

5.9 ADVERTISING OF NEW POLICY - DRAFT VIBRANT PUBLIC SPACES POLICY

- Attachments:**
1. **Draft Development on City Owned and Managed Land Policy - Summary of Submissions**
 2. **Draft Development on City Owned and Managed Land Policy - Policy Restructure**
 3. **Vibrant Public Spaces Engagement Results**
 4. **Draft Vibrant Public Spaces Policy**

RECOMMENDATION**That Council:**

1. **APPROVES** the draft Vibrant Public Spaces Policy, at Attachment 4, for the purpose of advertising; and
2. **AUTHORISES** the Chief Executive Officer to advertise the proposed new policy and invite public comments for a period of at least 21 days.

PURPOSE OF REPORT:

To consider approving the draft Vibrant Public Spaces Policy for the purpose of advertising.

BACKGROUND:

The City receives ongoing requests from private businesses, landowners, and community groups to install infrastructure in the public realm. With the exclusion of parklets and planter boxes, there is currently no clear guidance on how to deal with such requests. The requests include the installation of street furniture, alfresco structures and other structures on land that is owned or managed by the City, including freehold land, road reserves and Crown reserves. These requests are generally associated with an applicant wanting to turn an underutilised piece of land, such as a verge, park or road reserve, into a more vibrant space for the public to enjoy.

At its 22 September 2015 Ordinary Meeting (Item 9.2.9), Council adopted Policy No. 2.2.13 – Parklets (Parklets Policy) to facilitate and guide the implementation of parklets in town centres and commercial areas.

At its 17 March 2020 Ordinary Meeting (Item 12.4), Council resolved to advertise the draft Development on City Owned and Managed Land Policy to provide guidance on managing requests to install other infrastructure including community signage, street furniture and alfresco shelters on City owned and managed land. Advertising commenced 28 April 2020 and concluded 29 May 2020.

At its 28 July 2020 Ordinary Meeting (Item 12.9), Council approved the readvertising of the amended draft Development on City Owned and Managed Land Policy including updates to streamline the approvals process and policy requirements. Advertising commenced 6 August 2020 and concluded 25 September 2020.

At the 9 September 2020 Rebound Roundtable, the amended draft Development on City Owned and Managed Land Policy was presented to obtain town team feedback. Feedback included the need to mitigate privatisation of the public realm through improved design requirements and assessment processes, and the need to provide clearer guidance regarding the spirit and intent of the policy.

In response to both advertising periods, key community and stakeholder feedback included:

- the need to place a stronger focus on the outcomes to be achieved; and
- the need to simplify the language and content around requirements.

The draft Development on City Owned and Managed Land Policy has not been presented to Council since the conclusion of readvertising. Requests to install infrastructure in the public realm continue to be received and are considered with regard to the relevant provisions referenced in the City's existing policies including:

- Minor Nature Development Policy;
- Parklets Policy; and
- Verge Treatments, Plantings and Beautification Policy.

The existing City policies do not provide sufficient detail and clarity regarding the permissibility and requirements associated with public and private investment in the public realm. This impacts the City's service delivery capability and customer experience when dealing with such requests.

At the 23 February 2021 Council Workshop, a review of the draft Development on City Owned and Managed Land Policy was presented. The review considered feedback received during the readvertising of the draft Development on City Owned and Managed Land Policy, as detailed in **Attachment 1**, and proposed the policy be restructured as shown in **Attachment 2**. In response to the proposed restructure, it was identified that a better understanding of the community's sentiment was required to inform the development of the proposed draft Vibrant Public Spaces Policy (Policy). The sentiment to understand related to parklets and the progression of spaces to vibrant public spaces which are defined as areas in the public realm that support social interaction and community engagement, and provide pedestrian amenity for everyone to enjoy.

At the 24 February 2021 Rebound Roundtable, the concept to prepare the draft Policy was presented to obtain town team feedback. Discussion focused on the features that are required to identify parklets and vibrant public spaces as public and who is best placed to fund them.

Based on guidance received at Council Workshop and the Rebound Roundtable, a 'vibrant public spaces' community engagement campaign was undertaken for a period of 26 days, from Wednesday 12 May 2021 to Monday 7 June 2021. The engagement sought to determine community sentiment regarding parklets and the creation of vibrant public spaces with a focus on:

- current attitudes towards parklets;
- preferred parklet design, location, use and features;
- parklets being publicly accessible and the features that make them appealing for public use;
- progression to vibrant public spaces;
- the design, location, use and preferred features of vibrant public spaces;
- issues with the current and future provision of these spaces; and
- public and private funding and investment in parklets and vibrant public spaces.

A total of 79 submissions were received in response to the vibrant public spaces engagement, as detailed in **Attachment 3**. The respondents showed a general level of support for existing parklets (88 percent) with most using them to eat and drink items purchased from the adjacent business and support (83 percent)-more permanent fixtures. Landscaping and greenery, permanent comfortable seating, shade, and interesting design were considered the highest valued features of these spaces.

Following the conclusion of the survey, 14 submissions were received from business owners operating in the City. To ensure that the opinions of business owners were captured, Administration visited an additional 13 retail businesses (27 business responses total) within the City's town centres to gain a greater understanding of their perception of the spaces, what they do and do not value about them, and how they would feel if one were to be located in front of their business.

The results from the retail business visits were mixed. Six of the retail businesses noted that they enjoy the existing parklets, see value in them and believe they contribute to activating the public realm, but raised concerns over the potential impacts of less parking for customers in close proximity to their business. In comparison, seven retail businesses see the spaces as a value add to the area and would support them being located in front of their business as this would encourage community and customers to linger longer and window shop, potentially leading to a retail sale.

The results revealed consistency in what improvements can be made to parklets and these improvements align with the feedback received at the 9 September 2020 and 24 February 2021 Rebound Roundtable, and responses to the draft Development on City Owned and Managed Land Policy advertising. The results indicated that people do not differentiate between a parklet, which might be considered temporary, and vibrant public space infrastructure which is viewed as more permanent. The results indicated broad support for both parklets and vibrant public spaces. The results and draft Policy objectives were presented at the 29 June 2021 Council Workshop and 27 October 2021 Rebound Roundtable. Key outcomes from the Council Workshop included support for the draft Policy to:

- reflect the outcomes the City is seeking to achieve;
- facilitate the progression of parklets, including verge treatments, to create vibrant public spaces;
- provide clear guidance regarding what is and is not acceptable in relation to street furniture, verge alterations, parklets and vibrant public space infrastructure; and
- provide clear guidance on design and location criteria and the associated approvals processes.

DETAILS:

The City's Strategic Community Plan 2018 - 2028 (SCP) sets the community vision, priorities and aspirations for the City and includes the Thriving Places priority: *"Our vibrant places and spaces are integral to our identity, economy and appeal. We want to create, enhance and promote great places and spaces for everyone to enjoy"*.

Key aspirations of the SCP include:

- *We have enhanced opportunities for our community to build relationships and connections with each other and the City;*
- *We are recognised as a City that supports local and small business;*
- *Our town centres and gathering spaces are safe, easy to use and attractive places where pedestrians have priority; and*
- *We encourage innovation in business, social enterprise and imaginative uses of space, both public and private.*

The draft Policy provides consistent guidance on the design and location permissibility, requirements, and management responsibilities for third party (applicant) proposals to deliver vibrant public spaces on City owned and managed land, which reflect the SCP key aspirations.

The draft Policy addresses and expands on the infrastructure types the City currently receives proposals for including street furniture, affixed outdoor eating area furniture, temporary parklets and parklets by amending the existing policy framework in line with **Attachment 2**.

The proposed objectives of the draft Policy and its Guidelines are to ensure vibrant public space proposals:

1. achieve the Vibrant Public Space Design Objectives (Design Objectives);
2. facilitate public and private investment in the public realm for the benefit of the community;
3. encourage pedestrian activity and social interaction;
4. enhance the public realm and sensitively respond to local character and context; and
5. achieve design outcomes that meet community expectations.

The draft Policy and its Guidelines are included as **Attachment 4** and provide guidance for the following vibrant public space proposal types:

- Street furniture;
- Affixed eating area furniture;
- Pop-up parklet;
- Pop-up eatlet;
- Parklet;
- Eatlet; and
- Other proposal.

The draft Policy and Guidelines is intended to replace the previous Draft Development on City Owned and Managed Land Policy and Parklets Policy.

In line with Action 2.1 of the Vincent Rebound Plan and to support small businesses, parklet fees were waived until 30 June 2022 as part of a 24 month trial. Since commencing the trial in September 2020, twelve parklet application enquiries have been received and two new parklets have been installed. The waiving of the parklet fee has not proven to be an incentive for businesses to install parklets as it represents only a small portion of the host business's outgoings in the design, construction, and maintenance of parklets.

It is proposed the following fee structure be incorporated into the City's fees and charges:

Vibrant Public Space Type	Application/ Design Fee	Approval Fee	Annual Renewal Fee
Street furniture	N/A	N/A	N/A
Affixed eating area furniture	N/A	\$250	N/A
Pop-up parklet	N/A	N/A	N/A
Pop-up eatlet	N/A	N/A	N/A
Parklet – built on existing ground surface or decked platform	N/A	\$1,500	N/A
Parklet – built on new paving	\$2,500	\$1,750	N/A
Eatlet – built on existing ground surface or decked platform	N/A	\$1,500	N/A
Eatlet – built on new paving	\$2,500	\$1,750	N/A
Other Proposal	\$500	To be determined as part of Council endorsed Licence.	

The proposed fees have been determined to encourage vibrant public space proposals. Based on these fees, the City would not return a monetary profit but would have received improvement and investment in the public realm at no cost to the City.

The \$250 affixed eating area furniture approval fee is based on the cost to remove affixed furniture. This is proposed to cover the cost should the City have to remove the furniture.

Where the applicant is proposing 'new paving' to pave a verge or extend the existing paving of a footpath as part of an Parklet or Eatlet proposal, it is proposed the City will consult with the applicant, design the paving enhancements, and the paving works would be undertaken by the applicant, at the applicants cost, and compliance checked by the City.

To cover the City's resourcing costs, a design fee of \$2,500 is proposed. To cover the cost to remove and dispose of a parklet or eatlet, an approval fee of \$1,500 is proposed for all parklet and eatlet types. To cover the cost of site supervision and compliance checks to install the new paving, an additional \$250 approval fee is proposed for parklets and eatlets built on new paving.

CONSULTATION/ADVERTISING:

To ensure the draft Policy facilitates outcomes that meet community expectations, all consultation undertaken to date has been considered during the preparation of the draft Policy.

In accordance with the City's Community and Stakeholder Engagement Policy, public notice of all new and significantly amended policies must be provided for a period exceeding 21 days in the following ways:

- notice published on the City's website;
- notice posted to the City's social media;
- notice published in the local newspapers;
- notice exhibited on the notice board at the City's Administration and Library and Local History Centre; and
- letters distributed to relevant local businesses and community groups.

If approved, advertising of the draft Policy will commence in March 2022. Following consultation, the revised Policy will be presented to Council for adoption. After which, slight changes in design will be required.

LEGAL/POLICY:

Section 2.7(2)(b) of the *Local Government Act 1995* provides Council with the power to determine policies.

The City's Policy Development and Review Policy sets out the process for the development and review of the City's policy documents.

A review of the draft Development on City Owned and Managed Land Policy has been undertaken in accordance with the City's Policy Development and Review Policy.

RISK MANAGEMENT IMPLICATIONS

Low: It is low risk for Council to approve advertising of the draft Policy.

STRATEGIC IMPLICATIONS:

This is in keeping with the City's *Strategic Community Plan 2018-2028*:

Accessible City

Our pedestrian and cyclist networks are well designed, connected, accessible and encourage increased use. We have better integrated all modes of transport and increased services through the City.

Connected Community

We have enhanced opportunities for our community to build relationships and connections with each other and the City.

We are an inclusive, accessible and equitable City for all.

Thriving Places

We are recognised as a City that supports local and small business.

Our town centres and gathering spaces are safe, easy to use and attractive places where pedestrians have priority.

We encourage innovation in business, social enterprise and imaginative uses of space, both public and private.

Our physical assets are efficiently and effectively managed and maintained.

Sensitive Design

Our planning framework supports quality design, sustainable urban built form and is responsive to our community and local context.

SUSTAINABILITY IMPLICATIONS:

This is in keeping with the following key sustainability outcomes of the *City's Sustainable Environment Strategy 2019-2024*.

Sustainable Transport

PUBLIC HEALTH IMPLICATIONS:

This is in keeping with the following priority health outcomes of the City's *Public Health Plan 2020-2025*:

Increased physical activity

Increased mental health and wellbeing

FINANCIAL/BUDGET IMPLICATIONS:

The cost of advertising of the draft Policy will be met through the City's existing operational budget.

COMMENTS:

Facilitating vibrant public spaces is an opportunity for the City to be a leader in the enhancement of the public realm. COVID-19 has seen a shift in the way people perceive the public realm and how it functions, with a greater demand and emphasis on public spaces and outdoor dining as a way to connect, interact and thrive.

Vibrant public spaces have the potential to create an avenue for private investment in the public realm for public benefit. Vibrant public spaces are a creative solution for enhancing the streetscape and providing increased pedestrian amenity.

In response to COVID-19, the City of Yarra, provided several businesses with the opportunity to host a temporary parklet. Research found that businesses with access to a parklet brought in an average of \$8,900 additional revenue per month in comparison to the estimated revenue of a car bay which was calculated at \$1,050 per month.

Vibrant public spaces provide an opportunity for the City to increase pedestrian amenity, improve the public realm, provide an opportunity and space for community connection, and support businesses throughout the City.

Summary of Submissions – Development on City Owned and Managed Land Policy.
Advertising Period One – 28 April 2020 to 29 May 2020.

Relevant Development Type	Comment	Administrations Response – relating to draft Vibrant Public Spaces Policy.
Street Furniture	<p>Silent on support/opposition.</p> <ol style="list-style-type: none"> 1. It is proposed that small developments should not incur a fee. 2. We have in consideration now a wide scope for small projects. This proposed system increases the challenges here for us financially and detracts from the motivation. 	<ol style="list-style-type: none"> 1. No application fee is payable for street furniture. 2. A small fee covering administrations costs is to be applied to all other vibrant public space types. This fee also reflects that additional revenue is able to be generated by businesses from the increase in capacity.
Street Furniture	<p>Silent on support/opposition.</p> <ol style="list-style-type: none"> 1. Does this system of compliance apply to Town Team initiatives? 2. Does this mean all small developments will incur a fee? 3. With very small scale projects, what specific support exists at least in principle to Town Team initiatives like ours now resulting from this revision process? 	<ol style="list-style-type: none"> 1. Yes. The policy will apply to any permanent fixtures installed on City freehold or Crown land (including road reserves) by a private party. 2. The application fee has been removed for street furniture. A small fee covering administrations costs is to be applied to other vibrant public space types. This fee also reflects that additional revenue is able to be generated by businesses from the increase in capacity. 3. There is the opportunity for collaboration with and support from the City on small projects. The City's Place Planners can assist with this.
Street Furniture; Structures and Shelters	<p>Opposed</p> <ol style="list-style-type: none"> 1. There are already examples where development on verge areas creates conflict between business workers and patrons with pedestrians and bike riders. These conflict 	<ol style="list-style-type: none"> 1. The City reserves right of removal for any development in the road reserve. Should any Street Furniture or Structures or Shelters result in an increase in physical injury, the City will respond accordingly. Further, the City has reviewed all

	<p>areas create the potential for collisions and injury.</p> <ol style="list-style-type: none"> 2. The policy should have greater consideration to the consequences where footpaths are taken over by the types of development that the policy deals with. If such development means that footpath cannot be used as a transport route for riders and pedestrians, then the policy should require an alternative to be provided. For example, take away road space used for parking and repurpose it for pedestrians and riders. 3. The placement of large structures on footpaths can create enclosed hidden spaces where the risk of physical assault is heightened. The creation of places where people are hidden form an unlicensed view is against the principle of safe community design (CPTED). 	<p>insurance claims for injury from public street furniture or within town centres for the past five years, with no incidents on record. Further to this, there are pedestrian zone areas and curve buffers required through the guidelines of the policy that ensure a safe clearance area is maintained for pedestrians and cyclists moving through the area.</p> <ol style="list-style-type: none"> 2. The proposed policy looks to enable vibrant public spaces within the City's town centres. The City's town centres include infrastructure to improve conditions for sharing of the whole road including shared cycling areas and traffic calming. It is anticipated that further development along the kerb will have a further traffic calming effect and improve the environment for walking and cycling in the whole of the street. It is noted that a firm requirement that a 2m clear pedestrian zone be maintained for pedestrian passage, where this cannot be achieved due to the existing street scape, a minimum zone of 1.5m must be maintained and relevant design objectives met. 3. The City is unaware of any increase in crime associated with installation of street furniture or Parklets within the City's town centres. Should an issue emerge the City will take appropriate action which may include removal of installations.
<p>Whole Document</p>	<p>Opposed</p> <ol style="list-style-type: none"> 1. It is not clear early in the document that Street Furniture and Structures and Shelters exclude proposals that privatise portions of the public domain, and even then, it is not absolutely clear and inconsistently defined. The Street 	<ol style="list-style-type: none"> 1. It is agreed that privatisation of the public realm does not align with the purpose of this policy. The policy purpose and objective has been updated, and the scope of the policy changes to remove any developments that are for a purely private purpose of exclude public use. Clearer guidance has been

	<p>Furniture examples given on page 2 of ‘developments’ appear to have privatised part of the footpath and is inconsistent with the requirement to not privatise the site.</p> <ol style="list-style-type: none"> 2. Why is there a distinction between proposals that seek to enclose an area and those that don’t, if the intention is that they both should be available to everybody? 3. Why pay \$30/m² (which is way too low) if everybody can use the space but you have ‘enclosed’ it rather than left it unenclosed. 4. The design requirement for Street Furniture explicitly says ‘does not privatise the site’ yet the corresponding clause for Structures and Shelters drops the ‘does not privatise the site’ but still keeps the remainder of the statement ‘with or without association of the Applicant’s business’. The requirement should be the same for both. 5. It needs to be made clear in the descriptions of Street Furniture and Structures and Shelters (table on page 2) that public access and the public’s ability to use the infrastructure must be maintained and not be tied to the adjacent business. Any intention to obtain exclusive private access should be considered as a Private infrastructure proposal. Street Furniture and Structures and Shelters should be treated in a similar way to a Parklet in that anybody may use it and there must be a sign to that effect. 6. It is also not clear why public notice is required for Structures and Shelters but not for Street Furniture. I accept there may be a requirement for public notice if the market value is greater than \$5,000 per annum. However I think the key words are ‘market value’ – that is not the same as licence fee. This calls into question exactly what market value is, how it is determined, who determines it, and why it 	<p>provided around the use of the spaces and their public nature throughout the guidelines for each specific vibrant public space type.</p> <ol style="list-style-type: none"> 2. It is considered that the distinction between each vibrant public space type, scale and impact. To capture this distinction, each vibrant public space type is defined and has different requirements. All developments are intended to be accessible outside of the adjacent businesses trading hours. 3. This fee has been removed. 4. Further clarification has been provided in the policy and guidelines regarding the public use of the vibrant public spaces. 5. Signage outlining the public use of the space is to be included as part of all Vibrant Public Spaces. 6. Consultation requirements have been specified and outlined clearly for each of the vibrant public space types. This has been determined in line with the existing requirements applied to various vibrant public space types and the City’s Community Stakeholder and Engagement Policy. 7. This has been taken into consideration in the restructuring of the policy and inclusion of additional vibrant public space types. Each type has now been clearly defined and the design and operational specifications clearly outlined in the Policy and Guidelines. The distinction between vibrant public space types is now considered to be clear. 8. The Policy has been reformatted to ensure that it is clear. 9. The requirement for Section 70A notifications for
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	<p>does not apply for Street Furniture sites. I'd suggest that there is a connection between 'market value' and the cost of the proposed infrastructure that needs recognition and may provide a better way of differentiation between Street Furniture and Structures and Shelters.</p> <p>7. The distinction between Street Furniture and Structures and Shelters needs review and should consider:</p> <ul style="list-style-type: none"> - The proposition that Street Furniture and Structures and Shelters are equivalents of a Parklet, albeit one that is on the footpath rather than the road; - That there really isn't a difference between enclosed and unenclosed areas if the intention is that neither will privatise the footpath; - That both enclosed and unenclosed proposals should have signs that make it clear that anybody can use them; - That there will be a penalty if a business tries to claim that only their patrons may use such a facility; - Is the distinction between Street Furniture and Structures and Shelters actually the market value (however defined)? Should proposals with a lower market value should be treated differently than those with a higher market value. <p>8. The fact that 'Design Requirements' and 'Licence Requirements' are in one table makes it look as if the two are related. They should be split into two tables.</p> <p>9. The requirements for Section 70A (Street Furniture) and a caveat (Structures and Shelters) need review. What is the caveat supposed to cover? If it is the potential cost of removing a structure than it just reinforces the concept that the differences between development types are related to the size/cost of the structure rather than whether it is</p>	<p>Street Furniture has been removed. Regarding the caveat for Structures and Shelters, an absolute caveat over the adjacent property would enable the City to enforce the obligations of the installing party or the landowner.</p> <p>10. It is intended that all vibrant public space types excluding 'other proposals' be considered under the City's Planning Policy – Minor Nature Developments pending review as development that is exempt from requiring a development application. These vibrant public space types will still require assessment by administration under an alternate process.</p> <p>11. Agreed. Wording of minimum above head heights has been revised to provide further clarity.</p> <p>12. The specifications for the width of the clear pedestrian zones has been included for each of the vibrant public space types in the Policy Guidelines.</p> <p>13. The definition of 'frontage zone' has been revised to clearly outline that it is referring to the area immediately adjacent the abutting property.</p> <p>14. Numbering of the policy will be in accordance with the City's standards at time of adoption.</p> <p>15. Final formatting and style is yet to be determined. Diagrams have been included to clarify design requirements.</p>
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	<p>enclosed or not.</p> <p>10. It is not clear why a DA is required for an enclosed structure but not an unenclosed structure - does the Planning and Development Act 2005 allow this?</p> <p>11. The minimum height for ‘above head canopy, umbrella etc.’ should be from the footpath immediately under the component and not the adjacent road surface – it is about people on the footpath, not the cars on the road.</p> <p>12. The definition of clear pedestrian zone should indicate a minimum width of 1.5 metres to reinforce the need to allow free pedestrian access, particularly for those in wheelchairs.</p> <p>13. The definition/use of ‘frontage zone’ is confusing and not consistent with the photo on page 5. Is it supposed to define the limits along the length of the building rather than the distance from a building?</p> <p>14. The policy should have a number to make easier to reference.</p> <p>15. The ‘heading block’ with the responsible directorate is of minor importance and should be moved to the end of the document for that the ‘policy’ component takes precedence.</p>	
Whole Document	<p>Silent on support/opposition.</p> <ol style="list-style-type: none"> 1. Is it worth providing a definition for public benefit? 2. Is there something the City can build in about identifying locations where these services would be appropriate and reallocating service nodes? 3. Is Public Infrastructure covered in the act elsewhere? 4. The requirement for public liability of Street Furniture, is 20 million too high for many businesses 5. Do you need a note here about distances from intersections? Not for over regulation but these pinch points 	<ol style="list-style-type: none"> 1. Though no definition has been provided for ‘public benefit’ the policy clearly outlines what is intended by public use of the space and how vibrant public spaces are to provide additional public benefit to the public realm. 2. These specifications and requirements have been included as part of the Policy Guidelines. 3. Policy has been updated to reference relevant legislation for public works. 4. Public liability coverage for Street Furniture and affixed eating areas has been reduced to \$10 million.

	<p>can get a little tight if there is too much ‘public realm content’ there.</p> <ol style="list-style-type: none"> 6. How will you co-ordinate between several of these in a row. Good problem to have – but access through is important too. Is this between different operators? Who gets priority if 2 in a row? 7. 2.4 from the surface of the adjacent carriage way. Shouldn’t this be from the footpath? (kerb depths vary everywhere and will reduce your 2.4m) 8. For ‘other proposals’ licence fees, will you pro rata if just for part of the year? 9. How will power access be managed? 10. Gas cannisters on heaters? 11. Overhead catenary lighting? 12. How will the balance be struck between permitting development and not impeding long term plans for the town centres? 13. What happens when temporary in nature development need to be removed if they become beloved community features but impeded a larger purpose? 14. Only applies to ‘city streets’ Main Roads etc may have a different view. Is it worth distinguishing this? 	<ol style="list-style-type: none"> 5. These requirements have been included in the Policy Guidelines. 6. Buffer zones are to be provided for each structure types. These buffer zones ensure that access is maintained between the pedestrian zone and the road. 7. Yes, wording updated. 8. Licence periods have not been specified in the Policy. These are to be determined on a case by case basis. 9. Power solutions will have to be either provided from the adjacent business or through non-grid means (ie. solar lights). 10. Heating and microclimate solutions can be negotiated with Administration during the design stages. 11. As above. 12. The risk level of each development type is considered in-line with relative application complexity. For lower risk proposals (Street Furniture and affixed eating areas) it is proposed the City accept the low level risk alongside reservation of rights to remove any installation. For the remaining higher impact developments careful consideration will be required before granting any proposal approval to build. 13. The City has a number of alternative options for businesses, community groups and residents to engage with City Land. Should a development need be removed opportunity will be explored to provide similar service in another format if deemed appropriate by the City as the issue arises. 14. Agreed. Roads under management of Main Roads of Western Australia do not fit within the definition of
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		'City Land' and therefore are not suitable for consideration under this Policy.
Whole Document	<p>Main Roads Western Australia Submission</p> <p>Supportive</p> <ol style="list-style-type: none"> Any proposals for Street Furniture and Structures and Shelters proposals within land reserved Primary Regional Road under the City's LPS2 (East Parade, Lord Street, Leederville Parade, Mitchell Freeway and Graham Farmer Freeway) should also be submitted as a development application and referred to Main Roads. 	<ol style="list-style-type: none"> The City does not have care, control and management of State controlled roads, therefore it is inappropriate for proposals to be considered in such locations under this Policy. Exclusion of State controlled roads from the operation of the Policy on roads as noted above and are not considered under this Policy. Other land reserved are considered unlikely to attract proposals, Administration can deal with any applications as they arise from time to time.
Whole Document	<p>Department of Planning, Lands and Heritage (Lands Team)</p> <p>Supportive</p> <p>Notes on developments in road reserves:</p> <ol style="list-style-type: none"> Development proposals that take exclusive use of the road and/or generate commercial benefit to other than the adjacent business will usually require tenure under the Land Administration Act 1997, this may involve the sale of the land or closure of the road, easement or lease. Notes on signing development applications as landowner. The City may sign on behalf of the Minister for Lands on Crown Reserves with a Management Order in favour of the City and the development is not for commercial benefit, or if the land is a road and proposal considered a 'minor building encroachment'. 	<ol style="list-style-type: none"> Noted. The Policy, particularly other proposals includes the requirement for proposals to be freely accessible to the public. Any other proposals will be referred to the Department of Lands. Noted. Any proposals under the Policy on Crown Reserves will be referred as appropriate. Proposals under the Policy are not anticipated to be consistent with the definition of 'minor building encroachment'.

Summary of Submissions – Development on City Owned and Managed Land Policy.
Advertising Period Two – 6 August 2020 to 25 September 2020.

Relevant Development Type	Comment	Administrations Response
Whole Document	<ol style="list-style-type: none"> 1. The Policy should begin with words about public spaces and what makes a vibrant street/town centre. 2. There are numerous examples in Leederville of where public realm has been formally and informally appropriated. The Policy should retrospectively correct developments. 3. Normal commercial leasing rates should be applied where there is appropriation of the public realm as with the above examples. 4. Funds from developments should be made available to the local community groups e.g. Town Teams to improve their public realm. 5. The Policy’s initiatives to protect easy and safe flow of pedestrians along the pavements, push the commercialised areas into the road, and emphasise quality developments are strongly supported. 6. The Policy needs to address policing of informal creeping appropriation. Examples of "Creeping Appropriation" include - installation of pull down blinds; use of signage, planter boxes and moveable furniture to restrict easy pedestrian movement or push pedestrian use out to the unsafe edge of the road. Similarly use of signage and furniture to create the impression that a business “owns” the space. Subtle extending activities beyond the area approved for use. Increasing the size and amount of furniture to appropriate more space. Not maintaining common use parklets (watering plantings, cleaning footpath etc) while still selling food and 	<ol style="list-style-type: none"> 1. Further detail on the intent of the Policy and the enhancement of the public realm for everyone’s benefit has been included in the Policy. This is also considered to be in alignment with the Thriving Places Pillar of the City’s Strategic community Plan. 2. Compliance actions are able to be taken where development is not considered to be consistent with the Policy and associated Policy Guidelines. 3. Spaces which are not publicly accessible are not considered under this Policy, as such commercial leasing rates have not been included. 4. The City has a grant program specific to town teams. This allows for City funds to be utilised by the town teams in various ways, one of which is for the improvement of the public realm. 5. Support for 2m pedestrian zone and locating developments abutting the carriageway is noted. 6. Creeping appropriation is currently managed by the City’s Rangers in compliance with Outdoor Eating Permits. Where an issue has arisen, a report can be submitted on the City’s website. Further clarification has also been included around the permissibility of such structures in the Policy and Policy Guidelines. 7. The Policy Guidelines clearly outline and mandate the maintenance and upkeep required for vibrant public spaces. This will allow administration to enforce

	<p>bev to their users.</p> <ol style="list-style-type: none"> 7. The Policy needs to strengthen the requirement to keep public realm areas clean and in good condition, e.g. clean and wash pavements, water plantings, clean and maintain parklets. Health standards that apply inside the buildings need to be monitored for their application to outside use. 8. The Policy needs an inbuilt review of performance and KPI such that the City has the power to revoke the right for use of the public realm for non-compliance by land owners. Similarly it also needs powers for Rangers / Placemaking staff to intervene and interpret / direct the intention of the Policy to landowners on a day to day basis, particularly to address the creeping appropriation of the public realm by business owners. 9. Currently pleasant, interesting, safe and FREE street public spaces are under resourced in Vincent. The current policy of providing "free" on-street parklets for public use is being compromised by adjacent cafe owners creating the "inferred obligation to pay" for using the area. This should be addressed. 10. Following on from the above, the policy should be based in some form of overall assessment of availability of pleasant, safe, free street places in each of the town centres with the intention of providing a quality well spaced and balanced mix of offerings. The draft policy is very deficient in this area and, as is stated in above in (1), currently reads more like a policy to support a more orderly appropriation of the public realm rather than a well thought out strategy to build a strong and vibrant public realm that is of use to the citizens, not just the business interests. 	<p>compliance where these requirements are not being adhered to.</p> <ol style="list-style-type: none"> 8. Though a performance measurement system has not been included in the policy, administration are continually monitoring the town centres and their function. The inclusion of the Policy Guidelines includes a number of provisions which can be used to measure performance and function as these spaces are installed and used in the town centres. 9. The public use of these spaces has been clearly outlined as part of the policy and Policy Guidelines. Where this is not being complied with, compliance actions are able to be taken. 10. As part of the development of the policy, investigation into the use of the public realms has been investigated. The Thriving Places pillar of the City's Strategic Community Plan has the aim of "Our vibrant places and spaces are integral to our identity, economy and appeal. We want to create, enhance and promote great places and spaces for everyone to enjoy". Vibrant public spaces are considered to be a way of achieving this and enhancing the public realm for all users.
Whole Document	1. The objectives of the policy to not privatise or enclose the	1. The Policy Objectives and emphasis on the space being

	<p>space should be reinforced in the 'Undertaking Terms' of 'Street Furniture', and 'Licence Requirements' of 'Structures and Shelters'.</p> <ol style="list-style-type: none"> 2. A sign stating clearly that the development is public should be a requirement under the Policy. The sign should be provided free of charge. This would ensure that the message is consistent across the city; it would reduce the cost to the applicant; and it would be a small gesture that recognises that the applicant is providing a benefit to the wider community by activating the space. 3. The fixed annual fee of \$30/m2 for structures and shelters is too low and should be determined on a case by case basis. 4. What does the design requirement for street furniture on page 8 that saying "The Street Furniture is located outside of any clear corner zone as measured at a 450 angle from the corner of the business to the kerb" mean? 5. On page 7 it says that the applicant for street furniture must hold an outdoor eating permit. This implies that only their patrons may use the furniture, privatising the space. Is the City supporting the privatising of the space or not? 6. The 'information block' at the beginning should be moved to the end of the policy. This information does not relate to the policy content, and is of very little interest to the public. Most people reading the policy want to know the reason for having the policy (the purpose), what is intended to be achieved (the objective), and how it will be done (the policy body). 	<p>for public use will be included in the agreement.</p> <ol style="list-style-type: none"> 2. Public space signage is to be included on all vibrant public spaces as per the requirements of the Policy and the Policy Guidelines. 3. This has been taken into consideration. 'Other Proposals' are to be determined on a case by case basis. 4. The Policy guidelines have been update to ensure that the location requirements are clear. 5. Further clarification has been provided surrounding this. The Policy now prescribes two forms of street furniture; street furniture and affixed eating area furniture. The additional type has been included to remove any ambiguity surrounding the application of an outdoor eating permit to these areas. 6. The policy has been written using the City's Policy Template. This is to ensure that all policies are consistent.
Whole Document	<ol style="list-style-type: none"> 1. The term permanent has longer term connotations and implications for anything in the public realm. Whilst assurance should be provided on some level of permanency and investment, permanent structures imply private ownership of the land. Trying to find the balance with over regulation and locking the city into something that they may want to remove or shift around in the future. 	<ol style="list-style-type: none"> 1. This has been considered. The Policy now does not refer to any permanent structures being developed on City owned or managed land. The requirement to remove the structures and make good of the space under specific circumstances has been included for each vibrant public space type. 2. All business types are permitted to have a vibrant

	<p>2. Do they all spaces need an Outdoor Eating Permit? Can establishments other than eateries apply for a permit for street furniture? (i.e. Outdoor lounge chairs for a bookshop?).</p>	<p>public space provided they meet the requirements of the Policy and Policy Guidelines.</p>
Whole Document	<p>1. The proposed Policy does not appear to impact on the Water Corporation assets. However, where there is infrastructure within a proposed development access to manholes will still be required.</p>	<p>1. Applicants will we required to complete a dial before you dig enquiry before the installation of any vibrant public space.</p>

POLICY RESTRUCTURE

POLICY RESCINDED/ RECONSIDERED ✖

PARKLETS POLICY

Policy outlines the process for approval for the following:

- City parklets
- Hosted parklets



DRAFT DEVELOPMENT ON CITY OWNED AND MANAGED LAND POLICY

Draft Policy currently outlines the process for approvals and licensing on City owned and managed land for the following forms of development:

- Temporary community signage
- Street furniture
- Structures and shelters



POLICY UNDER REVIEW ✎

SIGNS AND ADVERTISING POLICY

Temporary community signs located on City owned and managed land to be removed from Draft Development on City Owned and Managed Land Policy and included in Signs and Advertising Policy.



MINOR NATURE DEVELOPMENT POLICY

The Minor Nature Development Policy is to be amended to make reference to the following vibrant public space types:

- Street furniture
- Affixed eating area furniture
- Pop-up parklet
- Pop-up eatlet
- Parklet
- Eatlet

Where these types of development are compliant with the Vibrant Public Spaces Policy they will be exempt from development approval. Where a variation to the requirements is proposed, development approval will be required.



NEW POLICY 💡

VIBRANT PUBLIC SPACES POLICY

The intent of the Thriving Places priority of the SCP is as follows: *"Our vibrant places and spaces are integral to our identity, economy and appeal. We want to create, enhance and promote great places and spaces for everyone to enjoy"*.

The vision of the draft ACS is *"The City of Vincent puts people first. Getting around is safe, easy, environmentally friendly, and enjoyable."* This vision is supported by the User Hierarchy. This is based on a people first philosophy, which prioritises vulnerable people and supports active and sustainable modes of transport before traditional considerations of vehicle movement.

The Built Environment pillar of the Public Health Plan states the following: *"It is important to provide accessible community spaces that are well utilised and activated by residents and local businesses."*

The Vibrant Spaces Policy is an opportunity to achieve the intent of the above. The Policy is to include the intent and process for approval for the following:

- Street furniture
- Affixed eating area furniture
- Pop-up parklet
- Pop-up eatlet
- Parklet
- Eatlet
- Other proposals.

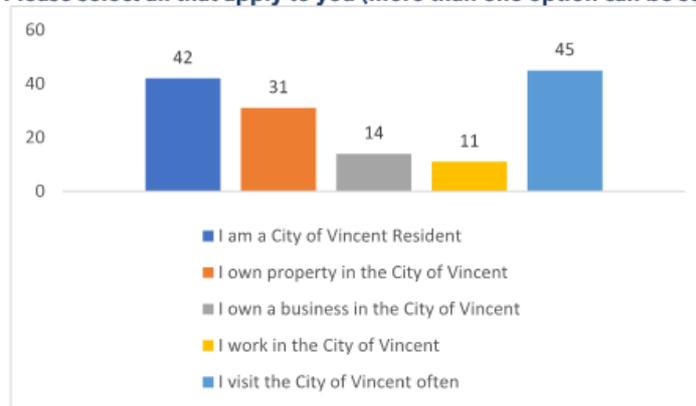
The approvals process and requirement for an agreement or licence is to be included in the Vibrant Public Spaces Policy.



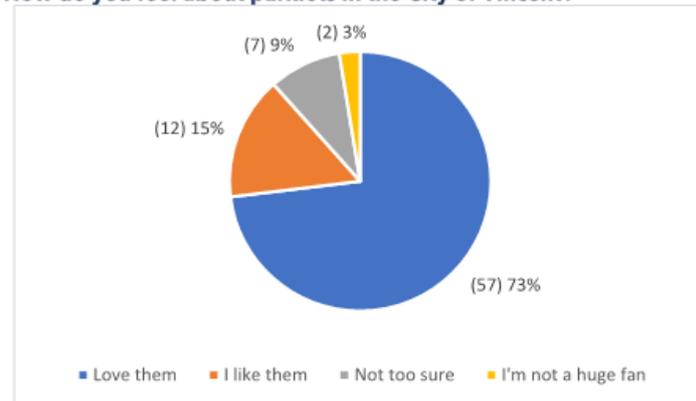
Vibrant Public Spaces Policy Survey Results

79 Responses received.

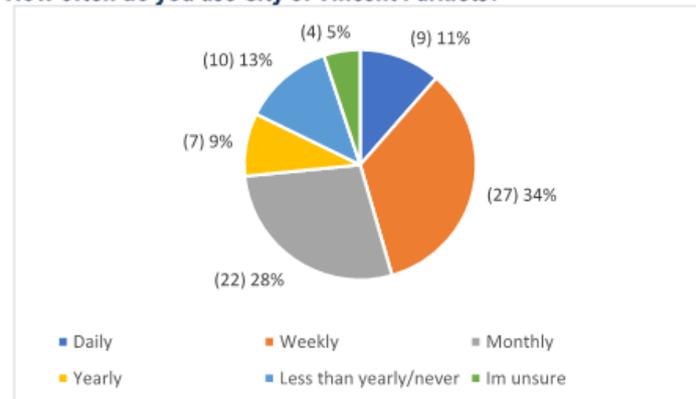
Question 1 - Please select all that apply to you (more than one option can be selected):



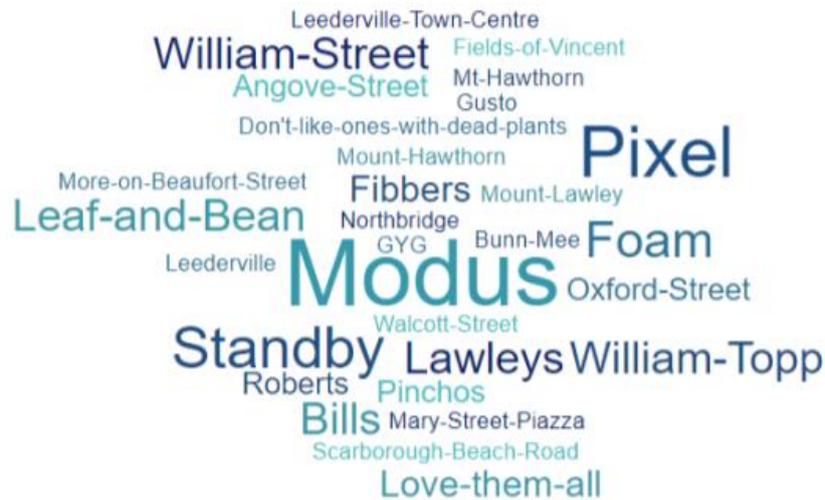
Question 2 - How do you feel about parklets in the City of Vincent?



Question 3 - How often do you use City of Vincent Parklets?



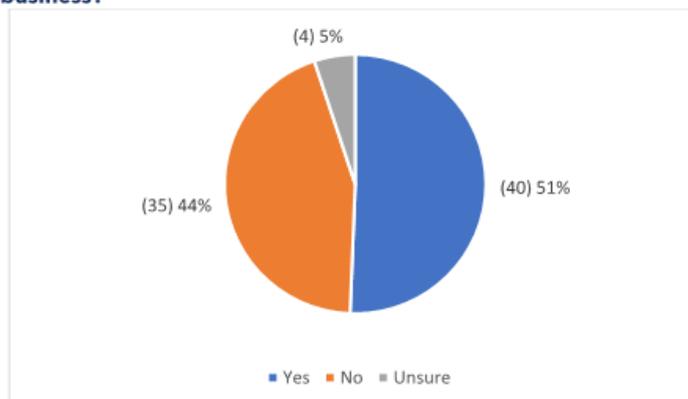
Question 6 – Are there any specific parklets in Vincent that you are fond of, or use often?



Additional comments included (verbatim):

- We regularly stop by the parklet outside Modus on Barlee Street, Mt Lawley. There's limited public meeting spaces in the Mt Lawley town centre so it's great to see this one is so well used. We often bump into people we know there and stop for a chat.
- Outside Pixel :) it was difficult when the umbrella was broken, however. I would use them more if there was more shade.
- Bill's dining is a great central location in Leederville that I often frequent. it's a good meeting spot to get lunch from anywhere and then meet up.
- Didn't know they existed until a friend told me about them on Thursday.
- The parklet in front of Lawleys. The leaf and bean parklet is utilised well by people with dogs who may not feel comfortable sitting at a formal cafe.
- The parklets on Oxford Street, Leederville are generally poor quality with no design standards, no sightline safety standards, plastic plants etc. Whilst they are helping some businesses by providing extra alfresco seating, they may be damaging business success overall as they are contributing to the run down look of Oxford Street, so may not attract people to come to the area and/or may set a 'cheap and cheerful' vibe in customers minds so they might not be coming the area to spend much money.

Question 7 - Were you aware that all parklets are open to the public, and not reserved for the adjacent business?

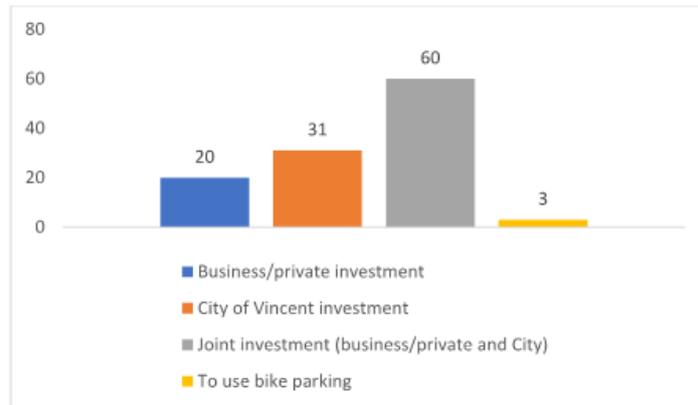


Question 8 - Have you noticed any issues with the way existing parklets are used or located in Vincent?

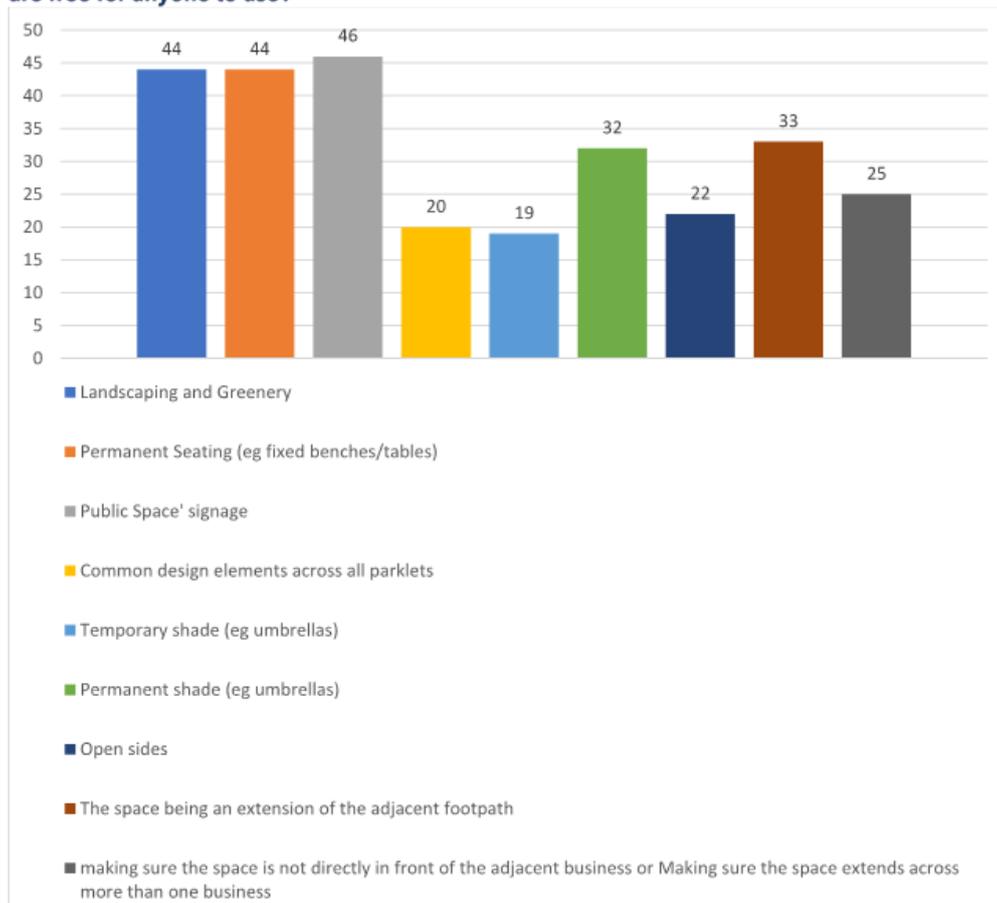
Many people did not see any issues with the way existing parklets were used and located, additional comments have been summarised as follows:

- Some businesses use them exclusively instead of letting them be open to the public.
- It should be made clear that they are for use by anyone on public land.
- They are generally located outside a food business and lack diversity.
- There aren't enough of them.
- Some are not well maintained and look tired.
- Would love to see some of the well-established ones become more permanent, this will assist with maintenance.
- There could be more shade at some of them.
- The reduction in parking may affect nearby businesses.
- They often occupy essential short-term parking.
- People don't know they are public.
- I thought the idea was for the city parklets to move regularly but they seem almost permanently parked outside certain businesses.
- They are often littered with rubbish.
- The landscaping and greenery is not always well maintained.
- More elements of weather protection (both sun and rain) could be incorporated into their design.
- Diversity in permanent seating types and arrangements could be increased.
- Sometimes they are too small.
- Commercial signage should not be attached to them.
- Their location can mean that they are underutilised. This needs to be carefully considered.
- Where permitting, they could be different shapes.
- They aren't very successful.
- They should not have enclosed sides.
- They can block the view of oncoming traffic.
- Plastic plants should not be permitted.

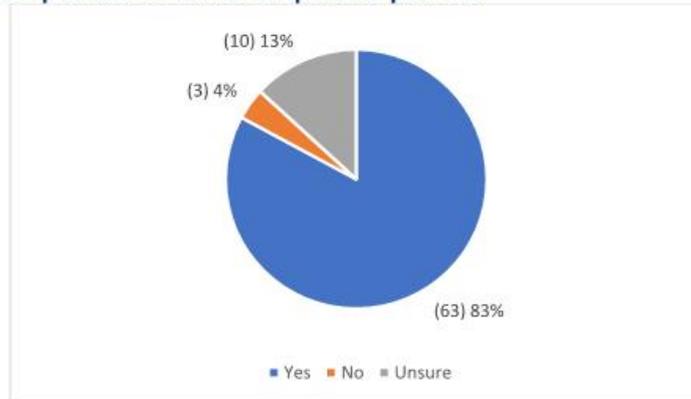
Question 9 - How would you like to see these spaces funded? (More than one option can be selected):



Question 10 - We want to make sure it's clear that vibrant public spaces are free for everyone to enjoy. Which of the following features help to make it clear that these spaces are free for anyone to use?



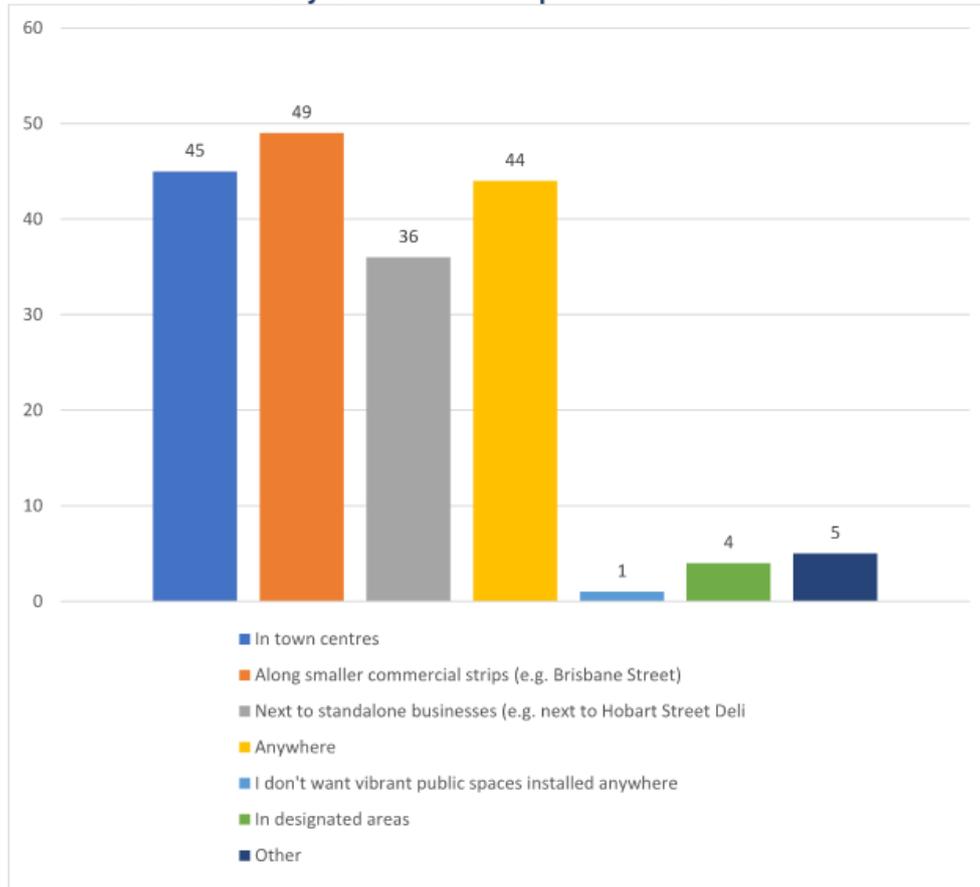
Question 11 - Would you like to see more vibrant public spaces in Vincent? Vibrant public spaces are more permanent fixtures compared to parklets.



Question 12 - Do you have any ideas about what features could make these spaces seem more inviting and clearly identified as being available to everyone?



Question 13 - Where would you like to see these spaces to be located?



'Other' responses detailed the following (verbatim):

- Only when other seating is not suitable, or for kids.
- Outside hospitals, schools, government buildings etc.
- Outside commercial, non-hospitality businesses.
- Tailor them to use for local people - a residential street, maybe a common garden. Outside a restaurant - grow herbs. Near a bike shop - make bike racks to encourage cycling. Outside a bar -make them licensed. Please don't build more standalone bench space that people don't use. There are surely better options.
- Maybe some residential area would benefit from them - like a micro park where residents could meet and chat, e.g. where there is no public park close by, where there is high density housing. Also maybe co-locate with those micro library / book borrowing stands so people can sit and read (maybe next to a park?), or near schools where teenagers could hang out - recent evidence shows that parks and recreation areas cater for little kids and teenage boys but not teenage girls very well.

Question 14 - Are there any locations you think vibrant public spaces shouldn't be installed?

Most respondents did not answer this question. The responses from those who did are as follows (verbatim):

- No but places with greater volumes of pedestrians should be prioritised.
- Residential streets
- No but they should primarily be installed where businesses are happy to invest in them.
- Where it affects traffic flow.
- Next to the freeway and generally areas that people should be discouraged from sitting at.
- In front of private homes that aren't in business areas.
- Busy shopping precincts.
- Residential streets, but that's probably without saying.
- Places where it is unlikely to get much use.
- Not required around existing parkland.
- Highgate.
- Places where there is already limited parking.
- Only when interrupts bike lanes.
- Where there is a public safety risk, eg heavy traffic.
- Where traffic conditions can't be managed safely.
- Freeways.
- Too close to residential properties.
- Near busy intersections.
- You can't build a vibrant space anywhere - it has to be deemed necessary - Leederville square is an example - an expensive site that Leederville Connect and council are continually trying find ideas for the area to be utilised. Please DO NOT put outdoor movies in this area. An area that more or less is used for the annual Leederville long table dinner is not a good investment. These places should only be created where required, not for the hell of it.
- Where there is already traffic congestion or where there are am/pm bus lanes.
- Noisy streets.
- Nope. And please don't listen to the people who complain about lack of parking. We need less cars and more bicycles and pedestrians in Leederville.
- Just make sure they're useful.
- Too close to intersections.
- Mount Hawthorn strip.
- Main retail strips e.g. Oxford St and Scarborough Beach Road.

Question 15 - Which designs would you support in Vincent?

1



2



3



4



5



6

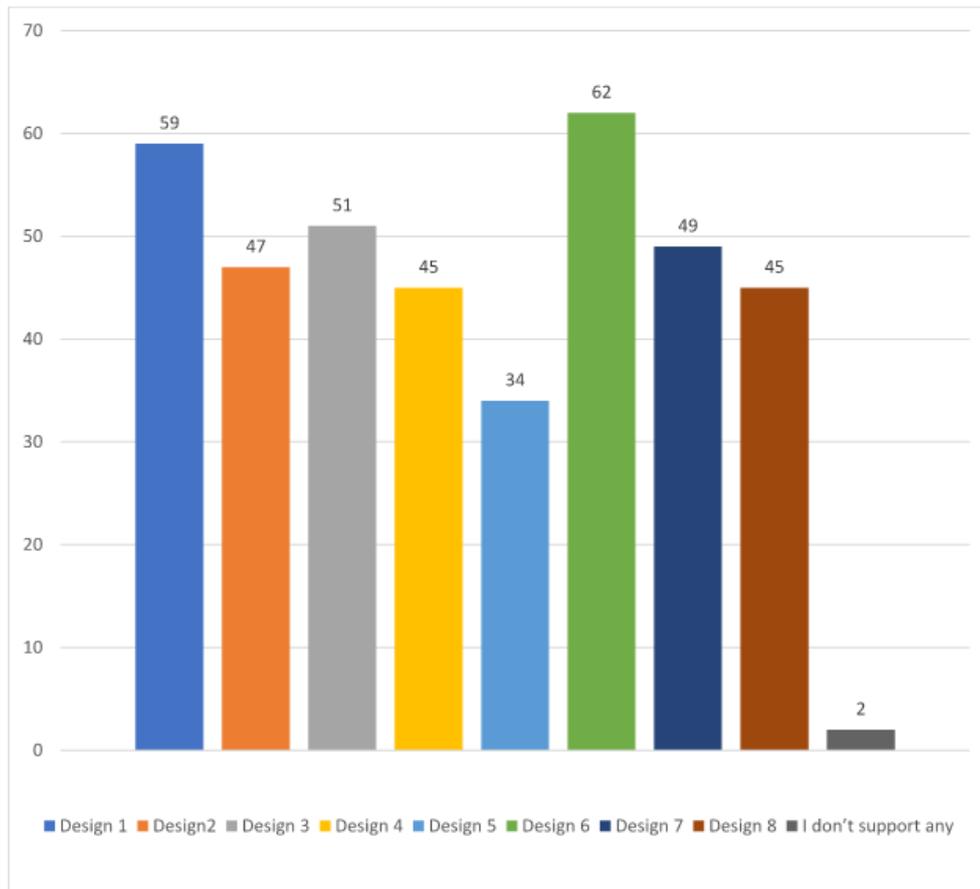


7



8





Question 16- Do you have any concerns with what vibrant public spaces would be used for or where they would be located in Vincent?

Most respondents did not answer this question. The responses from those who did are as follows (verbatim):

- Nope - the more the better.
- No, the more investment in these spaces the better if they are well executed. Would love to see a nice meeting space like the Mary Street Piazza or Oxford Street Reserve in the Mount Lawley town centre.
- No but I think putting them adjacent to businesses ensures that they're kept clean.
- Yeah, unless targeted at kids or made from recycled materials they could be replaced with chairs?
- My only concern is that there needs to be a break left between parklets/vibrant public spaces for pedestrians to cross from one side of the street to the other.
- Anti-social behaviour
- No - I think it's great that the local government are considering increasing pedestrian vibrancy while also supporting business indirectly.
- Only that I don't like to see them occupied by people smoking or begging.
- Beaufort St parking issues Parking cash in lieu for empire site should go towards purchasing the Barlee St carpark and multi-story car parking.
- In front of private homes that aren't in business areas.
- Homeless people vandalising, people using for drugs, antisocial behaviour.

- Just, who would clean it?
- As long as they're maintained and kept clean.
- they don't look open to the public.
- Not really as long as it doesn't cause congestion along the street.
- When connected to a business, they are more likely to be looked after and maintained. I dislike those horrible looking plastic containers in design 5. We have something similar in Leederville, connection between Oxford Street and car park next to IGA. Plastic containers and olive trees - just repulsive. Can we not make that passageway nicer looking??
- Removing delineation between pedestrian and vehicle areas is confusing for children who are otherwise conscious of using caution when crossing the street.
- Don't wall them off as then becomes dangerous what lurks behind.
- Only concern is passing traffic. The vibrant public space must be separated and safe from traffic.
- No - the more you cut cars out the better.
- only potential 'exclusion' via misunderstandings.
- need to have shade/shelter.
- We need to consider where these are located, especially when near eatery businesses. This gives the impression they are an extension of the adjacent food business.
- Work in conjunction with local business and residents directly adjacent to decide the best use of space.
- No, however it has been flagged by young parents that it is hard to find a place that is central and easy to get to, when meeting others before heading off to a cafe. ie a square or plaza that is safe for kids and comfortable from the weather.
- Late night use / noise, cleaning, homeless sleeping - they do need to sleep somewhere - maybe some of your budget should also go to social issues not just pretty things.

Question 17 - Do you have any final comments or thoughts?

Most respondents did not answer this question. The responses from those who did are as follows (verbatim):

- Install more in front of cafes, bars, and eateries to make the town more vibrant.
- Love your work, Vincent. Keep the good stuff coming!
- The more parklets and vibrant spaces the merrier! They make businesses and the public realm so much better and more enjoyable. I'd love to see more in Vincent. It's one of the things that sets us apart from everywhere else.
- Hopefully they are recycled when they go out of fashion.
- Love the idea of vibrant public spaces.
- Really appreciate the City's efforts - Fantastico
- As a business owner I would love the opportunity to host a Vibrant Space. 236b Lake Street Perth - a wide footpath, West facing and no shade at the end of the street.
- Given these cost so much, can the CoV Men's Shed help construct some at least? They have equipment and many members I believe.
- I love the initiative it really creates a vibrant space for the public.
- Great initiative! Hope to see more!
- Cheaper parking, or more designated parking areas such as free 1 hr parking in Leederville.
- Keep on doing a great job improving city of Vincent. Thank you.
- Love your work :)
- Make Oxford Street from the traffic circle to the ref light pedestrian only. Add lots of free seating and community square.
- Concern that proponent led proposals result in privatization of public space that is not defined or regulated.
- Go for it! Build more parklets and vibrant public spaces throughout the City of Vincent. Cars should not dominate a community. People and nature should!!

- I love this idea, and I think they should all have a uniform identity. City of Vincent is so diverse, that I love the idea of a common theme like this through the City and it would help them be better understood as a public space. As much as I love having our current parklets, I think they are usually tacky looking and don't age well (particularly the use of pallets). I think those example pictures show we can do something really interesting and more elegant.
- Love what you're doing.
- Great idea by Council.
- Let's make our entertainment centres user friendly. The more people using them the friendlier the surrounding areas.
- A little book or magazine rack? Litter bin in bright colours. Bike stand. You can make from a tree stump with cut outs for wheels.
- Keep making our city vibrant and inclusive.
- Make sure the benefit is worth the \$12k plus.
- If landscaping is provided, who will look after it? Mt Hawthorn has a lot of planters, but the plants tend to not be looked after and die in summer, someone needs to be made accountable and take ownership of the gardens/planters.
- I love these initiatives. It's a great way to bring some life to the streets.
- I think more attention needs to be made to the ability of residents and business vehicles to exit from these sites so that the ability to see oncoming traffic is not impeded.
- Please take prompt action to improve Oxford Street rather than endless Council studies, reports etc but try to have a consistent standard and theme / design instead of adding in more clutter that looks bad and fills up the footpath (like those terrible new planters that are 90% big ugly grey box and only 10% plants).
- Please ensure these are all no smoking areas and regularly cleaned.

VIBRANT PUBLIC SPACES POLICY



Legislation / local law requirements	<i>Building Act 2011</i> <i>Building Regulations 2012</i> <i>Local Government Act 1995</i> <i>Local Government (Uniform Local Provisions) Regulations 1996</i> <i>Land Administration Act 1997</i> <i>Planning and Development Act 2005</i> <i>Planning and Development (Local Planning Schemes) Regulations 2015</i> <i>Local Government Property Local Law 2021</i>
Relevant delegations	2.2.10 Obstruction of footpaths and thoroughfares under the <i>Local Government Act 1995</i> 2.2.30 Delegation of execution of documents under the <i>Local Government Act 1995</i>
Related policies, procedures and supporting documentation	Local Planning Policy 7.1.1 – Built Form Local Planning Policy 7.5.1 – Minor Nature Development Policy 2.2.4 – Verge Treatments, Planting and Beautification

PART 1 - PRELIMINARY

INTRODUCTION

The City of Vincent Strategic Community Plan 2018 - 2028 (SCP) sets the community vision, priorities and aspirations for the City and includes the Thriving Places priority: *“Our vibrant places and spaces are integral to our identity, economy and appeal. We want to create, enhance and promote great places and spaces for everyone to enjoy”*.

To achieve this priority, the Vibrant Public Spaces Policy (Policy) seeks to facilitate public and private investment in the public realm for the benefit of the community.

PURPOSE

The purpose of this Policy and its Vibrant Public Spaces Policy Guidelines (Guidelines) is to provide guidance on the permissibility, requirements and management responsibilities for third party (applicant) proposals to deliver vibrant public spaces on City owned and managed land.

POLICY OBJECTIVES

The objectives of this Policy and its Guidelines are to ensure vibrant public space proposals:

1. achieve the Vibrant Public Space Design Objectives (Design Objectives);
2. facilitate public and private investment in the public realm for the benefit of the community;
3. encourage pedestrian activity and social interaction;
4. enhance the public realm and sensitively respond to local character and context; and
5. achieve design outcomes that meet community expectations.

VIBRANT PUBLIC SPACES POLICY



POLICY OPERATION

The Policy and its Guidelines are performance-based. The performance-based approach is applied through a set of Design Objectives to enable site-specific outcomes to be achieved. This reflects that every place and streetscape is different and allows design to be tailored to the local context and specific needs and characteristics of each place.

Vibrant public space proposals need to demonstrate that they achieve the Design Objectives relevant to each proposal type, as outlined in the Guidelines.

While addressing the applicable design requirements and location requirements, as outlined in the Guidelines, is likely to achieve the Design Objectives, they are not a deemed-to-comply pathway and the proposal will be assessed in the context of the entire design solution to ensure the Design Objectives are achieved. Proposals may also satisfy the Design Objectives via alternative means or solutions.

SCOPE

This Policy and its Guidelines apply to vibrant public space proposals on City owned and managed land including:

- **City freehold land:** land which the City owns and is listed as the registered proprietor on the Certificate of Title, such as a park or other public open space;
- **Crown reserve:** parks or public recreation areas reserved by the Minister for Lands for a purpose in the public interest and vested (pursuant to a Manager Order or other vesting document) in the City under section 46 of the Land Administration Act 1997; and
- **road reserve:** the verge, kerb, carriageway and footpath areas adjacent to road which the City has care, control and management of under section 55(2) of the Land Administration Act 1997.

This Policy does not apply to structures, developments or infrastructure proposed on City owned and managed land by a public authority. Such proposals are to be considered in accordance with the *Public Works Act 1902*, the *Main Roads Act 1930* or other enabling legislation.

PART 2 - POLICY PROVISIONS

DEFINITIONS

adjacent means that on which a vibrant public space proposal sits.

affixed eating area furniture means any affixed or significantly weighted bench, seat, table, planter box, umbrella, light or other item that may be reasonably characterised as eating area street furniture for the use, benefit and enjoyment of business patrons, during business operating hours, and the public, out of business operating hours.

base means that on which a vibrant public space proposal sits.

VIBRANT PUBLIC SPACES POLICY



carriageway means a portion of road that is designed or ordinarily used for vehicular traffic, and includes the shoulders, and areas, including embayments, at the side or centre of the carriageway, used for the stopping or parking of vehicles.

clear corner zone means the area as measured at a 45° angle from the building corner left clear of any structures for the free passage of the public within the footpath and the carriageway.

clear pedestrian zone means the area within the footpath section of the road reserve left clear and of any structures for pedestrian travel which must be maintained at all times for the free passage of the public.

decked platform means a horizontal surface or structure raised above or flush with the ground level of the surrounding area. A decked platform can form the base of a parklet, eatlet or other proposal.

eatlet means an outdoor eating area during business operating hours and small public park out of business operating hours. Eatlets are reserved for customers of particular businesses during business operating hours and are available for anyone to use out of business operating hours. An eatlet repurposes part of the street into a dual purpose outdoor eating area and small public park through the provision of seating, shade and greenery.

footpath means the part of the road reserve designated and built for the movement and rest of pedestrians.

frontage zone means the area immediately adjacent to the abutting property between the property boundary and the end of the clear pedestrian zone.

kerb buffer means the 600mm minimum space maintained clear at all times between the face of the kerb and the start of either the kerbside zone or the clear pedestrian zone.

kerbside zone means the area between the end of the kerb buffer and the clear pedestrian zone.

new paving means paving that was not previously there. New paving can form the base of a parklet, eatlet or other proposal.

outdoor eating area means an outdoor eating facility or establishment on any part of the a public place in which furniture is provided for the purpose of the supply of food or drink to the public or the consumption of food or drink by the public, but does not include such a facility or establishment on private land.

outdoor eating area permit means a permit granted by the City to an approved food premises and/or licensed premises allowing the footpath to be used by for the service of food and drink and/or the placement of temporary furniture during business operating hours.

parklet means a small public park set into the existing streetscape. Parklets are for anyone to use at all times, and are not reserved for customers of particular businesses. Parklets repurposes part of the street into a public space for people through the provision of seating, shade and greenery.

pop-up eatlet means a pop-up outdoor eating area during business operating hours and small public park out of business operating hours. Pop-up eatlets are reserved for customers of particular businesses during business operating hours and are available for anyone to use out of business operating hours. A pop-up eatlet repurposes part of the street into a dual purpose outdoor eating area and small public park through the provision of seating, shade and greenery during a City approved or acknowledged event.

VIBRANT PUBLIC SPACES POLICY



pop-up parklet means a small pop-up public park set into the existing streetscape. Pop-up parklets are for anyone to use at all times, and are not reserved for customers of particular businesses. Pop-up parklets repurposes part of the street into a small public park through the provision of seating, shade and greenery during a City approved or acknowledged event.

public authority means a Minister of the State; an agency, authority or instrumentality of the State; or a local government; or a body, whether corporate or unincorporate, that is established or continued for a public purpose under a written law.

public realm means all public spaces including thoroughfare or streets, public car parks, reserves/public open space, civic squares and other areas used by and accessible to the community.

street furniture means any affixed or weighted bench, seat, table, litter bin, planter box, light, umbrella, bicycle rack or other item that may be reasonably characterised as street furniture for the use, benefit and enjoyment of the public on City owned and managed land.

t-top bollard means any flexible bollard with reflective bands in order to increase visibility. These are considered to be a temporary safety measure, used to direct vehicle and pedestrian traffic.

verge means that part of a thoroughfare or street between the carriageway and the land which abuts the thoroughfare, but does not include a footpath.

vibrant public space means an area in the public realm that supports social interaction and community engagement, and provides pedestrian amenity for everyone to enjoy.

vibrant public space proposal means any third party proposal which seeks to enhance City owned and managed land for the benefit of the community.

POLICY

1. Permissibility and Assessment

The suitability of utilising public space to facilitate vibrant public space proposals is site specific and dependent on the individual streetscape and context relevant to each proposal.

- 1.1 Vibrant public space proposals are to achieve the applicable Design Objectives, address the applicable design and location requirements, and meet the approval requirements as prescribed in Table 1 and the Guidelines.
- 1.2 Vibrant public space proposal applicants are to meet the applicable applicant responsibilities as prescribed in the Guidelines.
- 1.3 Where a proposal type is not specified or the proposal does not meet the permissibility or requirements as prescribed in Table 1, the proposal may be considered under 'other proposal' type and assessed against the Design Objectives.
- 1.4 Proposals that do not meet the Design Objectives shall not be progressed through the approvals process and shall not be approved.

VIBRANT PUBLIC SPACES POLICY



Table 1.

	DESIGN & LOCATION PERMISSIBILITY											APPROVAL REQUIREMENT														
	Existing Ground Surface	Decked Platform	New Paving	Verge	Footpath	Carriageway	Reserve/Public Open Space	Town Centre	Activity Corridor	Mixed Use	Transit Corridor	Residential	Reserves	Adjacent Businesses/ Tenants	21 Days/ Owners/ Occupiers 100m Radius	Website/ Notice in Business Window	28 Days/ Owners/ Occupiers 200m Radius	Sign on Site/ Local Newspaper	Structural/ Product Certification	Building Approval	Delegated Authority/ Agreement	Development Application/ Planning Approval	Council Decision/ Licence	Application/ Design Approval	Annual Renewal	
✓ permitted or required																										
+ complete vibrant public space proposal application received for assessment																										
• permitted where located adjacent an existing approved business, excluding a home business																										
○ required where located in the Transit Corridor Built Form Area or Residential Built Form Area																										
* building permit required where a proposal exceeds 10sqm in area or 2.4m in height, as building code exemptions do not apply under Building Regulations 2012, Sch 4, Clause 2																										
^ required where the base is new paving																										
VIBRANT PUBLIC SPACE TYPE	Base	Location	Built Form Area ¹	Engagement ²	Approval	Fee																				
STREET FURNITURE	✓		✓	✓			✓	✓	✓	•	•	•	✓					✓	✓							
AFFIXED EATING AREA FURNITURE	✓		✓	✓			✓	✓	✓	•	•	•	✓	○	○			✓	✓						✓	
POP-UP PARKLET / POP-UP EATLET	✓				✓		✓	✓	✓	•	•	•	✓					✓	✓							
PARKLET / EATLET	✓	✓	✓	✓	✓		✓	✓	✓	•	•	•	✓	✓	✓			✓	*	✓				^	✓	
OTHER PROPOSAL	+	+	+	+	+	+	+	+	+	+	+	+	✓		✓	✓	✓	✓	*		✓	✓	✓	✓	✓	

1 The listed Built Form Area means the area identified by the same name in [Local Planning Policy 7.1.1 - Built Form](#). The Built Form Area permissibility relates to City owned and managed land within and adjacent to the specified Built Form Area.

2 Where proposals meet the design and location requirements prescribed in the Guidelines, engagement will be undertaken to inform the community. Where proposals are classified as 'other proposal' or do not meet the design and location requirements, engagement will be undertaken to consult with the community.

2. Design Objectives

Achieving good vibrant public space design requires reconciling a range of different, often competing, objectives, which vary according to the scale, context and type of vibrant public space proposed. Good vibrant public space design requires application of design-thinking in the context of addressing local challenges as well as a performance-based approach to assessment.

In the context of State Planning Policy 7.0 *Design of the Built Environment* (WAPC, 2019)(SPP 7.0) and 7.2 *Precinct Design* (WAPC, 2021)(SPP 7.2), the Design Objectives listed below have been developed to specify the role of vibrant public space design in achieving the objectives of this Policy and addressing the principles and outcomes of SPP 7.0 and SPP 7.2.

2.1 Context and character

Respond to and enhance the distinctive characteristics of a local area, contributing to a sense of place.

2.2 Landscape quality

Integrate landscape design and contribute to community wellbeing through the protection and/or

VIBRANT PUBLIC SPACES POLICY



enhancement of the green network.

- 2.3 **Built form and scale**
Ensure that massing and height are appropriate and sympathetic to existing built form and the intended future character of the local area.
- 2.4 **Functionality and build quality**
Meet the needs and expectations of the community, balancing durability, maintenance and service access requirements with aesthetic quality.
- 2.5 **Sustainability**
Contribute positively to environmental, social and economic outcomes through passive environmental design, enhancement of the green network and promotion of active transport modes.
- 2.6 **Amenity**
Provide comfortable spaces for the community that encourage physical activity, enable a range of uses, and are accessible to all.
- 2.7 **Legibility**
Provide places that are legible, with good lines of sight to key locations, clear connections and easily identifiable elements to help people find their way around.
- 2.8 **Safety**
Optimise safety and security, supporting safe behaviour and use, by maximising opportunities for passive surveillance, integrating safety requirements, and following Crime Prevention through Environmental Design (CPTED) design principles.
- 2.9 **Community**
Respond to local community needs and the wider social context by delivering a mix of public spaces that support a diverse range of people and facilitate social interaction.
- 2.10 **Aesthetics**
Contribute to a unique place identity, high level of amenity, and result in attractive and inviting places through scale, arrangement, articulation and material quality.

OFFICE USE ONLY	
Responsible Officer	Manager Policy & Place
Initial Council Adoption	
Previous Title	
Reviewed / Amended	



CITY OF VINCENT

VIBRANT PUBLIC SPACES POLICY GUIDELINES

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INTRODUCTION

What are the Vibrant Public Space Policy Guidelines?

The Vibrant Public Spaces Policy Guidelines (Guidelines) provide supporting information to assist:

- the City to implement the Vibrant Public Spaces Policy (Policy); and
- local businesses, property owners and not-for-profit/community groups to deliver vibrant public spaces on City owned and managed land.

What is a vibrant public space?

Vibrant public spaces are areas in the public realm that support social interaction and community engagement. They are spaces which provide pedestrian amenity and are for everyone to enjoy.

What is a vibrant public space proposal?

Vibrant public space proposals are third party proposals which seek to enhance City of Vincent (City) owned and managed land for the benefit of the community.

Why host a vibrant public space?

Vibrant public spaces add value to the surrounding area by repurposing City owned and managed land. They

- enhance underutilised space, provide pedestrian amenity and present opportunities for community connection, greening and public art;
- encourage pedestrian movement and activity to activate the public realm;
- support businesses by fostering vibrancy and encouraging people to linger longer; and
- complement the character of the existing streetscape and local neighbourhood and provide opportunities for creative expression.

Who can apply to host a vibrant public space?

Any business, property owner or not-for-profit/community group (applicant) can apply to host a vibrant public space.

What are the Vibrant Public Space Design Objectives?

Every place and streetscape in the City is different and the following set of Design Objectives enable a performance-based approach to vibrant public space proposal assessment.

Vibrant public space proposals need to demonstrate that they achieve the Design Objectives relevant to each proposal type, as outlined in Sections 01-05.

Design Objectives:

1. **Context and character** Respond to and enhance the distinctive characteristics of a local area, contributing to a sense of place.
2. **Landscape quality** Integrate landscape design and contribute to community wellbeing through the protection and/or enhancement of the green network;
3. **Built form and scale** Ensure that massing and height are appropriate and sympathetic to existing built form and the intended future character of the local area;
4. **Functionality and build quality** Meet the needs and expectations of the community, balancing durability, maintenance and service access requirements with aesthetic quality;
5. **Sustainability** Contribute positively to environmental, social and economic outcomes through passive environmental design, enhancement of the green network and promotion of active transport modes;
6. **Amenity** Provide comfortable spaces for the community that encourage physical activity, enable a range of uses, and are accessible to all;
7. **Legibility** Provide places that are legible, with good lines of sight to key locations, clear connections and easily identifiable elements to help people find their way around;
8. **Safety** Optimise safety and security, supporting safe behaviour and use, by maximising opportunities for passive surveillance, integrating safety requirements, and following Crime Prevention through Environmental Design (CPTED) design principles;
9. **Community** Respond to local community needs and the wider social context by delivering a mix of public spaces that support a diverse range of people and facilitate social interaction; and
10. **Aesthetics** Contribute to a unique place identity, high level of amenity, and result in attractive and inviting places through scale, arrangement, articulation and material quality.

Which type of vibrant public space to host?

The City accepts applicant proposals for the following vibrant public space types for assessment:

To assist in determining which type to host, refer to the flowchart on page 6.

STREET FURNITURE

Street furniture is:

- any affixed or significantly weighted bench, seat, table, litter bin, planter box, umbrella, light, bicycle rack or other item that may be reasonably characterised as street furniture



street furniture - planter box

AFFIXED EATING AREA FURNITURE

Affixed eating area furniture is:

- any affixed or significantly weighted bench, seat, table, planter box, umbrella, light or other item that may be reasonably characterised as eating area furniture
- associated with an existing approved outdoor eating area for the use, benefit and enjoyment of business patrons, during business operating hours, and the public, out of business operating hours, on City owned and managed land



eating area furniture

POP-UP PARKLET

A pop-up parklet is:

- a small pop-up public park set into the existing streetscape.
- for anyone to use at all times, and are not reserved for customers of particular businesses.
- the repurposing of part of the street into a small public park through the provision of seating, shade and greenery during a City approved or acknowledged event.



pop-up parklet Source: Old Perth Road Collective

POP-UP EATLET

A pop-up eatlet is:

- a pop-up outdoor eating area during business operating hours and small public park out of business operating hours.
- reserved for customers of particular businesses during business operating hours and are available for anyone to use out of business operating hours.
- the repurposing of part of the street into a dual purpose outdoor eating area and small public park through the provision of seating, shade and greenery during a City approved or acknowledged event.



pop-up eatlet Source: Streetsblog California

PARKLET

A parklet is:

- a small public park set into the existing streetscape
- for anyone to use at all times, and are not reserved for customers of particular businesses
- the repurposing of part of the street into a public space for people through the provision of seating, shade and greenery



parklet

EATLET

An eatlet is:

- an outdoor eating area during business operating hours and small public park out of business operating hours
- reserved for customers of particular businesses during business operating hours and are available for anyone to use out of business operating hours
- the repurposing of part of the street into a dual purpose outdoor eating area and small public park through the provision of seating, shade and greenery.



eatlet

OTHER PROPOSAL

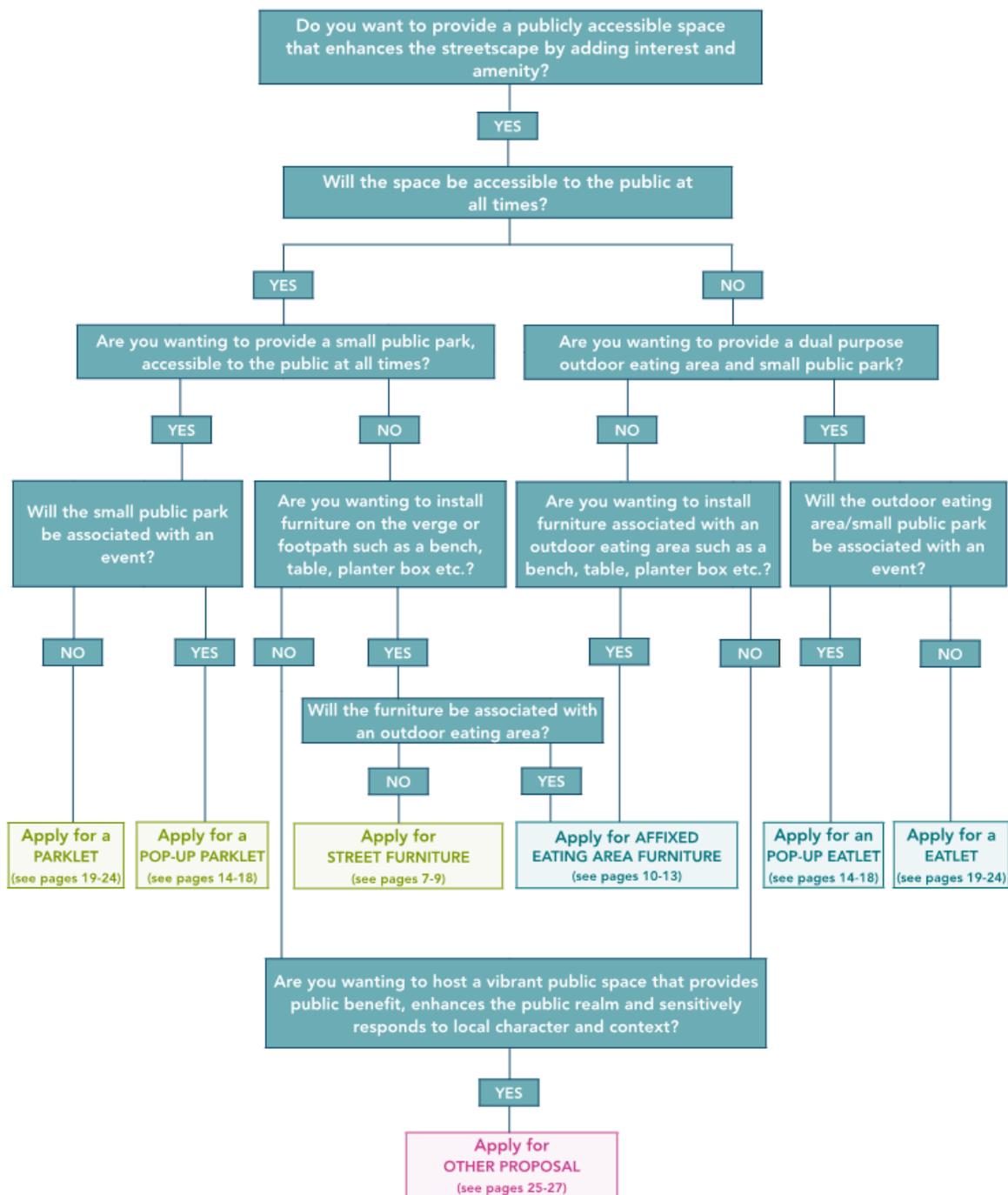
An other proposal is:

- a vibrant public space proposal not specified in the Vibrant Public Spaces Policy which addresses the Policy Objectives and achieves the Vibrant Public Space Design Objectives



other proposal

Which type of vibrant public space to host?



01 STREET FURNITURE

1.1 Design and Location Permissibility

Street furniture proposals that meet the permissibility requirements prescribed in the table below shall be accepted for assessment:

DESIGN & LOCATION PERMISSIBILITY												
Existing Ground Surface	Decked Platform	New Paving	Verge	Footpath	Carriageway	Reserve/Public Open Space	Town Centre	Activity Corridor	Mixed Use	Transit Corridor	Residential	Reserves
Base		Location				Built Form Area						
✓			✓	✓			✓	✓	✓	•	•	

- ✓ permitted
- permitted where located adjacent an existing approved business, excluding a home business

1.2 Design Objectives

DESIGN OBJECTIVES
<p>O1.2.1 Respond to and enhance the distinctive characteristics of a local area, contributing to a sense of place.</p> <p>O1.2.2 Integrate landscape design and contribute to community wellbeing through the protection and/or enhancement of the green network.</p> <p>O1.2.3 Meet the needs and expectations of the community, balancing durability, maintenance and service access requirements with aesthetic quality.</p> <p>O1.2.4 Provide comfortable spaces for the community that encourage physical activity, enable a range of uses, and are accessible to all.</p> <p>O1.2.5 Provide places that are legible, with good lines of sight to key locations, clear connections and easily identifiable elements to help people find their way around.</p>

1.3 Design Requirements

DESIGN REQUIREMENTS
<p>D1.3.1 Street furniture design including materials, colour and finish shall be in keeping with the surrounding streetscape and streetscape palette.</p> <p>D1.3.2 Street furniture must be of an appropriate scale in relation to other elements of the streetscape and not have the visual or apparent effect of enclosing a public space.</p> <p>D1.3.3 Each bench, seat, table, planter box and bicycle rack, shall be no more than 900mm in height and 1500mm in length, unless additional height and length can be demonstrated to meet Design Objectives O1.2.1 and O1.2.5</p> <p>D1.3.4 Umbrellas shall have a minimum clearance of 2400mm from the finished ground level to the lowest part of the umbrella canopy.</p> <p>D1.3.5 Street furniture must be made of durable materials and free of protrusions and sharp edges.</p> <p>D1.3.6 Street furniture must be affixed or weighted to the satisfaction of the City and must be able to be removed within a 24 hour period without damage to the footpath, verge or any surrounding service pits. Part or all of the street furniture may need to be temporarily or permanently removed for street improvements, utility work, service access or emergencies.</p> <p>D1.3.7 Business logos, advertising or other branding is prohibited. A small unobtrusive plaque recognising proposal sponsors and material donors may be acceptable if in line with the Design Objectives.</p>

1.4 Location Requirements

LOCATION REQUIREMENTS
<p>L1.4.1 Street furniture must be located on an existing verge or footpath.</p> <p>L1.4.2 Street furniture shall only be permitted in or adjacent the Town Centre Built Form Area, Activity Corridor Built Form Area, Mixed Use Built Form Area or in or adjacent the Transit Corridor Built Form Area and Residential Built Form Area where located adjacent to an existing business, owned or tenanted by the applicant, excluding a home business.</p>

01 STREET FURNITURE | 02 AFFIXED FURNITURE | 03 POP-UP PARKLET/EATLET | 04 PARKLET/EATLET | 05 OTHER PROPOSAL

LOCATION REQUIREMENTS

L1.4.3 Where street furniture is proposed adjacent to a business or tenancy or encroaches in front of a business or tenancy, the location must be supported by the adjacent business or tenant.

L1.4.4 Street furniture must be located a minimum of 600mm from any service pit or pedestrian ramp.

L1.4.5 Street furniture shall be located to provide a minimum 2000mm width clear pedestrian zone, unless:

- the width cannot be provided due to the design of the existing streetscape;
- no alternative location for street furniture exists in close proximity to the applicant’s business or tenancy; and
- a reduced width can be demonstrated to meet Design Objectives O1.2.4 and O1.2.5.

Where a reduced clear pedestrian zone is deemed appropriate, a minimum width of no less than 1500mm must be maintained at all times.

L1.4.6 Street furniture must be located to ensure the clear pedestrian zone aligns with the clear pedestrian zone in front of neighbouring properties to provide pedestrians with a clear and uninterrupted passage along any footpath.

L1.4.7 Street furniture must be located to provide a minimum 600mm kerb buffer between the face of the kerb and the start of the kerbside zone.

L1.4.8 Street furniture must not impede pedestrian, cyclist or vehicle access and sightlines.

L1.4.9 Street furniture shall be located outside of any clear corner zone as measured at a 45° angle from the corner of a corner lot building, unless the street furniture scale and location can be demonstrated to meet Design Objective O1.2.5

L1.4.10 Existing street furniture shall not be removed or relocated to accommodate street furniture proposals, unless the proposal can demonstrate it meets the Design Objectives O1.2.1, O1.2.4, O1.2.5 and will contribute to achieving the Policy Objectives. Where the removal or relocation of existing street furniture is supported by the City, it will be at the expense of the applicant unless otherwise scheduled through the City’s streetscape maintenance program.



1.5 Approval Requirements

Street furniture proposals must fulfill the approval requirements prescribed in the table below in order to obtain approval for installation.

APPROVAL REQUIREMENTS											
Adjacent Businesses/ Tenants	21 Days/ Owners/ Occupiers 100m Radius	Website/ Notice in Business Window	Sign on Site/ Local Newspaper	Structural/ Product Certification	Building Approval	Delegated Authority/ Agreement	Planning Approval	Council Decision/ Licence	Application/ Design	Approval	Annual Renewal
Engagement			Approval				Fee				
✓				✓		✓					

✓ required

1.6 Applicant Responsibilities

APPLICANT RESPONSIBILITIES

A1.6.1 Applicant must engage with adjacent businesses and tenants to inform them of the street furniture proposal and to obtain support for the proposal where required in relation to L1.4.3.

A1.6.2 Applicant must provide structural and/or product certification for the street furniture, as specified by the City, prior to approval.

A1.6.3 Applicant must notify the City 24hours prior to the installation of any approved street furniture, to confirm the installation date and time, and within 24hours of completing installation, to confirm installation is complete.

APPLICANT RESPONSIBILITIES

A1.6.4 Applicant must hold current a policy of insurance for Public Liability for an amount of not less than \$10,000,000.00 (ten million dollars). A copy of the current certificate is to be provided to the City.

A1.6.5 Where excavation is required, the applicant is responsible for lodging and completing a Dial Before You Dig enquiry prior to the commencement of excavation.

A1.6.6 Where excavation is required, the applicant is responsible for reinstatement to the satisfaction of the City, and the rectification of any damage to the City's infrastructure or any other service within the road reserve as a result of any works.

A1.6.7 Applicant must indemnify the City and its employees, agents or contractors, against all actions, suits, claims, damages, losses and expenses made against or incurred by the City arising from any activity, action or thing performed or erected or installed in accordance with the executed agreement.

A1.6.8 Applicant must ensure street furniture is maintained in a clean, tidy, good, inoffensive and aesthetically appealing condition at all times.

A1.6.9 Applicant must ensure any plants associated with the street furniture are maintained in a healthy, neat and tidy condition at all times.

A1.6.10 Applicant must remove the street furniture or replace any planting, at the applicant's expense, and make good to the satisfaction of the City at the request of the City, public utility provider or the Minister for Lands (if Crown land or Crown road reserve) within 14 days of receiving the request. Reasons for a request to remove street furniture may include but are not limited to streetscape maintenance, required service access and non-compliance with the executed agreement.

A1.6.11 In the case of planned maintenance, the applicant is responsible for the removal, storage and reinstallation of the street furniture.

A1.6.12 Applicant to renew vibrant public spaces agreement.

1.7 Approval Process

Street furniture proposals which achieve the design objectives, and where the applicant agrees to fulfill the applicant responsibilities, shall be approved under delegation and an agreement prepared for execution prior to installation.

- 1 Read the Vibrant Public Spaces Policy and Guidelines
- 2 **Plan your proposal**
What type of vibrant public space do you want?
- 3 **Express your interest in developing a proposal**
via mail@vincent.wa.gov.au
- 4 **Meet City representative on site**
Determine site suitability and discuss proposal ideas
- 5 **Have a conversation with your neighbours**
Will they support the proposal?
- 6 **Design your proposal in consultation with the City**
Refer design and location requirements
- 7 **Submit proposal application and plans**
Include neighbour support and certification information
- 8 **Proposal application assessment**
Meets requirements? no (return to 6) yes (progress)
- 9 **City prepares proposal application assessment report**
Proposal recommended for approval or refusal
- 10 **City prepares 24month vibrant public space agreement**
Only if proposal application approved
- 11 **Review and sign vibrant public space agreement**
- 12 **Vibrant public space agreement executed and issued**
Requires renewal by specified date
- 13 **Notify City 24hrs prior to installing street furniture and within 24hrs of completing installation**
- 14 **Enjoy and maintain the vibrant public space!**

Applicant responsibility
City of Vincent responsibility



02 AFFIXED EATING AREA FURNITURE

2.1 Design and Location Permissibility

Affixed eating area furniture proposals that meet the permissibility requirements prescribed in the table below shall be accepted for assessment:

DESIGN & LOCATION PERMISSIBILITY												
Existing Ground Surface	Decked Platform	New Paving	Verge	Footpath	Carriageway	Reserve/ Public Open Space	Town Centre	Activity Corridor	Mixed Use	Transit Corridor	Residential	Reserves
Base		Location				Built Form Area						
✓			✓	✓			✓	✓	✓	•	•	

- ✓ permitted
- permitted where located adjacent an existing approved business, excluding a home business

2.2 Design Objectives

DESIGN OBJECTIVES
<p>O2.2.1 Respond to and enhance the distinctive characteristics of a local area, contributing to a sense of place.</p> <p>O2.2.2 Integrate landscape design and contribute to community wellbeing through the protection and/or enhancement of the green network.</p> <p>O2.2.3 Meet the needs and expectations of the community, balancing durability, maintenance and service access requirements with aesthetic quality.</p> <p>O2.2.4 Provide comfortable spaces for the community that encourage physical activity, enable a range of uses, and are accessible to all.</p> <p>O2.2.5 Provide places that are legible, with good lines of sight to key locations, clear connections and easily identifiable elements to help people find their way around.</p>

DESIGN OBJECTIVES
<p>O2.2.6 Optimise safety and security, supporting safe behaviour and use, by maximising opportunities for passive surveillance, integrating safety requirements, and following Crime Prevention through Environmental Design (CPTED) design principles.</p> <p>O2.2.7 Contribute to a unique place identity, high level of amenity, and result in attractive and inviting places through scale, arrangement, articulation and material quality.</p>

2.3 Design Requirements

DESIGN REQUIREMENTS
<p>D2.3.1 Affixed eating area furniture design including materials, colour and finish shall have due regard for the surrounding streetscape and streetscape palette.</p> <p>D2.3.2 Affixed eating area furniture must be of an appropriate scale in relation to other elements of the streetscape and not have the visual or apparent effect of enclosing a public space.</p> <p>D2.3.3 Each bench, seat, table, planter box and the like shall be no more than 900mm in height and 1500mm in length, unless additional height and length can be demonstrated to meet Design Objectives O2.2.1 and O2.2.5.</p> <p>D2.3.4 Umbrellas and the like shall have a minimum clearance of 2400mm from the finished ground level to the lowest part of the umbrella canopy.</p> <p>D2.3.5 Affixed eating area furniture must be made of durable materials and free of protrusions and sharp edges.</p> <p>D2.3.6 Affixed eating area furniture must be affixed or weighted to the satisfaction of the City and must be able to be removed within a 24 hour period without damage to the footpath, verge or any surrounding service pits. Part or all of the furniture may need to be temporarily or permanently removed for street improvements, utility work, service access or emergencies.</p> <p>D2.3.7 Business logos, advertising or other branding is prohibited. A small unobtrusive plaque recognising proposal sponsors and material donors may be acceptable if in line with the Design Objectives.</p>

DESIGN REQUIREMENTS

D2.3.8 Affixed eating area furniture must incorporate Vibrant Public Space signage. The signage is to be supplied by the City and installed by the applicant. The scale of the affixed eating area furniture will determine the scale of signage required. The City shall specify the scale required prior to approval.



Vibrant Public Space Sign Example

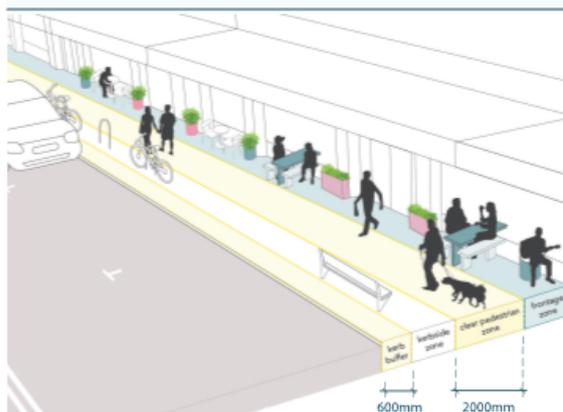
2.4 Location Requirements

LOCATION REQUIREMENTS

L2.4.1 Affixed eating area furniture must be located on an existing verge or footpath.

L2.4.2 Affixed eating area furniture shall only be permitted in or adjacent the Town Centre Built Form Area, Activity Corridor Built Form Area, Mixed Use Built Form Area or in or adjacent the Transit Corridor Built Form Area and Residential Built Form Area where located adjacent to an existing business, owned or tenanted by the applicant, excluding a home business.

L2.4.3 Affixed eating area furniture shall only be located in the frontage zone or kerbside zone within an existing approved Outdoor Eating Area in conjunction with an existing approved and current Outdoor Eating Area Permit.



LOCATION REQUIREMENTS

L2.4.4 Where the location of affixed eating area furniture encroaches in front of more than one business or tenancy, the location must be supported by the adjacent business or tenant, and tenancy owner.

L2.4.5 Affixed eating area furniture must be located a minimum of 600mm from any service pit and must be setback from existing street trees and planting, to ensure the health of the tree or planting.

L2.4.6 Affixed eating area furniture shall be located to provide a minimum 2000mm width clear pedestrian zone, unless:

- the width cannot be provided due to the design of the existing streetscape; and
- a reduced width can be demonstrated to meet Design Objectives O2.2.4 and O2.2.5.

Where a reduced clear pedestrian zone is deemed appropriate, a minimum clear pedestrian zone of no less than 1500mm must be maintained at all times.

L2.4.7 Affixed eating area furniture must be located to ensure the clear pedestrian zone aligns with the clear pedestrian zone in front of neighbouring properties to provide pedestrians with a clear and uninterrupted passage along any footpath.

L2.4.8 Affixed eating area furniture must be located to provide a minimum 600mm kerb buffer between the face of the kerb and the start of the kerbside zone.

L2.4.9 Affixed eating area furniture must not impede pedestrian, cyclist or vehicle access and sightlines.

L2.4.10 Affixed eating area furniture shall be located outside of any clear corner zone as measured at a 45° angle from the corner of a corner lot building, unless the street furniture scale and location can be demonstrated to meet Design Objective O2.2.5

L2.4.11 Existing street furniture shall not be removed or relocated to accommodate new affixed eating area furniture proposals, unless the proposal can demonstrate it meets Design Objectives O2.2.1, O2.2.4, O2.2.5 and will contribute to achieving the Policy Objectives. Where the removal or relocation of existing street furniture is supported by the City, it will be at the expense of the applicant unless otherwise scheduled through the City's streetscape maintenance program.

2.5 Approval Requirements

Affixed eating area furniture proposals must fulfill the approval requirements prescribed in the table below in order to obtain approval for installation.

APPROVAL REQUIREMENTS											
Adjacent Businesses/Tenants	21 Days/ Owners/ Occupiers 100m Radius	Website/ Notice in Business Window	Sign on Site/ Local Newspaper	Structural/ Product Certification	Building Approval	Delegated Authority/ Agreement	Planning Approval	Council Decision/ Licence	Application/ Design	Approval	Annual Renewal
Engagement			Approval				Fee				
✓	○	○		✓		✓				✓	

- ✓ required
- required where located in the Transit Corridor Built Form Area or Residential Built Form Area

2.6 Applicant Responsibilities

APPLICANT RESPONSIBILITIES
<p>A2.6.1 Applicant must engage with adjacent businesses and tenants to inform them of the affixed eating area furniture proposal and to obtain support for the proposal where required in relation to L2.4.4.</p> <p>A2.6.2 Applicant must pay vibrant public space proposal approval fee, as prescribed in the City’s annual fees.</p> <p>A2.6.3 Applicant must provide structural and/or product certification for the affixed eating area furniture, as specified by the City, prior to approval.</p> <p>A2.6.4 Applicant must notify the City 24hours prior to the installation of any approved affixed eating area furniture, to confirm the installation date and time, and within 24hours of completing installation, to confirm installation is complete.</p> <p>A2.6.5 Applicant must hold current a policy of insurance for Public Liability for an amount of not less than \$10,000,000.00 (ten million dollars). A copy of the current certificate is to be provided to the City.</p>

APPLICANT RESPONSIBILITIES
<p>A2.6.6 Where excavation is required, the applicant is responsible for lodging and completing a Dial Before You Dig enquiry prior to the commencement of excavation.</p> <p>A2.6.7 Where excavation is required the applicant is responsible for reinstatement to the satisfaction of the City, and the rectification of any damage to the City’s infrastructure or any other service within the road reserve as a result of any works.</p> <p>A2.6.8 Applicant must indemnify the City and its employees, agents or contractors, against all actions, suits, claims, damages, losses and expenses made against or incurred by the City arising from any activity, action or thing performed or erected or installed in accordance with the executed agreement.</p> <p>A2.6.9 Applicant must ensure affixed eating area furniture is maintained in a clean, tidy, good, inoffensive and aesthetically appealing condition at all times.</p> <p>A2.6.10 Applicant must ensure any plants associated with the affixed eating area furniture are maintained in a healthy, neat and tidy condition at all times.</p> <p>A2.6.11 Applicant must remove the affixed eating area furniture or replace any planting, at the applicant’s expense, and make good to the satisfaction of the City at the request of the City, public utility provider or the Minister for Lands (if Crown land or Crown road reserve) within 14 days of receiving the request. Reasons for a request to remove affixed eating area furniture may include but are not limited to streetscape maintenance, required service access and non-compliance with the executed agreement.</p> <p>A2.6.12 In the case of planned maintenance, the applicant is responsible for the removal, storage and reinstallation of the affixed eating area furniture.</p> <p>A2.6.13 Applicant must report any changes to business or property ownership to the City and ensure that if a change in ownership occurs, the applicant will either remove the affixed eating area furniture or transfer the agreement to the new owner in consultation with the City.</p> <p>A2.6.14 Applicant to renew vibrant public spaces agreement.</p> <p>A2.5.15 Applicant must install City provided and prescribed Vibrant Public Space signs prior to installation completion.</p>

2.7 Approval Process

Affixed eating area furniture proposals which achieve the design objectives, and where the applicant agrees to fulfill the applicant responsibilities, shall be approved under delegation and an agreement prepared for execution prior to installation.

1	Read the Vibrant Public Spaces Policy and Guidelines
2	Plan your proposal <i>What type of vibrant public space do you want?</i>
3	Express your interest in developing a proposal <i>via mail@vincent.wa.gov.au</i>
4	Meet City representative on site <i>Determine site suitability and discuss proposal ideas</i>
5	Have a conversation with your neighbours <i>Will they support the proposal?</i>
6	Design your proposal in consultation with the City <i>Refer design and location requirements</i>
7	Community engagement and advertising <i>If located in or adjacent the Transit Corridor or Residential Built Form Areas</i>
8	Submit proposal application and plans <i>Include neighbour support and certification information</i>
9	Proposal application assessment <i>Meets requirements? no (return to 6) yes (progress)</i>
10	City prepares proposal application assessment report <i>Proposal recommended for approval or refusal</i>
11	City prepares 24month vibrant public space agreement <i>Only if proposal application approved</i>
12	Review and sign vibrant public space agreement <i>pay approval fee</i>
13	Vibrant public space agreement executed and issued <i>Requires renewal by specified date</i>
14	Notify City 24hrs prior to installing affixed eating area furniture and within 24hrs of completing installation
15	Enjoy and maintain the vibrant public space!

Applicant responsibility
City of Vincent responsibility



03 POP-UP PARKLET/ POP-UP EATLET

3.1 Design and Location Permissibility

Pop-up parklet and pop-up eatlet proposals that meet the permissibility requirements prescribed in the table below shall be accepted for assessment:

DESIGN & LOCATION PERMISSIBILITY												
Existing Ground Surface	Decked Platform	New Paving	Verge	Footpath	Carriageway	Reserve/ Public Open Space	Town Centre	Activity Corridor	Mixed Use	Transit Corridor	Residential	Reserves
Base			Location			Built Form Area						
✓					✓		✓	✓	✓	•	•	

- ✓ permitted
- permitted where located adjacent an existing approved business, excluding a home business

3.2 Design Objectives

DESIGN OBJECTIVES
<p>O3.2.1 Respond to and enhance the distinctive characteristics of a local area, contributing to a sense of place.</p> <p>O3.2.2 Integrate landscape design and contribute to community wellbeing through the protection and/or enhancement of the green network.</p> <p>O3.2.3 Contribute positively to environmental, social and economic outcomes through passive environmental design, enhancement of the green network and promotion of active transport modes.</p> <p>O3.2.4 Provide comfortable spaces for the community that encourage physical activity, enable a range of uses, and are accessible to all.</p> <p>O3.2.5 Provide places that are legible, with good lines of sight to key locations, clear connections and easily identifiable elements to help people find their way around.</p>

DESIGN OBJECTIVES
<p>O3.2.6 Optimise safety and security, supporting safe behaviour and use, by maximising opportunities for passive surveillance, integrating safety requirements, and following Crime Prevention through Environmental Design (CPTED) design principles.</p> <p>O3.2.7 Respond to local community needs and the wider social context by delivering a mix of public spaces that support a diverse range of people and facilitate social interaction; and</p> <p>O3.2.8 Contribute to a unique place identity, high level of amenity, and result in attractive and inviting places through scale, arrangement, articulation and material quality.</p>

3.3 Design Requirements

DESIGN REQUIREMENTS
<p>D3.3.1 Pop-up parklet and pop-up eatlet materials, colours and finishes shall complement and add interest to the surrounding streetscape and streetscape palette. Materials should be durable and non-reflective, and recycled or sourced locally where possible.</p> <p>D3.3.2 Benches, seats, tables, planter boxes and the like shall be no more than 900mm in height and 1500mm in length, unless additional height and length can be demonstrated to meet Design Objectives O3.2.1 and O3.2.5</p> <p>D3.3.3 Umbrellas and the like shall have a minimum clearance of 2400mm from the finished ground level to the lowest part of the umbrella canopy.</p> <p>D3.3.4 Pop-up parklets and pop-up eatlets must be free of protrusions and sharp edges.</p> <p>D3.3.5 Pop-up parklets and pop-up eatlets must be able to be removed within a 24 hour period without damage to the footpath, verge or any surrounding service pits.</p> <p>D3.3.6 Non-slip unfixed temporary surface materials, such as astroturf, may be applied to the existing ground surface to enhance a pop-up parklet or pop-up eatlet's aesthetic appeal.</p> <p>D3.3.7 Pop-up parklet and pop-up eatlet furniture shall be freestanding and removed at the close of business each day and/or weighted to the satisfaction of the City.</p>

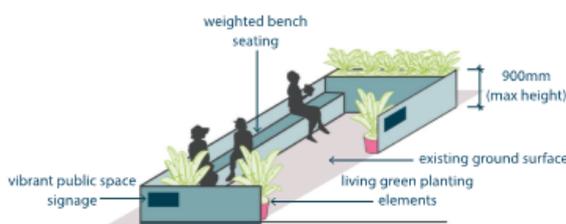
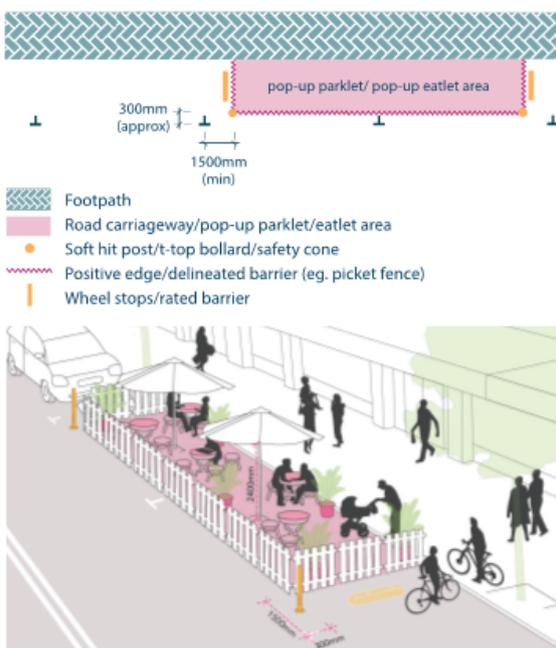
DESIGN REQUIREMENTS

D3.3.8 Pop-up parklets and pop-up eatlets shall be freestanding and not require anchoring into the City's road infrastructure. If a safety issue presents itself and anchoring is required, this will be assessed and may be approved by the City on a case by case basis.

D3.3.9 Pop-up parklets and pop-up eatlets located where a road closure is not in place must only be accessible from the adjoining footpath via an unobstructed section which must be at least 1500mm wide.

D3.3.10 Pop-up parklets and pop-up eatlets located where a road closure is not in place must include the following safety materials:

- soft hit posts, t-top bollards or 750mm road safety cones at each corner (roadside);
- wheel stops at each end unless the car bay is embayed or adjacent a tree well; and
- rated barriers at each end as specified by the City. These may not be required in all locations



DESIGN REQUIREMENTS

D3.3.11 Pop-up parklets and pop-up eatlets must have a positive edge along the road and parking bay facing sides to offer adequate protection for users from moving vehicular traffic. The positive edge can take the form of planters, picket fencing, or some other appropriate barrier type to be agreed with the City. The height and scale of the barrier required will vary depending on the local context. For example, on some low-traffic streets, a continuous edge may not be required. The City will determine this on a case by case basis in collaboration with the applicant.

D3.3.12 Pop-up parklets and eatlets shall feel open and welcoming. To ensure pop-up parklets and pop-up eatlets do not have the visual or apparent effect of enclosing a public space, positive edges are not permitted above 900mm in height from the footpath finished floor level, unless additional height is required due to the slope of the site and the proposal can be demonstrated to meet Design Objective O3.2.8.

D3.3.13 Pop-up parklets and pop-up eatlets must incorporate elements of furniture that are available for the community to use throughout the event to ensure there are places for people to sit at all times during the event.

D3.3.14 Business logos, advertising or other branding is prohibited. A small unobtrusive plaque recognising proposal sponsors and material donors may be acceptable if in line with the Design Objectives.

D3.3.15 Pop-up parklets and pop-up eatlets must have a minimum of two Vibrant Public Space signs installed. These are to be supplied by the City and installed by the applicant prior to installation completion.

D3.3.16 Pop-up parklets and pop-up eatlets must incorporate elements of living green planting (greenery), such as shrubs, succulents or trees. A minimum of 5% of the pop-up area shall be greenery. Artificial man-made green elements are not considered living green planting and are not acceptable alternatives.

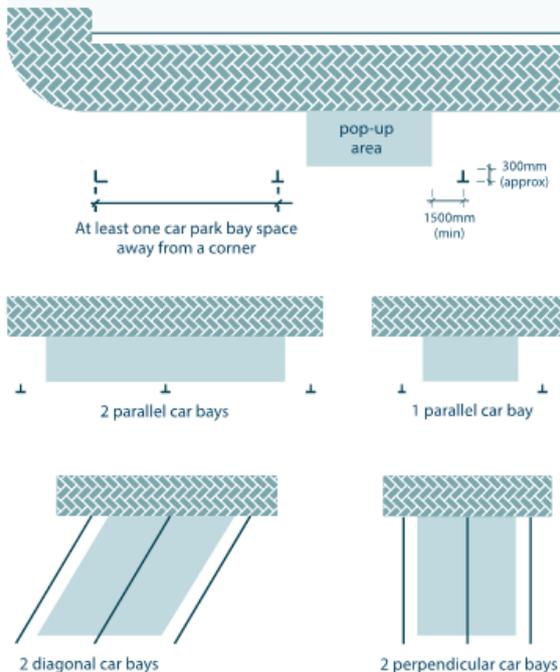


Vibrant Public Space Sign Examples

3.4 Location Requirements

LOCATION REQUIREMENTS

- L3.4.1** Pop-up parklets and pop-up eatlets must be located on the existing ground surface of a car bay within the road carriageway.
- L3.4.2** Pop-up parklets and pop-up eatlets shall only be permitted on roads where the speed limit does not exceed 40km/h, or on roads where traffic calming is in place and the speed limit does not exceed 50km/h.
- L3.4.3** Pop-up parklets and pop-up eatlets must not be located on roads classified as Primary Distributor or four lane District Distributor roads, including those with timed clearways in place.
- L3.4.4** Pop-up parklets and pop-up eatlets shall generally be setback at least one car park space from a corner, unless a reduced setback can be demonstrated to meet Design Objectives O3.2.5.
- L3.4.5** Pop-up parklets and pop-up eatlets may be permitted in on-street, parallel, angled, diagonal, perpendicular and/or paid car parking bays.
- L3.4.6** Pop-up parklets and pop-up eatlets shall have a minimum buffer distance of 1500mm between the outer edge of adjacent parking spaces and the edge of the pop-



LOCATION REQUIREMENTS

- L3.4.7** Pop-up parklets and pop-up eatlets shall have a minimum buffer distance between the roadside outer edge of the parking space and the edge of the pop-up area (approximately 300mm). This buffer distance will be determined by the City on a case by case basis
- L3.4.8** Pop-up parklets and pop-up eatlets shall not be permitted in embayed parking spaces which service public transport, on-demand transport, service vehicles or people with disabilities.
- L3.4.9** Pop-up parklets and pop-up eatlets shall only be permitted in or adjacent the Town Centre Built Form Area, Activity Corridor Built Form Area, Mixed Use Built Form Area or in or adjacent the Transit Corridor Built Form Area and Residential Built Form Area where located adjacent to an existing business, owned or tenanted by the applicant, excluding a home business.
- L3.4.10** Pop-up parklets and pop-up eatlets shall not impede or negatively impact upon pedestrian, cyclist or vehicular movement, sightlines at road junctions or vehicle access crossovers, or impede emergency vehicle movement
- L3.4.11** A maximum of two parking bays shall be used adjacent to the applicant's business or tenancy.
- L3.4.12** The use of more than two bays may be considered where there is support from neighbouring businesses or tenants and a joint vibrant public space proposal application is submitted by the businesses or tenants.
- L3.4.13** Weighted furniture must be located a minimum of 600mm from any service pit.
- L3.4.14** Pop-up parklets and pop-up eatlets must consider any street trees and planting and maintain a minimum 500mm setback to ensure the health of the tree or planting.
- L3.4.15** Existing street trees and planting shall not be removed or relocated to accommodate a pop-up parklet or pop-up eatlet proposal.
- L3.4.16** Existing street furniture shall not be removed or relocated to accommodate a pop-up parklet or pop-up eatlet proposal, unless the proposal can demonstrate it meets the Design Objectives O3.2.1, O3.2.4, O3.2.5 and will contribute to achieving the objectives of this Policy. Where the removal or relocation of existing street furniture is supported by the City, it will be at the expense of the applicant unless otherwise scheduled through the City's streetscape maintenance program.

3.5 Approval Requirements

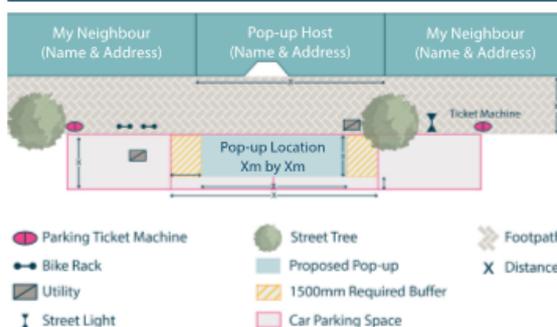
Pop-up parklet and pop-up eatlet proposals must fulfill the approval requirements prescribed in the table below in order to obtain approval for installation.

APPROVAL REQUIREMENTS											
Adjacent Businesses/ Tenants	21 Days/ Owners/ Occupiers 100m Radius	Website/ Notice in Business Window	Sign on Site/ Local Newspaper	Structural/ Product Certification	Building Approval	Delegated Authority/ Agreement	Planning Approval	Council Decision/ Licence	Application/ Design	Approval	Annual Renewal
Engagement			Approval				Fee				
✓				✓		✓					

✓ required

3.6 Applicant Responsibilities

- A3.6.1** Applicant must engage with the event organiser and adjacent businesses and tenants to inform them of the pop-up parklet or pop-up eatlet proposal and to obtain support for the proposal where required in relation to L3.4.12.
- A3.6.2** Applicant must submit complete vibrant public spaces application form inclusive of scaled site plan, proposal precedent imagery and demonstrated neighbour support.
- A3.6.3** Applicant must provide structural and/or product certification for the affixed eating area furniture, as specified by the City, prior to approval.



Site Plan Example

APPLICANT RESPONSIBILITIES

- A3.6.4** Applicant must hold current a policy of insurance for Public Liability for an amount of not less than \$10,000,000.00 (ten million dollars). A copy of the current certificate is to be provided to the City.
- A3.6.5** Applicant must indemnify the City and its employees, agents or contractors, against all actions, suits, claims, damages, losses and expenses made against or incurred by the City arising from any activity, action or thing performed or erected or installed in accordance with the executed agreement.
- A3.6.6** Applicant must notify the City 24hours prior to the installation to confirm the installation date and time, and within 24hours of completing installation, to confirm installation is complete.
- A3.6.7** Installation should not take more than six hours and will require a Traffic Management Plan, at the applicant's expense, where the installation works cannot be undertaken from the footpath.
- A3.6.8** Applicant must ensure pop-up parklets and pop-up eatlets are maintained in a clean, tidy, good, inoffensive and aesthetically appealing condition at all times.
- A3.6.9** Applicant must ensure any plants associated with the pop-up parklet or pop-up eatlet are maintained in a healthy, neat and tidy condition at all times.
- A3.6.10** Applicant must remove the pop-up parklet or pop-up eatlet and replace any planting, at the applicant's expense, and make good to the satisfaction of the City at the request of the City or public utility provider within 14 days of receiving the request. Reasons for a request to remove a pop-up parklet or pop-up eatlet may include but are not limited to required service access and non-compliance with the executed agreement.
- A3.6.11** In the case of planned maintenance, the applicant is responsible for the removal, storage and reinstallation of the pop-up parklet or pop-up eatlet.
- A3.6.12** Applicant must report any changes to business or property ownership to the City and ensure that if a change in ownership occurs, the applicant will either remove the pop-up parklet or pop-up eatlet or transfer the agreement to the new owner in consultation with the City.
- A3.6.13** Applicant must install a minimum of two City provided Vibrant Public Space signs prior to installation completion.

3.7 Approval Process

Pop-up parklet and pop-up eatlet proposals which meet the design requirements, and where the applicant agrees to fulfill the applicant responsibilities, shall be approved under delegation and an agreement prepared for execution prior to installation.

1	Read the Vibrant Public Spaces Policy and Guidelines
2	Plan your proposal <i>What type of vibrant public space do you want?</i>
3	Express your interest in developing a proposal <i>via mail@vincent.wa.gov.au</i>
4	Meet City representative on site <i>Determine site suitability and discuss proposal ideas</i>
5	Have a conversation with the event organiser and your neighbours <i>Will they support the proposal?</i>
6	Design your proposal in consultation with the City <i>Refer design and location requirements</i>
7	Submit proposal application and plans <i>Include neighbour support and certification information</i>
8	Proposal application assessment <i>Meets requirements? no (return to 6) yes (progress)</i>
9	City prepares application assessment report <i>Proposal recommended for approval or refusal</i>
10	City prepares vibrant public space agreement <i>Only if application approved</i>
11	Review and sign vibrant public space agreement
12	Vibrant public space agreement executed and issued
13	Notify the City <i>24hrs prior to installation and within 24hrs of completing installation</i>
14	Enjoy and maintain the vibrant public space!

- Applicant responsibility
- City of Vincent responsibility



04 PARKLET/ EATLET

4.1 Design and Location Permissibility

Parklet and eatlet proposals that meet the permissibility requirements prescribed in the table below shall be accepted for assessment:

DESIGN & LOCATION PERMISSIBILITY												
Existing Ground Surface	Decked Platform	New Paving	Verge	Footpath	Carriageway	Reserve/ Public Open Space	Town Centre	Activity Corridor	Mixed Use	Transit Corridor	Residential	Reserves
Base			Location			Built Form Area						
✓	✓	✓	✓	✓	✓		✓	✓	✓	•	•	

- ✓ permitted
- permitted where located adjacent an existing approved business, excluding a home business

LIQUOR LICENSING

Parklets are public at all times and not able to be licensed for the consumption of alcohol.

Eatlets are not public at all times and are able to be licensed during business operating hours. Liquor licences are issued by the Department of Local Government, Sporting & Cultural Industries (DLGSC) Liquor Licensing Directorate and the City may support an applicant's application to license an eatlet subject to the following:

- the liquor licence is to be obtained by the applicant as the eatlet host;
- the liquor licence is to be in conjunction with an approved licensed premise such as an existing restaurant or small bar;
- Liquor can only be served in the parklet during business operating hours; and
- the City reserves the right to restrict the hours when alcohol is permitted to be served in the eatlet.

4.2 Design Objectives

DESIGN OBJECTIVES

- 04.2.1 Respond to and enhance the distinctive characteristics of a local area, contributing to a sense of place.
- 04.2.2 Integrate landscape design and contribute to community wellbeing through the protection and/or enhancement of the green network.
- 04.2.3 Ensure that massing and height are appropriate and sympathetic to existing built form and the intended future character of the local area.
- 04.2.4 Meet the needs and expectations of the community, balancing durability, maintenance and service access requirements with aesthetic quality.
- 04.2.5 Contribute positively to environmental, social and economic outcomes through passive environmental design, enhancement of the green network and promotion of active transport modes.
- 04.2.6 Provide comfortable spaces for the community that encourage physical activity, enable a range of uses, and are accessible to all.
- 04.2.7 Provide places that are legible, with good lines of sight to key locations, clear connections and easily identifiable elements to help people find their way around.
- 04.2.8 Optimise safety and security, supporting safe behaviour and use, by maximising opportunities for passive surveillance, integrating safety requirements, and following Crime Prevention through Environmental Design (CPTED) design principles.
- 04.2.9 Respond to local community needs and the wider social context by delivering a mix of public spaces that support a diverse range of people and facilitate social interaction; and
- 04.2.10 Contribute to a unique place identity, high level of amenity, and result in attractive and inviting places through scale, arrangement, articulation and material quality.

4.3 Design Requirements

DESIGN REQUIREMENTS

D4.3.1 Parklet and eatlet materials, colours and finishes shall complement and add interest to the surrounding streetscape and streetscape palette. Materials should be durable and non-reflective, and recycled or sourced locally where possible.

D4.3.2 Parklets and eatlets shall transform and enhance underutilised verge, footpath or road carriageway space. They shall be designed to suit individual site locations and shall incorporate the existing ground surface, a decked platform or new paving.

D4.3.3 Where new paving is proposed, the City will consult with the applicant, design the paving enhancements and undertake the paving works at the applicant’s cost and as prescribed in the City’s annual fees and charges.

D4.3.4 Parklets and eatlets shall not adversely effect the visual permeability of the streetscape and must allow pedestrians on either side of the street to see the opposite side of the street. To maintain visual permeability, continuous opaque walls are not permitted to exceed 900mm in height from the footpath finished floor level.

D4.3.5 Parklets and eatlets shall feel open and welcoming. To ensure parklets and eatlets do not have the visual or apparent effect of enclosing a public space:

- walls are not permitted above 900mm in height from the footpath finished floor level, unless additional height is required due to the slope of the site and the proposal can be demonstrated to meet Design Objectives O4.2.1, O4.2.2, O4.2.7 and O4.2.8;
- alfresco blinds are not permitted;
- clear glazing is permitted to a maximum of 1200mm in height from the footpath finished floor level; and
- each side that does not directly abut the footpath is permitted to consist of a maximum of 25% visually permeable screening, for the sole purpose of supporting plant growth.

D4.3.6 Parklets and eatlet overhead shelter structures, such as a canopy, umbrella, arbour or shade sail, shall have a minimum vertical clearance of 2400mm from the finished ground level to the lowest part of the shelter. Overhead shelter structures must not be attached to an awning or verandah. Where an overhead shelter structure is proposed to be solid, this is to be designed and constructed to ensure stormwater drains to the road carriageway and does not impact upon the pedestrian path.

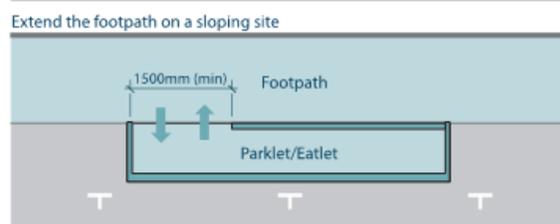
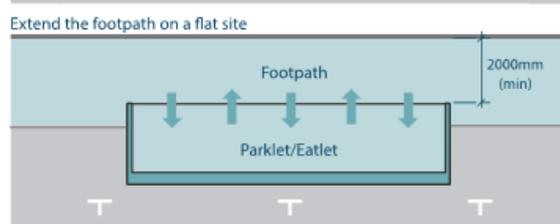
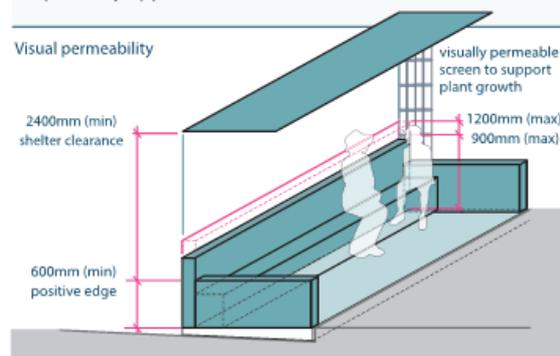
DESIGN REQUIREMENTS

D4.3.7 Parklets and eatlets located in the carriageway must have a positive edge along the road and parking bay facing sides to offer adequate protection for users from moving vehicular traffic. The positive edge must be a minimum of 600mm.

D4.3.8 Parklets and eatlets should be designed as an extension of the footpath and must be open and accessible from the adjoining footpath via an unobstructed flush or ramped section. Where the parklet or eatlet is located on a sloping site, a minimum 1500mm wide unobstructed flush section must be provided.

D4.3.9 Decked parklets and eatlets shall have a maximum gap of 10mm between the deck and the footpath. In the case of a sloping site, the applicant must work with the City to address issues of access.

D4.3.10 Decked platforms located in the carriageway should be freestanding and not require anchoring into the City’s road infrastructure. If a safety issue presents itself and anchoring is required, this will be assessed on a case by case basis and will be at the expense of the applicant and will require City approval.



DESIGN REQUIREMENTS

D4.3.11 Parklets and eatlets shall not impede the flow of kerbside drainage. A 150mm x 150mm minimum clear gutter space must be provided along the entire length of the parklet or eatlet adjacent to the kerb. Openings at either end may be covered with screens to prevent debris buildup beneath in the gutter.

D4.3.12 Decked parklets and eatlets must be modular in design to allow access for maintenance (i.e. repairs, clearing debris and streetscape maintenance).

D4.3.13 Decked platforms and any affixed furniture to the existing ground surface or new paving must be able to be removed within a 24 hour period without damage to the footpath, verge or any surrounding service pits. Part or all of the platform or furniture may need to be temporarily or permanently removed for street improvements, utility work, service access or emergencies.

D4.3.14 A minimum of 15% of the total parklet or eatlet area must be living green planting (greenery), such as shrubs, succulents, climbing plants or trees. The required area may be reduced to 10% where trees or climbing plants are incorporated into the design to provide shade canopy. Artificial man-made green elements are not considered living green planting and are not acceptable alternatives.

D4.3.15 Parklets and eatlets located in the carriageway must include the following safety materials:

- soft hit posts (roadside);
- wheel stops at each end unless the car bay is embayed or adjacent a tree well; and
- rated barriers at each end as specified by the City.

D4.3.16 Parklets and eatlets must be free of protrusions and sharp edges.



DESIGN REQUIREMENTS

D4.3.17 Parklets and eatlets must integrate permanent seating to ensure the space remains useable and welcoming after moveable furniture like tables and chairs are put away outside of business hours.

D4.3.18 Solar-powered lighting elements are strongly encouraged. Electric lighting may be permitted but will require an electrical connection to a building and a separate electrical certification and approval.

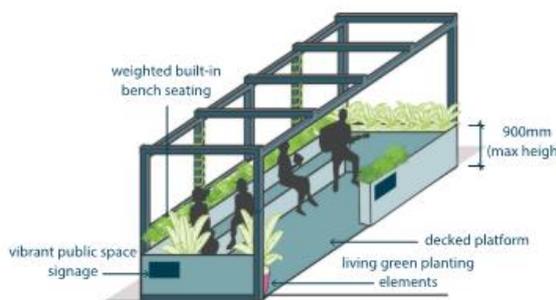
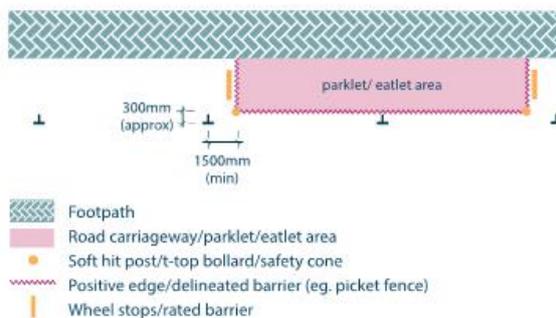
D4.3.19 Integrated bicycle parking is strongly encouraged.

D4.3.20 Business logos, advertising or other branding is prohibited. A small unobtrusive plaque recognising proposal sponsors and material donors may be acceptable if in line with the Design Objectives.

D4.3.21 Parklets and eatlets must have a minimum of two Vibrant Public Space signs installed. These are to be supplied by the City and installed by the applicant prior to installation completion.



Vibrant Public Space Sign Example



4.4 Location Requirements

LOCATION REQUIREMENTS

L4.4.1 Parklets and eatlets shall only be permitted in or adjacent the Town Centre Built Form Area, Activity Corridor Built Form Area, Mixed Use Built Form Area or in or adjacent the Transit Corridor Built Form Area and Residential Built Form Area where located adjacent to an existing business, owned or tenanted by the applicant, excluding a home business.

L4.4.2 Within the prescribed Built Form Areas, parklets and eatlets shall be located in the:

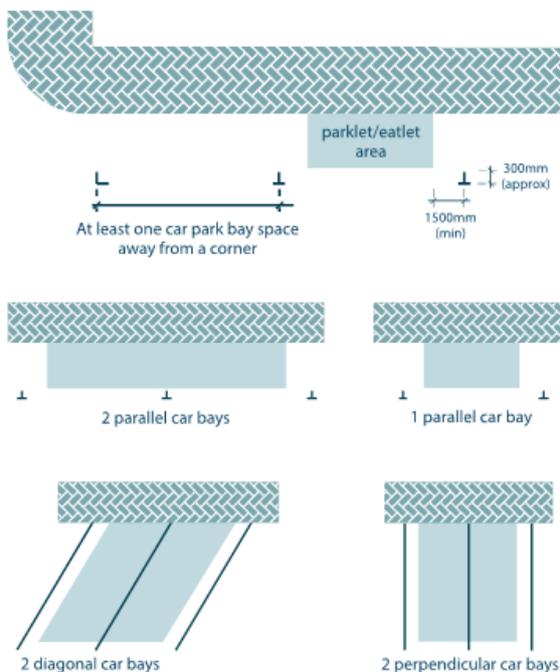
- verge;
- kerb buffer and/or kerbside zone of a footpath; or
- road carriageway.

L4.4.3 Parklets and eatlets shall not be located in the frontage zone.

L4.4.4 Parklets and eatlets shall be located to provide a minimum 2000mm width clear pedestrian zone, unless:

- the width cannot be provided due to the design of the existing streetscape; and
- a reduced width can be demonstrated to meet Design Objectives O4.2.6, O4.2.7 and O4.2.9.

Where a reduced clear pedestrian zone is deemed appropriate, a minimum clear pedestrian zone of no less than 1500mm must be maintained at all times.



LOCATION REQUIREMENTS

L4.4.5 The parklet or eatlet must be located to ensure the clear pedestrian zone aligns with the clear pedestrian zone in front of neighbouring properties to provide pedestrians with a clear and uninterrupted passage along any footpath.

L4.4.6 Parklets and eatlets shall be offset a minimum of 750mm at each end to ensure a minimum 1500mm gap is provided to allow pedestrians to traverse the street.

L4.4.7 Where located in a carriageway, parklets and eatlets shall only be permitted on roads where the speed limit does not exceed 40km/h, or on roads where traffic calming is in place and the speed limit does not exceed 50km/h.

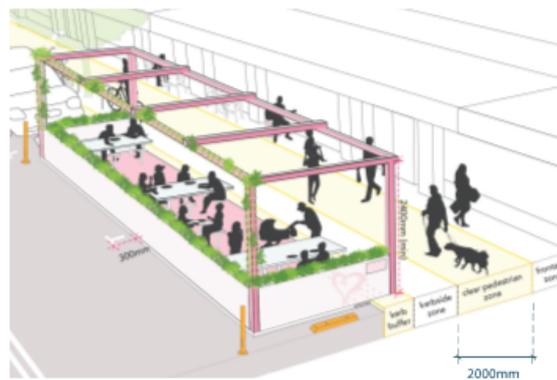
L4.4.8 Where located in a carriageway, parklets and eatlets must not be located on roads classified as Primary Distributor or four lane District Distributor roads, including those with timed clearways in place.

L4.4.9 Where located in a carriageway, parklets and eatlets shall generally be setback at least one car park space from a corner, unless a reduced setback can be demonstrated to meet Design Objectives O4.2.7.

L4.4.10 Where located in a carriageway, parklets and eatlets shall have a minimum buffer distance of 1500mm between the outer edge of adjacent parking spaces and the edge of the parklet/eatlet area.

L4.4.11 Where located in a carriageway, parklets and eatlets shall have a minimum buffer distance between the roadside outer edge of the parking space and the edge of the parklet/eatlet area (approximately 300mm). This distance will be determined by the City on a case by case basis.

L4.4.12 Parklets and eatlets may be permitted in on-street, parallel, angled, diagonal, perpendicular and/or paid car parking bays where demand in the precinct (400m walkable catchment area) does not exceed 85% occupancy.



LOCATION REQUIREMENTS
L4.4.13 Parklets and eatlets shall not be permitted in embayed parking spaces which service public transport, on-demand transport, service vehicles or people with disabilities.
L4.4.14 A maximum of two parking bays shall be used adjacent to the applicant's business or tenancy.
L4.4.15 The use of more than two bays may be considered where there is support from neighbouring businesses or tenants and a joint application is submitted by the businesses or tenants.
L4.4.16 Parklets and eatlets shall not impede or negatively impact upon pedestrian, cyclist or vehicular movement, sightlines at road junctions or vehicle access crossovers, or impede emergency vehicle movement
L4.4.17 Affixed parklet and eatlet furniture must be located a minimum of 600mm from any service pit.
L4.4.18 Parklets and eatlets must consider any exiting street trees and planting and maintain a minimum 500mm setback to ensure the health of the tree or planting.
L4.4.19 Existing street trees shall not be removed or relocated to accommodate a parklet or eatlet proposal.
L4.4.20 Existing planting shall not be removed or relocated to accommodate a parklet or eatlet proposal, unless the proposal can demonstrate it meets the Design Objectives O4.2.1, O4.2.2, O4.2.5 and will provide additional planting and/or canopy cover.
L4.4.21 Existing street furniture shall not be removed or relocated to accommodate a parklet or eatlet proposal, unless the proposal can demonstrate it meets the Design Objectives O4.2.1, O4.2.5, O4.2.6 and will contribute to achieving the objectives of this Policy. Where the removal or relocation of existing street furniture is supported by the City, it will be at the expense of the applicant unless otherwise scheduled through the City's streetscape maintenance program.

4.5 Approval Requirements

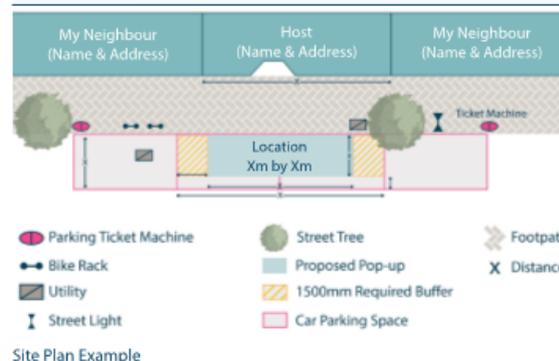
Parklet and eatlet proposals must fulfill the approval requirements prescribed in the table below in order to obtain approval for installation.

APPROVAL REQUIREMENTS											
Adjacent Businesses/ Tenants	21 Days/ Owners/ Occupiers 100m Radius	Website/ Notice in Business Window	Sign on Site/ Local Newspaper	Structural/ Product Certification	Building Approval	Delegated Authority/ Agreement	Planning Approval	Council Decision/ Licence	Application/ Design	Approval	Annual Renewal
Engagement			Approval				Fee				
✓	✓	✓		✓	*	✓			^	✓	

- ✓ required
- building permit required where a proposal exceeds 10sqm in area or 2.4m in height, as building code exemptions do not apply under Building Regulations 2012, Sch 4, Clause 2
- * 10sqm in area or 2.4m in height, as building code exemptions do not apply under Building Regulations 2012, Sch 4, Clause 2
- ^ required where the base is new paving

4.6 Applicant Responsibilities

APPLICANT RESPONSIBILITIES
A4.6.1 Applicant must engage with adjacent businesses and tenants to inform them of the parklet eatlet proposal and to obtain support for the proposal where required in relation to L4.4.15.
A4.6.2 Applicant must submit complete vibrant public space proposal application form inclusive of scaled site plan, proposal precedent imagery and demonstrated neighbour support.
A4.6.3 Applicant must pay application/design and approval fees, as prescribed in the City's annual fees and charges.
A4.6.4 Applicant must provide parklet or eatlet structural certification.



Site Plan Example

APPLICANT RESPONSIBILITIES

A4.6.5 Applicant must hold current a policy of insurance for Public Liability for an amount of not less than \$20,000,000.00 (twenty million dollars). A copy of the current certificate is to be provided to the City.

A4.6.6 Applicant must indemnify the City and its employees, agents or contractors, against all actions, suits, claims, damages, losses and expenses made against or incurred by the City arising from any activity, action or thing performed or erected or installed in accordance with the executed agreement.

A4.6.7 Where excavation is required, the applicant is responsible for lodging and completing a Dial Before You Dig enquiry prior to the commencement of excavation.

A4.6.8 Where excavation is required the applicant is responsible for reinstatement to the satisfaction of the City, and the rectification of any damage to the City's infrastructure or any other service within the road reserve as a result of any works.

A4.6.9 Applicant must notify the City 24hours prior to the installation to confirm the installation date and time, and within 24hours of completing installation, to confirm installation is complete.

A4.6.10 The parklet or eatlet shall primarily be built off site. A Traffic Management Plan, prepared at the applicant's expense, shall be required where the installation works cannot be undertaken from the footpath.

A4.6.11 Applicant must ensure parklets and eatlets are maintained in a clean, tidy, good, inoffensive and aesthetically appealing condition at all times.

A4.6.12 Applicant must ensure any plants associated with the parklet or eatlet are maintained in a healthy, neat and tidy condition at all times.

A4.6.13 Applicant must remove any decked platform, affixed street furniture and replace any planting, at the applicant's expense, and make good to the satisfaction of the City at the request of the City or public utility provider within 14 days of receiving the request. Reasons for removal requests may include but are not limited to required service access and non-compliance with the executed agreement.

A4.6.14 In the case of planned maintenance, the applicant is responsible for the removal, storage and reinstallation of the parklet or eatlet.

A4.6.15 Applicant must report any changes to business or property ownership to the City and ensure that if a change in ownership occurs, the applicant will either remove any decked platform or affixed furniture or transfer the agreement to the new owner in consultation with the City.

A4.6.16 Applicant must install a minimum of two City provided Vibrant Public Space signs prior to installation completion.

A4.6.17 Applicant to renew vibrant public spaces agreement.

4.7 Approval Process

Parklet and eatlet proposals which achieve the applicable the design requirements, and where the applicant agrees to fulfill the applicant responsibilities, shall be approved under delegation and an agreement prepared for execution prior to installation.

1	Read the Vibrant Public Spaces Policy and Guidelines
2	Plan your proposal <i>What type of vibrant public space do you want?</i>
3	Express your interest in developing a proposal <i>via mail@vincent.wa.gov.au</i>
4	Meet City representative on site <i>Determine site suitability and discuss proposal ideas</i>
5	Have a conversation with your neighbours <i>Will they support the proposal?</i>
6	Design your proposal in consultation with the City <i>Pay design fee if applicable</i>
7	Submit proposal application, plans and pay applicable fee <i>Include neighbour support and certification information</i>
8	Community engagement and advertising <i>Refer engagement requirements</i>
9	Finalise proposal application <i>Revise following community engagement as required</i>
10	Submit complete proposal application <i>Refer proposal application form and checklist</i>
11	Proposal application assessment <i>Meets requirements? no (return to 6) yes (progress)</i>
12	City prepares proposal application assessment report <i>Proposal recommended for approval or refusal</i>
13	City prepares vibrant public space agreement <i>Only if proposal application approved</i>
14	Review and sign vibrant public space agreement <i>Pay approval fee</i>
15	Vibrant public space agreement issued <i>Requires renewal by specified date</i>
16	City completes paving enhancement works <i>For applicable proposal applications</i>
17	Applying for a liquor licence for your eatlet? <i>Prepare and submit licence application to DLGSC</i>
18	Notify City 24hrs prior to installation and within 24hrs of completing installation
19	Enjoy and maintain the vibrant public space!

Applicant responsibility
City of Vincent responsibility

05 OTHER PROPOSAL

5.1 Design and Location Permissibility

Other proposals shall be accepted for assessment where a complete vibrant public spaces application form is submitted, inclusive of justification regarding how the proposal:

- is publicly accessible;
- provides public benefit;
- addresses Policy Objectives; and
- meets the Design Objectives 05.2.1 - 05.2.10.

5.2 Design Objectives

DESIGN OBJECTIVES
05.2.1 Respond to and enhance the distinctive characteristics of a local area, contributing to a sense of place.
05.2.2 Integrate landscape design and contribute to community wellbeing through the protection and/or enhancement of the green network.
05.2.3 Ensure that massing and height are appropriate and sympathetic to existing built form and the intended future character of the local area.
05.2.4 Meet the needs and expectations of the community, balancing durability, maintenance and service access requirements with aesthetic quality.
05.2.5 Contribute positively to environmental, social and economic outcomes through passive environmental design, enhancement of the green network and promotion of active transport modes.
05.2.6 Provide comfortable spaces for the community that encourage physical activity, enable a range of uses, and are accessible to all.
05.2.7 Provide places that are legible, with good lines of sight to key locations, clear connections and easily identifiable elements to help people find their way around.
05.2.8 Optimise safety and security, supporting safe behaviour and use, by maximising opportunities for passive surveillance, integrating safety requirements, and following Crime Prevention through Environmental Design (CPTED) design principles.

DESIGN OBJECTIVES
05.2.9 Respond to local community needs and the wider social context by delivering a mix of public spaces that support a diverse range of people and facilitate social interaction; and
05.2.10 Contribute to a unique place identity, high level of amenity, and result in attractive and inviting places through scale, arrangement, articulation and material quality.

5.3 Approval Requirements

Other proposals must fulfill the approval requirements prescribed in the table below in order to obtain approval.

APPROVAL REQUIREMENTS											
Adjacent Businesses/Tenants	28 Days/ Owners/ Occupiers 200m Radius	Website/ Notice in Business Window	Sign on Site/ Local Newspaper	Structural/ Product Certification	Building Approval	Delegated Authority/ Agreement	Planning Approval	Council Decision/ Licence	Application/ Design	Approval	Annual Renewal
Engagement			Approval				Fee				
✓	✓		✓	✓	*		✓	✓	✓	✓	✓

- ✓ required
- * building permit required where a proposal exceeds 10sqm in area or 2.4m in height, as building code exemptions do not apply under Building Regulations 2012, Sch 4, Clause 2

5.4 Applicant Responsibilities

APPLICANT RESPONSIBILITIES
<p>A5.4.1 Applicant must engage with adjacent businesses and tenants to inform them of the proposal.</p>
<p>A5.4.2 Applicant must complete vibrant public space proposal application form inclusive of scaled site plan, proposal precedent imagery and demonstrated neighbour support.</p>
<p>A5.4.3 Applicant must pay application/design and approval fees, as prescribed in the City’s annual fees and charges.</p>
<p>A5.4.4 Applicant must provide structural or product certification as determined by the City.</p>
<p>A5.4.5 Applicant must indemnify the City and its employees, agents or contractors, against all actions, suits, claims, damages, losses and expenses made against or incurred by the City arising from any activity, action or thing performed or erected or installed in accordance with the executed licence.</p>
<p>A5.4.6 Applicant must hold current a policy of insurance for Public Liability for an amount of not less than \$20,000,000.00 (twenty million dollars). A copy of the current certificate is to be provided to the City.</p>
<p>A5.4.7 Where excavation is required, the applicant is responsible for lodging and completing a Dial Before You Dig enquiry prior to the commencement of excavation.</p>
<p>A5.4.8 Where excavation is required the applicant is responsible for reinstatement to the satisfaction of the City, and the rectification of any damage to the City’s infrastructure or any other service within the road reserve as a result of any works.</p>
<p>A5.4.9 Applicant must ensure the vibrant public space is maintained in a clean, tidy, good, inoffensive and aesthetically appealing condition at all times.</p>
<p>A5.4.10 Applicant must ensure any plants associated with the vibrant public space are maintained in a healthy, neat and tidy condition at all times.</p>
<p>A5.4.11 Applicant must remove any affixed structures, at the applicant’s expense, and make good to the satisfaction of the City at the request of the City or public utility provider within 14 days of receiving the request. Reasons for removal requests may include but are not limited to required service access and non-compliance with the executed licence.</p>

APPLICANT RESPONSIBILITIES
<p>A5.4.12 In the case of planned maintenance, the applicant is responsible for the removal, storage and reinstallation of the vibrant public space.</p>
<p>A5.4.13 Applicant must report any changes to business or property ownership to the City and ensure that if a change in ownership occurs, the applicant will either remove any affixed structures or transfer the licence to the new owner in consultation with the City.</p>
<p>A5.4.14 Applicant to renew vibrant public spaces agreement and pay renewal fee as prescribed in the City’s annual fees and charges.</p>
<p>A5.4.15 Applicant must install City provided and prescribed Vibrant Public Space signs prior to installation completion.</p>

5.5 Approval Process

Other proposals which demonstrate they are publicly accessible and address and achieve the Policy Objectives and Design Objectives **O5.2.1 - O5.2.10** shall be progressed through the following approvals process.

01 STREET FURNITURE | 02 AFFIXED FURNITURE | 03 POP-UP PARKLET/EATLET | 04 PARKLET/EATLET | 05 OTHER PROPOSAL

1	Read the Vibrant Public Spaces Policy and Guidelines
2	Plan your proposal <i>What type of vibrant public space do you want?</i>
3	Express your interest in developing a proposal <i>via mail@vincent.wa.gov.au</i>
4	Meet City representative on site <i>Determine site suitability and discuss proposal ideas</i>
5	Have a conversation with your neighbours <i>Will they support the proposal?</i>
6	Design your proposal in consultation with the City <i>Refer design and location requirements and present to City's Design Review Panel if applicable</i>
7	Submit proposal application, plans and pay application fee <i>Include neighbour support and justification information</i>
8	Community engagement and advertising <i>Refer engagement requirements</i>
9	Finalise application <i>Revise following community engagement as required</i>
10	Submit complete application for Council consideration <i>Refer application form and checklist</i>
11	Proposal application assessment <i>Meets requirements and Policy & Design Objectives?</i> <i>no (refusal - cease approvals process)</i> <i>yes (recommended for approval - progress to 12)</i>
12	City prepares Council report and licence terms <i>Draft licence terms provided to applicant</i>
13	Applicant reviews licence terms <i>Agrees to the terms in writing to progress proposal</i>
14	Vibrant public space report presented to Council <i>Recommending Council endorse proposal application, Development Application (if applicable) and licence for signing</i>
15	Council endorse recommendation? <i>no (cease approvals process)</i> <i>yes (progress to 16)</i>
16	Development Application signed by City <i>Development application approved under delegated authority or returned to Council for decision if required</i>
17	Licence signed by City <i>Licence executed following Development Application approval under delegated authority or by Council</i>
18	Pay applicable approval fee <i>As prescribed in the City's annual fees and charges</i>
19	Notify City 24hrs prior to installation and within 24hrs of completing installation
20	Enjoy and maintain the vibrant public space!

Applicant responsibility
City of Vincent responsibility



Source: Abacus Espresso Project: Electric Lane, Leederville



Source: Divisare Designer: 100 Architects Project: Hang Out
Photo: Amey Kandalgaonkar - Pudong, Shanghai