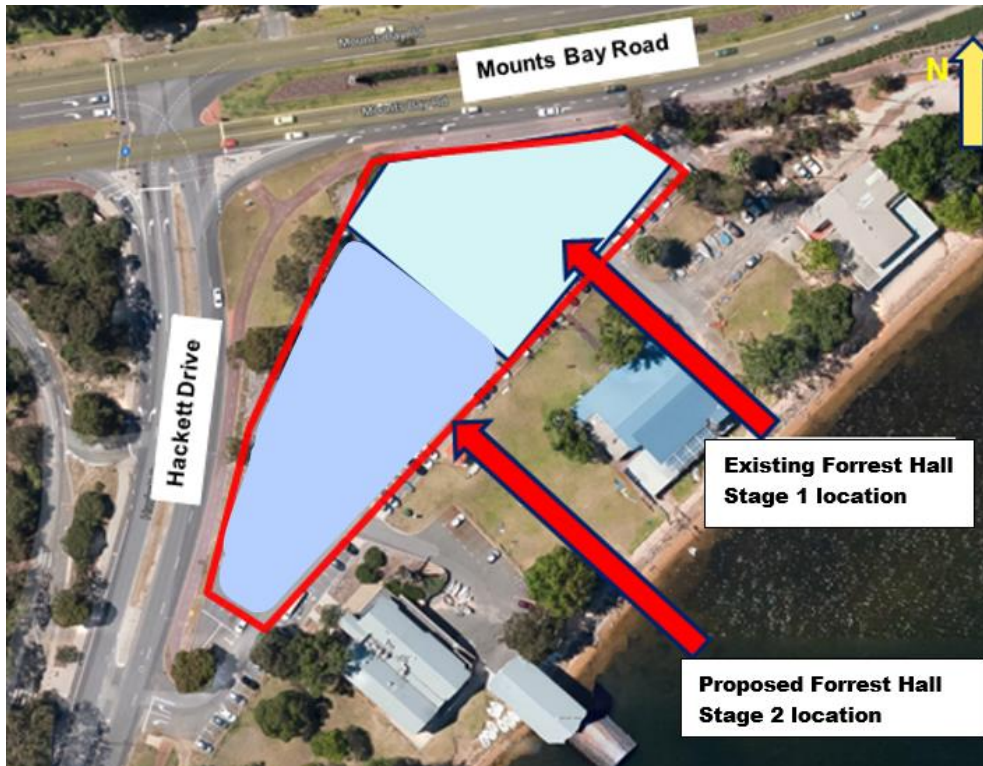
3.5.2 Bicycle Parking

8 public bicycle parking bays with capacity for 14 bicycles were provided at the Forrest Hall Stage 1 development, with a further 38 secure bicycle parking bays provided in the basement of the development. To facilitate FH2 development two of the existing public bicycle parking bays will be removed, with a remaining capacity for 12 bicycles

4. Proposed Development

The proposed site is situated on the southwest end of the City of Perth, bounded by Mounts Bay Rd to the north, Hackett Drive to the west and Matilda Bay Reserve to the southeast. It is located on the southern end of Car Park 23 between the existing access way to the south and the newly developed Forrest Hall Stage 1 building to the north. An indicative site location is shown in **Figure 4.1**.

Figure 4.1 : Proposed Site Location (Source: ArcGIS, City of Perth)



The proposed FH2 development will remove UWA Car Park 23. The existing road network along with the corresponding public transport accessibility and provision of cycle and walking paths were discussed in **Section 3**. No changes to the existing road network are proposed as part of this development.

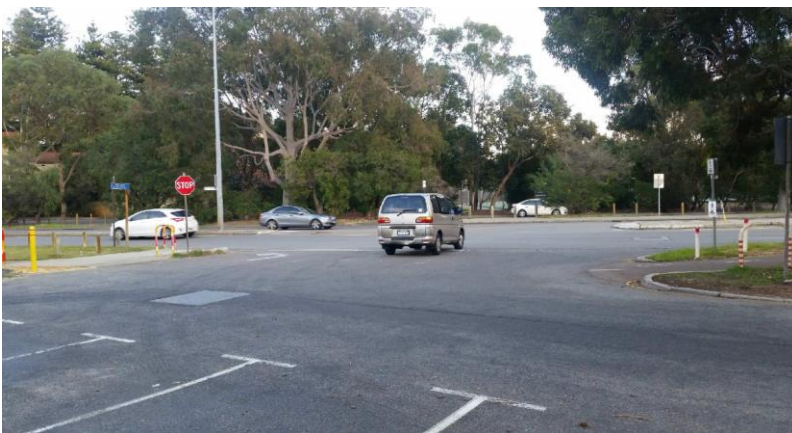
5. Vehicular Access & Parking

This section of the report outlines the access arrangements to the proposed FH2 development and whether the existing access would be adequate to accommodate the requirements of this new development.

5.1 Existing Access from Hackett Drive

The existing access way to the proposed site is from the Hackett Drive as shown in **Figure 5.1**. The access at Hackett Drive currently provides adequate vehicular access to UWA Carpark 23, Forrest Hall Stage 1, UWA Watersports Club, Perth Dinghy Sailing Club and Cygnet Hall.

Figure 5.1 : Existing Site Access into Proposed Forrest Hall Stage 2



5.2 Required Parking Numbers

There is no guidance document for the amount of car parking to provide for student accommodation. State Planning Commission R Codes suggests one car parking bay per residential apartment. However, student and short stay accommodation will require significantly less car parking than permanent residential accommodation, particularly in an area well served by public transport. Recently approved student accommodation in the City of Perth have been approved with no parking.

UWA has proposed the following parking to meet the needs of the FH2 development:

- 38 secure private car parking bays and 1 ACROD car parking bay; and
- 13 secure bicycle parking bays.

The development will provide office space to accommodate approximately 70 staff, 9 Forrest Scholar units and 65 short stay units for visitors. Car bays in FH2 will be allocated as follows:

- 6 to short stay accommodation units;
- 32 to office space; and
- Nil to Forrest Scholar units.

This will enable 25% of regular users of the FH2 development to be allocated a parking bay if required. This is a high ratio of car bays to occupants and more than sufficient to meet the private car parking needs of occupants. As indicated in the UWA Commuter Survey 2015 single occupancy trips in private vehicles are declining among staff with over a third of staff already choosing public and active transport modes. There are also more vehicular and bike bays on the Main Campus.

The 13 secure bicycle parking bays will enable about 10 % of regular users to be allocated a bicycle parking bay. To facilitate FH2 development two of the existing 8 public bicycle parking bays will be removed, with a remaining capacity for 12 bicycles that can be used by occupants or visitors.

The proposed parking provides flexibility should the demand profile change over time. The overall level of parking is considered to be adequate to meet the access needs of occupants at FH2. The public on street car parking located along Hackett Drive provides for additional car parking for visitors or car sharing services should this ever be required. Similarly, there is alternative bicycle parking opportunities close by on campus, including a secure facility near the tennis courts just across Hackett Drive that also provides a charge point for e-bikes.

6. Traffic Impact Assessment

With the proposed FH2 development, the impact upon the Mounts Bay Road and Hackett Drive intersection will be of interest to Main Roads WA and the City of Perth. Thus, its impact with regards to the proposed development has been analysed within this section of the report by noting the daily/peak traffic volumes.

In addition, the provision for service vehicles is also discussed in line with the current Waste Management Strategy, as well as entry/egress from the basement carpark for general passenger vehicles.

6.1 Trip Generation and Distribution

FH2 has the capacity to accommodate approximately 70 staff, in addition to the 9 Forrest scholar units and 65 short stay units. Potential vehicle trip numbers from the FH2 development are expected to be lower than the current trip generation of the UWA Carpark 23, which has approximately 108 bays.

WAPC Transport Impact Assessment Guidelines Volume 5 recommended peak hour vehicle trip generation rates are outlined in **Table 6.1** below.

Table 6.1 – WAPC Peak Hour Vehicle Trip Generation Rates (Source: WAPC TIA Guidelines Vol. 5)

LAND USE	UNIT	AM peak hour trip rate			PM peak hour trip rate		
		In	Out	Total	In	Out	Total
Residential	Dwellings	0.2	0.6	0.8	0.5	0.3	0.8
School	Pupils	0.5	0.5	1.0	0.5	0.5	1.0
Commercial	100m ² GFA	1.6	0.4	2.0	0.4	1.6	2.0
Retail (Food) ^{ab}	100m ² GFA	2.0	0.5	2.5	5.0	5.0	10.0
Retail (Non-food) ^b	100m ² GFA	1.0	0.25	1.25	2.0	2.0	4.0
Industrial	100m ² GFA	0.8	0.2	1.0	0.2	0.8	1.0

Applying the commercial vehicle trip generation rate to the approximate 970m² proposed in FH2 this would result in 19 vehicle trips during the peak hour.

It was advised by UWA that approximately 80% of the residents are likely to be studying at UWA which is within 10-minute walking distance. Very few of these students are unlikely to generate any commuting vehicle trips during the peak hours. This is comparable with the developed Forrest Hall Stage 1 building. Of the remaining 20% of residents, up to a maximum of 2 students may consider driving to other campuses during the peak period. This means the estimated peak hour vehicle trip generation rate by students would be less than 2 trips in the peak hour.

Visitors to the short stay accommodation units are likely to have similar travel patterns as students, with the majority of trips being made using active travel modes. Assuming the same level of vehicle trip generation as students, at full capacity the short stay accommodation could generate 10 vehicle trips in the peak hour.

Therefore, a maximum of 31 peak hour vehicle trips may be generated, by the occupants in resident at FH2. This level of car travel will be more than compensated by the reduced level of cars entering and leaving the public car park, which is to be removed to facilitate development. By taking the remainder of Carpark 23 for FH2, the proposed development will reduce the traffic flows by a significant amount on the adjacent road network.

6.2 Vehicle Type and Provision for Service Vehicles

It is expected that the main type of vehicles in the university precinct will typically be standard passenger cars with a minor ratio of small light commercial vehicles.

Swept path analysis to the proposed FH2 basement carpark has been assessed using a standard passenger vehicle and found to be acceptable with reference to AS2890.1. However, due to the restricted width at the entry to the FH2 basement (located inside the existing access point to the shared Porte Cochere with Forrest Hall Stage 1) it is not possible for two vehicles to pass at the same time. Whilst traffic volumes are likely to be low and characterised by a tidal flow (e.g. entering the carpark in the AM and departing in the PM) restricted movements and advisory signage is recommended. Left turning vehicles intended to access FH2 basement should be required to give way to exiting vehicles. To provide a sufficient turning radius for exiting vehicles they should be required to turn left out of the FH2 basement and circulate around to the Porte Cochere to exit. The layout of the car park showing access aisles and bays is shown in **Figure 6.1** as well as recommended signage to manage traffic movements and avoid conflict.

Figure 6.1 – Forrest Hall Stage 2 Lower Ground Carpark Entry / Egress (Source: Kerry Hill Architects DA drawing)

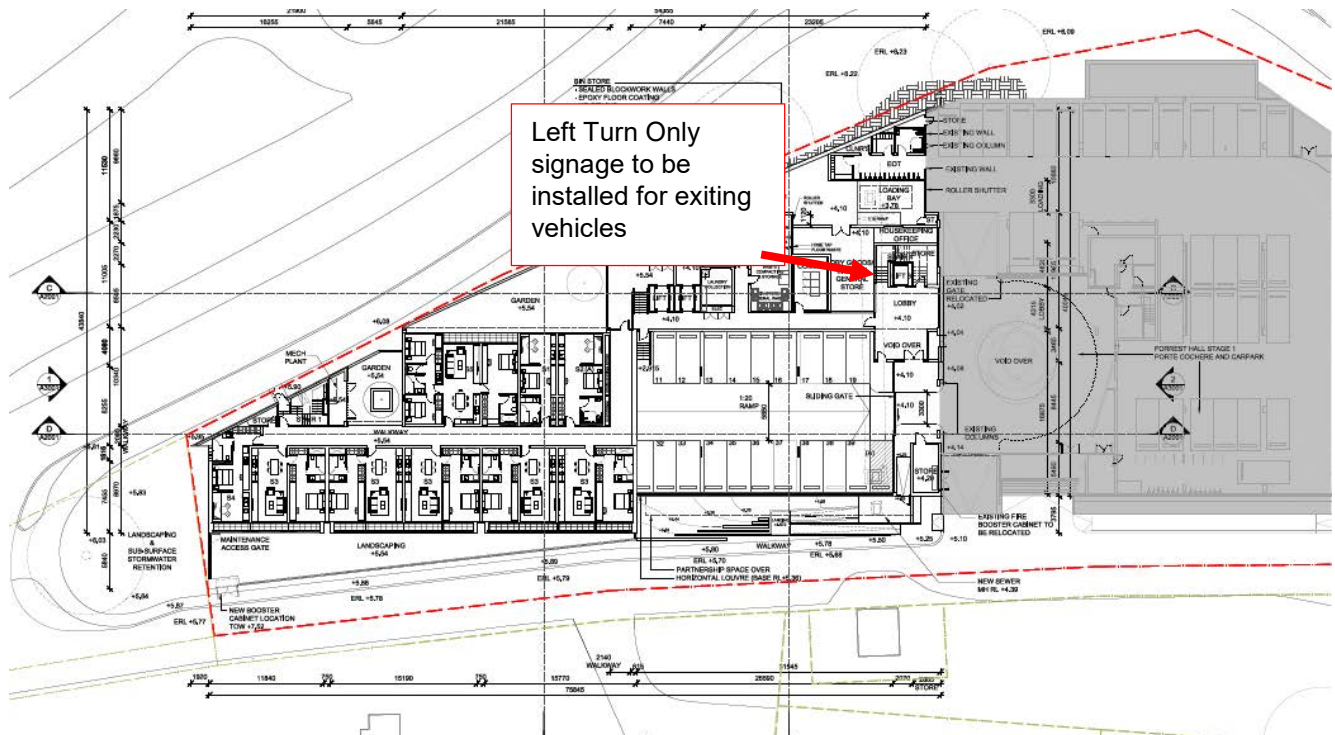


Figure 6.2 below shows sufficient circulation space for a general passenger vehicle to make a left turn from the FH2 basement and manoeuvring around the Porte Cochere to exit the lower ground carpark. **Figure 6.3** below shows the sufficient circulation space for a general passenger vehicle entering the FH2 basement carpark. The swept path analysis is on the main access ramp to FH1 is a current movement.

Figure 6.2 – Forrest Hall Stage 2 General Vehicle Circulation - Exit

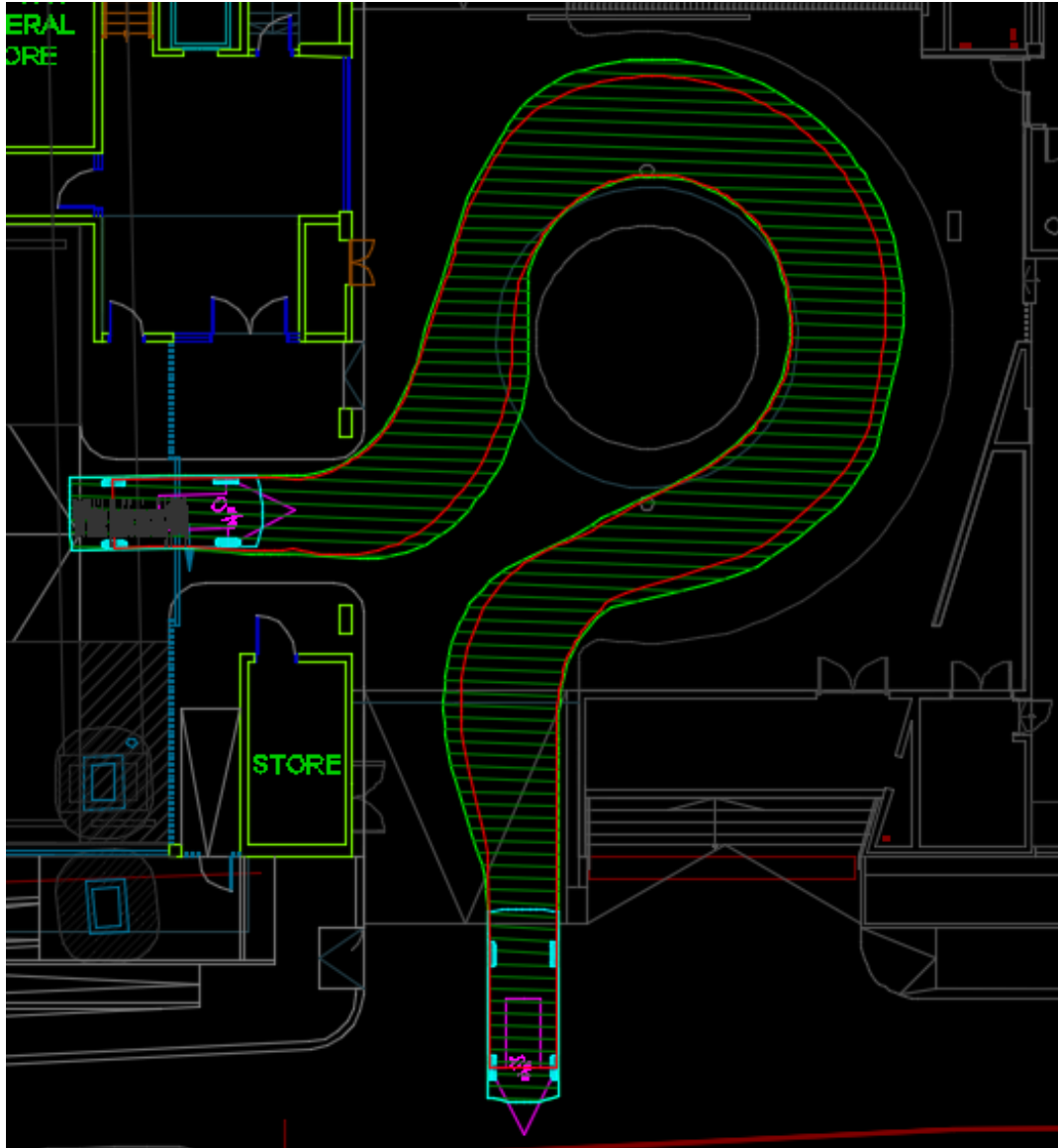
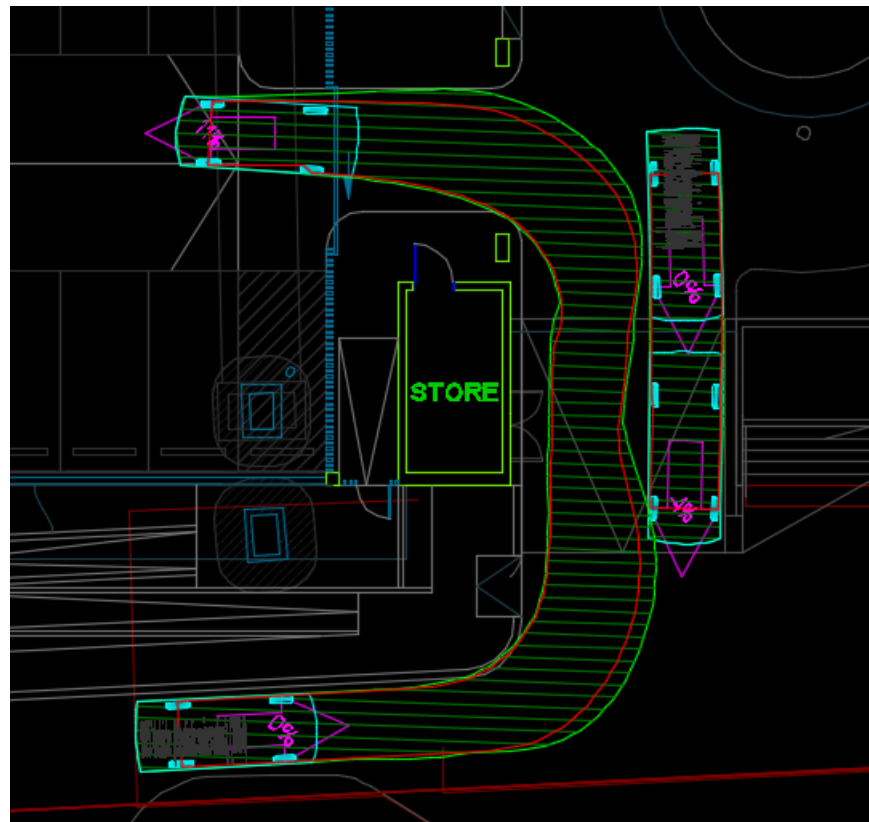


Figure 6.3 – Forrest Hall Stage 2 General Vehicle Circulation - Entry



UWA waste management is adaptive and carried out in a number of ways. Several locations on campus are not accessible by large trucks. UWA has advised that the waste collection for the proposed development will be undertaken by the following means:

- The waste management contractor is now using 240L Sulo Bins in lieu of 120L;
- The waste collection vehicle will reverse up to the access way at the bottom of the outdoor stairs; and
- The waste management contractor will access the LG carpark on foot and set the sliding gate open 1.5m and collect each full 240L bin one at a time from the FH2 bin store and bring them out to the truck.

This collection method means waste collection vehicles will not be required to enter the basement facility.

Food and beverage drop off will be carried out daily. Linen and laundry pick up and drop off at FH2 is planned to occur every second day. Guest dry cleaning will be picked up daily upon request. Service vehicles will follow the same pattern of operation as outlined above for waste collection and therefore will not be required to enter the basement facility.

7. Traffic Management on the Frontage Streets

7.1 Site Access - Hackett Drive Intersection

Hackett Drive in the vicinity of the site access is a 19m wide, two lane divided carriageway with a raised median. It provides a right turn pocket for northbound vehicles to turn into the site and left turn access for southbound vehicles. The posted speed limit for Hackett Drive is 60km/h.

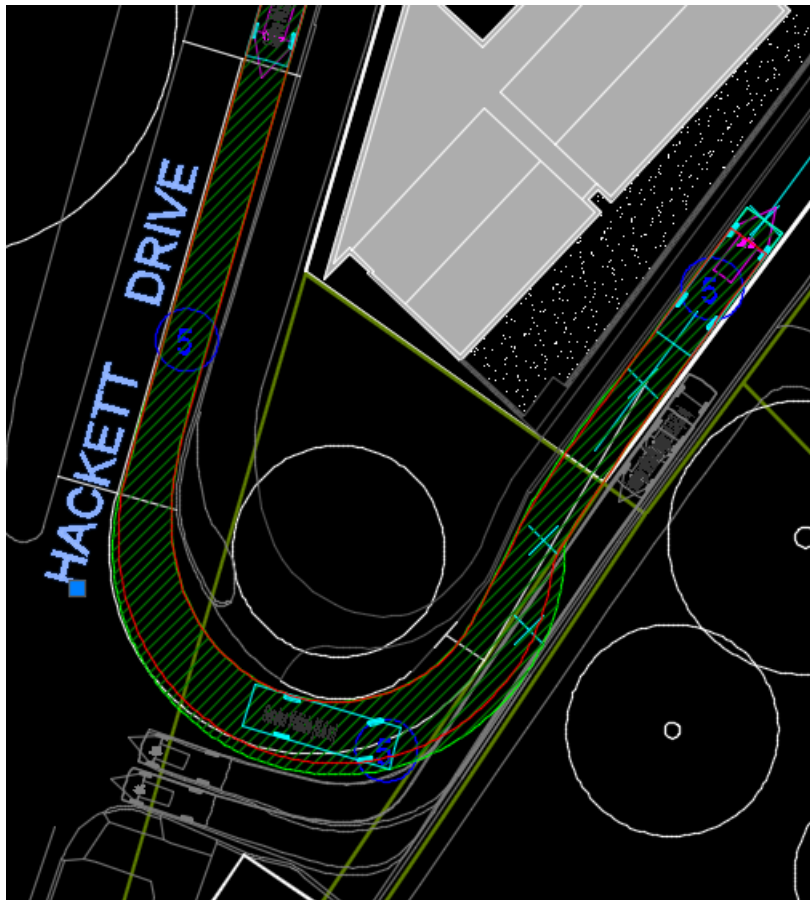
There is a current PSP terminating at the site access and an on-street bike lane is immediately south of the access point as shown in **Figure 7.1**. A 2-metre-wide concrete footpath is provided at the south side of the access, which parallels Hackett Drive along the university campus. Facilities such as pram ramps and hand rails are currently installed at the site access for pedestrian and cyclist amenity.

Figure 7.2 shows the adequate swept path for a 8.8m waste collection vehicle turning into the development site from Hackett Drive. This is representative of the larger vehicle that the FH2 development will generate.

Figure 7.1 : Hackett Dr and Site Access



Figure 7.2 : Hackett Dr Swept Path for 8.8 m vehicle



The access traffic is likely to reduce following development of FH2 due to the removal of the existing public car park. As part of the outcome of the Forrest Hall Stage 1 DA approval it was a requirement that the accessway easement remain to provide a guaranteed accessway. The agreed accessway easement plan relating to Forrest Hall Stage 1 is attached in **Appendix B**. Access to other properties remains unchanged and all vehicle movements that are currently possible in and out of these facilities will remain unchanged by the development of FH2. The geometry of the mandated 6m wide accessway that has an easement over it was deemed suitable for all these movements and is not encroached upon by FH2. Access to Watersports off the accessway is right in and left out. Access to PDSC is right in and left out. Access to Cygnet Hall is right in and left out and/or via the accessway route in front of FH1 Eastern Building along the limestone track over the Water Corporation reserve.

7.2 Mounts Bay Road and Hackett Drive Intersection

This intersection carries the main traffic along Mounts Bay Road and will facilitate all traffic associated with the proposed development. Given the development generated traffic volumes will be lower than the reduction in background traffic (due to reduction in parking bay numbers), the proposed development will have no impact on traffic at this intersection.

8. Public Transport Access

As discussed in **Section 3.3** the proposed site is well serviced by high frequency buses and there are a number of bus stops located within a short walking distance from the site. Therefore, the proposed development will not require changes to existing public transport service and access.

9. Pedestrian and Cyclist Access

Pedestrian access to the proposed development is via the existing PSP and footpath along Mounts Bay Road and Hackett Drive.

In conjunction with what was discussed within **Section 3.4**, there is ample pedestrian and cycling access being provided around the proposed development region. A pedestrian footpath around the eastern side of the development is proposed to provide for pedestrian accessibility.

The university campus is within walking distance of the Forrest Hall precinct and the cycling access way also provides a direct route to the City of Perth.

10. Site Specific Issues

There are no site specific issues identified within the scope of this assessment.

11. Safety Issues

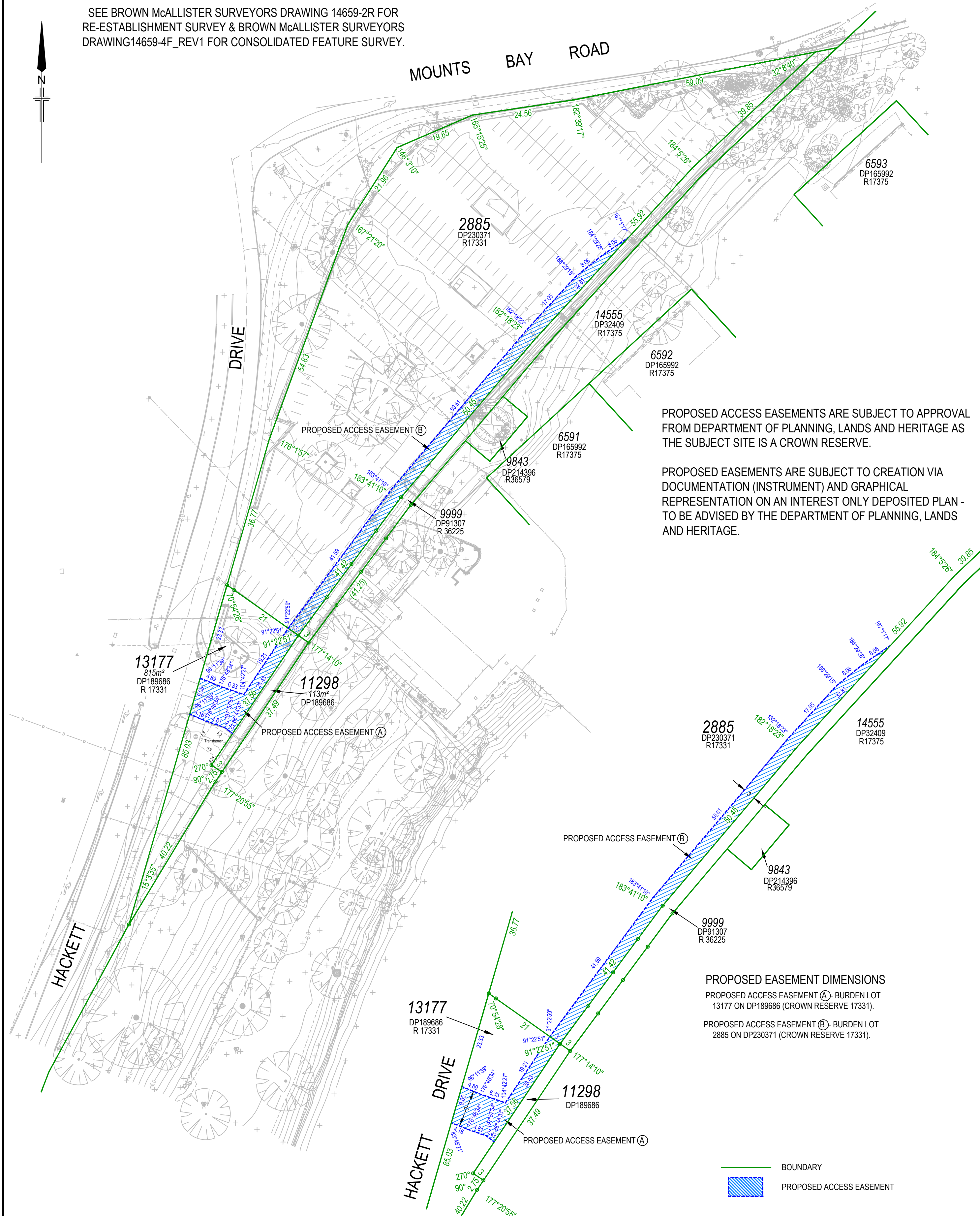
There are no safety issues involving the movement of vehicles as part of the proposed FH2, as the vehicle volumes generated by the development are expected to be low and less than existing.

12. Conclusion and Recommendation

This Transport Statement has been prepared by Jacobs on behalf of Kerry Hill Architects for their client UWA, with regards to the proposed Forrest Hall Stage 2 development. The development is to be located on the balance of the existing Car Park 23 at the corner of Mounts Bay Road and Hackett Drive, Crawley, on the University of Western Australia's Crawley campus. Conclusions and recommendations from this traffic assessment are provided below:

- The site features good connectivity within the existing road network and alternative mode of transport network such as bus services on Mounts Bay Road, Principle Shared Path and bicycle lanes between Mounts Bay Road and Hackett Drive leading to the university;
- The level of car parking on the site will be reduced from the existing 113 public bays to 38 private bays and 1 ACROD bay associated with the Forrest Hall Stage 2 development. This reduced level of car parking will result in a lower level of traffic and a reduced traffic impact on the surrounding road network;
- The proposed development is expected to generate between 21 - 31 peak hour vehicle trips during a typical weekday. This rate is likely to be far lower than the vehicle trip rates currently generated by the Carpark 23 land use, thus the development is likely to have less of an impact on the surrounding road network;
- 38 parking bays and 1 ACROD are proposed in a secure parking area within the lower ground level. The proposed car parking supply is more than sufficient to meet the need of the occupants (70 staff, 9 Forrest Scholar units and 65 short stay units) within the development;
- 13 secure bicycle parking bays are proposed in the basement parking area for the exclusive use of occupants. End of trip facilities including storage, change rooms and showers are proposed and will provide convenience to occupants choosing active travel modes as their means of commuting;
- The Forrest Hall Stage 1 basement parking layout will provide acceptable circulation path for general passenger vehicles. Give way operation will need to be enforced at the entry / exit point to the FH2 carpark. Entering vehicles should give way to exiting vehicles. Exiting vehicles should be required to turn left and around the Forrest Hall Stage 1 Porte Cochere;
- The current Waste Management Strategy will not require service vehicles to enter the lower ground car park facility, which eliminates potential circulation conflict for vehicles larger than the standard passenger vehicle; and
- The current approach to food/beverage and linen pick up / drop off for the development will not require service vehicles to enter the lower ground car park facility, which eliminates potential circulation conflict for vehicles larger than the standard passenger vehicle.

Appendix A. Forrest Hall Accessway Easement Plan



<div>DATUM</div> <div>HORIZONTAL - PCG94</div> <div>VERTICAL - AHD</div>		<div>SCALE 1 : 600</div> <div><div><div>0</div><div>6</div><div>12</div><div>18</div><div>24</div><div>30</div></div></div> <div>All distances in metres unless stated otherwise</div>																					
<div>COPYRIGHT OF ALL THIS PLAN IS RESERVED BY BROWN McALLISTER SURVEYORS AND REMAINS THE PROPERTY OF THE AFORESAIDED AND SHALL BE RETURNED UPON REQUEST.</div> <div>USE OF ALL OR PART OF THIS PLAN IS RESTRICTED WITHOUT PRIOR WRITTEN PERMISSION.</div>		ALL AREAS AND DIMENSIONS ARE SUBJECT TO SURVEY AND EXAMINATION		FOR AREA SURVEYED 02/10/2014 ONLY - THE BOUNDARIES WERE NOT RE-ESTABLISHED AS PART OF THIS SURVEY THEREFORE THIS PLAN DOES NOT GUARANTEE THEIR ACCURACY																			
		FIELD INSPECTION IS RECOMMENDED FOR LOCATION OF SERVICES PRIOR TO ANY EXCAVATION																					
<div>PROPOSED EASEMENT SKETCH & FEATURE SURVEY OVERLAY OF LOT 2885 ON DP230371, PORTION OF LOTS 13177 & 11298 ON DP189686, LOT 9999 ON DP91307, LOT 9843 ON DP214396, LOT 14555 ON DP32409 & LOTS 6592 & 6593 ON DP165992</div> <div>MOUNTS BAY ROAD / HACKETT DRIVE, CRAWLEY</div>												0		APPROVED AND ISSUED TO CLIENT				11/07/2017		T. PIZZI		D.SMEDLEY	
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Agenda Item 13.5	190 (Lot 101) Aberdeen Street, Northbridge – Proposed LED Sky Sign Displaying Variable Third Party Advertising Content
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Recommendation:

*That Council, in accordance with the provisions of the City Planning Scheme No. 2, the Planning and Development (Local Planning Schemes) Regulations 2015 – Deemed Provisions for Local Planning Schemes and the Metropolitan Region Scheme, **REFUSES** the application for an LED sky sign displaying variable third party advertising content at 190 (Lot 101) Aberdeen Street, Northbridge as indicated on the Local Planning Scheme Form and Metropolitan Region Scheme Form One dated 10 August 2017 and as shown on the plans and details received on 30 August 2017 and 21 June 2018 for the following reasons:*

- 1. the proposed sign is considered to be contrary to the orderly and proper planning of the locality and will be inconsistent with conservation of the amenities of the locality given that:*
 - 1.1 sky signs are not permitted anywhere within the City in accordance with clause 7.9 a) 'Sky Signs' of City Planning Scheme No. 2 Policy 4.6 Signs;*
 - 1.2 the sky sign is contrary to clause 5.0 c) 'General Principles' of City Planning Scheme No. 2 Policy 4.6 Signs as it is not designed as an integral part of the building and will be excessive in scale;*
 - 1.3 the third party advertising content is contrary to clause 5.0 h) 'General Principles' of City Planning Scheme No. 2 Policy 4.6 Signs as it will potentially impact on the visual quality, amenity and safety within the area;*
 - 1.4 the sign is contrary to clause 5.0 j) 'General Principles' and clause 6.3 e) 'Safety' of City Planning Scheme No. 2 Policy 4.6 Signs as the sign is likely to cause a distraction to road users as it is intended to be viewed by passing motorists entering various intersections and freeway interchanges, creating potential traffic safety hazards; and*
 - 1.5 the sign is contrary to clause 6.6 c) i) A) 'Sign Content' and 6.8 c) i) 'Variable Content' of City Planning Scheme No. 2 Policy 4.6 Signs as the sign is not facing or in a public space as intended in the Policy where the viewing area is designed and intended for pedestrians to linger for an extended period of time and are oriented for viewing within the space and not from adjacent streets;*

(Cont'd)

2. ***the proposed sign is not considered to meet the objectives and intentions of the City Planning Scheme No. 2 in regard to health, safety and general welfare under clause 6(3)(c) as the sign could have an adverse impact on traffic safety given that it does not satisfy the 'location' and 'physical characteristics' (size and shape) criteria of Main Roads Western Australia's 'Policy and Application Guidelines for Advertising Signs'.***

FILE REFERENCE:	2017/5340
REPORTING UNIT:	Development Approvals
RESPONSIBLE DIRECTORATE:	Planning and Development
DATE:	15 October 2018
ATTACHMENT/S:	Attachment 13.5A – Location Plan Attachment 13.5B – Perspective Attachment 13.5C – Development Plans
3D MODEL PRESENTATION:	N/A
LANDOWNER:	Iraklion Group Pty Ltd
APPLICANT:	Adbrands Media
ZONING:	(MRS Zone) Central City Area (LPS No. 26 Precinct) Russell Square (NB1)
APPROXIMATE COST:	\$800,000

Council Role:

- | | | |
|-------------------------------------|----------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <input type="checkbox"/> | Advocacy | <i>When the Council advocates on its own behalf or on behalf of its community to another level of government/body/agency.</i> |
| <input type="checkbox"/> | Executive | <i>The substantial direction setting and oversight role of the Council e.g. adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.</i> |
| <input type="checkbox"/> | Legislative | <i>Includes adopting local laws, town planning schemes and policies</i> |
| <input checked="" type="checkbox"/> | Quasi-Judicial | <i>When the Council determines an application/matter that directly affects a person's right and interests. The judicial character arises from the obligation to abide by the principles of natural justice. Examples of Quasi-Judicial authority include town planning applications, building licences, applications for other permits/licences (eg under Health Act, Dog Act or Local Laws) and other decisions that may be appealable to the State Administrative Tribunal.</i> |
| <input type="checkbox"/> | Information | <i>For the Council/Committee to note.</i> |

Legislation / Strategic Plan / Policy:**Legislation**

Planning and Development Act 2005
Planning and Development (Local Planning Scheme) Regulations 2015
 City Planning Scheme No. 2
 Local Planning Scheme No. 26

Policy

Policy No and Name: 4.6 - Signs

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 **25 September 2018**, Council resolved to:

"defer consideration of the report titled 190 (Lot 101) Aberdeen Street, Northbridge – Proposed LED Sky Sign Displaying Variable Third Party Advertising Content 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 and the Department of Transport.

Reason: To allow for the Commissioners to conduct an onsite visit and to have Officers seek clarification from the Department of Planning, Lands and Heritage on the conditions (which appears to be contrary to Main Roads WA) and the Department of Transport (the overarching body of Main Roads WA)."

Correspondence has been received from the Department of Transport (DoT) and Department of Planning, Lands and Heritage (DPLH) which enables the application to be reconsidered by Council. The responses received from the DoT and DPLH are outlined in the 'consultation' section of this report.

Details:

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.

Compliance with Planning Scheme:

Development Requirements

The subject site is located within the Russell Square Precinct (NB1) under the City's Local Planning Scheme No. 26 (LPS26). The Precinct will continue to encourage a rich social and cultural diversity with an emphasis on infill residential development providing single lot, multiple dwellings and mixed-use buildings. The Statement of Intent for the Precinct and the associated Northbridge Area 35 – Russell Square Design Guidelines do not specify any development provisions for signage.

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. Under the Policy the proposed sign falls within the following definitions:

"Third Party Advertising Content" means sign content that advertises businesses, products, goods or services not located or available at the premises where the sign content is displayed.

Variable Content means static sign content that changes automatically by electronic or programmable methods on a specified time cycle. Where displaying variable content, a small sign is one that has a sign face with an area of 2m² or less and a large sign is one that has a sign face with an area of greater than 2m².

Sky Sign means a sign fixed to the roof, roof top plant room, parapet, wall or architectural feature at the top of a building and that extends more than 200mm above the height of the roof, roof top plant room, parapet, wall or architectural feature that it is fixed to."

The proposal's compliance with the Policy is detailed in the following comments section.

Variations to the Signs Policy can be granted by an absolute majority decision of the Council, in accordance with clause 36 of CPS2 provided Council is satisfied that:-

- "36(3)(c)(i) if approval were to be granted, the development would be consistent with:*
- (A) the orderly and proper planning of the locality;*
 - (B) the conservation of the amenities of the locality; and*
 - (C) the statement of intent set out in the relevant precinct plan; and*
- (ii) the non-compliance would not have any undue adverse effect on:*
- (A) the occupiers or users of the development;*
 - (B) the property in, or the inhabitants of, the locality; or*
 - (C) the likely future development of the locality.'*

Comments:

Consultation

As the subject site abuts an Other Regional Road Reserve and is in the vicinity of a Primary Regional Road Reserve identified under the Metropolitan Region Scheme (MRS), the proposal was referred to the Infrastructure and Land Use Coordination (ILUC) section of the Department of Planning, Lands and Heritage (DPLH) and Main Roads Western Australia (MRWA) for comment, noting the potential traffic safety implications on the adjacent roads and Graham Farmer Freeway.

In correspondence dated 3 October 2017, the DPLH's ILUC section advised:

"The Department would be prepared to support the signage on condition that the advertisements do not interfere with sight lines, distract drivers, or have the potential to become confused with traffic signals or road signs. This position reflects the Commission's advertising on Reserved Land Policy D.C 5.4, paragraph 5.3.1."

In view of the above, the Department raises no objections to the proposed advertising signage under regional transport planning grounds, and advises only that the type of sign, size, content and location must comply with all relevant by-laws and planning schemes made by Council."

In correspondence dated 12 October 2017, MRWA advised:

"The information provided by the applicant concluded that not all the relevant criteria within MRWA 'Policy and Application Guidelines for Advertising Signs' within and beyond state road reserves pertaining to Large Format Digital Signage (LFDS) located beyond state road reserve were addressed."

Section 4, Part 4.1.3 "Size and Shape"

Information with respect to dimensions provided for this LFDS of 19.080m (W) and 6.305m (H) afforded this device an advertising area of 120.30m². This exceeds the maximum permissible area and therefore fails to comply with MRWA "Size and Shape" criteria.

Section 5, Part 5.3.2 "Location"

The location of the LFDS did not comply with MRWA site selection criteria Section 5, Part 5.3.2 "Location". For this particular LFDS application, Figure 2 Diagram 3 "Freeway – On Ramp" would apply for eastbound traffic on the Graham Farmer Freeway. When this criterion is applied, the LFDS falls within the "Conflict Zone" and therefore fails to comply with MRWA "Location" criteria.

Based on these determinations, Main Roads Advertising Section cannot support the proposed advertising device."

Noting the above advice, the applicant submitted a detailed Road Safety Assessment (RSA) to address the concerns raised by MRWA in particular. Upon review of the RSA, MRWA provided the following advice to the City:

"The additional information in the form of a RSA report for the proposed advertising device has assisted MRWA as the contents attempts to address applicable criteria within the

departments 'Policy and Application Guidelines for Advertising Signs within and beyond state road reserves' document relating to this advertising device.

Site selection

During the review, it was determined that the proposed advertising device is located within the Device Restriction Area (DRA). The location of the LFDS did not comply with MRWA site selection criteria Section 5, Part 5.3.2 "Location". For this particular LFDS application, Figure 2, Diagram 3 "Freeway – On Ramp" would apply for eastbound traffic on the Graham Farmer Freeway. When this criterion is applied, the LFDS falls within the "Conflict Zone" and therefore fails to comply with MRWA "Location" criteria. The RSA report acknowledged that the proposed sign is within the DRA of the Graham Farmer Freeway on ramp.

Physical characteristics

This section of the guidelines relates to specific characteristics such as size, shape, illuminance and illumination, movement and rotation, content, dwell and transition times etc. It was acknowledged that the required information was supplied in the RSA report addressing MRWA criteria. However, it was noted that the sign is larger than the maximum permissible advertising device dimensions listed in Table 4.1 of the MRWA guidelines which is 85m². The proposed sign panel measuring 19.1m x 6.3m with an area of 120.3m² exceeds MRWA maximum permissible area by 35.3m².

Crash history

This section of the guideline ensures that the proposed advertising device is not placed in a high crash rate area or at an intersection with high casualty crash densities. The RSA report provided a comprehensive and detailed crash assessment addressing criteria within MRWA guidelines document. The report's crash calculations were referred to MRWA's Safety Branch for verification. The Safety Branch concurred with the conclusion in the report and noted that the sections are within the low risk category and meet the criteria for crash risk assessment.

In conclusion and to summarise the above determinations, although the RSA addressed a number of MRWA requirements, the preferred position of the device is located within the DRA and therefore fails to comply with MRWA "Location" criteria. The proposed LFDS also failed to comply with the physical characteristics criteria being the face of the advertising panel is significantly larger (42%) in size than the maximum permissible.

As such, Main Roads Network Operations Branch - Advertising Section cannot support the proposed advertising device."

Subsequent Referral Responses

In correspondence dated 9 October 2018, the DPLH advised:

- "Development Control DC Policy 5.4 (January 2017) establishes the objectives and considerations taken into account by the WAPC in determining signage applications on land reserved under region schemes. It seeks to preserve and enhance the amenity of reserved land and surrounding zoned land. As you have outlined, on 3 October 2017, the Department (DPLH) provided comments regarding the LED digital signage at Lot 101 (190) Aberdeen Street Northbridge and advised no objection subject to the signage not

interfering with sight lines, distracting drivers or having the potential to become confused with traffic signals or road signs, reflecting paragraph 5.3.1 of D.C. 5.4.

- *Main Roads WA Policy and Application Guidelines for Advertising Signs within and beyond State road reserves (January 2018) includes additional considerations for advertising signage. It similarly seeks safety and amenity but covers various elements in greater detail (e.g. location and restriction areas, signage content, luminance and other standards). It is applicable to developments beyond the boundaries of, but visible from State road reserves. Main Roads (Control of Advertisements) Regulations (1996) apply only to State roads.*
- *Although comments by the DPLH appear contrary to those provided by Main Roads WA, DPLH's comments of 3 October 2017 relate to the proposal's impact on Fitzgerald Street, a Category 2 Other Regional Road in the Metropolitan Region Scheme. Main Roads WA's comments relate to the proposal's impact on Graham Farmer Freeway (a Category 1 Primary Regional Road within the Metropolitan Region Scheme and plan SP693/5) and each has referenced a separate, agency specific advertising signage policy."*

Based on the above, it is noted that the DPLH's advice is limited to the proposal's potential impact on Fitzgerald Street, with consideration of the wider implications of the proposal being the responsibility of the MRWA.

In correspondence dated 9 October 2018, the DoT advised:

"The Department of Transport (DoT) has reviewed the application and concur with the comments provided by MRWA. DoT has no further comment to provide."

Signs Policy

The City's Signs Policy 4.6 includes the following relevant provisions with regards to the assessment and approval of sky signs and large third-party variable content signs:

'5.0 General Principles

- c) *Signs should be compatible in scale and integrated with the architectural design of the building on which they are erected or adjacent to, having regard to the form, materials, finishes, colours and fenestration of the building/s. Architectural features of a building should not be obscured and daylight into and reasonable vision into and out of buildings should be maintained.*

6.6 Sign Content

- (c)(i) *Third party advertising or on-premises advertising content shall only be considered for development approval on:*
 - A) *a sign facing or in a public space within the Entertainment Area, the Retail Core Area, a Town Centre Area or The Terraces Area (as identified in Figure 2) where the sign is oriented for viewing within the space and not from adjacent streets;*
- (ii) *Third party advertising or on-premises advertising content shall only be considered for development approval on a sign facing or in a public space in accordance with (i)(A) above where the local government is satisfied that it:*
 - A) *is compatible with the desired character of the public space;*
 - B) *will enhance the visual quality of the public space; and*
 - C) *will increase the use and vibrancy of the public space, particularly at night.*

6.8 *Animated or Variable Content*

- (c) *Variable content on a large sign (>2m² sign face) shall only be considered for development approval:*
 - i) *facing or in a public space within the Entertainment Area, the Retail Core Area or The Terraces Area and where:*
 - A) *the viewing area is designed and intended for pedestrians to linger for an extended period of time; and*
 - B) *the sign is oriented for viewing within the public space and not from adjacent streets and can only be viewed by road users if:*
 - 1. *it has content that is completely static without any motion, animation or special effects for the duration of its display;*
 - 2. *it has a specified duration of display and a transition time between display that comply with standards specified by the State Government transport authority or another authority considered appropriate by the local government;*
 - 3. *each display comprises no more than 20% of its area as text and the text is large scale so that it can be easily and quickly read by road users; and*
 - 4. *it does not include any content that could be perceived to be providing public safety instructions to road users.*
- d) *Animated or variable content on a large sign facing or in a public space shall only be considered for development approval where the local government is satisfied that it:*
 - i) *is compatible with the desired character of the public space;*
 - ii) *will enhance the visual quality of the public space; and*
 - iii) *will make a positive contribution to the public space and its activation, particularly at night.*

7.9 *Sky Signs*

- a) *Sky signs are not permitted.'*

The proposal does not comply with the above provisions, specifically clauses 6.6(c)(i)(A) and 6.8(c)(i), given that 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.

It is noted that the area located opposite the subject site at 75 Fitzgerald Street, which is adjacent to the Saint Brigid's church site, may be construed as a 'public place'. However, this area is a pedestrian access way that is mainly used for commuting purposes by cyclists and pedestrians. In addition, the area is used in conjunction with activities at the church including pick up and drop off activities related to weddings and funerals but it is generally not a space where people gather and linger as referenced in the policy. Noting the orientation of the proposed LED sign, it is considered that 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.

Whilst the application could potentially be conditioned to comply with the requirements specified in subclauses 1. to 4. of clause 6.8(c)(i)(B) to control the content and duration of

images displayed on the sign, it does not comply with this clause and it is considered that the proposed sign does not have sufficient planning merit to vary this policy requirement as the sign is not oriented for viewing within a public space and is orientated to be viewed by users of the adjacent streets, including the Freeway.

In accordance with the provisions of clauses 6.6(c)(ii) and 6.8(d), approval of any large variable content sign is subject to Council being satisfied in regard to its potential to being compatible with, enhancing and making a positive contribution to a public space. Notwithstanding, the proposed sign is not appropriately located within or adjacent to a public space in the first instance, and the addition of the sign above the existing mixed-use building will not be compatible with the desired character of this locality and it does not meet the criteria specified in the clauses.

The proposed sign is also contrary to clause 7.9 a) of the policy which specifically does not permit sky signs anywhere within the City. The policy's restriction on sky signs is partly linked to the general principles of the Signs Policy, clause 5.0c) that requires that signs should be compatible in scale and integrated with the architectural design of the building on which they are erected. Ad hoc additions which detract from the visual quality of existing buildings or from the outlook from surrounding properties or public realm should be avoided. In this regard, the subject building has been designed with a curved corner element that differs in height from the remainder of the building to accentuate the corner to create a landmark feature that terminates the vista looking north along Fitzgerald Street and from the pedestrian access way adjacent to St Brigid's Church. The proposed sign will be erected above the three-storey high Fitzgerald Street façade of the building and will incorporate a new section of wall below the sign and 2-metre-wide return walls at each end of the sign in an attempt to integrate the sign with the building. The six-metre-high sign will be excessive in scale, being the equivalent to the height of two storeys and will visually dominate the building, obscuring the accentuation of the corner element. Whilst the supporting structures are proposed to be finished and coloured to match the existing building, the scale and positioning of the sign is considered to be poorly integrated with the design of the building and is contrary to these relevant clauses of the policy. It is considered that the application offers insufficient planning merit to warrant varying the restriction on sky signs.

Traffic Impact

As previously outlined, 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. On this basis, MRWA advised of their objection to the proposed sign. City Officers concur with the advice of MRWA in terms of potential traffic safety impacts noting the proposal does not satisfy the provisions of clause 6 'Objectives and Intentions' of CPS2, specifically clause 6(3)(c) as follows:

'6(3)(c) to protect and enhance the health, safety and general welfare of the local government's inhabitants and the social, physical and cultural environment of the local government'

Consistent with the above, it is considered that the proposed variations to the Signs Policy do not warrant support in accordance with the provisions of clause 36 of CPS2.

Conclusion

The proposed sign does not meet the criteria for large 'variable content', 'third party' and 'sky signs' applicable under the Signs Policy. The sign is therefore considered to be inappropriately located, being directed towards the Graham Farmer Freeway and not being in a public space where people gather or linger and where it might contribute to the vibrancy of a gathering space, as intended in the policy. Given that the revisions to the Signs Policy undertaken in April 2017 included specific requirements for the location of large 'variable content' and 'third party' signs, it would be contrary to orderly and proper planning to consider approving a format of sign which is non-compliant with respect to the general principles and siting requirements of the policy.

Based on the above it is considered that the variations proposed to the relevant provisions of the Signs Policy would be inconsistent with the orderly and proper planning of the locality, the conservation of the amenities of the locality. In addition, the proposal lacks planning merit and therefore cannot be supported in accordance with the provisions of clause 36 of CPS2.

It is therefore recommended that the application be refused for the reasons as outlined in the sections above.



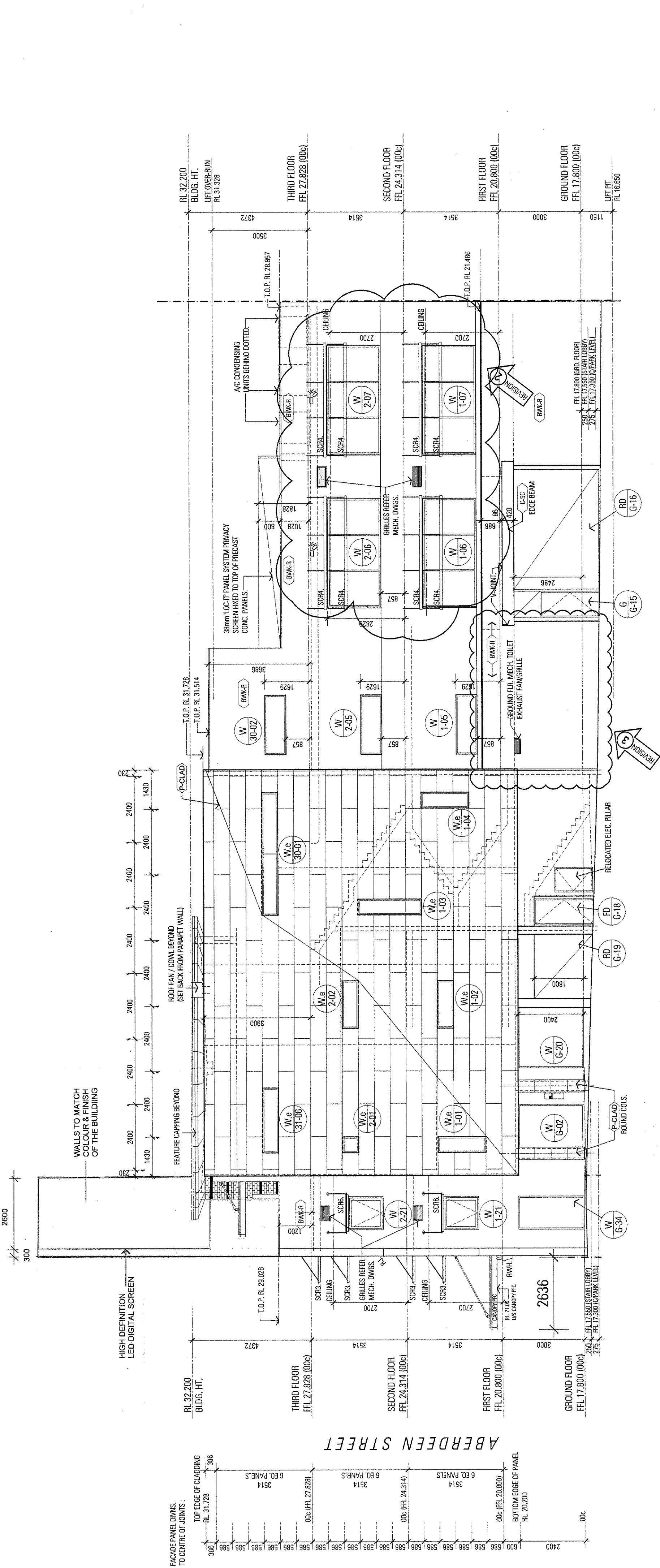
2017/5340 – 190 (LOT 101) ABERDEEN STREET, NORTHBRIDGE

ATTACHMENT 13.5B

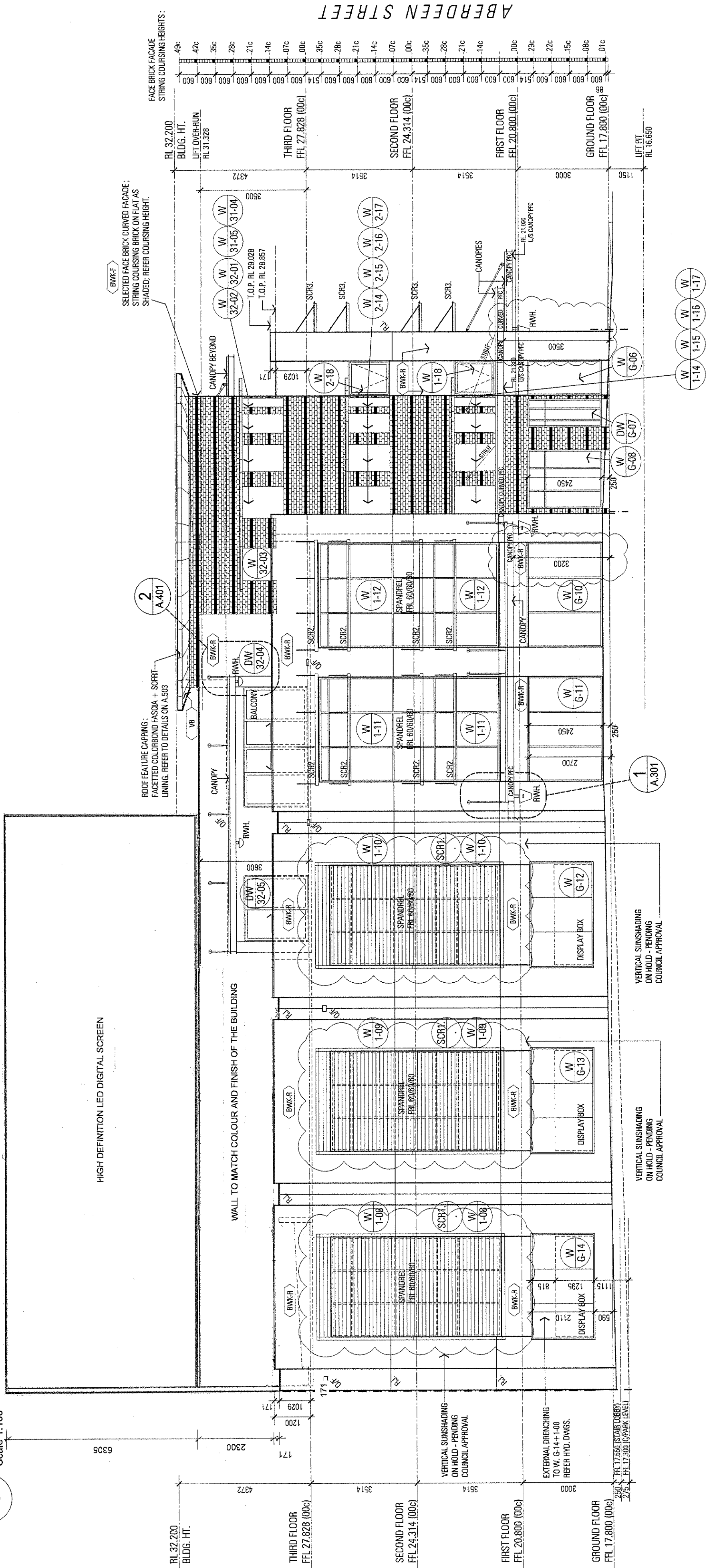


2017/5340 – 190 (LOT 101) ABERDEEN STREET, NORTHBRIDGE (PERSPECTIVE)

ADBRANDS MEDIA
Suite 2, 286 Lord Street, Perth WA
Contact: Lou Di Florio
T: (08) 9302 2877 M: 0408 908 387
E: adbrands@adbrands.com.au
Site Address: 190 Aberdeen Street
Drawings for Proposed High Definition LED Digital Screen, to be installed on West Elevation of existing building facing towards Fitzgerald Street
Scale: 1:100
Drawing Number: DN 2017 08 001



4 EAST ELEVATION (CHURCHVIEW ALLEY)
Scale 1:100

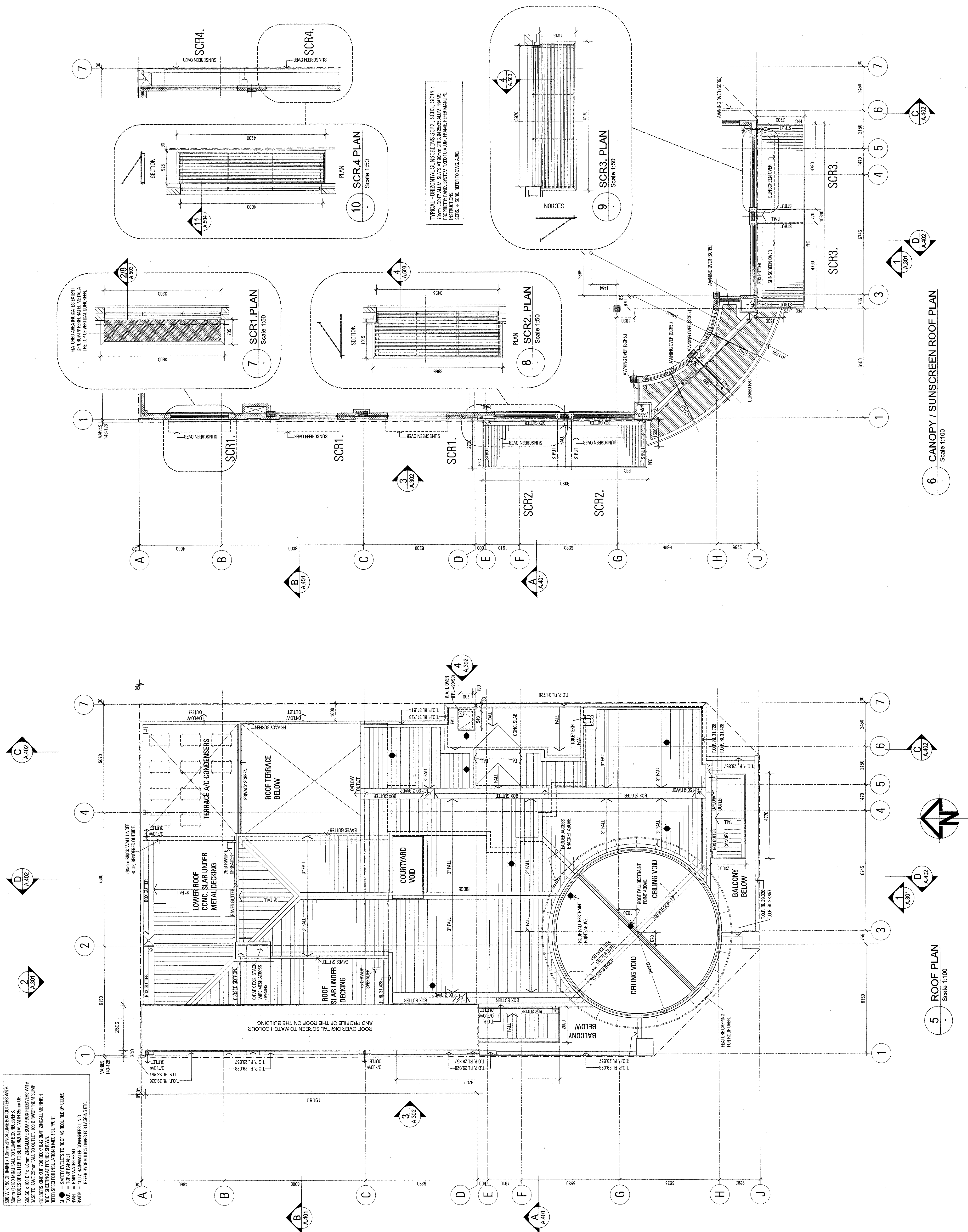


3 WEST ELEVATION (FITZGERALD STREET)
Scale 1:100

Site Address: 190 Aberdeen Street
Drawings for Proposed High Definition LED Digital Screen, to be installed on West Elevation of existing building facing towards Fitzgerald Street

Scale: 1:100

Drawing Number: DN 2017 08 002



Report to the Ordinary Council Meeting**Agenda
Item 13.6****Key Sector Development Sponsorship – Perth Angels ‘Angel Investing Series’**

Recommendation:***That Council:***

1. ***APPROVES cash sponsorship of \$25,000 (excluding GST) to Western Australian Angel Investors Inc., trading as Perth Angels, for the Angel Investing Series for the 2018/19 financial year;***
2. ***AUTHORISES the Chief Executive Officer (or an appointed delegate) to negotiate with the applicant the final list of sponsorship benefits according to the Council approved funding amount; and***
3. ***NOTES that a detailed annual acquittal report, including all media coverage, will be obtained by the City of Perth by August 2019.***

FILE REFERENCE:	P1036602#03
REPORTING UNIT:	Economic Development
RESPONSIBLE DIRECTORATE:	Economic Development and Activation
DATE:	5 October 2018
ATTACHMENT/S:	Attachment 13.6A – Detailed Officer Assessment Attachment 13.6B – Angel Investing Series Event Calendar

Council Role:

- | | | |
|-------------------------------------|----------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <input type="checkbox"/> | Advocacy | <i>When the Council advocates on its own behalf or on behalf of its community to another level of government/body/agency.</i> |
| <input checked="" type="checkbox"/> | Executive | <i>The substantial direction setting and oversight role of the Council e.g. adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.</i> |
| <input type="checkbox"/> | Legislative | <i>Includes adopting local laws, town planning schemes and policies</i> |
| <input type="checkbox"/> | Quasi-Judicial | <i>When the Council determines an application/matter that directly affects a person's right and interests. The judicial character arises from the obligation to abide by the principles of natural justice. Examples of Quasi-Judicial authority include town planning applications, building licences, applications for other permits/licences (eg under Health Act, Dog Act or Local Laws) and other decisions that may be appealable to the State Administrative Tribunal.</i> |
| <input type="checkbox"/> | Information | <i>For the Council/Committee to note.</i> |

Legislation / Strategic Plan / Policy:**Legislation**Section 8 of the *City of Perth Act 2016***Integrated Planning and
Reporting Framework
Implications****Strategic Community Plan**
Goal 5 - A prosperous city**Policy**

Policy No and Name: 18.13 – Sponsorship & Grants

Purpose and Background:

At its meeting on **29 May 2018**, Council deferred consideration of a request from Western Australian Angel Investors (trading as Perth Angels) for triennial funding to support the *Perth Angels: Angel Investing Series 2018-2020*, of \$35,000 per year until 2020; a total triennial funding request of \$105,000 (excluding GST).

Council requested to defer consideration of the report, pending a review of the City's Industry/Sector Development Sponsorship Guidelines. The Administration have now completed this review, and Perth Angels have submitted an amended sponsorship request for Council's consideration.

Perth Angels have requested Key Sector Development Sponsorship of \$35,000 from the City for their Angel Investing Series for the 2018/19 financial year. The Administration recommends sponsorship of \$25,000 in recognition of the fact that the financial year is already one-quarter complete and elements of the proposed event program have already occurred.

About Perth Angels

Western Australian Angel Investors Inc. (WAAI) are a group of investors actively investing in early stage technology companies, primarily in Perth, Western Australia. The group, a registered not-for-profit organisation, formed in 2010 and began trading as Perth Angels in 2016.

Perth Angels are also a member of the Australian Association of Angel Investors Ltd (AAAI). Together, the AAAI and Perth Angels form part of an international network which provide members with opportunities to generate financial returns, whilst providing funding for and supporting new industry opportunities, for early stage technology companies seeking to grow.

Angel Investors

'Angel investors' are defined as individuals who invest their own money in an entrepreneurial or early stage company, generally technology based. These investors do not seek direct control in the running of the company and are willing to accept risk regarding the investment, believing that their investment in the company will grow and be worth more in the future.

Importantly, in addition to financial investment, angel investors also provide value to early stage technology companies, through experience and access to professional networks, and operate in a mentoring capacity, providing guidance and advice to the company executives to assist in developing the business and helping it to scale.

The profile of a typical Angel Investor is of a 'networth' or an individual that still has a job or runs a small business but has been successful enough to accumulate a level of financial stability, experience and market connections, that would now like to engage with the potential of new technologies, which are typically those in key growth sectors.

Networths typically have an investment capacity that can be allocated to early stage ventures between \$20,000 to \$100,000. Collectively, this community represents substantial investment capacity, as for every 100 networths that become active within the Angel Investing community, the investment capacity equates to between \$2million and \$10million.

Angel Investments

The profile of a typical Angel Investment is a venture that is an emerging opportunity in a key growth sector that has the potential to scale globally.

Typically, each Angel level investment equates to \$200,000 to \$500,000, giving the group the ability to invest in multiple opportunities.

To date, Perth Angels has grown its membership to 50 members, with over 1,000 additional community supporters. The group has reviewed over 450 applications for funding and screened more than 150 investment propositions. The Perth Angels have raised and invested over \$4.3 million (\$2 million directly plus a further \$2.3 million in indirect funding) within the past three years, providing investment capital to more than 20 founders and early stage companies. This funding has assisted these companies to continue to grow and secure additional funding to the value of \$4 million.

Details:

The Angel Investing Series is a multi-event program that is scheduled to run for the remainder of the 2018/19 financial year. Events to be held over the duration of the Angel Investing Series include:

- Perth Angels networking sundowner;
- Annual Perth Angels breakfast event;
- Investing in New Economy Technologies series;
- Angel Investor Masterclasses;
- Entrepreneur Masterclass; and
- Boardroom Lunches (hosted by Perth Angels sponsors).

These events are complemented by regular pitch nights, which provide local startup companies the opportunity to promote their businesses to attract funding from attendees.

A full schedule of the Angel Investing Series programmed events is detailed within Attachment 13.6B.

Financial Implications:

ACCOUNT NO:	PJ 1395 55210 0000 7901
BUDGET ITEM:	BSS Innovation and Technology
BUDGETED AMOUNT:	\$105,000
AMOUNT SPENT TO DATE:	\$78,500
PROPOSED COST:	\$25,000
BALANCE REMAINING:	\$1,500
ANNUAL MAINTENANCE:	N/A
ESTIMATED WHOLE LIFE COST:	N/A

All figures quoted in this report are exclusive of GST.

Comments:

The proposed Angel Investing Series will help educate and bring potential Angel investors together to support the local entrepreneurial and innovation sector by providing an opportunity for these investors to understand best practise in identifying, filtering, selecting and structuring an investment portfolio with early stage companies, which will, in-turn, support further investment in WA-based innovation, local job creation and the city's office market.

Programmed events included as part of the series are also aligned to findings reported within Startup WA's 2016 report on the local startup ecosystem. This report, which was co-funded by the City and the then Department of Commerce of the State, suggests that events and activities such as those included in the Angel Investing Series, be supported via funding so to "encourage education and networking events for investors, brokers, financial planners and other financial service professionals on the startup sector", which inevitably functions to further enable Perth's emerging technology sector in a climate where economic diversification is critical.

The lack of local funding capital has been consistently identified by members of the local innovation ecosystem as a barrier to the development of a strong local innovation and technology sector in Perth, which often results in WA and Perth-based startup companies relocating to the Eastern States.

A 2017 Pracsys report commissioned by the City to assist with the development of its Economic Development Future Directions paper found that Perth had significantly lower rates of venture capital (VC) per capita than similar cities, with Perth averaging USD \$20 per head over 10 years versus \$300 in comparable cities. By contrast, Silicon Valley records VC funding of almost \$31,000 per capita.

To combat this, the report recommended the City prioritise efforts to facilitate "a local innovation system that will continue to build local specialisations and support commercialisation of IP, including support of education and training that increases the entrepreneurial capacity of local businesses."

Sponsorship of \$25,000 in support of the Angel Investing Series for the remainder of the 2018/19 financial year is recommended.

ATTACHMENT 13.6A

Detailed Officer Assessment – Key Sector Development Sponsorship

Applicant	Western Australian Angel Investors Inc t/a Perth Angels
Program	Perth Angels: Angel Investing Series
Event Start Date	1/02/18
Event End Date	14/12/20
Venue	Various
Total Project Cost	\$71,610
Total Amount Requested	\$35,000 (48.87% of total project cost)
REMPAN Impact (Direct)	N/A
Recommendation	Approval
Recommended amount	\$25,000
Assessment Score	45 out of 65 (69.23%)

Applicant Details*Information from the Australian Business Register*

ABN	28 415 494 872
Entity Name	Western Australian Angel Investors Inc
Entity Type	Other Incorporated Entity
ABN Status	Active
ATO Endorsed Charity Type	Not endorsed
Goods & Services (GST)	No
Endorsed as DGR	No
Tax Concessions	No tax concessions
Main Business Location Postcode	6156
Main Business Location State	WA

Associate Details

Board members of Perth Angels are:

Name	Relationship Type
Ian Brown	Chairman
Tracie Clark	Vice Chair – Deal Screenings & Memberships

Name	Relationship Type
Raj Kale	Vice Chair - Marketing & Communication
Rafael Kimberley-Bowen	Secretary
Jamie Davison	Treasurer
Greg Riebe	Chair - Industry Development & Education
Ray Hart	Chair - Sponsorship
Steve Lieblich	Chair - Deal Origination
Danielle Riebe	Business Manager

Western Australian Angel Investors Inc. (WAAI) consists of a group of investors actively investing in early stage technology companies, primarily in Perth, Western Australia. The group, a registered not-for-profit organisation, formed in 2010 and began trading as Perth Angels in 2016.

The objectives of Perth Angels are to:

- Build a professional community of Angel investors in WA;
- Educate angel investors to support better investment outcomes;
- Provide quality deal flow for Angel investors;
- Engage, collaborate and leverage early stage investment capital;
- Promote ethical and efficient angel investment and angel syndication in Australia; and
- Facilitate investment in early stage opportunities in WA.

Project Description

Having commenced in 2016 with the first Angel Investing breakfast and subsequent investing masterclass, Perth Angels have developed the Angel Investing Series program to satisfy the following aims:

- lift the awareness of the need to develop and increase the private investor community in Western Australia;
- raise the awareness of Angel Investing and early stage technology companies as a bona fide alternative investment asset class;
- develop skills, practices and experience of angel investing private investors
- complement the existing entrepreneurial development programs in WA;
- lift the awareness of entrepreneurs in the interests, needs and expectations of private investors and particularly Angel investors; and
- create new investment and funding opportunities and investment sources for local businesses.

The Angel Investing Series program for the remainder of the 2018-19 financial year includes:

- A networking sundowner;
- The annual Perth Angels Investment breakfast;

- Three new technology masterclass sessions;
- Two masterclasses for active and potential Angel investors; and
- Two masterclasses specifically aimed towards local entrepreneurs.

These program events will be in addition to the usual pitch night and boardroom lunch events the Perth Angels hold for their members.

Previous City of Perth Support

Year	Event	Amount
2015/16	2016 Angel Investing breakfast and masterclass	\$15,000
2016/17	City of Perth of Angel Investing Series plus Gold Sponsor in all other events such as the Perth Angel Pitch Nights	\$15,000

The City has also previously provided in-kind support to the Perth Angels through providing venues (Northbridge Piazza, City of Perth Library) for events such as the group's pitch nights.

Sponsorship Benefits

As a Series Sponsor of the Angel Investing Series, the City of Perth will receive the following sponsorship benefits:

- Verbal acknowledgement of support during associated events;
- City of Perth logo featured on Perth Angels website;
- Opportunity to display signage and to distribute promotional material at associated events;
- Feature article published across Perth Angels communication network regarding the events/blog/e-news/social media e.g. LinkedIn;
- Opportunity for a City representative to present and/or deliver address at nominated events;
- Verbal recognition of the City of Perth's support and of nominated representatives in attendance at an event;
- Naming rights to the event reception to be held in February;
- Naming rights to a panel discussion at one of the events;
- Premier Level branding on all event signage at events;
- Sponsor logo on display screens and presentation slides;
- Sponsor logo and link featured on the website;
- Sponsor logo featured on all event print materials including posters, flyers, banners, event programs;
- Partnership is promoted throughout key networks;
- 2-3 Pull-Up banners placed in prominent position on event site (Sponsor to provide);
- Sponsor logo included throughout key presentations;
- Sponsor logo included in post-event footage and presentations; and

- Access to key statistics such as location, sector type and relevant experience of startups involved or featured across the event series.

In addition to the above benefits, the City will also be recognised as a Gold Sponsor of Perth Angels and will have the opportunity to host an Innovation Council Board Room lunch with a key focus on Private Sector Investment at the early stage of the startup lifecycle.

Assessment Score Card

The application was assessed by a three-person assessment panel and the scoring has been averaged for each outcome.

Assessment Criteria	Score /5
Essential Project Criteria	
To what extent does the project support the growth and development of an established or emerging key sector that represents importance to the City of Perth's economy?	4.17
To what extent does the project assist the City of Perth in developing a compelling narrative on our unique selling points and raise the profile and reputation of the City of Perth as a premier Capital City to do business within the relevant sector?	3.5
To what extent does the applicant demonstrate prestige and significance?	3
Has the applicant provided evidence of a robust project plan?	3
Has the applicant included a budget detailing investment through a variety of funding sources?	2.83
Has the applicant demonstrated what specific elements the City of Perth funding is supporting and what extra capacity the funding will enable?	3.67
Please rate the level of benefits and recognition provided to the City	4
SUBTOTAL	24.17 out of 35
Additional Project Outcomes	
Please rate the investment attraction outcomes of the project	4
Please rate the international business development outcomes of the project	2.83
Please rate the short term direct economic benefits of the project	2.17

Please rate the long term economic development outcomes of the project	3.83
Please rate the professional development, training and skill development outcomes of the project	3.83
Please rate the linkages and knowledge exchange outcomes of the project	4.17
SUBTOTAL	20.83 out of 30
TOTAL SCORE	45 out of 65
<u>TOTAL ASSESSMENT SCORE 45 out of 65 (69.23%)</u>	

Assessment Panel comments:

The assessment Panel were unanimous for supporting the application due to its strong alignment with desired outcomes contained within the Key Sector Development Sponsorship Guidelines, such as the City's focus on supporting the local startup and innovation ecosystem and diversification of the local economy.

The Angel Investing Series provides opportunities for growth of the local startup ecosystem, by providing activities and education in the local innovation sector, where there is currently limited support for such investment-focused activities. The panel members believed the initiative showed strong potential for generating long term economic benefit.

EVENTS 2018.19

ANNUAL BREAKFAST

Perth Angels bring together members and non-members to hear insights from industry experts across the investment spectrum. Held at Perth Arena with views of the Perth skyline, the Annual Angel Breakfast is the quintessential angel investor event kindly sponsored by City of Perth.

ANNUAL SUNDOWNER

To coincide with West Tech Fest in December at the Westin, which is to be held in partnership with our sponsors: Vertical Events, ANZ, BDO, Atomic Sky and Liberty Offices (a recent partner of Perth Angels.....exceptional co-working space for professionals and corporates.

PITCH NIGHTS

Six pitch nights throughout the year providing a platform for new businesses and entrepreneurs to present their new investment-ready ideas to a network of investors. Pitch Nights are exciting evenings that culminate in networking, drinks and canapés.

CORPORATE LUNCHES

Sponsors and partners of Perth Angels are invited to lunch with members of the group to discuss the business landscape, current trends and to simply reconnect, debrief and discuss recent highlights.

MEMBER INDUCTIONS

New members learn the ropes such as using global angel investor software and deal-room platform, GUST.

ANGEL INVESTING SERIES

NEW ECONOMY TECHNOLOGIES

Connecting business owners, investors and interested professionals to field experts and industry leaders. Presenters and panelists discuss the tech, the transformative opportunity and the investment opportunity. Events conclude with networking over drinks and canapés. Each masterclass is hosted by sponsors and partners of Perth Angels at various locations throughout the year.

MASTERCLASS #1: BLOCKCHAIN

Blockchain and cryptocurrency are impacting and transforming almost every industry BUT is Bitcoin just a pump and dump fad?

MASTERCLASS #2: DRONES

The time for investing in drones has arrived, particularly in a handful of sectors such as agriculture, so what can business owners and investors look for?

MASTERCLASS #3: ARTIFICIAL INTELLIGENCE

A new tech rapidly gaining traction throughout a sundry of industries, including the healthcare space!

MASTERCLASS #4: MED TECH

Western Australia has world leading researchers in this space that are gaining global recognition.

MASTERCLASS #5: AUTOMATION

Explore ways in which to best invest in the booming automation and robotics sector with industry experts.

MASTERCLASS #6: CYBER SECURITY

This affects individuals and commerce everywhere and WA has 1 of the top research centres in the world..

ENTREPRENEUR MASTERCLASS

A safe forum for emerging entrepreneurs and businesses to learn more about the investor landscape and deal-flow process in addition to the necessary tools and strategies needed to upon seeking angel investment.

Perth Angels provide answers to FAQ such as, "what do angel investors look for?" or, "what does it mean to be investment-ready?"

OVERVIEW

- Sustaining vs Disruptive
- Issues face and experienced
- Industry situation and ecosystem
- Current aims and outcomes
- Capital and finance spectrum
- High-growth in Australia
- Investment readiness
- Accessing funding and types (pros/cons)
- Funding stages and development
- What Angel investors look for
- Investment process
- Working with investors
- Are you investment ready?
- Tools and strategies
- How to apply and submit to Perth Angels

INVESTOR MASTERCLASS

A must-do for those seeking to enter the angel investor and broader investing community, or expand their investment portfolios.

For more information, please contact
Perth Angels Business Manager:
manager@perthangels.com

www.perthangels.com

Recommendation:***That Council:***

1. ***APPROVES cash sponsorship of \$10,000 (excluding GST) to Innovate Australia to support the 2019 Innovation Events Program;***
2. ***NOTES the provisional list of sponsorship benefits contained within the Detailed Officer Assessment in Attachment 13.7A;***
3. ***AUTHORISES the Chief Executive Officer (or an appointed delegate) to negotiate with the applicant the final list of sponsorship benefits according to the Council approved funding amount; and***
4. ***NOTES that a detailed acquittal report, including all supporting material, will be submitted to the City of Perth three months following the conclusion of the project.***

FILE REFERENCE:	P1036602#03
REPORTING UNIT:	Business Support and Sponsorship
RESPONSIBLE DIRECTORATE:	Economic Development and Activation
DATE:	17 September 2018
ATTACHMENT/S:	Attachment 13.7A – Detailed Officer Assessment

Council Role:

- | | | |
|-------------------------------------|----------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <input type="checkbox"/> | Advocacy | <i>When the Council advocates on its own behalf or on behalf of its community to another level of government/body/agency.</i> |
| <input checked="" type="checkbox"/> | Executive | <i>The substantial direction setting and oversight role of the Council e.g. adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.</i> |
| <input type="checkbox"/> | Legislative | <i>Includes adopting local laws, town planning schemes and policies</i> |
| <input type="checkbox"/> | Quasi-Judicial | <i>When the Council determines an application/matter that directly affects a person's right and interests. The judicial character arises from the obligation to abide by the principles of natural justice. Examples of Quasi-Judicial authority include town planning applications, building licences, applications for other permits/licences (eg under Health Act, Dog Act or Local Laws) and other decisions that may be appealable to the State Administrative Tribunal.</i> |

**Legislation / Strategic Plan / Policy:****Legislation**Section 8 of the *City of Perth Act 2016***Integrated Planning and
Reporting Framework
Implications****Strategic Community Plan**

Goal 5 - A prosperous city

Policy

Policy No and Name:

18.13 – Sponsorship and Grants

Purpose and Background:

The City of Perth has received a request for Key Sector Development Sponsorship of \$15,000 (ex GST) from Innovate Australia to support their 2019 Innovation Events Program.

Details:

Innovate Australia was established in 2014 as a not-for-profit body to promote and encourage innovation across Australia's industry ecosystem.

The organisation holds an annual program of events aimed at connecting and enhancing business opportunities within the local industries. The events also explore opportunities for exchange and collaboration between different industry sectors.

2019 State Innovation Summits

Innovate Australia are proposing a program of 10 state innovation summits to be held in Perth in 2019. The aim of the summits is to provide the community direct opportunity to interact with industry experts and connect with topics that have a direct relevance. The structure of the summits includes a formal panel component and networking opportunities.

Organisers aim to attract greater investment to Perth in new areas of innovation, including 3D printing, artificial intelligence and explore innovative solutions in industries such as tourism, food, smart cities, aged care, disability services and space.

Previous Events

Management of the summits are led by Innovate Australia. In 2017, they held more than 20 events in Perth including several high-profile summits with the support of Regional Development Australia. Speakers for previous events have included a Nobel Laureate, key opinion leaders, industry leaders and CEOs, and federal and state members of parliament.

The Innovate Australia Parliamentary Safari is an example of a recent major success. It brought together captains of industry along with members of parliament including Ministers and allowed them to interact and to witness innovation in action. The summit showcased local companies, and the technology that they have established, including the Pawsey Supercomputer and the Rio Tinto Autonomous Vehicle Operations Centre.

Another recent success story was the Space Technology Summit, a collaboration with Scitech, which gave local industry direct access to the European Space Agency.

City of Perth Sponsorship

While Innovate Australia successfully run events in Perth for a number of years without City support, the City sponsorship will enable the organisation to run a greater number of events in Perth, at a more regular frequency.

Financial Implications:

ACCOUNT NO:	PJ 1395 80390 00007 901
BUDGET ITEM:	Education and Vocational
BUDGETED AMOUNT:	\$221,000
AMOUNT SPENT TO DATE:	\$0
PROPOSED COST:	\$10,000
BALANCE REMAINING:	\$211,000
ANNUAL MAINTENANCE:	N/A
ESTIMATED WHOLE OF LIFE COST:	N/A

All figures quoted in this report are exclusive of GST.

Comments:

Innovate Australia has an excellent track record of hosting events and summits pertaining to innovation within the City. The events are professionally run, well attended and covered topics relevant to the City.

The application aligns with many of the City's economic development priorities outlined within the City's Strategic Community Plan and Corporate Business Plan. The application is strongly supported by the City's Economic Development Unit. There may be areas where the Economic Development Unit team can be involved in the scoping of events.

A Key Sector Development Sponsorship of \$10,000 + GST is recommended (\$1,000 per event).

ATTACHMENT 13.7A

Detailed Officer Assessment | Key Sector Development Sponsorship 2018/19 - Innovate Australia

Sponsorship Category	Key Sector Development
Applicant	Innovate Australia
Project Title	2019 Innovation Events Program
Project Start Date	01/01/2019 -31/12/2019
Venue	TBC
Estimated attendance	2,000
Total Project Cost	\$75,000
Total Amount Requested	\$15,000 (20% of the total project budget)
Recommendation	Approval
Recommended amount	\$10,000 (13% of the total project budget)
Assessment Score	44 out of 72 (61%)

Applicant Details*Information from the Australian Business Register*

ABN	24602619634
Entity Name	Innovate Australia Ltd
Entity Type	Australian Public Company
ABN Status	Active
ATO Endorsed Charity Type	Not endorsed
Goods & Services (GST)	Yes
Endorsed as DGR	No
Tax Concessions	No tax concessions
Main Business Location	6010
Main Business Location State	WA
ACNC Registration	No

Previous Support and Acquittals

The City of Perth has not previously supported this applicant.

About Innovate Australia

Innovate Australia was established in 2014 to promote and encourage innovation across Australia's industry ecosystem. Innovate Australia is a not-for-profit company, limited by guarantee. Innovate Australia's policy is not to remunerate Directors including the Chair and committees.

Innovate Australia a Perth-based organisation, with the national headquarters located at Allendale Square, 77 St Georges Terrace.

The organisation holds an annual program of events aimed at connecting and enhancing business opportunities within the local industry and community. The events also explore opportunities for exchange and collaboration between different industry sectors.

2019 Event Program

Innovate Australia are proposing a program of 10 state innovation summits to be held in Perth in 2019. The topics of these summits will cover 10 key economic sectors:

1. Transport 2030 Summit, 20 February 2019;
2. Artificial Intelligence – AI, AGI, ASI Summit, 14 March 2019;
3. New Approaches to Tourism Summit, 17 April 2019;
4. The Future of Food Summit, 15 May 2019;
5. 3D Printing, Additive Manufacturing Summit, 12 June 2019;
6. Life Extension Summit, 17 July 2019;
7. Smart Cities, Built Environment Summit, 13 August 2019;
8. Space Industry Summit, 18 September 2019;
9. Aged Care and Disability Services Summit, 16 October 2018;
10. Event TBC (to be confirmed early 2019); and
11. Innovate Australia 2019 Annual Innovation Awards Night, 4 December 2019.

Management of the summits are led by Innovate Australia. In 2017, they held more than 20 events in Perth including several high-profile summits with the support of Regional Development Australia. Speakers for previous events by Innovate Australia have included a Nobel Laureate, key opinion leaders, industry leaders and CEOs, and federal and state members of parliament.

The structure of the summits includes a formal panel component and networking opportunities.

Sponsorship Benefits

Organisers will provide the following benefits for the requested sponsorship:

- City of Perth to be recognised as Major Sponsor of the project;
- City of Perth will be acknowledged in all promotional material;
- Banners including the City of Perth logo will be on display at all events.;
- Speaking opportunity will be provided for a nominated City representative at a maximum of two relevant sponsored events;
- Acknowledgement of the City of Perth as a Major Sponsor of Innovate Australia beyond the summits for the 12 months on website; and
- An interview opportunity for a nominated City representative as part of Innovate Australia's recorded innovation series hosted on YouTube, our website, and syndicated to the ABC and WestTV.

Industry Sector Support Sponsorship Assessment

The application was assessed by a two-person assessment panel and scoring has been averaged for each outcome.

General Criteria	Score (4)
Level of benefits provided to the City	2.5
Level of industry development and professional development opportunities in key economic sectors	3
Ability to build long term relationships that provide business and community members with the opportunity to share best practice with visiting industry thought leaders	2.5
Ability to enhance opportunities for business development and investment within key sector markets or stakeholders	2.5
Level of economic benefit to the City	2.5
Level of competitive/comparative advantage by linking sector/industry stakeholders to achieve clusters or cooperative programs within the City of Perth	2.5
Ability to support ongoing development programs that provide training and skills development opportunities for businesses within the City of Perth	1.5
Subtotal:	17 out of 28
Strategic Plan and Economic Development Strategy	Score (4)
Extent to which the initiative reflects and adds value to the City's Economic Development outcomes	2.5
Extent to which the initiative reflects and adds value to the City's Strategic Community Plan Goals	2.5
Subtotal: 5 out of 8	
<u>TOTAL ASSESSMENT SCORE</u>	<u>22 out of 36 (61%)</u>

Agenda

Strategic Event Sponsorship – West Coast Fever

Item 13.8

Recommendation:***That Council:***

1. ***APPROVES cash sponsorship of \$415,000 (excluding GST) over three years to West Coast Fever Netball Club Limited to support all seven West Coast Fever home games at RAC Arena in the National Netball League (Suncorp Super Netball Competition) as follows:***
 - 1.1 ***2018/19 - \$150,000 (excl GST);***
 - 1.2 ***2019/20 - \$150,000 (excl GST);***
 - 1.3 ***2020/21 - \$115,000 (excl GST);***
2. ***NOTES the above amounts are inclusive of in-kind banner hire to a maximum value of \$10,000 per annum (subject to availability);***
3. ***NOTES the provisional list of sponsorship benefits contained within the Detailed Officer Assessment in Confidential Attachment 13.8B;***
4. ***AUTHORISES the Chief Executive Officer (or an appointed delegate) to negotiate with the applicant the final list of sponsorship benefits, according to the Council approved funding amount; and***
5. ***NOTES that a detailed acquittal report, including all supporting material, will be submitted to the City of Perth three months following the conclusion of each netball season.***

FILE REFERENCE:	P1035585#02
REPORTING UNIT:	Business Support and Sponsorship
RESPONSIBLE DIRECTORATE:	Economic Development and Activation
DATE:	10 September 2018
ATTACHMENT/S:	Attachment 13.8A – Detailed Officer Assessment Confidential Attachment 13.8B – Proposed Sponsorship Benefits Confidential Attachment 13.8C - Elite Partner Proposal Attachment 13.8D – WCF Impact Assessment

Council Role:

- | | | |
|-------------------------------------|----------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <input type="checkbox"/> | Advocacy | <i>When the Council advocates on its own behalf or on behalf of its community to another level of government/body/agency.</i> |
| <input checked="" type="checkbox"/> | Executive | <i>The substantial direction setting and oversight role of the Council e.g. adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.</i> |
| <input type="checkbox"/> | Legislative | <i>Includes adopting local laws, town planning schemes and policies</i> |
| <input type="checkbox"/> | Quasi-Judicial | <i>When the Council determines an application/matter that directly affects a person's right and interests. The judicial character arises from the obligation to abide by the principles of natural justice. Examples of Quasi-Judicial authority include town planning applications, building licences, applications for other permits/licences (eg under Health Act, Dog Act or Local Laws) and other decisions that may be appealable to the State Administrative Tribunal.</i> |
| <input type="checkbox"/> | Information | <i>For the Council/Committee to note.</i> |

Legislation / Strategic Plan / Policy:

Legislation	Section 8 of the <i>City of Perth Act 2016</i>
--------------------	------------------------------------------------

Integrated Planning and Reporting Framework Implications	Strategic Community Plan Goal 1 - A city for people
-----------------------------------------------------------------	---------------------------------------------------------------

Policy

Policy No and Name:	18.3 – Provision of Grants and Sponsorship
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Purpose and Background:

The City of Perth has received a request for Strategic Event Sponsorship of \$180,000 (excluding GST) per annum, for a three-year sponsorship term, from West Coast Fever Netball Club Limited to deliver all seven homes games at RAC Arena (previously Perth Arena) in the National Netball League (Suncorp Super Netball Competition).

Details:

West Coast Fever (WCF) is the pre-eminent Western Australian netball team. Netball has the highest women's participation in team sport in Western Australia with nearly 220,000 participants and more than 45,000 members.

WCF is a competing team in the Suncorp Super Netball Competition which is the premier professional netball league in Australia. The inaugural season commenced in February 2017

and was previously staged as a combined Australian and New Zealand competition under the banner of the ANZ Championship.

2018 marked the second year of the City's sponsorship, which enabled five (out of seven) WCF home games to be staged at RAC Arena. WCF secured hosting the Grand Final in Perth, which was a bonus (sixth) home game at RAC Arena, attracting a record crowd of over 13,500 fans into the city. This was not only the biggest netball game held in WA but the biggest crowd in Australian netball history. The six games (including the Grand Final) at RAC Arena injected \$2.76 million into the local economy (Attachment 13.8D).

History of City of Perth Support

The WCF season features seven home games, currently played across both RAC Arena as well as HBF Stadium.

2017	2017 marked the inaugural staging of this competition and the City's first year of sponsorship where the funding enabled four WCF home games to be staged at Perth Arena, which was an increase on two games in the previous ANZ Championship season.
2018	In 2018, continued support and increased funding from the City enabled five home games to be staged at the Arena.
2019 onwards	<p>WCF's objective is to shift their entire home season from the team's traditional venue at HBF Stadium in Mt Claremont to RAC Arena, and strategically position Perth city as the team's official home.</p> <p>City officers have been working closely with WCF to develop a strategic funding proposal that would allow all seven home games to be played at RAC Arena.</p>

Strategic Move to RAC Arena

A long term strategic partnership with the City will support WCF in making the full transition to RAC Arena, with a vision of all seven home games being staged in the city. WCF note that this will enable long-term growth for the team, and will cement WCF as WA's premier female sporting team.

WCF note that taking the entire seven game season to RAC Arena in 2019 will unlock a wide range of benefits for Fever, including new membership and ticket offerings to cater for a broader section of their fans, efficiencies in the delivery of game day logistics, a greater fan experience and access to the city's shopping and restaurants for a better overall experience for attendees.

Matches held at RAC Arena attract a higher attendance than those events held at HBF Stadium due to the increased capacity of the venue, with 7,000 attendees expected to attend each match held there, compared with 4,500 at HBF Stadium which is the venue's capacity.

In 2018, the official attendance at the RAC Arena games was 48,182 including the Grand Final. The projected home game attendance in 2019, with seven games being played at RAC Arena, is estimated at 50,000.

The 2018 economic impact is estimated at \$394,000 per game (\$1.97 million across five home games in 2018) and a total of \$2.76 million including the Grand Final (Attachment 13.8D).

Financial Implications:

ACCOUNT NO:	PJ13958043000007901
BUDGET ITEM:	Event Annual Sponsorship
BUDGETED AMOUNT:	\$422,000
AMOUNT SPENT TO DATE:	\$347,000
PROPOSED COST:	\$75,000*
BALANCE REMAINING:	\$0
ANNUAL MAINTENANCE:	\$N/A
ESTIMATED WHOLE LIFE COST:	\$415,000

* NOTE: Due to the timing of the 2019 Season, \$75,000 (50%) is paid in financial year 2018/19 and \$75,000 (50%) in financial year 2019/20.

All figures quoted in this report are exclusive of GST.

Comments:

WCF have undertaken a strategic plan and vision, with a key pillar to cement RAC Arena as a sustainable, long-term home for the club over the next three years.

The City funding recommendation is structured to decrease over time. The rationale for this is to assist WCF with the increased costs of moving the season to RAC Arena, under the assumption that as WCF increases its membership base and corporate sponsorship, the requirement for the City's support will reduce. The purpose of the increased City support is to assist WCF to grow to a level that ultimately allows the club to remain in the venue on a sustainable, long term basis.

The Recommendation is based on the following:

2019 Season	\$150,000 (ex GST)	Based on seven home games (\$20,000 per game and including \$10,000 banner hire)
2020 Season	\$150,000 (ex GST)	Based on seven home games (\$20,000 per game and including \$10,000 banner hire)
2021 Season	\$115,000 (ex GST)	Based on seven home games (\$15,000 per game and including \$10,000 banner hire)

Attracting a national professional sports team to the City's boundaries, and regular events that have significant free to air media exposure on Channel 9, should be seen as a coup for the City and will drive long term cultural, social and economic benefits for the community as the club integrates more activities within the city.

The City's approach is to attract significant events to Perth city and the West Coast Fever have shown that they see the City of Perth as their long-term home. The city is currently underrepresented with regards to national sporting events compared to other capital cities, and this further demonstrates the City's support for women's sport in particular.

The City of Perth would advocate for the timing of games at RAC Arena to be timed to maximise the time attendees can spend in the city, before and after games.

The City of Perth's strategic funding is considered crucial to strengthen RAC Arena as the team's home, and as the transition becomes sustainable, the City's funding can be redirected appropriately.

The application was assessed by a four-person assessment panel consisting of members of Economic Development, Activations, Events and Business Support and Sponsorship Units. A Detailed Officer Assessment of the application is included in Attachment 13.8A.

ATTACHMENT 13.8A

Strategic Event Sponsorship | 2018/19 | West Coast Fever

Applicant	West Coast Fever Netball Club Limited
Event Title	West Coast Fever 2019, 2020, 2021
Venue	RAC Arena and various city spaces
Expected attendance numbers	50,000 per year (ticketed at seven games) 1,800 per year (free components e.g. 'Come and Try Clinics')
Ticket Price	\$39.00 (Adult); \$27.00 (Concession)
Total Amount Requested	\$180,000 per year
Economic Impact	\$1.97 million across 5 home games, per year (2018) \$2.76 million including the Grand Final (2018) (source: Culture Counts)
Recommendation	Approval for a three-year Strategic Event Sponsorship
Recommended amount	<ul style="list-style-type: none"> • 2019 Season: \$150,000 • 2020 Season: \$150,000 • 2021 Season: \$115,000
Assessment Score	21.5 out of 28 (76.8%)

Applicant Details*Information from the Australian Business Register*

ABN	14617497702
Entity Name	West Coast Fever Netball Club Limited
Entity Type	Australian Public Company
ABN Status	Active
ATO Endorsed Charity Type	Not endorsed
Goods & Services (GST)	Yes
Endorsed as DGR	No
Tax Concessions	No tax concessions
Main Business Location Postcode	6014 WA

Event Summary

West Coast Fever (WCF) is Western Australia's premier professional team in the Suncorp Super Netball Competition (National Netball League).

The 2019 West Coast Fever season will commence in April. In addition to the seven home games, the 2019 season incorporates a variety of activities which are staged in Perth city; including West Coast Fever Come and Try Clinics, West Coast Fever Awards Night, Jill McIntosh Medal and PKF Mack Corporate Lunch.

The lead up to the season sees events held around Perth, with free, family oriented activations to drive awareness and interest of the West Coast Fever to encourage membership acquisition.

The annual program of activities also includes a series of pre-season matches, corporate events such as the Corporate Netball Challenge and Centre Circle Lunch, and engagement across more than 45,000 game day spectators and nearly two million viewers on TV.

West Coast Fever Home Games (Ticketed)

Dates	TBC – Seven home games
Times	Various
Location	Perth Arena
Projected attendance	50,000
Ticket Price	\$39.00 adult, \$27.00 concession

Fever's home games attract predominantly females and young families. Each home game includes a fan activation area in 'Fever Alley', pre-game functions, half-time and quarter-time entertainment, live music, giveaways and more. All Suncorp Super Netball games are broadcast live across either Channel 9 (and its GEM and GO networks) or Telstra TV (Fever's games alone drew nearly 2 million viewers in 2017) and are supported in the lead up by print partner the Sunday Times and radio partner 92.9FM.

West Coast Fever Come and Try Clinics (Free)

Dates (proposed)	January, April & June 2019
Times	3pm – 4pm – January clinics 1pm – 2pm – April & June clinics
Location	Suitable venue as agreed with the City
Projected attendance	1,800 (150 participants over 12 days)
Ticket Price	\$0 (Free)

Held across the school holidays, WCF's 'Come and Try' Clinics will once again bring Fever athletes and coaches into the city to enable access to WA's leading female sporting team. Fever will run individual 60-minute sessions on twelve (12) separate days across three major school holiday periods (dates and times pending confirmation of final fixtures and player schedule).

This will give fans an opportunity to engage with the team all year round, including during the month the season commences. Each session will feature a minimum of two (2) current Fever stars or training partners, along with a team of Fever's community development officers for a one-hour session that will feature a skill based clinic, Q&A with the players, a signing session and competitions with giveaways and prizes. Fever will provide free team posters for every participant, as well as all giveaways including backpacks, wristbands, stickers and more. A Fever Club MC will attend and host each session including the Q&A, and the clinics will be promoted out to the Club's database of more than 55,000 providing promotion of the City of Perth to the broader netball community.

Previous City of Perth Support and Acquittals

Year	Amount
2014	\$0
2015	\$0
2016	\$0
2017	\$85,000 cash \$25,000 in-kind
2018	\$120,000
TOTAL	\$230,000

- The City of Perth has received an acquittal for the previous year's support;
- The event KPI's were met with an average of 7,000 attendees at home games at RAC Arena and a record crowd of 13,722 at the Grand Final, bringing 48,182 people into the city. Membership grew by 6% and the team's social media following doubled to over 57,000 followers.;
- City Officers can confirm that the previous funding has been satisfactorily acquitted.

Media Coverage

According to the West Coast Fever acquittal report, Fever was the most streamed netball team of the 2018 season with more than 338,000 views. The Nine Network are the official broadcasters of the Suncorp Super Netball and the average Channel 9 audience was more than 250,000 for Fever games this past year.

Impact Reporting

In 2018, West Coast Fever and City of Perth jointly engaged Culture Counts to conduct a public survey to measure the impact and value of the event on the City, and a trader survey to measure the impact the event had on local businesses as well as their sentiment for the event.

Key insights from the 2018 Culture Counts report included:

- 95% of attendees would not have spent time in Perth city if not for attending the West Coast Fever home games at RAC Arena;

- The 5 homes games had an economic impact of \$1,974,232 whilst the addition of the Grand Final meant the economic impact totalled \$2,760,373. This was calculated as expenditure at the Arena, on local businesses and on accommodation;
- All traders though that participating in the event lead to improved business compared to typical Sundays. Overall 65% of traders believed their business was much better on the Grand Final day compared to other Sundays; and
- On average traders believed that their change in business activity was around 30%.

Strategic Event Sponsorship Assessment Score Card – West Coast Fever 2019

The application was assessed by a four-person assessment panel and the scoring has been averaged for each outcome.

ESSENTIAL OUTCOMES	
Does the event have a point of difference making it a drawcard to the City?	3
Does the event demonstrate financial viability through evidence of support from other government agencies, business or community organisations?	3.5
Subtotal 6.5 out of 8 (81.25%)	
CIVIC OUTCOMES	
Does the event create a sense of community in the City or one of its precincts?	2.75
Subtotal 2.75 out of 4 (68.75%)	
CULTURAL OUTCOMES	
Does the event celebrate the diversity of Perth as a capital city?	2.25
Subtotal 2.25 out of 4 (56.25%)	
ORGANISATIONAL COMPETENCY	
Does the applicant have a demonstrated capacity to manage all aspects of the event?	4
Subtotal 4 out of 4 (100%)	
BENEFITS	
Does the event offer adequate benefits/ recognition for the City?	3.25
To what extent does the event activate a space (or spaces) prioritised for activation by the City?	2.75
Subtotal 6 out of 8 (75%)	
TOTAL ASSESSMENT SCORE 21.5 out of 28 (76.8%)	

**CONFIDENTIAL ATTACHMENT 13.8B AND 13.8C – STRATEGIC EVENT
SPONSORSHIP – WEST COAST FEVER**

FOR THE ORDINARY COUNCIL MEETING

30 OCTOBER 2018

DISTRIBUTED TO COMMISSIONERS UNDER SEPARATE COVER

2018 Season - City of Perth

West Coast Fever

Data and Insights - Culture Counts™

48,182

ATENDEES

313

RESPONDENTS

17

TRADERS

9

QUALITY METRICS

1.0

Evaluating West Coast Fever's 2018 season



17
Traders

From local businesses responded to the survey



6
Games

Evaluation over 5 home fixtures and Grand Final



313 Respondents

Total public respondents

City of Perth used Culture Counts to survey people that attended West Coast Fever's 2018 season. 313 members of the public and 17 respondents from local businesses were surveyed to find out what they thought of the season. The evaluation spanned over 6 games (5 home fixtures, and 1 Grand Final).

The public evaluation contained 9 'dimension' questions, asking the public about their experience of the event. These artistic quality dimensions have been developed with the arts sector to measure the impact and value of arts and cultural events.

In the trader survey, respondents were asked a separate line of questions. These questions gathered information about whether local businesses were aware of the event, whether they prepared for it, whether it impacted their business, as well as their overall sentiment and support for West Coast Fever events.

PUBLIC ASSESSMENT

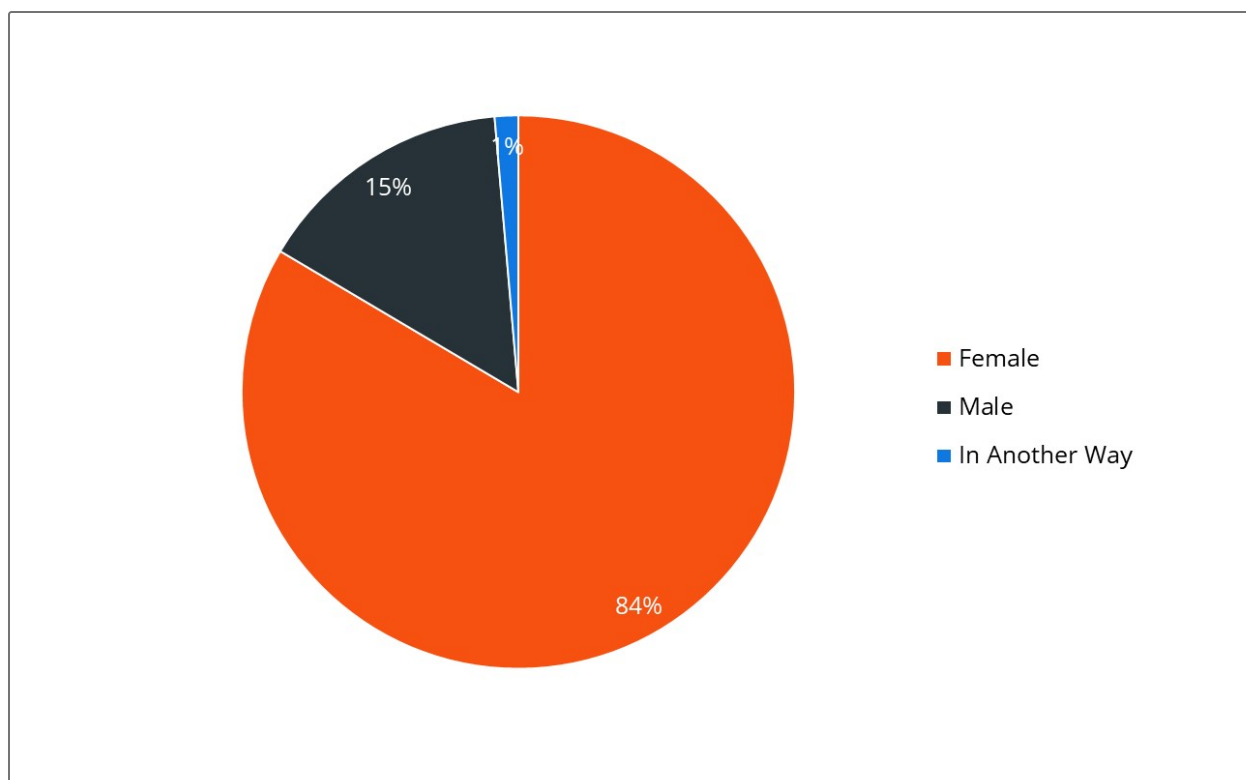
1. **Rigour**
The event was well thought through and put together
2. **Authenticity**
It has a connection to WA
3. **Wellbeing**
It has a positive impact on my physical health and mental wellbeing
4. **Diversity**
It can engage people from different backgrounds
5. **Content**
It reflects a broad and inclusive range of people
6. **Respect**
It gives me greater respect for diversity
7. **Connection**
It helps me to feel connected to people in the community
8. **Local Impact**
It's important that it's happening in the City of Perth
9. **Place**
It makes me feel proud of the City of Perth

2.0

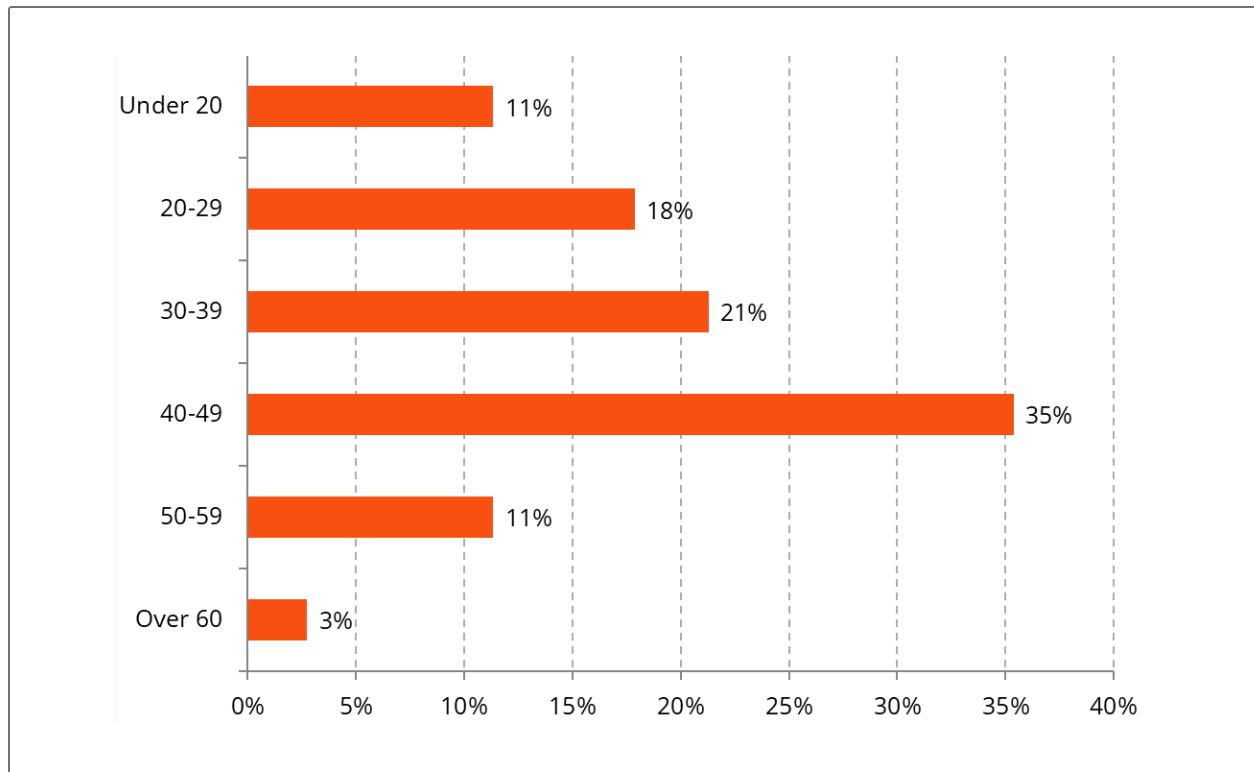
Who completed the survey?

Survey respondents were asked to provide their age, gender, identity and postcode at the end of the survey. This enables data to be matched to the wider population and responses to be filtered to understand differences in demographics. The charts show the proportion of survey responses captured for each of the age and gender demographics, and the top ten postcodes entered by respondents.

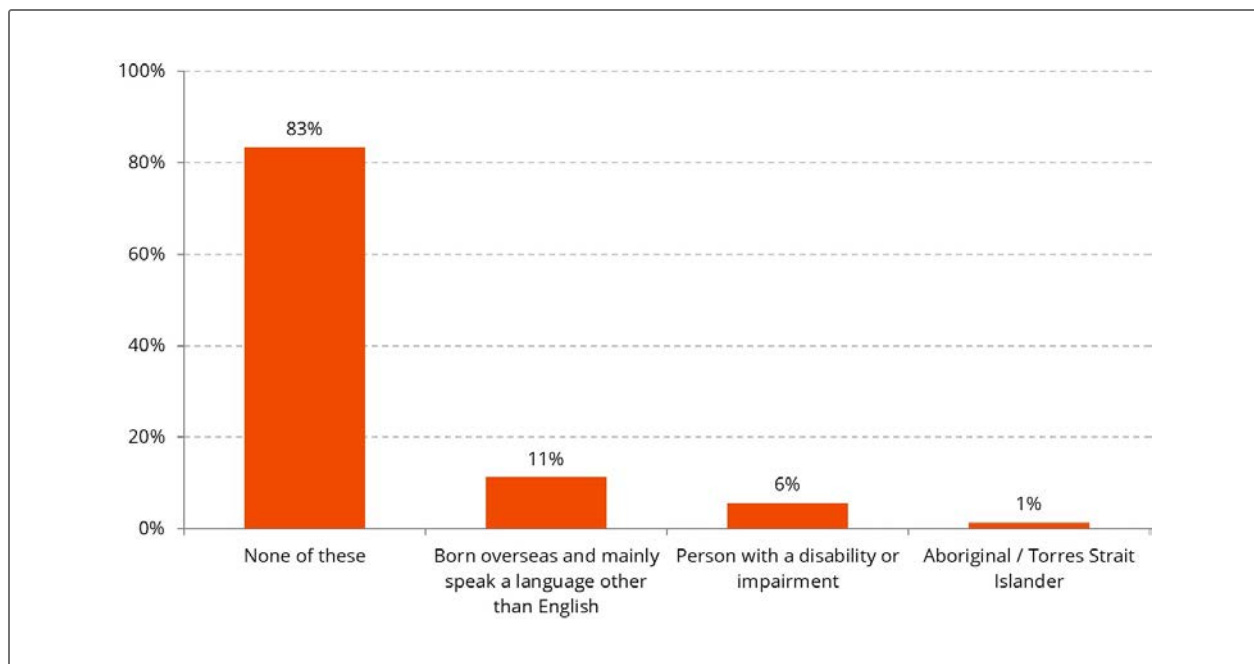
GENDER



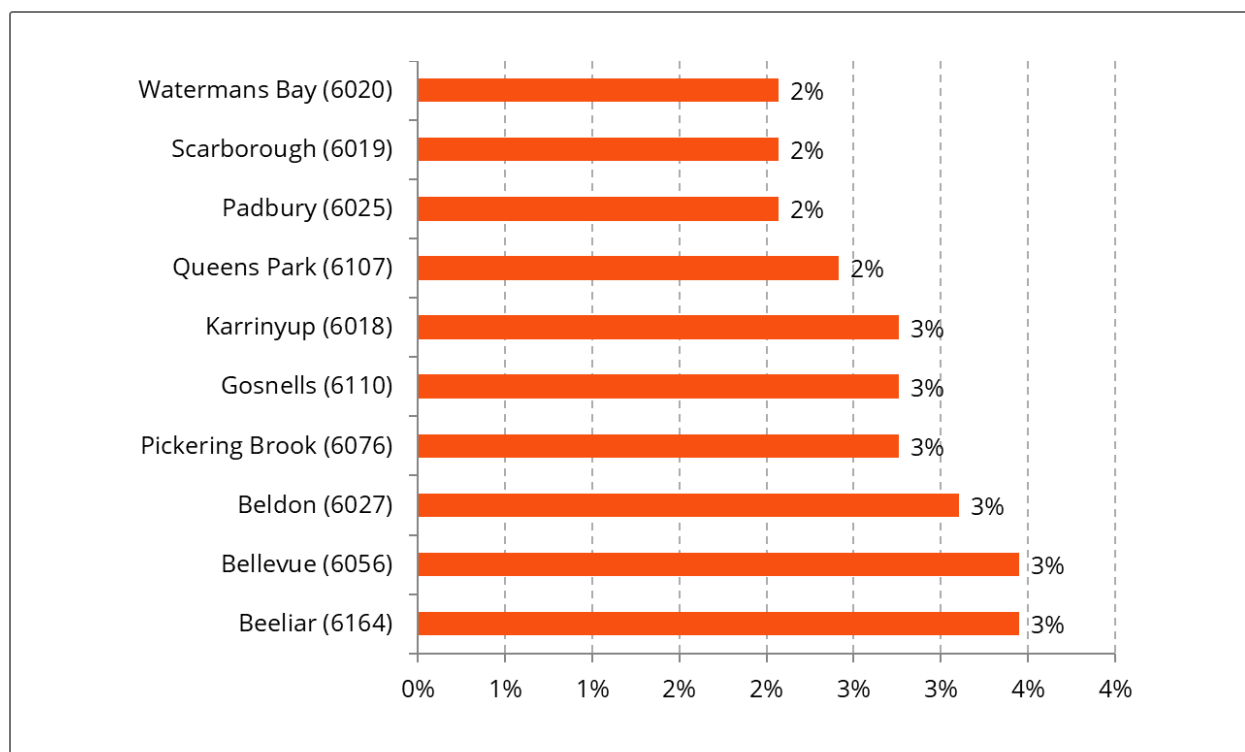
AGE



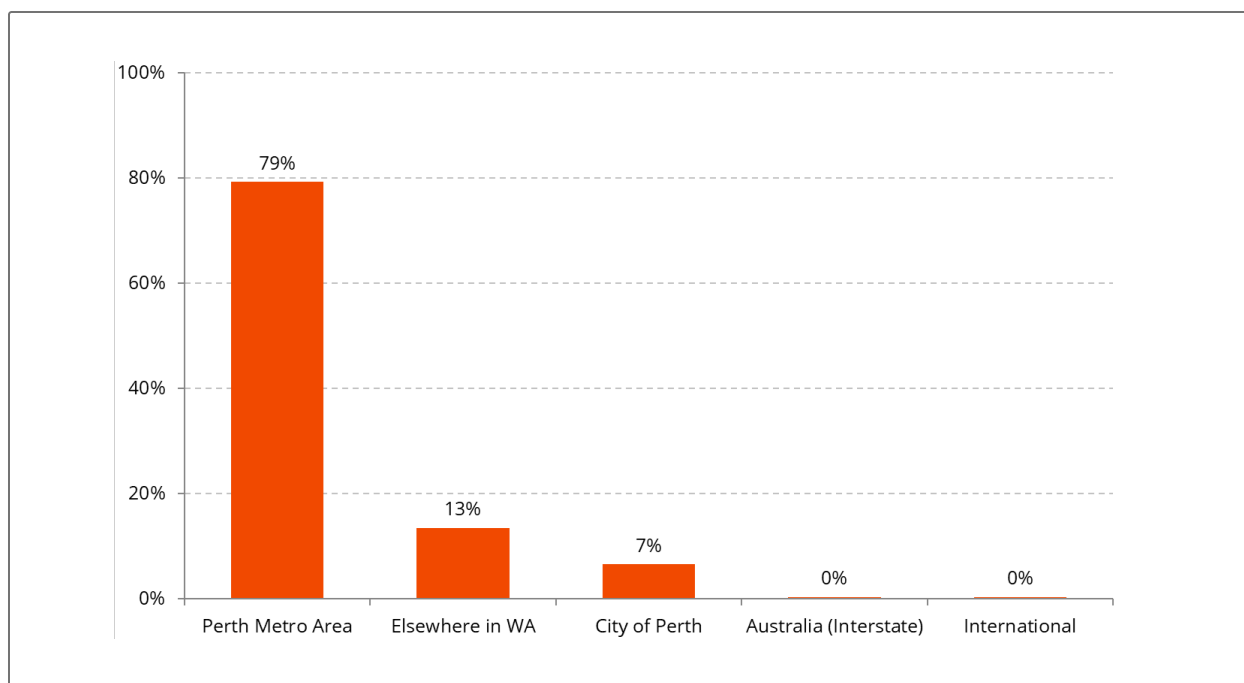
IDENTITY



POSTCODE



REGION



LOCATION EXPLORER

**Insights:**

The age breakdown resembled a normal distribution, centred about the 30-39, and 40-49 age brackets (21% and 32% respectively). Age groups either side of this decreased in representation. Over one-third of respondents were between 40 to 49 years old indicating the event had a very high appeal, or its promotion/marketing efforts were especially effectively amongst this age demographic.

Postcode attendance was relatively similar across the most frequent postcodes. The most frequent postcode was 6164, with most attendees in the sample having attended from this region. Bellevue (6056) was also relatively frequently attended from. Overall, there weren't many notable differences in attendance across the most common postcode areas, with all postcodes lying within 1 percentage point.

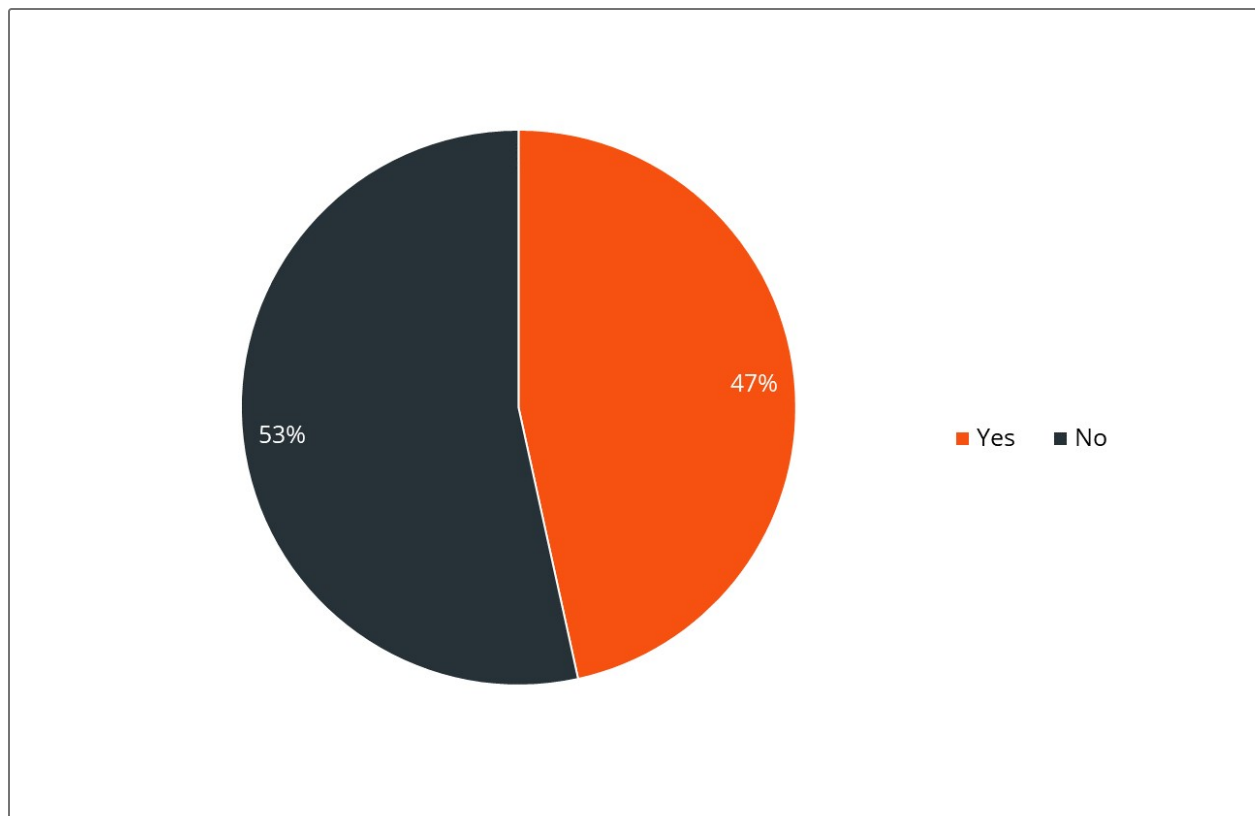
Comparing across regions, attendance was most common from the Perth metro Area with 79% of attendees living in the Perth Metro. From there on, attendance from respondents living elsewhere in WA was the next most common. Respondents who lived directly in the City of Perth were relatively uncommon within the sample, only 7% of attending respondents noted that they lived in the city of Perth.

3.0

Who has attended before?

Respondents were asked whether they had attended a West Coast Fever event before. This informs expectations and helps organisations to better understand the background and prior knowledge levels of their audiences or attendees.

PRIOR ATTENDANCE

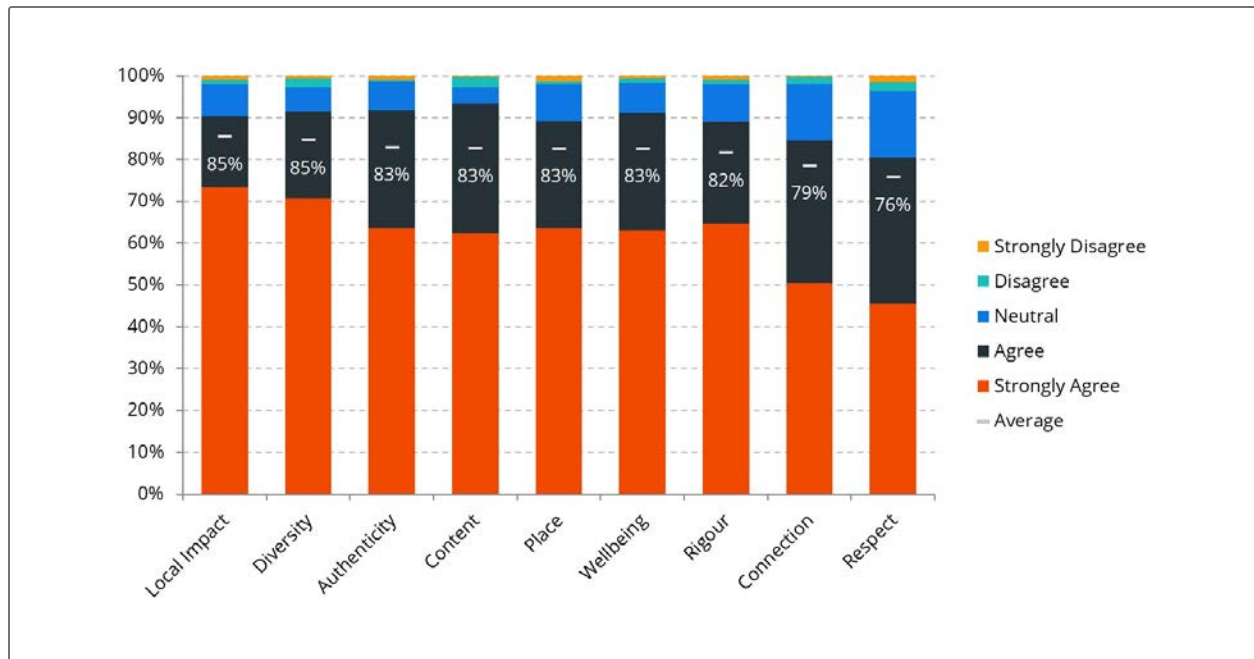
**Insights:**

Roughly half the respondents had not attended a West Coast Fever event previously (53%), with 49% having attended events previously. This suggests that the event is doing a good job of drawing in new crowds while retaining a significant number of loyal supporters.

4.0

What did the public think of West Coast Fever's 2018 season?

Survey respondents moved a slider to indicate whether they agreed or disagreed with the dimension statement using a likert scale. The chart contains data for all public responses, showing the average score and the percentage of people that agreed or disagreed with each of the statements.



Insights:

All dimensions appeared to perform positively in aggregate, with Local Impact and Diversity having the strongest average scores across dimensions. These positive outcomes representing the positive impact that the event had regarding perception of the City of Perth and inclusion/cultural diversity. All dimensions except Respect had over 80% of respondents agreeing with the respective dimension statements. The slightly lower scores for Respect could be due to the event not being focussed on changing community perceptions surrounding diversity.

Overall, aggregate consumer responses infer that attendees felt the event conveyed strong positive outcomes towards the City of Perth, mainly surrounding the importance and connection to Western Australia

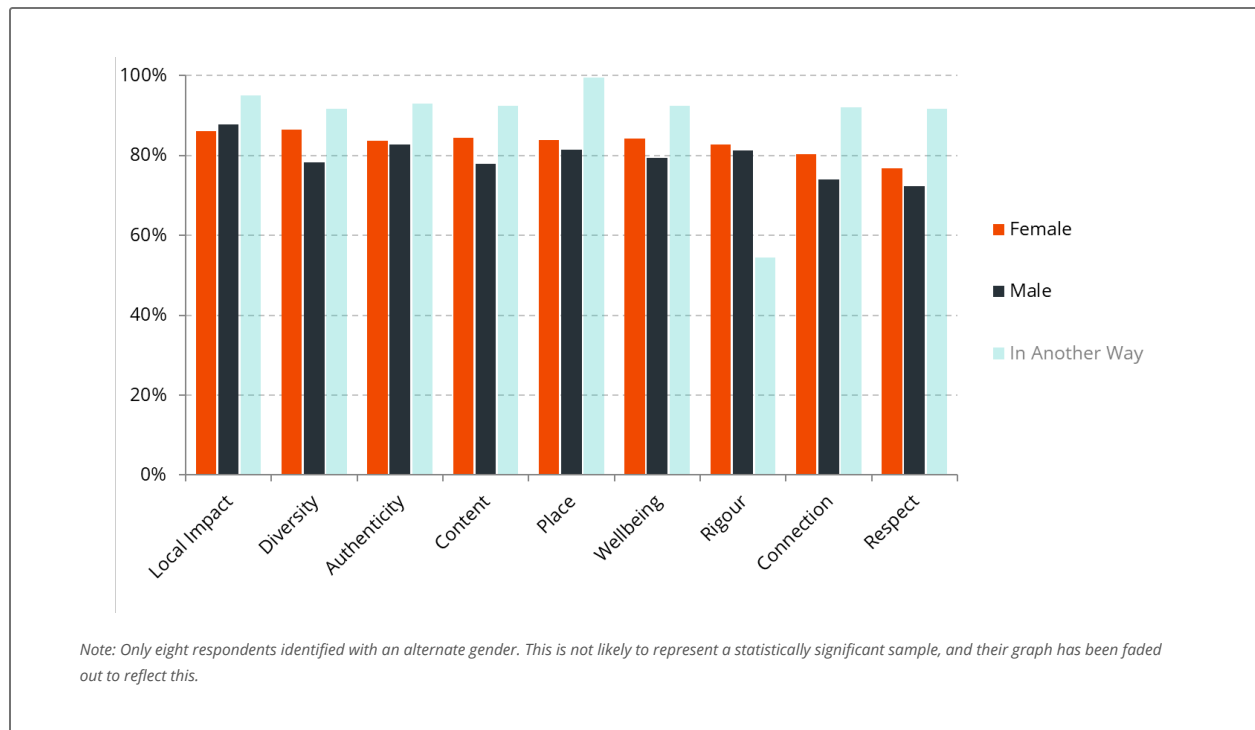
5.0

Does gender or age influence public scores?

Every respondent was asked to provide their age, gender and postcode at the end of the survey. This enables scores to be filtered to understand differences in demographics.

These charts show average scores for each of the dimensions based on age and gender of respondents.

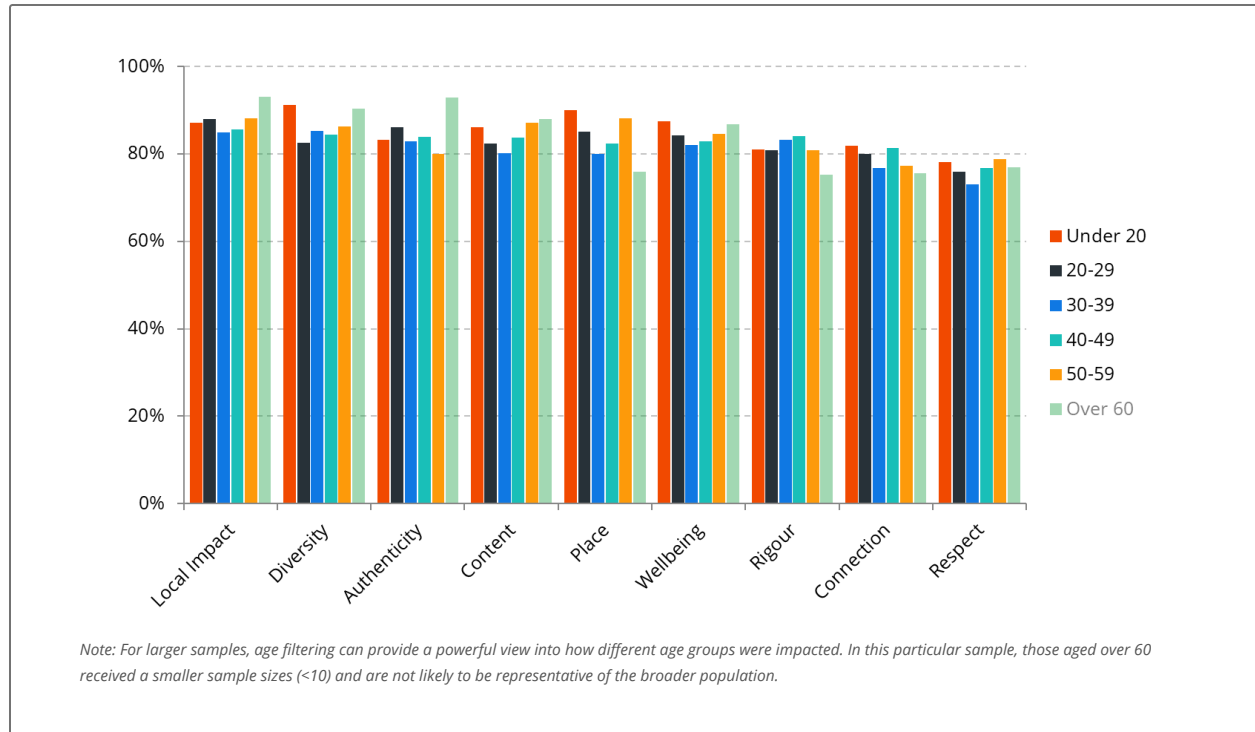
OUTCOME SCORES BY GENDER



Insights:

Female respondents gave higher scores than males respondents for all dimensions except Local Impact. The dimensions with the greatest difference between means were Diversity (8%), Content (6%) and Connection (6%). Apart from these outcomes, female and male responses were largely aligned. Overall, these findings instigate that females and males both perceived the event strongly, with females overall having more positive perceptions of the West Coast Fever events in aggregate. 'In another way' respondents had extremely positive aggregate responses, besides the Rigour dimension, however, these scores were calculated from a relatively small sample size.

OUTCOME SCORES BY AGE

**Insights:**

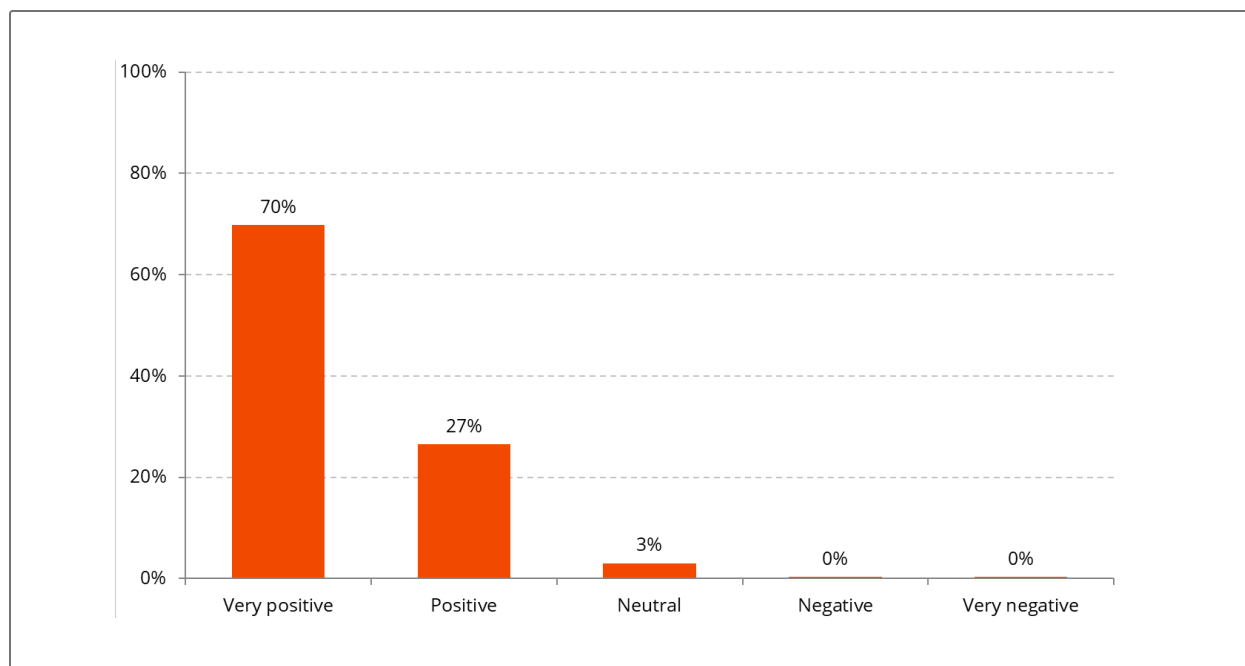
Dimension scores by ages did not seem to follow any notable trends across dimensions. Average scores were relatively similar within dimensions. Despite having a smaller sample size, respondents over the age of 60 did give higher averages for Local Impact, Diversity and Authenticity.

These findings show that the positive perception of West Coast Fever events was generally consistent among ages.

6.0

How did people rate their experience overall?

At the end of the survey, respondents were asked to rate their experience overall using a sliding scale. This chart shows the public's opinion on how satisfied they felt with the experience. Survey respondents moved a slider to indicate whether they felt very positive, very negative or somewhere in between.



Percentage Satisfaction: 86%

Insights:

Attendees were highly positive surrounding the event. Overall, 97% of attendees felt that they had a positive or very positive experience of West Coast Fever overall. Furthermore, 70% of all respondents noted that they had a very positive experience attending the events. Virtually no attendees felt that they had negative experiences attending the events overall.

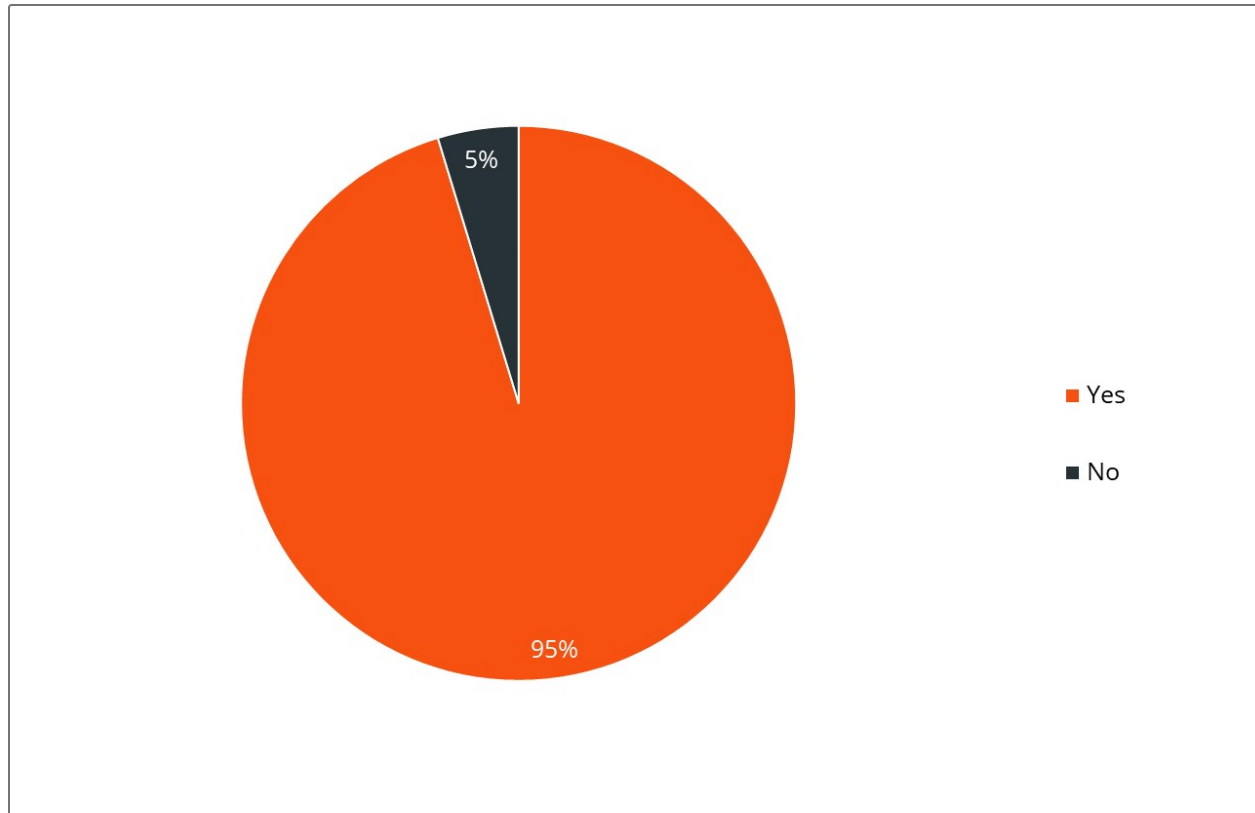
7.0

Future interest and preference

In order to gain a greater understanding of respondents' interests and possible motivations behind attending games they were asked whether they would be interested in attending Diamonds matches in Perth in the future, as well as which team they would prefer to see the Diamonds play. The results are shown below.

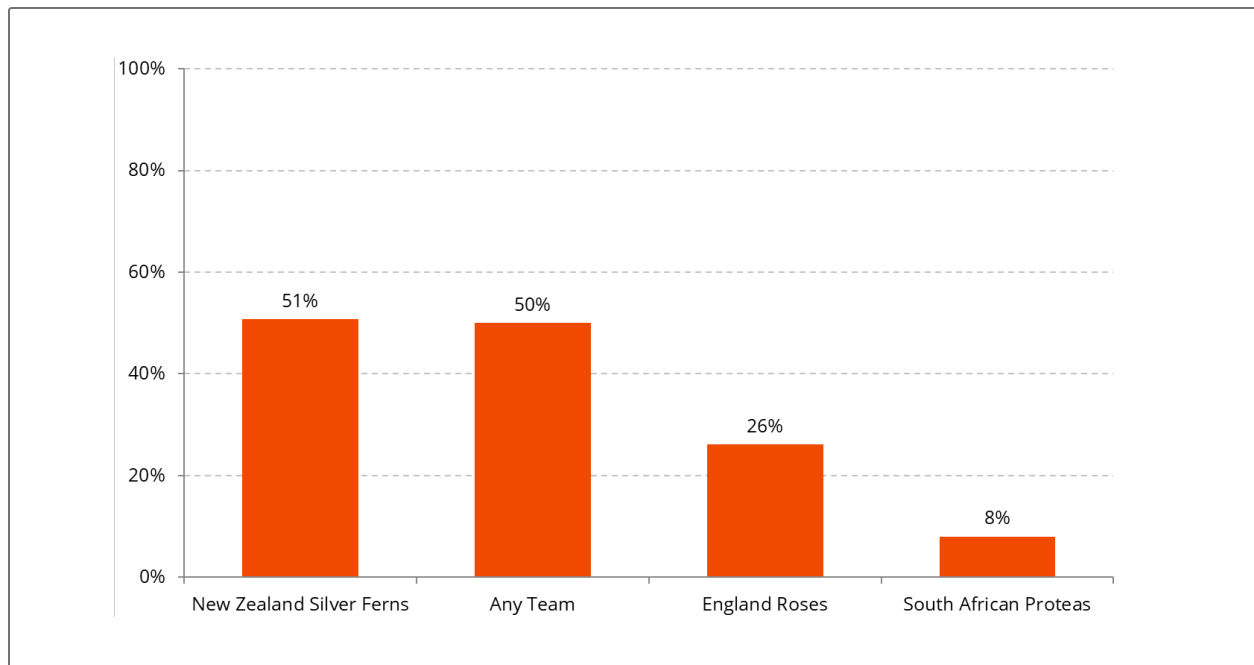
INTEREST

Would you be interested in attending Diamonds matches in Perth in the future?



PREFERENCE

Which of the following teams would you prefer to see the Diamonds play?

**Insights:**

95% of respondents surveyed at the event said that they would be interested in attending Diamond matches in Perth in future.

Preferences surrounding which team the Diamonds played were varied, however, the New Zealand Silver Ferns were the most common team that respondents wanted to see matches with.

8.0

Economic Impact

Survey respondents were asked to estimate how much they had spent at the event, as well as indicate what they would have done had they not attended. Combining this data with attendance figures allows an overall impact figure to be generated.

To calculate the impact to the Perth CBD, only visits attributed to the event are included, and of those, only expenditure that would not have otherwise occurred is considered. In this case, additional impact occurs from those who would have otherwise stayed at home, gone to work, or those who would have done something else outside the CBD. A total of 34,460 individuals are estimated to have visited the 5 home fixtures in Perth while 13,722 people are estimated to have attended the Grand Final (total of 48,182 across 6 games).

ADDITIONALITY

DESCRIPTION	PERCENTAGE	HOME GAMES	GRAND FINAL
Stayed home or gone to work	80%	27,408	10,914
Something else in Perth CBD or Northbridge	5%	1,730	689
Something else outside Perth CBD	15%	5,322	2,119
Total	100%	34,460	13,722

AVERAGE SPEND

DESCRIPTION	AT ARENA	AT LOCAL BUSINESSES
Stayed at home or gone to work	\$34.22	\$20.03
Done something else in City	\$38.33	\$22.78
Done something not in City	\$27.35	\$23.97
Average	\$38.22	\$19.81

Note: Expenditure from those who would have done something else in Perth CBD or Northbridge has been excluded from total impact, as it is assumed expenditure by that group would have occurred in those locations regardless of the event.

ACCOMODATION

Percentage of staying visitors	7%
Unique staying visitors (Home Games)	2,282
Unique staying visitors (Grand Final)	909
Average length of stay (nights)	1.0
Average accomodation spend per night	\$93.75
Home games	\$213,949
Grand Final	\$85,195
Total Impact	\$299,143

ECONOMIC IMPACT SUMMARY

	HOME GAMES	GRAND FINAL	TOTAL
Arena	\$1,083,599	\$431,490	\$1,515,089
On local businessess	\$676,684	\$269,456	\$946,140
On accomodation	\$213,949	\$85,195	\$299,144
Total Gross Expenditure	\$1,974,232	\$786,141	\$2,760,373

9.0

Visitation

A WiFi analytics platform was in place so that visitation statistics could be captured across the event period. The platform captures WiFi impressions (signals) from mobile devices which are looking for WiFi networks, and can be used to provide estimates of the total number of visitors in the area over time.

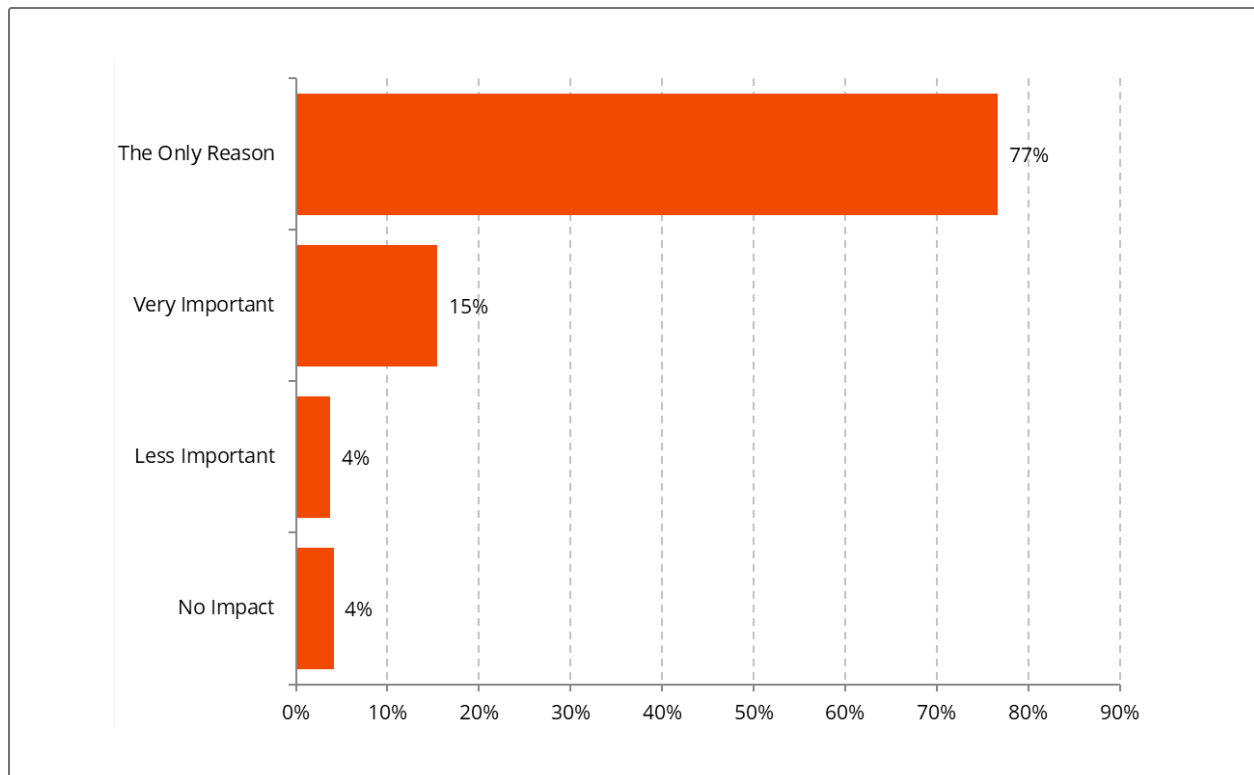
Approximately half of all West Coast Fever event attendees went out into the City as a part of their visit. This meant 17,230 people visited throughout the home fixtures, and 6,861 people visited before or after the Grand Final (combined total of 24,091).

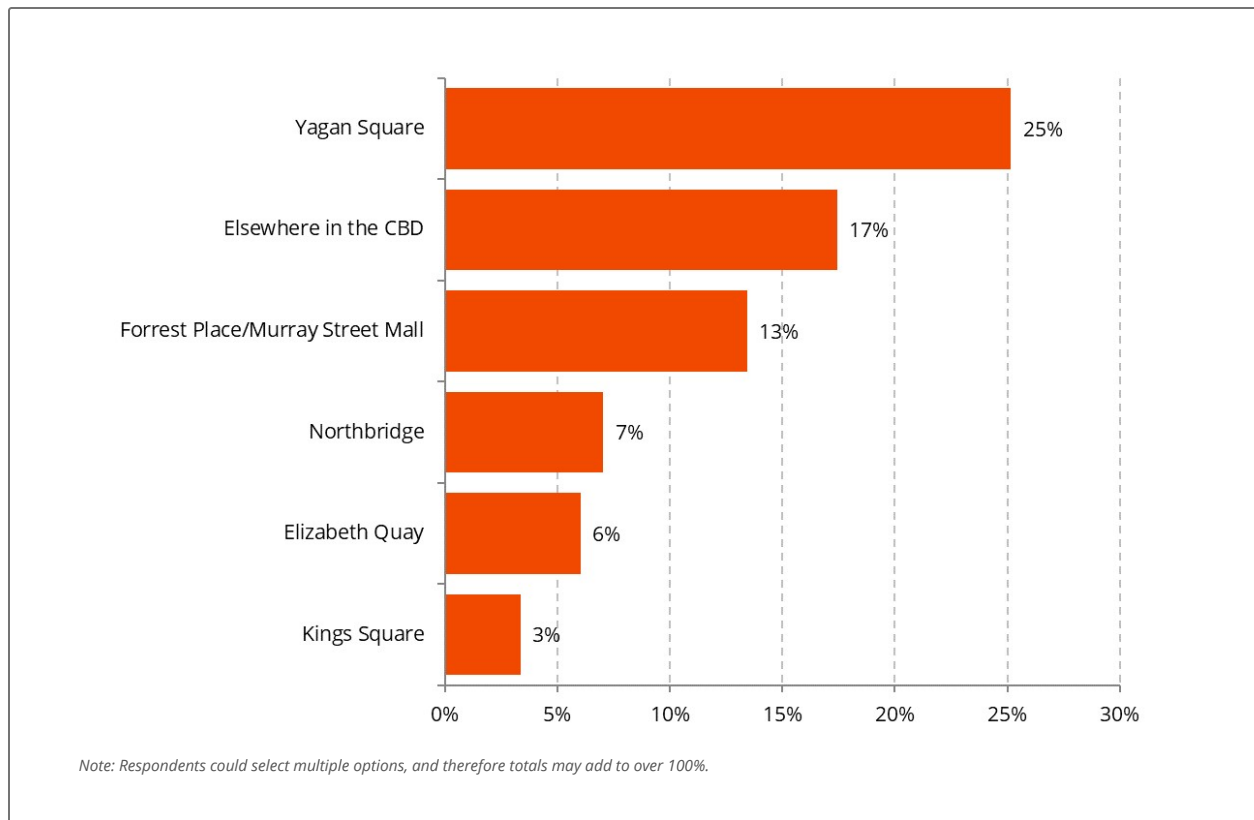
ATTENDANCE

	TOTAL ATTENDANCE	CITY VISITATION (50% OF TOTAL)
Home Games	34,460	17,230
Grand Final	13,722	6,861
Total	48,182	24,091

ATTENDANCE REASON

How much did West Coast Fever contribute to your reason for visiting the city today?



VISITATION LOCATION*Where do you expect to visit in the City today?***Insights:**

West Coast Fever's home fixtures and Grand Final event proved to significantly increase the likelihood of respondents visiting parts of the City as a result of their visit (50% in total). 92% of all respondents cited that it was the only reason or a very important reason contributing to why they visited the City. Meanwhile, only a small amount of people stated that it was a less important reason, or had no impact on their decision to visit the city (both 4%).

The recently completed redevelopment project, Yagan Square was a popular destination amongst event attendees, accounting for one quarter of all expected City visits (25%). All other destinations accounted for less than 13% of responses. Interestingly Kings Square received the fewest selections by respondents (3% total), despite its proximity to the Perth Arena and recent completion. This could be an indication that respondents prefer other destinations, or that there was a lesser degree of awareness around Kings Square and what was on offer in comparison to other destinations.

10.0

TRADER SURVEY **Awareness and preparation**

Local businesses in the area were given the opportunity to give feedback following the event. A face to face survey was performed with local businesses in the area that asked about any prior awareness they had, or an preparation they did leading up to the event.

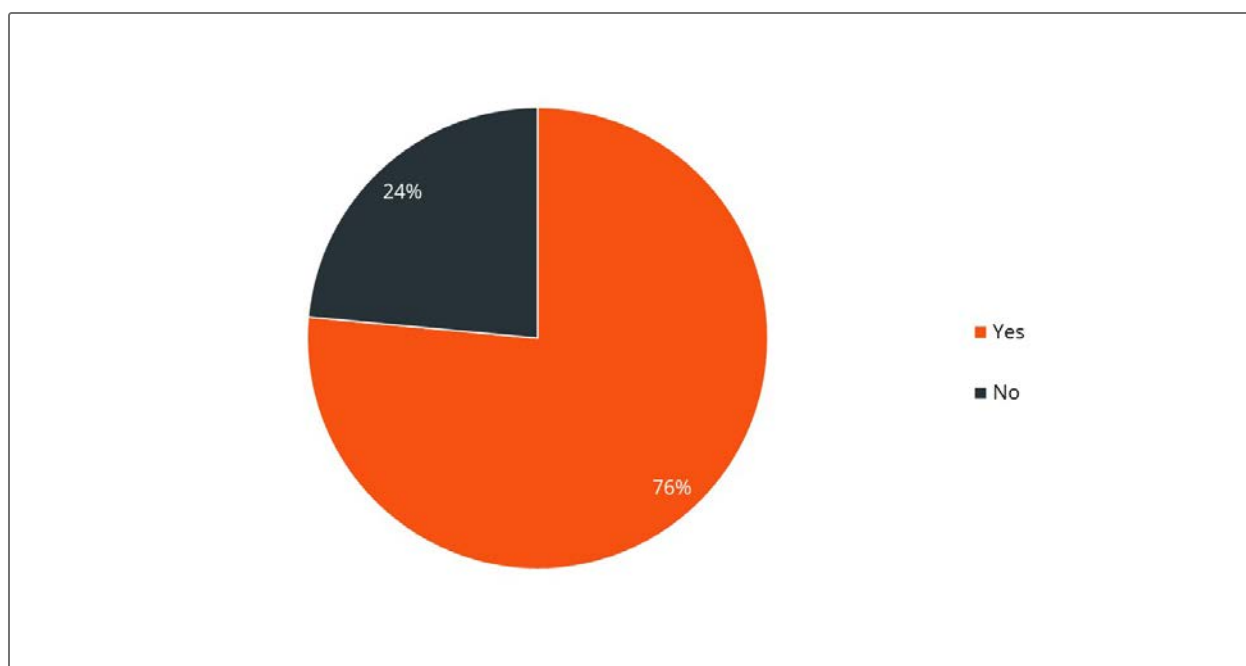
17 local businesses provided feedback from staff of different levels. The table below provides a breakdown of who responded.

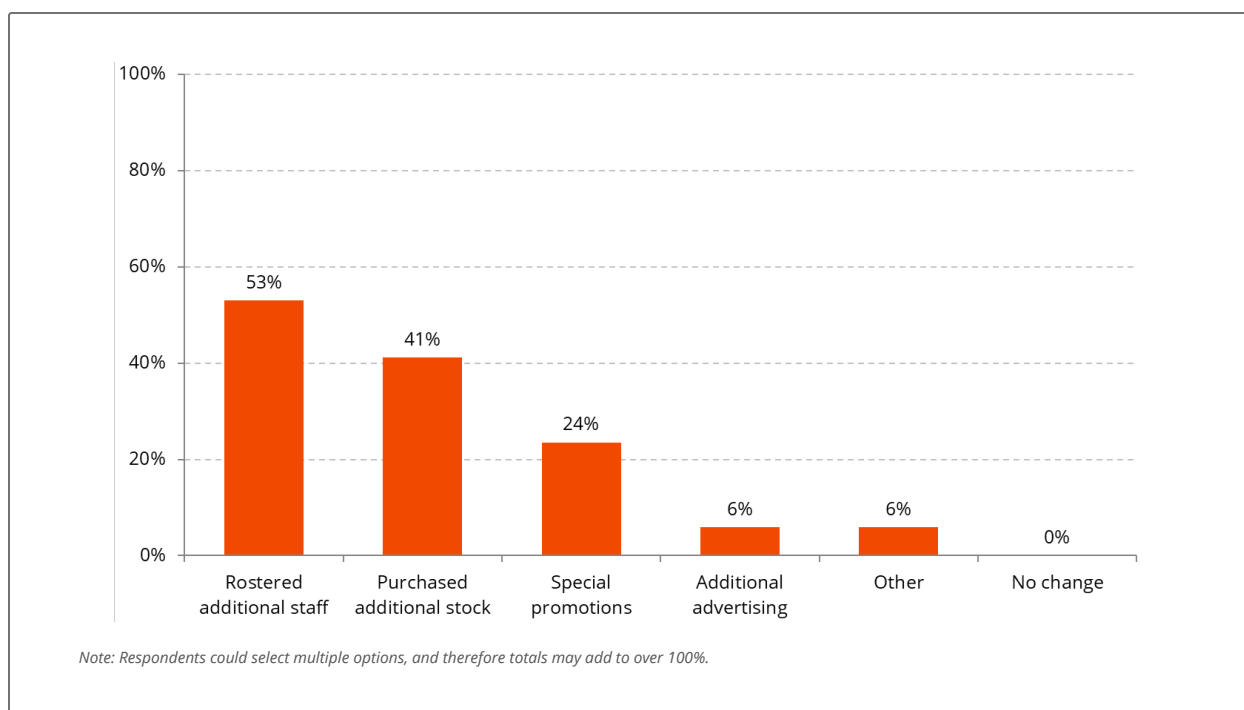
LOCAL BUSINESS RESPONDENTS

BUSINESS TYPE	OWNER	MANAGER	STAFF MEMBER	TOTAL
Hospitality - bar/restaurant/cafe	0	7	3	10
Hospitality - fast food/foodhall	0	4	2	6
Hospitality - other	0	1	0	1
Total	0	12	5	17

AWARENESS

Before today, were you aware of West Coast Fever games or events?



DID LOCAL BUSINESSES PREPARE FOR THE DAY?*Did you do anything to prepare for the event?***Insights:**

Overall 76% of traders noted that they were aware of West Coast Fever games or events prior to participating in the event.

Overall, 53% of traders noted that they rostered additional staff by preparing in the event. 41% purchased additional stock, and 24% of traders gave special promotions for the event. There were no traders which did not prepare for the event.

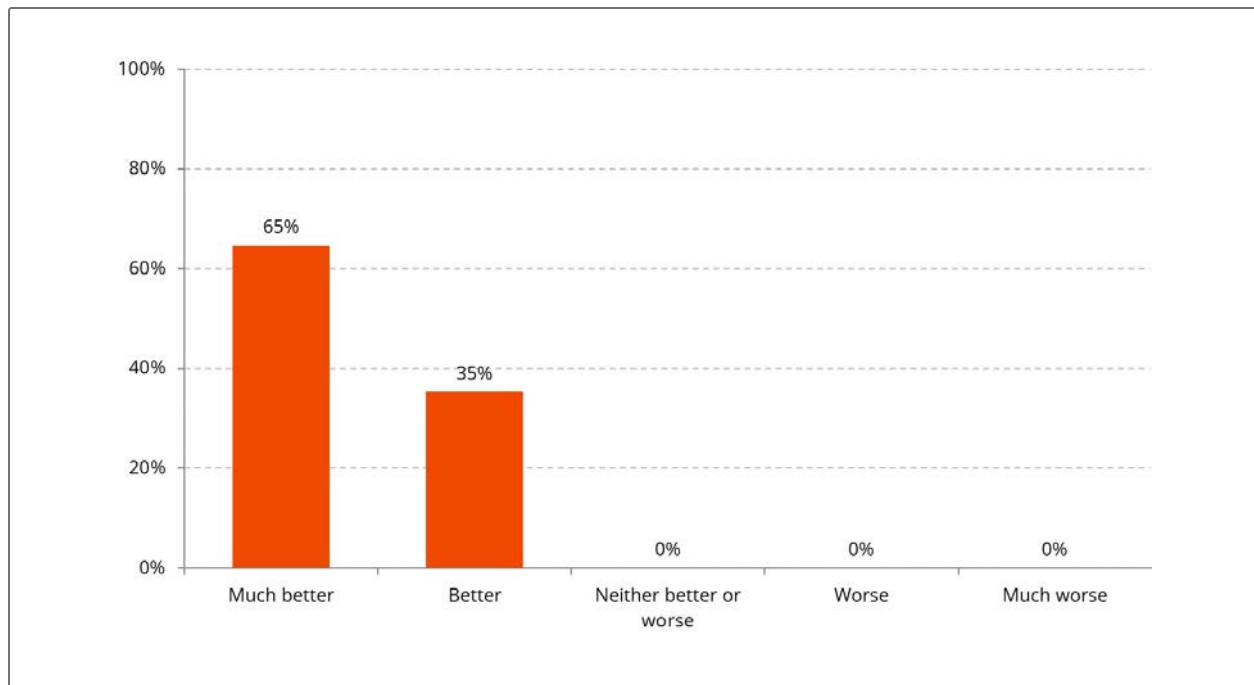
11.0

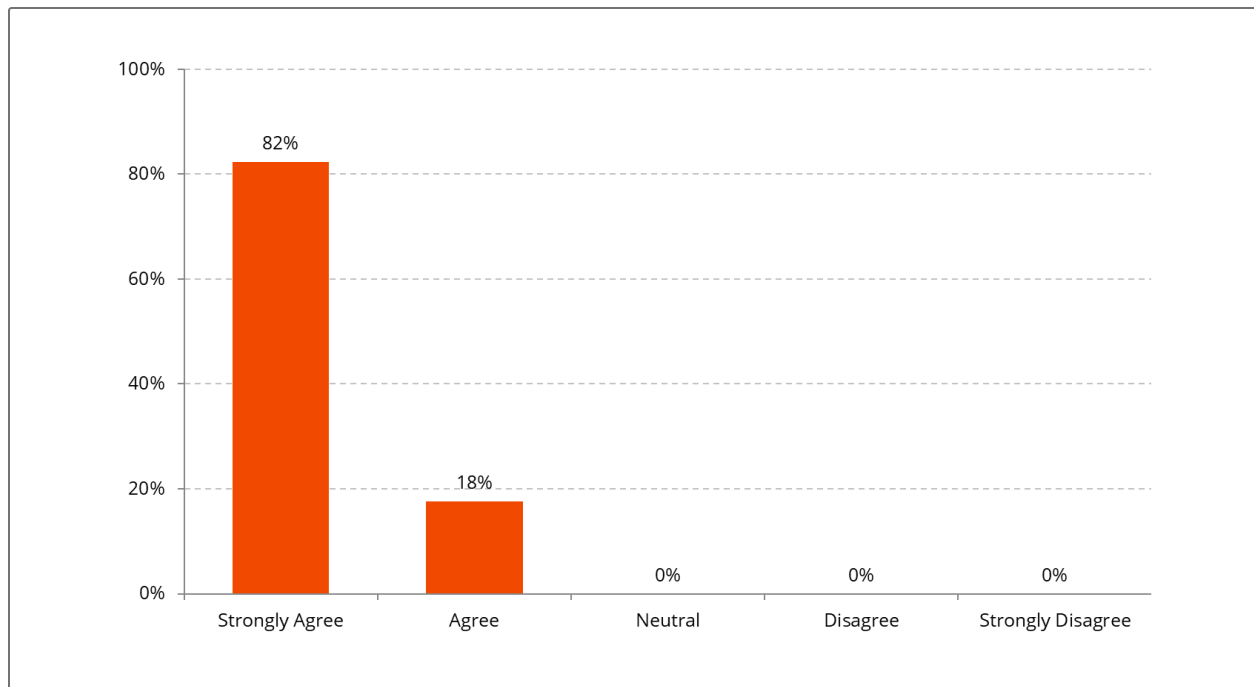
TRADER SURVEY **Local business impact**

In addition to questions about prior awareness and preparation, the face to face survey also asked local businesses about whether the event had any impact on their revenue or activity, as well as whether they'd support similar events in the future.

CHANGE IN BUSINESS ACTIVITY

How did your business compare on Sunday 26th August to a typical Sunday?



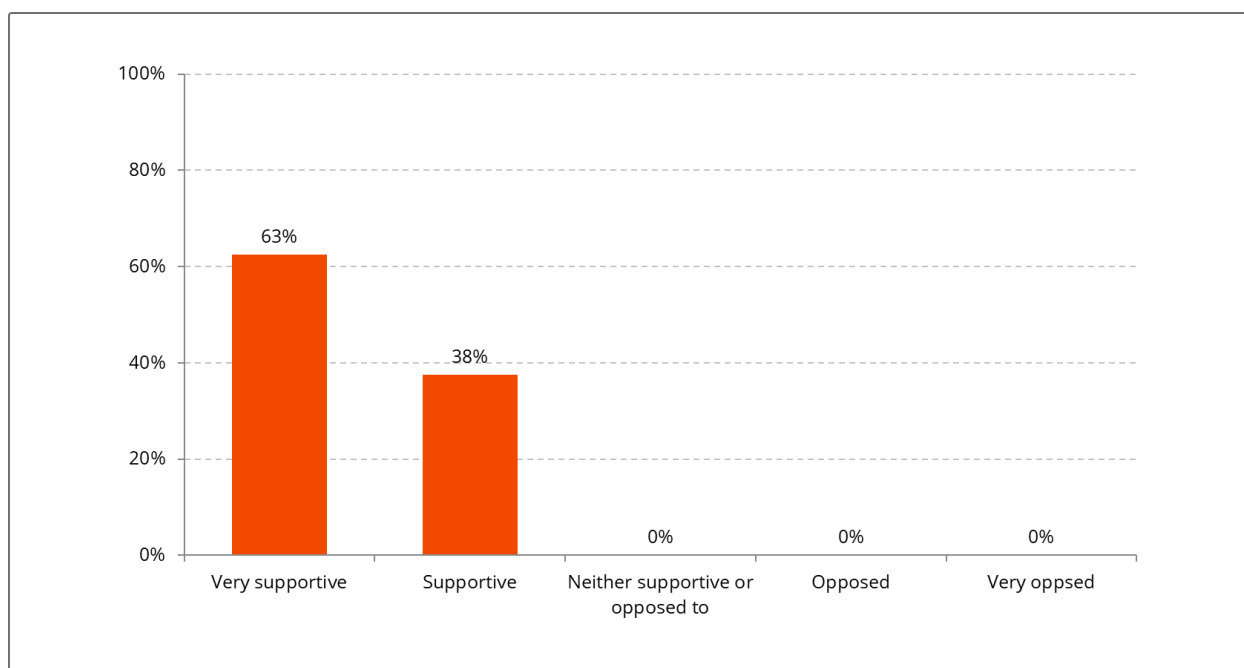
IMPACT ON BUSINESS*The event had a positive impact on my business***Average change in business activity compared to normal day: +30%****Insights:**

All traders thought that participating in the event lead to improved business compared to typical Sundays. Overall, 65% of traders believed that their business was much better on the 26th of August compared to other Sundays.

In line with this, all businesses also believed that participating in the event lead to positive impacts for their business. Furthermore, 82% of respondents strongly agreed that there were positive impacts on their business. Overall, on average traders believed that their average change in business activity was around 30%.

SUPPORT FOR WEST COAST FEVER

How would you best describe your level of support for the event?

**Insights:**

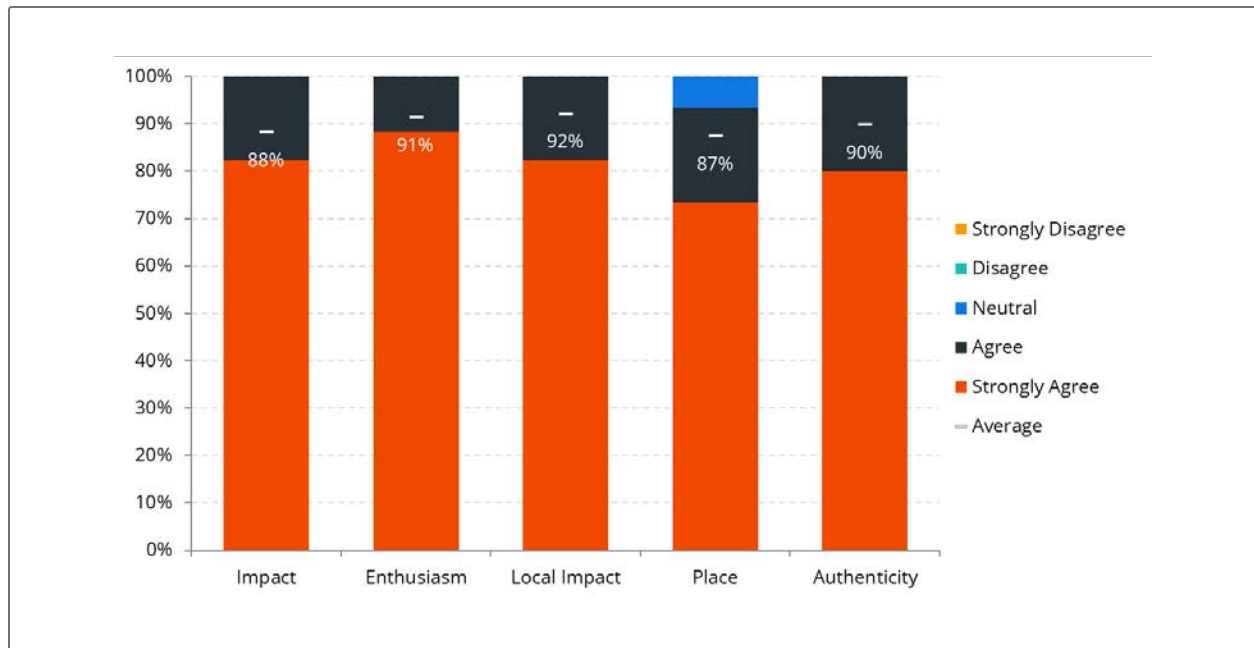
All traders were supportive of the West Coast Fever events. The majority of traders gave that they were very supportive of the events.

This feedback coupled with previous feedback outlines that traders believed that the event had strong positive impacts on their business and also had strong support among traders overall.

12.0

TRADER SURVEY Dimensions

Respondents moved a slider to indicate whether they agreed or disagreed with the dimension statements using a likert scale. The chart contains data for all public responses, showing the average score and the percentage of people that agreed or disagreed with each of the statements.



Insights:

Overall, traders appeared to view the event extremely positively. All traders agreed with dimension statements surrounding Local Impact, Enthusiasm, Authenticity and Impact. Place was the only dimension which had some neutral responses in traders. Overall perceptions surrounding business impacts, enthusiasm for future events and perceptions surrounding City of Perth.

Comparing trader and public responses, it can be seen that traders generally had more positive responses compared to the public regarding Local Impact and Authenticity, however, public scores were also relatively similar, and were calculated over a larger sample.

13.0

Comments - local businesses

Respondents were also given the ability to leave additional comments. A selection of these comments is displayed below.

ADDITIONAL COMMENTS

Mostly every event at the arena or places people use the train to go to have a very positive impact on our business

Concerts, sporting events, fitness events i.e. Fun run

Advertise more to attract more people

Insights:

Traders were asked which events were more beneficial towards their businesses and how to improve these events in future. Traders largely thought that sporting events and concerts were the most profitable events overall and that advertising to attract more attendees was the best way to improve the effect that events like West Coast Fever had on businesses.

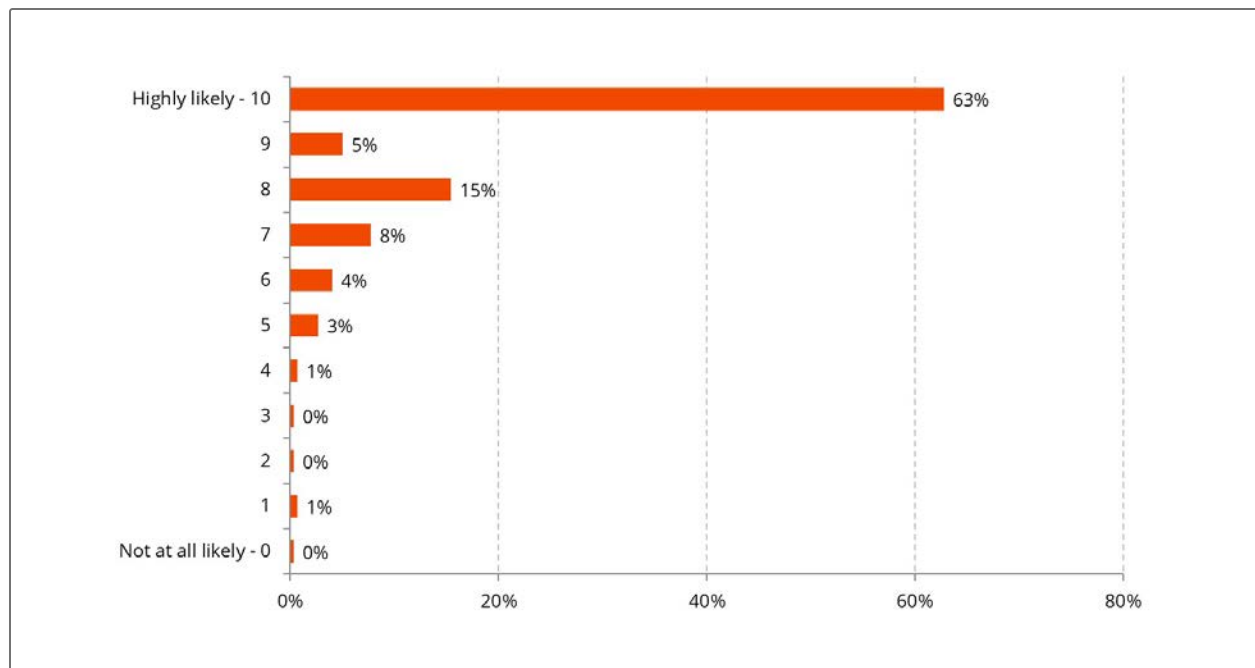
13.0

Net Promoter Score

Respondents were asked how likely they are to recommend seeing a West Coast Fever game to family or friends. Respondents could choose a number from 0 to 10 from a pulldown menu, with 0 meaning not likely at all, and 10 meaning extremely likely.

These scores can be used to calculate a Net Promoter Score (NPS). NPS measures loyalty between the organisation and its audience. People giving a score of 9 or 10 are considered Promoters. Detractors are those who respond with a score of 0 to 6. Scores of 7 and 8 are Passives. NPS is calculated by subtracting the percentage of customers who are Detractors from the percentage of customers who are Promoters.

This chart shows the proportion of respondents that would or would not recommend the West Coast Fever game, followed by its calculated NPS below.



Net Promoter Score: 59

Insights:

95% of respondents gave a score of 6 or more, indicating that they would recommend the West Coast Fever game to family, a friend or a colleague. Of the 96%, just under two thirds (63%) are extremely likely to recommend it. 3% were neutral or unlikely to recommend the festival.

An NPS that is positive (i.e., higher than zero) is felt to be good, and an NPS of +50 is excellent. West Coast Fever's score of 59 indicates that audiences have developed an excellent level of loyalty toward's the netball team's events.

15.0

Comments - public

The public was also left qualitative responses about how they thought the event could improve as well as any additional feedback. A selection of comments is shown below.

ADDITIONAL FEEDBACK

Go fever!

Loved the game and experience. Great family event.

Bring more events to the city of Perth and support local team more

Have more merchandise available

I think the prices are a bit expensive but everything else is amazingly great

Good fun for our netball team girls. Enjoyable night.

Insights:

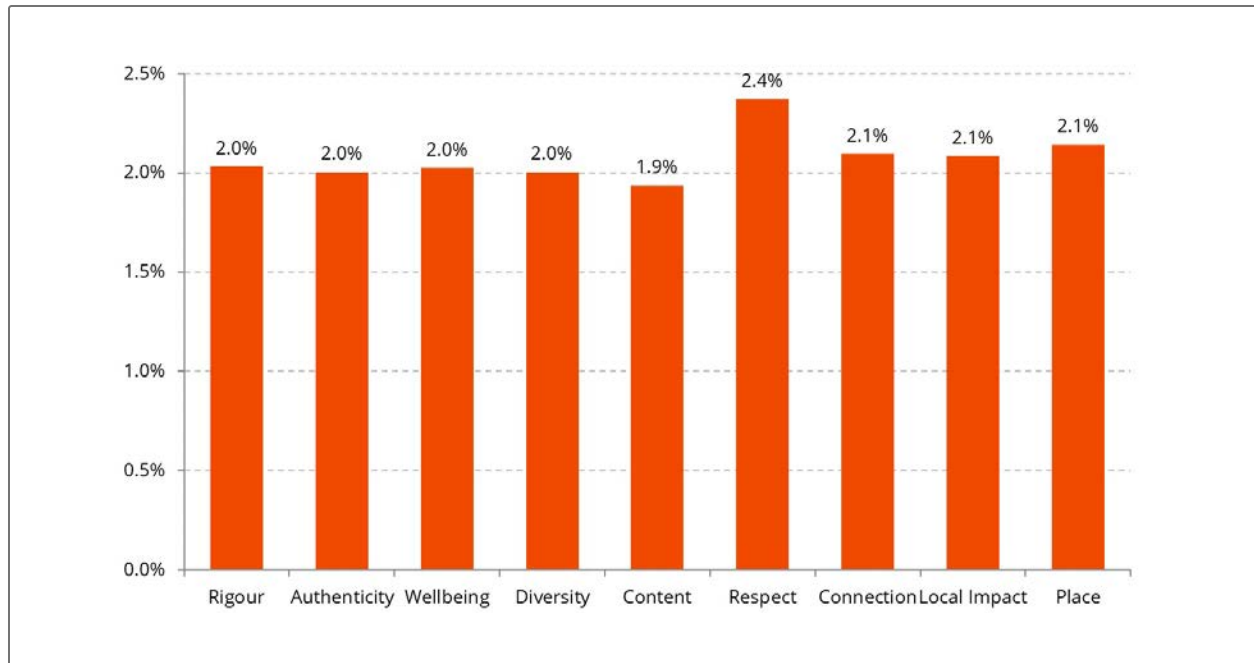
Attendee feedback largely praised the atmosphere of the event, being highly positive. Most critiques or improvements surrounding the event were asking for more merchandise stalls to be available and to improve the ability to buy tickets. Overall, consumers seemed to highly enjoy the event from feedback.

16.0

Was the survey sample representative of the audience population?

The Culture Counts digital platform aims to capture survey responses via various methods at minimal marginal cost. Achieving larger samples enables organisations to be confident that the average scores and opinions of the survey group are representative of the total audience.

This chart shows the margin for error for each dimension from the sample.

**Insights:**

At a 95% confidence interval, the margin of error for dimensions ranged from 1.9% to 2.4%. This means that we can be 95% confident that if we surveyed the entire visitor population, the average score for Rigour would fall within 2.0% of the average generated by the sample.

Margins of error under 5% are considered reasonable representations of the opinion of the population. As the margin of error is below 5% this sample can be deemed statistically significant and an accurate representation of the audience attending the West Coast Fever event.

Insights and report prepared by:



culturecounts.cc | (08) 9325 6551

Report prepared for The City of Perth



City of Perth

Report to the Ordinary Council Meeting**Agenda****New Year's Eve Northbridge 2018****Item 13.9**

Recommendation:***That Council:***

- 1. APPROVES BY AN ABSOLUTE MAJORITY unbudgeted operating expenditure of \$230,000 for the delivery of the New Year's Eve Northbridge event in 2018; and**
- 2. NOTES expenditure in recommendation point 1 above is to be funded from unexpended funds yet to be identified in the 2018/19 budget review.**

FILE REFERENCE:	EV1-2018/434
REPORTING UNIT:	Marketing and Activation
RESPONSIBLE DIRECTORATE:	Economic Development and Activation
DATE:	11 October 2018
ATTACHMENT/S:	N/A

Council Role:

- | | | |
|-------------------------------------|----------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <input type="checkbox"/> | Advocacy | <i>When the Council advocates on its own behalf or on behalf of its community to another level of government/body/agency.</i> |
| <input checked="" type="checkbox"/> | Executive | <i>The substantial direction setting and oversight role of the Council e.g. adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.</i> |
| <input type="checkbox"/> | Legislative | <i>Includes adopting local laws, town planning schemes and policies</i> |
| <input type="checkbox"/> | Quasi-Judicial | <i>When the Council determines an application/matter that directly affects a person's right and interests. The judicial character arises from the obligation to abide by the principles of natural justice. Examples of Quasi-Judicial authority include town planning applications, building licences, applications for other permits/licences (eg under Health Act, Dog Act or Local Laws) and other decisions that may be appealable to the State Administrative Tribunal.</i> |
| <input type="checkbox"/> | Information | <i>For the Council/Committee to note.</i> |

Legislation / Strategic Plan / Policy:

Legislation Part 4 of the *Local Government (Functions and General) Regulations 1996*

Integrated Planning and Reporting Framework Implications **Strategic Community Plan**
Goal 5 - A prosperous city

Policy

Policy No and Name: 9.7 – Purchasing

Purpose and Background:**Event Background**

The City of Perth has delivered New Year's Eve celebrations in Northbridge each year, a significant event on the City of Perth's annual calendar of free family events attracting between 10,000 to 15,000 people to Northbridge. The original objective of the event when it was first established 17 years ago was to reduce anti-social behaviour occurring in Northbridge on New Year's Eve, following pressure from ratepayers for the City to act on this issue.

The City of Perth's New Year's Eve Northbridge event now has the following objectives:

- Increase visitation to Northbridge to deliver economic benefits for the City and its ratepayers;
- Create vibrancy and generate social and cultural benefits for the community by providing free family friendly entertainment for a diverse family audience who attend Northbridge on New Year's Eve;
- Deliver a unique position for the City amongst a cluttered environment, enhancing the perception of the City of Perth as a vibrant and safe family destination, the only place to be for New Year's Eve; and
- Position and enhance the city as a destination for tourism and entertainment.

The format of the event in recent years has included two entertainment stages within the Northbridge precinct and roving entertainment during the dining period. Surrounding roads are closed to vehicles to ensure crowd safety and enable local restaurants to offer extended alfresco seating.

The culmination of the program of activities is the synchronised countdown to midnight at both stages, with the 2017 event including, for the first time, fireworks due to growing audience expectations of a capital city and to further solidify the precinct as vibrant and the only place to be for New Year's Eve. These fireworks displays were launched from two locations; the State Theatre Centre rooftop in the Cultural Centre and Russell Square.

Budget Background

When the 2018/19 budget was drafted in February 2018, savings were requested within the Marketing and Activation budget and it was decided at that time to remove funding for the 2018 New Year's Eve event which totalled \$505,000 for the 2017 to deliver cost savings to the overall Organisation budget.

The 2017/18 adopted budget for Marketing and Activation was \$10.1M, following a Council decision in November 2017 an additional \$1.4M (+13%) was approved as part of the City activation plan, this was to be funded across the organisation. This increase was requested on the back of a desire from the wider Community to activate the City to deliver increased activity in the Capital City.

Marketing and Activation year on year adopted budget:

2018/19	\$10,027,499
2017/18	\$10,149,398
2016/17	\$11,977,690
2015/16	\$14,305,394

Details:

Risk of Not Delivering the Event

Since the adoption of the budget, ongoing feedback from the Marketing and Activation Unit was that the New Year's Eve event should continue due to its substantial positive social, cultural and economic impacts on the Northbridge precinct businesses and contribution to the safety and amenity of the precinct through high profile activation and large numbers of attendees at the event.

If the City does not activate Northbridge with the expected New Year's Eve festivities, there will be a detrimental impact on surrounding business, and significantly reduce foot traffic and possibly contribute to anti-social behaviour, resulting in negative sentiment from the community and media.

Proposed Budget Required

In analysing the requirements to proceed with the 2018 event and seeking cost saving measures which do not impact the delivery of the event, the unit has assessed the cost to deliver the 2018 New Year's Eve Northbridge event as:

Item	Amount	Comments
Logistics and Programming	\$300,000	Includes Fireworks at the cost of \$50,000
Media, Promotion and Production	\$100,000	
SUBTOTAL	\$400,000	
Lotterywest Grant	-\$ 50,000	Potential grant for Fireworks, if not received fireworks will not be included in the programming
TOTAL	\$350,000	

The cost savings have been skilfully and carefully planned to ensure that Capital City expectations can be met for such celebration without public safety being compromised. This was achieved through;

- reduced media spend, owned and earned media will work to reduce impacts of the reduced spend;
- reduction in roving entertainment program replaced with a busking program in collaboration with Arts, Culture and Heritage Unit;

- reduction in the number of acts per stage from three to two;
- reduction of special effects such as stage pyrotechnics and LED screens; and
- potential removal of the fireworks display (pending grant application decision with Lotterywest).

Proposed Budget Solution

The Marketing and Activation Unit has identified potential savings within its 2018/19 budget to the value of \$120,000 which can be allocated to the New Year's Eve Northbridge event. This leaves a shortfall of \$230,000 in the Marketing and Activation budget to deliver the event, this increase in budget which will be requested in the mid-year budget review process, if alternate savings within the organisation operating budget cannot be found.

This budget does not include for the delivery of fireworks for the event, however Lotterywest have advised that they will consider support of the City's New Year's Eve event. A preliminary figure of \$50,000 support has been discussed and the City would be able to have a decision confirmed in late October. This potential funding would facilitate the addition of fireworks back into the New Year's Eve plans.

Financial Implications:

ACCOUNT NO:	PJ 1415 52020 0000
BUDGET ITEM:	Events – New Year's Eve
BUDGETED AMOUNT:	\$0
AMOUNT SPENT TO DATE:	\$82,500
PROPOSED COST:	\$350,000
BALANCE REMAINING:	-\$82,500
ANNUAL MAINTENANCE:	\$0
ESTIMATED WHOLE LIFE COST:	\$350,000

All figures quoted in this report are exclusive of GST.

Comments:

New Year's Eve Northbridge is a long-standing annual family event that aligns with the City's Corporate Business Plan and delivers against the *City of Perth Act 2016*. The potential outcomes of not delivering this event in 2018 is a risk to the City and includes reduced foot traffic to Northbridge, detrimental impact on surrounding business, negative sentiment from community and media.

Report to the Ordinary Council Meeting**Agenda****Heritage Grant - No. 621 Hay Street, Perth****Item 13.10**

Recommendation:

That Council APPROVES a Heritage Grant of \$16,800 (excluding GST) for the preparation of a Conservation Management Plan for No. 621 Hay Street, Perth.

FILE REFERENCE:	P1023383-3
REPORTING UNIT:	Arts, Culture and Heritage
RESPONSIBLE DIRECTORATE:	Economic Development and Activation
DATE:	8 September 2018
ATTACHMENT/S:	Attachment 13.10A – Photograph 621 Hay Street Attachment 13.10B – Assessors Heritage Grant Report

Council Role:

- | | | |
|-------------------------------------|----------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <input type="checkbox"/> | Advocacy | <i>When the Council advocates on its own behalf or on behalf of its community to another level of government/body/agency.</i> |
| <input checked="" type="checkbox"/> | Executive | <i>The substantial direction setting and oversight role of the Council e.g. adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.</i> |
| <input type="checkbox"/> | Legislative | <i>Includes adopting local laws, town planning schemes and policies</i> |
| <input type="checkbox"/> | Quasi-Judicial | <i>When the Council determines an application/matter that directly affects a person's right and interests. The judicial character arises from the obligation to abide by the principles of natural justice. Examples of Quasi-Judicial authority include town planning applications, building licences, applications for other permits/licences (eg under Health Act, Dog Act or Local Laws) and other decisions that may be appealable to the State Administrative Tribunal.</i> |
| <input type="checkbox"/> | Information | <i>For the Council/Committee to note.</i> |

Legislation / Strategic Plan / Policy:**Legislation**Section 8 of the *City of Perth Act 2016***Integrated Planning and Reporting Framework Implications****Strategic Community Plan**

Goal 2 - An exceptionally well designed, functional and accessible city

Goal 6 - A city that celebrates its diverse cultural identity

Policy

Policy No and Name: 18.13 – Sponsorship and Grants

Purpose and Background:

The City of Perth has received a request for a Heritage Grant of \$16,800 (excluding GST) from the owners of 621 Hay Street Perth, to prepare a Conservation and Management Plan (CMP) for the building at the above address.

The request is in accordance with the City of Perth Policy 18.13 Sponsorship and Grants and the Heritage Grant Program Guidelines, which support the full funding of the preparation of a CMP.

Details:

The CMP will deliver standard content which includes research and preparation of history and documentary evidence of the place, documentation of the physical evidence, preparation of a Statement of Significance and areas/levels of significance within the place.

The CMP is needed to inform and assist the Owners in making key decisions about the conservation of the place. The document will be a key guiding document for the owners and the City of Perth for decisions about the building in the future. A schedule of short, medium and long-term works will be developed based on the Statement of Significance to assist the owner in this respect.

The CMP will also provide policies for interpretation of the place and to guide future refurbishment/redevelopment while maintaining its significant fabric and heritage values.

The CMP will greatly assist the City of Perth in developing and telling the stories of not only the building development, who owned it and operated out of the building but also the connections of the place and those people into the broader history of Perth. These stories add to our unique identity and sense of place and help build heritage knowledge.

CMP's are prepared under State Heritage Office guidelines (to a standard set under the Burra Charter) with specified outcomes that are well documented.

These outcomes include:

1. Understanding the significance of a place and its setting - this is important for the owner in understanding their place but for the City in telling the story of Perth.
2. Understanding the zones of significance of the place. Important for the owner in understanding the development potential of the place and for the City in determining development against the significance of the place.
3. Developing policies to guide maintenance which assists the owner in ensuring priorities for works are dealt with. This also assists the City in assessing applications for assistance to ensuring the highest priority conservation matters are prioritised.
4. Developing an action plan including maintenance works for the owner.

A grant of \$16,800 was requested by the applicant for the preparation of a CMP. This is consistent with the 100% funding criteria outlined in the Policy and the amount requested is consistent with the preparation of CMP's for buildings of this size. It is recommended that the grant request is approved.

Financial Implications:

ACCOUNT NO:	PJ1435-51220- 0000-7901
BUDGET ITEM:	Donations and Sponsorships – Heritage Grants
BUDGETED AMOUNT:	\$250,000
AMOUNT SPENT TO DATE:	\$0
PROPOSED COST:	\$16,800
BALANCE REMAINING:	\$233,200
ANNUAL MAINTENANCE:	\$N/A
ESTIMATED WHOLE LIFE COST:	\$N/A

All figures quoted in this report are exclusive of GST.

Comments:

The Assessment Panel recognised the positive benefits of the Conservation Management Plan (CMP) and the value of preparing such documents for the owner and the City. CMPs are prepared in accordance with industry standards and formats.

The Assessment Panel also acknowledged that the documentation supplied by the applicant justifying the CMP was not robust and showed limited effort regarding demonstrating the future benefit of developing the CMP. Because of this, the Assessment Panel scored the applicant relatively low against the assessment criteria (32 out of a total 54, or 59%).

The benefit of commissioning a CMP in accordance with industry standards is an accepted principle and is not questioned. The low scores reflect the quality and articulation of preparing the application, not the CMP benefit itself.

This is the first application for a CMP considered under the Smarty Grants application program and has highlighted criteria/questions in the application process which are not accurately reflective of the intended outcomes and critical information required for this type of grant.

As a result, Officers from the Arts, Culture and Heritage Unit and Business Support and Sponsorship Unit will review and amend the application form to address this matter as a priority, with a view to a simplifying the criteria to better align with the intended outcomes.

Photograph of 621 Hay Street



ATTACHMENT 13.10B

Assessors Heritage Grant Report 621 Hay Street**Heritage Grant Application | 2017/18 | 621 Hay Street**

Applicant	Philip McAllister Architect
Project Start Date	1/12/2018
Project End Date	1/3/2019
Project Address	621 Hay Street, Perth
Project Type	Conservation Management Plan
Heritage Status	Listed as a Heritage Place in the City of Perth Planning Scheme
Total Project Cost	\$16,800
Total Amount Requested	\$16,800
Recommendation	Approval
Recommended amount	\$16,800 (100% of the total project budget)
Assessment Score	32 out of 54 (59.3%)

Applicant Details*Information from the Australian Business Register*

ABN	56 169 726 256
Entity Name	Pmcarch Pty Ltd
Entity Type	Australian Private Company
ABN Status	Active
ATO Endorsed Charity Type	Not endorsed
Goods & Services (GST)	Yes
Endorsed as DGR	No
Tax Concessions	No tax concessions
Main Business Location Postcode	6050 WA
ACNC Registration	No

Project Summary

The applicant is seeking a Heritage Grant from the City of Perth to prepare a Conservation Management Plan (CMP) for 621 Hay Street, Perth, a building listed as a Heritage Place in the City of Perth Planning Scheme.

The CMP is the principal guiding document for the conservation and management of a heritage place. The main objective of the CMP is to ensure that decisions are made regarding

the cultural heritage significance of a heritage place. To that end, a CMP identifies the heritage significance of the place and provides clear policies for the sustainable future of the place.

The process in preparing a CMP is described in the Burra Charter Process and outlined in a guide to Conservation Management Plans set out by the State Heritage Office.

Essentially, this process can be broadly broken down into three parts:

1. Understanding the significance of a place;
2. Developing policies to guide maintenance and change; and
3. Developing an action plan.

The CMP benefits not only the owner but also provides invaluable information to the Council in relation to the history of the place for telling the story of Perth. In addition, the CMP provides the Council with an understanding the significance of place as original fabric and zones of significance are identified and used in the development approval and assessment process.

The funding is consistent with the Heritage Grant Guidelines which provides up to 100% for the preparation of a Conservation Management Plan.

Previous City of Perth Support

The building has been the subject of previous Heritage Grant assistance for façade restoration to the value of \$11,350 in 2011. The building is not a current recipient of the Heritage Rate Concession.

Heritage Grant Application | Assessment Score Card

The application was assessed by a three-person assessment panel and the scoring has been averaged for each outcome.

ASSESSMENT SCORE CARD – ESSENTIAL CRITERIA	
Has the applicant provided a demonstrated need for the document, including what issues the document seeks to inform or resolve?	2.00
Has the applicant detailed how the information will influence future management of the heritage place?	1.67
How do you rate the quality of any requests for proposal or guidelines provided to consultants?	2.00
How do you rate the quality of information provided by the preferred consultants/technical experts in response to the brief?	2.33
How do you rate the overall quality of the application for accuracy, content, detail, attachments and response to the questions?	2.67
TOTAL ASSESSMENT SCORE 10.67 out of 18 (59.3 %)	10.67

Assessment Panel comments:

- In terms of leveraging, it will be outstanding if the Conservation Management Plan can address both the construction of the building c1897 for the estate of Edward Sholl (1854-1896) and its evolving use as Sholl's Buildings;
- There is great potential for activation of public uses facing and looking out onto the Hay Street Mall;
- The application covers off on the brief, however was light on the details across all elements of the scope to develop a conservation management plan;
- It's clear that the capability and capacity exists, however this application would have scored higher if elements of the application were extrapolated upon such as expanding on the light methodology provided and expanding on the "implementation stages", and providing a clearer "schedule" for how the client engagement's required would occur;
- There was little effort made with regards to the future benefit of the development of this plan or how far the benefit could extend;
- It seemed as there was a presumption of understanding of the architectural processes involved in developing a plan. This may be due to existing internal relationships, however outside of that, it makes the application vague, and subsequently recommendation for funding reflects this; and
- The CMP should detail the original use and construction and its changes under later uses, notably as a bookshop and later bridal ware shop. The implementation phases referred to in the application should be clearly scheduled rather than couched in the general terms used in the submission. None of this detracts from the value of the CMP being undertaken and the application is therefore supported.

Report to the Ordinary Council Meeting

Agenda **Skate Park Feasibility Study**
Item 13.11

Recommendation:***That Council:***

- 1. RECEIVES the Skate Park Feasibility Study as outlined in Attachment 13.11A; and**
- 2. NOTES this study will be used to inform future Capital Works Projects.**

FILE REFERENCE:	P1036613
REPORTING UNIT:	Co-ordination and Design
RESPONSIBLE DIRECTORATE:	Planning and Development
DATE:	1 October 2018
ATTACHMENT/S:	Attachment 13.11A – Skate Park Feasibility Study

Council Role:

- | | | |
|-------------------------------------|----------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <input type="checkbox"/> | Advocacy | <i>When the Council advocates on its own behalf or on behalf of its community to another level of government/body/agency.</i> |
| <input checked="" type="checkbox"/> | Executive | <i>The substantial direction setting and oversight role of the Council e.g. adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.</i> |
| <input type="checkbox"/> | Legislative | <i>Includes adopting local laws, town planning schemes and policies</i> |
| <input type="checkbox"/> | Quasi-Judicial | <i>When the Council determines an application/matter that directly affects a person's right and interests. The judicial character arises from the obligation to abide by the principles of natural justice. Examples of Quasi-Judicial authority include town planning applications, building licences, applications for other permits/licences (e.g. under Health Act, Dog Act or Local Laws) and other decisions that may be appealable to the State Administrative Tribunal.</i> |
| <input type="checkbox"/> | Information | <i>For the Council/Committee to note.</i> |

Legislation / Strategic Plan / Policy:

Integrated Planning and Reporting Framework Implications

Strategic Community Plan Goal 1 - A city for people

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 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.
- **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 in the study including:

Type	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

These sites are still subject to further investigation and consultation with the broader community and key stakeholders.

Community Consultation

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.

Financial Implications:

There are no financial implications to this report.

Comments:

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 multi-purpose elements which will cater primarily for families. The Minor Urban Interventions Program will look at the delivery of a small multi-purpose space, subject to further consultation, east of Wellington Street.

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



Final Report
28th June 2018

PLAYCE

Contents

1. Introduction	3
2. A range of users...a 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 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 everyone's 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 scooting 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 everyone's 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.

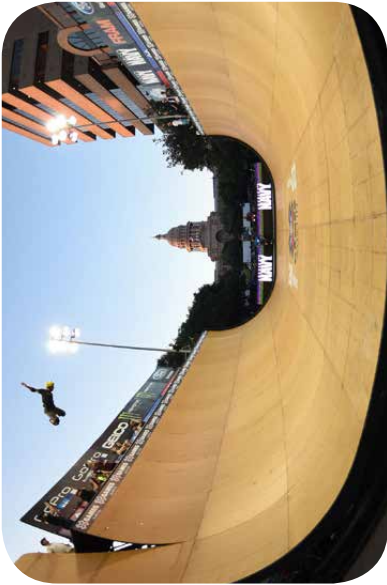
Firstly it is really important to start to understand these various styles of skateboarding and BMX and this is summarised on the following page.

4. A diverse range of types...

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

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



TRANSITION SKATEBOARDING & RIDING

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



'PARK' STYLE SKATEBOARDING & RIDING

Often confused with street or plaza skating, park style skateboarding is utilising contrived elements that were created to replicate urban elements utilized in the 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 over this time have now become standard features found in many skateparks. These include fun boxes, ledges, spines, banks, quarter pipes, jump boxes and hips. They can also include more street focused elements such as rails and ledges and stairs. They can be used for both BMX and skate and most skatepark street courses are essentially a collection of park style elements. The Olympic skateboarding event at Tokyo will be held on a park style course.



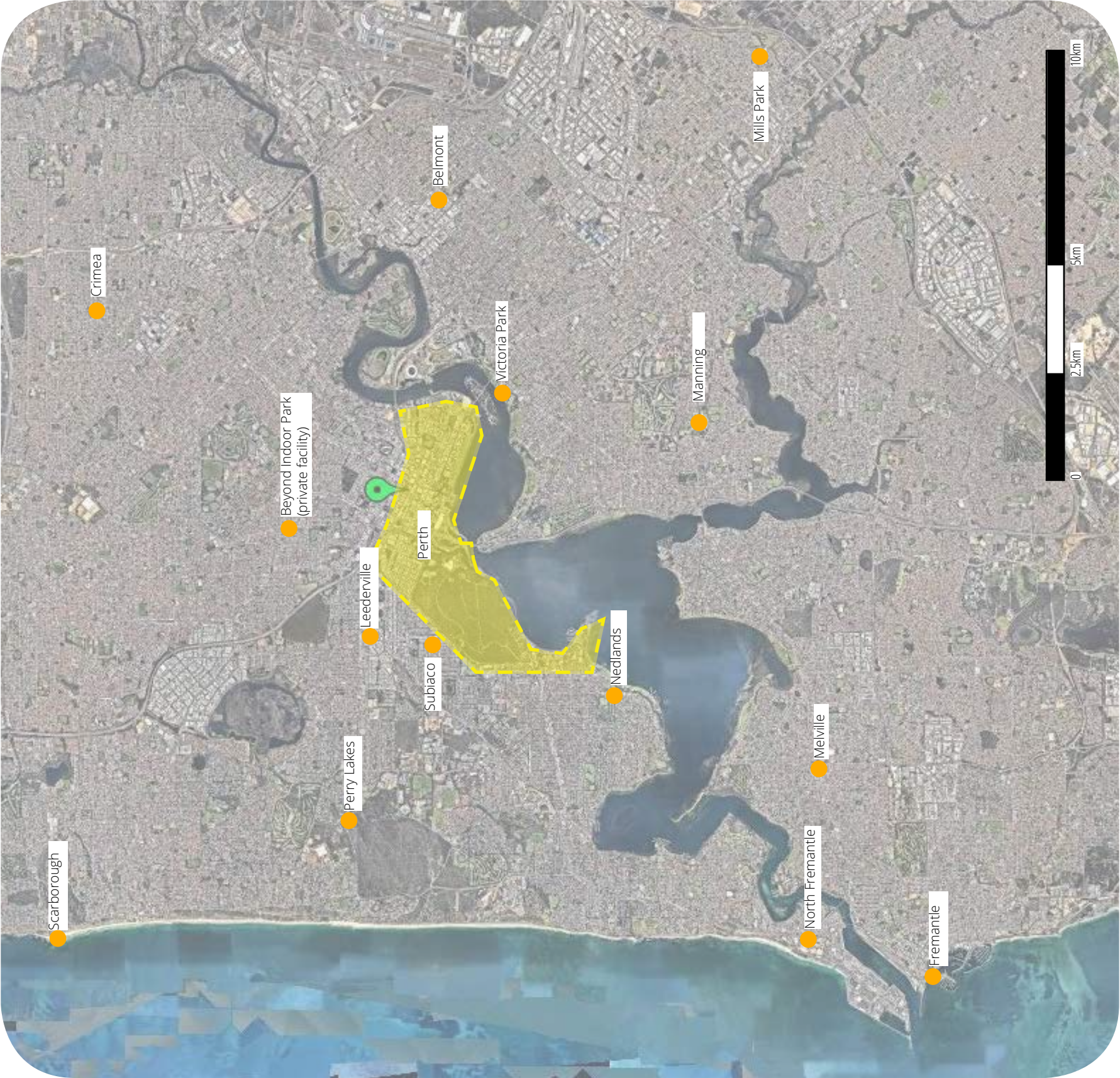
PLAZA OR STREET SKATEBOARDING & RIDING

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



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 bowlled facilities. There are also no major competition level facilities really close to the centre of Perth.



Subiaco Bowl

Transitions - 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



Victoria Park Bowl

Transition - Feature 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 and 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 as 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 it 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
- Margaret River WA 3000 sq.m
- Busselton WA 2700 sq.m
- Box Hill Vic 2500 sq.m
- Noble Park Vic 2500 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.



**Riverside Skatepark,
Melbourne's premier city facility**



Ballam Park Tween Play space, VIC

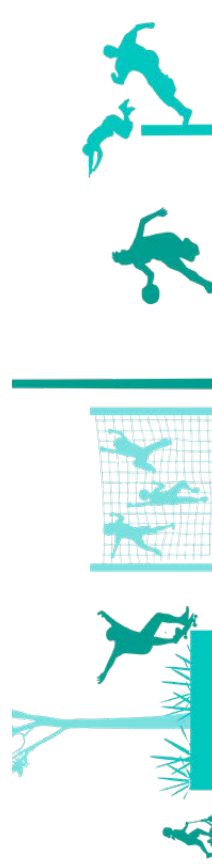
7. A three tiered approach

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

SKATE SPECIFIC



MULTIPURPOSE



SKATEABLE



TYPE OF SPACE	Public open facility. Designated single purpose facility to allow for all designated skate/BMX and scooter requirements	Public open facility Multipurpose space to allow for a range of recreation and play activities to occur including skate/BMX. Complements larger skatepark as local space around where people live.	Public open space Urban area that freely allows skate activity to occur Designed to ensure minimal impact to other users of space
TPOLOGY	Sporting Facility	Play space, Ball Courts, Fitness space	Urban square or similar parcel of land
SCALE	In capital city context a large single space at least 2500 sq.m in size	Skate component could be quite small (100-300 sq.m) as part of larger space	Skate component could be quite small (100-300 sq.m) as a spot or be a larger open space (500-1000 sq.m) if space is available
TYPICAL ELEMENTS	Contrived skate elements such as transition, bowls, street and park style components. May also include some plaza and vert options.	Skate elements form part of larger recreation hub. Could include scooter loop, ledges & rails or mini ramp element	Generally stairs, ledges, gaps and sculptural skateable elements not typically found in purpose built skateparks. Can be iconic and unique to Perth for global recognition and attraction.
USERS IT CATERS FOR	Transition, bowl, park and street style skaters and riders. Those interested in using a space for a longer time to practice and socialise. Opportunities for those wanting to train for Olympics and participate and watch events and competitions.	Beginner skaters, scooterers and riders. More of family experience as part of broader play experience for teens and younger children. Also local residents that want to have short stay skate opportunity without traveling large distances to go to major facility.	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 CBD spots.
AGES IT CATERS FOR	Caters for all ages including young children learning as well as older skaters and riders. Truly intergenerational as given skateparks first rose to prominence in the 1980's, there are now generations of skaters and riders that still participate.	Caters for all ages of residents who live locally but focuses more on young children and their families, older teens and young adults as part of a larger recreation/play precinct.	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
BENEFITS	Provides central open major facility to allow progression of all sports from beginner to advanced. Allows for high end training, participating in events and competitions. Is large, open and can be activated regularly. Becomes the central major skatepark for the whole of Perth and a destination sporting facility for both locals and visitors accordingly.	Allows for localised skate provision at a small scale for local residents and younger children without need to travel to large facility. Essentially provides tween play to complement other recreation and play options such as ball courts, parkour or fitness. Allows for teens and young adults living in suburbs to also enjoy skate informally as part of larger precinct.	Provides those interested in street skating a safe and well designed space where they want to skate. It also ensures other illegal skateboarding can be managed 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 surveillance in the city.
SITING CONSIDERATIONS	Needs to be in a central easily accessible location. Whilst an urban space is an option, it can easily be accommodated in parkland context. Space needs to be large enough to cater for facility and associated ancillary requirements such as parking, toilets etc..	Needs to be aligned with other play and recreation spaces such as a playground and/or ball courts in a public neighbourhood park or space. Can be urban but important that it is close to residential areas for ease of access and use.	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.
PRECEDENTS			
<p>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.</p> <p>WA examples include the Fremantle Youth Plaza (1600 sq.m) and recently opened Margaret River Youth Precinct (Approx 3000 sq.m).</p>		<p>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 bounding and rebound wall and other play & fitness elements bound the facility. It is the first tween focused playspace of its kind in Australia.</p> <p>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 components.</p>	

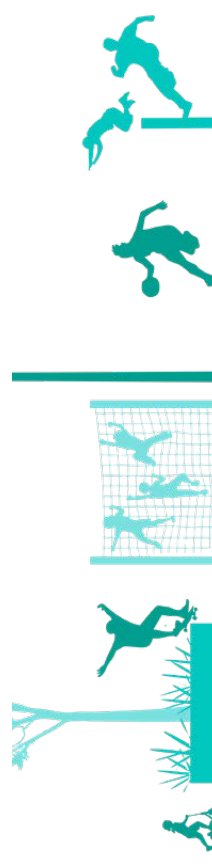
8. Key site considerations

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.

SKATE SPECIFIC



MULTIPURPOSE



SKATEABLE



TYPOLOGY DESCRIPTION	Purpose built large destination skatepark with designated transition, bowl and park areas that enable progression from beginner through to advanced.	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.	Urban area that freely allows skate activity to occur.
Scale	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	Local scale only. Perhaps 2-300 sq.m of rideable terrain as part of larger recreation precinct.	Local scale or larger depending on available space. Perhaps 300 sq.m of rideable terrain as part of urban space or street or associated path corridor or more if available.
Event requirements	Critical. Space will need adequate space for temporary seating and associated infrastructure.	N/A	N/A
Car parking requirements	Carparking preferred in line with other similar scaled sports facilities. Approx 20 spaces unless in highly urban space walking distance from major public transport.	N/A unless part of a larger recreation and playspace that is of a destination level	N/A
Contextural considerations	Should be either in easily accessible parkland or major urban space close to major public transport hub.	Should be in easily accessible parkland close to residential areas	Should be in urban space in general proximity to youth attractive spaces such as cinemas, TAFE, university, commercial food outlets or schools.
Proximity to Public Transport	Important if no parking available on site.	Preferable	Assumes central location that is close to public transport.
Walkability/Shared Access	Important to have connections to bike and walking paths	Critical. This space considered local and so walkability important.	Critical. Part of existing CBD so central and accessible
Proximity to housing	Be at least 100m from any residential building	Close to housing for access but at least 50m to avoid any noise impact	In CBD so not close to housing.
Proximity to other key services	Beneficial to be close to food outlets given long stay focus of space	N/A	N/A
Complementary recreation opportunities	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 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.	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 development.	If opportunities to be close to youth services or other community support then this should be encouraged but not critical for space to function.
Good natural surveillance	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	Space needs to be open, have clear sight lines be in line with CPTED requirements
Appropriate safety & entry signage	Yes	Yes	Yes
Emergency vehicle access	Yes. Required given regional nature of facility	Yes.	Yes.
Cleaning access	Critical to ensure ease of access for maintenance & cleaning	Access for maintenance & cleaning is important.	Access for maintenance & cleaning is important.
Shelter/shade	Major permanent shade is really important	Major permanent shade is preferred as part of broader development	Major permanent shade is preferred as part of broader development
Drinking fountain	Yes	Yes	Yes
Rubbish bins	Yes	Yes	Yes
Toilets (close proximity)	yes. Given regional nature of space, toilets are required for the facility or walking distance.	Dependent of scale of broader development. Not critical for skate component.	Dependent of scale of broader development. Not critical for skate component.
Night time sports level lighting with cut off capacity	Critical	N/A	N/A
Designated seating and viewing areas	yes	Yes	Yes

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 corner 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 pop up 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

10. Site locations

Sites	
1	Wellington St (near corner of Barrack Street)
2	Cultural Centre Carpark (State Government owned)
3	Museum St
4	Urban space between Aberdeen & Lipfert Street
5	Swan River foreshore east, south of existing carpark.
6	Russell Square, Northbridge
7	Wellington Square



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.

12. Skate Specific (& Play)

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;

- 1. Governors Avenue
- 2. 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 now have appropriate major play and skate facilities in line with other major capital cities globally.

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.

As part of the actual design phase, which ever site is chosen would be consolidated and refined to accommodate for existing trees, viewing areas, amenity and access accordingly. Also the options shown are just 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.

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 this site has reclaimed land. All of these costs would be an additional consideration.

Option 1: Governors Avenue

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

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 provision in such a high profile location would have significant community benefit. Estimates have calculated approximately 60 car parks would be removed with this approach.

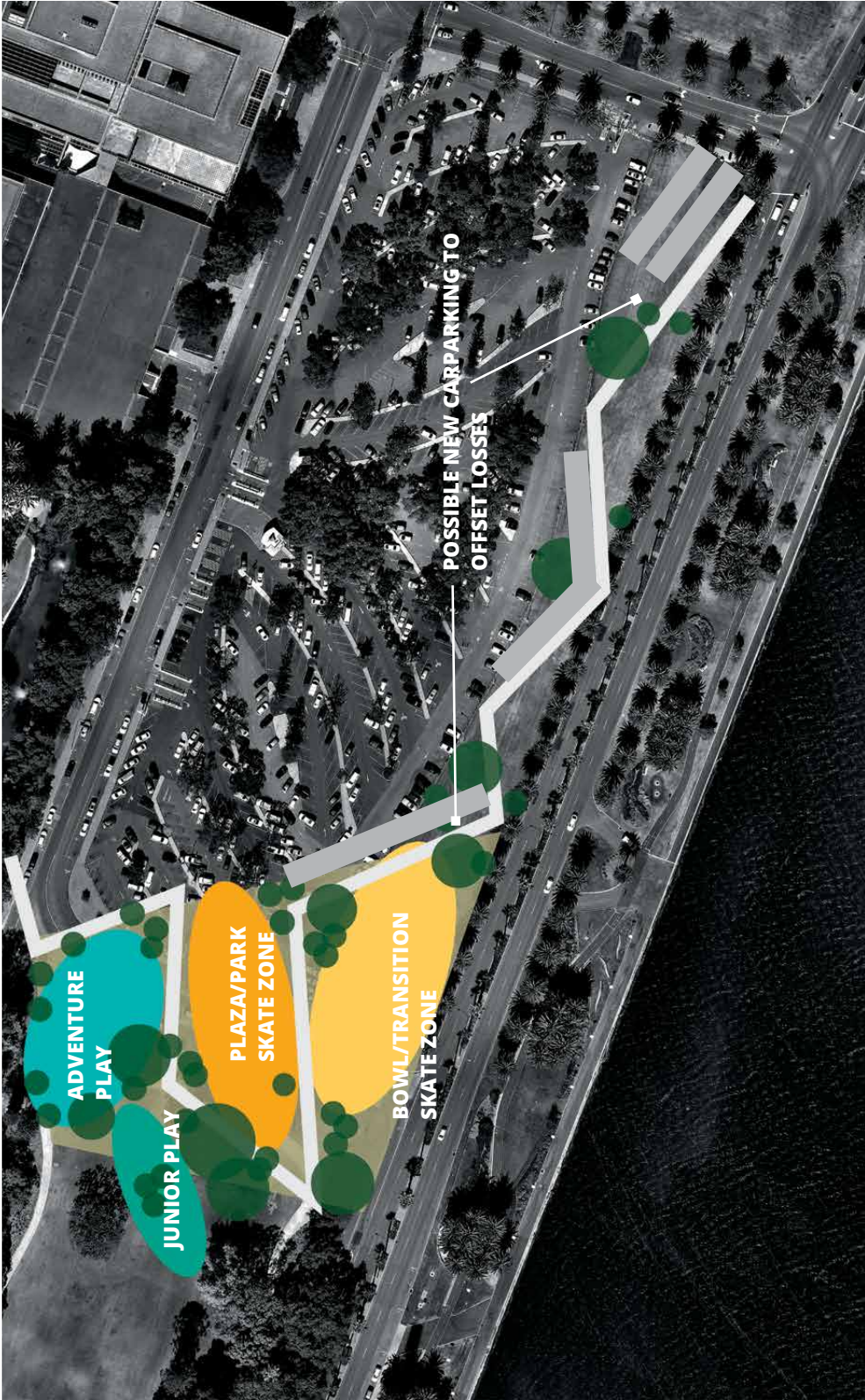
Given there are over 800 carparks in the overall precinct then this represents only 7% loss of car parking to accommodate such a significant recreation space. There is also opportunities to increase carparking in the south eastern corner of the site to offset losses.

Summary

- ✓ Large open space area enables play and skate to integrate as single precinct
- ✓ Connects directly with major public park
- ✓ Returns existing road & carpark infrastructure back to public recreation use
- ✓ Reasonable distance from major roads
- ✗ Loss of carparking and realignment of carpark entrances
- ✓ New carparking can be accommodated in southern lawn
- ✓ Strong connections to Elizabeth Quay

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



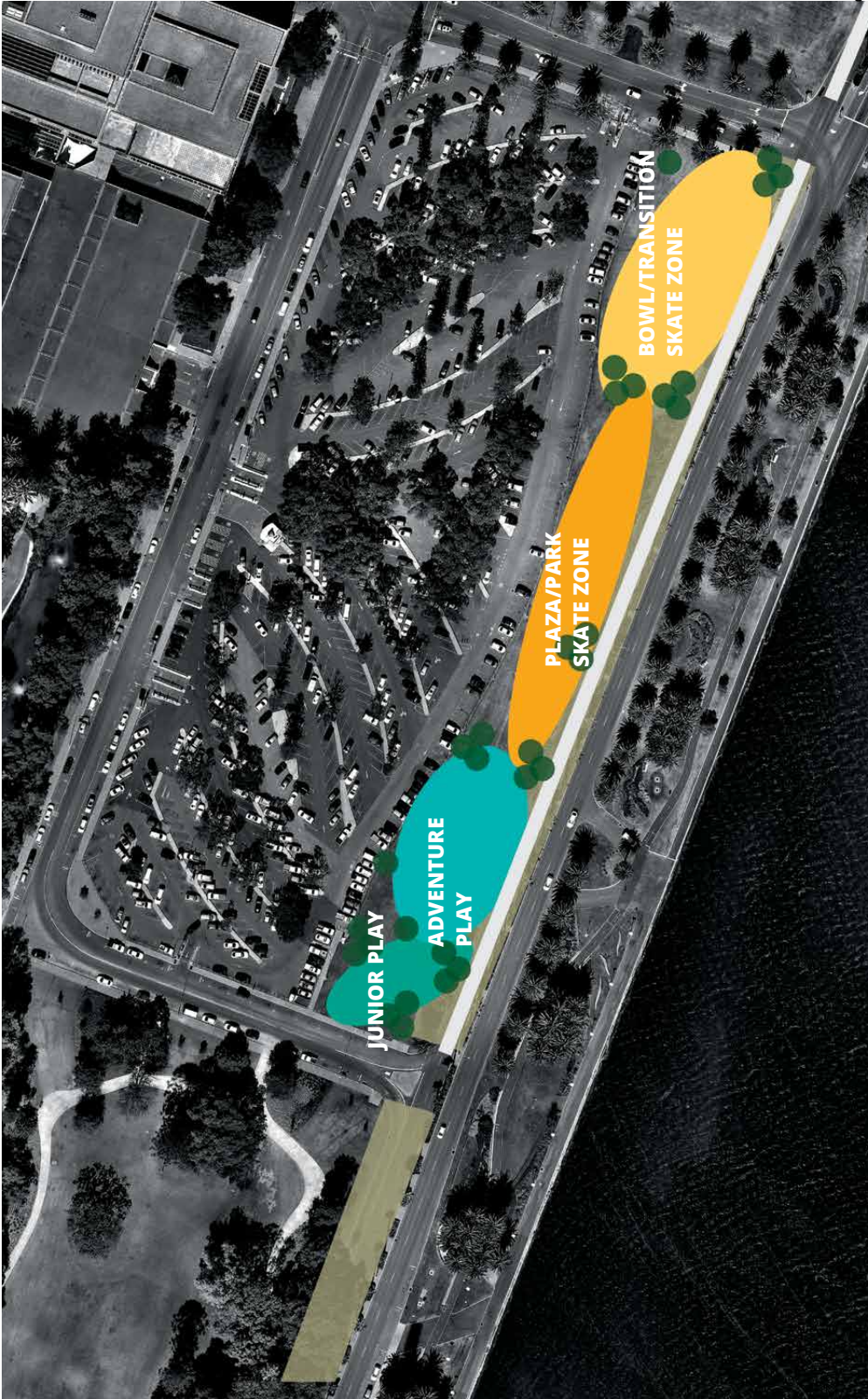
Option 2: Southern Lawn

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*



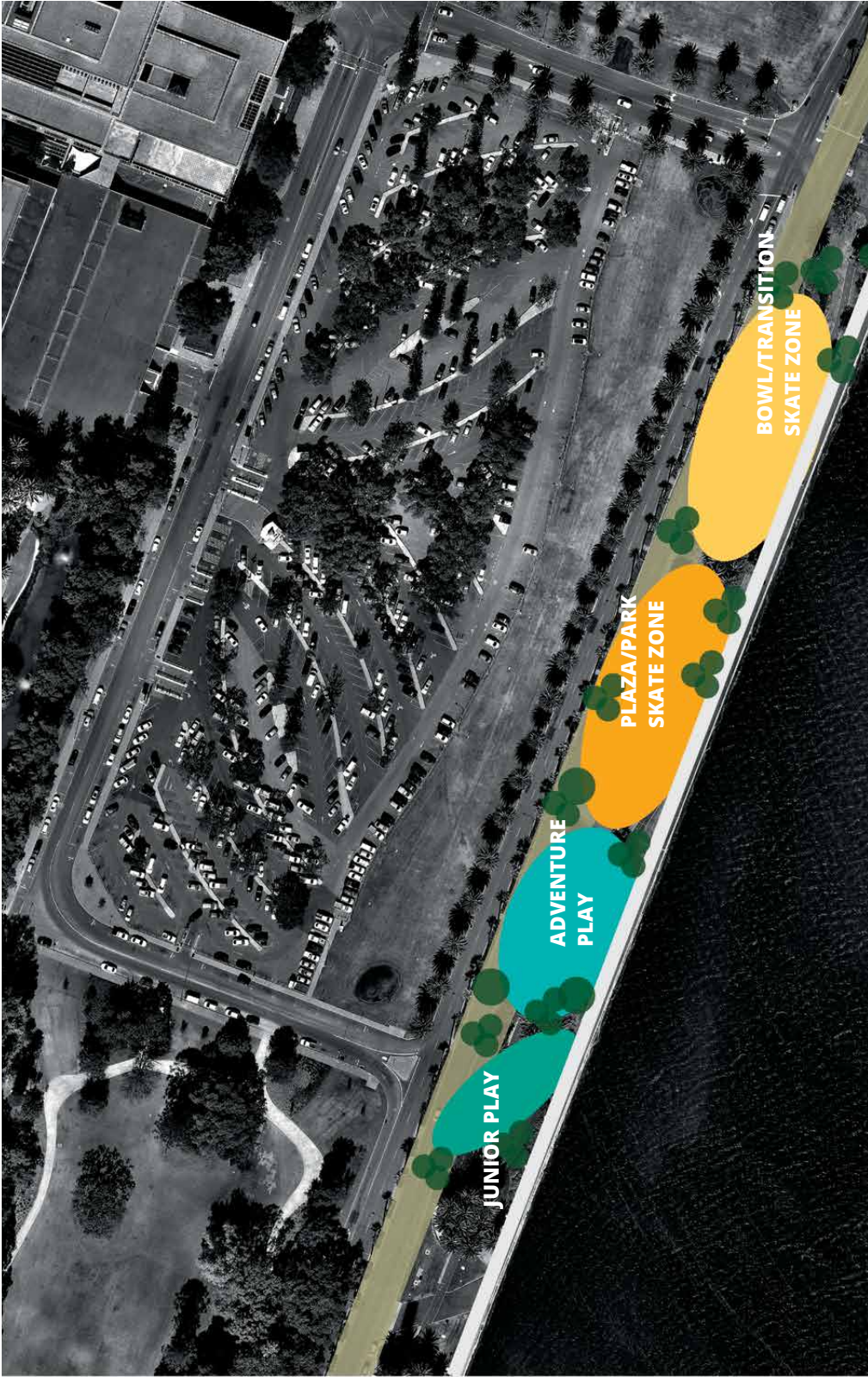
Option 3: Foreshore

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*



13. Skateable

There are three sites that Playce has outlined as being potentially suitable for some skateable infrastructure. These are;

- 1. Wellington Street
- 2. Cultural Centre Carpark
- 3. Museum Street

Each of these sites are very different and could be implemented in different ways. For example Wellington Street could accommodate a small skateable spot whereas the cultural centre carpark could be a larger public square. Museum Street could a great location for a temporary pop up skate space to test interest and use.

Therefore Playce has outlined the opportunities for all of these and potentially all three could be implemented over time given the different role they play with skate provision in the city. These are shown on 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

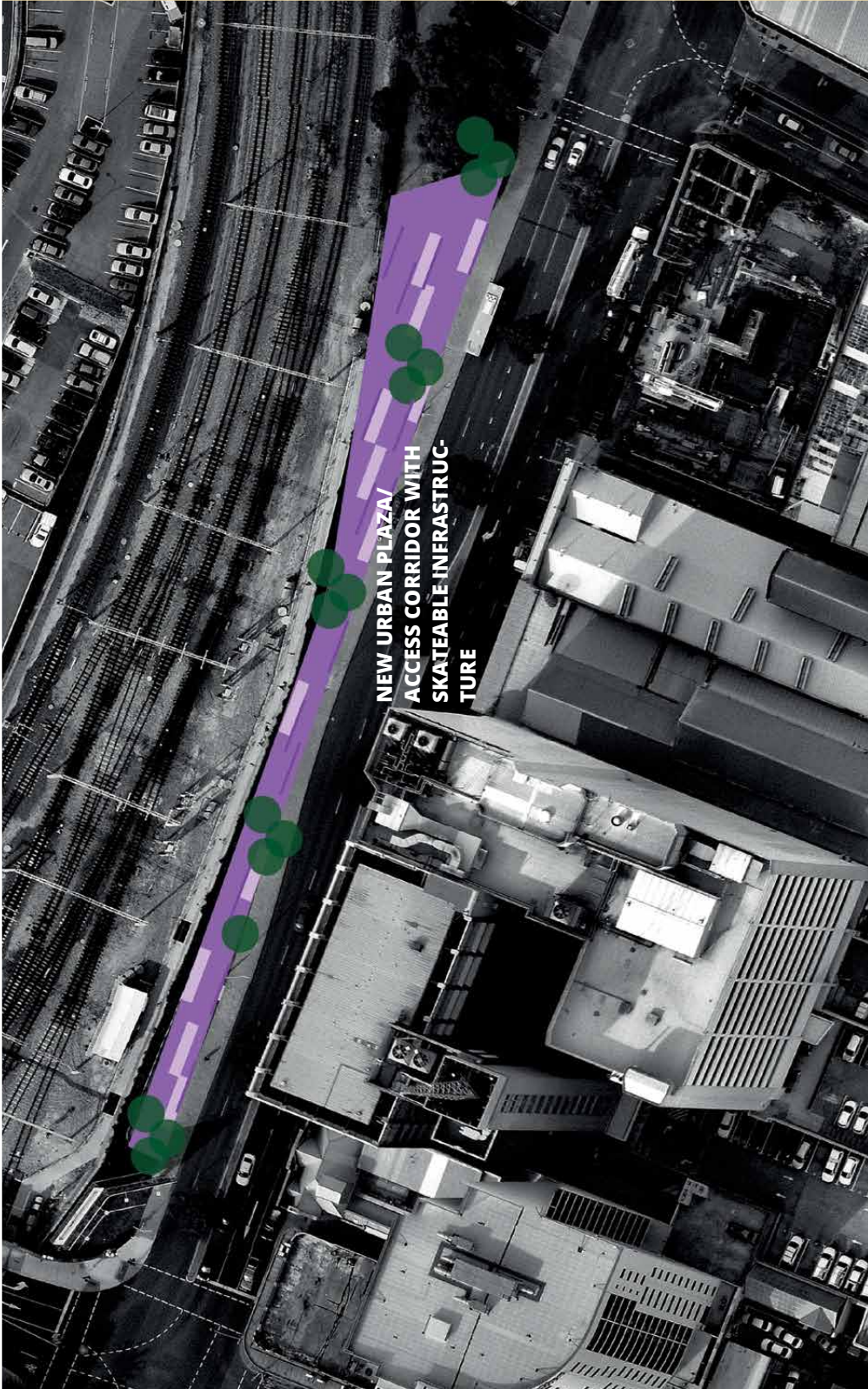
Site 1: Wellington Street

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 obstacles that can be sessioned in one run or allow different users to hit up different sections at the 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 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.

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*
- ✗ *Close to rail so noisy*
- ✗ *Requires consideration of other users as thoroughfare*



Site 2: Cultural Centre Carpark

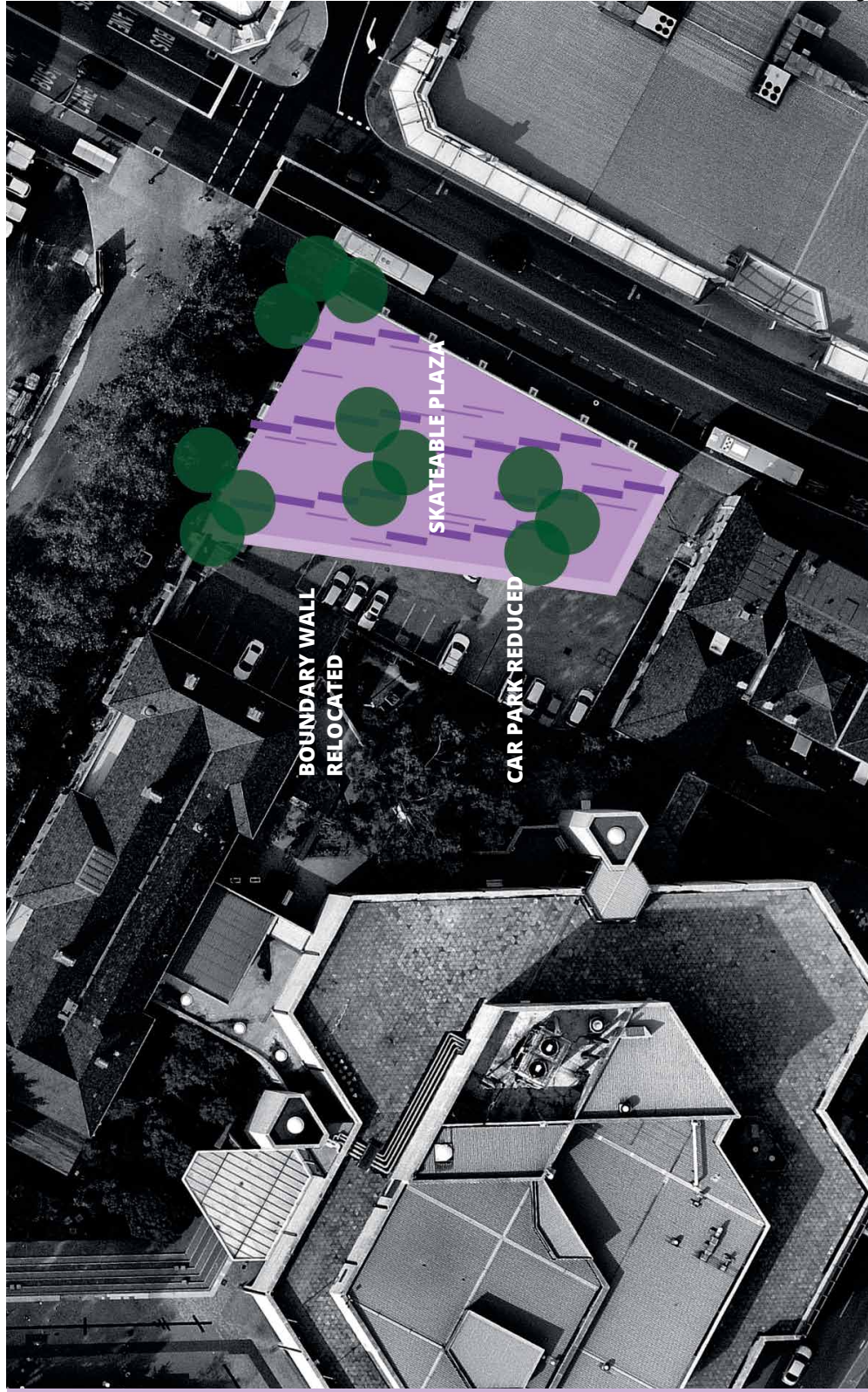
This second option is more aspirational in its focus. Whilst it is an existing government carpark, given the lack of usable public open space in the city and extensive carparking options, being able to return this back to public open space would be a great outcome for everyone in the community to benefit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

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

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 associated open space could have an artistic/sculptural theme and allow for temporary installations and exhibitions with a youth or contemporary focus.

Summary

- ✓ *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

The final option is looking at another skateable space that could be either permanent or temporary open 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 skated) and replace with some designated skate obstacles.

Similar to the options above, they can be sculptural in nature and provide opportunities for a range of skate users in a city locale. The space is also linear, like Wellington Street, so a similar approach would be taken with a designated thoroughfare being developed with some boundary seating or barriers and then obstacles 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*
- ✗ *Requires consideration of traffic and parking*



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.

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 can 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."

Report to the Ordinary Council Meeting

Agenda **Parklets Policy**
Item 13.12

Recommendation:***That Council:***

1. ***RECEIVES the 'Council Resolution Parklets Policy – Investigations report' as detailed in Attachment 13.12A in response to the Notice of Motion requesting the preparation of a Parklet Policy; and***
2. ***NOTES that this proposal will not be progressed as a policy, however the principles will be further explored, on a fit-for-purpose basis across each of the city's neighbourhoods, as part of the City's existing capital operations and minor urban interventions program or in partnership with the private sector.***

FILE REFERENCE:	P1036745
REPORTING UNIT:	Co-ordination and Design
RESPONSIBLE DIRECTORATE:	Planning and Development
DATE:	1 October 2018
ATTACHMENT/S:	Attachment 13.12A – Council Resolution Parklets Policy - Investigations

Council Role:

- | | | |
|-------------------------------------|----------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <input type="checkbox"/> | Advocacy | <i>When the Council advocates on its own behalf or on behalf of its community to another level of government/body/agency.</i> |
| <input checked="" type="checkbox"/> | Executive | <i>The substantial direction setting and oversight role of the Council e.g. adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.</i> |
| <input type="checkbox"/> | Legislative | <i>Includes adopting local laws, town planning schemes and policies</i> |
| <input type="checkbox"/> | Quasi-Judicial | <i>When the Council determines an application/matter that directly affects a person's right and interests. The judicial character arises from the obligation to abide by the principles of natural justice. Examples of Quasi-Judicial authority include town planning applications, building licences, applications for other permits/licences (e.g. under Health Act, Dog Act or Local Laws) and other decisions that may be appealable to the State Administrative Tribunal.</i> |
| <input type="checkbox"/> | Information | <i>For the Council/Committee to note.</i> |

Legislation / Strategic Plan / Policy:

**Integrated Planning and
Reporting Framework
Implications**

Strategic Community Plan
Goal 1 - A city for people

Purpose and Background:

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.*
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 investigations undertaken which have been captured in Attachment 13.12A and include 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 (Attachment 13.12A) 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.

Separate to these investigations, but which has helped to inform the investigations report (Attachment 13.12A), the City has undertaken a detailed review and update of its approach to alfresco dining across the city and as part of the City Planning Scheme undertaken a city centres analysis of each of the neighbourhoods. As identified in Attachment 13.12A the 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 facilitating parklets or the function of parklets within these existing operations, Capital Works programs, if they are deemed a suitable response for a particular site. Therefore, there is no compelling need for a Parklets Policy.

Stakeholder Engagement

External stakeholder engagement as part of City Planning Strategy and Outdoor Dining Policy was used to inform this report. The idea of parklets did not feature as a priority for stakeholders in the consultation for the Outdoor Dining Policy and Guidelines.

Financial Implications:

There are no financial implications to this report.

Comments:

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.

Therefore, it is recommended that a Parklets Policy not be further progressed and the principles be further explored in the future approach to the city neighbourhoods. This will ensure a fit for purpose response is delivered.

Council Resolution Parklets Policy - Investigations

August 2018

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.

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 Dining 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 involve 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	Existing Public Realm & Potential for Parklet
<p>Hay Street West</p>  <p><i>Minor Urban Intervention, Outdoor Dining</i></p>	<p>Description: The public realm has wide footpaths and there are some good areas of street tree planting. Opportunities for outdoor dining are provided.</p> <p>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.</p>
<p>Hamilton & Watertown</p>  <p><i>City West Centre Photo from City Centres Analysis (2018)</i></p>	<p>Description: The public realm is negatively impacted by box retail, the railway and freeway.</p> <p>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.</p>


Central Perth

Location	Existing Public Realm & Potential for Parklets
<p>CBD</p>  <p><i>Wolf Lane</i></p> <p><i>Wold Lane photo from City Centres Analysis (2018)</i></p>	<p>Description: High quality public realm and pedestrian environment. Opportunities for outdoor dining are provided.</p> <p>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 on-street car parking bays.</p> <p>The intensity of activity within the city and competing functions and uses mean that the introduction of parklets would be difficult to achieve.</p>
<p>Hay Street East</p>  <p><i>Public Outdoor Dining Room</i></p>	<p>Description: The public realm is functional and robust with wide footpaths and some attractive street trees.</p> <p>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.</p>


Northbridge

Location	Existing Public Realm & Potential for Parklets
<p>James Street</p> 	<p>Description: The quality of public realm in Northbridge varies, however there are ample opportunities for outdoor dining.</p> <p>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.</p> <p>The intensity of activity within Northbridge and competing uses mean that the introduction of parklets would be difficult to achieve.</p>



Claisebrook

Location	Existing Public Realm & Potential for Parklet
<p>Royal Street</p>  <p><i>Photo from City Centres Analysis (2018)</i></p>	<p>Description: Wide streets with accessible footpaths. The area lacks vibrancy and there are safety concerns around Claisebrook Train Station.</p> <p>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.</p> <p>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.</p>

East Perth

Location	Existing Public Realm & Potential for Parklet
<p>WACA</p>  <p><i>Photo from City Centres Analysis (2018)</i></p>	<p>Description: The public realm is negatively impacted by a lack of cohesion between land uses.</p> <p>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.</p> <p>Whilst there is opportunity for improvements within the public realm its current condition does not prevent outdoor dining.</p> <p>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.</p>

Crawley-Nedlands

Location	Existing Public Realm & Potential for Parklet
<p>Hampden Road</p>  <p><i>Photo from City Centres Analysis (2018)</i></p>	<p>Description: Footpaths are narrow and carparking is given higher priority than pedestrians.</p> <p>Parklet Potential: Parklets may be an appropriate temporary intervention and warrants further investigation and consultation alongside other potential improvements to the public realm.</p>
<p>Broadway</p>  <p><i>Photo from City Centres Analysis (2018)</i></p>	<p>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.</p> <p>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.</p>

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**14.4**

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

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).

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 Deputy Lord Mayor Green on 6 February 2018 for the consideration of Council (CM 31990/18):

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 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.

14.6

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:
 - a. 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;
 - b. 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.

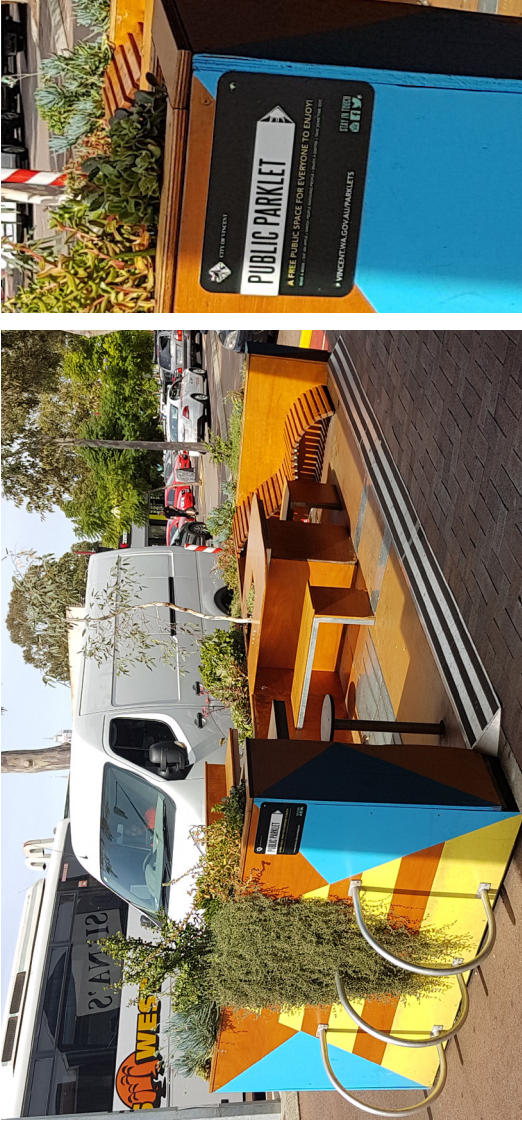
The East End Revitalisation Program includes the lighting upgrade to Hay Street, between Barrack and Pier Street. All other major lighting upgrades for 2018/2019 are within the implementation program.

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.

OPEN TO PUBLIC



Oxford Street, Leederville | City of Vincent

OUTDOOR DINING



Newcastle Street, Leederville | City of Vincent



Oxford Street, Leederville | City of Vincent



Albany Highway | Town of Victoria Park



Albany Highway | Town of Victoria Park



William Street, Perth | City of Vincent



Oxford Street, Leederville | City of Vincent



Oxford Street, Leederville | City of Vincent



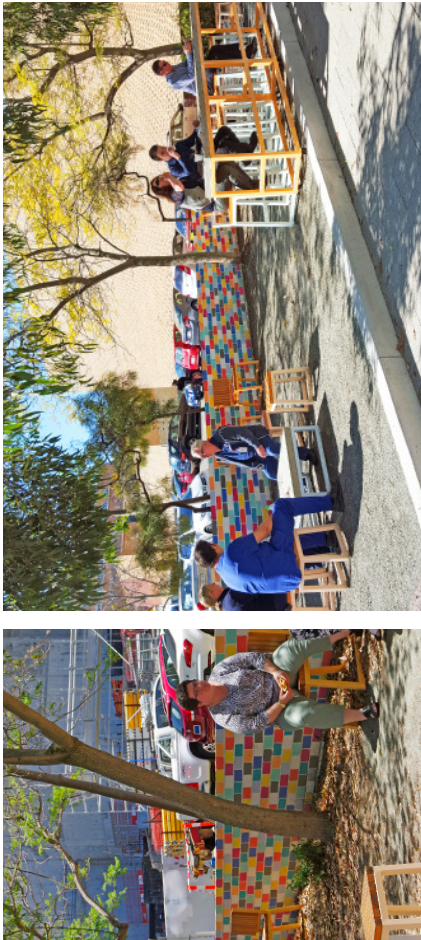
Rokeby Road | City of Subiaco



City of Perth

PARKLET CONCEPT - ADJOINING MUNICIPALITIES

| May 2018



Outdoor Dining Room | Hay Street, Perth



The Birdcages | Murray Street, Perth



Minor Urban | Hay Street, West Perth



Minor Urban | Hay Street, East Perth



Chess Boards | Lake Street, Northbridge



Urban Lounge | William Street, Northbridge



Report to the Ordinary Council Meeting

Agenda **Outdoor Dining – Policy and Guidelines**
Item 13.13

Recommendation:

That Council:

1. ***RECEIVES the consultation on the Draft Outdoor Dining Policy and Guidelines as detailed in Attachment 13.13A;***
2. ***RESCINDS Council Policy 14.1 – Alfresco Dining 2000 as detailed in Attachment 13.13C;***
3. ***RESCINDS Council Policy 14.2 – Consumption of Alcohol in Alfresco Dining Areas without a Substantial Meal as detailed in Attachment 13.13D;***
4. ***ADOPTS the Council Policy 14.1 – Outdoor Dining Policy detailed in Attachment 13.13B;***
5. ***ENDORSES the Outdoor Dining Guidelines as detailed in Attachment 13.13E;***
6. ***RECEIVES information as detailed in Attachment 13.13F in relation to other Perth local government fee structures as a comparison to the City of Perth's proposed annual outdoor dining fee; and***
7. ***RECEIVES information in relation to an online service to process and manage applications.***

FILE REFERENCE:	P1014820
REPORTING UNIT:	Co-ordination and Design
RESPONSIBLE DIRECTORATE:	Planning and Development
DATE:	17 October 2018
ATTACHMENT/S:	Attachment 13.13A – Consultation summary Attachment 13.13B – Council Policy 14.1 – Outdoor Dining Policy Attachment 13.13C – Council Policy 14.1 – Alfresco Dining 2000 Attachment 13.13D – Council Policy 14.2 - Consumption of Alcohol in Alfresco Dining Areas without a Substantial Meal Attachment 13.13E – Outdoor Dining Guidelines Attachment 13.13F – Outdoor Dining Fee Comparison

Council Role:

- | | | |
|-------------------------------------|----------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <input type="checkbox"/> | Advocacy | <i>When the Council advocates on its own behalf or on behalf of its community to another level of government/body/agency.</i> |
| <input type="checkbox"/> | Executive | <i>The substantial direction setting and oversight role of the Council e.g. adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.</i> |
| <input checked="" type="checkbox"/> | Legislative | <i>Includes adopting local laws, town planning schemes and policies</i> |
| <input type="checkbox"/> | Quasi-Judicial | <i>When the Council determines an application/matter that directly affects a person's right and interests. The judicial character arises from the obligation to abide by the principles of natural justice. Examples of Quasi-Judicial authority include town planning applications, building licences, applications for other permits/licences (e.g. under Health Act, Dog Act or Local Laws) and other decisions that may be appealable to the State Administrative Tribunal.</i> |
| <input type="checkbox"/> | Information | <i>For the Council/Committee to note.</i> |

Legislation / Strategic Plan / Policy:

**Integrated Planning and
Reporting Framework
Implications**

Strategic Community Plan
Goal 1 - A city for people

Purpose and Background:

At its Planning Committee meeting held on **21 June 2016**, a notice of motion was put requesting:

"That the administration prepares a report for the consideration of outlining how the Alfresco Dining Local Law (2009) and Alfresco Dining Policy 2000 can be amended to allow licensees, to, on a temporary basis only, i.e. not more than once per week, be allowed to, inside their existing alfresco permit area, prepare food and drink."

At its meeting held on **1 November 2016**, Council received a report requesting consideration on the implications of permitting the preparation of food and beverage on a temporary basis in alfresco areas and its implications on the *City of Perth Alfresco Dining Local Law 2009* and Council Policy 14.4 – Alfresco Dining Policy 2000.

Council noted that Policy 14.4 – Alfresco Dining Policy 2000 and the *City of Perth Alfresco Dining Local Law 2009* would be reviewed in 2017.

An Alfresco Working Group (the Group) was established in March 2017 tasked with reviewing the local law, policy, fee structure and design guidelines associated with alfresco dining. This review included community engagement and submissions from external stakeholders in July 2017 which informed the Groups' preliminary recommendations to Council.

At its meeting held on **21 November 2017**, detail of the Community Engagement survey was provided to Council which informed a suite of major changes including the development of a new Policy and Guidelines.

At its meeting held on **21 November 2017**, Council also endorsed the following:

- 1.1 the implementation of an annual Alfresco Dining Fee Rate of \$40.00 per square metre from 1 January 2018 as detailed in this Report;*
- 1.2 the allowance of beverage preparation and service from within the outdoor dining area;*
- 1.3 the allowance of service of pre-packaged food from within the outdoor dining area;*
- 1.4 the change of program name to Outdoor Dining;*
- 1.5 the reduction of the pedestrian clearance in the new outdoor dining zones;*
- 1.6 the permission of alcohol consumption whilst standing in an outdoor dining area;*
- 1.7 the renewal period from annually to three yearly;*
- 1.8 the option of a payment plan; and*
- 1.9 the proposed future timeline as detailed in this report.*
- 2. That Council NOTES, subject to endorsement in Part 1 above, the following will be submitted to Council for approval as detailed in this Report:*
 - 2.1 Amendments made to the City of Perth Alfresco Dining Policy 2000 and Alfresco Dining Local Law (2009);*

At its meeting held on **31 July 2018**, Council endorsed the following:

- 1. Approves the draft Council Policy 14.1 Outdoor Dining Policy (as detailed in Attachment 13.11B) for consultation purposes;*
- 2. Notes that a review of the Outdoor Dining Policy will be undertaken after the first year and then updated every three years;*
- 3. Endorses the draft Outdoor Dining Guidelines (as detailed in Attachment 13.11C for consultation purposes;*

4. *Notes that the results of the consultation will be presented to Council at a future meeting as soon as is possible;*
5. *Reviews the proposed fee structure endorsed by Council 21 November 2017 item 1.1 which read endorsed: “the implementation of an annual alfresco dining fee of \$40 per square metre from 1 January 2018 as detailed in this report’ to ensure that the City of Perth fee structure be competitive with other Perth local government fee structures;*
6. *Investigates the development of an online self-service function to facilitate the efficient and effective processing and management of applications; and*
7. *Following the consultation process a revised policy and guidelines will be presented to Council for approval as soon as possible and no later than December 2018*

Details:

Community and stakeholder engagement on the Draft Outdoor Dining Policy and Guidelines commenced on 24 August 2018 for a period of four weeks. Below is a summary of the 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; and
- 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 of Perth 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 13.13F) demonstrates that the City of Perth’s proposed fee of \$40 sq/m is amongst the cheapest rate in the metropolitan area.

Stakeholder Engagement

Stakeholder and community participation was identified as critical in the development of the proposed new policy and guidelines.

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 which attracted 17 responses.

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

Financial Implications:

The City has implemented an online Outdoor Dining registration process with the Information Technology System Pathways. Until June 2018, the registration process was paper based. The Pathway system has been adapted to fit the process, however as the system is not intuitive there are limitations requiring a large amount of officer support and extra input from the applicant.

As the IT system is not intuitive the tasks and actions associated with each application are increased. These items include:

- Data validation to cross reference with main database to ensure Food Business data is not corrupt and filing in the Records Management System;
- Review of plans to ensure compliance to the Disability Action Inclusion Plan and ensure equal access for all people, and adheres to Outdoor Guidelines. Safety of all items in each outdoor area is assessed on its own merits;

- Referral to internal Business Units such as Waste and Coordination and Design Unit for review (Waste review each application to assess the position of fixed bins and weekly collection points for buildings so bins can be collected without the area being blocked. The ability to use the street cleaning machines in each area is also reviewed); and
- Issue of permit.

The administration costs (including review by required Business Units) associated with processing each application is estimated at \$255. Based on 236 applications the annual fee would be \$60,180.

With an intuitive system, some of these processes could be reduced thus reducing the overall cost.

There are currently no systems available at the city to enable the process for both applicants and officers to be easier. To purchase a system and implement it would cost approximately \$150,000.

The City of Perth's fee of \$40 sq/m is amongst the most cost competitive rate in the metropolitan area (demonstrated in Attachment 13.13F).

Application Process:

The City of Vincent issues permits for immediate use, without first reviewing the application. This means that until the application is reviewed the Outdoor Dining area may be noncompliant but still operating. This has the potential to compromise the safety of, and access to public places for all stakeholders.

The City of Perth have a more detailed application process which focusses on the amenity of the area, the safety and adherence to Plans such as the Disability Access Inclusion Plan. The City also places high emphasis on liaising with the Food Premises and forming strong relationships. This ensures the City can continue to clean and maintain the area, assist with selection of outdoor furniture and items, and creating high quality public realm to support the business. This relationship formation is a critical link to achieve the positive outcomes for all stakeholders.

Comments:

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.

To further support the newly adopted Council Policy 14.1 and the guidelines, Council Policy 14.2 has been rescinded. This will ensure the City aligns with the *Liquor Control Amendment Bill 2018* and that there is not overlap between the policy and guidelines.

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: <ol style="list-style-type: none"> 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. 2. The guidelines clearly explain the required clearances and setback 3. 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. 4. The guidelines and attached checklists clearly explain the application process. 5. Is there any other information not currently in the guidelines which you feel should be added? 6. Is there any additional feedback you would like to provide on the policy and guidelines? 										
#	CM Ref	Date	Type	Q1	Q2	Q3	Q4	Q5	Q6	City of Perth Response
01	247544/18	17/08	Visitor	Agree	Yes	Yes	Yes	No answer	No answer	
02	247539/18	28/08	Worker	Agree	Yes	Yes	Yes	No answer	No answer	
03	247540/18	24/08	Visitor	Agree	Not read	Not read	Not read	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.	Q6: Noted. The guidelines and policy will help to improve the quality and thus attractiveness of outdoor dining in the City.

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.
2. The guidelines clearly explain the required clearances and setback
3. 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.
4. The guidelines and attached checklists clearly explain the application process.
5. Is there any other information not currently in the guidelines which you feel should be added?
6. Is there any additional feedback you would like to provide on the policy and guidelines?

#	CM Ref	Date	Type	Q1	Q2	Q3	Q4	Q5	Q6	City of Perth Response
04	247547/18	28/08	Resident	Agree	Yes	Yes	Yes	No answer	More Alfresco dining with shade please	Q6: Noted. Provision for umbrellas covered in the guidelines.
05	247549/18	28/08	Visitor	Agree	Not read	Not read	Not read	No answer	No answer	
06	247550/18	30/08	Resident	Agree	Yes	Yes	Yes	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	Q6: Noted.
07	247551/18	12/09	Food business	Agree	Yes	Yes	Yes	No answer	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?	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.

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.
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#	CM Ref	Date	Type	Q1	Q2	Q3	Q4	Q5	Q6	City of Perth Response
08	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.
09	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 business	Agree	Yes	Yes	Yes	No	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

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

Questions:

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#	CM Ref	Date	Type	Q1	Q2	Q3	Q4	Q5	Q6	City of Perth Response
										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 places.
13	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. Q6: Noted.
14	247565/18	19/09	Worker	Agree	Yes	Yes	Yes	No answer	No answer	
15	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

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.
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#	CM Ref	Date	Type	Q1	Q2	Q3	Q4	Q5	Q6	City of Perth Response
								<p>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.</p>	<p>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.</p>	<p>are not cluttered and that sightlines are maintained.</p> <p>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.</p>

Table 2. Other comments and submissions

Outdoor Dining Policy and Guidelines – Community Consultation Survey Summary – September 2018						
The City of Perth invited commercial and industry organisations, to review the policy and guidelines and provide feedback; 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	03/09	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.	

Outdoor Dining Policy and Guidelines – Community Consultation Survey Summary – September 2018					
The City of Perth invited commercial and industry organisations, to review the policy and guidelines and provide feedback; comments and responses are outlined below.					
#	CM Ref	Date	Organisation	Comments from Organisation	City of Perth Response
17	184009/18	24/07	King St Precinct	1) Did the City of Perth engage any external consultants to complete any work attached in this agenda? 2) If so, which consultancy was engaged and how much was spent?	No, the City did not engage any external consultants to complete any work pertaining to the Draft Outdoor Dining Policy and Guidelines.
17	184009/18	24/07	King St Precinct	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?	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.
17	184009/18	24/07	King St Precinct	How does the City decide on what is considered acceptable furniture?	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 high-quality furniture is the most suitable approach in a Capital City context.
17	184009/18	24/07	King St Precinct	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?	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.
17	184009/18	24/07	King St Precinct	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.	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.

Outdoor Dining Policy and Guidelines – Community Consultation Survey Summary – September 2018					
The City of Perth invited commercial and industry organisations, to review the policy and guidelines and provide feedback; comments and responses are outlined below.					
#	CM Ref	Date	Organisation	Comments from Organisation	City of Perth Response
17	184009/18	24/07	King St Precinct	<p>3.0) Location requirements:</p> <p>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).</p> <p>3.2) 'The alfresco dining area must be located adjacent to the kerb with a minimum kerb clearance of 600mm'.</p>	The Outdoor Dining Guidelines do not refer to those extracts.

Outdoor Dining

Policy Objective

The City recognises the role outdoor dining plays in creating a vibrant capital city and destination of choice for all community members, visitors and tourists. The City is committed to providing businesses with the support they need to deliver a safe, accessible and successful outdoor dining service.

Policy Scope

This policy applies to all businesses within the City's local government area that currently, or propose to, provide an outdoor dining service.

Policy Statement

Outdoor dining is matched perfectly to Perth's climate and presents an opportunity to demonstrate our city's natural beauty to community members, visitors and tourists. A vibrant outdoor dining landscape generates activity throughout the City's various precincts, in turn delivering positive economic and social outcomes for the City, community and businesses.

As a City committed to inclusion, outdoor dining will be accessible to patrons of all abilities. Design and function standards will account for diverse needs. The City will ensure that the movement of pedestrians and vehicles will not be adversely affected by any outdoor dining operation. The use of public thoroughfares for outdoor dining will complement the design and accessibility of the City's streetscapes.

The expectations of business, community and tourists will change over time. The City understands the importance of providing an outdoor dining framework able to respond to trends, demands and moving priorities as they arise. The City will actively look for ways to incentivise business participation in outdoor dining by reducing regulatory burden, while ensuring compliance and innovation is not compromised.

This policy will not apply to mobile food trading or events of a 'pop-up' nature where food is served.

Document Control Box									
Document Responsibilities:									
Custodian:	Manager Health and Activity Approvals			Custodian Unit:	Health and Activity Approvals				
Decision Maker:		Council							
Compliance Requirements:									
Legislation:		Disability (Access to Premises - Buildings) Standards 2010 Health Act 1911 Outdoor Dining Local Law 2018 Thoroughfares and Public Places Local Law 2017 Health Local Law 2000							
Industry:									
Organisational:		City of Perth Outdoor Dining Guidelines <i>Shaping our Capital City</i> : City of Perth Strategic Community Plan 2029 City of Perth Disability Access and Inclusion Plan 2016-2020 PR0801							
Document Management:									
Risk Rating:		High	Review Frequency:		Annual	Next Due:		TRIM Ref:	
Version #	Decision Reference:			Synopsis:					

1.	24/10/00	Previous Policy No. SU16
2.	13/07/10 (345/10)	
3.	06/12/11 (746/11)	
4.		

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

1. PRELIMINARY

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

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

CP14.1 Alfresco Dining 2000

- (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.

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;
- 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;

CP14.1 Alfresco Dining 2000

- 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.

2.3 Standard conditions which may be imposed on the licensee

- (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 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 –
-

CP14.1 Alfresco Dining 2000

- 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;
 - l. obtain public liability insurance in an amount and on terms reasonably required by the Council; and
 - 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.

CP14.1 Alfresco Dining 2000

3. LOCATION REQUIREMENTS

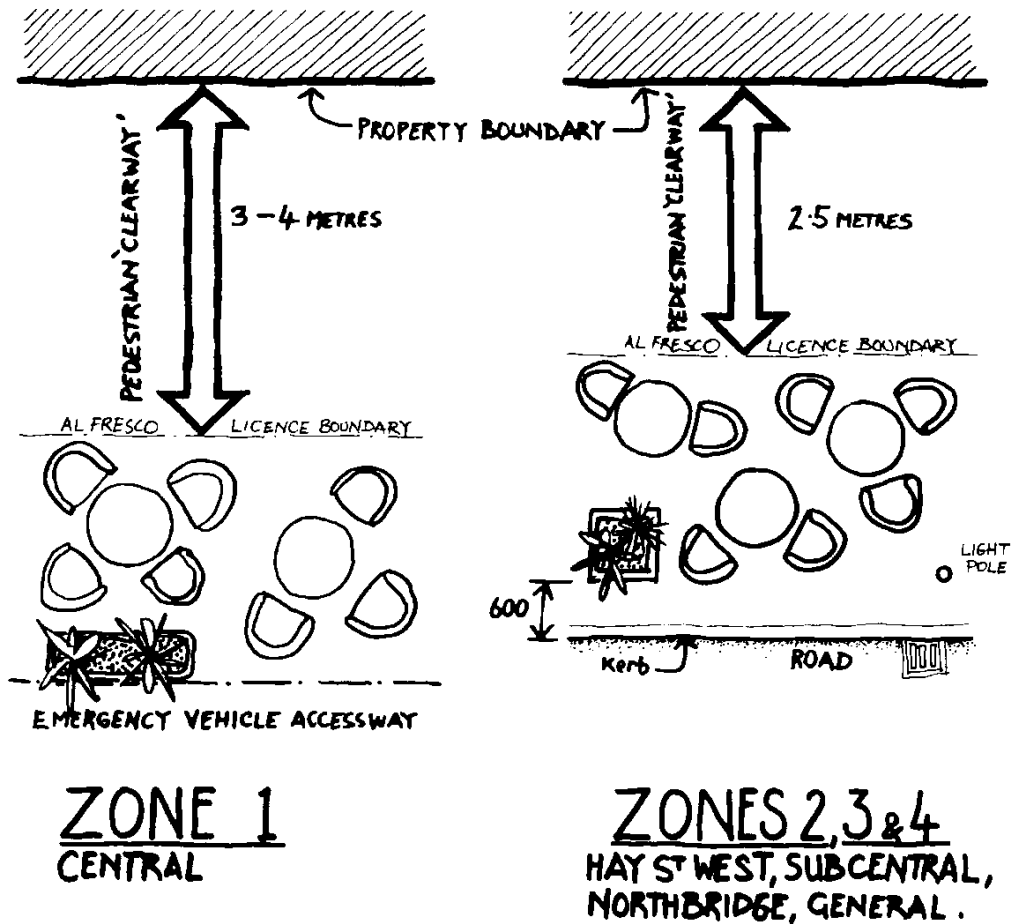
Location

- 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

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.

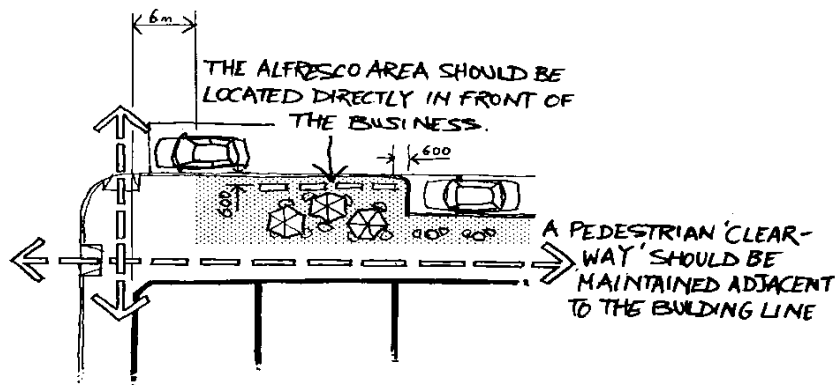
Car parking embayments in Northbridge

- 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.

CP14.1 Alfresco Dining 2000

- (4) The licensee must meet the cost of modifying parking signage.

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



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 moving furniture beyond the boundaries of the alfresco dining area. In kerbside

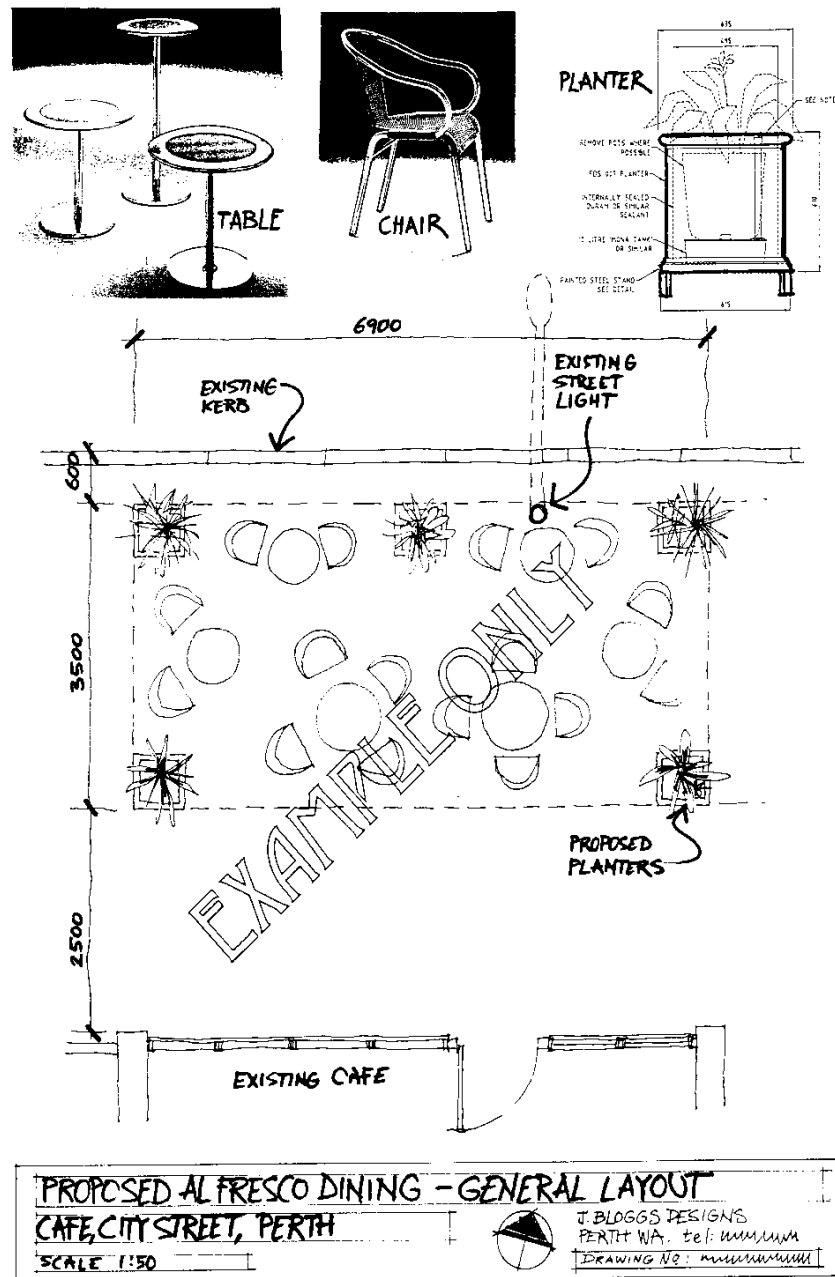
CP14.1 Alfresco Dining 2000

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

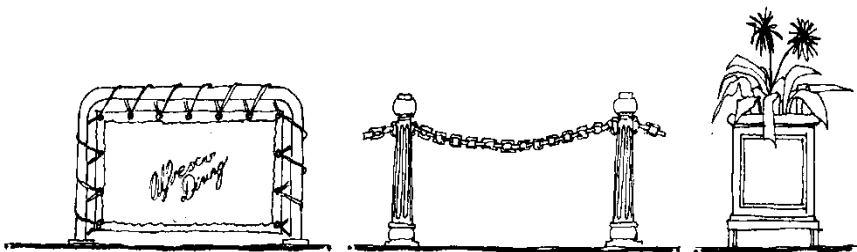
- 4.6**
- (1) To provide shade and shelter, high quality market umbrellas are encouraged. The canopy of the umbrella must be higher than 2.3 metres from the pavement. The City of Perth may specify another height.
 - (2) Footings for market umbrellas shall be installed by the City of Perth or accordance 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.

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.

6. FEE

Fee

- 6.1** The fee consists of a fee for -

- (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.

CP14.1 Alfresco Dining 2000

- 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 Name)

of
(Residential Address)

..... (Occupation)

apply for a licence to set up and conduct alfresco dining under the City of Perth Alfresco Dining Local Law 2000.

I declare that the following details are true and correct -

Details of 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. Does the eating house have a liquor licence?.....
If not, do you intend to apply for a liquor licence for the eating house?.....
6. Proposed days of operation

CP14.1 Alfresco Dining 2000

7. Proposed hours of operation
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 structures including materials and dimensions
.....
13. Details of proposed eating house name signage to be placed on 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.

I enclose the fee of \$.....

CP14.1 Alfresco Dining 2000

Dated the day of

Signature of Applicant

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*

CP14.1 Alfresco Dining 2000

SCHEDULE 2 CITY OF PERTH

ALFRESCO DINING LOCAL LAW 2000

LICENCE TO CONDUCT ALFRESCO DINING

This licence is issued to -

..... (Full Name)
of (Address)

This licence authorizes you to set up and conduct an alfresco dining area -

- (a) on those portions of the public place, adjacent to.....
shaded blue on the licence plan attached to and forming part of this licence; and
- (b) on those portions of the public place, adjacent to.....shaded red on the licence
plan attached to and forming part of this licence, subject to the consent of the owner or
occupier, and their successors or assigns, of the adjacent premises; and
- (c) in compliance with the conditions attached to the licence and the alfresco dining local law
and the alfresco dining policy.

This licence is valid commencing on the date of issue shown below and expires at 12.00 o'clock
midnight on.....or on the sooner cancellation of this licence.

If the owner or occupier, or their successors or assigns, of the premises adjacent to the area
referred to in paragraph (b) revokes their consent, the licensee must immediately cease to use
that area for alfresco dining.

In accepting this licence, the licensee agrees -

- (a) to indemnify and hold indemnified 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 in or around the public
place.

Issued this day of

Chief Executive Officer

CP14.1 Alfresco Dining 2000

SCHEDULE 3

CITY OF PERTH ALFRESCO DINING LOCAL LAW 2000 TRANSFER OF LICENCE TO CONDUCT ALFRESCO DINING

The City of Perth transfers the licence to conduct alfresco dining situated at -

.....
.....

From the current licensee

To

of (the 'transferee')

for the period from the date of this transfer until

In accepting this Transfer of Licence, the transferee agrees –

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

Issued this day of

Chief Executive Officer

CP14.1 Alfresco Dining 2000

CITY OF PERTH ALFRESCO DINING LOCAL LAW 2000 APPLICATION FOR RENEWAL OF LICENCE

TO:
Chief Executive Officer
City of Perth

I, (Full Name)

of (Residential
Address)

..... (Occupation)

wish to apply for renewal of the licence to set up and conduct alfresco dining under the City of Perth Alfresco Dining Local Law 2000.

I declare that the details set out below are true and correct.

Details of Alfresco Dining Area

Item No.

1. Name and address of eating house (including the zone).....
.....
2. Location of the alfresco dining area
3. Description of the premises adjacent to the alfresco dining area
.....
4. Details of the alfresco dining area
5. Is alcohol served?.....If yes, attach a copy of the liquor licence and extended trading permit.
6. Days of operation
7. Hours of operation
8. Number of tables
9. Number of chairs

CP14.1 Alfresco Dining 2000

10. Number of other structures
- (d) Description of the tables and chairs including materials and dimensions
.....
- (e) Description of other structures including materials and dimensions
.....
- (f) Details of the eating house name signage located on 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 declare that -

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

In making this application for renewal of the licence, I agree 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.

I enclose the fee of \$.....

Evidence of \$10,000,000 public liability insurance coverage, with a reputable insurer, of the alfresco dining area must be attached to the signed application

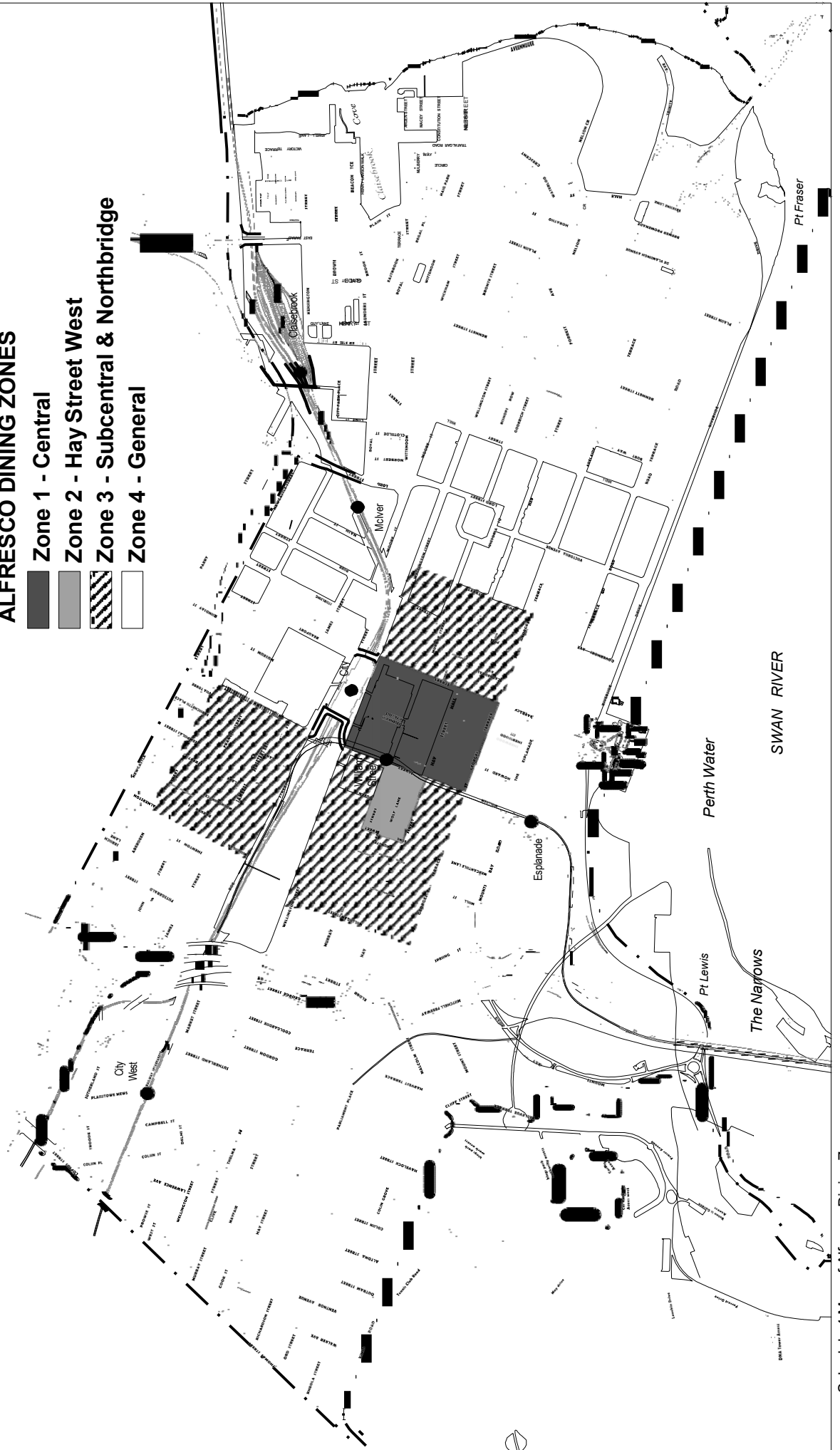
Dated the day of

Signature of Applicant

POLICY 14.1
SCHEDULE 4 (Amended Council
Meeting 6/12/11 746/11) CITY OF
PERTH
ALFRESCO DINING LOCAL LAW 2000
MAP OF ALFRESCO DINING ZONES

ALFRESCO DINING ZONES

-  **Zone 1 - Central**
-  **Zone 2 - Hay Street West**
-  **Zone 3 - Subcentral & Northbridge**
-  **Zone 4 - General**



CP14.1 Alfresco Dining 2000

Document Control Box					
Document Responsibilities:					
Custodian:	Manager Health and Activity Approvals		Custodian Unit:	Health and Activity Approvals	
Decision Maker:	Council				
Compliance Requirements:					
Legislation:	Alfresco Dining Local Law 2000				
Industry:					
Organisational:	PR0801				
Document Management:					
Risk Rating:	High	Review Frequency:	Medium	Next Due:	2013
				TRIM Ref:	P1002146
Version #	Decision Reference:	Synopsis:			
1.	24/10/00	Previous Policy No. SU16			
2.	13/07/10 (345/10)				
3.	06/12/11 (746/11)				

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.

Document Control Box							
Document Responsibilities:							
Custodian:	Manager Health and Activity Approvals			Custodian Unit:	Health and Activity Approvals		
Decision Maker:	Council						
Compliance Requirements:							
Legislation:							
Industry:							
Organisational:	PR0801						
Document Management:							
Risk Rating:	Medium	Review Frequency:	Two years	Next Due:	2012	TRIM Ref:	P1014823
Version #	Decision Reference:		Synopsis:				
1.	OCM 27/05/03		Previously Policy No.SU67				
2.	24/04/07 (259/047)						
3.	13/07/10 (345/10)						



City of Perth

Outdoor Dining Guidelines



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

Introduction _____	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

1

INTRODUCTION



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.

2

URBAN DESIGN PRINCIPLES



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 Meteorology) 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.

3

SUITABLE LOCATIONS



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 to 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 storm-water inlets or other key services. Other site-specific 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.



4

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

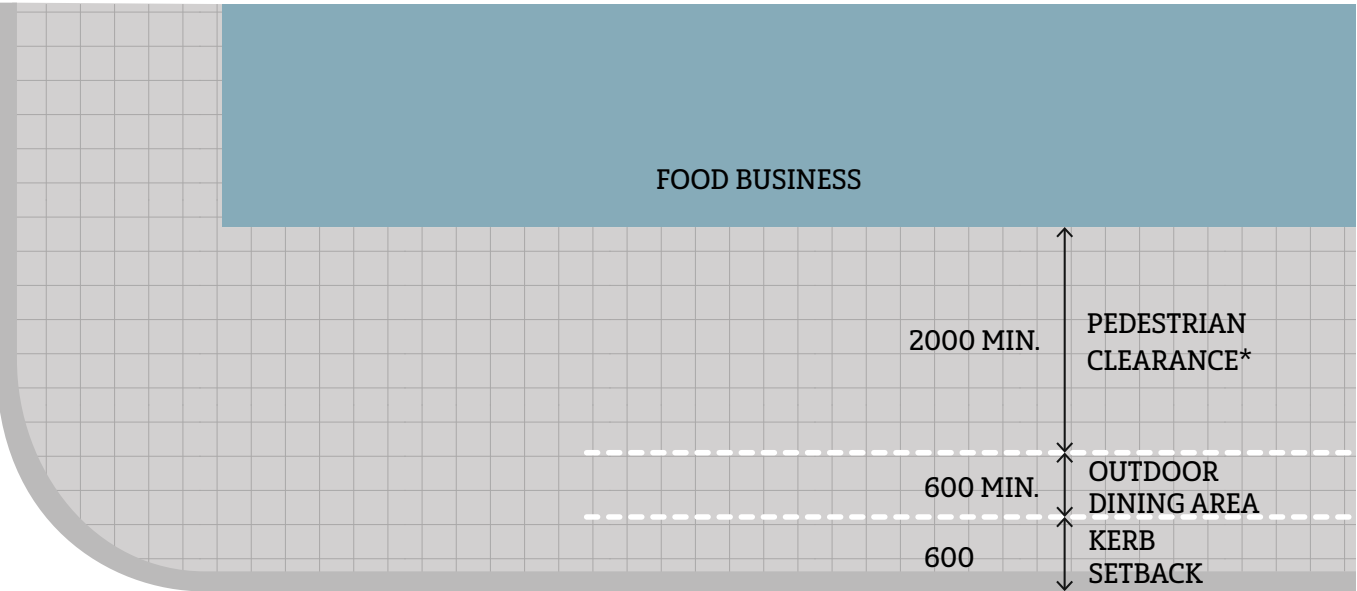
To maintain a consistent thoroughfare against the building line for all pedestrians, outdoor dining areas must be located adjacent the kerb.

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

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

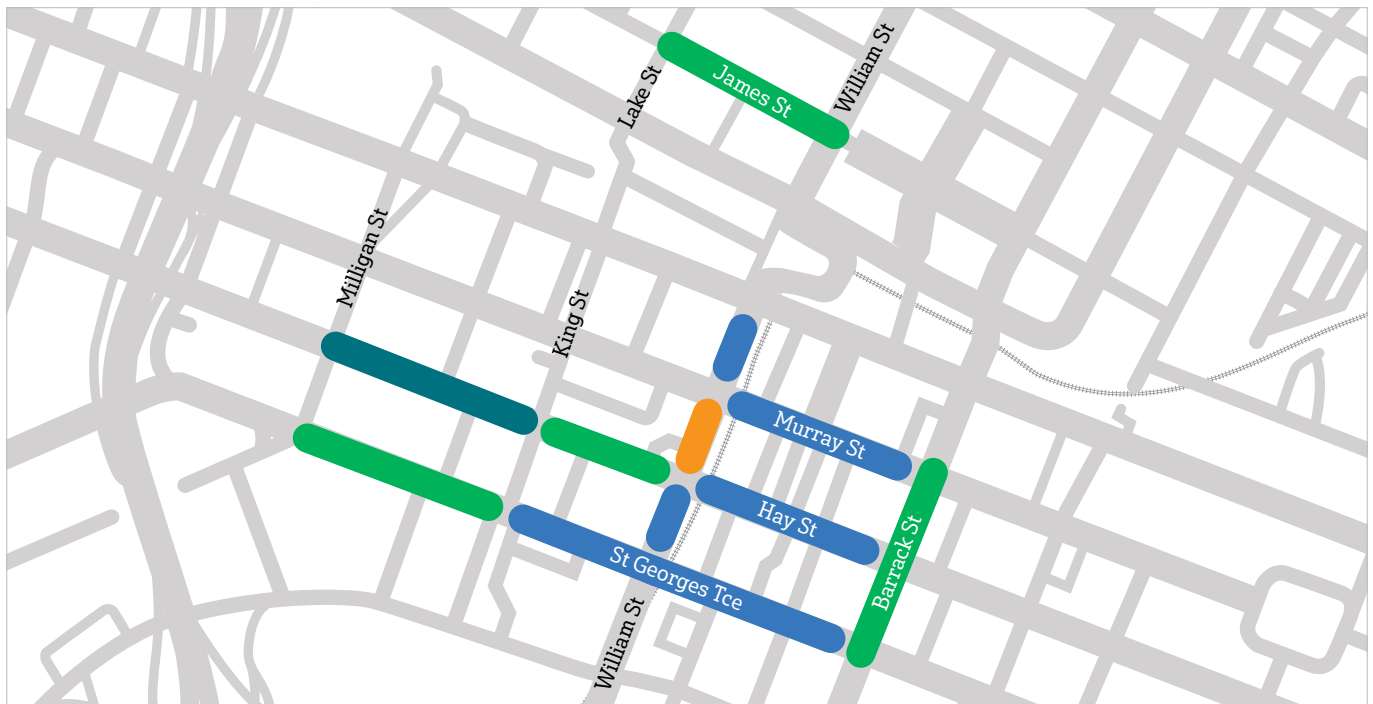


*Pedestrian Clearance determined by Figure 2: Pedestrian Clearances

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.

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.

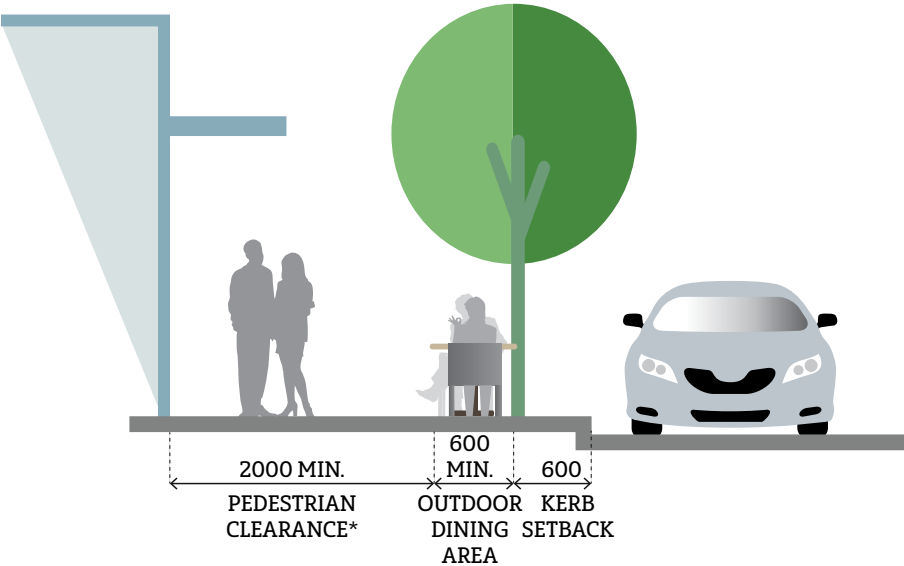
These clearances are based on the Australian Standards minimum requirements for pedestrian access, including for people with visual impairment and users of mobility aids.

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

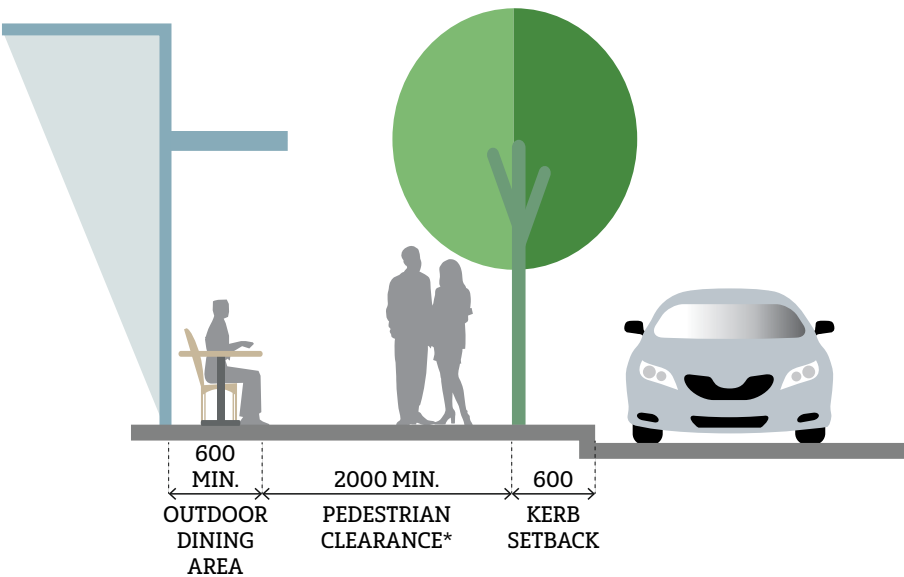
- No outdoor dining (bus stop conflict)
- 3m clearance
- 2.5m clearance
- 2.2m clearance
- 2m clearance on all other streets unless noted

Figure 3: Kerb Setback with outdoor dining adjacent to kerbs



*Pedestrian Clearance determined by Figure 2: Pedestrian Clearances

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

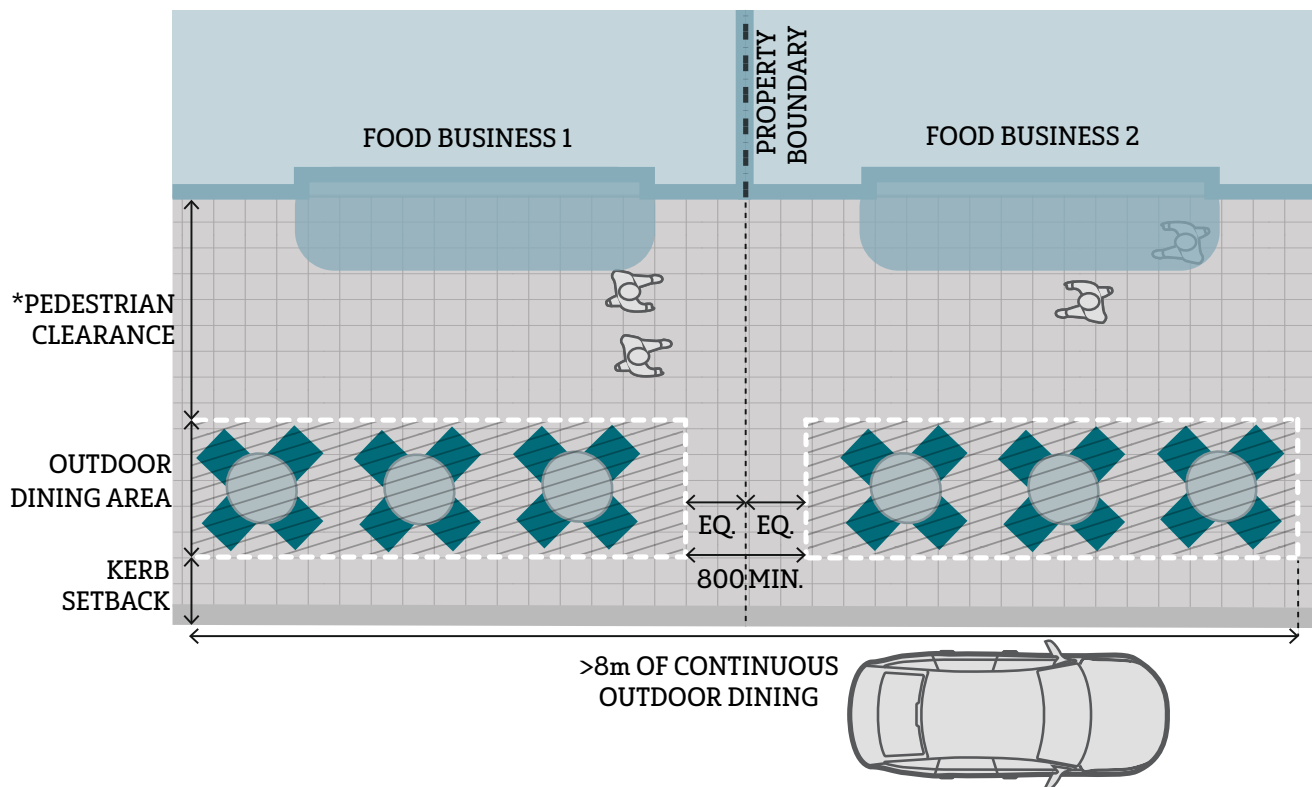


Kerb setback

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.

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



*Pedestrian Clearance determined by Figure 2: Pedestrian Clearances

Clearances between businesses with adjacent outdoor dining areas

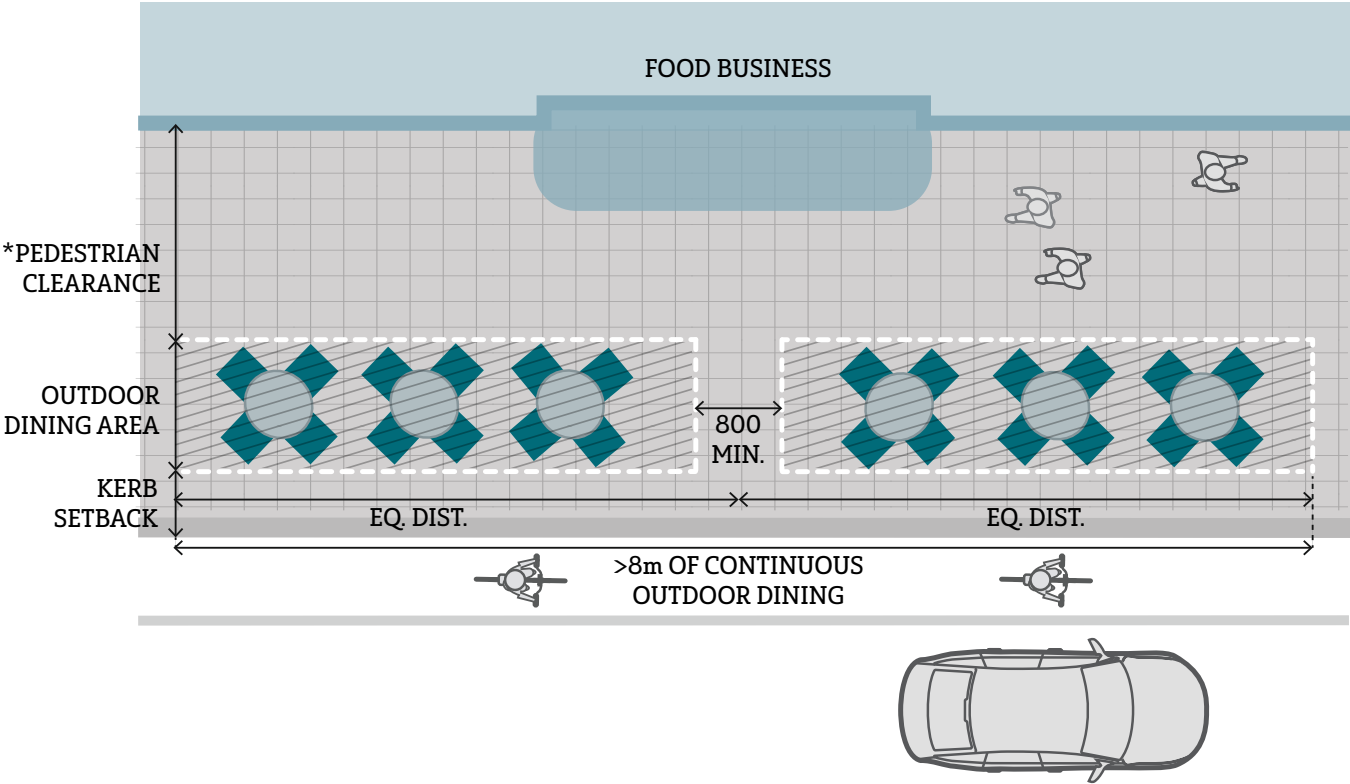
Clearances between adjacent outdoor dining areas are required to allow for pedestrian access to the street, and to allow for street cleaning and maintenance machinery access.

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.

Figure 6: Breaks within outdoor dining areas



**Pedestrian Clearance determined by Figure 2: Pedestrian Clearances*

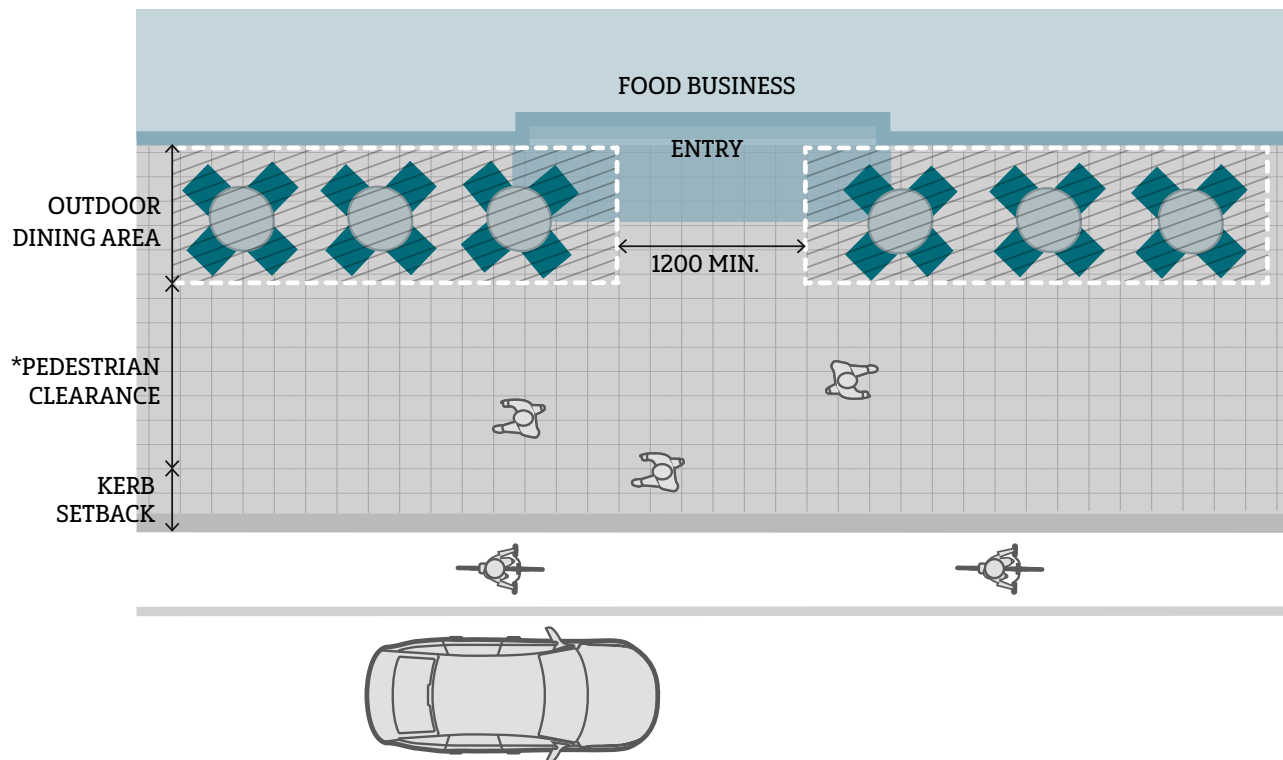
Breaks within outdoor dining areas

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.

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

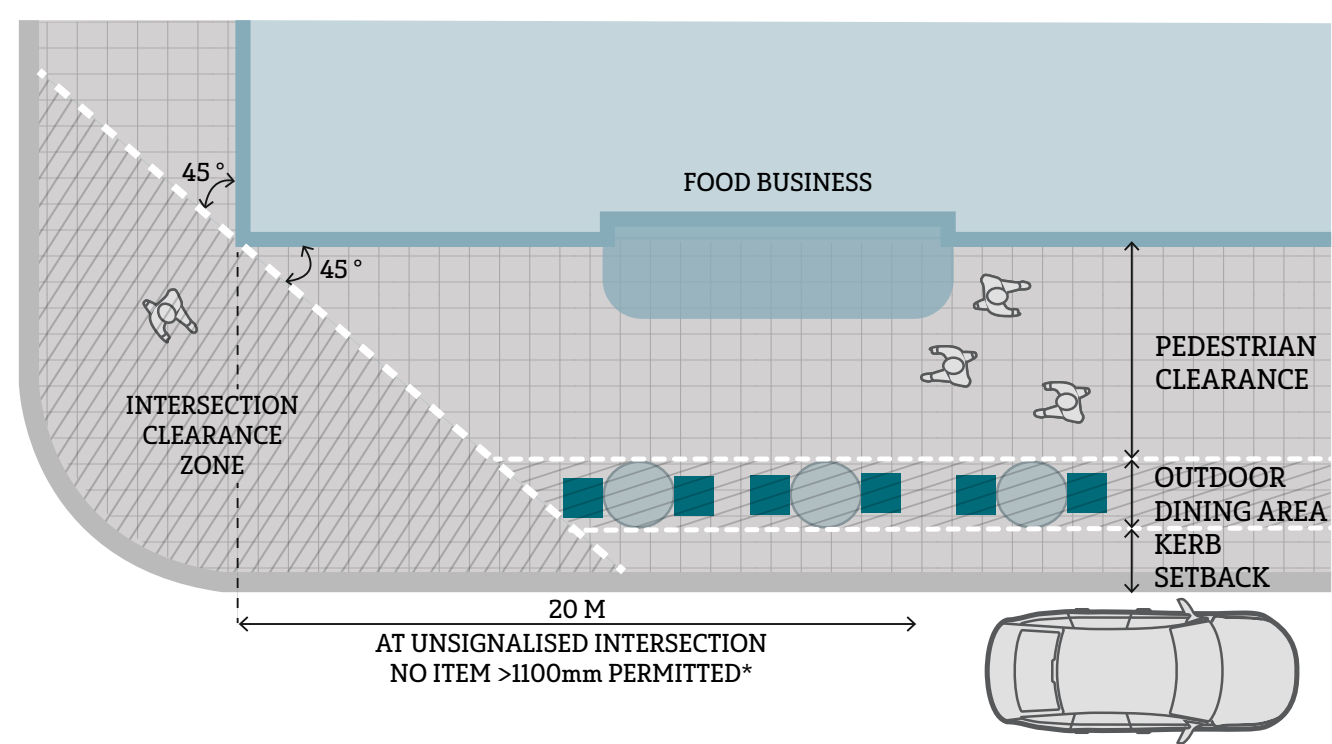


*Pedestrian Clearance determined by Figure 2: Pedestrian Clearances

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.

Figure 8: Typical street intersection setbacks



**Refer to Visibility at unsignalised intersections outlined below.*

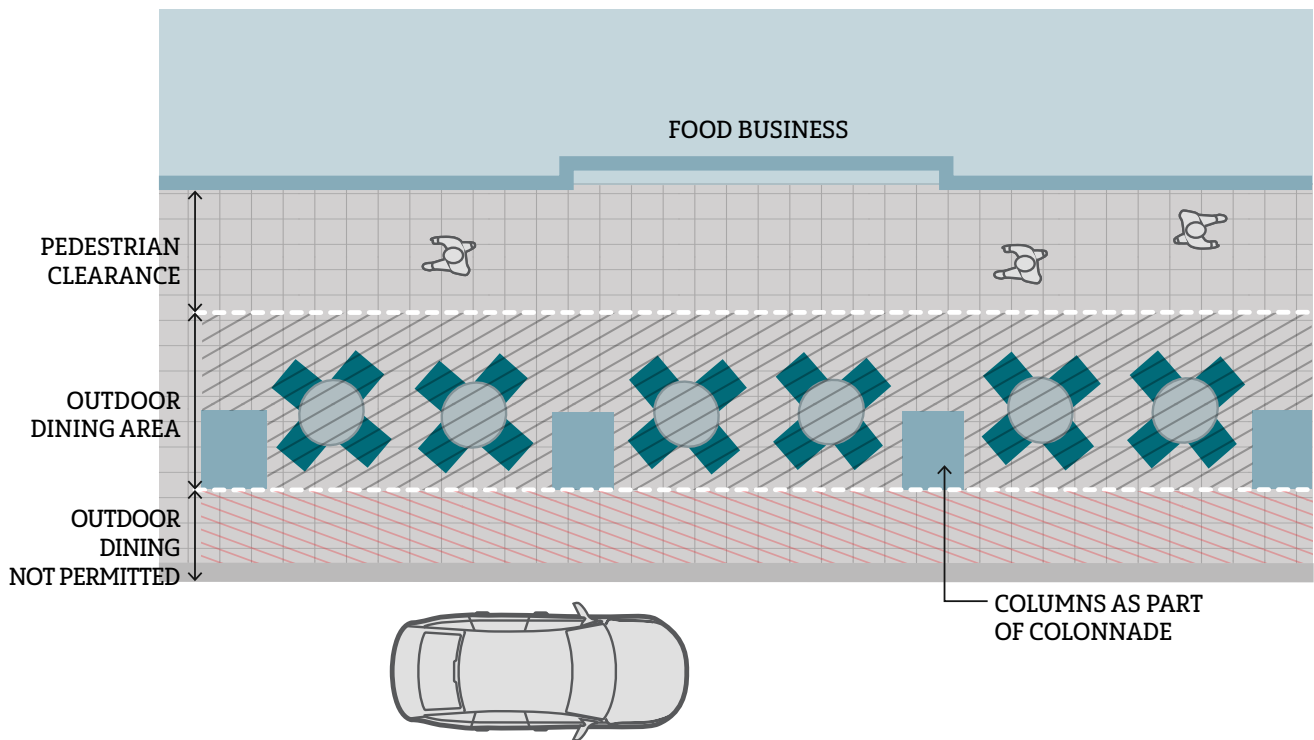
Intersection setbacks

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

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.

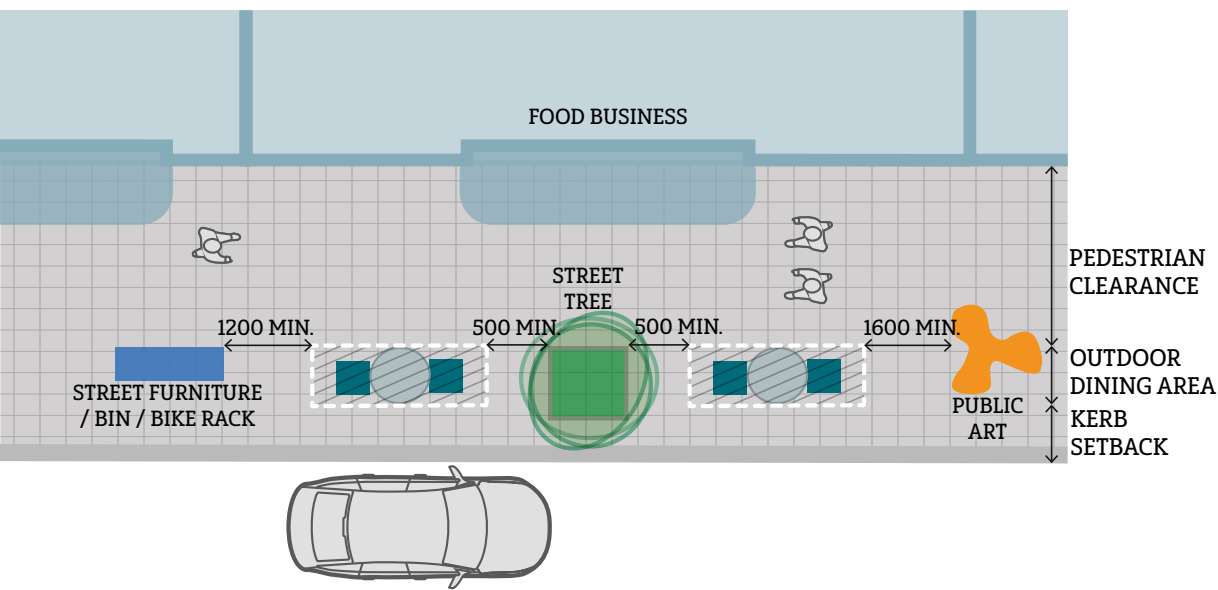
Figure 9: *Colonnades on Hay Street*

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).

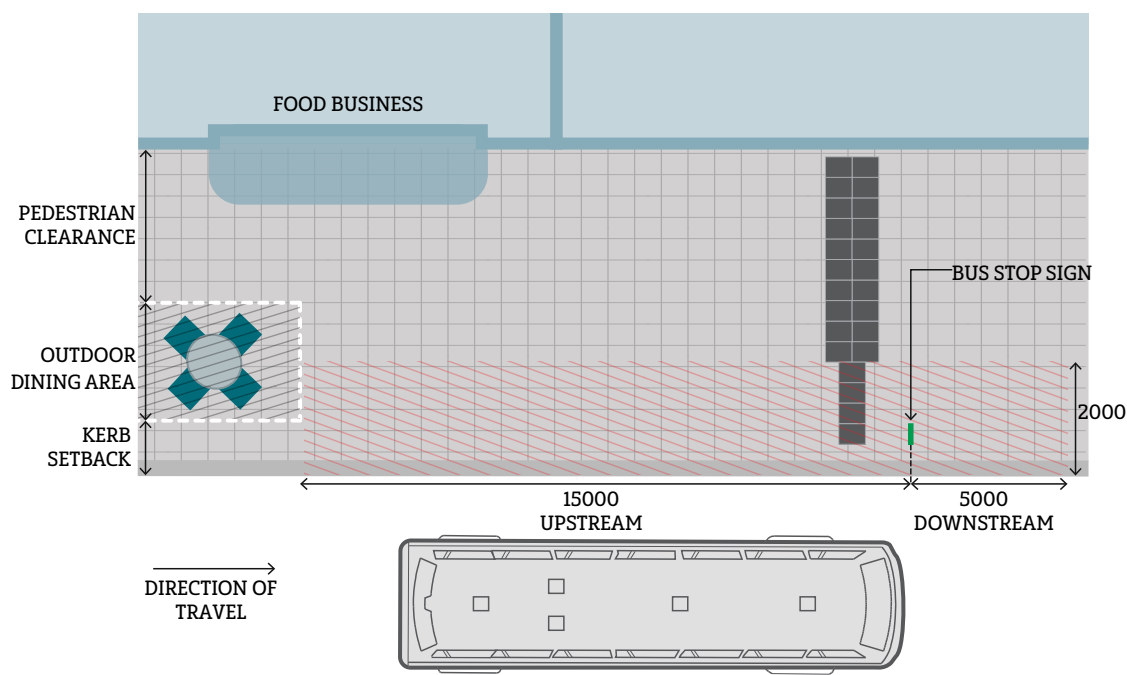
Existing street trees should be integrated into the outdoor dining area to provide shade, shelter and a pleasant dining experience. To ensure street trees thrive, they cannot be removed, relocated, trimmed or pruned, or modified in any way.

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

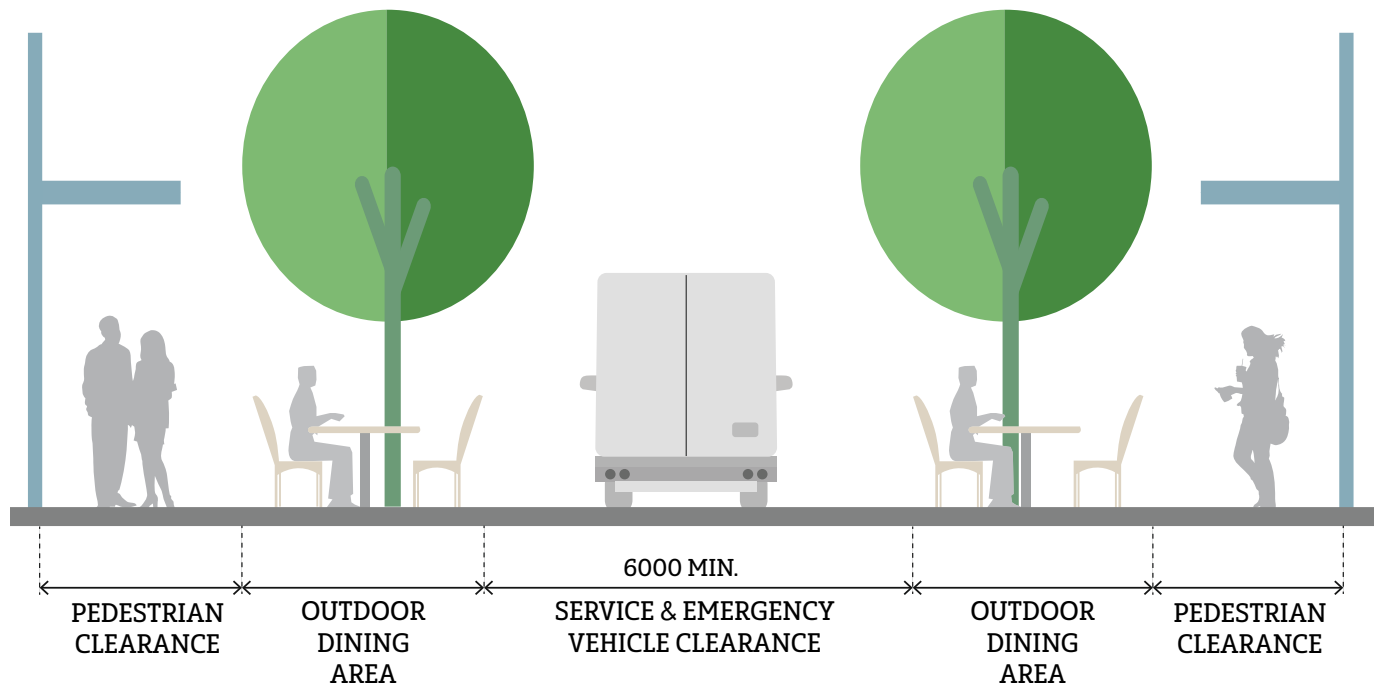
To maintain space for access and queuing, the following requirements apply:

- 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

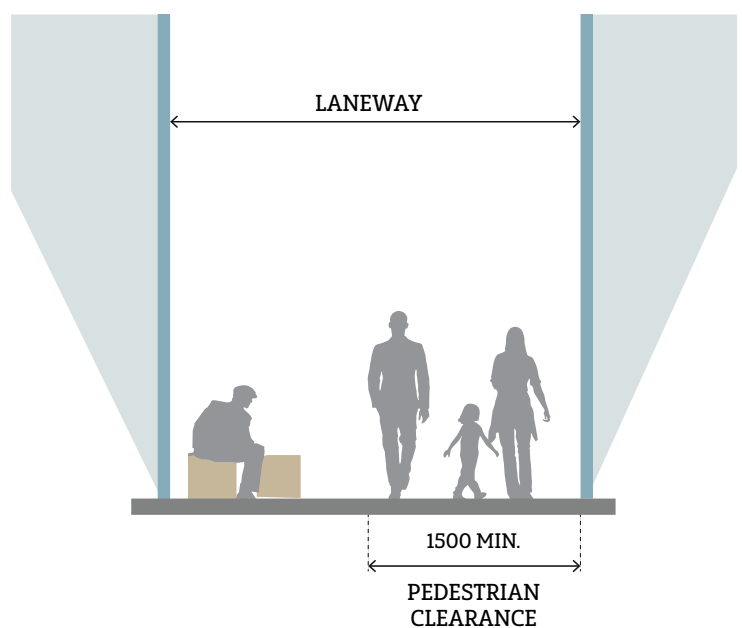
Malls

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

5

DESIGNING THE OUTDOOR DINING AREA



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:

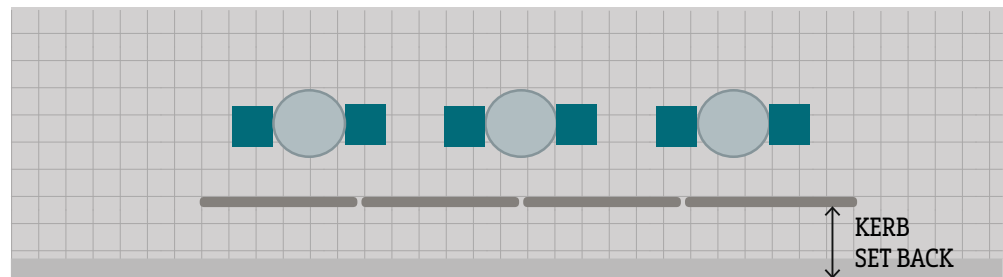
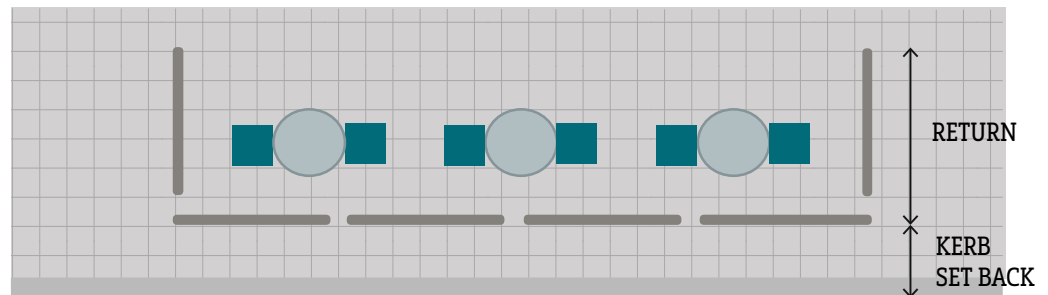
- Artificial turf
- Carpets and rugs
- Decking

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/planning-development/planning-and-building-tools/application-forms-planning-development-building-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

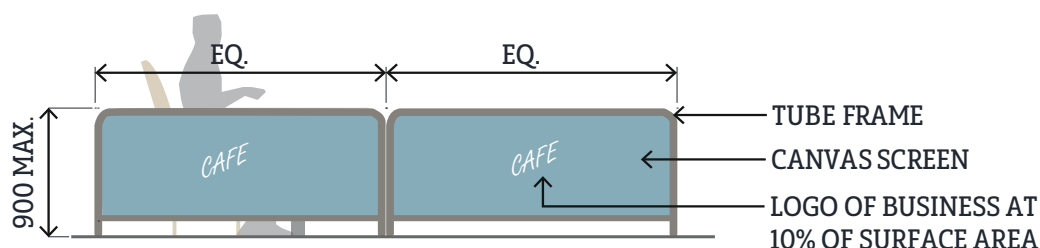
The City encourages businesses to select furniture and other items that are accessible for people of all sizes and abilities. For example, chairs should be of large size but light in weight and durable.

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.

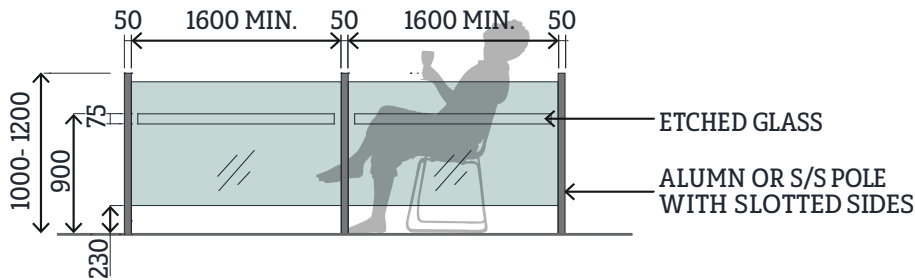
Glass screens

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:

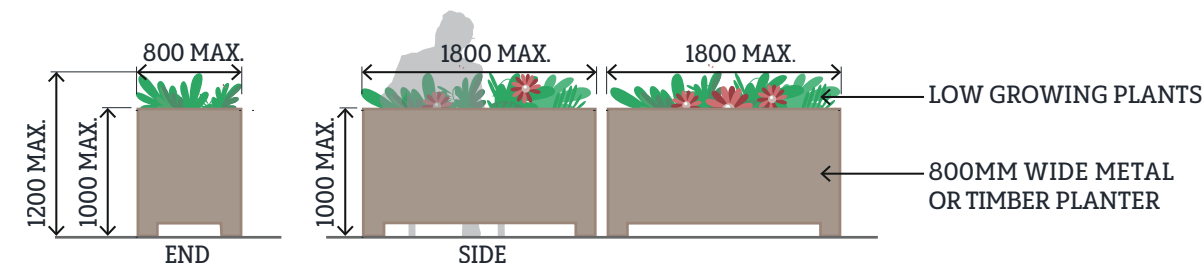
- Be either:
 - 50mm diameter round section structural marine grade aluminium supports with slotted sides to receive glass, powder coated in silver finish; or
 - 50mm diameter round section structural marine grade polished stainless-steel supports with slotted sides to receive glass.
- Placed such that 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 low-maintenance. 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

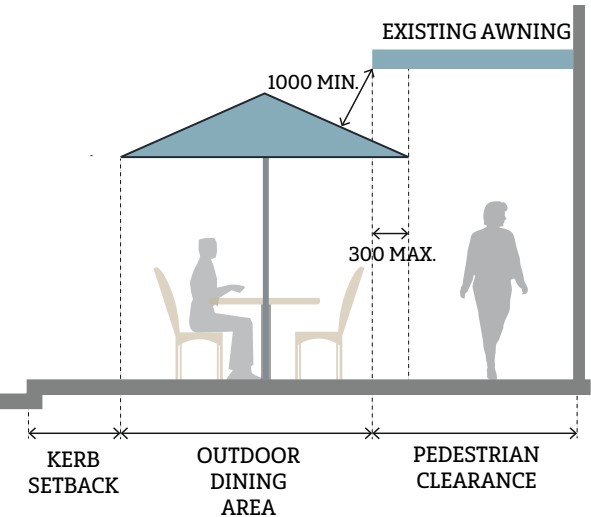
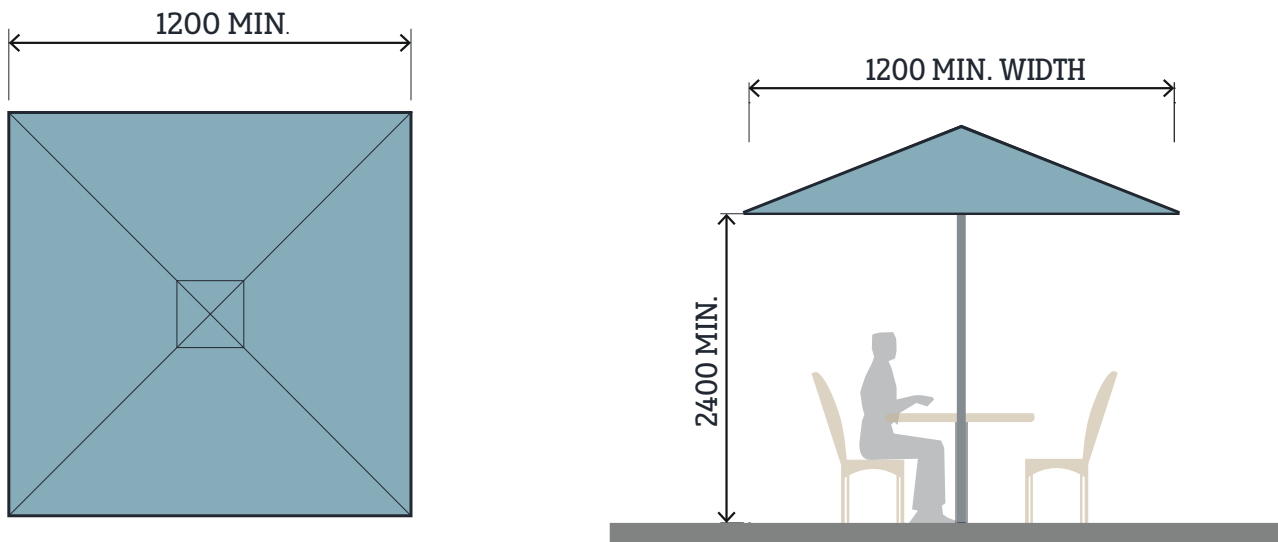


Figure 19: *Umbrellas*



- 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.
- 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.

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.

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.

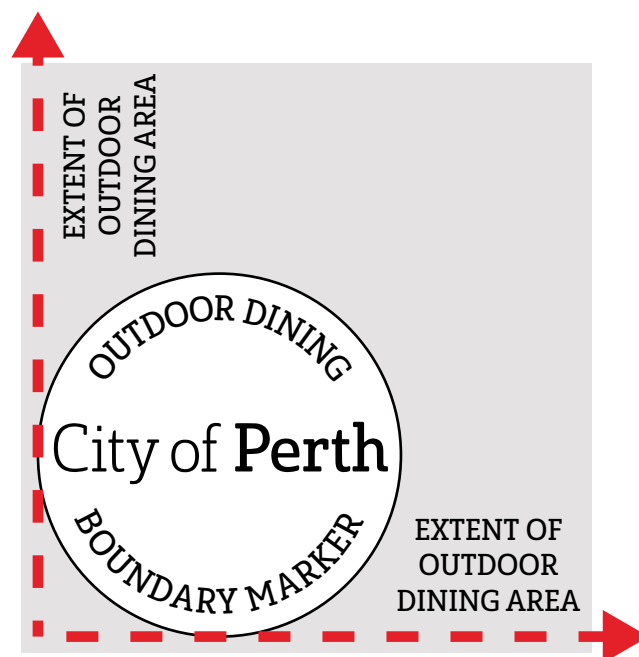
Delineation markers

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.



6

MANAGING AND OPERATING THE OUTDOOR DINING AREA



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 pre-packaged 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/).

7

COMPLIANCE



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.

8

DECOMMISSIONING OF AN OUTDOOR DINING AREA



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.

9

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.

CHECKLIST 1 - PREPARATION AND SUBMISSION OF ONLINE APPLICATION

	Yes	No	N/A
Pre-application considerations			
To be 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			
Suitability of Location			
To determine a suitable location for an outdoor dining area, the applicant needs to confirm 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.			
Clearances & Setbacks				
To determine the required clearances and setbacks of the proposed outdoor dining area, 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 the 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.			
Designing the outdoor dining area				
To ensure the proposed outdoor dining area is designed to meet the standards outlined 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.			
Selecting Furniture and Fixtures				
To ensure 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			
The following items may be permitted in outdoor dining areas, but must conform to the 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
Insurance To ensure the safety of the business, patrons, and the community, successful applicants 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.			
Online Application To lodge 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: <ul style="list-style-type: none"> • 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. 			

CHECKLIST 2 - INSTALLATION WORK

Yes No N/A

This checklist is brief and provides applicants with handy tips to ensure compliance with the City's outdoor dining area guideline.

1 Apply for an obstruction permit 7 days prior to commencing work. You are not permitted to obstruct a public thoroughfare without a permit in place. Visit: <https://www.perth.wa.gov.au/planning-development/undertaking-works/obstruction-permits>

2 Double check all setbacks required for the outdoor dining area as detailed below.

- 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
- o. CCTV cameras and umbrellas: 10m (unless approved)

It is highly recommended that you use tape to mark out the outdoor dining area before you start drilling or digging.

3. Contact the City's Health and Activity Approvals to arrange a post installation inspection of the area before commencing use. Contact 08 9461 3333 or email: info.city@cityofperth.wa.gov.au

CHECKLIST 3 - ONGOING COMPLIANCE

Yes No N/A

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).
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.

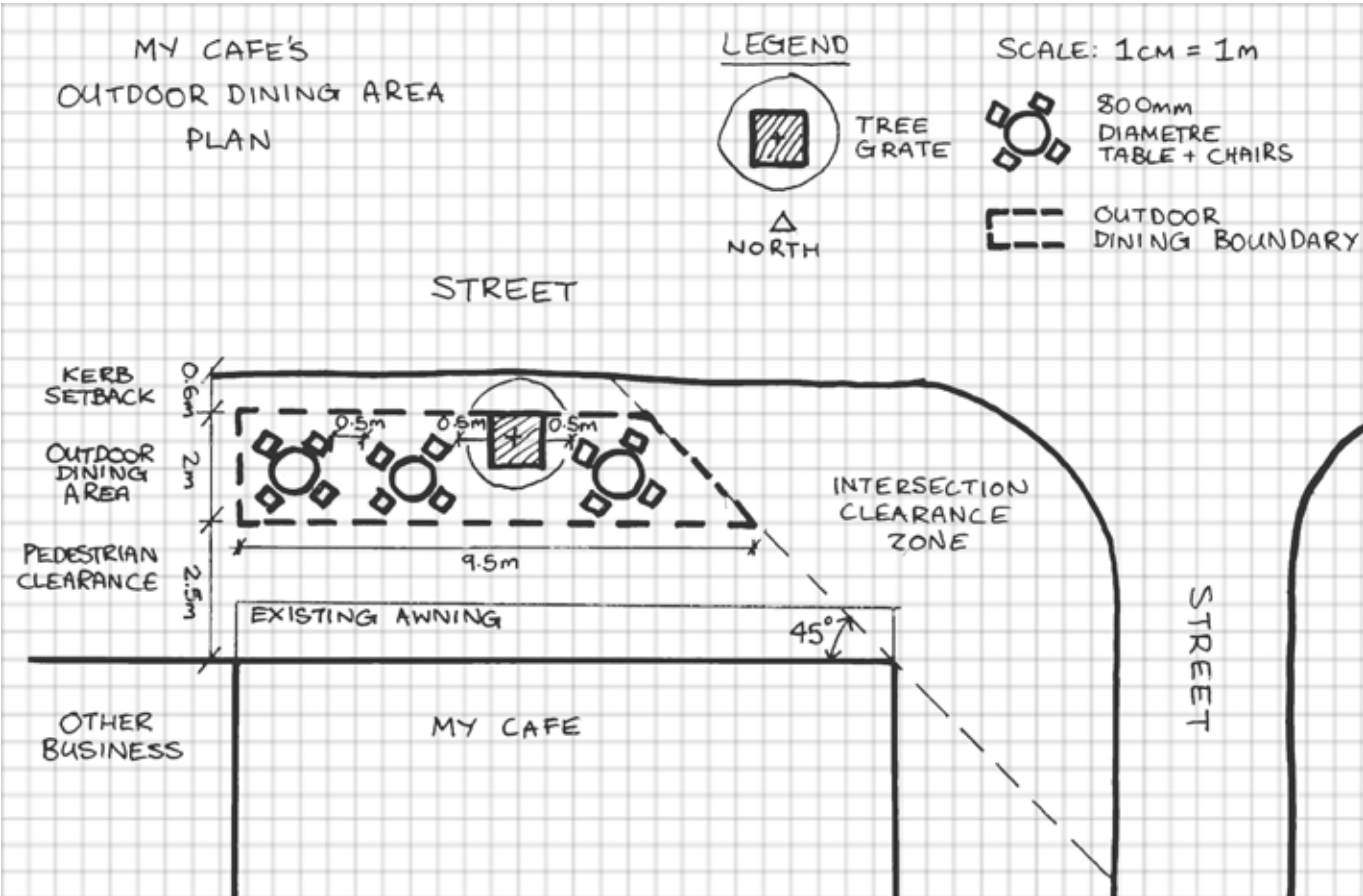
APPENDIX 3

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 Comparison

	City of Perth	City of Fremantle	City of Vincent	City of Subiaco	Town of Victoria Park	City of Rockingham	City of Stirling	City of South Perth	City of Nedlands	City of Joondalup	Town of Mosman Park	Town of East Fremantle	Town of Cottesloe
Number of outdoor dining areas	236	95	118	70	35	33	27	23	17	16	6	5	-
Application processing time	10-days	10-days	0 days ³	10-days	10-days	10-days	10-days	10-days	10-days	10-days	5-days	5-days	10-days
Square metre rate	\$40.00	\$108.00 - \$36.00 ²	N/A	N/A	N/A	\$15.00	\$50.00 - \$30.00 ⁵	\$100.00 ⁶	\$57.00	\$33.00	N/A	\$30.00	N/A

Fee Breakdown

	City of Perth	City of Fremantle	City of Vincent	City of Subiaco	Town of Victoria Park	City of Rockingham	City of Stirling	City of South Perth	City of Nedlands	City of Joondalup	Town of Mosman Park	Town of East Fremantle	Town of Cottesloe
One-off application fee	\$98.00	\$0.00	\$0.00	\$310.00	\$250.00 - \$1,000.00 ⁴	\$100.00	\$100.00	\$150.00	\$367.00 - \$160.00 ⁷	\$320.00	\$145.00	\$300.00	\$150.00
Yearly fee for 5 SqM Outdoor Dining ¹	\$200.00	\$540.00 - \$180.00 ²	\$0.00	\$0.00	\$0.00	\$75.00	\$250.00 - \$150.00 ⁵	\$500.00 ⁶	\$285.00	\$165.00	\$0.00	\$150.00	\$0.00
Yearly fee for 20 SqM Outdoor Dining ¹	\$800.00	\$2,160.00 - \$720.00 ²	\$0.00	\$0.00	\$0.00	\$300.00	\$1,000.00 - \$600.00 ⁵	\$2,000.00 ⁶	\$1,140.00	\$660.00	\$0.00	\$600.00	\$0.00
Additional yearly renewal fee	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$100.00	\$0.00	\$60.00	\$83.00	\$328.00	\$145.00	\$0.00	\$75.00
Transfer of permit fee	\$0.00	\$0.00	\$0.00	\$50.00	\$0.00	\$38.00	\$0.00	\$0.00	\$0.00	\$41.00	\$0.00	\$0.00	\$75.00
Lapse of permit fee	\$0.00	\$0.00	\$0.00	\$135.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
Parking bay application fee	\$0.00	\$0.00	\$1,200.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
Parking bay annual fee	\$0.00	\$0.00	\$500.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
Yearly liquor licensing fee	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$50.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00

¹ Majority of outdoor dining areas in the City of Perth are small to medium in size, ranging from 5 to 20 square metres. The largest outdoor dining area in the City is 80 square metres.

² Fee per square metre for City of Fremantle varies: Zone 1 \$108.00, Zone 2 \$72.00, Zone 3 \$36.00.

³ Permits are granted without safety, access or compliance review.

⁴ Based on \$50.00 per linear metre for installation of compulsory demarcation discs.

⁵ Based on City of Stirling square metre rate of \$50.00 for Scarborough and \$30.00 for all other areas.

⁶ Based on \$60.00 fee per chair in outdoor dining area, assuming 1 chair per 0.6 metres square.

⁷ Based on \$160.00 application fee, with additional \$207.00 fee if new brass plate markers are required.

Report to the Ordinary Council Meeting**Agenda
Item 13.14****Review Complete – City of Perth Alfresco Dining Local Law 2009
(Repeal and Replace) City of Perth Outdoor Dining Local Law
2019**

Recommendation:***That Council:***

- 1. *in accordance with Section 3.16(3) of the Local Government Act 1995,***
 - 1.1 *NOTES that four submissions were received during the public submission period in response to the review of the City of Perth Alfresco Dining Local Law 2009; and***
 - 1.2 *CONSIDERS those submissions as detailed in Attachment 13.14A and 13.14B.***
- 2. *in accordance with Section 3.16(4) of the Local Government Act 1995, receives this report to complete the review of the City of Perth Alfresco Dining Local Law 2009 and DETERMINES BY AN ABSOLUTE MAJORITY, to repeal this local law, as detailed in Attachment 13.14B;***
- 3. *APPROVES in accordance with Section 3.12(3) of the Local Government Act 1995, the giving of State-wide public notice of the intention to make the City of Perth Outdoor Dining Local Law 2019, as detailed in Attachment 13.14E, with the purpose and effect being:***
 - 3.1 *Purpose: The purpose of this local law is to regulate the management of outdoor dining areas in any public place within the district;***
 - 3.2 *Effect: The effect of this local law is to:***
 - a) *enable the management of outdoor dining areas so that they do not interfere with the safe, accessible and reasonable movement of persons and vehicles; and***
 - b) *encourage high quality outdoor dining to enhance amenity, vitality and ambience of the district.***

FILE REFERENCE:	P1015923-2
REPORTING UNIT:	Governance
RESPONSIBLE DIRECTORATE:	Office of the Chief Executive
DATE:	1 October 2018

Attachment 13.14E - Proposed City of Perth Outdoor Dining Local Law 2019

<input type="checkbox"/>	Advocacy	<i>When the Council advocates on its own behalf or on behalf of its community to another level of government/body/agency.</i>
<input type="checkbox"/>	Executive	<i>The substantial direction setting and oversight role of the Council e.g. adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.</i>
<input checked="" type="checkbox"/>	Legislative	<i>Includes adopting local laws, town planning schemes and policies.</i>
<input type="checkbox"/>	Quasi-Judicial	<i>When the Council determines an application/matter that directly affects a person's right and interests. The judicial character arises from the obligation to abide by the principles of natural justice. Examples of Quasi-Judicial authority include town planning applications, building licences, applications for other permits/licences (e.g. under Health Act, Dog Act or Local Laws) and other decisions that may be appealable to the State Administrative Tribunal.</i>
<input type="checkbox"/>	Information	<i>For the Council/Committee to note.</i>

14.1 – Alfresco Dining 2000

Purpose and Background:

Local Law History

At its meeting held on **2 June 2009**, Council resolved to make the *City of Perth Alfresco Dining Local Law 2009* as follows:

“Purpose: To provide for the regulation, control and management of alfresco dining areas in any public place within the district;

Effect: The effect of this local law is to control alfresco dining areas so that they do not interfere with the safe and reasonable movement of pedestrians and vehicles as well as to encourage high quality alfresco dining to enhance amenity, vitality and ambience of the city”

The *City of Perth Alfresco Dining Local Law 2009* was published in the Government Gazette on 16 June 2009 and commenced operation 14 days afterwards.

There have been no amendments to the local law since its adoption.

Review History

The City has undertaken a comprehensive review of the *City of Perth Alfresco Dining Local Law 2009* and the policies associated with it.

At its Planning Committee meeting held on **21 June 2016**, a notice of motion was put requesting:

“That the administration prepares a report for the consideration of outlining how the Alfresco Dining Local Law (2009) and Alfresco Dining Policy 2000 can be amended to allow licensees, to, on a temporary basis only, i.e. not more than once per week, be allowed to, inside their existing alfresco permit area, prepare food and drink.”

At its meeting held on **1 November 2016**, Council received a report requesting consideration on the implications of permitting the preparation of food and beverage on a temporary basis in alfresco areas and its implications on the *City of Perth Alfresco Dining Local Law 2009* and Council Policy 14.4 – Alfresco Dining Policy 2000.

An Alfresco Working Group (the Group) was established in March 2017 tasked with reviewing the Local Law, Policy, fee structure and design guidelines associated with alfresco dining. This review included community engagement and submissions from external stakeholders in July 2017 which informed the Groups’ preliminary recommendations to Council.

At its meeting held on **21 November 2017**, detail of the Community Engagement survey was provided to Council which informed a suite of major changes including the development of a new Policy and Guidelines.

At its meeting held on **21 November 2017**, Council also endorsed the following:

“1.1 the implementation of an annual Alfresco Dining Fee Rate of \$40.00 per square metre from 1 January 2018 as detailed in this Report;

- 1.2 *the allowance of beverage preparation and service from within the outdoor dining area;*
- 1.3 *the allowance of service of pre-packaged food from within the outdoor dining area;*
- 1.4 *the change of program name to Outdoor Dining;*
- 1.5 *the reduction of the pedestrian clearance in the new outdoor dining zones;*
- 1.6 *the permission of alcohol consumption whilst standing in an outdoor dining area;*
- 1.7 *the renewal period from annually to three yearly;*
- 1.8 *the option of a payment plan; and*
- 1.9 *the proposed future timeline as detailed in this report.*
2. *That Council NOTES, subject to endorsement in Part 1 above, the following will be submitted to Council for approval as detailed in this Report:*
 - 2.1 *Amendments made to the City of Perth Alfresco Dining Policy 2000 and Alfresco Dining Local Law (2009);”*

At its meeting held on **31 July 2018**, Council endorsed the following:

- “1. *Approves the draft Council Policy 14.1 Outdoor Dining Policy (as detailed in Attachment 13.11B) for consultation purposes;*
2. *Notes that a review of the Outdoor Dining Policy will be undertaken after the first year and then updated every three years;*
3. *Endorses the draft Outdoor Dining Guidelines (as detailed in Attachment 13.11C for consultation purposes;*
4. *Notes that the results of the consultation will be presented to Council at a future meeting as soon as is possible;*
5. *Reviews the proposed fee structure endorsed by Council 21 November 2017 item 1.1 which read endorsed: “the implementation of an annual alfresco dining fee of \$40 per square metre from 1 January 2018 as detailed in this report’ to ensure that the City of Perth fee structure be competitive with other Perth local government fee structures;*
6. *Investigates the development of an online self-service function to facilitate the efficient and effective processing and management of applications; and*
7. *Following the consultation process a revised policy and guidelines will be presented to Council for approval as soon as possible and no later than December 2018.”*

The review process identified several amendments required to properly allow for the changes endorsed by Council in its meeting held on **21 November 2017** as well as opportunities for administrative efficiencies. Additionally, changes to legislation since its adoption include the introduction of the *City of Perth Act 2016* and amendments to the *Tobacco Products Control Act 2006*. The review considered the amendments to the policy and responses from stakeholders.

Local Law Legislative Process

Section 3.12 of the *Local Government Act 1995* details the procedure for making new local laws as follows:

- Council is to approve the giving of State-wide public notice of the intention to make a local law or to review an existing local law. The public notice is to include the purpose and effect of the local law, inspection details and advice regarding the six-week public submission period;
- As soon as the public notice is given, the City is to provide a copy of the proposed local law to the Minister of Local Government and Communities, and any other relevant Ministers to which the local law relates and to any person requesting a copy;
- After the last day for submissions, Council is required to consider any submissions received and may resolve by an absolute majority decision to make the local law, or to make a local law that is not significantly different from the proposed local law as advertised;
- If adopted, the City will subsequently be required to undertake the following to finalise this process:
 - Publish the local law in the *Government Gazette*;
 - Provide a copy of the relevant document to the Joint Standing Committee on Delegated Legislation 10 days after its publication in the *Government Gazette*;
 - Provide a copy of the Gazettal to the Minister for Local Government and Communities and any other relevant Minister; and
 - Publish a local public notice advising the title of the local law, its purpose and effect, the day on which it becomes effective and advising that it may be inspected at the local government's offices.

Details:

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.

A detailed comparison of changes between the *City of Alfresco Dining Local Law 2009* and the proposed *Outdoor Dining Local Law 2019* is indicated in Attachment 13.14D.

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* 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.

The comparison between the Modified Penalties of the existing *City of Alfresco Dining Local Law 2009* and the proposed new local law is detailed in Attachment 13.14D.

Risk Management Implications

It is noted that should the City of Perth not follow the local law creation process as detailed in the *Local Government Act 1995*, the local law may be disallowed by the JSCDL. The local law must also be cognisant of previous findings of the JSCDL, specifically with regard to provisions that the JSCDL has stated are outside the local law-making power of local governments

Stakeholder Engagement

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 Attachment 13.14B.

Financial Implications:

Costs of approximately \$3000 will be incurred for the Public Notice and gazettal of the local law. These costs will be met through existing operational budgets.

Comments:

It is proposed that this new local law come into effect by 1 January 2019.

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,

A handwritten signature in black ink, appearing to read 'J. Fini', with a stylized flourish at the end.

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

A handwritten signature in blue ink, appearing to read 'Michael D Keiller'.

Michael D Keiller
Chair bigN

FRINGE WORLD

FESTIVAL 2018

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.

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26TH | **25TH**
JANUARY | FEBRUARY
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WWW.FRINGEWORLD.COM.AU



Department of
Local Government, Sport
and Cultural Industries



City of Perth



Metropolitan
Redevelopment
Authority



FRINGE WORLD

FESTIVAL 2018

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?



The
Mustang Bar

46 Lake St Northbridge, WA 6003
Tel: (08) 9328 2350 Fax: (08) 9228 3153
info@mustangbar.com.au

MUSTANG BAR PTY LTD
ABN 64 096 271 804
ACN 096 271 804

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

A handwritten signature in blue ink, appearing to read 'Michael Keiller', with a stylized, cursive script.

Michael Keiller

#	CM Ref	Date	Type	Summary of comments	Consideration of comments
01	39949/18	25/01/18	Community Organisation	<p>The comments generally supported Council's resolution of 21 November 2017 and provided support for reduction in red tape and fees.</p> <p>It raised some concerns in relation to points five and six of that resolution:</p> <p><i>"5) The reduction of the pedestrian clearance in the new outdoor dining zones;</i></p> <p><i>6) The permission of alcohol consumption whilst standing in an outdoor dining area; "</i></p> <p>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.</p> <p>In relation to point 6 of that resolution it advises that members of the community organisation were concerned about the fairness of which businesses might be allowed to allow consumption of alcohol while standing.</p>	<p>These comments have been carefully taken into consideration in the formation of the guidelines and policy.</p> <p>In relation to the local law, setbacks 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.</p> <p>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. There is no prohibition or endorsement within the local law.</p> <p>The terms of the Council resolution have been carefully considered to ensure the local law accommodates them.</p>
02	39578/18	15/01/18	Community Organisation	<p>The comments endorsed Council's resolution of 21 November 2017 being:</p> <p>1) The implementation of an annual Alfresco Dining Fee rate of \$40.00 per square metre from 1 January 2018;</p> <p>2) The allowance of beverage preparation and service from within the outdoor dining area;</p> <p>3) The allowance of service of pre-packaged food from within the outdoor dining area;</p>	<p>The terms of the Council resolution have been carefully considered to ensure the local law accommodates them.</p> <p>While some matters are more appropriate to be addressed in policy, guidelines, and budgets (particularly fees, specified setbacks, and ability to consume alcohol) the amendments have been included into the proposed local law that:</p> <ul style="list-style-type: none"> • allow for payment plans, • ensure there is not prohibition of service or prepacked food or preparation of drinks,

#	CM Ref	Date	Type	Summary of comments	Consideration of comments
				<p>4) The change of program name to Outdoor Dining;</p> <p>5) The reduction of the pedestrian clearance in the new outdoor dining zones;</p> <p>6) The permission of alcohol consumption whilst standing in an outdoor dining area;</p> <p>7) The renewal period from annually to three yearly; and</p> <p>8) The option of a payment plan.</p>	<ul style="list-style-type: none"> • increase the standard licence term; and • change the name of the program.
03	39949/18	25/01/18	Food business owner	<p>The comments raised some concerns in relation to points five and six of Council's resolution of 21 November 2017 being :</p> <p><i>"5) The reduction of the pedestrian clearance in the new outdoor dining zones;</i></p> <p><i>6) The permission of alcohol consumption whilst standing in an outdoor dining area; "</i></p> <p>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.</p> <p>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.</p>	<p>These comments have been carefully taken into consideration in the formation of the guidelines and policy.</p> <p>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.</p> <p>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.</p> <p>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.</p>
04		25/01/18	Land/Business Owner Representative	<p>The comments endorsed Council's resolution of 21 November 2017.</p>	<p>The terms of the Council resolution have been carefully considered to ensure the local law accommodates them.</p> <p>While some matters are more appropriate to be addressed in policy, guidelines, and budgets (particularly fees, specified setbacks, and ability to consume alcohol)</p>

#	CM Ref	Date	Type	Summary of comments	Consideration of comments
					<p>the amendments have been included into the proposed local law that:</p> <ul style="list-style-type: none"> • 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.

*Local Government Act 1995***CITY OF PERTH****ALFRESCO DINING LOCAL LAW 2009****ARRANGEMENT****PART 1 - PRELIMINARY**

- 1.1 Citation**
- 1.2 Commencement**
- 1.3 Purpose and effect**
- 1.4 Repeal**
- 1.5 Transitional**
- 1.6 Application**
- 1.7 Interpretations**

PART 2 - LICENCE

- 2.1 Licence required**
- 2.2 Exemptions**
- 2.3 Application for a licence**
- 2.4 Relevant considerations in determining application for licence**
- 2.5 Decision on application for licence**
- 2.6 Conditions which may be imposed on a licence**
- 2.7 Compliance with conditions**
- 2.8 Amendment of licence conditions**
- 2.9 Duration of licence**
- 2.10 Renewal of licence**
- 2.11 Transfer of licence**
- 2.12 Cancellation or suspension of licence**
- 2.13 Display and production of licence and approval sticker**
- 2.14 Smoking and no smoking areas**

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 City 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 description and Modified Penalty****4.8 Authorised persons****FIRST SCHEDULE**

Local Government Act 1995

CITY OF PERTH

ALFRESCO DINING LOCAL LAW 2009

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 2 June 2009 to make the following Local Law.

PART 1 - PRELIMINARY

1.1 Citation

This local law may be cited as the *City of Perth Alfresco Dining Local Law 2009*.

1.2 Commencement

- (1) Subject to subclause (2), this local law comes into operation 14 days after the date of its publication in the *Government Gazette*.
- (2) Clause 2.14 of this local law comes into operation on 1 July 2009.

1.3 Purpose and effect

- (1) The purpose of this local law is to provide for the regulation, control and management of alfresco dining areas in any public place within the district.
- (2) The effect of this local law is to control alfresco dining areas so that they do not interfere with the safe and reasonable movement of pedestrians and vehicles as well as to encourage high quality alfresco dining to enhance amenity, vitality and ambience of the city.

1.4 Repeal

The following local laws are repealed on the day that this local law comes into operation:

- (1) City of Perth Alfresco Dining Local Law 2000 as published in the *Government Gazette* on 10 November 2000; and
- (2) Part 7 of the City of Perth Amendment Local Law 2007 as published in the *Government Gazette* on 29 February 2008.

1.5 Transitional

A licence issued in accordance with the *City of Perth Alfresco Dining Local Law 2000*-

- (a) is to be taken to be a licence granted under this local law;
- (b) is to be valid for the period specified in the licence; and
- (c) may be earlier cancelled or suspended under this local law.

1.6 Application

This local law applies throughout the district.

1.7 Interpretations

In this local law, 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 supply of food or beverages or both by the public or the consumption of food or beverages or both by the public;

“alfresco dining” means outdoor dining or drinking or both in a public place;

“approval sticker” means a sticker issued by the City signifying that a licence has been issued;

“authorised person” means the CEO or any other person authorised by the City under section 9.10 of the Act to be an authorised person for the purposes of enforcing the provisions of this local law;

“CEO” means the Chief Executive Officer of the City;

“City” means the City of Perth;

“City property” means anything except a thoroughfare-

- (a) which belongs to the City;
- (b) of which the City is the management body under the *Land Administration Act 1997*; or
- (c) which is an “otherwise unvested facility” within section 3.53 of the Act;

“Council” means the Council of the City;

“district” means the district of the City;

“food business” has the same meaning as the *Food Act 2008*;

“fee” means a fee or charge imposed under sections 6.16 to 6.19 of the Act;

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

"Health Act" means the *Health Act 1911*;

"licence" means a licence issued by the City under this local law to set up and conduct an alfresco dining area;

"licence period" means the period referred to in clause 2.9;

"licence plan" means a plan attached to and forming part of a licence depicting the parts of a street or public place within which an alfresco dining area may be set up and conducted;

"licensee" means a proprietor of a food business who holds a valid licence;

"Liquor Control Act" means the *Liquor Control Act 1988*;

"local public notice" has the meaning given to it in section 1.7 of the Act;

"month" means calendar month;

"no smoking area" means an alfresco dining area where smoking a tobacco product is not permitted and no smoking signs are displayed;

"no smoking sign" means a sign displaying the phrase "no smoking" or "smoking prohibited" in letters that are at least 20mm in height or the symbol designated in ISO 7010 : 2003 indicating smoking is prohibited and having a diameter of at least 70mm;

"pedestrian mall" means any road or portion of a road that is gazetted as a pedestrian mall;

"public place" means any thoroughfare, pedestrian mall or City property;

"proprietor" has the same meaning as the *Food Act 2008*;

"Regulations" means the *Local Government (Functions and General) Regulations 1996*;

"smoke" has the same meaning as the *Tobacco Products Control Act 2006* and "smoking" has its correlated meaning;

"thoroughfare" has the meaning given to it in the Act;

“tobacco product” has the same meaning as the *Tobacco Products Control Act 2006*;

“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 licence issued under this local law, means current and for which all the associated fees 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 - LICENCE

2.1 Licence required

Unless exempt under clause 2.2, a person shall not set up or conduct an alfresco dining area in any public place-

- (a) other than in a portion of a public place adjoining 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 the holder of valid licence issued under this local law; and
- (d) other than in accordance with the licence plan and any terms and conditions set out in, or applying in respect of, the licence.

2.2 Exemptions

- (1) The City may exempt a person or class of persons in writing from the requirement to have a licence.
- (2) Any exemption in subclause (1) may be exercised-
 - (a) on the application of a person; or
 - (b) at the City’s discretion.
- (3) An exemption in subclause (1) may be given subject to any conditions the City sees fit.

- (4) An exemption may apply to, or in respect of-
 - (a) a particular event, street festival, carnival or activity approved by the City;
 - (b) particular goods or services; or
 - (c) a period of time.

2.3 Application for a licence

- (1) A person who is required to obtain a licence under this local law shall apply for the licence in accordance with subclause (2).
- (2) An application for a licence under this local law shall-
 - (a) be in the form determined by the City;
 - (b) be signed by the proprietor of a food business adjacent to the portion of the public place to which the application relates;
 - (c) provide the information required by the form; and
 - (d) be forwarded to the CEO together with any fee imposed and determined by the City.
- (3) The City may require an applicant to provide additional information reasonably related to an application before determining the application.
- (4) The City may require an applicant to give local public notice of the application for a licence.
- (5) The City may refuse to consider an application for a licence which is not in accordance with subclause (2) or where the applicant has not complied with subclauses (3) or (4).

2.4 Relevant considerations in determining application for licence

In determining an application for a licence, the City is to have regard to-

- (a) the alfresco dining policy or any other relevant policies of the City; and
- (b) any other matters that it considers to be relevant.

2.5 Decision on application for licence

- (1) The City may, in respect of an application for a licence-
 - (a) approve the application unconditionally or subject to any conditions; or
 - (b) refuse to approve the application.
- (2) Without limiting the scope of the City's discretion under subclause 1(b), the City may refuse an application for a licence if, in its opinion-
 - (a) the proposed alfresco dining does not conform with the requirements of the Health Act or any other written law;
 - (b) the proposed alfresco dining area is undesirable;
 - (c) the proposed furniture is unsuitable, in any respect, to the location in which the licence is to operate;
 - (d) the proposed licensee has been convicted during the preceding five years of an offence against -
 - (i) this local law;
 - (ii) the City of Perth Alfresco Dining Local Law 2000;
 - (iii) Part 7 of the City of Perth Amendment Local Law 2007;
 - (iv) the Health Act;
 - (v) the Liquor Control Act; or
 - (vi) any other written law which affects alfresco dining; or
 - (e) the proposed licensee is not a fit and proper person to hold a licence.
- (3) If the City approves an application for a licence, it is to issue to the applicant a licence in the form determined by the City.
- (4) If the City refuses to approve an application for a licence, 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 licence or which are to be taken to be imposed on a licence, the clause does not limit the power of the City to impose other conditions on the licence under subclause (1)(a).
- (6) Where a clause of this local law refers to the grounds on which an application for a licence may be or is to be refused, the clause does not limit the power of the City to refuse the application for a licence on other grounds under subclause (1)(b).

2.6 Conditions which may be imposed on a licence

The City may approve an application for a licence subject to conditions relating to-

- (a) the area or location to which the licence applies;
- (b) the number, type, form and construction, as the case may be, of any furniture which may be used in the alfresco dining area;
- (c) the care, maintenance and cleaning of any furniture used in the alfresco dining area;
- (d) the removal and storage of furniture used in the alfresco dining area prior to the closure of the adjacent food business;
- (e) the requirement to maintain pedestrian access between the alfresco dining area and the adjacent food business;
- (f) the alfresco dining area not impeding or obstructing a public place used by either pedestrians or vehicles;
- (g) the requirement to maintain clear sight lines for vehicles entering or leaving a thoroughfare or a vehicle crossing;
- (h) the obtaining of public risk insurance in an amount and on the terms reasonably required by the City;
- (i) the grant of another approval, permit, licence or authorisation which may be required under any written law;
- (j) the duration and commencement of the licence;
- (k) the placement of advertising on furniture within the alfresco dining area;
- (l) the payment of all fees, charges, rates and taxes levied or incurred as a result of the establishment and operation of the alfresco dining area;

- (m) the payment of costs associated with the City preparing the public place for the use as an alfresco dining area including but not limited to the reshaping of footpaths and marking the boundaries of the alfresco dining area.

2.7 Compliance with conditions

Where-

- (a) an application for a licence has been approved subject to conditions; or
 - (b) a licence is to be taken to be subject to conditions under this local law,
- the licensee shall comply with each of those conditions.

2.8 Amendment of licence conditions

- (1) A licensee may apply in writing to the City to amend any of the terms or conditions of the licence.
- (2) The City may, in respect of an application under subclause (1)-
 - (i) amend the licence, either in accordance with the application or otherwise as it sees fit; or
 - (ii) decline to amend the licence.
- (3) The City may, at any time, amend any of the terms and conditions of the licence.
- (4) If the City amends a licence under this clause, it is to notify the licensee 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 licence apply from the date of the notification.
- (5) If the City amends a licence otherwise than in accordance with an application from the licensee, it is, as soon as practicable after the decision to amend is made-
 - (i) to give to the licensee written notice of, and written reasons for, its decision to amend; and
 - (ii) inform the licensee of his or her rights, under Part 9, Division 1 of the Act, to object to, and apply for a review of, the decision.

2.9 Duration of licence

A licence is valid for twelve months from the date on which it is issued, unless it is-

- (a) otherwise stated in this local law or in the licence; or
- (b) cancelled under clause 2.12.

2.10 Renewal of licence

- (1) A licensee may apply to the City of Perth in writing no later than two months before the expiry of a licence for the renewal of the licence.
- (2) The provisions of this local law relevant to the licence which is to be renewed shall apply, with such modifications as are required, to an application for the renewal of a licence.

2.11 Transfer of licence

- (1) An application for the transfer of a valid licence is to-
 - (a) be in the form determined by the City;
 - (b) provide the information required by the form or by any other clause of this local law;
 - (c) be signed by the licensee and the proposed transferee of the licence; and
 - (d) be forwarded to the City together with any transfer fee imposed and determined by the City.
- (2) The City may refuse to consider or determine an application for the transfer of a licence, which is not in accordance with subclause (1).
- (3) The City may approve an application for the transfer of a licence, 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 shall become the licensee from the date of the approval.

2.12 Cancellation or suspension of licence

- (1) A licence may be cancelled by the City on any one or more of the following grounds-
 - (a) the licensee has not complied with-
 - (i) a condition of the licence; or
 - (ii) a provision of this local law or any other written law which may relate to the activity regulated by the licence;
 - (b) if it is relevant to the activity regulated by the licence-
 - (i) the licensee is an undischarged bankrupt, or is in liquidation;
 - (ii) the licensee 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 licensee's undertakings or property;
 - (c) the proprietor of the food business changes;
 - (d) the setting up or conduct of the alfresco dining area, or the behaviour of customers within the alfresco dining area, is causing a nuisance.
- (2) The City may cancel or suspend a licence if the City or a utility requires access to or near the place to which a licence applies, for the purposes of carrying out works in or near the vicinity of that place.
- (3) If the City cancels or suspends a licence under this clause, it is, as soon as practicable after the decision is made-
 - (a) to give the permit holder written notice of, and reasons for, the decision;
 - (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; and
 - (c) the cancellation or suspension takes effect from the date on which the licensee is served with the cancellation or suspension notice.

- (4) On the cancellation of a licence, the licensee shall return the licence and approval sticker as soon as practicable to the City.
- (5) On the cancellation or suspension of a licence, the licensee is, subject to subclause (6), to be taken to have forfeited any fees paid in respect of the licence.
- (6) Where a licence is cancelled or suspended through no fault of the licensee, the City may refund to the licensee all or part of the licence fee in respect of what would otherwise have been the balance of the term of the licence.

2.13 Display and production of licence and approval sticker

- (1) A licensee shall produce to an authorised person his or her valid licence immediately on being required to do so by an authorised person.
- (2) A licensee shall display an approval sticker in accordance with the conditions set out in the licence.

2.14 Smoking and no smoking areas

- (1) An alfresco dining area licenced under this local law shall be deemed to be a no smoking area.
- (2) A licensee shall establish the alfresco dining area as a no smoking area.
- (3) A person shall not smoke a tobacco product in a licenced alfresco dining area.

PART 3 - OBJECTIONS AND APPEALS

3.1 Application of Part 9 Division 1 of the Act

- (1) Where the City makes a decision as to whether it will-
 - (a) grant an application for a licence;
 - (b) vary, cancel or suspend a licence; or
 - (c) impose or amend a condition to which a licence is subject,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, a decision of the City.

PART 4 - ENFORCEMENT

4.1 Direction of authorised person to be obeyed

- (1) A licensee who is given a lawful direction by an authorised person or a member of the W.A. Police shall comply with that direction.
- (2) A licensee shall not obstruct or hinder an authorised person in the performance of that person's duties.

4.2 Notice to repair damage to public place

Where any portion of a public place has been damaged as a result of the use of that public place as an alfresco dining area, the City may, by notice to the licensee, order the licensee to repair or replace that portion of the public place to the satisfaction of the City.

4.3 City may undertake requirements of notice

If a person fails to comply with a notice under clause 4.2, the City may do the thing specified in the notice and recover from that person, as a debt, the costs incurred in so doing.

4.4 Removal and impounding of goods

Where an alfresco dining area is conducted without a licence or in contravention of a condition of a licence, any 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 or directed 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 First 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 shall be liable, on conviction-
- (a) in the case of a breach of clause 2.14, to a penalty not exceeding \$2,000;
 - (b) in the case of any other clause other than clause 2.14, 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 has continued.

4.6 Infringement and infringement withdrawal notices

For the purposes of this local law-

- (a) 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 description and Modified Penalty

The amount appearing in the final column of the First Schedule directly opposite an offence described in that Schedule is the modified penalty for that offence.

4.8 Authorised persons

Unless expressly stated otherwise by the City, a person appointed by the City to be an authorised person for the purposes of this local law is taken to have also been appointed by the City to be an authorised person for the purposes of sections 9.13 and 9.16 of the Act in relation to offences against this local law.

FIRST SCHEDULE
CITY OF PERTH
ALFRESCO DINING LOCAL LAW 2009
OFFENCES AND MODIFIED PENALTIES

Item No	Clause No	Nature of Offence	Modified Penalty \$
1	2.1	Set up or conduct and alfresco dining area without a valid licence	300
2	2.7	Failure to comply with a condition of licence	100
3	2.13(1)	Failure to produce to an authorised person a valid licence when requested to do so	100
4	2.13(2)	Failure to display an approval sticker	100
5	2.14(2)	Failure to establish an alfresco dining area as a no smoking area	200
6	2.14(3)	Smoking in an alfresco dining area	100
7		Other offences not specified	100

Dated: 2009.

The Common Seal of the)
City of Perth was)
affixed by the authority of a)
resolution of the Council)
in the presence of-)

LISA SCAFFIDI
The Rt Hon the Lord Mayor.

FRANK EDWARDS
Chief Executive Officer.

Alfresco Dining Local Law 2009 – Original Clauses	Outdoor Dining Local Law 2019	Comments
Alfresco Dining Local Law 2009	Alfresco Outdoor Dining Local Law 2009 2019	Change of “Alfresco” to “Outdoor”
Under the powers conferred by the <i>Local Government Act 1995</i> and under all other powers enabling it, the Council of the City of Perth resolved on 2 June 2009 to make the following Local Law.	Under the powers conferred by the <i>Local Government Act 1995</i> and under all other powers enabling it, the Council of the City of Perth resolved on [DATE] 2 June 2009 to make the following Local Law <u>this local law</u> .	Council Resolution date still yet to be established.
PART 1 - PRELIMINARY	Part 1 - Preliminary	
1.1 Citation	1.1 Citation Short title	
This local law may be cited as the <i>City of Perth Alfresco Dining Local Law 2009</i> .	This local law may be cited as is the City of Perth <u>Outdoor Alfresco Dining Local Law 2019 2009</u> .	This is the latest style adopted by the Office of Parliamentary Counsel.
1.2 Commencement	1.2 Commencement	
(1) Subject to subclause (2), this local law comes into operation 14 days after the date of its publication in the <i>Government Gazette</i> .	(1) Subject to subclause (2), This local law <u>comes</u> will come into operation 14 days after the date of its publication in the <i>Government Gazette</i> .	There is no requirement to delay the commencement of any clause. The change from “comes” to “will come” is a minor drafting change to be consistent with the <i>City of Perth Parking Local Law 2017</i> .
(2) Clause 2.14 of this local law comes into operation on 1 July 2009.	(2) Clause 2.14 of this local law <u>comes</u> into operation on 1 July 2009.	
1.3 Purpose and effect	1.3 Purpose and effect intent.	
(1) The purpose of this local law is to provide for the regulation, control and management of alfresco dining areas in any public place within the district.	(1) The purpose of this local law is to <u>provide for the regulation</u> regulate the management of alfresco <u>outdoor</u> dining areas in any public place within the district.	The use of ‘intent’ is more consistent with section 1.3 of the <i>Local Government Act 1995</i> . Additionally, in accordance with section 18 of the <i>Interpretation Act 1984</i> the purpose or object (as well as the expressed intent) is relevant to the interpretation of a local law while effect is not necessarily.
(2) The effect of this local law is to control alfresco dining areas so that they do not interfere with the safe movement of pedestrians and vehicles as well as to encourage high quality alfresco dining to enhance amenity, vitality and ambience of the city.	(a) to <u>control alfresco</u> enable outdoor dining areas to be <u>managed</u> so that they do not interfere with the safe, accessible and reasonable movement of pedestrians persons and vehicles <u>as well as</u> ; and (b) to encourage high quality alfresco <u>outdoor</u> dining to enhance amenity, vitality and ambience of the city <u>district</u> .	Minor amendments are proposed to increase clarity. The inclusion of the term accessible is in line with the City’s commitment under its Disability Access and Inclusion Plan to promote accessible movement.

<i>Alfresco Dining Local Law 2009 – Original Clauses</i>	<i>Outdoor Dining Local Law 2019</i>	Comments
<p>1.4 Repeal</p> <p>The following local laws are repealed on the day that this local law comes into operation:</p> <p>(1) City of Perth Alfresco Dining Local Law 2000 as published in the Government Gazette on 10 November 2000; and</p> <p>(2) Part 7 of the City of Perth Amendment Local Law 2007 as published in the Government Gazette on 29 February 2008.</p>	<p>1.4 Repeal</p> <p>The following local laws are repealed on the day that this local law comes into operation:</p> <p>(1) City of Perth Alfresco Dining Local Law 2000 2009 as published in the Government Gazette on 10 November 2000 <u>16 June 2009</u>, is repealed; and</p> <p>(2) Part 7 of the City of Perth Amendment Local Law 2007 as published in the Government Gazette on 29 February 2008.</p>	<p>The amendment from the city to the district is more accurate then amending to local government as the intent is to encourage high quality outdoor dining within the district rather than within the organisation.</p> <p>The amendments are to indicate the local law to be repealed.</p>
<p>1.5 Transitional</p> <p>A licence issued in accordance with the <i>City of Perth Alfresco Dining Local Law 2000</i> –</p> <p>(a) is to be taken to be a licence granted under this local law;</p> <p>(b) is to be valid for the period specified in the licence; and</p> <p>(c) may be earlier cancelled or suspended under this local law.</p>	<p>1.5 Transitional</p> <p>A licence issued in accordance with <u>under the City of Perth Alfresco Dining Local Law 2000-2009</u> -</p> <p>(a) is to be taken to be a <u>licence granted permit issued</u> under this local law;</p> <p>(b) is to be valid for the period specified in the licence; and</p> <p>(c) may be earlier cancelled or suspended under this local law.</p>	<p>The term “in accordance with” is changed to under for consistency with the rest of the clause. It is also simpler to demonstrate a licence had been issued ‘under’, rather than ‘in accordance with’ a local law.</p> <p>Granted has been amended to issued for consistency with the other provisions of this local law.</p> <p>The term licence has been amended to the term permit for administrative ease only.</p>
<p>1.6 Application</p>	<p>1.6 Application</p>	<p>No change.</p>

Alfresco Dining Local Law 2009 – Original Clauses	Outdoor Dining Local Law 2019	Comments
This local law applies throughout the district.	This local law applies throughout the district.	
1.7 Interpretations In this local law, unless the context otherwise requires -	1.7 Interpretations-Terms used In this local law, unless the context otherwise requires -	"Terms used" is the latest style adopted by the Office of Parliamentary Counsel.
"Act" means the <i>Local Government Act 1995</i> ;	Act means the <i>Local Government Act 1995</i> ;	Formatting change only
"alfresco dining area" means an area in which tables, chairs and other structures are provided for the purpose of the supply of food or beverages or both by the public or the consumption of food or beverages or both by the public;	alfresco dining area" means an area in which tables, chairs and other structures are provided for the purpose of the supply of food or beverages or both by the public or the consumption of food or beverages or both by the public;	A similar definition has been included for outdoor dining area and has been relocated below alphabetically.
"alfresco dining" means outdoor dining or drinking or both in a public place;	"alfresco dining" means outdoor dining or drinking or both in a public place;	A similar definition has been included for outdoor dining and has been relocated below alphabetically.
"approval sticker" means a sticker issued by the City signifying that a licence has been issued;	"approval sticker" means a sticker issued by the City signifying that a licence has been issued;	The definition of approval sticker has been removed as the clause requiring an approval sticker has been removed.
"authorised person" means the CEO or any other person authorised by the City under section 9.10 of the Act to be an authorised person for the purposes of enforcing the provisions of this local law;	authorised person means the CEO or any a person authorised by the City local government under section 9.10 of the Act to be perform any of the functions of an authorised person for the purposes of enforcing the provisions of under this local law;	Changed the term "City" to "local government". The clause has been amended for consistency with the other recently adopted local laws including the <i>City of Perth Parking Local Law 2017</i> . The Inclusion of functions of an authorised person is consistent with WALGA Model Local Laws.
"CEO" means the Chief Executive Officer of the City;	CEO means the Chief Executive Officer of the <u>City local government</u> ;	Changed the term "City" to "local government".
"City" means the City of Perth;	"City" means the City of Perth;	Removed the term "City" and replaced with

<i>Alfresco Dining Local Law 2009 – Original Clauses</i>	<i>Outdoor Dining Local Law 2019</i>	Comments
		“local government” as per advice received from DLGC and JSCDL. A new term for local government has been relocated alphabetically.
<p>“City property” means anything except a thoroughfare –</p> <p>(a) which belongs to the City;</p> <p>(b) of which the City is the management body under the <i>Land Administration Act 1997</i>; or</p> <p>(c) which is an “otherwise unvested facility” within section 3.53 of the Act;</p>	<p>City property means anything except a thoroughfare –</p> <p>(a) which belongs to the City;</p> <p>(b) of which the City is the management body under the <i>Land Administration Act 1997</i>; or</p> <p>which is an “otherwise unvested facility” within section 3.53 of the Act;</p>	A corresponding definition has been included for local government property and has been relocated below alphabetically.
“Council” means the Council of the City;	Council means the Council of the City <u>local government</u> ;	Changed the term “City” to “local government”. Council is lower case to be consistent with the <i>Local Government Act 1995</i> .
	Disability Access and Inclusion Plan has the meaning given in the <i>Disability Services Act 1993</i>	A definition is required as the term has now been included within the local law.
“district” means the district of the City;	district means the district of the City <u>local government</u> ;	Changed the term “City” to “local government”.
“fee” means a fee or charge imposed under sections 6.16 to 6.19 of the Act;	fee means a fee or charge imposed under sections 6.16 to 6.19 of the Act;	Formatting change only.
	food has the meaning given in the <i>Food Act</i> ;	To provide a general definition for food.
	Food Act means the <i>Food Act 2008</i> ;	Food Act 2008 is used several times in the legislation and so was defined to be consistent with other references to legislation.
“food business” has the same meaning as the <i>Food Act 2008</i> ;	food business has the same meaning given in as the <i>Food Act 2008</i> ;	“2008” has been cut in alignment with the new definition for Food Act. Minor rewording for clarity.

Alfresco Dining Local Law 2009 – Original Clauses	Outdoor Dining Local Law 2019	Comments
	footpath has the meaning given in the Road Traffic Code 2000;	Term footpath now included within the local law and definition not included accordingly.
“furniture” means chairs, tables, waiters’ stations, planter boxes, umbrellas, screens, barriers, awnings, portable gas heaters and any other structure set up in the alfresco dining area;	furniture means chairs, tables, waiters’ stations, planter boxes, umbrellas, screens, barriers, awnings, portable gas heaters and any other structure set up in the <u>alfresco outdoor dining area</u> ;	Change the term alfresco to outdoor.
“Health Act” means the <i>Health Act 1911</i> ;	Health Act means the <i>Health [Miscellaneous Provisions] Act 1911</i> ;	The title of the legislation changed following the commencement of the <i>Public Health Act 2016</i> .
“licence” means a licence issued by the City under this local law to set up and conduct an alfresco dining area;	“licence” means a licence issued by the City under this local law to set up and conduct an alfresco dining area;	A similar definition has been included for permit and has been relocated below alphabetically.
“licence period” means the period referred to in clause 2.9;	“licence period” means the period referred to in clause 2.9;	A similar definition has been included for permit period and has been relocated below alphabetically.
“licence plan” means a plan attached to and forming part of a street or public place within which an alfresco dining area may be set up and conducted;	“licence plan” means a plan attached to and forming part of a licence depicting the parts of a street or public place within which an alfresco dining area may be set up and conducted;	A similar definition has been included for permit plan and has been relocated below alphabetically.
“licensee” means a proprietor of a food business who holds a valid licence;	licensee” means a proprietor of a food business who holds a valid licence;	A similar definition has been included for permit holder and has been relocated below alphabetically.
“Liquor Control Act” means the <i>Liquor Control Act 1988</i> ;	Liquor Control Act means the <i>Liquor Control Act 1988</i> ;	Formatting change only.
	City local government means the local government of the City of Perth;	New definition included for clarity as advised by the DLGC and the JSCDL replaces definition of City. Definition consistent with the <i>Parking Local Law 2017</i> and the <i>Thoroughfares and Public Places Local Law 2017</i> .

<i>Alfresco Dining Local Law 2009 – Original Clauses</i>	<i>Outdoor Dining Local Law 2019</i>	<i>Comments</i>
	City property means anything except a thoroughfare – (a) which belongs to the City; (b) of which the City is the management body under the <i>Land Administration Act 1997</i> ; or which is an “otherwise unvested facility” within section 3.53 of the Act; local government property has the meaning given in the Act; local public notice has the meaning given to it in section 1.7 of the Act;	Definition changed to align with the <i>Local Government Act 1995</i> .
“ local public notice ” has the meaning given to it in section 1.7 of the Act;		Amendment to remove a specific reference to a section of legislation as there is only one definition of local public notice within the Act.
“ month ” means calendar month;	“ month ” means calendar month;	The definition of month has been removed as the term month is no longer used in this local law.
“ no smoking area ” means an alfresco dining area where smoking a tobacco product is not permitted and no smoking signs are displayed;	“ no smoking area ” means an alfresco dining area where smoking a tobacco product is not permitted and no smoking signs are displayed;	The definition of no smoking area has been removed as the clause requiring no smoking area to be established has been removed.
“ no smoking sign ” means a sign displayed the phrase “no smoking” or “no smoking prohibited” in letters that are at least 20mm in height or are at least 20mm in height or the symbol designated in ISO 7010 : 2003 indicating smoking is prohibited and having a diameter of at least 70mm;	“ no smoking sign ” means a sign displayed the phrase “no smoking” or “no smoking prohibited” in letters that are at least 20mm in height or the symbol designated in ISO 7010 : 2003 indicating smoking is prohibited and having a diameter of at least 70mm;	The definition of no smoking sign has been removed as the clause requiring no smoking sign to be displayed has been removed. The definition is also inconsistent with the requirements of the <i>Tobacco Products Control Act 2006</i> .
“ alfresco dining ” means outdoor dining or drinking or both in a public place;	Alfresco-outdoor dining means outdoor dining or drinking or both in a public place;	Definition of outdoor dining required to replace definition of alfresco dining. Amendments in accordance with decision to rename program to “outdoor dining”
“ alfresco dining area ” means an area in which tables, chairs and other structures are provided for the purpose of the supply of food or beverages or both by the public or the consumption of food or beverages or both by the public;	alfresco-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	

Alfresco Dining Local Law 2009 – Original Clauses	Outdoor Dining Local Law 2019	Comments
	(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;	pedestrian mall means any road or portion of a road that is gazetted as a pedestrian mall;	Formatting change only.
	licence-permit means a licence-permit issued by the City local government or an authorised person under this local law to set-up and conduct an alfresco dining area;	Definition of permit required to replace definition of licence. Changed the term “City” to “local government” and added authorised officer to be consistent with <i>City of Perth Parking Local Law</i> and to confirm the authority of an authorised person to issue licences.
	licence permit period means the period referred to in clause 2.9	It is unnecessary to specify that the permit is to set up and conduct an alfresco dining area. Definition of permit period required to replace definition of licence period. Amendments only in accordance with new definitions and renumbering.
	licence permit plan means a plan attached to and forming part of a licence-permit depicting the parts of a street or public place within which an alfresco outdoor dining area may be set up and conducted;	Definition of permit plan required to replace definition of licence plan. Amendments only in accordance with new definitions.
	licence permit holder means a proprietor of a food business who holds a valid licence permit ;	Definition of permit holder required to replace definition of licensee. Amendments only in accordance with new definitions.
“proprietor” has the same meaning as the <i>Food Act 2008</i> ;	proprietor has the meaning given in the <i>Food Act 2008</i> ;	“2008” has been cut in alignment with the new definition for Food Act.
	Public Health Act means the <i>Public Health Act 2016</i> ;	The Public Health Act is now referenced following the introduction of the <i>Public Health Act 2016</i> . While the <i>Health (Miscellaneous Provisions) Act 1911</i> still contains most of the relevant provisions the operative clauses of

<i>Alfresco Dining Local Law 2009 – Original Clauses</i>	<i>Outdoor Dining Local Law 2019</i>	<i>Comments</i>
		the <i>Health (Miscellaneous Provisions) Act 1911</i> will transition over the next few years,
“ public place ” means any thoroughfare, pedestrian mall, or City property;	public place means any thoroughfare, pedestrian mall or <u>City local</u> government property;	Changed the term “City” to “local government”
“ Regulations ” means the <i>Local Government (Functions and General) Regulations 1996</i> ;	Regulations means the <i>Local Government (Functions and General) Regulations 1996</i> ;	Formatting change only.
“ smoke ” has the same meaning as the <i>Tobacco Products Control Act 2006</i> and “smoking” has its correlated meaning;	“smoke” has the same meaning as the Tobacco Products Control Act 2006 and “smoking” has its correlated meaning;	The definition of smoke has been removed as the clause requiring no smoking areas to be established has been removed.
“ thoroughfare ” has the meaning given to it in the Act;	thoroughfare has the meaning given to it in the Act;	Minor formatting and rewording for clarity.
“ tobacco product ” has the same meaning as the <i>Tobacco Products Control Act 2006</i> ;	tobacco product has the same meaning as the Tobacco Products Control Act 2006;	The definition of tobacco product has been removed as the clause requiring no smoking area to be established has been removed.
“ 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;	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;	Formatting change only.
“ valid ”, in relation to a licence issued under this local law, means current and for which all the associated fees have been paid in full; and	valid , in relation to a licence issued under this local law 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	The deletion of “is issued under this local law” is because the word are unnecessary because of the definition of ‘permit’. Deleting these words also helps ensure that this definition would apply to transitional license under clause 1.5. The term licence has been amended to permit. The addition to of subclause (b) is intended to allow for the payment of fees in accordance with a payment plan.
“ vehicle crossing ” means a crossing used by vehicles	vehicle crossing means a crossing used by vehicles to allow access	Formatting change only.

Alfresco Dining Local Law 2009 – Original Clauses	Outdoor Dining Local Law 2019	Comments
to allow access from a thoroughfare to private land or a private thoroughfare.	from a thoroughfare to private land or a private thoroughfare.	
PART 2 – LICENCE	Part 2 – Licence-Permit	Term licence changed to permit for administrative ease and consistency as permit is used in all other local laws.
2.1 Licence required Unless exempt under clause 2.2, a person shall not set up or conduct an alfresco dining area in any public place – <ul style="list-style-type: none"> (a) other than in a portion of a public place adjoining 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 the proprietor of a food business referred to in paragraph (a); (d) unless the person is the holder of a valid licence issued under this local law; and (e) other than in accordance with the permit, including the permit plan and any terms and conditions set out in, or applying in respect of, the licence permit. 	2.1 Licence-Permit required Unless exempt under clause 2.2, a person shall not set up or conduct an alfresco outdoor dining area in any a public place- <ul style="list-style-type: none"> (a) other than in a portion of a public place <u>adjoining</u> 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 <u>the</u> a permit holder of a <u>valid</u> licence issued <u>under this local law</u>; and (d) other than in accordance with the <u>permit</u>, including the <u>permit</u> plan and any terms and conditions set out in, or applying in respect of, the licence <u>permit</u>. 	Subclause (a) has been amended from adjacent to adjoining. This occurs is all further instances. Due to the requirements of setbacks to allow safe pedestrian movement most alfresco areas are adjacent rather than adjoining. Instance of shall have been amended to must in all circumstances for clarity and consistency with other local laws. Subclause (c) has been amended to remove the reference to a valid licence. The inclusion is unnecessary as the definition of a permit holder required to permit to be valid. Subclause (d) has been amended to ensure the permit plan that can be issued with a permit is referenced.
2.2 Exemptions (1) The City may exempt a person or a class of persons in writing from the requirement to have a licence. (2) Any exemption in subclause (1) may be exercised –	2.2 Exemptions (1) The City local government or an authorised person may exempt give a <u>written exemption</u> to a person or class of persons in writing from the requirement to have a licence <u>permit</u> . (2) Any An exemption may be exercised <u>given</u> - (a) on the application of a person; or	Changed the term “City” to “local government” and added authorised officer to confirm authority of an authorised person to exempt from requirement to hold a permit. Minor amendments have been made for clarity.

Alfresco Dining Local Law 2009 – Original Clauses	Outdoor Dining Local Law 2019	Comments
<p>(a) on the application of a person; or</p> <p>(b) at the City's discretion.</p> <p>(3) An exemption in subclause (1) may be given subject to any conditions the City sees fit.</p> <p>(4) An exemption may apply to, or in respect of –</p> <p>(a) a particular event, street festival, carnival or activity approved by the City;</p> <p>(b) particular goods or services; or</p> <p>(c) a period of time.</p>	<p>(b) at the City's discretion of the <u>local government or an authorised person.</u></p> <p>(3) An exemption in subclause (1) may be given subject to any conditions the <u>City local government or an authorised person</u> sees fit.</p> <p>(4) An exemption may apply to, or in respect of –</p> <p>(a) a particular event, street festival, carnival or activity approved by the <u>City local government or an authorised person;</u></p> <p>(b) particular goods or services; or</p> <p>(c) a period of time.</p>	
<p>2.3 Application for a licence</p> <p>(1) A person who is required to obtain a licence under this local law shall apply for the licence in accordance with subclause (2).</p> <p>(2) An application for a licence under this local law shall –</p> <p>(a) be in the form determined by the City;</p> <p>(b) be signed by the proprietor of a food business adjacent to the portion of the public place to which the application relates;</p> <p>(c) provide the information required by the form; and</p> <p>(d) be forwarded to the CEO together with any fee imposed and determined by the City.</p> <p>(3) The City may require an applicant to provide additional information reasonably related to an application before determining the application.</p>	<p>2.3 Application for a <u>licence permit</u></p> <p>(1) A person who is required to obtain a <u>licence permit</u> under this local law shall <u>must</u> apply for the permit in accordance with subclause (2).</p> <p>(2) An application for a licence under this local law <u>shall permit must-</u></p> <p>(a) be in the form determined by the City <u>CEO or an authorised person;</u></p> <p>(b) provide the information or <u>documents</u> required by -</p> <p>(i) the form; or</p> <p>(ii) the <u>local government or an authorised person;</u></p> <p>(b) be signed by the proprietor of a food business adjacent to the portion of the</p>	<p>Changed licence to permit.</p> <p>Changed City to local government.</p> <p>Added authorised officer to confirm authority of an authorised person to require information for a permit or to require local public notice.</p> <p>Changed all instances of shall to must for clarity and consistency with other local laws.</p> <p>Additional amendments have been made to confirm that an adjacent business is only required to consent to the application if the outdoor dining area is to extend in front on a neighbouring property and otherwise only by the applicant.</p> <p>Clause amended to state signed by the applicant is to allow for circumstances where a person applies on behalf of the permit holder.</p>

Alfresco Dining Local Law 2009 – Original Clauses	Outdoor Dining Local Law 2019	Comments
<p>(4) The City may require an application to give local public notice of the application for a licence.</p> <p>(5) The City may refuse to consider an application for a licence which is not in accordance with subclause (2) or where the applicant has not complied with subclauses (3) or (4).</p>	<p>public place to which the application relates;</p> <p>(c) <u>be signed by the applicant for the permit;</u></p> <p>(d) <u>be accompanied by written consent from 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</u></p> <p>(e) <u>be forwarded to the CEO local government together with the appropriate fee, if any, imposed and determined by the City—local government.</u></p> <p>(3) The City <u>local government</u> or an authorised person may require an applicant to provide additional information reasonably related to an application before determining the application.</p> <p>(4) The City <u>local government</u> or an authorised person may require an applicant to give local public notice of the application for a licence <u>permit</u>.</p>	<p>Subclauses renumbered to allow for new subclause.</p> <p>“and determined” in subclause (e) deleted as it is consistent with the definition of ‘fee’ in clause 1.7, and with sections 6.16-6.20 of the <i>Local Government Act 1995</i>.</p>

Alfresco Dining Local Law 2009 – Original Clauses	Outdoor Dining Local Law 2019	Comments
	(5) The City local government or an authorised person may refuse to consider an application for a licence permit which is not in accordance with subclause (2) or where the applicant has not complied with subclauses (3) or (4).	
<p>2.4 Relevant considerations in determining application for licence</p> <p>In determining an application for a licence, the City is to have regard to –</p> <p>(a) the alfresco dining policy or any other relevant policies of the City; and</p> <p>(b) any other matters that it considers to be relevant.</p>	<p>2.4 Relevant considerations in determining application for licence permit</p> <p>In determining an application for a licence permit, City local government or an authorised person is to may have regard to –</p> <p>(a) any alfresco dining policy and relevant policies of the City local government;</p> <p>(b) the Disability Access and Inclusion Plan of the local government; and</p> <p>(c) any other matters that it the local government or the authorised person considers to be relevant.</p>	<p>Changed licence to permit.</p> <p>Changed City to local government.</p> <p>Added authorised officer to confirm authority of an authorised person to require information for a permit or to require local public notice.</p> <p>The reference to the alfresco dining policy was deleted due to the change or name and in recognition of the multiple relevant policies such as Heritage and Signage Policies.</p> <p>The reference to the Disability Access and Inclusion Plan of the local government was added to support accessibility considerations being properly considered.</p>
<p>2.5 Decision on application for licence</p> <p>(1) The City may, in respect of an application for a licence –</p> <p>(a) approve the application unconditionally or subject to any conditions; or</p> <p>(b) refuse to approve the application.</p> <p>(2) Without limiting the scope of the City's</p>	<p>2.5 Decision on application for licence permit</p> <p>(1) The City local government or an authorised person may, in respect of an application for a licence permit</p> <p>(a) approve the application unconditionally subject to any conditions; or</p> <p>(b) refuse to approve the application.</p> <p>(2) Without limiting the scope of the City's discretion of the local</p>	<p>Licence changed to permit.</p> <p>City changed to local government.</p> <p>Alfresco changed to outdoor.</p> <p>Authorised person included to confirm authority to determine whether to approve a permit.</p>

Alfresco Dining Local Law 2009 – Original Clauses	Outdoor Dining Local Law 2019	Comments
<p>discretion under subclause 1(b), the City may refuse an application for a licence if, in its opinion –</p> <p>(a) the proposed alfresco dining does not conform with the requirements of the Health Act or any other written law;</p> <p>(b) the proposed alfresco dining area is undesirable;</p> <p>(c) the proposed furniture is unsuitable, in any respect, to the location in which the licence is to operate;</p> <p>(d) the proposed licensee has been convicted during the preceding five years of an offence against –</p> <p>(i) this local law;</p> <p>(ii) the <i>City of Perth Alfresco Dining Local Law 2000</i>;</p> <p>(iii) Part 7 of the City of Perth Amendment Local Law 2007;</p> <p>(iv) the <i>Health Act</i>;</p> <p>(v) the <i>Liquor Control Act</i>; or</p> <p>(vi) any other written law which affects alfresco dining; or</p> <p>(e) the proposed licensee is not a fit and proper person to hold a licence.</p> <p>(3) If the City approves an application for a licence, it is to issue to the applicant a licence in the form determined by the City.</p> <p>(4) If the City refuses to approve an application for a licence, it is, as soon as practicable after the decision is made –</p> <p>(a) to give the applicant written notice of,</p>	<p>government or authorised person under subclause 1(b), the City local government or an authorised person may refuse an application for a licensee permit if, in their opinion</p> <p>(a) the proposed alfresco outdoor dining does not conform with the requirements of the Health Act or any other written law;</p> <p>(b) the proposed alfresco dining area is undesirable;</p> <p>(c) the proposed design or furniture is unsuitable, in any respect, to the location in which the licensee permit is to operate;</p> <p>(c) the proposed licensee permit holder has been convicted during the preceding five years of an offence against –</p> <p>(i) this local law;</p> <p>(ii) the City of Perth Alfresco Dining Local Law 2000;</p> <p>(iii) Part 7 of the City of Perth Amendment Local Law 2007;</p> <p>(iv) the Food Act</p> <p>(v) the Health Act;</p> <p>(vi) the Public Health Act;</p> <p>(vii) the Liquor Control Act; or</p> <p>(viii) any other written law which affects alfresco outdoor dining; or</p> <p>(d) the proposed licensee permit holder is not a fit and proper person to hold a licensee permit.</p> <p>(e) the pedestrian flow on a footpath would be <u>unreasonably impeded.</u></p> <p>(3) If the <u>City local government</u> or an authorised person approves an application for a licensee permit, it is to issue to the applicant a licensee permit and, if required, a permit plan in the form determined by the <u>City-CEO.</u></p> <p>(4) If the <u>City local government</u> or an authorised person refuses to approve an application for a licensee permit, it is, as soon as</p>	<p>Deletion of the clause providing that a outdoor dining permit may be refused if undesirable. This clause is broad and vague and risks disallowance from the JSCDL if retained.</p> <p>The addition of current legislation relevant for outdoor dining and amendment of outdated legislation titles.</p> <p>A new clause has been added to allow refusal of the basis of unreasonable impediment to pedestrian traffic.</p> <p>Renumbering of clause and reformatting.</p> <p>Minor amendments for clarity</p>

Alfresco Dining Local Law 2009 – Original Clauses	Outdoor Dining Local Law 2019	Comments
<p>and written reasons, for the refusal; and</p> <p>(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.</p> <p>(5) Where a clause of this local law refers to conditions which may be imposed on a licence or which are to be taken to be imposed on a licence, the clause does not limit the power of the City to impose other conditions on the licence under subclause (1)(a).</p> <p>(6) Where a clause of this local law refers to the grounds on which an application for a licence may be or is to be refused, the clause does not limit the power of the City to refuse the application for a licence on other grounds under subclause (1)(b).</p>	<p>practicable after the decision is made-</p> <p>(a) to give the applicant written notice of, and written reasons for, the refusal; and</p> <p>(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.</p> <p>(5) Where a clause of this local law refers to conditions which may be imposed on a <u>licence</u> or which are to be taken to be imposed on a licence <u>permit</u> the clause does not limit the power of the local government to impose other conditions on the <u>licence permit</u> under subclause (1)(a).</p> <p>(6) Where a clause of this local law refers to the grounds on which an application for a <u>licence permit</u> may be or is to be refused, the clause does not limit the power of the <u>City local government</u> to refuse the application for a <u>licence permit</u> on other grounds under subclause (1)(b).</p>	
<p>2.6 Conditions which may be imposed on a licence</p> <p>The City may approve an application for a licence subject to conditions relating to –</p> <p>(a) the area or location to which the licence applies;</p> <p>(b) the number, type, form and construction, as the case may be, of any furniture which may be used in the alfresco dining area;</p> <p>(c) the care, maintenance and cleaning of any furniture used in the alfresco dining area;</p> <p>(d) the removal and storage of furniture used in the alfresco dining area prior to the closure of the adjacent food business;</p>	<p>2.6 Conditions which may be imposed on a <u>licence permit</u></p> <p>The <u>City</u> local government or an authorised person may approve an application for a permit subject to conditions relating to-</p> <p>(a) the area or location to which the <u>licence permit</u> applies;</p> <p>(b) the number, type, form and construction as the case may be, of any <u>structure or furniture</u> which may be used in the <u>alfresco-outdoor dining area</u>;</p> <p>(c) the care, maintenance and cleaning of any <u>structure or furniture</u> used in the <u>alfresco-outdoor dining area</u>;</p> <p>(d) the removal and storage of <u>furniture used in the alfresco dining area</u>, prior to the <u>closure</u> of the adjacent food business, <u>of any structure or furniture used in the outdoor dining area</u>;</p> <p>(e) <u>the requirement to maintain maintenance of pedestrian</u></p>	<p>Licence changed to permit.</p> <p>City changed to local government.</p> <p>Alfresco changed to outdoor.</p> <p>Authorised person included to determine conditions appropriate for a permit.</p> <p>New clause to allow for cleaning of debris associated with the outdoor dining area may be required.</p> <p>New clause to allow for bond to be required where the applicant intends to install permanent fixtures.</p>

Alfresco Dining Local Law 2009 – Original Clauses	Outdoor Dining Local Law 2019	Comments
<p>(e) the requirement to maintain pedestrian access between the alfresco dining area and the adjacent food business;</p> <p>(f) the alfresco dining area not impeding or obstructing a public place used by either pedestrians or vehicles;</p> <p>(g) the requirement to maintain clear sight lines for vehicles entering or leaving a thoroughfare or a vehicle crossing;</p> <p>(h) the obtaining of public risk insurance in an amount and on the terms reasonably required by the City;</p> <p>(i) the grant of another approval, permit, licence or authorisation which may be required under any written law;</p> <p>(j) the duration and commencement of the licence;</p> <p>(k) the placement of advertising on furniture within the alfresco dining area;</p> <p>(l) the payment of all fees, charges, rates and taxes levied or incurred as a result of the establishment and operation of the alfresco dining area;</p> <p>(m) the payment of costs associated with the City preparing the public place for the use as an alfresco dining area including but not limited to the reshaping of footpaths and marking the boundaries of the alfresco dining area.</p>	<p>access between the alfresco outdoor dining area and the adjacent food business;</p> <p>(f) the alfresco-outdoor dining area not impeding or obstructing a public place used by either pedestrians or vehicles;</p> <p>(g) the requirement to maintain <u>maintenance of clear sight lines</u> for vehicles entering or leaving a thoroughfare or a vehicle crossing;</p> <p>(h) the obtaining and <u>maintaining</u> of public risk insurance in an amount and on the terms reasonably required by the <u>City local government or an authorised person</u>;</p> <p>(i) the grant of another approval, licence, permit or <u>other</u> authorisation which may be required under any written law;</p> <p>(j) the duration and commencement and <u>duration</u> of the licence permit;</p> <p>(k) the placement of advertising on any <u>structure or</u> furniture within the alfresco-outdoor dining area;</p> <p>(l) the payment of all fees, charges, rates and taxes imposed or incurred as a result of the establishment or operation of the outdoor dining area;</p> <p>(m) the clearing of the outdoor dining area and the <u>immediate surrounds of any rubbish, matter or thing coming from or caused by patrons of the outdoor dining area</u>;</p> <p>(n) <u>specified times during which an outdoor dining area must not be set up or conducted</u>;</p> <p>(o) the payment of costs associated with the <u>City local government</u> preparing the public place for the use as an <u>alfresco-outdoor</u> dining area including but not limited to <u>such as</u> the reshaping of footpaths and marking the boundaries of the outdoor dining area;</p>	<p>New clause to determine time that the outdoor furniture must not be set up if inconsistent with legal requirements or with requirements of the city to undertake regularly scheduled street cleaning.</p> <p>Renumbering of clause and reformatting.</p> <p>Minor amendments for clarity</p>

<i>Alfresco Dining Local Law 2009 – Original Clauses</i>	<i>Outdoor Dining Local Law 2019</i>	Comments
	(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.	
<p>2.7 Compliance with conditions</p> <p>Where –</p> <p>(a) an application for a licence has been approved subject to conditions; or</p> <p>(b) a licence is to be taken to be subject to conditions under this local law,</p> <p>the licensee shall comply with each of those conditions.</p>	<p>2.7 Compliance with conditions</p> <p>Where (a) — an application for a licence permit has been approved subject to conditions; or</p> <p>— (b) — a licence is to be taken to be subject to conditions under this local law,</p> <p>the licensee shall permit holder must comply with each of those conditions.</p>	<p>There is not situation within the local law that provided a condition that a local law is taken to be subject to. The clause has been deleted accordingly.</p>
	<p>2.9 Responsibilities of permit holder</p> <p>A permit holder must —</p> <p>(a) not allow the operation of the outdoor dining area to extend beyond the area depicted on the permit plan;</p> <p>(b) keep the outdoor dining area free of any obstacle or thing likely to cause injury to persons or property;</p> <p>(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;</p> <p>(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;</p> <p>(e) pay all fees or taxes imposed or incurred as a result of the establishment or operation of the outdoor dining area;</p> <p>(f) ensure that trading within the outdoor dining area is</p>	<p>New clause added.</p> <p>The listed obligations are essential whether or not they are listed as a condition.</p>

Alfresco Dining Local Law 2009 – Original Clauses	Outdoor Dining Local Law 2019	Comments
	<p>(g) limited to the operating hours stated in the permit; and 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.</p>	
<p>2.8 Amendment of licence conditions</p> <p>(1) A licensee may apply in writing to the City to amend any of the terms or conditions of the licence.</p> <p>(2) The City may, in respect of an application under subclause (1) –</p> <p>(i) amend the licence, either in accordance with the application or otherwise as it sees fit; or</p> <p>(ii) decline to amend the licence.</p> <p>(3) The City may, at any time, amend any of the terms and conditions of the licence.</p> <p>(4) If the City amends a licence under this clause, it is to notify the licensee 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 licence apply from the date of notification.</p> <p>(5) If the City amends a licence otherwise than in accordance with an application from the licensee, it is, as soon as practicable after the decision to amend is made –</p> <p>(i) to give the licensee written notice of, and written reasons for, its decision to amend; and</p>	<p>2-8 2.10 Amendment of licensee permit conditions</p> <p>(1) A licensee permit holder may apply in writing to the City local government to amend any of the terms or conditions of the licensee permit.</p> <p>(2) The City local government or an authorised person may, in respect of an application under subclause (1)-</p> <p>(a) amend the licensee permit, either in accordance with the application or otherwise as it sees fit; or</p> <p>(b) decline to amend the licensee permit.</p> <p>(3) The City local government or an authorised person may, at any time, amend any of the terms and or conditions of the licensee permit.</p> <p>(4) If the City local government or an authorised person amends a licensee permit under this clause, it is to notify the licensee 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 licensee permit apply from the date of the notification.</p> <p>(5) If the City local government or an authorised person amends</p>	<p>Licence changed to permit. Licensee changed to permit holder. City changed to local government.</p> <p>Authorised person included to confirm authority to approve or refuse a request for amendment of conditions or to amend a condition if otherwise determined to be necessary.</p> <p>New clause to confirm that approval is required for any transfer.</p> <p>Renumbering of clause and reformatting.</p> <p>Minor amendments for clarity.</p>

Alfresco Dining Local Law 2009 – Original Clauses	Outdoor Dining Local Law 2019	Comments
<p>(ii) inform the licensee of his or her rights, under Part 9, Division 1 of the Act, to object to, and apply for a review of, the decision.</p>	<p>a licensee permit otherwise than in accordance with an application from the licensee permit holder, it is, as soon as practicable after the decision to amend is made-</p> <p>(a) (i) to give to the licensee permit holder written notice of, and written reasons for, its decision to amend; and</p> <p>(b) (ii) to inform the licensee 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.</p>	
<p>2.9 Duration of licence</p> <p>A licence is valid for twelve months from the date on which it is issued, unless it is –</p> <p>(a) otherwise stated in this local law or in the licence; or</p> <p>(b) cancelled under clause 2.12.</p>	<p><u>2.9 2.11</u> <u>Duration Validity of licence-permit</u></p> <p>(1) A licensee permit is valid for twelve months <u>3 years</u> from the date on which it is issued, unless it is –</p> <p>(a) <u>it is otherwise stated in this local law or in the licensee permit; or</u></p> <p>(b) <u>the permit holder ceases being the proprietor of the adjacent food business and no transfer of permit has been approved under clause 2.13;</u></p> <p>(c) <u>any public liability insurance policy required as a condition of the permit lapses, is cancelled, or is no longer in operation; or</u></p> <p>(d) <u>it is cancelled under clause 2.12 2.14.</u></p>	<p>Renumbered clause.</p> <p>Licence changed to permit.</p> <p>12 months changed to 3 years in line with proposal to extend the period that permits are valid for.</p> <p>Additional clauses to confirm where a permit is no longer valid including insurance as the requirement for the permit holder to remain the same person unless a transfer was been approved.</p> <p>The requirement to maintain public liability insurance is for the protection of the public.</p> <p>Minor amendments for clarity.</p>
<p>2.10 Renewal of licence</p> <p>(1) A licensee may apply to the City of Perth in writing no later than two months before the expiry of a licence for the renewal of the</p>	<p><u>2.10 2.12</u> <u>Renewal of licensee-permit</u></p> <p>(1) A licensee permit holder may apply to the City of Perth in writing no later than two months, to the local government, <u>at or before the expiry of a licensee the permit,</u> for the renewal</p>	<p>Licence changed to permit.</p> <p>Licensee changed to permit holder.</p> <p>City changed to local government.</p> <p>The requirement to apply two months prior to</p>

Alfresco Dining Local Law 2009 – Original Clauses	Outdoor Dining Local Law 2019	Comments
<p>licence.</p> <p>(2) The provisions of this local law relevant to the licence which is to be renewed shall apply, with such modifications as are required, to an application for the renewal of a licence.</p>	<p>of the licence permit.</p> <p>(2) The provisions of this local law relevant to the licence permit which is <u>sought</u> to be renewed shall apply, with such modifications as are required, to an application for the renewal of a licence the <u>permit</u>.</p> <p>(3) To avoid doubt, the local government or an authorised person may refuse to consider an application for renewal of a <u>permit</u> until any fee outstanding in relation to a <u>permit</u> is paid.</p>	<p>the expiry of a permit for its renewal has been removed. It is not administratively necessary to require such a lengthy period of time.</p> <p>Minor amendments for clarity.</p>
<p>2.11 Transfer of licence</p> <p>(1) An application for the transfer of a valid licence is to –</p> <p>(a) be in the form determined by the City;</p> <p>(b) provide the information required by the form or by any other clause of this local law;</p> <p>(c) be signed by the licensee and the proposed transferee of the licence; and</p> <p>(d) be forwarded to the City together with any transfer fee imposed and determined by the City.</p> <p>(2) The City may refuse to consider or determine an application for the transfer of a licence, which is not in accordance with subclause (1).</p> <p>(3) The City may approve an application for the transfer of a licence, refuse to approve it or approve it subject to terms and conditions as it sees fit, and if it is approved, the proposed</p>	<p><u>2.11</u> <u>Transfer of licence-permit</u></p> <p>(1) A permit cannot be transferred without the approval of the <u>local government</u> or an authorised person.</p> <p>(2) An application for the transfer of a valid licence permit is to–</p> <p>(a) be in the form determined by the <u>City CEO</u>;</p> <p>(b) provide the information required by the form or by <u>under</u> any other clause of this local law;</p> <p>(c) be signed by the licence permit holder and the proposed transferee of the licence permit; and</p> <p>(d) be forwarded to the <u>City-local government</u> together with any transfer fee imposed and determined by the <u>City local government</u>.</p> <p>(3) The City-local government or an authorised person may refuse to consider or determine an application for the transfer of a</p>	<p>Licence changed to permit.</p> <p>Licensee changed to permit holder.</p> <p>City changed to local government.</p> <p>Authorised person included to confirm authority to approve or refuse the transfer of a permit.</p> <p>New clause to confirm that approval is required for any transfer.</p> <p>Renumbering of clauses to allow for new clause and consequential amendments.</p> <p>Minor amendments for clarity.</p>

Alfresco Dining Local Law 2009 – Original Clauses	Outdoor Dining Local Law 2019	Comments
<p>transferee shall become the licensee from the date of approval.</p>	<p>licensee permit which is not in accordance with subclause (42).</p> <p>(3) (4) The City-local government or an authorised person may approve an application for the transfer of a licensee 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 shall <u>is to become the licensee permit holder from the date of the approval.</u></p>	
<p>2.12 Cancellation or suspension of licence</p> <p>(1) A licence may be cancelled by the City on any one or more of the following grounds –</p> <p>(a) the licensee has not complied with –</p> <p>(i) a condition of the licence; or</p> <p>(ii) a provision of this local law or any other written law which may relate to the activity regulated by the licence;</p> <p>(b) if it is relevant to the activity regulated by the licence –</p> <p>(i) the licensee is an undischarged bankrupt, or is in liquidation;</p> <p>(ii) the licensee has entered into a composition arrangement with creditors; or</p> <p>(iii) a manager, administrator, trustee, receiver, or manager, is appointed in relation to any part of the licensee's undertakings or property;</p> <p>(c) the proprietor of the food business changes;</p>	<p>2-12 2.14 Cancellation or suspension of licensee permit</p> <p>(1) A licensee permit may be cancelled by the City-local government or an authorised officer on any one or more of the following grounds-</p> <p>(a) the licensee permit holder has not complied with-</p> <p>(i) a term or condition of the licensee permit; or</p> <p>(ii) a provision of this local law, or a provision of any other written law which may relate <u>relates to the activity regulated by the licensee permit;</u></p> <p>(b) if it is relevant to the activity regulated by the licensee permit -</p> <p>(i) the licensee permit holder is an undischarged bankrupt, or is in liquidation;</p> <p>(ii) the licensee permit holder has entered into a composition arrangement with creditors; or</p> <p>(iii) a manager, administrator, trustee, receiver, or</p>	<p>Licence changed to permit. Licensee changed to permit holder. City changed to local government.</p> <p>Authorised person included to confirm authority to cancel a permit.</p> <p>Requirement under previous subclause (4) to return an approval sticker removed as there is no longer a requirement to display an approval sticker.</p> <p>“Served” in clause 3(a) changed to “give” for consistency with the rest of the clause Clause and subclauses renumbered.</p> <p>Requirement to reinstate the public realm whether damaged or altered added to protect the public realm.</p> <p>Minor further amendments made for clarity.</p>

Alfresco Dining Local Law 2009 – Original Clauses	Outdoor Dining Local Law 2019	Comments
<p>(d) the setting up or conduct of the alfresco dining area, or the behaviour of customers within the alfresco dining area, is causing a nuisance.</p> <p>(2) The City may cancel or suspend a licence if the City or a utility requires access to or near the place to which a licence applies, for the purposes of carrying out works in or near the vicinity of that place.</p> <p>(3) If the City cancels or suspends a licence under this clause, it is, as soon as practicable after the decision is made –</p> <p>(a) to give the permit holder written notice of, and reasons for, the decision;</p> <p>(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; and</p> <p>(c) the cancellation or suspension takes effect from the date on which the licensee is served with the cancellation or suspension notice.</p> <p>(4) On the cancellation of a licence, the licensee shall return the licence and approval sticker as soon as practicable to the City.</p> <p>(5) On the cancellation or suspension of a licence, the licensee is, subject to subclause (6), to be taken to have forfeited any fees paid in respect of the licence.</p> <p>(6) Where a licence is cancelled or suspended through no fault of the licensee, the City may refund to the licensee all or part of the</p>	<p>receiver and manager, is appointed in relation to any part of the licensee's permit holder's undertakings or property;</p> <p>(c) <u>the permit holder ceases being the proprietor of the food business changes;</u></p> <p>(d) <u>the setting up or conduct of the alfresco-outdoor dining area, or the behaviour of customers within the alfresco outdoor dining area, is causing a nuisance.</u></p> <p>(2) <u>The City local government or an authorised officer may cancel or suspend a licensee permit if the City local government or an authorised officer or a utility requires access to or near the place to which a licensee permit applies, for the purposes of carrying out works in or near the vicinity of that place.</u></p> <p>(3) <u>If the City local government or an authorised officer cancels or suspends a licensee permit under this clause, –</u></p> <p><u>(a)</u> <u>it is, as soon as practicable after the decision is made –</u></p> <p><u>(a)(i)</u> <u>to give the permit holder written notice of, and reasons for, the decision;</u></p> <p><u>(b)(ii)</u> <u>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</u></p> <p><u>the cancellation or suspension takes effect from the date on which the licensee permit holder is served with given the cancellation or suspension notice under subclause (3)(a)(i).</u></p> <p><u>(4) — On the cancellation of a licence, the licensee shall return the</u></p>	

Alfresco Dining Local Law 2009 – Original Clauses	Outdoor Dining Local Law 2019	Comments
<p>licence fee in respect of what would otherwise have been the balance of the term of the licence.</p>	<p>licence and approval sticker as soon as practicable to the City.</p> <p>(5) (4) On the cancellation or suspension of a licence, the licensee is permit, subject to subclause (5), to be taken to have forfeited the permit holder is not entitled to any refund in respect of any fees paid in respect of the licensee permit.</p> <p>(6) (5) Where a licensee permit is cancelled or suspended through no fault of the licensee permit holder, the City <u>local government</u> may refund to the licensee <u>permit holder</u> all or part of the licensee <u>permit</u> fee in respect of what would otherwise have been the balance of the term of the licensee <u>permit</u>.</p> <p>(6) If a permit expires or is cancelled, the permit holder must –</p> <p>(a) <u>remove all furniture, equipment, structures and other things placed in the outdoor dining area; and</u></p> <p>(b) <u>reinstate the area to the satisfaction of the local government or an authorised person or pay the costs of that reinstatement.</u></p>	
	<p>2.15 Temporary removal of an outdoor eating area may be requested</p> <p>(1) <u>A permit holder must, when requested to do so –</u></p> <p>(a) <u>on reasonable grounds - by an authorised person or a member of the Police service; or</u></p> <p>(b) <u>in the event of an emergency or for the purposes of public safety – by an emergency services agency.</u></p> <p><u>temporarily remove, in accordance with the request, all or any of the structures or furniture in or on the outdoor dining area.</u></p> <p>(2) <u>The permit holder may replace the structures and furniture after being authorised by a person described in subclause (1)(a) or (b).</u></p>	<p>New clause added to ensure furniture that can be moved is removed when circumstances require. This new clause is particularly intended for severe weather conditions which could lift allow unfixed furniture to be a hazard.</p>

<i>Alfresco Dining Local Law 2009 – Original Clauses</i>	<i>Outdoor Dining Local Law 2019</i>	<i>Comments</i>
2.13 Display and production of licence and approval sticker (1) A licensee shall produce to an authorised person his or her valid licence immediately on being required to do so by an authorised person. (2) A licensee shall display an approval sticker in accordance with the conditions set out in the licence.	2.16 Display and Production of licence and approval sticker permit (1) A licensee permit holder must produce to an authorised person his or her permit immediately on being required to do so by an authorised person. (2) A licensee shall display an approval sticker in accordance with the conditions set out in the licence.	Licence changed to permit. Licensee changed to permit holder. Requirement to display an approval sticker removed as it is unnecessary.
2.14 Smoking and no smoking areas (1) An alfresco dining area licensed under this local law shall be deemed to be a no smoking area. (2) A licensee shall establish the alfresco dining area as a no smoking area. (3) A person shall not smoke a tobacco product in a licensed alfresco dining area.	2.14 Smoking and no smoking areas (1) An alfresco dining area licensed under this local law shall be deemed to be a no smoking area. (2) A licensee shall establish the alfresco dining area as a no smoking area. A person shall not smoke a tobacco product in a licensed alfresco dining area.	Clauses relating to smoking and smoking areas have been removed due to the clauses being covered by, and in some instances inconsistent with, the <i>Tobacco Products Control Act 2006</i> following amendments to this act after the commencement of the <i>City of Perth Alfresco Local Law 2009</i> .
	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.	New clause 2.17 was included to confirm the space remains public realm.
PART 3 – OBJECTIONS AND APPEALS	Part 3 – Objections and Appeals	
3.1 Application of Part 9 Division 1 of the Act (1) Where the City makes a decision as to whether it will – (a) grant an application for a licence; (b) vary, cancel or suspend a licence; or (c) impose or amend a condition to which a licence is subject, the provisions of Division 1 of Part 9 of the	3.1 Application of Part 9 Division 1 of the Act (1) Where the City If the local government or an authorised person makes a decision as to whether it will – (a) to grant an application for a licence permit; (b) to vary, cancel or suspend a licence permit; or	Licence changed to permit. City changed to local government. Authorised person included to confirm a decision made by either the local government or an authorised person may be appealed or objected to. Subclause (d) included to confirm the law

Alfresco Dining Local Law 2009 – Original Clauses	Outdoor Dining Local Law 2019	Comments
<p>Act and regulation 33 of the Regulations apply to that decision.</p> <p>(2) Under these provisions, an affected person may have the right to object to, or to appeal against, a decision of the City.</p>	<p>(c) to impose or amend a condition to which a licensee permit is subject; or</p> <p>(d) use the proceeds of a bond under clause 4.3(2);</p> <p>the provisions of Division 1 of Part 9 of the Act and regulation 33 of the Regulations apply to that decision.</p> <p>(2) Under these provisions, an affected person may have the right to object to, or to appeal against, a<u>the</u> decision of the City <u>local government or an authorised person.</u></p>	<p>provides for objections or appeals to be made in relation to a decision to use a bond.</p> <p>Other minor amendments for clarity.</p>
PART 4 – ENFORCEMENT	Part 4 - Enforcement	
4.1 Direction of authorised person to be obeyed	4.1 Direction of authorised person to be obeyed	<p>“Duties” has been replaced with “Functions” as functions includes both duties and powers in accordance with section 5 of the <i>Interpretation Act 1984</i>).</p> <p>Licensee changed to permit holder.</p> <p>All instances of shall changed to must in accordance with prior advice and for consistency with the <i>City of Perth Parking Local Law 2017</i>.</p>
<p>(1) A licensee who is given a lawful direction by an authorised person or a member of the W.A. Police shall comply with that direction.</p> <p>(2) A licensee shall not obstruct or hinder an authorised person in the performance of that person's duties.</p>	<p>(1) A licensee permit holder who is given a lawful direction by an authorised person or a member of the W.A. Police shall <u>must</u> comply with that direction.</p> <p>(2) A licensee <u>shall</u> permit holder must not obstruct or hinder an authorised person in the performance of that person's duties <u>functions</u>.</p>	
4.2 Notice to repair damage to public place	4.2 Notice to repair damage to public place	<p>Alfresco changed to outdoor.</p> <p>Licensee changed to permit holder.</p> <p>City changed to local government.</p> <p>Added authorised officer to confirm authority of an authorised person to require the public realm to be repaired or reinstated.</p>
<p>Where any portion of a public place has been damaged as a result of the use of that public place as an alfresco dining area, the City may, by notice to the licensee, order the licensee to repair or replace that portion of the public place to the satisfaction of the</p>	<p>(1) Where any portion of a public place has been damaged, <u>physically altered, or soiled as a result of the use of that public place as an alfresco-outdoor dining area, the City <u>local government</u> or an authorised person may, by <u>written notice to the licensee <u>permit holder</u></u>, order the licensee <u>permit holder</u> to repair or replace that</u></p>	

Alfresco Dining Local Law 2009 – Original Clauses	Outdoor Dining Local Law 2019	Comments
City.	<p>portion of the public place to the satisfaction of the City local government or an authorised person at the permit holder's cost.</p> <p>(2) <u>In this clause, permit holder includes the person who was the permit holder when the portion of the public place was damaged or soiled.</u></p>	<p>Subclause (2) has been added because, under the definition of 'permit holder' in clause 1.7, and without subclause (2), the City would not be able to give a notice under this clause to a person whose permit had expired – even though that person was responsible for the damage.</p>
<p>4.3 City may undertake requirements of notice</p> <p>If a person fails to comply with a notice under clause 4.2, the City may do the thing specified in the notice and recover from that person, as a debt, the costs incurred in so doing.</p>	<p>4.3 City Local government may undertake requirements of notice</p> <p>(1) If a person fails to comply with a notice under clause 4.2, the City 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.</p> <p>(2) <u>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.</u></p> <p>(3) <u>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.</u></p>	<p>City changed to local government.</p> <p>Added authorised officer to confirm authority of an authorised person to undertake an action.</p> <p>Subclause (2) and (3) added to allow bonds, where held, to be used in relation to undertaking the requirements of a notice.</p>
<p>4.4 Removal and impounding of goods</p> <p>Where an alfresco dining area is conducted without a licence or in contravention of a condition of a licence, any furniture may be removed and impounded by an authorised person under regulation 29 of the Regulations.</p>	<p>4.4 Removal and impounding of goods</p> <p>Where an alfresco <u>outdoor</u> dining area is conducted without a licence <u>permit</u> or in contravention of a <u>term</u> or condition of a licence <u>permit</u>, any <u>structure</u> or furniture may be removed and impounded by an authorised person under regulation 29 of the Regulations.</p>	<p>Alfresco changed to outdoor.</p> <p>Licence changed to permit.</p>
<p>4.5 Offences</p>	<p>4.5 Offences</p>	<p>The words "or directed" have been deleted to be consistent with the <i>City of Perth Parking</i></p>

Alfresco Dining Local Law 2009 – Original Clauses	Outdoor Dining Local Law 2019	Comments
<p>(1) A person who fails to do anything required or directed 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.</p> <p>(2) An offence against a clause specified in the First Schedule of this local law is a prescribed offence for the purposes of section 9.16(1) of the Act.</p> <p>(3) A person who commits an offence under this local law shall be liable, on conviction –</p> <p>(a) in the case of a breach of clause 2.14, to a penalty not exceeding \$2,000;</p> <p>(b) in the case of any other clause other than clause 2.14, 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 has continued.</p>	<p>(1) A person who fails to do anything required or directed 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.</p> <p>(2) An offence against a clause specified in the First Schedule of this local law is a prescribed offence for the purposes of section 9.16(1) of the Act.</p> <p>(3) A person who commits an offence under this local law shall be liable, on conviction –</p> <p>(a) in the case of a breach of clause 2.14, to a penalty not exceeding \$2,000;</p> <p>(b) in the case of any other clause other than clause 2.14, 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 has continued.</p>	<p>Local Law and because the term “required” includes being directed.</p> <p>First Schedule has been changed to “Schedule” as there is no other Schedule.</p> <p>Reference to the offence related to previous clause 2.14 has been removed as the clause has been removed.</p> <p>Other minor drafting amendments are in alignment with the <i>City of Perth Parking Local Law 2017</i> for consistency and legal advice received in relation to that local law.</p>
<p>4.6 Infringement and infringement withdrawal notices</p> <p>For the purposes of this local law –</p> <p>(a) 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</p> <p>(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.</p>	<p>4.6 Infringement and infringement withdrawal notices</p> <p>For the purposes of this local law –</p> <p>(a) 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</p> <p>(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.</p>	<p>No change.</p>
<p>4.7 Offence description and Modified Penalty</p>	<p>4.7 Offence description and modified penalty</p>	<p>The offence description has been removed</p>

Alfresco Dining Local Law 2009 – Original Clauses	Outdoor Dining Local Law 2019	Comments
The amount appearing in the final column of the First Schedule directly opposite an offence described in that Schedule is the modified penalty for that offence.	The amount appearing in the final column of the First Schedule directly opposite an offence described adjacent to a clause specified in that Schedule is the modified penalty for that offence.	from this clause. The purpose of removing offence descriptions is to avoid any perceived inconsistency with a summarised description of the offence and the elements of the offence. First Schedule has been changed to “Schedule” as there is no other Schedule. City changed to local government.
4.8 Authorised persons Unless expressly stated otherwise by the City, a person appointed by the City to be an authorised person for the purposes of this local law is taken to have also been appointed by the City to be an authorised person for the purposes of sections 9.13 and 9.16 of the Act in relation to offences against this local law.	4.8 Authorised persons Unless expressly stated otherwise by the City <u>local government</u> , a person appointed by the City <u>local government</u> to be an authorised person for the purposes of this local law is taken to have also been appointed by the City <u>local government</u> to be an authorised person for the purposes of sections 9.13 and section 9.16 of the Act in relation to offences against this local law.	References to section 9, 13 of the <i>Local government Act 1995</i> have been deleted as there are no vehicle offences within this local law.
FIRST SCHEDULE CITY OF PERTH ALFRESCO DINING LOCAL LAW 2009 OFFENCES AND MODIFIED PENALTIES	FIRST SCHEDULE CITY OF PERTH ALFRESCO OUTDOOR DINING LOCAL LAW 2009 OFFENCES AND MODIFIED PENALTIES	First Schedule has been changed to “Schedule” as there is no other Schedule Alfresco changed to outdoor Date amended to date a local law.
1. Clause 2.1 – Set up or conduct an alfresco dining area without a valid licence. Modified Penalty \$300.	1. Clause 2.1 – Set up or conduct an alfresco dining area without a valid licence. Modified Penalty \$300.	Description removed. The purpose of removing offence descriptions is to avoid any perceived inconsistency with a summarised description of the offence and the elements of the offence.
2. Clause 2.7 – Failure to comply with a condition of a licence. Modified Penalty:	2. Clause 2.7 – Failure to comply with a condition of a licence. Modified Penalty: \$100	Description removed. The purpose of removing offence descriptions

Alfresco Dining Local Law 2009 – Original Clauses	Outdoor Dining Local Law 2019	Comments
\$100		is to avoid any perceived inconsistency with a summarised description of the offence and the elements of the offence.
3. Clause 2.13(1) – Failure to produce to an authorised person a valid licence when requested to do so. Modified Penalty: \$100	Clause 2.13(1) – Failure to produce to an authorised person a valid licence when requested to do so. Modified Penalty: \$100 2.16 - Modified Penalty: \$100	Description removed. The purpose of removing offence descriptions is to avoid any perceived inconsistency with a summarised description of the offence and the elements of the offence. Penalty is equivalent previous clause 2.13(1) but renumbered. Penalty for failure to comply with the requirement to produce on being required to do so by an authorised person.
4. Clause 2.13(2) – Failure to display an approval sticker. Modified Penalty: \$100	Clause 2.13(2) – Failure to display an approval sticker. Modified Penalty: \$100	Penalty removed as required to display an approval sticker has been removed.
5. Clause 2.14(2) – Failure to establish an alfresco dining area as a no smoking area. Modified Penalty: \$200	Clause 2.14(2) – Failure to establish an alfresco dining area as a no smoking area. Modified Penalty: \$200	Penalty removed as required to establish a no smoking area has been removed. Any enforcement related to smoking would be under the <i>Tobacco Products Control Act 2006</i> .
6. Clause 2.14(3) – Smoking in an alfresco dining area. Modified Penalty: \$100	Clause 2.14(3) – Smoking in an alfresco dining area. Modified Penalty: \$100	Penalty removed as required to establish a no smoking area has been removed. Any enforcement related to smoking would be under the <i>Tobacco Products Control Act 2006</i>
	2.14(6) - Modified Penalty: \$100	New Penalty required for new clause. Penalty required as a deterrent for where person fails to remove furniture or structures or reinstate public realm following the cancellation of a permit.
	2.15 - Modified Penalty: \$100	New Penalty required for new clause. Penalty required as a deterrent for where person fails to remove furniture or structures

<i>Alfresco Dining Local Law 2009 – Original Clauses</i>	<i>Outdoor Dining Local Law 2019</i>	Comments
		when required to do so by police, emergency personal, or an authorised officer.
7. Other offences not specified. Modified Penalty: \$100	Other offences not specified. Modified Penalty: \$100	No change

*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 policies 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).

- (6) 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;
- (l) 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;
- (n) 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 —
 - (i) 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-

- (a) 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

Dated - 2018

The Common Seal of the)
City of Perth was)
affixed by the authority of a)
resolution of the Council)
in the presence of-)

ERIC LUMSDEN

Chair of Commissioners.

MARTIN MILEHAM
Chief Executive Officer.

Report to the Ordinary Council Meeting**Agenda
Item 13.15****Western Australia Bicycle Network Grants 2019/20 and
2020/21 – Winthrop Avenue Shared Path**

Recommendation:***That Council:***

1. ***NOTES that the City has submitted a funding application through the State Government's Western Australia Bicycle Network (WABN) Grants Program for construction of a shared path on Winthrop Avenue;***
2. ***NOTES that the application is for 50% State Government funding consideration, being for the amount \$757,400; and***
3. ***NOTES that if the City's WABN application is successful, the City will be required to contribute 50% to the total project cost. This will involve seeking Council approval for budget in 2019/20 (\$45,000 for detailed design) and 2020/21 (\$712,400 for construction) through the Council budgeting process.***

FILE REFERENCE:	P1022996
REPORTING UNIT:	Transport
RESPONSIBLE DIRECTORATE:	Planning and Development
DATE:	8 October 2018
ATTACHMENT/S:	Attachment 13.15A – Proposed Project Map – Winthrop Avenue Shared Path Attachment 13.15B – Excerpt from City of Perth Transport Strategy Attachment 13.15C – Excerpt from City of Perth Cycle Plan

Council Role:

- | | | |
|-------------------------------------|-------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <input type="checkbox"/> | Advocacy | <i>When the Council advocates on its own behalf or on behalf of its community to another level of government/body/agency.</i> |
| <input checked="" type="checkbox"/> | Executive | <i>The substantial direction setting and oversight role of the Council e.g. adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.</i> |
| <input type="checkbox"/> | Legislative | <i>Includes adopting local laws, town planning schemes and policies</i> |



Quasi-Judicial

When the Council determines an application/matter that directly affects a person's right and interests. The judicial character arises from the obligation to abide by the principles of natural justice. Examples of Quasi-Judicial authority include town planning applications, building licences, applications for other permits/licences (eg under Health Act, Dog Act or Local Laws) and other decisions that may be appealable to the State Administrative Tribunal.



Information

For the Council/Committee to note.

Legislation / Strategic Plan / Policy:

Legislation

Section 8 (1) (d), *City of Perth Act 2016*

Integrated Planning and Reporting Framework Implications

Strategic Community Plan

Goal 2 - An exceptionally well designed, functional and accessible city

Policy

N/A

Purpose and Background:

The WA Bicycle Network Grants Program is one of the key actions resulting from the State Government's *Western Australia Bicycle Network Plan 2014 – 2031*. Through the program, funding is provided to local government authorities in WA for up to 50 per cent of the total project cost (design and implementation) of bicycle network infrastructure in accordance with State Government priorities as identified in the plan.

The first round of the grant process required local government authorities to complete an Expression of Interest (EOI) application. The City completed an EOI for the Winthrop Avenue shared path, which was deemed successful by Department of Transport. As such, a second-round 'Full Proposal' application was prepared by the City and has been submitted to Department of Transport. Applicants will be notified of successful submissions in January 2019, in time for project design works to commence in the 2019/20 financial year.

Winthrop Avenue/Thomas Street has been identified in the City's long-term strategic cycling network, as evident in the Council-endorsed Transport Strategy (Attachment 13.15B), Cycle Plan 2029 (Attachment 13.15C) and Implementation Program. Further to this, the State Government's Perth and Peel@3.5million – Transport Network document identifies this same route as part of the State's preferred cycling network.

Accordingly, the City's proposal is for detailed design (2019/20) and construction (2020/21) of a shared path on Winthrop Avenue. It entails upgrading an existing shared path between Aberdare Road to Monash Avenue, providing a new shared path between Monash Avenue to Poole Avenue and upgrading the existing footpath to a shared path between Poole Avenue to Stirling Highway.

Furthermore, the proposal will be benefited by a number of planned cycling projects that have been identified in the Transport Strategy and Cycle Plan. 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 (Attachment 13.15A). Applications for funding through future rounds of the WABN Grants Program can be made by the City to facilitate these improvements.

Details:

The City's application seeks WABN funding for design and construction of a three-metre-wide, off-road, bidirectional shared path on Winthrop Avenue, along the eastern side of the carriageway, between Aberdare Road and Stirling Highway. The proposed project spans over two years, with detailed design occurring in 2019/20 and construction commencing in 2020/21.

The proposed project significantly enhances safety along the project corridor by providing safer crossing opportunities for cyclists and pedestrians, specifically across Poole Avenue and Park Avenue, while additional safety improvements will be implemented to assist with safer crossing opportunities between the east and west side of Winthrop Avenue.

Furthermore, the provision of a high quality, off-road facility along this corridor is particularly important as current site conditions do not encourage cycling, with 700 metres of existing poor-quality path and 500 metres without any path. The proposed project area is also bordered by high volume and high-speed traffic lanes to the east, and dense vegetation to the west.

Stakeholder Engagement

Preliminary stakeholder engagement was undertaken in 2017 as part of the concept design option development stage. On whole, there is in-principle support for the proposed project from key stakeholders.

Key Stakeholders:

- Botanic Gardens and Parks Authority (Kings Park);
- QEII Medical Centre;
- University of Western Australia;
- Department of Transport;
- Main Roads WA;
- Public Transport Authority;
- Relevant cycling, pedestrian and environmental representative groups; and
- Service and utility providers.

If the City's application for funding is successful, a Stakeholder Engagement Plan will be developed, and at this point, further stakeholder engagement will occur as part of the detailed design development stage.

Financial Implications:

The total estimated project cost amounts to \$1,514,800. Accordingly, the City has applied for \$757,400 through the WABN grant process. If the City's funding application is successful, it will be required to contribute 50% to the total project cost. This will involve seeking Council

approval for budget in 2019/20 (\$45,000 for detailed design) and 2020/21 (\$712,400 for construction) through the Council budgeting process.

ACCOUNT NO:	N/A
BUDGET ITEM:	N/A
BUDGETED AMOUNT:	N/A
AMOUNT SPENT TO DATE:	N/A
PROPOSED COST:	\$757,400 (over two years)
BALANCE REMAINING:	N/A
ANNUAL MAINTENANCE:	\$7,200
ESTIMATED WHOLE LIFE COST:	\$1,261,400*

*cost to the City of Perth of pert calculated based on 30 year design life) \$757,500 (cost to the State Government)

All figures quoted in this report are exclusive of GST.

Comments:

The *City of Perth Act 2016* (the Act) resulted in expansion of the City of Perth's local government boundary to include areas previously under the jurisdiction of the City of Subiaco. As a consequence of this, the proposed project is important as it significantly improves connectivity between the areas of the City that predate the Act and the new areas of the City that came into effect as a result of the Act.

The proposed project also improves access and links to a number of strategic destinations, including those acquired by the City as part of the boundary expansion. Strategic destinations include Kings Park, the State's most visited tourist destination, as well as the University of Western Australia, QEII Medical Centre and the highly utilised recreational shared path that runs along the Swan River.

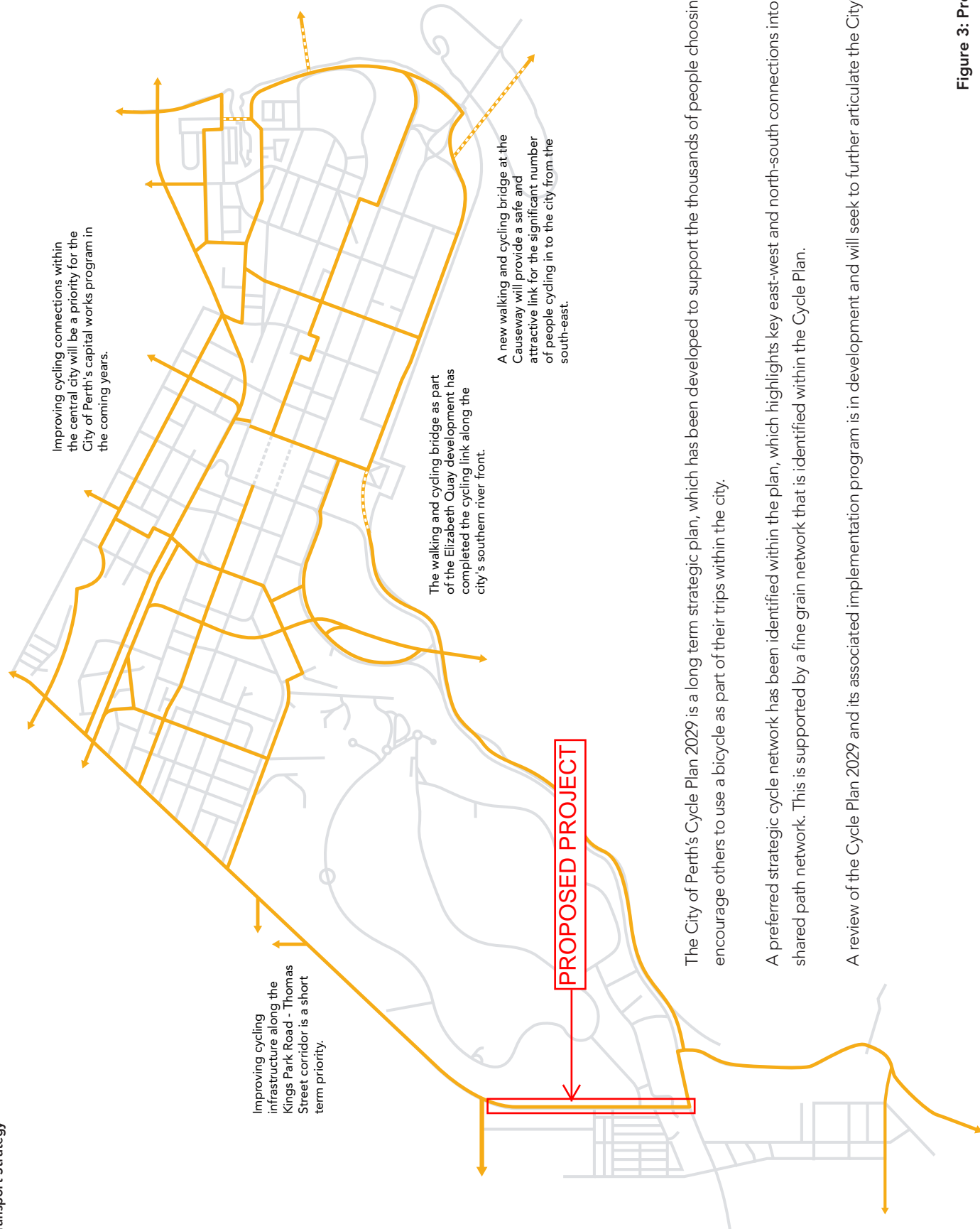
Furthermore, the proposed project meets the objectives as outlined in the *City of Perth Act*, in particular Section 8 (1) which states that:

"The objectives of the City of Perth are as follows –

(d) to continuously improve the services and facilities that the City of Perth provides to the community and to local, interstate and international visitors and tourists..."

Accordingly, the purpose of this report is for Council to note the importance of the proposed project, to note that the City has submitted a funding application through the State Government's WABN Grants Program and consequently, the City's intention to budget for this project in the 2019/20 (detailed design costs) and 2020/21 (construction costs) Council budgeting process, if the City's application for funding is successful.





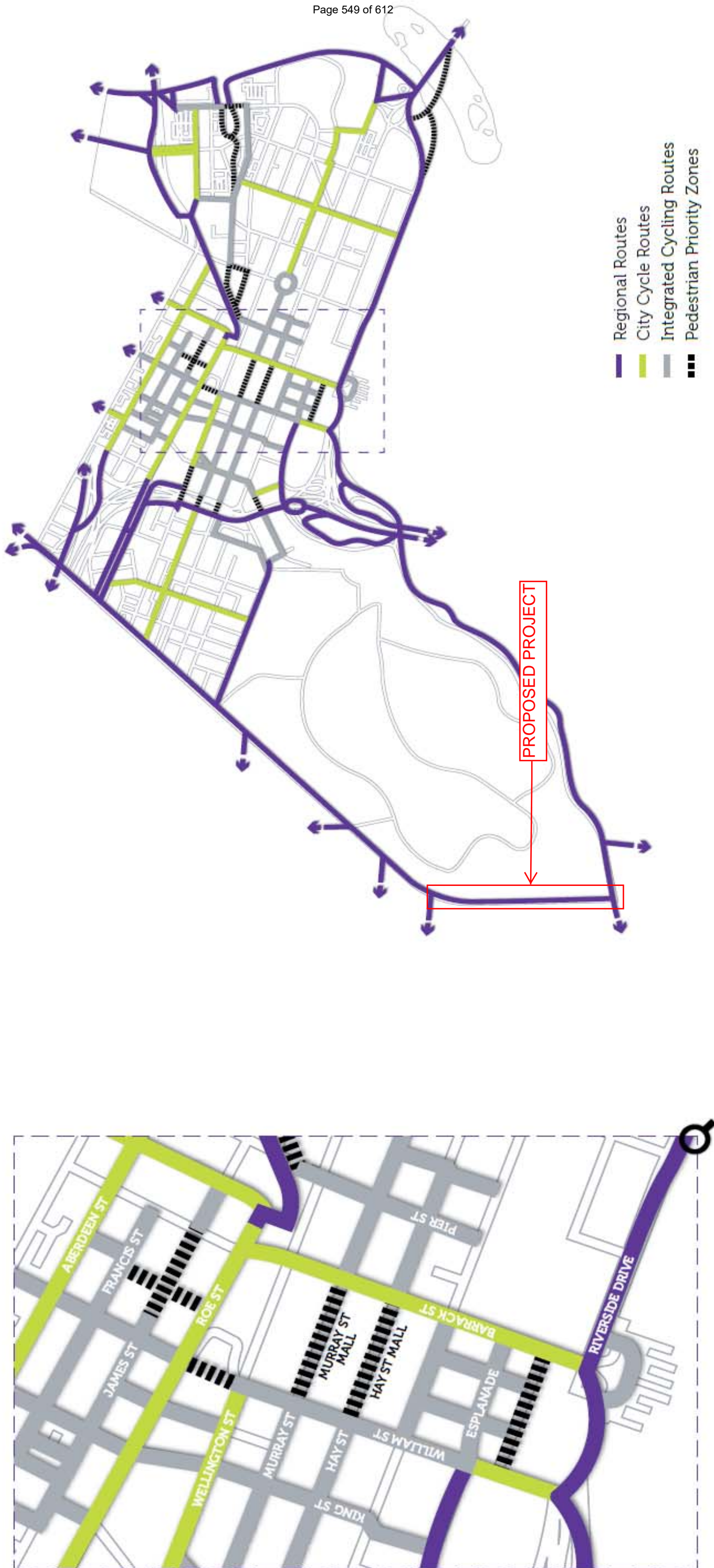
The City of Perth's Cycle Plan 2029 is a long term strategic plan, which has been developed to support the thousands of people choosing to cycle at present, as well as encourage others to use a bicycle as part of their trips within the city.

A preferred strategic cycle network has been identified within the plan, which highlights key east-west and north-south connections into the city from the peripheral shared path network. This is supported by a fine grain network that is identified within the Cycle Plan.

A review of the Cycle Plan 2029 and its associated implementation program is in development and will seek to further articulate the City's future aspirations for cycling.

Figure 3: Preferred Cycling Network

Figure 2 - Proposed Cycling Network



Report to the Ordinary Council Meeting**Agenda
Item 13.16****Financial Statements and Financial Activity Statement for the
Period Ended 31 August 2018 and Revised Cash Flow Statement
for the Period Ended 31 July 2018**

Recommendations:***That Council:***

1. ***RECEIVES the Financial Statements and the Financial Activity Statement for the period ended 31 August 2018, as detailed in Attachment 13.16A of this Report; and***
2. ***RECEIVES the revised Cash Flow Statement for the period ended 31 July 2018 as detailed in Attachment 13.16B of this Report.***

FILE REFERENCE:	P1014149-25
REPORTING UNIT:	Finance
RESPONSIBLE DIRECTORATE:	Corporate Services
DATE:	11 October 2018
ATTACHMENTS:	Attachment 13.16A – Financial Statements and Financial Activity Statement for the period ended 31 August 2018 Attachment 13.16B – Revised Cash Flow Statement for the period ended 31 July 2018

Council Role:

- | | | |
|-------------------------------------|----------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <input type="checkbox"/> | Advocacy | <i>When the Council advocates on its own behalf or on behalf of its community to another level of government/body/agency.</i> |
| <input type="checkbox"/> | Executive | <i>The substantial direction setting and oversight role of the Council e.g. adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.</i> |
| <input checked="" type="checkbox"/> | Legislative | <i>Includes adopting local laws, town planning schemes and policies</i> |
| <input type="checkbox"/> | Quasi-Judicial | <i>When the Council determines an application/matter that directly affects a person's right and interests. The judicial character arises from the obligation to abide by the principles of natural justice. Examples of Quasi-Judicial authority include town planning applications, building licences, applications for other permits/licences (eg under Health Act, Dog Act or Local Laws) and other decisions that may be appealable to the State Administrative Tribunal.</i> |
| <input type="checkbox"/> | Information | <i>For the Council/Committee to note.</i> |

Legislation / Strategic Plan / Policy:**Legislation**

Section 6.4(1) and (2) of the *Local Government Act 1995*
 Regulation 34(1) of the *Local Government (Financial Management) Regulations 1996*

**Integrated Planning and
 Reporting Framework
 Implications**
Strategic Community Plan

Goal 8 - A city that delivers for its community

Policy

Policy No and Name:

N/A

Details:

The Financial Activity Statement is presented together with a commentary on variances from the revised budget.

Financial Implications:

There are no direct financial implications arising from this report.

Comments:

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.

The Revised Cash Flow Statement as detailed in Attachment 13.16B forms part of the July Financial Statements and Financial Activity Statements report. At its meeting held on **25 September 2018**, Council requested a revised copy of the cash flow statement as it was found to contain errors. The errors have now been corrected.

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.

Capital expenditure Variance for the 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.

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 Budget 2018/19 \$	Actual YTD 31-Aug-18 \$	Revised Budget YTD 31-Aug-18 \$	Variance YTD 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
	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)
	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	21,168,074

CITY OF PERTH

CURRENT POSITION AS AT THE END OF THE PERIOD 31 AUGUST 2018

Description	Revised Budget 2018/19	Actual YTD 31-Aug-18	Revised Budget YTD 31-Aug-18	Variance YTD 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	0
Total Current Liabilities	36,312,972	56,184,804	46,858,688	9,326,116
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

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
(By Program)**

	Note	Budget 2018/2019	Revised Budget YTD	Actual YTD 31/08/2018	YTD Variance	
OPERATING REVENUE		\$	\$	\$	\$	%
General Purpose Funding Rates		91,205,599	91,276,099	91,840,576	564,477	0.6%
General Purpose Funding Other		4,763,533	685,245	919,993	234,748	34.3%
Law, Order, Public Safety		97,871	16,140	14,326	(1,814)	-11.2%
Health		886,434	646,294	678,560	32,266	5.0%
Education and Welfare		1,987,870	307,893	328,510	20,617	6.7%
Housing		1,086,624	181,104	189,611	8,507	4.7%
Community Amenities		12,820,109	9,485,912	9,440,501	(45,411)	-0.5%
Recreation and Culture		1,736,788	290,281	327,443	37,162	12.8%
Transport		84,690,064	14,576,758	14,934,835	358,077	2.5%
Economic Services		1,067,654	300,703	199,961	(100,742)	-33.5%
Other Property and Services		675,094	38,674	72,290	33,616	86.9%
Total Operating Income		201,017,640	117,805,103	118,946,606	1,141,503	1.0%
OPERATING EXPENDITURE						
Governance		(8,388,979)	(1,386,949)	(1,218,945)	(168,004)	12.1%
General Purpose Funding		(2,177,904)	(380,159)	(328,053)	(52,106)	13.7%
Law, Order, Public Safety		(5,857,753)	(969,542)	(973,726)	4,184	-0.4%
Health		(1,800,788)	(295,035)	(243,349)	(51,686)	17.5%
Education and Welfare		(3,859,097)	(634,012)	(640,534)	6,522	-1.0%
Housing		(656,634)	(109,439)	(140,200)	30,761	-28.1%
Community Amenities		(31,520,532)	(4,745,645)	(3,892,553)	(853,092)	18.0%
Recreation and Culture		(32,865,760)	(5,554,539)	(5,453,291)	(101,248)	1.8%
Transport		(84,244,158)	(13,776,660)	(12,288,418)	(1,488,242)	10.8%
Economic Services		(16,965,145)	(2,619,986)	(1,995,643)	(624,343)	23.8%
Other Property and Services		(9,888,529)	(1,566,136)	(1,639,965)	73,829	-4.7%
Total Operating Expenditure		(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						
For the Development of Assets						
- General Purpose Funding		60,000	-	-	-	0.0%
- Recreation and Culture		375,000	-	-	-	0.0%
- Transport		377,165	-	423,487	423,487	0.0%
- Economic Services		657,247	-	-	-	0.0%
Total Grants/Contributions		1,469,412	-	423,487	423,487	0.0%
DISPOSAL/WRITE OFF OF ASSETS						
Gain/(Loss) on Disposal of Assets	2	(1,663,015)	83,152	-	(83,152)	-100.0%
Change in net assets resulting from operations before significant items		2,598,758	85,850,155	90,555,416	4,705,261	5.5%
SIGNIFICANT ITEMS						
Distribution from TPRC		580,000	-	-	-	0.0%
Change in net assets resulting from operations after significant items		3,178,758	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)**

	Note	Budget 2018/2019	Revised Budget YTD	Actual YTD 31/08/2018	YTD Variance	
OPERATING REVENUE		\$	\$	\$	\$	%
Rates		90,190,099	90,515,099	91,146,439	631,340	0.7%
Grants and Contributions for Non Capital Purposes		2,104,830	230,281	300,845	70,564	30.6%
Fees and Charges		102,135,208	25,672,745	26,021,557	348,812	1.4%
Interest and Investment Income		4,767,575	1,106,912	1,171,055	64,143	5.8%
Other Revenue		1,239,928	280,066	306,710	26,644	9.5%
Total Revenue from Operating Activities		200,437,640	117,805,103	118,946,606	1,141,503	1.0%
OPERATING EXPENDITURE						
Employee Costs		(78,297,999)	(13,065,126)	(13,059,187)	(5,939)	0.0%
Materials and Contracts		(52,144,397)	(7,493,223)	(5,078,745)	(2,414,478)	32.2%
Utilities		(3,242,445)	(528,104)	(500,757)	(27,347)	5.2%
Depreciation and Amortisation		(36,371,570)	(6,061,928)	(5,923,134)	(138,794)	2.3%
Interest		(961,020)	(180,579)	(188,979)	8,400	-4.7%
Insurance		(861,507)	(140,199)	(129,869)	(10,330)	7.4%
Expenses Provision		(622,947)	(103,825)	(97,535)	(6,290)	6.1%
Other Expenses from Ordinary Activities		(25,143,394)	(4,465,117)	(3,836,471)	(628,646)	14.1%
Total Expenses from Ordinary Activities		(197,645,279)	(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	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	85,767,003	90,555,416	4,788,413	5.6%
DISPOSAL/WRITE OFF OF ASSETS	2	(1,663,015)	83,152	-	(83,152)	-100.0%
SIGNIFICANT ITEMS						
Distribution from TPRC		580,000	-	-	-	0.0%
Change in net assets resulting from operations after capital amounts and significant items		3,178,758	85,850,155	90,555,416	4,705,261	5.5%

**CITY OF PERTH
MUNICIPAL**

Statement of Financial Position as at 31 August 2018

	Note	31/08/2018	30/06/2018
CURRENT ASSETS		\$	\$
Cash and Cash Equivalents	11	9,400,950	20,842,970
Deposits/Prepayments	4	17,339,336	1,737,299
Investments	3, 11	177,488,126	112,708,017
Trade and Other Receivables	5	17,540,939	10,079,396
Rates Receivable	1	32,205,452	564,041
Inventories		1,075,282	1,085,757
TOTAL CURRENT ASSETS		255,050,085	147,017,480
NON CURRENT ASSETS			
Investments	3	6,593,212	6,601,317
Trade and Other Receivables	5	62,451	62,649
Property, Plant and Equipment	8	717,276,483	720,370,929
Infrastructure	8	513,525,615	516,354,303
Capital Work in Progress	8	54,812,937	52,639,457
TOTAL NON CURRENT ASSETS		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	37,366,272	22,111,117
Employee Benefits	7	10,456,525	10,372,262
Provisions	7	819,007	612,044
Loan Liability	9	7,543,000	7,448,608
TOTAL CURRENT LIABILITIES		56,184,804	40,544,031
NON CURRENT LIABILITIES			
Employee Benefits	7	1,606,751	1,606,751
Loan Liability	9	13,761,594	15,683,134
TOTAL NON CURRENT LIABILITIES		15,368,345	17,289,885
TOTAL LIABILITIES		71,553,149	57,833,916
NET ASSETS		\$1,475,767,634	\$1,385,212,219
EQUITY			
Accumulated Surplus		781,291,513	672,074,377
Asset Revaluation Reserve	10	612,719,403	612,719,403
Reserves	10	81,756,718	100,418,439
TOTAL EQUITY		\$1,475,767,634	\$1,385,212,219

**CITY OF PERTH
MUNICIPAL**

Statement of Changes 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	659,485,259	612,865,897	93,205,998	1,365,557,154
Change in net assets resulting from operations	19,655,066	-	-	19,655,066
Transfer to Cash Backed Reserves	(33,413,115)	-	33,413,115	-
Transfers to Asset Revaluation Reserve	(214,619)	214,619	-	-
Transfers from Asset Revaluation Reserve	361,114	(361,114)	-	-
Transfer from Cash Backed Reserves	26,200,674	-	(26,200,674)	-
Balance at 30 June 2018	\$672,074,378	\$612,719,402	\$100,418,439	\$1,385,212,219
	\$	\$	\$	\$
Balance at 1 July 2018	672,074,378	612,719,402	100,418,439	1,385,212,219
Change in net assets resulting from operations	90,555,416	-	-	90,555,416
Transfer to Cash Backed Reserves	(552,821)	-	552,821	-
Transfers to Asset Revaluation Reserve	-	-	-	-
Transfers from Asset Revaluation Reserve	-	-	-	-
Transfer from Cash Backed Reserves	19,214,544	-	(19,214,544)	-
Balance at the end of the reporting period	\$781,291,517	\$612,719,402	\$81,756,716	\$1,475,767,635

**CITY OF PERTH
MUNICIPAL**

Statement of Cash Flows for the 2 months ended 31 August 2018

	Note	Budget 2018/2019 \$	YTD Actual 31/08/2018 \$	YTD Variation \$	%
Cash Flows from Operating Activities					
Receipts					
Rates		89,209,455	76,550,692	(12,658,763)	-14.2%
Fees and Charges		102,068,853	25,879,326	(76,189,527)	-74.6%
Interest		4,767,575	1,204,252	(3,563,323)	-74.7%
Other		1,819,928	311,586	(1,508,342)	-82.9%
		197,865,811	103,945,856	(93,919,955)	-47.5%
Payments					
Employee Costs		(78,378,106)	(13,987,593)	64,390,513	82.2%
Materials and Contracts		(56,252,703)	(13,811,560)	42,441,143	75.4%
Interest		(961,020)	(266,201)	694,819	72.3%
Other		(29,966,325)	(19,419,023)	10,547,302	35.2%
		(165,558,154)	(47,484,377)	118,073,777	71.3%
Net Cash Flows from Operating Activities	12	32,307,657	56,461,479	24,153,822	-74.8%
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)	-	10,184,778	-100.0%
Work in Progress		-	(2,023,802)	(2,023,802)	0.0%
		(56,289,061)	(2,023,802)	54,265,259	96.4%
Net Cash Flows from Investing Activities		(54,773,036)	(2,015,697)	52,757,339	96.3%
Cash Flows from Financing Activities					
Repayment of Borrowings		(7,448,608)	(1,827,148)	5,621,460	75.5%
		(7,448,608)	(1,827,148)	5,621,460	75.5%
Cash Flows from Government and Other Parties					
Receipts from Appropriations/Grants					
Recurrent		3,262,399	295,969	(2,966,430)	-90.9%
Capital		1,469,412	423,487	(1,045,925)	-71.2%
		4,731,811	719,456	(4,012,355)	-84.8%
Net Increase (Decrease) in Cash Held		(25,182,176)	53,338,090	78,520,266	-311.8%
Cash at 1 July 2018		151,411,889	133,550,987	(17,860,902)	-11.8%
Cash at 31 August 2018	11	126,229,713	186,889,076	60,659,363	48.1%

MUNICIPAL

Notes to the Balance Sheet for the 2 month ended 31 August 2018

1 Rates Receivable

	Actual YTD 31/08/2018	2017/18 YTD 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	-	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

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	439,405	-
Prepaid Parking Bay Licence Fees	14,967,956	113,564
Other	1,931,975	1,623,735
	\$17,339,336	\$1,737,299

5 Trade And Other Receivables

	31/08/2018	30/06/2018
Current	\$	\$
Emergency Services Levy (ESL)	8,478,563	114,563
Accrued Interest and Investment Income	850,099	883,296
Accrued Income	1,317,241	1,529,171
Modified Penalties/Fines and Costs	8,086,414	7,886,407
Debtors - General		
Australian Taxation Office - GST Refundable	-	1,129,144
Other Debtors	2,628,223	2,225,324
	21,360,540	13,767,905
Less: Provision for Doubtful Debts	(3,819,601)	(3,688,509)
	\$17,540,939	\$10,079,396
Non Current		
Pensioners' Rates Deferred	62,451	62,649
	\$62,451	\$62,649

6 Trade And Other Payables

	31/08/2018	30/06/2018
Current	\$	\$
Trade Creditors	3,583,799	15,035,282
Emergency Services Levy	24,529,067	-
Interest Payable on Loans	154,645	231,867
Accrued Expenses - Operating	4,863,832	2,832,580
Accrued Expenses - Capital	530,169	380,491
Advances Received for Recoverable Works	83,551	96,738
Income Received / Raised in Advance	630,793	930,011
Australian Taxation Office - GST Payable	140,671	-
Other Creditors	2,849,745	2,604,148
	\$37,366,272	\$22,111,117

MUNICIPAL

Notes to the Balance Sheet for the 2 month ended 31 August 2018

7 Employee Benefits

	31/08/2018	30/06/2018
Current	\$	\$
Leave Entitlements		
Annual Leave	4,755,082	4,793,733
Self Funded Leave	172,787	171,629
Long Service Leave	5,415,905	5,292,646
Recognition of Employees- Presentations	112,751	114,254
	\$10,456,525	\$10,372,262
Non Current		
Annual Leave	377,706	377,706
Long Service Leave	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	413,053,999	413,053,999
Less: Accumulated Depreciation	(189,223,920)	(188,619,828)
	223,830,079	224,434,171
Improvements - at fair value	45,619,000	45,619,000
Less: Accumulated Depreciation	(2,870,491)	(1,691,557)
	42,748,509	43,927,443
Infrastructure Assets - at cost/fair value	830,149,225	830,149,225
Less: Accumulated Depreciation	(316,623,610)	(313,794,922)
	513,525,615	516,354,303
Plant and Mobile Equipment - at cost/fair value	48,398,272	48,398,272
Less: Accumulated Depreciation	(33,094,604)	(32,424,083)
	15,303,668	15,974,189
Office Furniture and Equipment - at cost/fair value	47,596,545	47,596,545
Less: Accumulated Depreciation	(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	54,812,937	52,639,457
	54,812,937	52,639,457
Total 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	417,918,971	-	-	-	-	-	417,918,971
Buildings	413,053,999	-	-	-	-	-	413,053,999
Improvements	45,619,000	-	-	-	-	-	45,619,000
Infrastructure Assets	830,149,225	-	-	-	-	-	830,149,225
Plant and Mobile Equipment	48,398,272	-	-	-	-	-	48,398,272
Office Furniture and Equipment	47,596,545	-	-	-	-	-	47,596,545
Agricultural	-	-	-	-	-	-	-
Work in Progress	52,639,457	2,173,480	-	-	-	-	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

Purpose of Reserve Fund	Balance 30/06/2018	Transfer from Accumulated Surplus	Transfer to Accumulated Surplus	Balance 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	-	613,224
Parking Facilities Development	23,919,144	159,591	(543,820)	23,534,915
Employee Entitlements	1,924,579	12,964	-	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 Initiative	5,477,133	38,660	-	5,515,793
Public Art	621,192	4,235	-	625,427
	100,418,441	552,821	(19,214,544)	81,756,718
* Asset Revaluation	612,719,402	-	-	612,719,402
	\$713,137,842	\$552,821	(\$19,214,544)	\$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

MUNICIPAL

Notes to the Balance Sheet for the 2 month ended 31 August 2018

11 Cash Reconciliation

	31/08/2018	30/06/2018
	\$	\$
Cash and Cash Equivalents	9,400,950	20,842,970
Short Term Cash Investments	177,488,126	112,708,017
	\$186,889,076	\$133,550,987

12 Reconciliation of Net Cash Provided By Operating Activities to Operating Surplus

	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	-	1,674,471
(Gain)/Loss on Disposal/Write off/Contribution of Assets	-	1,609,841
	96,609,642	42,515,459
Revenues Provided By :		
Government Grants	(719,456)	(4,593,267)
Contribution from Other Parties	-	-
	(719,456)	(4,593,267)
Change in Operating Assets and Liabilities		
Add Back		
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	-	75,420
Increase in Accrued Expenses	2,031,252	-
Increase in Provisions	291,226	523,219
Increase in Trade and Other Payables	13,463,852	4,087,823
Deduct		
Decrease in Income Received /Raised in Advance	(312,405)	-
Decrease in Accrued Interest Payable	(77,222)	-
Increases in Deferred Debtors	-	(16,293)
Decrease in Accrued Expenses	-	(931,963)
Increase in Inventories	-	(167,118)
Increase in Trade and Other Receivables	(39,479,173)	(1,527,498)
Increase in Prepayments	(15,602,037)	-
Increase in Accrued Interest and Investment Income	-	(177,779)
	(39,428,707)	3,827,711
Net Cash Provided by Operating Activities	\$56,461,479	\$41,749,903

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		
<u>Current Assets minus Restricted Assets</u>		
Current Liabilities minus Liabilities associated with Restricted Assets	3.13	1.33
2 Debt Ratio		
<u>Total Liabilities</u>		
Total Assets	4.62%	4.69%
3 Debt Service Ratio		
<u>Debt Service Cost</u>		
Available Operating Revenue	1.69%	4.25%
4 Rate Coverage Ratio		
<u>Net Rate Revenue</u>		
Operating Revenue	77.21%	44.36%
5 Outstanding Rates Ratio		
<u>Rates Outstanding</u>		
Rates Collectable	34.77%	0.36%
6 Untied Cash to Unpaid Creditors Ratio		
<u>Untied Cash</u>		
Unpaid Trade Creditors	30.03	3.15
7 Gross Debt to Revenue Ratio		
<u>Gross Debt</u>		
Total Revenue	17.91%	14.70%
8 Gross Debt to Economically Realisable Assets Ratio		
<u>Gross Debt</u>		
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**

Statement of Cash Flows for the 1 months ended 31 July 2018

	Note	Budget 2018/2019	YTD Actual 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)	-	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					
Repayment of Borrowings		(7,448,608)	(1,827,149)	5,621,459	75.5%
		(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%

Report to the Ordinary Council Meeting**Agenda****Payments from Municipal and Trust Funds – September 2018****Item 13.17**

Recommendation:

That in accordance with Regulation 13(1) of the Local Government (Financial Management) Regulations 1996, the list of payments made under delegated authority for the month ended 30 September 2018 be RECEIVED and recorded in the Minutes of the Council, the summary of which is as follows:

FUND	PAID
Municipal Fund	\$ 22,590,107.93
Trust Fund	\$ 737,721.36
TOTAL:	<u>\$ 23,327,829.29</u>

FILE REFERENCE:

P1035536

REPORTING UNIT:

Finance

RESPONSIBLE DIRECTORATE:

Corporate Services

DATE:

3 October 2018

ATTACHMENT/S:

A detailed list of payments made under delegated authority for the month ended 30 September can be accessed by the Commissioners via the Council Hub. Members of the public can access the list of payments on request.

Council Role:

- | | | |
|-------------------------------------|----------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <input type="checkbox"/> | Advocacy | <i>When the Council advocates on its own behalf or on behalf of its community to another level of government/body/agency.</i> |
| <input type="checkbox"/> | Executive | <i>The substantial direction setting and oversight role of the Council e.g. adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.</i> |
| <input type="checkbox"/> | Legislative | <i>Includes adopting local laws, town planning schemes and policies</i> |
| <input type="checkbox"/> | Quasi-Judicial | <i>When the Council determines an application/matter that directly affects a person's right and interests. The judicial character arises from the obligation to abide by the principles of natural justice. Examples of Quasi-Judicial authority include town planning applications, building licences, applications for other permits/licences (eg under Health Act, Dog Act or Local Laws) and other decisions that may be appealable to the State Administrative Tribunal.</i> |
| <input checked="" type="checkbox"/> | Information | <i>For the Council/Committee to note.</i> |

Legislation / Strategic Plan / Policy:

Legislation	Regulation 13(1) of the <i>Local Government (Financial Management) Regulations 1996</i>
Integrated Planning and Reporting Framework Implications	Strategic Community Plan Goal 7 - An open and engaged city
Policy	
Policy No and Name:	N/A

Comments:

Payments for the month of September 2018 included the following significant items, but exclude Payroll and payroll taxation payments to the Deputy Commissioner of Taxation:

- \$7,343,285.72 to the Department of Fire and Emergency Services for the emergency services levy first quarter contribution for 2018/19;
- \$1,530,955.62 to Marsh Pty Ltd for the City of Perth workers compensation insurance premium for the year ending 30 June 2019; and
- \$1,379,014.54 to the Western Australian Treasury Corporation for loan payments of \$541,200.68 for the Elder Street Carpark, \$560,574.81 for the Perth Convention and Exhibition Centre Carpark, \$32,774.82 for the Goderich Street Carpark and \$244,464.23 for the Perth City Library and Public Plaza.

Report to the Ordinary Council Meeting

Agenda
Item 13.18

Rates Concession – Western Australia Cricket Association (WACA)

Recommendation:

That Council APPROVES BY AN ABSOLUTE MAJORITY the granting of a rates concession to the Western Australia Cricket Association in relation to the WACA ground of \$148,420.87 for the 2018/19 financial year.

FILE REFERENCE:	P1019031-8
REPORTING UNIT:	Finance
RESPONSIBLE DIRECTORATE:	Corporate Services
DATE:	8 October 2018
ATTACHMENT/S:	N/A

Council Role:

- | | | |
|-------------------------------------|----------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <input type="checkbox"/> | Advocacy | <i>When the Council advocates on its own behalf or on behalf of its community to another level of government/body/agency.</i> |
| <input type="checkbox"/> | Executive | <i>The substantial direction setting and oversight role of the Council e.g. adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.</i> |
| <input checked="" type="checkbox"/> | Legislative | <i>Includes adopting local laws, town planning schemes and policies</i> |
| <input type="checkbox"/> | Quasi-Judicial | <i>When the Council determines an application/matter that directly affects a person's right and interests. The judicial character arises from the obligation to abide by the principles of natural justice. Examples of Quasi-Judicial authority include town planning applications, building licences, applications for other permits/licences (eg under Health Act, Dog Act or Local Laws) and other decisions that may be appealable to the State Administrative Tribunal.</i> |
| <input type="checkbox"/> | Information | <i>For the Council/Committee to note.</i> |

Legislation / Strategic Plan / Policy:**Legislation**

Section 6.47 of the *Local Government Act 1995*:

‘Subject to the Rates and Charges (Rebates and Deferments) Act 1992, a local government may at the time of imposing a rate or service charge or at a later date resolve to waive* a rate or service charge or resolve to grant other concessions in relation to a rate or service charge.

*Absolute majority required’

Integrated Planning and Reporting Framework Implications**Strategic Community Plan**

Goal 8 - A city that delivers for its community

Policy

Policy No and Name:

9.13 – Not Rateable Properties (Rate Exemptions) and Partial Rate Exemptions

Purpose and Background:

The purpose of the report is to propose a rate concession for the Western Australian Cricket Association (WACA) ground to reflect the role of the WACA in the community and the activities that are undertaken at the ground.

Details:

Historically the WACA received an exemption for rates under S6.26(2)(g) – charitable purposes. An exemption review in 2013 revealed the organisation is not exempt under these provisions of the *Local Government Act 1995* (the Act) as they are not considered a charitable organisation, 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 5 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 3-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.

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; and
- The organisations broad community role in developing grassroots cricket.

Under the City's delegated authority, a rates concession requires Council approval.

Financial Implications:

A reduction in rates income of \$148,420.87.

Comments:

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.

Report to the Ordinary Council Meeting**Agenda
Item 13.19****Third Party Travel Contribution – Manager Library – Australian Library and Information Association’s Library Design Conference 2019****Recommendation:**

That Council APPROVES Third Party Travel to the Manager Library by the Australian Library and Information Association (ALIA) to attend the Library Design Conference as a speaker.

FILE REFERENCE: P1025504-12
 REPORTING UNIT: Library
 RESPONSIBLE DIRECTORATE: Community and Commercial Services
 DATE: 3 September 2018
 ATTACHMENT/S: N/A

Council Role:

- | | | |
|-------------------------------------|----------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <input type="checkbox"/> | Advocacy | <i>When the Council advocates on its own behalf or on behalf of its community to another level of government/body/agency.</i> |
| <input checked="" type="checkbox"/> | Executive | <i>The substantial direction setting and oversight role of the Council e.g. adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.</i> |
| <input type="checkbox"/> | Legislative | <i>Includes adopting local laws, town planning schemes and policies</i> |
| <input type="checkbox"/> | Quasi-Judicial | <i>When the Council determines an application/matter that directly affects a person’s right and interests. The judicial character arises from the obligation to abide by the principles of natural justice. Examples of Quasi-Judicial authority include town planning applications, building licences, applications for other permits/licences (eg under Health Act, Dog Act or Local Laws) and other decisions that may be appealable to the State Administrative Tribunal.</i> |
| <input type="checkbox"/> | Information | <i>For the Council/Committee to note.</i> |

Legislation / Strategic Plan / Policy:

Legislation 5.83 of the *Local Government Act 1995*

Integrated Planning and Reporting Framework Implications **Corporate Business Plan / Strategic Community Plan**
 Goal 7 - An open and engaged city

Policy

Policy No and Name: 12.7 – Staff Conference Attendance and Expenses

Purpose and Background:

The Manager Library, Cheryl Parrott, has been invited to speak at the ALIA Library Design Conference to be held in Brisbane on 14 March 2019. The request is to offer insight in to the City of Perth Library's experience operating from an award-winning library building. The intention is to share what worked well, and what we would do differently.

Following comments from Commissioners at the 25 September 2018 Ordinary Council Meeting, staff are currently exploring policy options on staff attending conferences for not-for-profit organisations versus commercial organisations.

Details:

At its meeting held on **17 May 2016**, Council resolved:

"That Travel being paid for by a Third Party comes to Council for Approval".

The contribution to Travel as determined in the Local Government Act 1995 includes airfares and accommodation incidental to a journey. It is estimated that travel, accommodation and incidental costs will total approximately \$1,850.

As the inaugural winner of the Public Library Award in 2017 this is an excellent opportunity to promote City of Perth Library within the Library sector.

Financial Implications:

There are no financial implications to the City of Perth arising from this report.

Comments:

Presenting at the ALIA Library Design conference provides an opportunity to highlight the logistics of integrating services, staffing, safety and communication across this seven-floor building. The City of Perth Library service is a one of its kind in Australia.

Report to the Ordinary Council Meeting**Agenda
Item 13.20****Review of Council Policy 10.9 - City of Perth Common Seal and Document Signing Authority**

Recommendation:***That Council:***

1. ***REPEALS Existing Council Policy 10.9 - City of Perth Common Seal and Document Signing Authority as detailed in Attachment 13.20A;***
2. ***ADOPTS Amended Council Policy 10.9 - City of Perth Common Seal and Document Signing Authority as detailed in Attachment 13.20B;***
3. ***AUTHORISES the use of the Common Seal as detailed in Amended Council Policy 10.9 - City of Perth Common Seal in accordance with section 9.49A(2) of the Local Government Act 1995; and***
4. ***AUTHORISES the execution of documents by signature as detailed in Amended Council Policy 10.9 - City of Perth Common Seal in accordance with section 9.49A(4) of the Local Government Act 1995.***

FILE REFERENCE:	P1005611-2
REPORTING UNIT:	Governance
RESPONSIBLE DIRECTORATE:	Office of the Chief Executive
DATE:	26 September 2018
ATTACHMENT/S:	Attachment 13.20A – Existing Council Policy 10.9 - City of Perth Common Seal and Document Signing Authority Attachment 13.20B - Amended Council Policy 10.9 - City of Perth Common Seal and Document Signing Authority

Council Role:

- | | | |
|-------------------------------------|-------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <input type="checkbox"/> | Advocacy | <i>When the Council advocates on its own behalf or on behalf of its community to another level of government/body/agency.</i> |
| <input type="checkbox"/> | Executive | <i>The substantial direction setting and oversight role of the Council e.g. adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.</i> |
| <input checked="" type="checkbox"/> | Legislative | <i>Includes adopting local laws, town planning schemes and policies.</i> |

☐

Quasi-Judicial

When the Council determines an application/matter that directly affects a person's right and interests. The judicial character arises from the obligation to abide by the principles of natural justice. Examples of Quasi-Judicial authority include town planning applications, building licences, applications for other permits/licences (e.g. under Health Act, Dog Act or Local Laws) and other decisions that may be appealable to the State Administrative Tribunal.

☐

Information

For the Council/Committee to note.

Legislation / Strategic Plan / Policy:

Legislation

Sections 2.7(2)(b) and 9.49A of the *Local Government Act 1995*

Integrated Planning and Reporting Framework Implications

Strategic Community Plan

Goal 7 - An open and engaged city

Policy

Policy No and Name:

10.9 - City of Perth Common Seal and Document Signing Authority

Purpose and Background:

At its meeting held on **24 June 2014**, Council adopted Council Policy 10.9 - City of Perth Common Seal and Document Signing Authority. 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, Chief Executive Officer 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 the Common Seal	Minor amendments for clarity and to ensure that, as allowed by the Act, a senior employee authorised by the CEO, may sign documents be common seal in the CEO's stead.	To avoid administrative delays and to simplify the requirements of the policy.
Clause 2.2.2 - Sealing Clause	Deleted Clause 2.2.2 Sealing Clause from the Policy	It is proposed that the form of the sealing clause is moved to the procedure.
Clause 2.3 - Administration of the Common Seal	Administration of the Common Seal has been amended to remove procedural requirements.	It is proposed that the removed information is moved to the procedure.
Clause 3.1 - General Document Signing (Execution) Authorities	Removal of limitation of signing authorities where scope covers multiple units or directorates.	This restriction may be inappropriate for some delegated or statutory authorities and may 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: "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."	This clause was included as it was identified that this was unclear in the Policy as written.
Current Clause 3.2.3 – Deputising or Signing on Behalf of Another Person	Deleted clause 3.2.3 relating to deputising not being permitted under the Act and moved its content into a Guidance Box as a note.	The current clause is advice about legislative requirements rather than a condition of the Policy. While this could be moved to procedure, it is an important clarification that Internal Audit has identified as a compliance control. It was retained within the policy to avoid non-compliances with the Policy.

Clause	Proposed Amendment	Reason for Change
Clause 3.2.3 - Specific Authorities in Accordance with Section 9.49A(4) of the Local Government Act 1995 – Previously clause 3.2.4	A note has been added to the table header advising that authorities in table are subject to the limitations in clause 3.2.3	This addition has been proposed as a compliance control by Internal Audit.
Clause 3.3 - Contracts of Employment and Variations to Contracts	New Clause: The addition of an employment contract section to advise which employees are authorised to sign employment contracts.	The current policy 10.9 does not clearly address contracts of employment. This gap means that currently it could be found that only the CEO, by virtue of his 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 employment contracts and variations.
Clause 3.4 - Execution of Documents by Lawyers on Behalf of City	New Clause: Execution of Documents by Lawyers on Behalf of City	Section 9.49A of the Act also requires that agents of the City be authorised to sign documents on 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	Proposed Amendment	Reason for Change
Clause 3.5 - Signing Documents (Other Than by Common Seal) During Temporary Absence of the CEO	New Clause: Signing Documents (Other than by Common Seal) During Temporary Absence of the CEO	It has been identified that there is currently no authority for any officer to sign documents that only the CEO may sign during if the CEO is temporarily 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 Keeping Requirements.	Deletion of Clause 4 – Record Keeping Requirements.	The legislation exists in its own right and is unnecessary to reference in the policy. Record keeping requirements are noted in the document control box and.

Financial Implications:

No direct financial implications are associated with this report.

Comments:

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.)

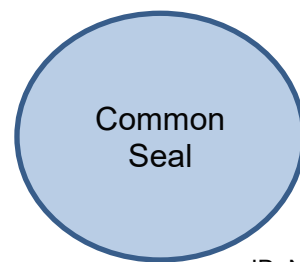
- (2) There is no legal requirement for the Common Seal to be affixed in order for a document to be executed, as this can legally occur without the Common Seal being affixed where Council resolves to authorise the CEO or another employee to sign the document [s.9.49A(4)]. It is however, acknowledged that through custom or historical practice there are circumstances where external parties may expect the City of Perth Common Seal to be

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:)



ID. No.

 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.

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 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
1.	<ul style="list-style-type: none"> The matter is specifically resolved by Council, inclusive of a resolution to execute 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.
2.	<ul style="list-style-type: none"> 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.	<ul style="list-style-type: none"> 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.	<ul style="list-style-type: none"> • 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>	<ul style="list-style-type: none"> • 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.

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; 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 Deputising or Signing on Behalf of Another Person

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.

3.2.4 Specific Authorities in Accordance with Section 9.49A(4) of the Local Government Act 1995

Document Type (✓) Common Seal <u>only</u> to be applied where specified in a document prepared by an external party.	Category	Common Seal	EXECUTION BY SIGNATURE ONLY			
			Lord Mayor	CEO	Director	Manager
(1) Local Laws – made and amended	1	✓	✗	✗	✗	✗
(2) Planning Schemes – adopted and amended	1	✓	✗	✗	✗	✗
(3) Land Transaction documents, including: <ul style="list-style-type: none"> • sale; • purchase; • vesting; • contributed assets; • Notifications of factors affecting land under 70A of the Land Transfer Act 1893 – lodge or withdraw • Easements – <u>by land transfer</u> <ul style="list-style-type: none"> ○ 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; ○ Rights to install, maintain and operate electric power lines, telephone and other cables and supporting pylons. 	1	✓	✓	✓	✗	✗

Document Type (✓) Common Seal <u>only</u> to be applied where specified in a document prepared by an external party.	Category	Common Seal	EXECUTION BY SIGNATURE ONLY			
			Lord Mayor	CEO	Director	Manager
<ul style="list-style-type: none"> 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: <ul style="list-style-type: none"> Caveats - registering or removing Leases Easements – <u>by deed, deposited plan or other legal instrument</u> <ul style="list-style-type: none"> 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 Legal agreements 	2	(✓)	✗	✓	✗	✗

Document Type (✓) Common Seal <u>only</u> to be applied where specified in a document prepared by an external party.	Category	Common Seal	EXECUTION BY SIGNATURE ONLY			
			Lord Mayor	CEO	Director	Manager
(7) State or Commonwealth Government Funding Agreements	2	(✓)	✗	✓	✓	✗
(8) Grants and Funding Agreements with private agencies (incoming and outgoing)	2	(✓)	✗	✓	✗	✗
	3	(✓)	✗	✓	✓	✓
(9) Memorandum of Understanding	2	(✓)	✗	✓	✓	✓
(10) Contracts and legal instruments, including contract variations, related to: <ul style="list-style-type: none"> • Procurement Contracts • Service Agreements (incoming or outgoing services) • Heritage Agreements • Acquittal of planning conditions • Maintenance of the public realm 	2	(✓)	✗	✓	✓	✓
(11) Development, subdivision and strata-title approvals for City Land	3	✗	✗	✓	✓	✗
(12) Memorial <ul style="list-style-type: none"> • <u>Deed Poll Registration</u>: A document lodged under the Registration of Deeds Act 1856, notifying the change of name of a person. • <u>Memorial of Advertisment</u>: 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. 	3	✗	✗	✓	✓	✗

Document Type	Category	Common Seal	EXECUTION BY SIGNATURE ONLY			
			Lord Mayor	CEO	Director	Manager
(✓) Common Seal <u>only</u> to be applied where specified in a document prepared by an external party.						
<ul style="list-style-type: none"> <u>Prohibiting dealings in land</u>: 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. 						
(13) Documents that fulfil a statutory local government duty or power , for which there is no power of delegation or authorisation and is a matter which constitutes a potential risk to the City.	4	✗	✗	✓	✓	✓
(14) Communications on behalf of the City, with: <ul style="list-style-type: none"> Commonwealth or State Ministers Sister City counterpart political or government leaders 	2 / 3	✗	✓	✓	✗	✗
(15) Communications on behalf of the City, with CEO's of: <ul style="list-style-type: none"> Commonwealth or State Government Departments Industry representative bodies 	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.	3 / 4	✗	✗	✓	✓	✓
(17) Ceremonial Certificates - Common Seal may be affixed at the Lord Mayor's discretion: <ul style="list-style-type: none"> Honorary Freeman Honorary Citizenship 	3 / 4	✓	✓	✓	✗	✗

Document Type (✓) Common Seal <u>only</u> to be applied where specified in a document prepared by an external party.	Category	Common Seal	EXECUTION BY SIGNATURE ONLY			
			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.

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 Control Box							
Document Responsibilities:							
Custodian:	Manager Governance			Custodian Unit:	Governance		
Decision Maker:	Council						
Compliance Requirements:							
Legislation:	Section 9.49A of the <i>Local Government Act 1995</i>						
Industry:	Nil.						
Organisational:	Administration Policy – Decision Making Framework Administration Policy – Record Keeping PR0572 Corp Procedure – Common Seal Legal Advice TRIM – 148019/13						
Document Management:							
Risk Rating:	Medium	Review Frequency:	Two years	Next Due:	June 2016	TRIM Ref:	75522/04
Version #	Decision Reference:	Synopsis:					
1.	OCM 24/06/14 – 269/14	New Policy –gives effect to s.9.49A of the Local Government Act 1995					
2.	Administrative Update 20/09/18	Guidance box added at clause 3.2.2 per Internal Audit Recommendations. Recommendation included in report endorsed 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.

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
1.	<ul style="list-style-type: none"> 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.	<ul style="list-style-type: none"> 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.	<ul style="list-style-type: none"> 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

Category	Description
	<ul style="list-style-type: none"> is strategic and / or carries a moderate or lesser level of financial risk, legal complexity or political sensitivity.
4.	<ul style="list-style-type: none"> 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.
<u>NOTE:</u>	<ul style="list-style-type: none"> 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.

- (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

3.2.3 Specific Authorities in Accordance with Section 9.49A(4) of the Local Government Act 1995

Document Type (✓) 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	EXECUTION BY SIGNATURE ONLY			
			Lord Mayor	CEO	Director	Manager
(1) Local Laws – made and amended	1	✓	✗	✗	✗	✗
(2) Planning Schemes – adopted and amended	1	✓	✗	✗	✗	✗
(3) Land Transaction documents, including: <ul style="list-style-type: none"> • sale; • purchase; • vesting; • contributed assets; • Notifications of factors affecting land under 70A of the <i>Land Transfer Act 1893</i> – lodge or withdraw • Easements – <u>by land transfer</u> <ul style="list-style-type: none"> ○ 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; ○ Rights to install, maintain and operate electric power lines, telephone and other cables and supporting pylons. 	1	✓	✓	✓	✗	✗

Document Type	Category	Common Seal	EXECUTION BY SIGNATURE ONLY			
			Lord Mayor	CEO	Director	Manager
<ul style="list-style-type: none"> • 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: <ul style="list-style-type: none"> • Caveats - registering or removing • Leases • Easements – <u>by deed, deposited plan or other legal instrument</u> <ul style="list-style-type: none"> ○ 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 • Legal agreements 	2	(✓)	✗	✓	✗	✗

Document Type	Category	Common Seal	EXECUTION BY SIGNATURE ONLY			
			Lord Mayor	CEO	Director	Manager
(7) State or Commonwealth Government Funding Agreements	2	(✓)	✗	✓	✓	✗
	2	(✓)	✗	✓	✗	✗
	3	(✓)	✗	✓	✓	✓
(8) Grants and Funding Agreements with private agencies (incoming and outgoing)	2	(✓)	✗	✓	✓	✓
(9) Memorandum of Understanding						
(10) Contracts and legal instruments, including contract variations, related to:						
	2	(✓)	✗	✓	✓	✓
(11) Development, subdivision and strata-title approvals for City Land	3	✗	✗	✓	✓	✗
(12) Memorial						
	3	✗	✗	✓	✓	✗

(✓) Common Seal only to be applied where specified in the relevant document.

Note: Authorities in table subject to limitations in clause 3.2.2

(7) State or Commonwealth Government Funding Agreements

(8) Grants and Funding Agreements with private agencies (incoming and outgoing)

(9) Memorandum of Understanding

(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

(11) Development, subdivision and strata-title approvals for City Land

(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 Advertisment: 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.

Page 602 of 612

Document Type		Category	Common Seal	EXECUTION BY SIGNATURE ONLY			
				Lord Mayor	CEO	Director	Manager
(✓) Common Seal only to be applied where specified in the relevant document. Note: Authorities in table subject to limitations in clause 3.2.2							
• <u>Prohibiting dealings in land</u> : 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.							
(13) Documents that fulfil a statutory local government duty or power , for which there is no power of delegation or authorisation and is a matter which constitutes a potential risk to the City.		4	✗	✗	✓	✓	✓
(14) Communications on behalf of the City, with: <ul style="list-style-type: none">• Commonwealth or State Ministers• Sister City counterpart political or government leaders		2 / 3	✗	✓	✓	✗	✗
(15) Communications on behalf of the City, with CEO's of: <ul style="list-style-type: none">• Commonwealth or State Government Departments• Industry representative bodies		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.		3 / 4	✗	✗	✓	✓	✓
(17) Ceremonial Certificates - Common Seal may be affixed at the Lord Mayor's discretion: <ul style="list-style-type: none">• Honorary Freeman• Honorary Citizenship		3 / 4	✓	✓	✓	✗	✗

Document Type	Category	Common Seal	EXECUTION BY SIGNATURE ONLY			
			Lord Mayor	CEO	Director	Manager
(✓) 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						
(18) Deeds of Settlement – Employee matters	4	X	X	✓	X	X
(19) Enterprise Bargaining Agreements	4	X	X	✓	X	X

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;

- (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 Responsibilities:									
Custodian:		Manager Governance			Custodian Unit:		Governance		
Decision Maker:		Council							
Compliance Requirements:									
Legislation:		Sections 9.49A, 9.49B, 9.49 and 5.43 of the <i>Local Government Act 1995</i> <i>State Records Act 2000</i> (record keeping requirements)							
Industry:		Nil.							
Organisational:		Organisational Policy – Decision Making Framework Organisational Policy – Record Keeping PR0572 Corp Procedure – Common Seal Legal Advice CM – 148019/13							
Document Management:									
Risk Rating:		Medium	Review Frequency:		Two years	Next Due:	June 2016	TRIM Ref:	75522/04
Version #	Decision Reference:			Synopsis:					
1.	OCM 24/06/14 – 269/14			New Policy –gives effect to s.9.49A of the Local Government Act 1995					
2.	Administrative Update 20/09/18			Guidance box added at clause 3.2.2 per Internal Audit Recommendations. Recommendation included in report endorsed by Council on 28/08/18 – Item 13.25					

Report to the Ordinary Council Meeting**Agenda
Item 13.21****Repeal of Council Policy 18.10 Street Marches and Public Meetings – CBD Retail Precinct**

Recommendation:

That Council REPEAL Council Policy 18.10 - Street Marches and Public Meetings – CBD Retail Precinct.

FILE REFERENCE:	P1014612
REPORTING UNIT:	Health and Activity Approvals
RESPONSIBLE DIRECTORATE:	Community and Commercial Services
DATE:	14 September 2018
ATTACHMENT/S:	Attachment 13.21A - Council Policy 18.10 - Street Marches and Public Meetings – CBD Retail Precinct

Council Role:

- | | | |
|-------------------------------------|----------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <input type="checkbox"/> | Advocacy | <i>When the Council advocates on its own behalf or on behalf of its community to another level of government/body/agency.</i> |
| <input type="checkbox"/> | Executive | <i>The substantial direction setting and oversight role of the Council e.g. adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.</i> |
| <input checked="" type="checkbox"/> | Legislative | <i>Includes adopting local laws, town planning schemes and policies</i> |
| <input type="checkbox"/> | Quasi-Judicial | <i>When the Council determines an application/matter that directly affects a person's right and interests. The judicial character arises from the obligation to abide by the principles of natural justice. Examples of Quasi-Judicial authority include town planning applications, building licences, applications for other permits/licences (eg under Health Act, Dog Act or Local Laws) and other decisions that may be appealable to the State Administrative Tribunal.</i> |
| <input type="checkbox"/> | Information | <i>For the Council/Committee to note.</i> |

Legislation / Strategic Plan / Policy:

Legislation	<i>Public Order in Streets Act 1984</i>
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**Integrated Planning and
Reporting Framework
Implications**

Strategic Community Plan
Goal 8 - A city that delivers for its community

Policy

Policy No and Name:

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 Policy 18.10 - Street Marches and Public Meetings – CBD Retail Precinct, is no longer required.

Details:

The *Local Government Act 1995* states:

“2.7 Role of council

- 1) *The council –*
 - a) *governs the local government’s affairs; and*
 - b) *is responsible for the performance of the local government’s functions.*
- 2) *Without limiting subsection 1), the council is to –*
 - a) *oversee the allocation of the local government’s finances and resources; and*
 - b) *determine the local government’s policies.”*

Stakeholder Engagement

The WA Police 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 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’.

Financial Implications:

There are no financial implications related to this report.

Comments:

Policy 18.10 adds an unnecessary layer of approval for persons wanting to hold a public meeting or procession, with the City having no jurisdiction to do so. It is therefore recommended that the policy be rescinded.

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;

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 Responsibilities:							
Custodian:	Health and Activity Approvals			Custodian Unit:	Health and Activity Approvals		
Decision Maker:							
Compliance Requirements:							
Legislation:	Public Order in Streets Act 1984						
Industry:							
Organisational:							
Document Management:							
Risk Rating:	High	Review Frequency:	Annual	Next Due:	2008	TRIM Ref:	P1006733
Version #	Decision Reference:	Synopsis:					
1.	OCM 19/02/90 (79/90)	Previous Policy No. CP7, ST12, ST6					
2.	OCM 28/04/98 (353/98)	.					
3.	OCM 30/01/07 (72/07)						

Report to the Ordinary Council Meeting**Agenda
Item 13.22****Nominations of Commissioners for the Perth Theatre Trust
Board**

Recommendation:

That Council NOMINATES three Commissioners for appointment to the Perth Theatre Trust Board, for the endorsement of the Governor of Western Australia.

FILE REFERENCE: P1030366-2
 REPORTING UNIT: Governance
 RESPONSIBLE DIRECTORATE: Office of the Chief Executive
 DATE: 8 October 2018
 ATTACHMENT/S: N/A

Council Role:

- | | | |
|-------------------------------------|----------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <input checked="" type="checkbox"/> | Advocacy | <i>When the Council advocates on its own behalf or on behalf of its community to another level of government/body/agency.</i> |
| <input type="checkbox"/> | Executive | <i>The substantial direction setting and oversight role of the Council e.g. adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.</i> |
| <input type="checkbox"/> | Legislative | <i>Includes adopting local laws, town planning schemes and policies</i> |
| <input type="checkbox"/> | Quasi-Judicial | <i>When the Council determines an application/matter that directly affects a person's right and interests. The judicial character arises from the obligation to abide by the principles of natural justice. Examples of Quasi-Judicial authority include town planning applications, building licences, applications for other permits/licences (eg under Health Act, Dog Act or Local Laws) and other decisions that may be appealable to the State Administrative Tribunal.</i> |
| <input type="checkbox"/> | Information | <i>For the Council/Committee to note.</i> |

Legislation / Strategic Plan / Policy:

Legislation Section 5 of the *Perth Theatre Trust Act 1979*

Integrated Planning and Reporting Framework Implications **Strategic Community Plan**
 Goal 8 - A city that delivers for its community

Policy
 Policy No and Name: 10.2 – Delegates on Boards, Authorises and Committees

Purpose and Background:

The Perth Theatre Trust Board consists of eight members appointed by the Governor under Section five of the *Perth Theatre Trust Act 1979* (Act). Of these eight members, four are nominated by the Minister for Culture and the Arts, three are nominated by the City of Perth and an ex-officio position is held by the Department of Local Government, Sport and Cultural Industries.

The Perth Theatre Trust is a statutory authority established and constituted under the Perth Theatre Trust Act 1979, to manage and operate theatres vested in or leased to it. The Trust's mission is to offer wide-ranging arts experiences in well-managed venues.

Venues currently managed by the Trust include:

- His Majesty's Theatre;
- Subiaco Arts Centre;
- State Theatre Centre of Western Australia;
- Albany Entertainment Centre; and
- Perth Cultural Centre.

The Trust is also in the process of leasing the Perth Concert Hall.

The Trust's venues are used by local, national and international performing arts companies, performers and artists, both professional and amateur. School and children's performances and activities are also presented at the venues.

Funded arts organisations presenting regular seasons in Trust venues include the Barking Gecko Theatre Company, Black Swan State Theatre Company, Yirra Yaakin Theatre Company, West Australian Ballet and West Australian Opera, as well as the Perth International Arts Festival.

The Trust operates in Culture and Arts (WA), a division of the Department of Local Government, Sport and Cultural Industries. Culture and the Arts (WA) provides corporate support to the Trust, including human resources, financial, and information system support.

Details:

Council's current nominees on the Board are:

- Councillor Janet Davidson;
- Tanya Sim (Ministerial appointment in the absence of a suitable nominee); and
- Commissioner Gaye McMath.

All the above terms expire on 31 December 2018.

Section 5(3) of the Act states that if the Minister gives Council written notice requiring Council nominate one or more persons from amongst the members or officers of Council for appointment to the Board and Council fails to nominate that person or those persons within that specified period, *'the Governor may, on the recommendation of the Minister, appoint a person or persons as a trustee or trustees in place of the person or persons in respect of whom*

the failure to nominate occurred and the person or persons so appointed shall be deemed for all purposes to have been nominated by the Council'.

Sitting Fees

- \$410 (Perth Theatre Trust Board Meetings under 4 hours)
- \$620 (Perth Theatre Trust Board Meetings over 4 hours)
- \$300 (Perth Theatre Trust Sub Committee meetings under 4 hours)
- \$460 (Perth Theatre Trust Sub Committee over 4 hours)

Meeting Frequency

- Board meetings are held Thursday, every second month.
- Board meetings are usually scheduled for 12pm.
- All sub-committee meetings are generally less than 4 hours
- A Strategic Planning Day is held once a year

Financial Implications:

There are no financial implications related to this report.

Comments:

It is recommended that Council nominates three Commissioners to the Perth Theatre Trust Board to ensure future representation of the City on the Board.