

11.1 Cr Catherine Ehrhardt - Alfresco Dining within On-street Parking Bay in front of 43-53 Eighth Avenue, Maylands

In accordance with clause 5.3(1) of the City of Bayswater's *Standing Orders Local Law 2018*, Cr Catherine Ehrhardt raised the following motion:

“That Council:

- 1. In accordance with the provisions of the City's Activities on Thoroughfares and Trading in Thoroughfares and Public Places Local Law, approves the issue of a permit to allow for the conversion of the on-street parking bay directly in front of the business ‘Henry on Eighth’ at 43-53 Eighth Avenue, Maylands to alfresco dining (including for the consumption of alcohol) associated with their business for a 12 month trial period subject to the business submitting details of the use of the car bay to the satisfaction of the City, including (but not limited to):***
 - (a) Users are provided with adequate protection/separation from passing traffic whilst maintaining sightlines for pedestrians, cars and bicycles.***
 - (b) Evidence that the business has a minimum of \$10 million in public liability insurance and that it covers the alfresco dining area.***
 - (c) Compliance with the provisions of the Liquor Control Act 1988.***
- 2. Agrees that no further solid bollards will be required along the edge of the parking bay given the existing bollards for the adjacent parklet.”***

MATERIAL FACTS

In accordance with clause 5.3(3) of the City of Bayswater *Standing Orders Local Law 2018*, the Chief Executive Officer may provide relevant and material facts and circumstances pertaining to the notice of motion on such matters as policy, budget and law.

Council considered a report on a review of the Parklet Guidelines at the Ordinary Meeting of 26 May 2020 and resolved to refer the matter to the Policy Review and Development Committee. Minor Committee meetings are currently suspended until September 2020 due to the COVID-19 disruption, with a review of this suspension to be considered in July 2020.

OFFICER'S COMMENT

The proposed notice of motion will enable a 12-month trial of the conversion of a car-parking bay in front of the business known as Henry on Eighth into alfresco dining, including the consumption of alcohol. This will provide an additional area for the business to seat patrons at chairs and tables in the similar way as their current alfresco in the footpath adjacent to their premises.

The car bay is immediately adjacent to an existing parklet that was installed by the Maylands Business Association with the City's approval.

The parking bay is a 15-minute parking bay. There are three other 15-minute parking bays in the section of Eighth Avenue between Guildford Road and Whatley Crescent, not including the one containing the existing parklet. A survey of businesses in Eighth Avenue in August 2018 identified the need for some short term (15-minute) parking bays for businesses with a high visitor turnover. It is considered the three remaining short-term bays along Eighth Avenue will cater for this need, and this can be reviewed following the above 12-month trial.

Based on the existing bollards and parklet adjacent, it is not proposed that solid bollards be required in this instance. However, under clause 1a), separation from the passing cars and some form of protection of the users of the alfresco dining area will be required. This could include large concrete planter boxes or similar.



Car bay proposed to be converted to alfresco dining area



LEGISLATIVE COMPLIANCE

Clauses 5.15 and 5.16 of the City's 'Activities on Thoroughfares and Trading in Thoroughfares and Public Places' Local Law provides that a permit is required for any "outdoor eating facility or establishment on any part of a public place". The obligations on a permit holder make them responsible for the conduct within that area, for example compliance with the *Public Health Act 2016*, for the cleaning of the area, and for any furniture used in the alfresco dining area.

Any future application for a liquor licence for the alfresco dining area would be controlled by the *Liquor Control Act 1988* and is administered by the Department of Local Government, Sport and Cultural Industries (DLGSC). The City assess and issue Section 39 and 40 certificates for the alfresco dining in relation to applications for a liquor licence over the alfresco dining area.

FINANCIAL IMPLICATIONS

The business owner will be responsible for infrastructure such as the planter boxes, and third party applications, such as the liquor licencing application.

STRATEGIC IMPLICATIONS

In accordance with the City of Bayswater Strategic Community Plan 2017-2027 (as amended), the following applies:

Theme: Our Built Environment
Aspiration: A quality and connected built environment.
Outcome B1: Appealing streetscapes.

Theme: Our Local Economy
Aspiration: A business and employment destination.
Outcome E2: Active and engaging town and city centres.

The notice of motion will enable one business to activate the streetscape of Eighth Avenue, Maylands through the conversion of a car-parking bay to outdoor seating. It will activate this area by replacing cars with people sitting and interacting.

CONCLUSION

The proposed notice of motion will enable a 12-month trial of the conversion of a car-parking bay in front of the business known as Henry on Eighth into alfresco dining, including the consumption of alcohol.

VOTING REQUIREMENT

Simple Majority required.