

Report to the Ordinary Council Meeting

Agenda Outdoor Dining – Policy and Guidelines
Item 13.14

Recommendation:

That Council:

1. ***RECEIVES the consultation on the Draft Outdoor Dining Policy and Guidelines as detailed in Attachment 13.14A;***
2. ***RESCINDS Council Policy 14.1 – Alfresco Dining 2000 as detailed in Attachment 13.14C;***
3. ***RESCINDS Council Policy 14.2 – Consumption of Alcohol in Alfresco Dining Areas without a Substantial Meal as detailed in Attachment 13.14D;***
4. ***ADOPTS the Council Policy 14.1 – Outdoor Dining Policy detailed in Attachment 13.14B;***
5. ***ENDORSES the Outdoor Dining Guidelines as detailed in Attachment 13.14E;***
6. ***RECEIVES information as detailed in Attachment 13.14F in relation to other Perth local government fee structures as a comparison to the City of Perth’s proposed annual outdoor dining fee;***
7. ***RECEIVES information in relation to an online service to process and manage applications;***
8. ***RECEIVES the Independent Review of City of Perth Outdoor Dining Fees and Processes undertaken by Planning Solutions as detailed in Attachment 13.14G; and***
9. ***NOTES the Administration’s responses to the Independent Review as contained in this report and as detailed in Attachment 13.14H.***

FILE REFERENCE: P1014820
REPORTING UNIT: Co-ordination and Design
RESPONSIBLE DIRECTORATE: Planning and Development
DATE: 17 December 2018

ATTACHMENT/S: Attachment 13.14A – Consultation summary
 Attachment 13.14B – Council Policy 14.1 – Outdoor Dining Policy
 Attachment 13.14C – Council Policy 14.1 – Alfresco Dining 2000
 Attachment 13.14D – Council Policy 14.2 - Consumption of Alcohol in Alfresco Dining Areas without a Substantial Meal
 Attachment 13.14E – Outdoor Dining Guidelines
 Attachment 13.14F – Outdoor Dining Fee Comparison
 Attachment 13.14G – Independent Review of Outdoor Dining Fees and Processes
 Attachment 13.14H – Administration Response to Independent Review

Council Role:

- Advocacy *When the Council advocates on its own behalf or on behalf of its community to another level of government/body/agency.*
- Executive *The substantial direction setting and oversight role of the Council e.g. adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.*
- Legislative *Includes adopting local laws, town planning schemes and policies*
- 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 *Food Act 2008*
 Australian and New Zealand Food Standards Code
 City of Perth Alfresco Dining Local Law 2009

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

Policy
 Policy No and Name: 14.1 Alfresco Dining 2000

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**, details 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.*

At its meeting held on **30 October 2018**, Council resolved to defer the report titled Outdoor Dining – Policy and Guidelines to enable a review by the Chief Executive Officer on elements relating to the process of application and the costs of application.

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 13.14F) 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; and **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 Cleansing and Coordination and Design Unit for review (Waste and Cleansing 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 (detailed in Attachment 13.14F).

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 non-compliant 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.

Independent Review

To address Council's resolution at its meeting held on **30 October 2018**, the Administration has engaged consultants to undertake this independent review (the review). The review report is provided to Council in Attachment 13.14G and the Administration's consideration recommendations is provided in Attachment 13.14H.

The review contains 13 recommendations relating to fees, process, systems, information/communication/website, risk and complexity, identified as immediate issues and on gong. These recommendations have a certain level of interconnectivity and raise a number of valid matters for consideration.

The review identifies the opportunity of changing the approach to applications based on risk, thereby reducing the level of control, processes and thus time and costs based on the complexity of the application. This approach has merit although two similar applications may require different responses depending on the location.

A review of the City's approach would be best undertaken through a combination of developing a fit-for-purpose level of control based on each neighbourhood and localised circumstances; thus a more place-based approach to managing the city. This would enable areas with low levels of pedestrian traffic such as Royal Street in Claisebrook to potentially have fewer controls and requirements compared to the high pedestrian areas of the CBD and certain areas with the Northbridge neighbourhood.

The review recommends no change to the fees at this time. This needs to be also considered in the context of the recommendation relating to system improvements and low complex applications. As operational improvements are made to the application process savings in time and cost can be considered as part of the annual budget process on setting fees and charges.

The review identifies the need to provide improvements to the e-lodgement process. It is understood that the City designed, developed and released an Outdoor Dining Applications solution in August 2017. The full solution resides in the City's Pathway software system and was

available via the corporate website in August this year, however for undefined reasons has since been removed from the original and current corporate website.

Potential solutions to the matters raised by the review have been identified but will need to be appropriately scoped by the Administration as part of developing a business case, which will need to include consideration of timing, resourcing and costs. How and when this work would occur is yet to be identified.

The review has provided valuable insights that can assist the Administration in improving its approach and processes to outdoor dining in the city.

Table 1. Engage Perth survey responses

Outdoor Dining Policy and Guidelines – Community Consultation Survey Summary – September 2018										
Questions:										
<ol style="list-style-type: none"> Outdoor dining areas should be high quality, simple, sensitive to the existing street environment, and well designed, to help create streets and public places that are appealing for people to spend time in. The guidelines clearly explain the required clearances and setback The guidelines clearly set out the management and operational expectations of permit holders. This includes removing and storing furniture, and cleaning and keeping outdoor dining areas well presented. The guidelines and attached checklists clearly explain the application process. Is there any other information not currently in the guidelines which you feel should be added? Is there any additional feedback you would like to provide on the policy and guidelines? 										
#	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
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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.

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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

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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

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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
								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.	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.	are not cluttered and that sightlines are maintained. Q6: Guidelines will ensure appropriate access is maintained and that the public places are not cluttered with items. If planter boxes are requested, they must be removed at the end of trading each day. Permanent and semi-permanent structures are not supported by the guidelines – this includes built structures in parking bays.

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 consultant (s) 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	3.0) Location requirements: 3.1) 'The alfresco dining area should be located directly adjacent to the eating house' is contradicted by the sections 3.1 (2), 3.1 (3) and 3.1 (4). 3.2) 'The alfresco dining area must be located adjacent to the kerb with a minimum kerb clearance of 600mm'.	The Outdoor Dining Guidelines do not refer to those extracts.



Council Policy Manual

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: City of Perth Strategic Community Plan 2029</i> 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.		

PROPOSED



Council Policy Manual

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.
-



Council Policy Manual

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.



Council Policy Manual

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;



Council Policy Manual

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 –



Council Policy Manual

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.



Council Policy Manual

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.



Council Policy Manual

CP14.1 Alfresco Dining 2000

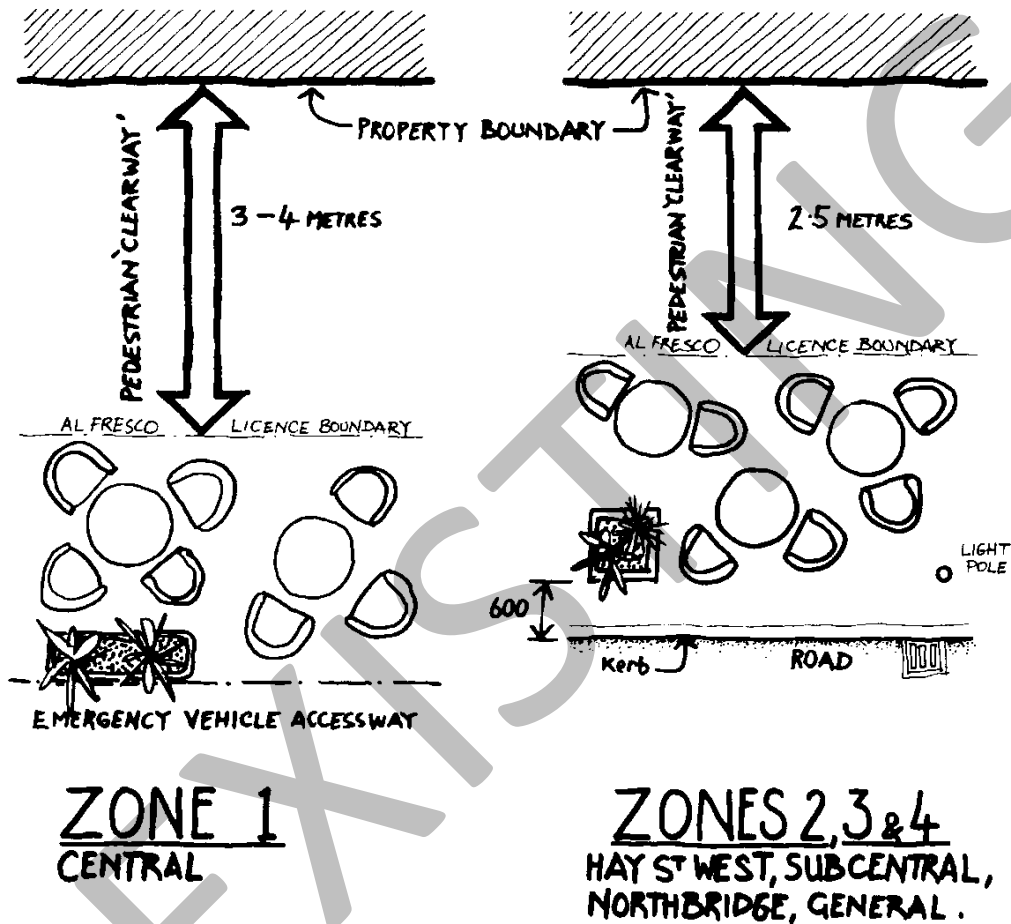
EXISTING



Council Policy Manual

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.



Council Policy Manual

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.

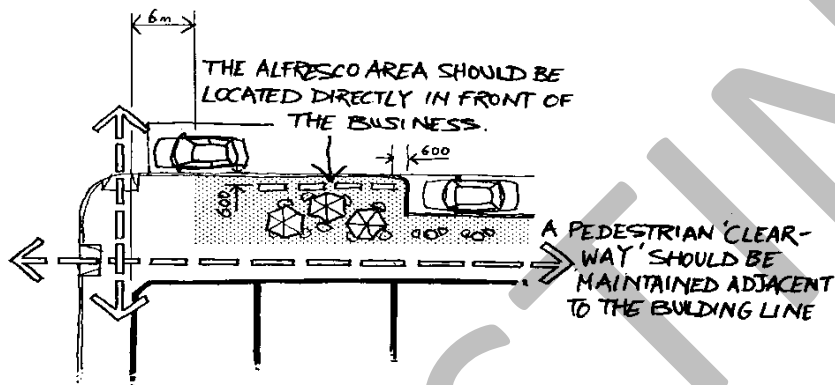


Council Policy Manual

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



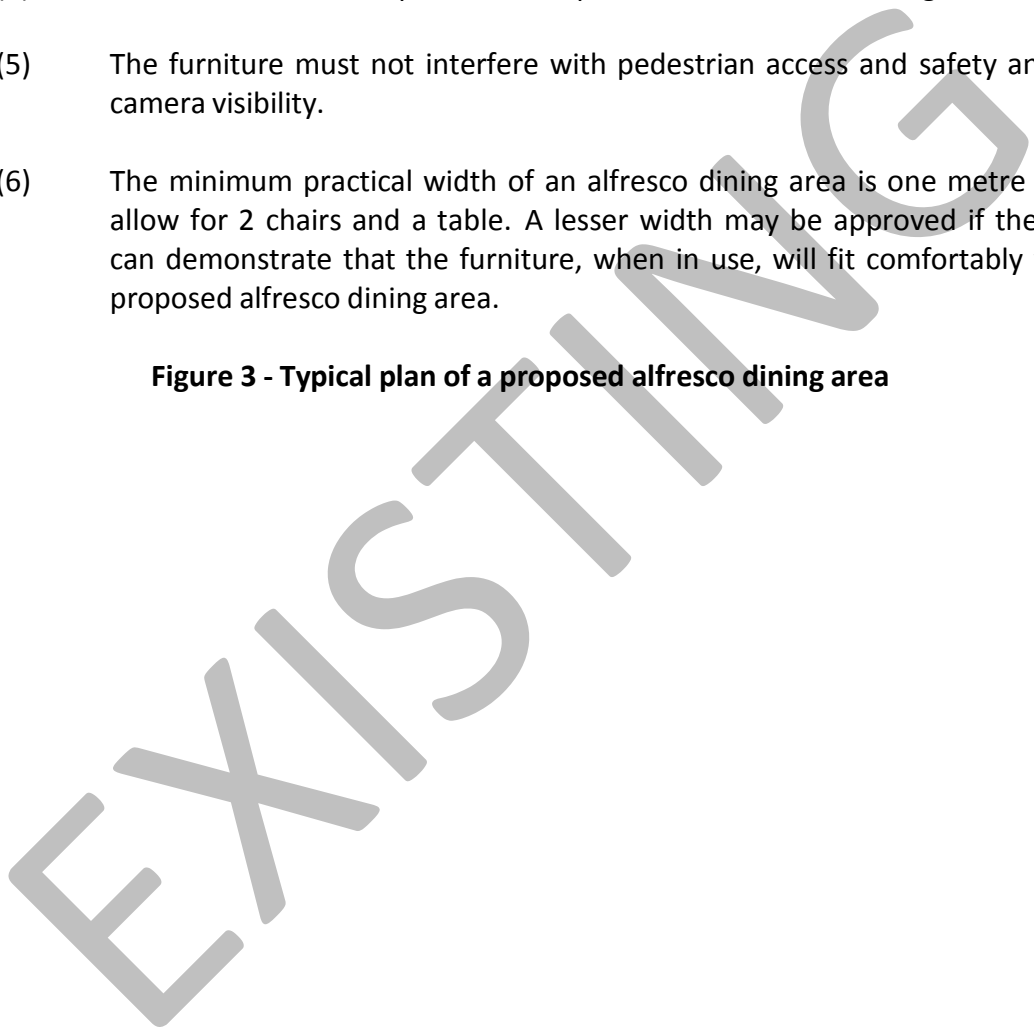
Council Policy Manual

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.

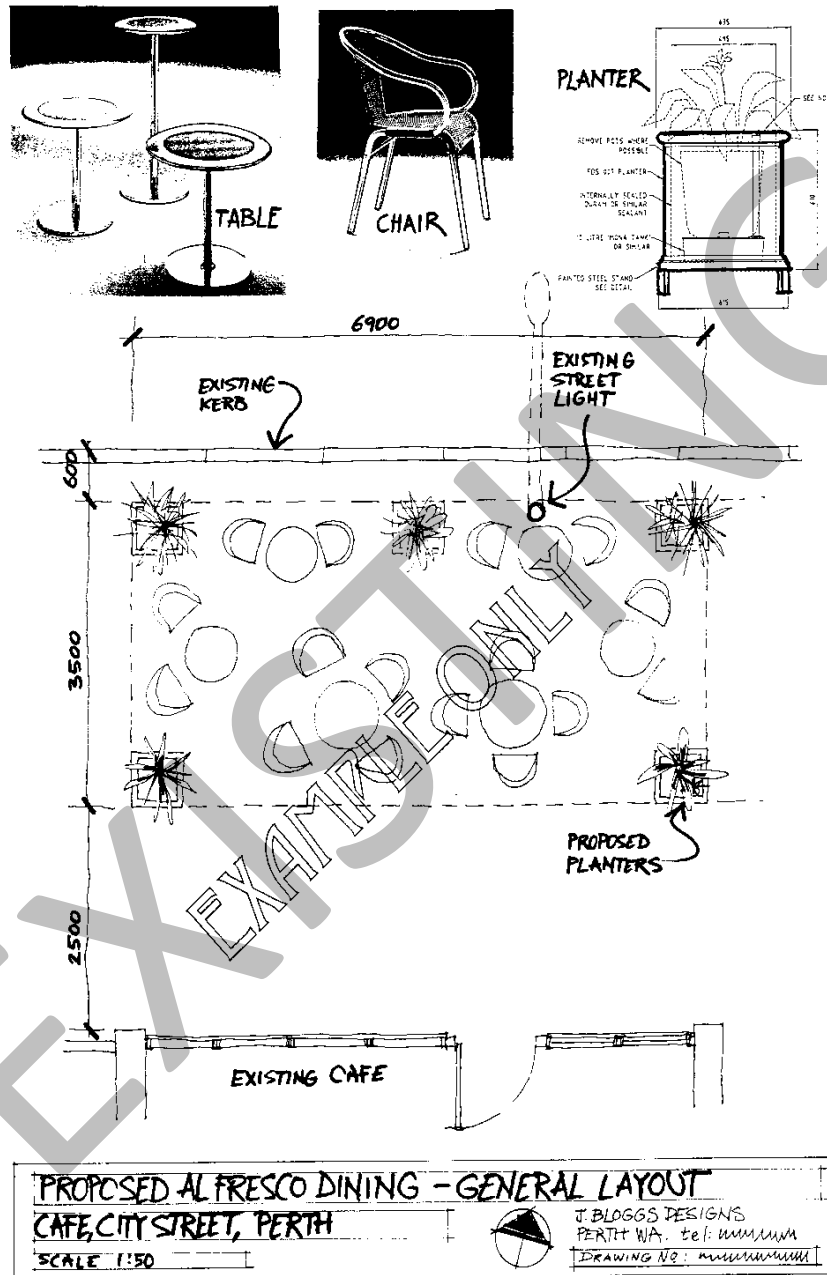
Figure 3 - Typical plan of a proposed alfresco dining area





Council Policy Manual

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.



Council Policy Manual

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.



Council Policy Manual

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.



Council Policy Manual

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



Council Policy Manual

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.



Council Policy Manual

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.



Council Policy Manual

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.



Council Policy Manual

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.

EXISTING



Council Policy Manual

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



Council Policy Manual

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;



Council Policy Manual

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 \$.....



Council Policy Manual

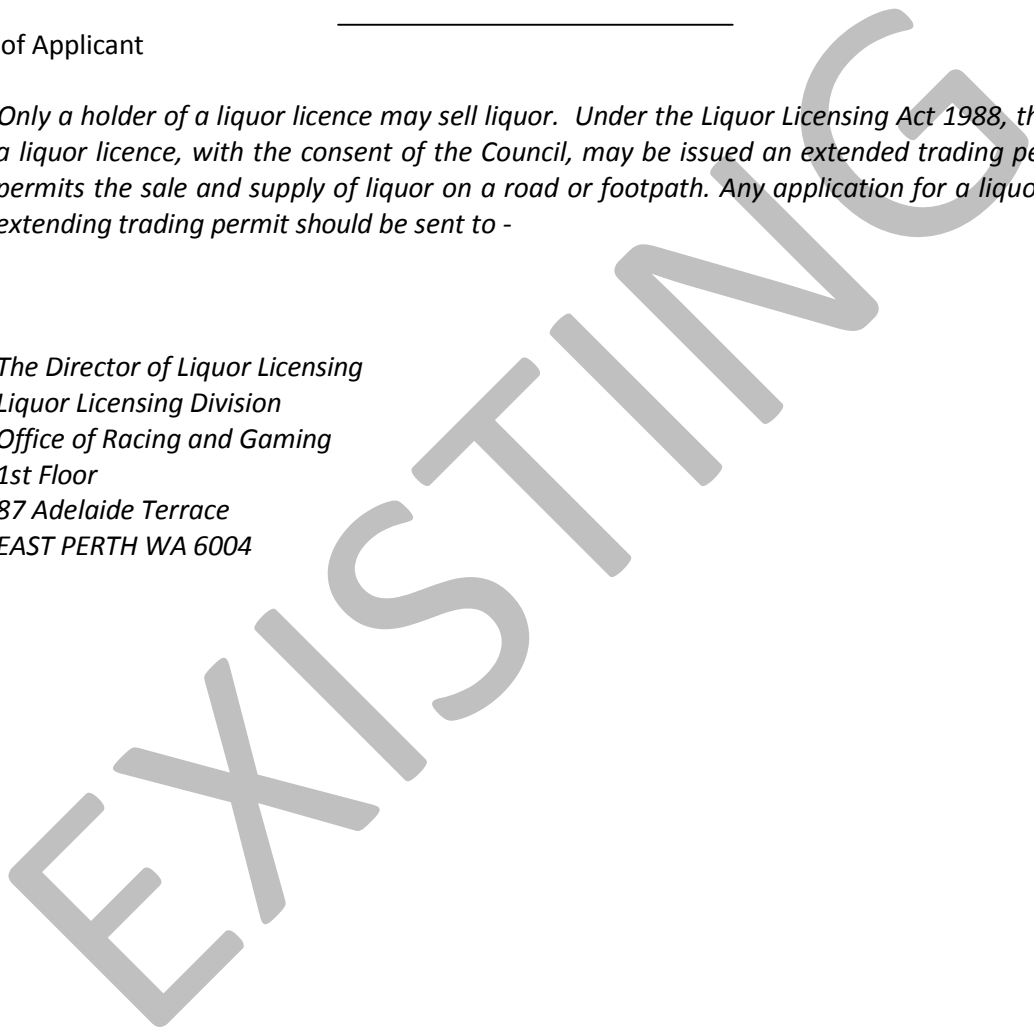
CP14.1 Alfresco Dining 2000

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*





Council Policy Manual

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



Council Policy Manual

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



Council Policy Manual

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



Council Policy Manual

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.

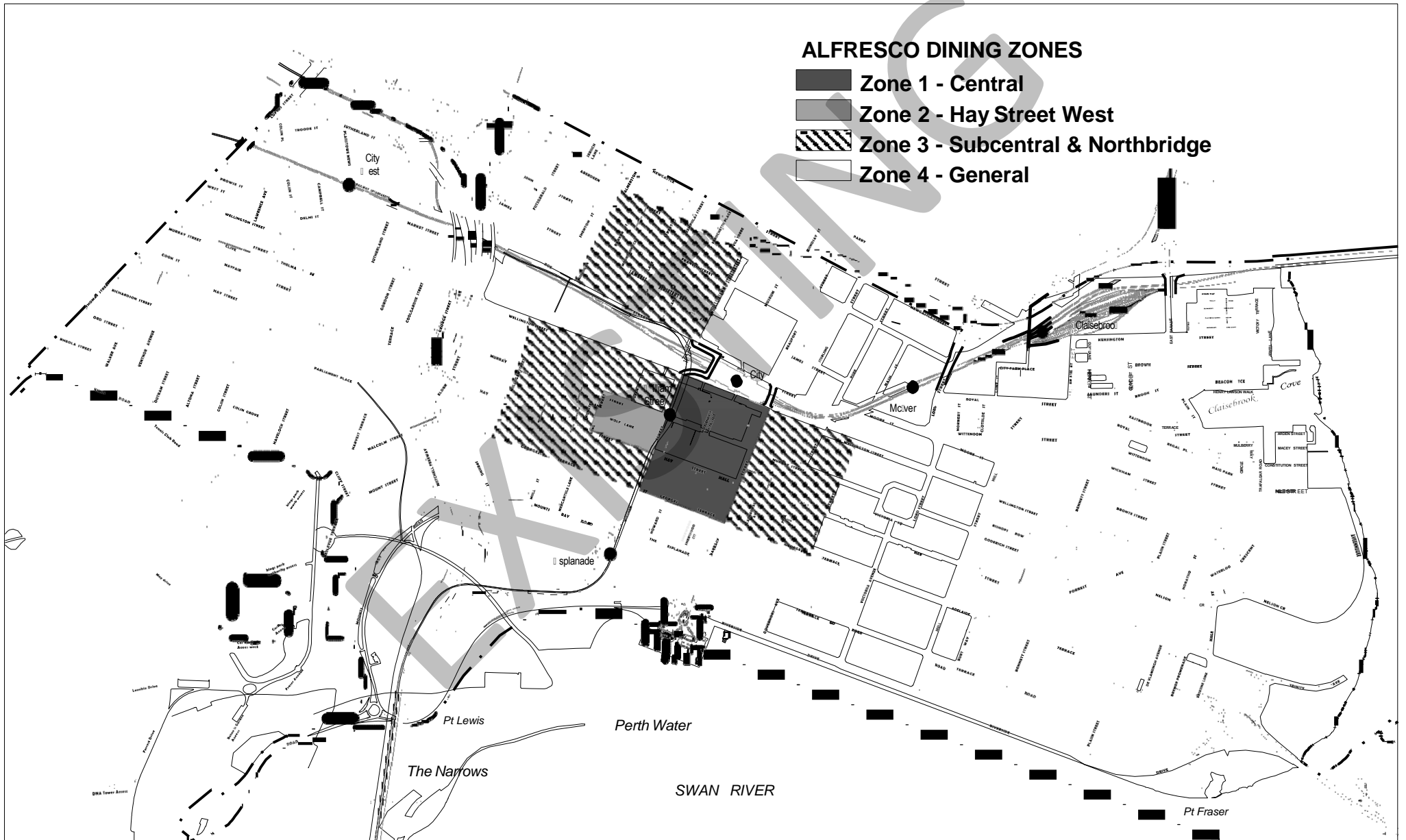
I enclose the fee of \$.....

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 Page 46
SCHEDULE 4 (Amended Council
Meeting 6/12/11 746/11) CITY OF
PERTH
ALFRESCO DINING LOCAL LAW 2000
MAP OF ALFRESCO DINING ZONES



Schedule 4 Map of Alfresco Dining Zones



Council Policy Manual

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)		



Council Policy Manual

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.



Council Policy Manual

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

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



30 October 2018

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

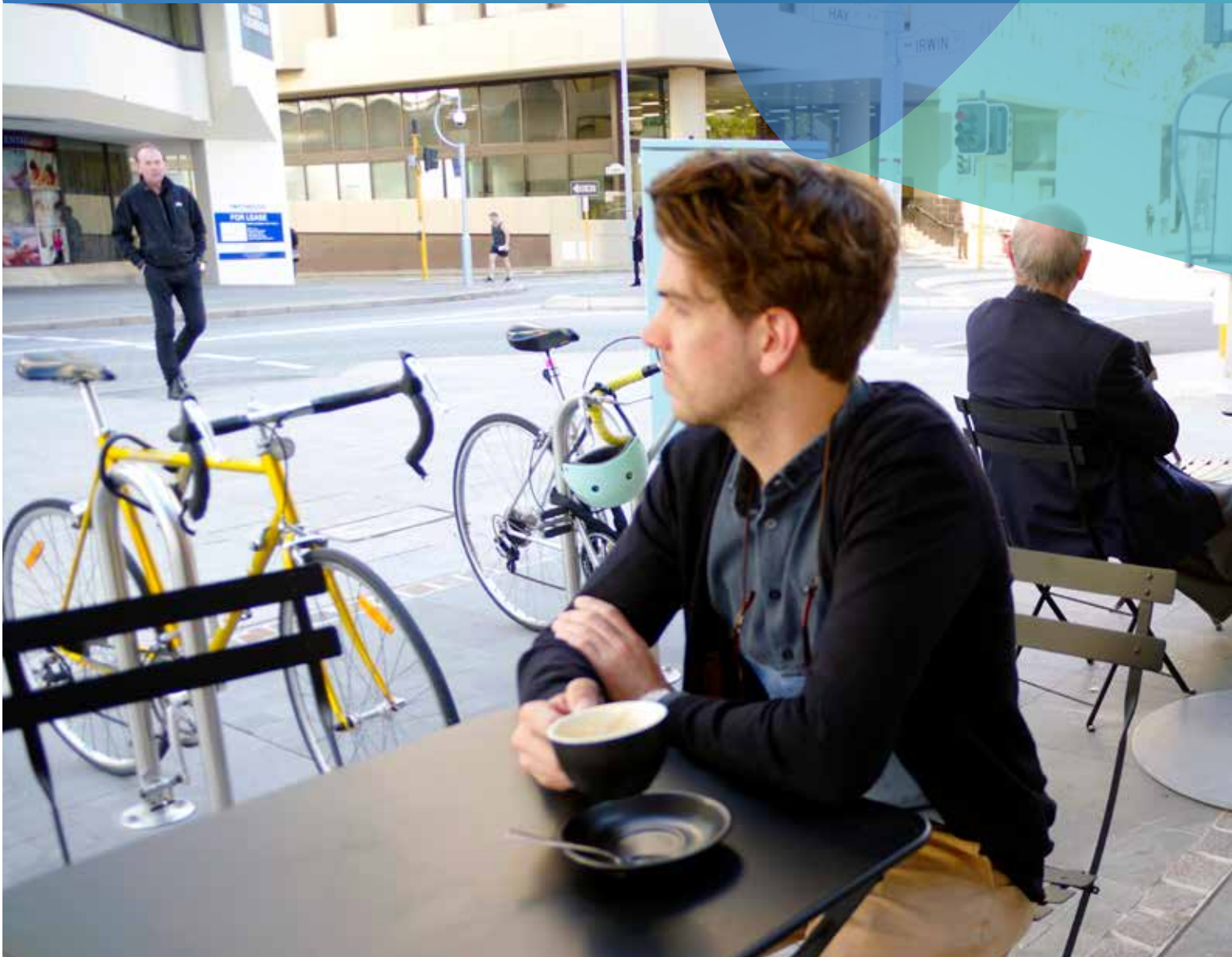
Select materials that will ensure resilience and easy maintenance, despite rigorous use.

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

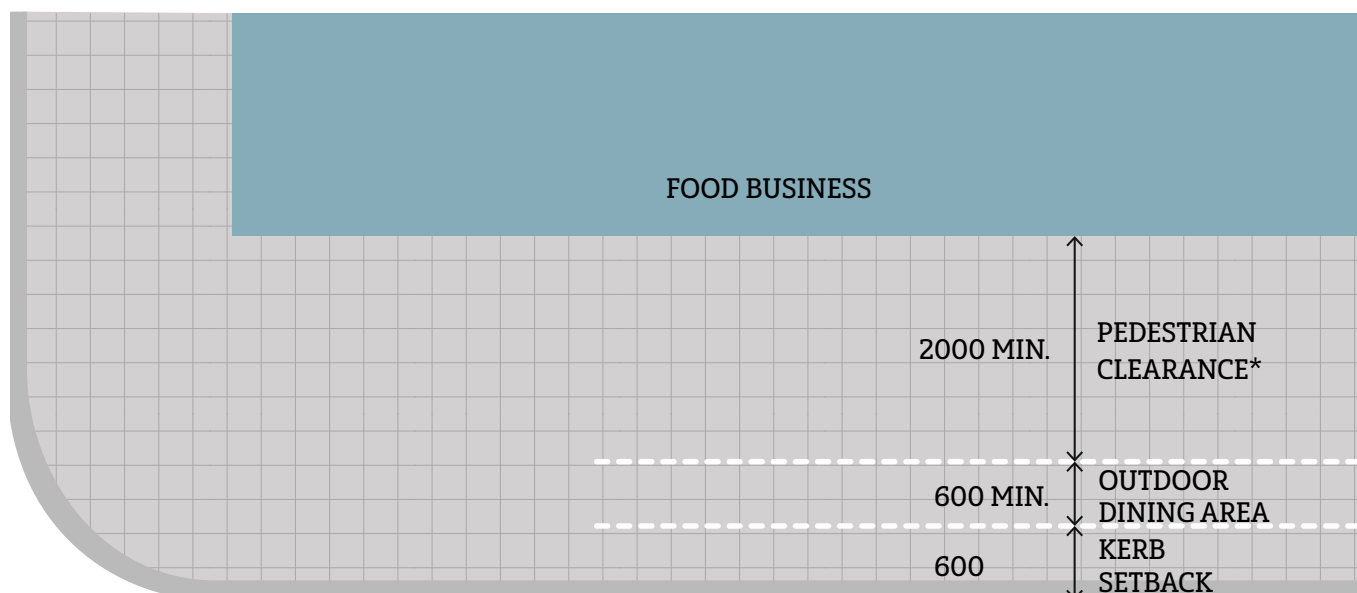
To maintain a consistent thoroughfare against the building line for all pedestrians, outdoor dining areas must be located adjacent the kerb.

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

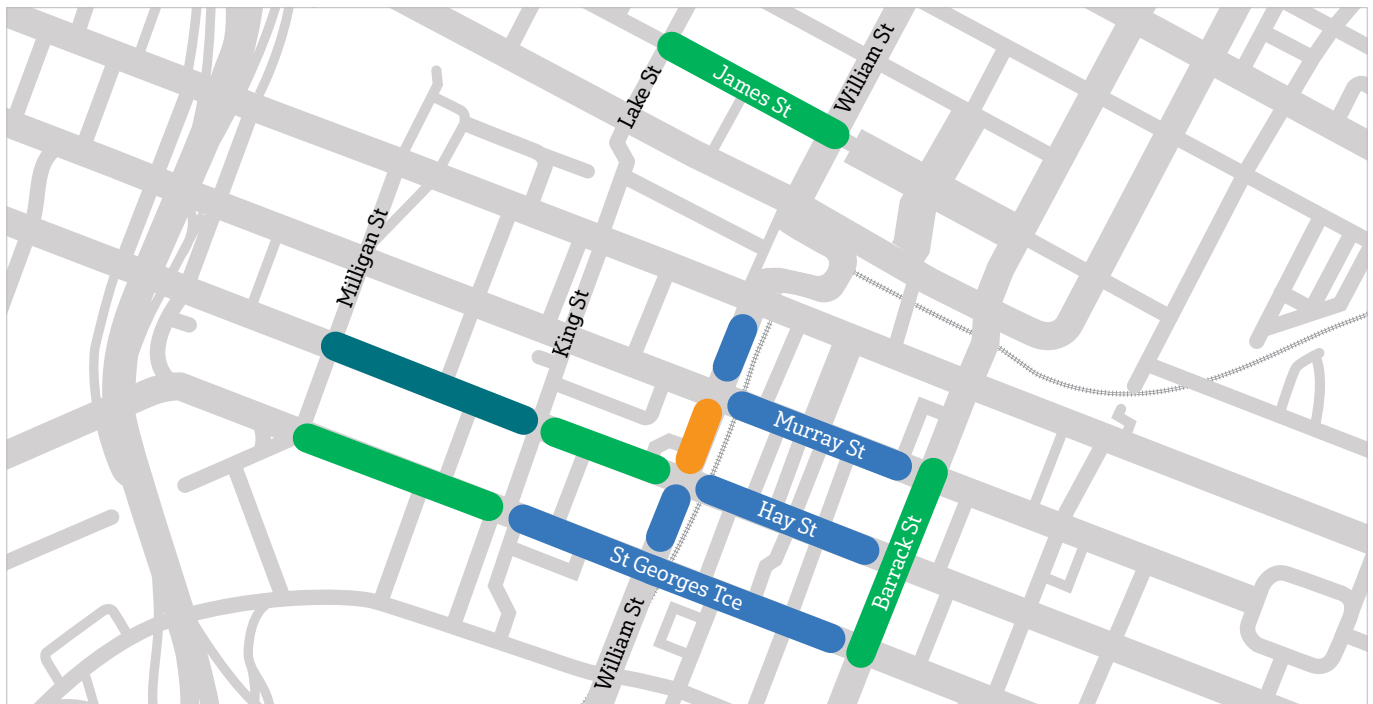


*Pedestrian Clearance determined by Figure 2: Pedestrian Clearances

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.

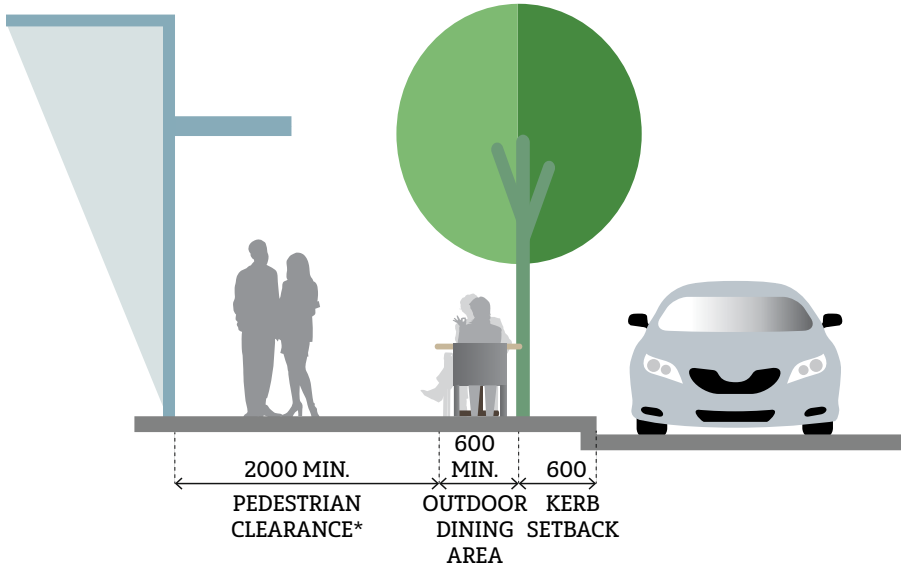
These clearances are based on the Australian Standards minimum requirements for pedestrian access, including for people with visual impairment and users of mobility aids.

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

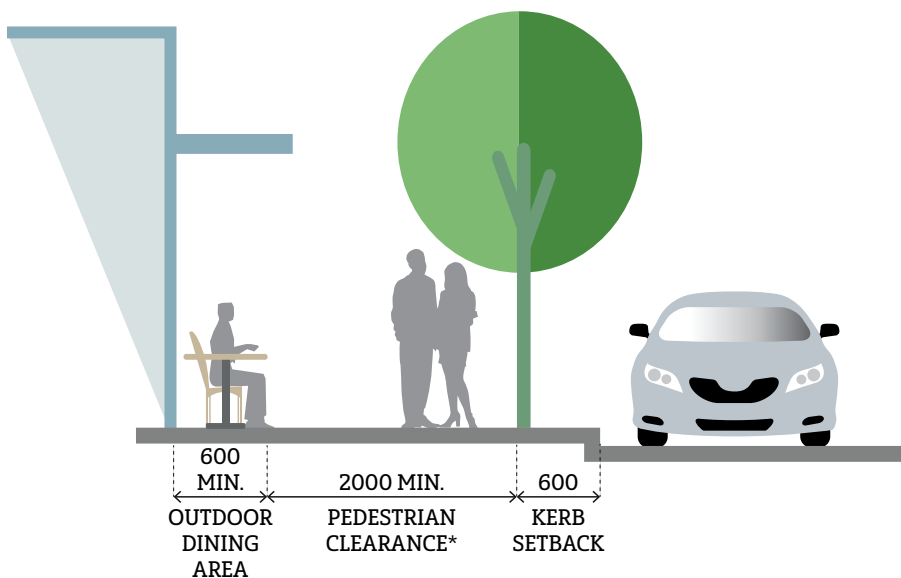
- No outdoor dining (bus stop conflict)
- 3m clearance
- 2.5m clearance
- 2.2m clearance
- 2m clearance on all other streets unless noted

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

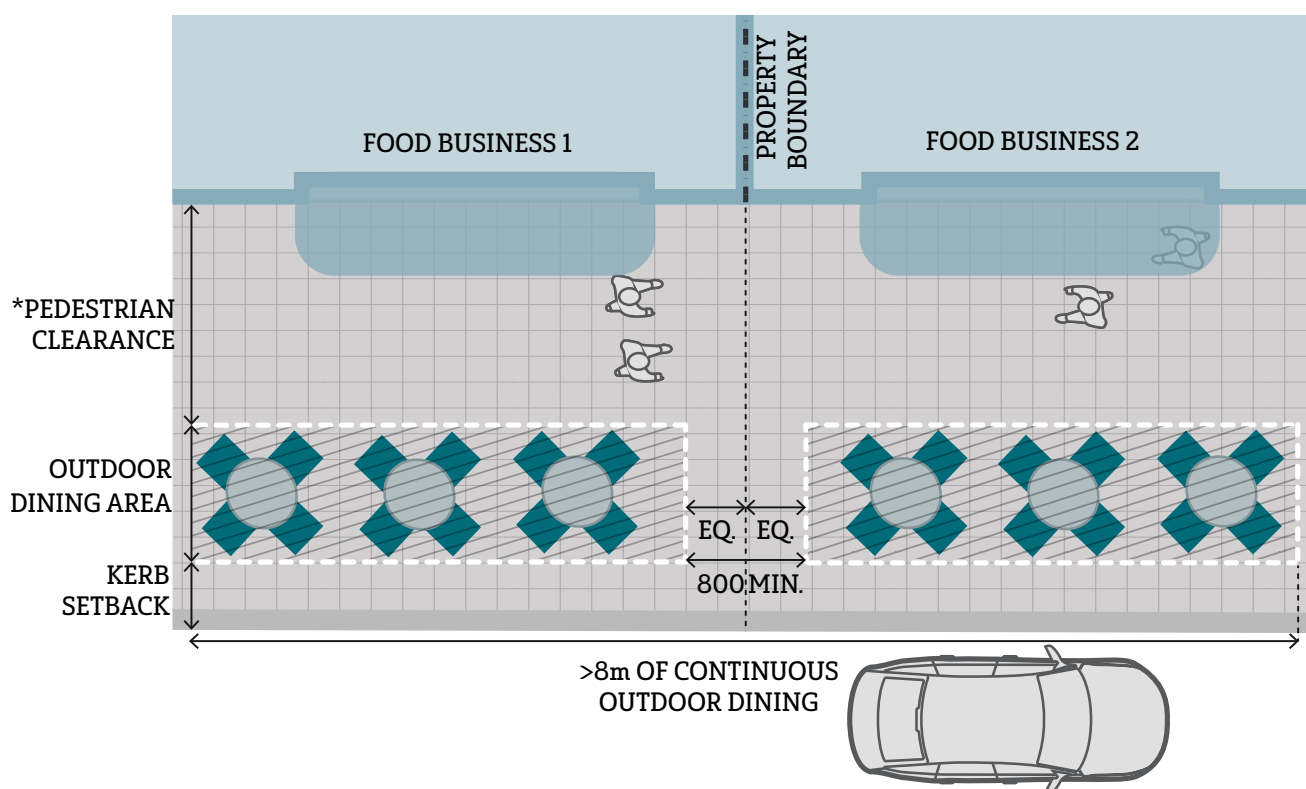


Kerb setback

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

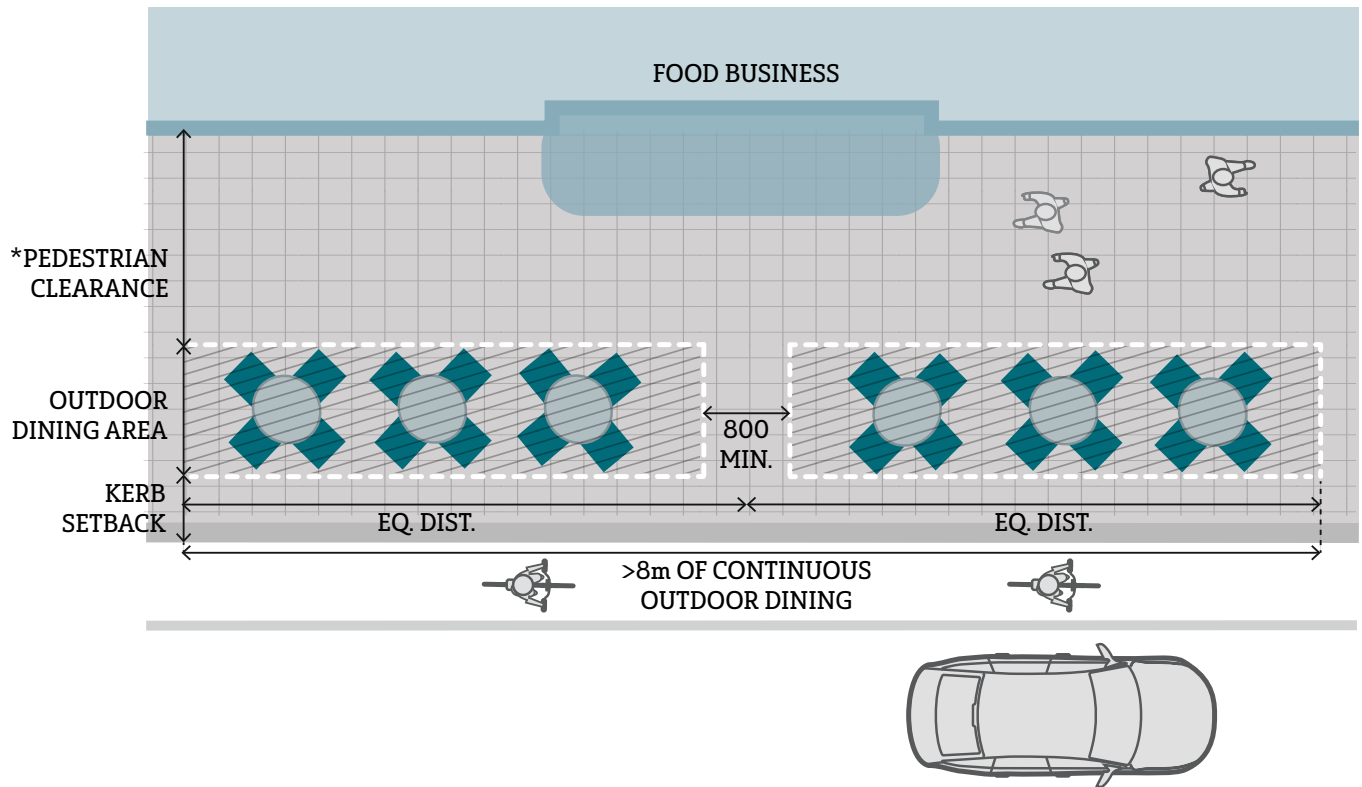
Clearances between adjacent outdoor dining areas are required to allow for pedestrian access to the street, and to allow for street cleaning and maintenance machinery access.

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

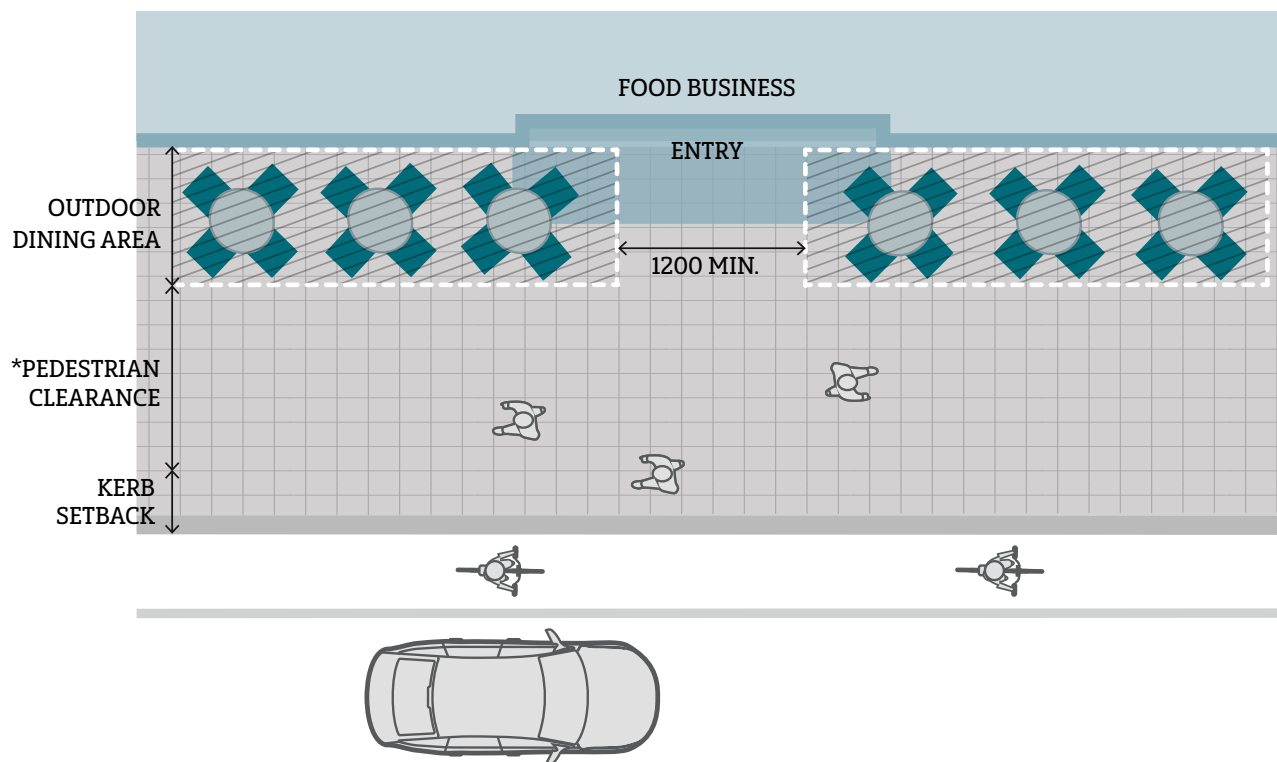
Breaks within outdoor dining areas

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

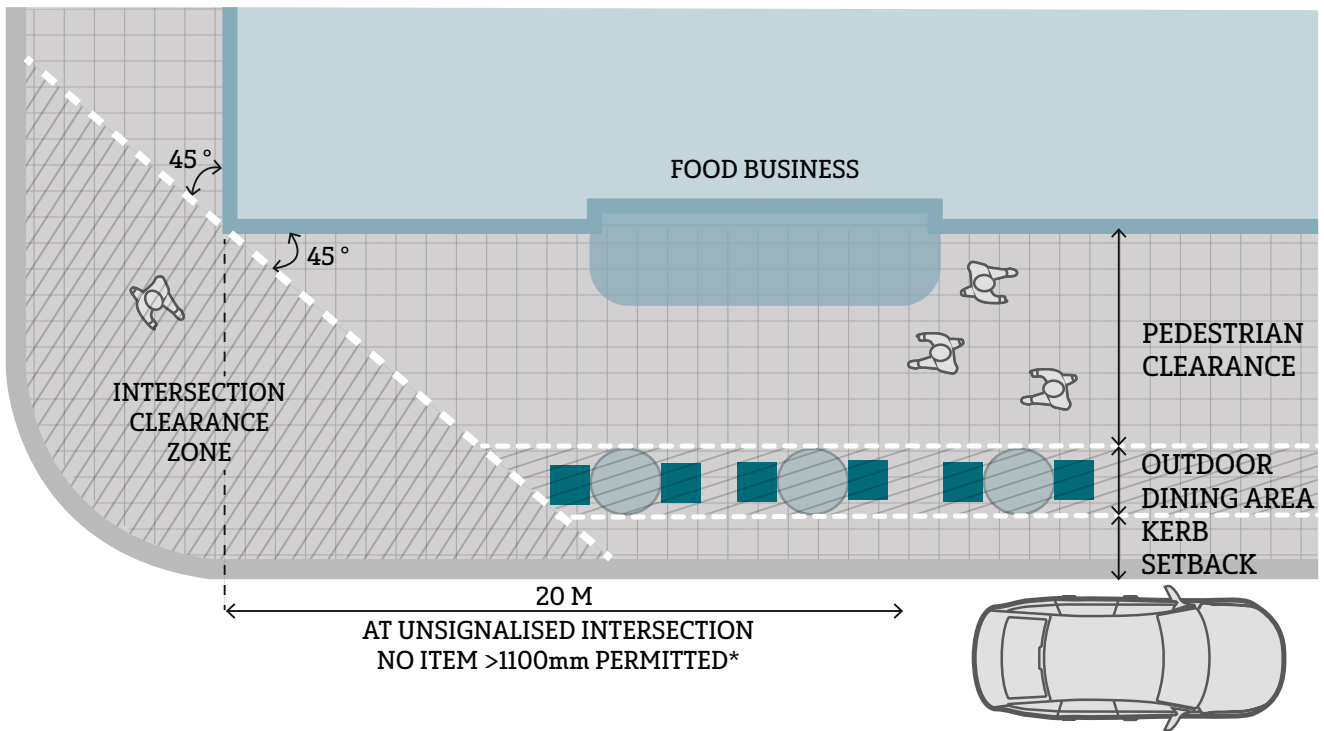


**Pedestrian Clearance determined by Figure 2: Pedestrian Clearances*

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

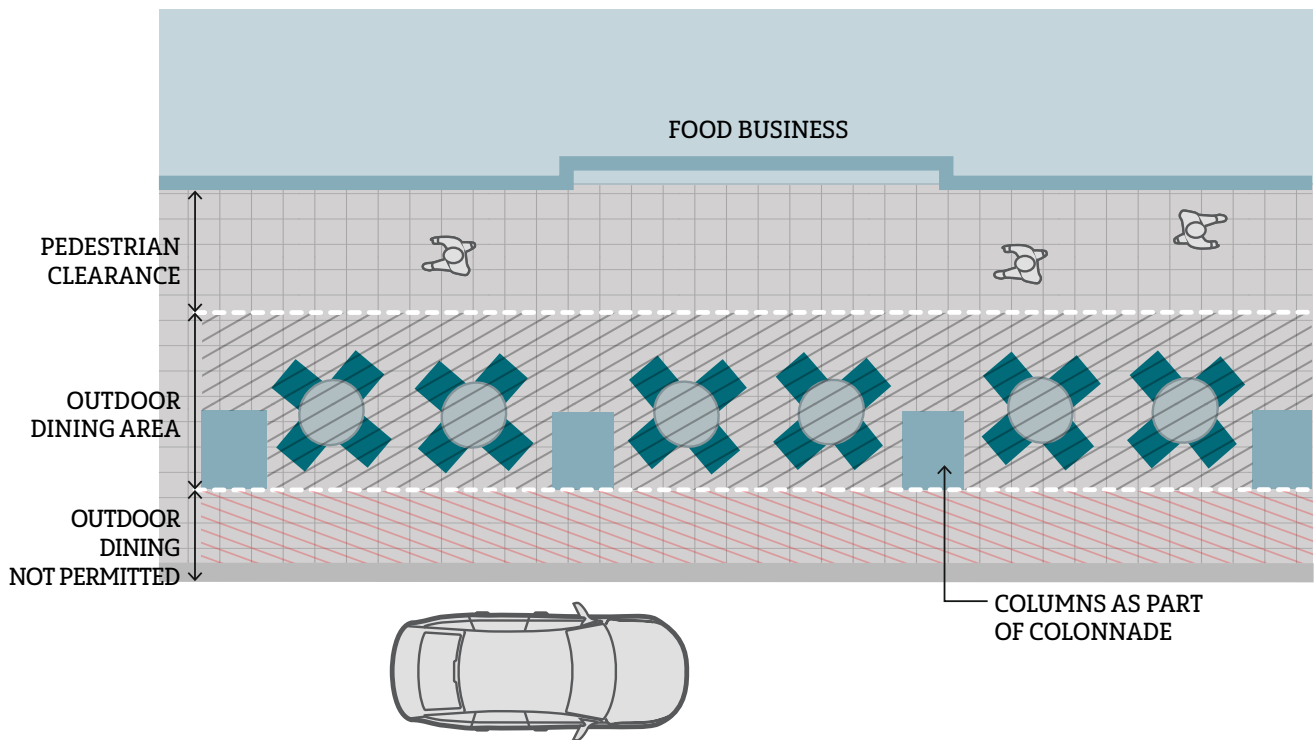
To maintain sightlines for road users, outdoor dining must be setback from intersections. The typical minimum setback from both signalised and unsignalised intersections to the outdoor dining area is determined by a line of sight, set at a 45-degree angle from the corner of the building to the kerb.

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

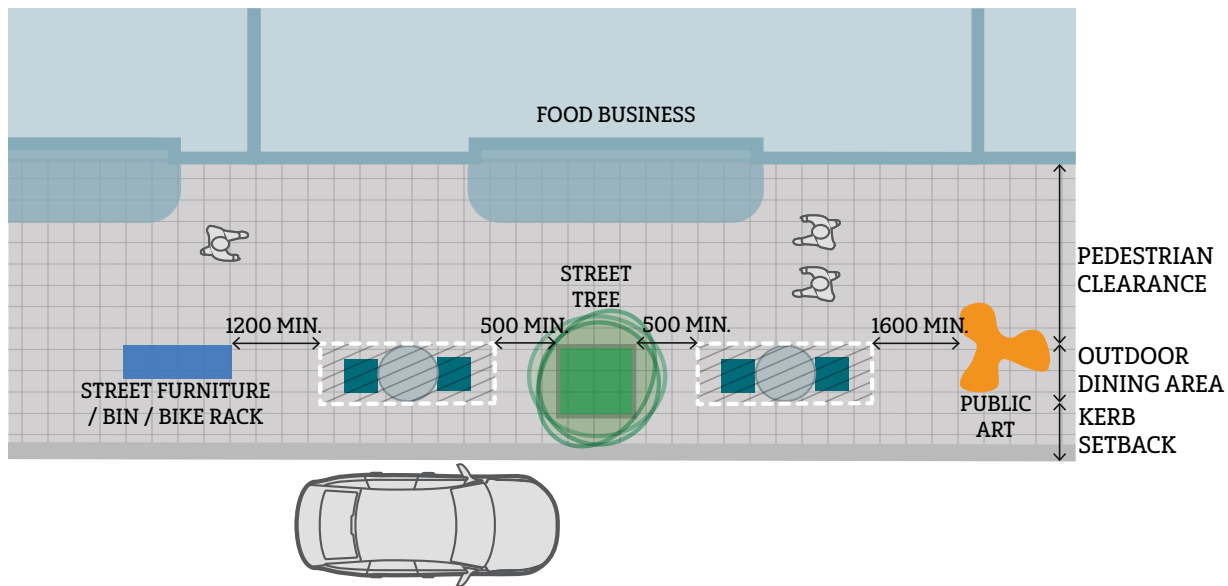


Colonnades

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).

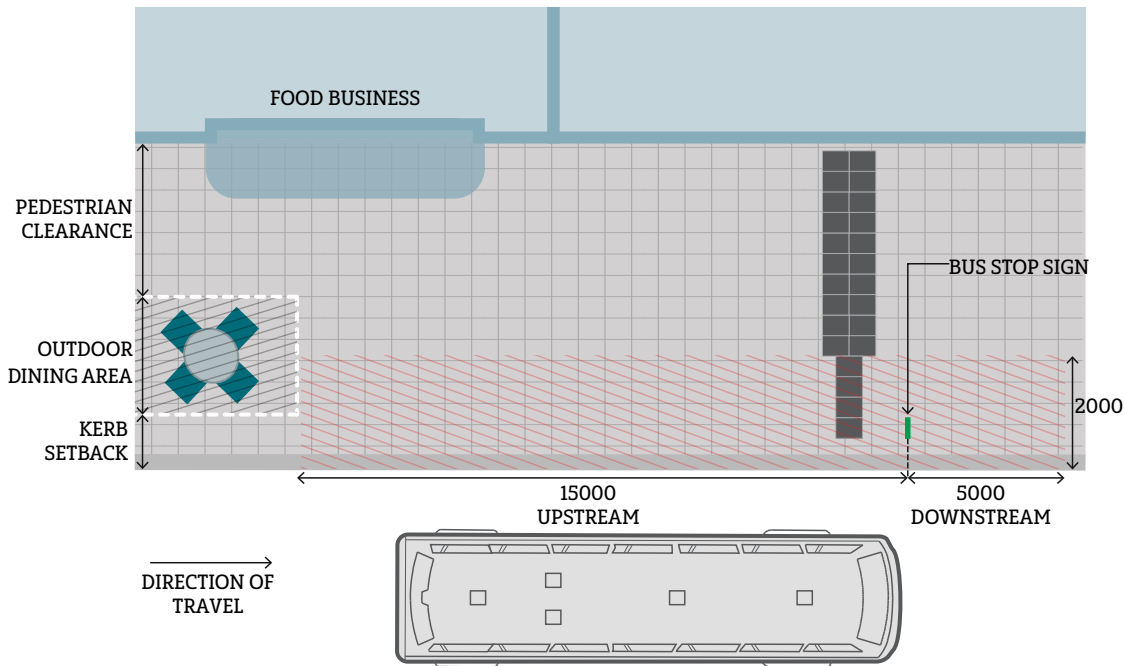
Existing street trees should be integrated into the outdoor dining area to provide shade, shelter and a pleasant dining experience. To ensure street trees thrive, they cannot be removed, relocated, trimmed or pruned, or modified in any way.

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:

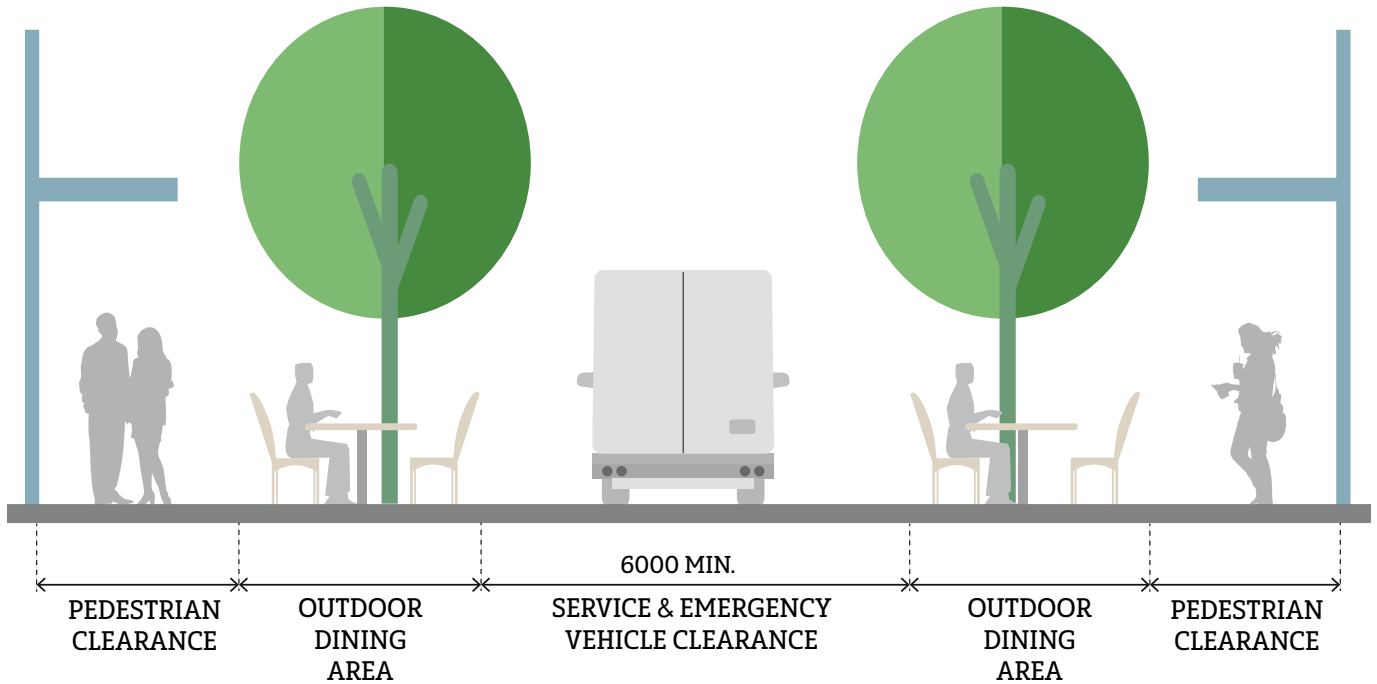
- At taxi ranks, outdoor dining areas shall be setback a minimum of 2000mm from either of the taxi bays, with a 2000mm wide clearance along its length.
- At all bus stops, a 2000mm wide clearance from front of kerb, 5m downstream and 15m upstream, is required.

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

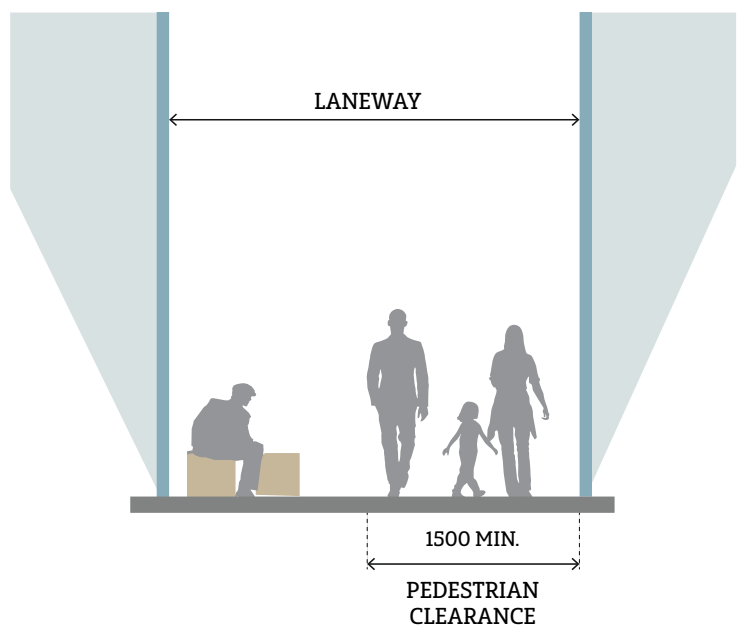
Pedestrian clearances still apply to malls and other pedestrian areas.

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:

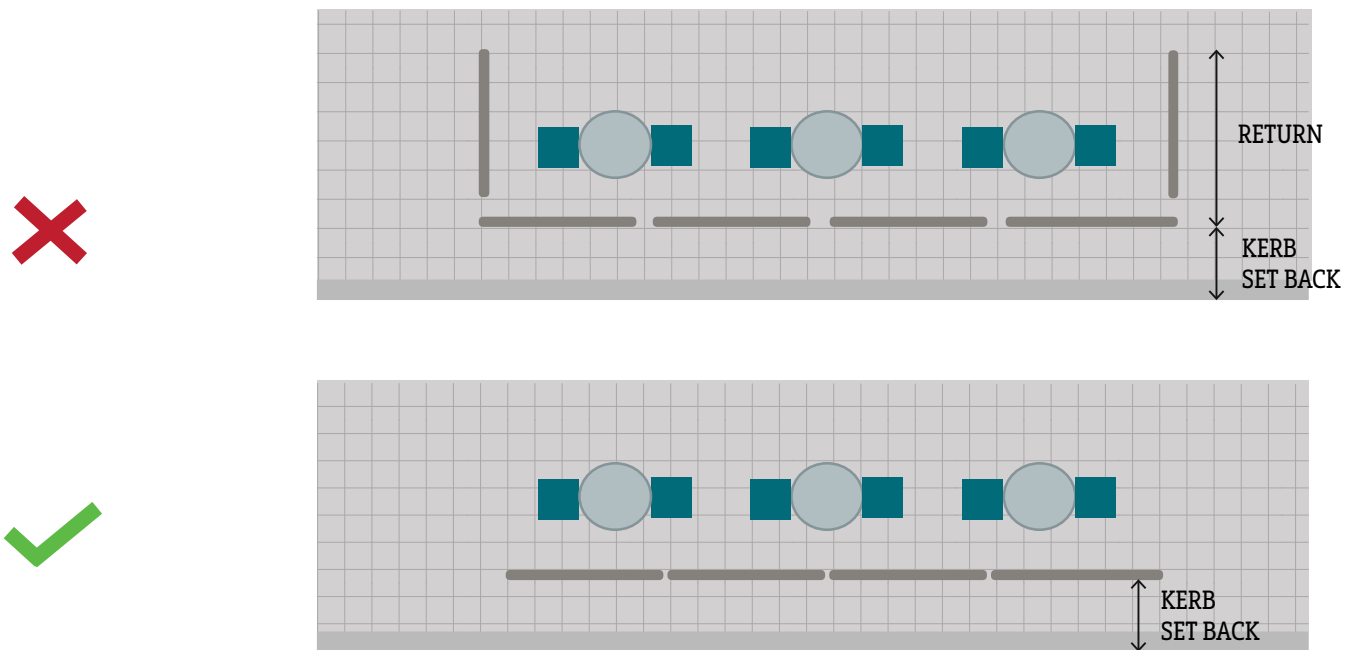
- Artificial turf
- Carpets and rugs
- Decking

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

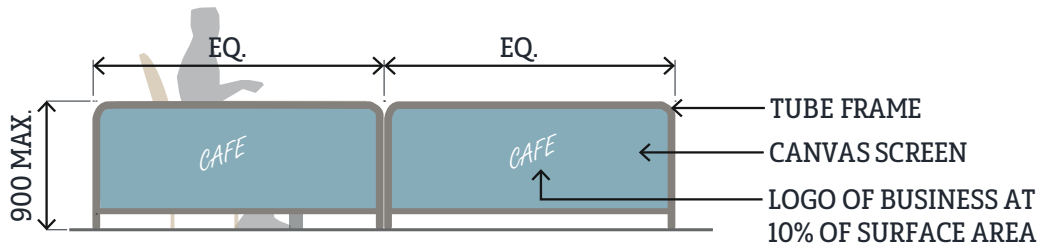
The City encourages businesses to select furniture and other items that are accessible for people of all sizes and abilities. For example, chairs should be of large size but light in weight and durable.

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.

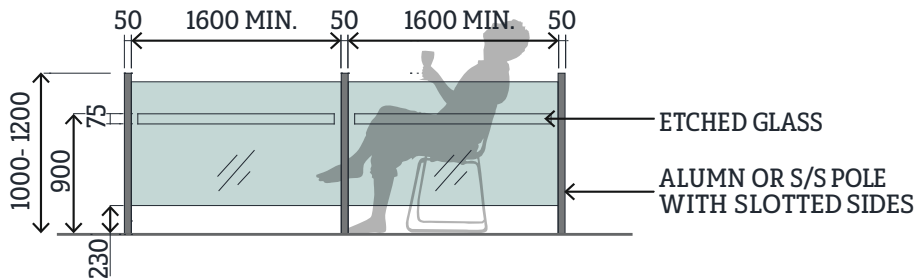
Details shall be supplied to the City as part of the application process.

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*

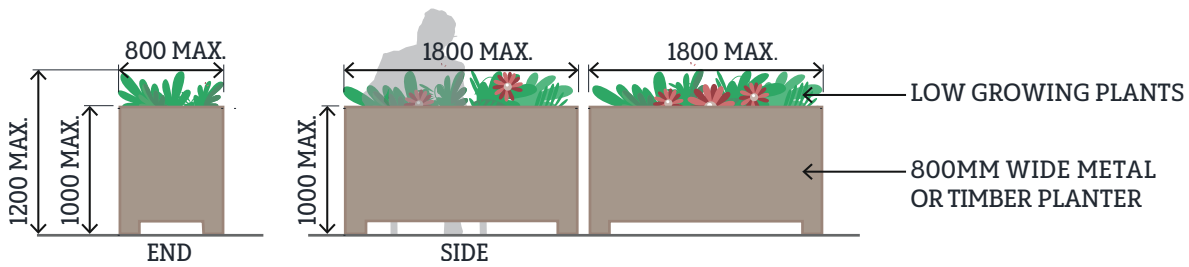
Support poles shall:

- 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.

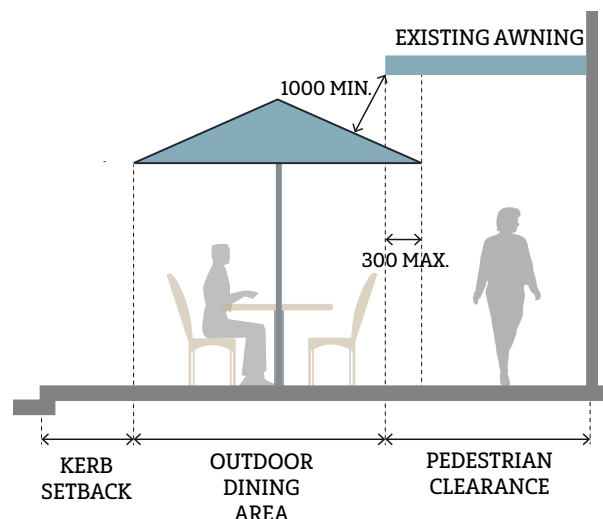
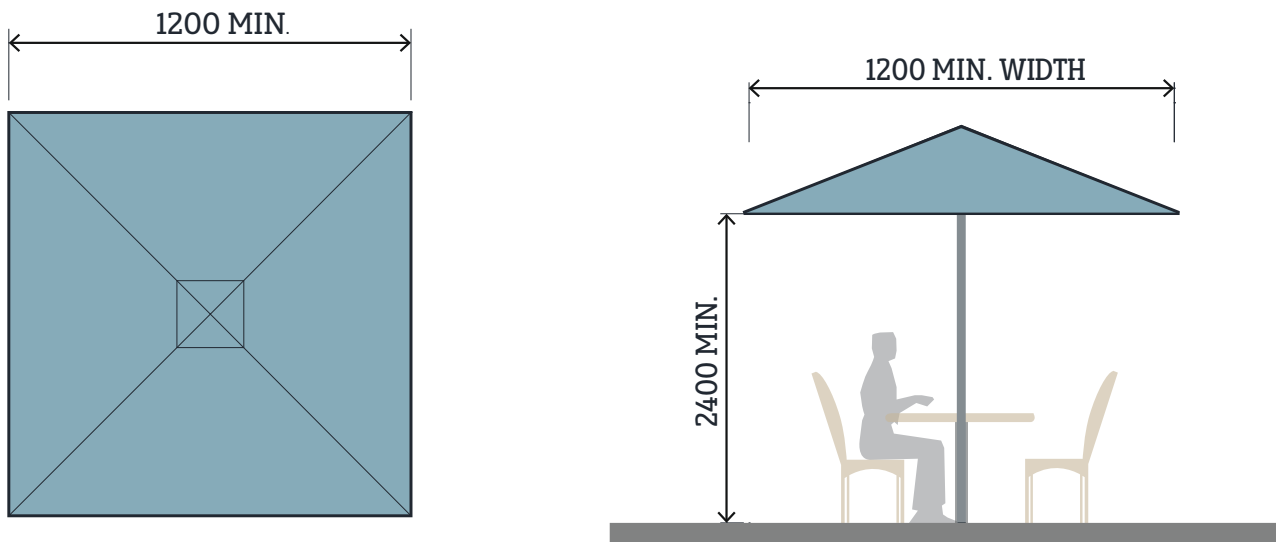
Figure 18: Umbrella clearances

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.

Umbrella fixings:

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

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

Portable gas heaters

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

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

Menu boards

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

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

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

Bi-fold windows and Perches

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

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

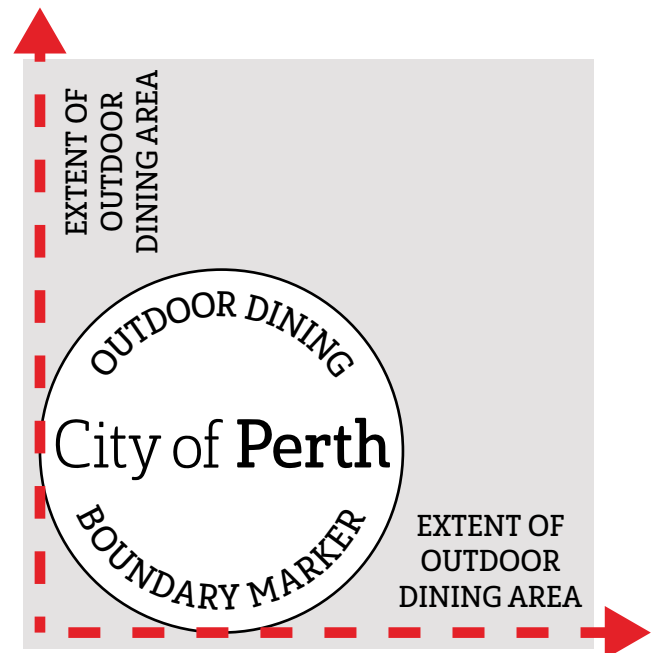
Delineation markers

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

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

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

Figure 20: *Delineation markers*



Other Furniture and Outdoor Items

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



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 to 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.

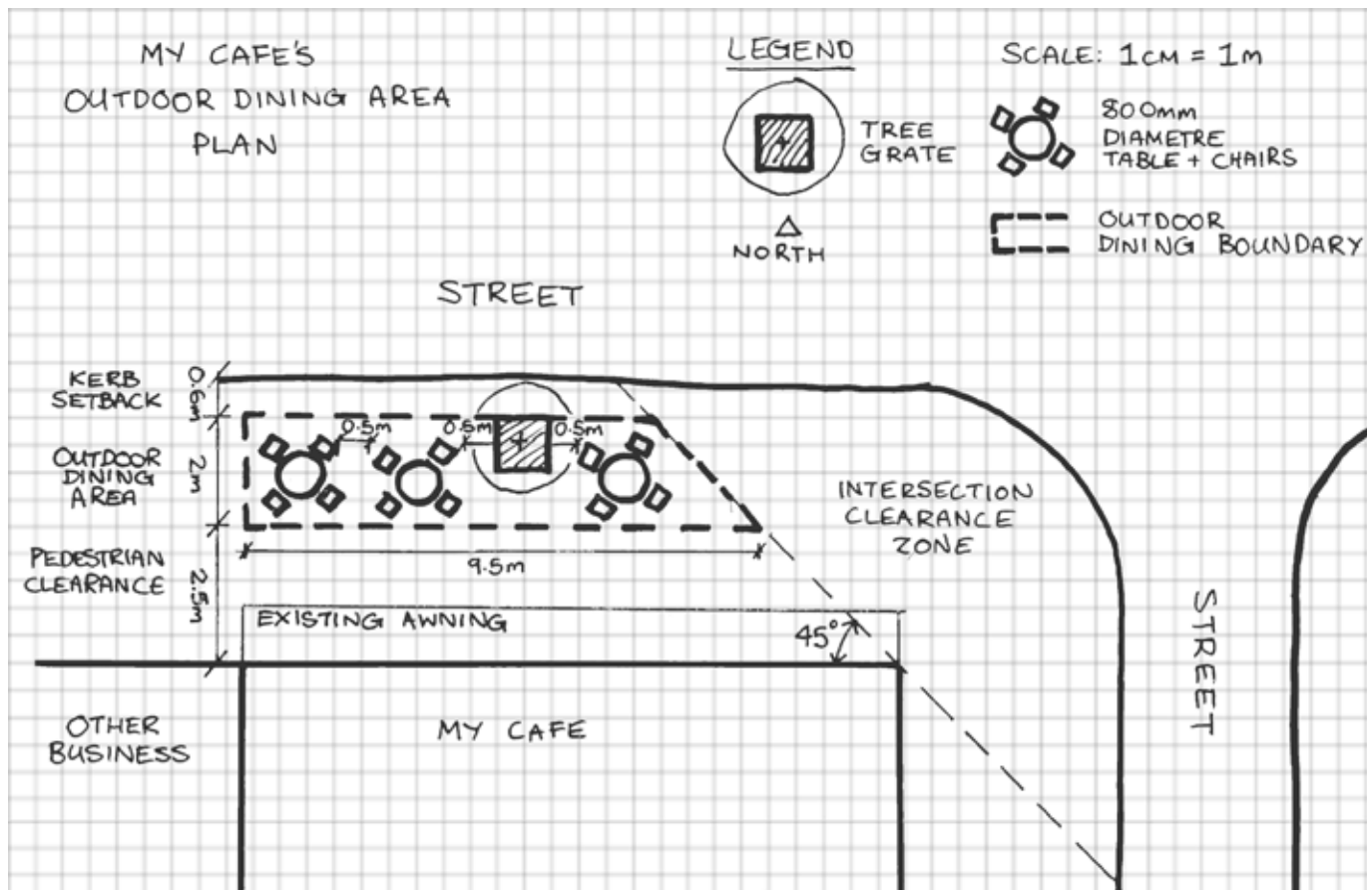
APPENDIX 3

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.

City of Perth Outdoor Dining Fees and Processes Independent Review

PLANNING SOLUTIONS
URBAN & REGIONAL PLANNING



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City of Perth
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Rev 1 (final)	181217 5956 Report - Perth Alfresco Policy Review	17 December 2018

Executive summary

Planning Solutions was appointed by the City of Perth to conduct an independent review of the City's proposed Outdoor Dining policy and fee structure. This report summarises the results of this review and identifies strategic considerations that should inform the City's approach to outdoor dining in light of other local government experiences.

The methodology utilised for this review was a desktop survey combined with direct engagement with several local government representatives in person and by phone. The results of this survey are discussed in further detail in the first section of the report and summarised in the table found in the attached appendix.

The review identified issues with the way in which the City provides outdoor dining information to applicants, excess complexity in the policy framework, potential overlap between processes for assessing outdoor dining permits and development applications, and serious problems with the current online lodgment process. The review did not identify any major problems with the fee structure as proposed. The report identifies several strategic considerations relating to risk management, barriers to entry, framework complexity, duplication of regulatory processes and financial costs incurred.

Recommended immediate and longer-term actions include:

- Providing a single policy/guidelines document to guide assessment of outdoor dining applications;
 - Reviewing administrative timeframes quoted in proposed guidelines
 - Providing all relevant information through a single page and/or the City of Perth website;
 - More clearly defining the scope of an alfresco dining permit to avoid confusion between outdoor dining areas that require a development application and those which do not;
 - More thorough review of policy/guidelines by City departments for accuracy and to avoid duplication of processes and timeframes.
 - Maintaining the up-front and annual permit fees as proposed.
 - Migrating to a fit-for-purpose online lodgment system;
 - Reconsideration of the requirement to lodge site plans via the outdoor dining process.
 - Revision of policy/guidelines document with the intent of reducing size and complexity.
 - Monitoring and reviewing the outcomes of City of Vincent's experiment in self-assessed alfresco dining permits as a future model for low-risk outdoor dining proposals.
-

Table of contents

1	Introduction	1
1.1	Background	1
1.2	Scope of Review	1
1.3	Review Methodology	2
2	Review Findings	3
2.1	Pre-lodgement	3
2.2	Application lodgement process	4
2.3	Application assessment and approval process	4
2.4	Approved permit scope	5
2.5	Fees & Financials	6
3	Strategic considerations, risks and benefits	8
3.1	Risk management:	8
3.2	Barriers to entry	8
3.3	Framework complexity	9
3.4	Duplication of regulatory processes	9
3.5	Financial costs	9
4	Recommendations	10

Appendices

Appendix 1: Local Government Processes and Fees Comparison Table

1 Introduction

1.1 Background

The current regulatory framework for outdoor dining in the City of Perth comprises the Alfresco Dining Local Law 2009 and Council Policy 14.4 – Alfresco Dining 2000, and Council Policy 14.2 Consumption of Alcohol in Alfresco Dining Areas without a Substantial Meal. Each application for an Alfresco Dining Permit is made under the Local Law, with the City assessing each application against the Policies on a case-by-case basis.

In March 2017, the Council commenced a review of all aspects of Alfresco dining within the city including the local law, policy, fee structure and submissions from external stakeholders. As a consequence of this review process, the following changes to the framework and process have taken place:

- On 21 November 2017, at an Ordinary Council Meeting, Council endorsed an annual Outdoor Dining Fee rate of \$40 per sqm commencing January 2018.
- In June 2018 the City introduced an Outdoor Dining online registration process using the City IT system 'Pathways'.
- On 31 July 2018, at an Ordinary Council Meeting, Council approved a draft Outdoor Dining Policy and a draft Outdoor Dining Guidelines for consultation purposes and tasked the City with developing an online self-service process for Outdoor Dining Permits. They also initiated a review of the 21 November 2018 decision to implement a reduction in the annual fee to ensure that the City of Perth fee structure was competitive with other Perth local governments.
- On 30 October 2018, the City Commissioners voted to defer a decision on adopting the advertised Policy and Guidelines pending a review of the application fees and process.
- On 26 November, the City sought independent advice regarding the appropriateness of the City's currently proposed fee structure and application process.

Planning Solutions was subsequently engaged by the City to undertake a review of the City's proposed fee structure and application process, based on a desktop review/comparison of other local government frameworks and interviews with other local government staff. This report details the outcomes of the review.

1.2 Scope of Review

The purpose of this report is to provide a peer review of the proposed regulatory framework, specifically the proposed fee structure and application process. The scope of the review includes:

- Comparison the City of Perth's fees and application process to other inner-city local Governments;
- Investigation of the experiences of other local Governments with different application processes;
- Consideration of the risks and benefits associated with different approaches to fee and application processes;
- Identification of strategic considerations that should inform the City's fee structure and policy setting regarding outdoor dining;
- Provision of recommendations on the appropriateness of the City's current fee structure and application process, and identification of potential opportunities to streamline the City's application process.

1.3 Review Methodology

The independent review has been undertaken in accordance with the following methodology:

1. A desktop review of eight other local government authorities for the purpose of identifying and comparing the fee structure, policy framework and application processes of their alfresco/outdoor dining permits. The local government authorities reviewed comprise:
 - a. Six local government authorities from the Perth metropolitan region, being the City of Vincent, City of Fremantle, City of Subiaco, Town of Victoria Park, City of South Perth and City of Stirling.
 - b. Two interstate capital city local government authorities, being the City of Sydney and the City of Melbourne.
2. A more detailed investigation of local government experiences was conducted through direct engagement with local government staff as follows:
 - a. Separate face to face interviews with representatives from the City of Perth and City of Vincent.
 - b. Telephone interviews with representatives of four other local government authorities, being the City of Fremantle, City of Subiaco, Town of Victoria Park and City of South Perth.

The framework used to assess and compare the various local government regulatory frameworks / processes has been developed around the following themes, reflecting the key stages and/factors associated with obtaining an outdoor dining permit:

- **Pre-lodgement** – The processes and considerations of applicants prior to lodging an application with the local government. E.g. identifying and obtaining the local government's regulatory framework documents, understanding the requirements and applicant obligations.
- **Application lodgement** – The processes and requirements for lodging a permit application with the City.
- **Assessment and approval process** – The processes and timeframes involved in the assessment of an application, from lodgement to the issuing of a permit.
- **Permit scope** – The rights and obligations of permit holders once a permit has been issued, and processes to renew / amend existing permits.
- **Financials** – All financial implications associated with from Outdoor Dining Permits including lodgement and permit fees, insurance, bonds and City administrative and compliance costs.

2 Review Findings

The findings of Planning Solutions' desktop review and local government interviews are discussed below, and summarised in the comparison table presented at Appendix 1 of this report.

2.1 Pre-lodgement

2.1.1 Policy Framework

The head of power for the regulation of outdoor dining lies in the local laws adopted by each local government authority. Some local government authorities, such as the City of Vincent, City of Subiaco and the Town of Victoria Park, principally rely on their local laws without supplementary policies or guidelines, however they do provide a simple information sheets or webpage guidance to make the local law requirements easier to understand. Others, like the City of Perth, publish additional policies and/or guidelines stipulating additional requirements with respect to design considerations and other obligations.

The City of Perth currently regulates alfresco dining areas using two policies (*Alfresco Dining Policy 2000* and *Consumption of Alcohol in Alfresco Dining Areas Policy*), which it proposes to rescind and replace with a single *Outdoor Dining Policy* and a separate set of *Outdoor Dining Guidelines*. Only one other local government authority we reviewed (City of Sydney) publishes both a policy and separate guidelines. Five other authorities reviewed used only one policy document to guide decision-making (although the City of Fremantle uses two).

The existing City of Perth *Alfresco Dining Policy 2000* is a 28-page document. The draft *Outdoor Dining Policy* is a single page document offering little guidance or meaningful information to applicants, and simply provides a statement about the importance of outdoor dining to the City. Such an approach is unique and not used by any of the other local governments reviewed. The alfresco policies of other local governments range between 2 and 15 pages, and generally define the conditions and requirements under which an approval for alfresco dining will be issued.

The City of Perth's draft *Alfresco Dining Area Guidelines* is a 69-page document, resembling a set of comprehensive design guidelines typically adopted as a local planning policy. The size of this document exceeds all other comparison policy frameworks, with the exception of the City of Melbourne which has a guidebook of 84 pages.

None of the other local authorities interviewed expressed a desire to increase the size and scope of its policy and/or guidelines. Those local authorities relying on just a local law and information sheet expressed satisfaction with the approach, and didn't have any negative experiences resulting from it.

2.1.2 Accessibility of Information

The way in which an applicant locates the necessary information on their obligations and requirements is an important aspect of the pre-lodgement process. In most cases, this is done by visiting the local government's website. Seven of the nine local governments surveyed had a single page dedicated to Alfresco Dining, containing all the necessary information on laws, policies, fees and application processes. The City of Perth website, by comparison, locates different documents and forms across multiple website pages.

2.2 Application lodgement process

2.2.1 Online Application Process

Of the nine local government authorities reviewed, only the City of Perth and the City of Vincent have an online lodgement process, although the other all local authorities accept applications via email. The Town of Victoria Park is working to launch an online application process soon.

The City of Perth's online lodgement process requires applicants to first liaise directly with City staff to request that they be pre-registered on the City's system before they can log-in. This process of pre-lodgement requires telephone and email communication with City staff, completion and emailing of forms, and manual processing of information by City staff before the applicant can lodge their documents. This process typically takes 1 day, and based on interviews with City staff, is a significant frustration for both staff and applicants.

By comparison, the City of Vincent's online lodgement process is extremely simple, requiring no more than 15 minutes for applicants to log on, enter basic information on the business and its insurance details, also review/tick a list of declarations confirming compliance with local law requirements. Upon completion of the online form, a permit is issued immediately. City of Vincent staff confirmed in interviews that there have been no major issues or concerns with the functionality of the online lodgement system, that all stakeholders appear to be happy with it after nearly 1 year of use, and that an additional 20 alfresco dining areas had registered since 2017.

2.2.2 Application information requirements

All local governments require a minimum level of information to be submitted confirming the business details, insurance cover and confirmation of compliance with local law requirements.

The City of Perth also requires applicants to provide an accurate, scaled site plan illustrating various details of the proposed alfresco dining area. Six (6) of the other surveyed local governments require similar plans, while the City of Vincent and the Town of Victoria Park do not. Interviews confirmed that most local governments are fairly flexible and reasonable in their expectations of plan quality/accuracy, with most accepting fairly simple hand drawn plans.

The City of Perth also requires details and images of proposed street furniture items, as do five other local governments. The City of Vincent and Town of Victoria Park do not require site plans. Interviews revealed no major issues arising from the lack of site plans submitted with permit applications, noting that any substantial works beyond the placement of non-fixed items typically require planning approval in any instance.

The City of Stirling was the only local authority specifying that a Transport Statement may also be required in support of some applications.

2.3 Application assessment and approval process

2.3.1 Mandatory Site Visits

When the City of Perth receives an application for an Alfresco Dining Permit, a City officer will conduct a site visit and engage with the applicant directly. The City of Subiaco takes a similar approach. The rationale for this approach, as described in interviews, is both pro-active and cautionary – to engage with applicants to improve 'place-making' outcomes and equally, to identify and prevent issues at an earlier rather than a later stage. The City South Perth takes a similar approach with multiple site visits to applicants, although typically for Health and Engineering reasons only. Other local governments interviewed, such as Vincent and Fremantle take a different approach, describing site visits as only being necessary when a compliance issue is brought to their attention or if one of their internal units identifies a particular query with a lodged application.

2.3.2 Internal Referrals

The City of Perth refers applications on a case by case basis (depending on the nature and complexity of the application) to the various business units including waste, rangers, planning, design and others. Most local government authorities follow a similar process.

The City of Vincent doesn't refer applications to any other internal departments (given the immediate issuing of permits), noting that any substantial works to buildings or the streetscape would typically be addressed (and referred internally) as part of the separate Development Application process. A ranger will typically monitor alfresco dining areas as part of their routine visits, and not make a specific visit upon receipt of each permit application.

2.3.3 External Consultation and Advertising

The City of Perth does not engage in public consultation in assessing alfresco applications. Only the City of Melbourne and the City of Fremantle undertake consultation on a case by case basis, with the City of Fremantle confirming that neighbouring businesses and property owners may be consulted on certain applications.

2.3.4 Processing Time

City of Perth officers confirmed an average processing time of approximately 10 days, from the point of lodgement to the issuing of a permit. This is in addition to the one (1) day required prior to lodgement for user registration on the online system.

Curiously, the draft new guidelines reference a processing timeframe of 8-10 weeks. City representatives interviewed by Planning Solutions were either unaware of the 8-10 week timeframe referenced in the new guidelines, or how the figure had been arrived at. It was suggested that the timeframe may be based on applications involving a lease of City land, or an alignment with typical development application/approval timeframes.

10 days is a standard timeframe stipulated by most other local governments, although more complex applications involving new semi-fixed and fixed works can often require a longer timeframe. The only other local authority reviewed with a comparable assessment timeframe was the City of Melbourne, which states a processing time of 8-10 weeks or longer.

Only the City of Vincent operates an "instant permit" system, although the Town of Victoria park is working to launch a similar system soon.

2.4 Approved permit scope

2.4.1 Length of Permit Duration

The City of Perth is introducing permits with a duration of up to 3 years, after which the applicant is required to extend the permit term by paying the necessary application fee (for up to another 3 years). In our survey, no other comparison local government issues permits for a period longer than 12 months, although the City of Vincent is considering changes to their local law to allow longer time periods.

2.4.2 Preparation of food in alfresco dining areas

The City of Perth's proposed framework prohibits the preparation of food in outdoor dining areas, but permits the sale of pre-packaged food. Our investigation of other local authorities found that most did not have a formal position on preparation of food in alfresco areas, and instead considered such proposals via a separate environmental health approvals processes and food preparation permits. Although the same health and food regulations apply to all local governments, there was a divergence of views between local authorities between whether food preparation in an alfresco dining area on a temporary basis was capable of approval.

2.5 Fees & Financials

2.5.1 Lodgement and permit fees

The City of Perth has adopted a single (reduced) up-front application fee of \$98. In our survey this fee placed the City in the middle of other comparison local governments, which range from \$0 (e.g. City of Vincent, City of Fremantle) to \$305 (City of Subiaco). Compared against other capital city local government areas, Perth charges more than Melbourne (\$50), and slightly less than Sydney (\$110).

The City of Perth has adopted a per-annum permit fee of \$40 per sqm of approved outdoor dining area. Of the local governments reviewed, five (5) charge an annual fee, while four (4) – the City of Vincent, City of Subiaco, Town of Victoria Park and City of Stirling – have abolished annual fees within the last couple of years in an effort to increase the vibrancy of their town centres.

Both Sydney and Melbourne use variable rates for different alfresco dining zones, with 10 zones in Sydney, and 5 in Melbourne. A different rate per square metre is charged in each of these zones, from \$600 per sqm in Sydney's Circular Quay, to \$69.18 per sqm in Melbourne. In Perth, only Fremantle uses variable zone fees ranging from \$35.40 per sqm to \$106.40 per sqm. The City of Stirling appears to have recently abolished its various alfresco zones.

In comparing the year 1 fees for a business setting up a new alfresco area, the following scenarios have been considered:

- A small outdoor dining area of 5 square metres.
- A moderately sized outdoor dining area of 20 square metres.

In the case of the small (5sqm) outdoor dining area, year 1 application and permit fees ranged from \$0 in the City of Vincent, up to \$3,410 in the most expensive City of Sydney alfresco zone. The average year 1 fees across the six (6) Perth Metropolitan local governments that charge fees is approximately \$268. The City of Perth year 1 fees are \$298.

In the case of the larger (20sqm) outdoor dining area, year 1 application and permit fees ranged from \$0 in the City of Vincent, up to \$13,200 in the most expensive City of Sydney alfresco zone. The average year 1 fees across the six (6) Perth Metropolitan local governments that charge fees is approximately \$765. The City of Perth year 1 fees are \$898.

2.5.2 Other Costs to Business

All local government authorities require businesses applying for alfresco dining area to maintain a valid public liability insurance that specifically notes the interest of the local authority as an insured party. Our survey found two authorities, the City of Perth and the City of Subiaco, required minimum public liability insurance of \$20 million, six required \$10 million, and one, the City of Fremantle, required \$5 million.

There is no clear position on how the insurance values were set by local governments, with some taking the advice of their solicitors and some simply applying the rate commonly applied elsewhere. One local authority interviewed noted that the monetary value of the policy was not necessarily the main issue or concern for applicants, rather, it was the time and process required to specifically note the interest of the local authority as an insured party.

All local governments appear to require bonds on a case-by-case basis, although this is relatively infrequent and typically only required for more significant fixed/semi-fixed works in the road reserve, including works close to street trees.

2.5.3 Costs to the City

Representatives from the City of Perth identified various costs generated by alfresco dining areas, including additional cleaning costs, compliance actions, restoration of pavement and road reserve resulting drilling or installation of fixtures and barriers.

Other local authorities, particularly the City of Vincent, Town of Victoria Park and City of Subiaco did not identify any substantial costs arising from alfresco dining areas, noting that street/verge cleaning costs are incurred regardless of the presence of an alfresco area, and any major costs associated with corrective/restorative works to the public realm are paid by the businesses themselves or can be offset by the use of bonds.

3 Strategic considerations, risks and benefits

Planning Solutions has identified the following strategic considerations, risks and benefits that should inform the City's fee structure and policy settings for the regulation of outdoor dining areas:

3.1 Risk management:

Most local government regulatory frameworks for outdoor dining require permit applications to be lodged, thoroughly assessed for compliance and subsequently approved by the local government. The process is the same for applications of all size and complexity, and generally, requires an assessment and approval timeframe in the order of one to two weeks. It is underpinned by an expectation that incidences of non-compliance can be minimised through up-front assessment and the setting of clear approval conditions, and that the administrative/financial burden on applicants and the local government outweighs the risks and challenges of non-compliance.

The alternative approach, as recently adopted by the City of Vincent, is to minimise the level of up-front assessment, with permits granted immediately to applicants that meet minimum eligibility criteria and declare that they will only operate an outdoor dining area in accordance with standard permit conditions. This approach is reliant on the majority of permit holders complying with permit conditions, with any breaches of permit conditions and associated compliance action being the exception to the rule. It is important to note, however, that the City of Vincent has only been operating under its new system for less than a year, and is currently undertaking an audit of compliance matters arising in 2018. The results of such an audit are not yet available, and will be informative for other local governments considering adopting a similar approach.

Importantly, the most significant risks and problems identified by the City of Perth and other local governments were associated with more substantial/complex outdoor eating area proposals, specifically those involving the installation of semi-fixed items (e.g. umbrellas, canvas screens, planter boxes) and fixed items (e.g. permanently fixed screens and structures). Proposals comprising only non-fixed items (such as tables and chairs easily moved and removed at the end of the day) presented very few risks warranting the level of regulation currently proposed.

3.2 Barriers to entry

Barriers to entry can include complex and difficult to understand regulatory frameworks, cumbersome and difficult to navigate application lodgement systems, onerous and time-consuming assessment processes, and expensive financial obligations (including fees and insurances).

The greater the obligations and costs placed on applicants, the less likely they are to participate in the assessment/approval process. This can result in fewer applications being received, but also increases the risk of businesses choosing to operate outdoor dining areas without permits.

Conversely, reducing the administrative and financial burden on applicants can encourage the establishment of more outdoor dining venues, and reduce incidences of premises operating without a license. This is the approach recently taken by the City of Vincent, where the number of outdoor dining permits granted since the introduction of its new outdoor dining framework has more than doubled.

3.3 Framework complexity

It is understood that the revised City of Perth Outdoor Dining Policy and Guidelines were intended to simplify requirements and ensure clarity for businesses and the City. However, it is questionable whether the replacement of a single 29-page policy with two separate documents totalling 70 pages (a single page policy offering no specific guidance along with a 69 set of guidelines) achieves this goal. The level of detailed design guidance presented in the policy is more akin to a local planning policy used by town planning and design professionals, rather than an eating house operator.

The regulatory requirements and guidelines applicable to eating houses must be readily understood and easily implemented by the end user (often the premises owner or operator). A significantly reduced and simplified set of guidelines would be more readily understood and applied by businesses and the City of Perth.

3.4 Duplication of regulatory processes

As noted above, the majority of risks and potential problems associated with outdoor dining areas appear to stem from more substantial proposals involving alterations to buildings or the streetscape, through the installation of fixed or semi-fixed items. However, many (if not all) of these fixed / semi-fixed items could well require the lodgement and approval of a Development Application (DA) in any instance.

It is important to ensure that certain issues are dealt with through the most appropriate regulatory process, and wherever possible, any duplication or confusion between processes be avoided. If more substantial physical works are most appropriately dealt with via the DA process, then this should fall outside the scope of the outdoor dining permit process and guidelines. This presents significant opportunities to simplify the regulatory framework and approval process.

3.5 Financial costs

Many local governments considered as part of this review charge fees to cover (or partially cover) local government costs associated with outdoor dining areas. These fee amounts can vary significantly between local governments, with the City of Perth sitting generally in the middle of the fee range.

From our investigations, staff from various local authorities didn't consider the lodgement and permit fees themselves to present a major barrier to entry. While the City of Perth's 2017 Alfresco Dining Area survey suggests that the cost of an outdoor dining permit is a factor in a business's decision to apply for a permit, the majority of respondents signalled their acceptance of an annual permit fee in some shape or form (with only 6 of 32 respondents asking for no fee whatsoever).

Notably, the only local government not charging any fees was the City of Vincent, and this is a direct result of the simplified permit processes generating little or no administrative burden on the City. As a general rule, the more complex and demanding the approval process, the higher the fees charged.

4 Recommendations

Having regard for the review findings and strategic considerations, risks and benefits outlined above, Planning Solutions offers the following recommendations to the City of Perth regarding its proposed outdoor dining area processes and fee structures:

Immediate actions and quick wins (to facilitate timely adoption and implementation of proposed frameworks):

1. Combine the draft proposed *Outdoor Dining Policy* and *Outdoor Dining Guidelines* into a single coherent policy document, rather than two documents.
2. Review the administrative timeframes quoted in the *Outdoor Dining Guidelines*, to reflect the actual timeframes typically required to issue a permit (i.e. 10 days rather than 8-10 weeks).
3. Prepare a single, easy to read information sheet (or webpage guidance) summarising the policy/guideline requirements. This is more likely to be used by the majority of applicants seeking to implement relatively simple outdoor dining areas, compared with the lengthy guideline document.
4. Review and update policy/guideline commentary to more explicitly define those matters requiring an outdoor dining permit, and any specific aspect/works separately requiring a development application and approval.
5. Policy/guidelines to be thoroughly reviewed by internal city departments (including statutory planning and health activity approvals) for accuracy and to avoid duplication of processes and timeframes. E.g. duplication of Development Approval and outdoor dining permit requirements for certain fixed/semi-fixed items.
6. Publish all relevant information / documents on a single outdoor dining webpage within the City of Perth website. This includes the local law, policy/guidelines, fee structure and online lodgement portal.
7. Maintain the \$98 application fee and \$40 per sqm annual permit fee.

Other ongoing actions

8. Migrate to a fit for purpose and intuitive/simple online lodgement system, removing the requirement for pre-application registration and manual intervention by City staff. Such a system may have broader application and benefits for other city permit and registration processes.
9. Review lodgement and assessment processes to explicitly exempt low risk and complexity applications (e.g. those comprising only non-fixed items) from the requirement for internal referrals and face to face meetings.
10. Reconsider the requirement for the lodgement of site plans via the outdoor dining permit process. The requirement for a site plan for low risk / complexity applications (e.g. those comprising non-fixed items) is onerous, and higher risk / complexity proposals (e.g. requiring more substantial physical works) are likely to require planning approval (including the submission of plans) in any event.
11. Fundamentally revise and reduce the size and complexity of the policy/guideline document, to ensure ease of interpretation and comprehension by applicants.
12. Review the City's application and annual permit fees on the basis of other administrative improvements and efficiencies achieved.
13. Monitor and review the outcomes and lessons learned from the City of Vincent's alfresco dining compliance audit, and consider implementing a similar no fee / immediate permit generation system if the risks are considered to be low.

Appendix 1 Comparison Table

	City of Perth (Proposed)	City of Vincent	City of Fremantle	City of Subiaco	Town of Victoria Park	City of South Perth	City of Stirling	City of Sydney	City of Melbourne
Review & Stakeholder Engagement									
Desktop Review	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes
Level of Engagement	- Inception meeting (1 hr) - On-site Interviews with 3 City representatives (1.5 hrs)	- On-site interviews with 2 City representatives (1 hr)	- Phone interview with city representative (30min)	- Phone interview with city representative (30min)	- Email correspondence and limited interaction via phone	- Phone interview with city representative (20min)	- Brief phone contact to confirm several details		
General Data									
Total number of alfresco dining permits	236	118	94	75	35	17	27		
Unauthorised alfresco dining areas (according to City officers)	Yes	Yes	No	No	-	No			
Est. Cost to LGA of maintaining alfresco area	\$2,400 - \$3,000 per area	No estimate	No estimate	No estimate	No estimate	No estimate			
Est. cost to LGA of processing alfresco applications	\$255 per application	No estimate	No estimate	No estimate	No estimate	No estimate			
Legal / Policy Framework									
Total No. of local law / policy / supplementary documents	3	1	3	2	2	2	2	6	2
Local Law	Outdoor Dining Local Law (14 pages)	Trading in Public Places Local Law (34 pages)	Alfresco Dining Local Law 2014 (No.2)	Trading in Public Places Local Law 2014	Activities and Trading Thoroughfares Public Places Local Law 2000 Amended	Public Places and Local Government Property Local Law 2011	Thoroughfares and Public Places Local Law	Roads Act 1993, Crown Lands Act 1989, Local Act 1993	Activities Local Law 1999 (No. 1)
Policy Documents and guidelines	- Draft Outdoor Dining Policy (1 page) - Draft Outdoor Dining Guidelines (69 pages)	Nil	- D.B.U8 – Outdoor Eating (Tables and Chairs) Policy (6 pages) - Policy SG44 – Consumption of Liquor without a meal in outdoor eating areas	No alfresco policy – apparently a policy is being developed. - Outdoor Dining in the City of Subiaco information sheet (2 pages)	- Free Trade Area Information Sheet (2 pages)	- Policy P402 Alfresco Dining (2 pages)	- Outdoor Eating Facilities in Public Places Policy (4 pages)	- Outdoor Dining Policy (4 pages) - Guidelines for outdoor Dining (26 pages) - Footway Licence Zones	- Outdoor Café Guide (84 pages)
Date of Policy Framework	2018 (Draft)	2017 (Launch of online permit)	1998	2014	2017 (Free Trade Area launched)	2017	2009	2016	2016
Single page of website	No	No	Yes	Yes	Yes	Yes	No	Yes	Yes

	City of Perth (Proposed)	City of Vincent	City of Fremantle	City of Subiaco	Town of Victoria Park	City of South Perth	City of Stirling	City of Sydney	City of Melbourne
Application Lodgement Requirements									
Lodgement process	Online Lodgment Email Hard Copy	Online Lodgment Email Hard Copy	Email Hard Copy	Email Hard Copy	Email Hard Copy	Email Hard Copy	Email Hard Copy	Email Hard Copy	Email Hard Copy
Forms and checklists	Alfresco Dining Licence (5 pages) 3 x Checklists (lodgement, installation and compliance)	Application for Permit to Conduct Eating Area on Council Footpath (2 pages)	Application to register an Alfresco Dining Area (11 pages)	Application for Outdoor Dining Permit (2 pages)	Free Trade Area Permit Application (5 pages)	Application for Alfresco Dining Trading Licence (2 pages)		Application for Outdoor Dining on Public Land (7 pages)	Application for an outdoor café permit (4 pages)
Plans	Accurately measured and dimensioned site plan showing: - Extent of area - Placement of furniture and items - Pedestrian clearance - Kerb setback - Other clearances and setbacks - Location of existing awnings, verandas or canopies - Location of existing street furniture, infrastructure, public art, street trees.	Nil	A3 site plan showing - Dimensions of area - Front of business - Location of pedestrian access - Locating of adjacent car bays - Footpath, verge and street furniture - Proposed position and number of tables and chairs	Scale plan showing the - Location and dimensions of the area - Position of all tables, chairs and furniture - 1.5m pedestrian clearance - Any existing features	Nil	Scale plan showing - location of tables, chairs and other structures - location of carriageways, public facilities, public places, roads and road alignments within 30m of proposed eating area boundary	Site plans showing - the location and dimensions of the proposed outdoor eating area, - number and position of all furniture (chairs, tables, umbrellas, any proposed barriers) - All land and features within 30 metres of boundaries of proposed area	Site plans showing - Width of building, location of building lines, location of kerb; - Location of any entrances, doors, street furniture; - dimensions - site boundaries - total area of alfresco dining marked	Site Plan at 1:100 scale showing - Existing conditions - Area of outdoor café - Layout of all proposed tables, chairs, screens and umbrellas
Other Supporting Documentation	- Details and images of proposed furniture and items. - Public liability insurance certificate (\$20M)	Nil	- Colour photographs or brochures of all furniture - Details of how furniture will be prevented from being wind affected - Details of proposed umbrellas and removeable fixtures	- Colour photographs of furniture - Copy of public liability policy, noting City of Subiacos rights and interests	- Proof of Public Liability	- Colour photographs of chairs, tables, and other structures	- Photographs or brochures of furniture to be used in alfresco dining area - Details of any advertising to be displayed on furniture - A written statement of the manner in which food, drink and dining accessories will be	- Photographs of proposed seating area - Photos/diagrams of proposed furniture/structures	- Colour photographs of site frontage - Furniture design and advertising - Details of operation and management - Public liability - Building owner notification - Copy of business logo

	City of Perth (Proposed)	City of Vincent	City of Fremantle	City of Subiaco	Town of Victoria Park	City of South Perth	City of Stirling	City of Sydney	City of Melbourne
Additional Requirements (if required by City)	- Written permission from neighbouring owner/business if extending in front of their premises.	Nil	Nil	Nil	- Additional plan for businesses located on corner tenancies	Nil	transported to the customer - Brief Transport Statement	- Alfresco dining areas operating after 10pm require management plan and acoustic report	- Letter of consent from neighbouring business
Financials									
Up Front Application Fee	\$98	\$0	\$0	\$305	\$100 (additional \$50 per pavement disc at a rate of 1 per 2m)	\$150 (up to 6 chairs) \$250 (more than 6 chairs)	\$100	\$360 (\$1090 if operating after 10pm)	\$50
Annual Permit Fee	\$40/sqm	\$0	\$36-108/sqm	\$0	\$0	\$60 + \$60/chair	\$0	\$260 (paid annually) \$0 - \$660 (paid monthly)	\$15.64 – \$69.18
Transfer of permit fee	\$0	\$0	\$0	\$50	\$0	\$60	\$0	Not permitted	\$50
Bond requirements	Case by case	Case by Case	Case by Case, primarily for areas required to maintain curb lines, disability access and sight lines for pedestrians and vehicles.	Case by Case	No	None required so far, but still case by case		\$500 or 3 months licence fee, whichever is greater	
Public liability insurance required	\$20 million	\$10 million	\$5 million	\$20 million	\$10 million	\$10 million (condition of approval)	\$10 million	\$10 million	\$10 million
Total year 1 costs for a new 5sqm outdoor dining area (central area)	\$298	Nil	\$180 - \$540	\$305	\$100	\$570	\$100	\$360 - \$3660	\$128.2 - \$455
Total year 1 costs for a new 20sqm outdoor dining area	\$898	Nil	\$720 - \$2160	\$305	\$200 - \$300	\$1500 - \$1710	\$100	\$360 - \$13,560	\$362.8 - \$1433.6
Application Process									
Average Application processing time	10 days? 8-10 weeks	Immediate	10 days	10 days	10 days	2 weeks	10 days		8-10 weeks "or more"
Risk based exemptions or fast tracking of applications available?	Not defined in policy, although in practice simple applications would be dealt with in about 10 days whilst more complex ones might take weeks.	Yes, low risk applications via online lodgment, any works or fixtures to be assessed via the DA process	No	No	No	No	No	No	No

	City of Perth (Proposed)	City of Vincent	City of Fremantle	City of Subiaco	Town of Victoria Park	City of South Perth	City of Stirling	City of Sydney	City of Melbourne
Assessment "Zones"	No (abolished by new policy)	No	3 Zones (Inner CBD, CBD & all other areas)	No	No	No	No (recently abolished)	10 Zones	5 Zones (Lygon St, Swanston St, CBD1, CBD2, Area 3)
Mandatory site visit by local government?	Yes	No	Only if the application prompts investigation	Yes, multiple visits	-	Yes, multiple visits			Yes
Public Advertising & Consultation	No	No	Discretionary, City may consult neighbouring businesses/property owners	No	No	No		Mandatory public advertising to properties within 25 metres for some alfresco areas depending on size and location	City will advertise alfresco dining areas in residential areas
Permit Scope									
Maximum alfresco licence duration	3 years	12 months (currently consider local law amendments to allow longer time periods)	12 months	12 months	12 months	12 months	12 months	12 months	12 months
Inclusive of any works by local government?	City may consider relocation of public furniture	No	City will provide footpath identification of the approved alfresco area.	No	Yes, discs installed on ground to mark boundary of alfresco dining area.	No			
Temporary variations to alfresco license/permit available?	Only on James Street. Otherwise now dealt with under special trading/events permit	Dealt with under special trading/events permit	Dealt with under special trading/events permit	Dealt with under special trading/events permit					
Food preparation permitted (on a temporary/occasional) basis?	No food preparation permitted, although pre-packaged food can be sold in alfresco dining areas.	No policy position, to be dealt with as part of health approvals, and considered on merits.	No policy position, to be dealt with as part of health approvals and considered on merits.	No policy position, supportive in principle, but to be dealt with as part of health approvals and that it would be considered on merits.		No policy position, but internal view is that it would be out of the question due to health risks.			
Consumption of alcohol permitted?	Yes	No policy position, left to Department of Racing, Gaming and Liquor to determine	Policy on Consumption of liquor with a meal in outdoor eating area	No policy position, left to Department of Racing, Gaming and Liquor to determine	No policy position, left to Department of Racing, Gaming and Liquor to determine	No policy position, left to Department of Racing, Gaming and Liquor to determine	No policy position, left to Department of Racing, Gaming and Liquor to determine		

	City of Perth (Proposed)	City of Vincent	City of Fremantle	City of Subiaco	Town of Victoria Park	City of South Perth	City of Stirling	City of Sydney	City of Melbourne
		conditions of approval	provides matrix for assessing City position on application.	conditions of approval	conditions of approval	Liquor to determine conditions of approval	conditions of approval		
Ability to use neighbouring pavement space?	Yes (one side only), with consent of neighbour	Not under instant permit system – potentially yes under local laws.	No policy. Local law requires the place to be 'adjoining' a food business so potentially permissible.	No policy. Local Law requires the alfresco dining area to be 'immediately adjacent' to the food business so potentially permissible	No policy. Local Law requires alfresco area to 'abut' food premises so potentially permissible		Yes, with written consent of neighbour		Yes, with consent of neighbour.
Able to convert street parking space into alfresco dining area?	Yes in limited, temporary instances	Yes, but at a cost of \$70 per day	No policy	Upcoming policy may permit this	No policy	Theoretically yes, but in practice no, because City view is parking is already too limited.			
Special Requirements/Conditions	<ul style="list-style-type: none"> - Alfresco dining area to maintain surveillance lines of City security cameras - Alfresco areas with extended trading permits to install delineation markers at applicant's expense. 		<ul style="list-style-type: none"> - Approval on condition that the public shall be free to use table and chairs in alfresco dining area whether they are paying customers or not. 		<ul style="list-style-type: none"> - Fixed furniture or planter boxes must be subject to separate DA application 	<ul style="list-style-type: none"> - Applicant to separate alfresco dining from footpath with temporary/permanent barriers, tactile paving or other approved methods at own cost. 			

– INDEPENDENT REVIEW RECOMMENDATIONS AND ADMINISTRATION RESPONSE

No.	Recommendation	Administration Comment
	Immediate actions and quick wins (to facilitate timely adoption and implementation of proposed frameworks):	
1	Combine the draft proposed <i>Outdoor Dining Policy</i> and <i>Outdoor Dining Guidelines</i> into a single coherent policy document, rather than two documents.	Not Agreed The City’s approach to Council policies, which are different to planning policies, is for policy to provide a clear and succinct statement of the Council position on a matter. Detail is provided within guidelines which is able to be updated on a needs basis.
2	Review the administrative timeframes quoted in the <i>Outdoor Dining Guidelines</i> , to reflect the actual timeframes typically required to issue a permit (i.e. 10 days rather than 8-10 weeks).	Agreed Guidelines to be amended to reflect actual processing times.
3	Prepare a single, easy to read information sheet (or webpage guidance) summarising the policy/guideline requirements. This is more likely to be used by the majority of applicants seeking to implement relatively simple outdoor dining areas, compared with the lengthy guideline document.	Agreed An information sheet will be produced in 2018/19 FY.
4	Review and update policy/guideline commentary to more explicitly define those matters requiring an outdoor dining permit, and any specific aspect/works separately requiring a development application and approval.	Agreed Review and changes to be made in 2018/19 FY.

5.	<p>Policy/guidelines to be thoroughly reviewed by internal city departments (including statutory planning and health activity approvals) for accuracy and to avoid duplication of processes and timeframes. E.g. duplication of Development Approval and outdoor dining permit requirements for certain fixed/semi-fixed items.</p>	<p>Agreed Review to be undertaken in 2018/19 FY. If the outcome of this review requires changes to the City Planning Scheme or planning policies there are additional statutory processes and timeframes that would apply.</p>
6.	<p>Publish all relevant information / documents on a single outdoor dining webpage within the City of Perth website. This includes the local law, policy/guidelines, fee structure and online lodgement portal.</p>	<p>Agreed Substantially enhancing this content would need to be undertaken as part of Phase Two of Website improvements. This will not commence until the 2019/20 financial year. This action will be incorporated into the road map for Phase Two, where an Internal Working Group will be formed in February to scope the roadmap items for inclusion into Phase Two.</p>
7.	<p>Maintain the \$98 application fee and \$40 per sqm annual permit fee.</p>	<p>Noted</p>
	<p>Other ongoing actions</p>	
8.	<p>Migrate to a fit for purpose and intuitive/simple online lodgement system, removing the requirement for pre-application registration and manual intervention by City staff. Such a system may have broader application and benefits for other city permit and registration processes.</p>	<p>Agreed Outdoor Dining Applications solution was designed, developed and released in August 2017. The full solution resides in the City's software 'Pathway' and was available via the corporate web site in August this year, but has since been removed from the original and current corporate web site.</p>

		<ol style="list-style-type: none">1. Original design was for the general public to access the Outdoor Dining Application service via accessing the link on the web, through to 'ePathway' and following the below process:<ul style="list-style-type: none">• Gain access to local government regulations/laws and legislation requirements for Outdoor Dining facilities;• Understand the application to approval process had a 10 day turn-around duration;• Complete an online application form;• Attach/upload supporting plans, documents;• Make an application fee payment (\$98.00);• Obtain an application reference number; and• Track their application status.2. The design was amended to include the requirement for all applicants to be 'registered' users only; as the below issues were encountered:<ul style="list-style-type: none">• 'unregistered' users could view all applications received under public access; and• Could not access only their application.3. The solution launched and the appropriate unit delivered all reporting requirements to
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		<p>support management of online applications and renewals.</p> <p>Potential solutions to the matters raised by the Review have been identified but will need to be appropriately scoped by the Administration as part of developing a business case, which will need to include consideration of timing, resourcing and costs. How and when this work would occur is yet to be identified.</p>
<p>9.</p>	<p>Review lodgement and assessment processes to explicitly exempt low risk and complexity applications (e.g. those comprising only non-fixed items) from the requirement for internal referrals and face to face meetings.</p>	<p>Agreed</p> <p>A risk based approach to the assessment of applications is supported and will be explored as part of the review of the processes in the 2019/20 FY. The level of control applied to applications should be fit-for-purpose and relate the circumstances of each neighbourhood.</p>
<p>10.</p>	<p>Reconsider the requirement for the lodgement of site plans via the outdoor dining permit process. The requirement for a site plan for low risk / complexity applications (e.g. those comprising non-fixed items) is onerous, and higher risk / complexity proposals (e.g. requiring more substantial physical works) are likely to require planning approval (including the submission of plans) in any event.</p>	<p>Not Agreed</p> <p>The purpose of a site plan is for the City to understand the area proposed and the circumstances, including maintaining minimum pedestrian clearances and avoiding visual clutter. An application in the CBD with high pedestrian volumes cannot be compared to Royal Street in East Perth.</p> <p>The example site plan provided in the draft Guidelines is not considered onerous and was not identified as an issue through the consultation process.</p>

11.	Fundamentally revise and reduce the size and complexity of the policy/guideline document, to ensure ease of interpretation and comprehension by applicants	<p>Not Agreed</p> <p>While the draft guidelines are detailed, they cover all aspects of area, design, management and process for applications. Implementation of Recommendation 3 should address this issue.</p>
12.	Review the City's application and annual permit fees on the basis of other administrative improvements and efficiencies achieved.	<p>Agreed</p> <p>The City's fees and charges are reviewed on an annual basis.</p>
13.	Monitor and review the outcomes and lessons learned from the City of Vincent's alfresco dining compliance audit, and consider implementing a similar no fee / immediate permit generation system if the risks are considered to be low.	<p>Noted and agreed</p>