



## **ALFRESCO DINING GUIDELINES**

These guidelines used to assist the Shire of Dandaragan in making decisions under the Scheme. The Scheme prevails should there be any conflict between this guideline and the Scheme.

It is not intended that a guideline be applied rigidly, but each application be examined on its merits, with the objectives and intent of the guideline the key for assessment. However, it should not be assumed that the local government, in exercising its planning discretion, be limited to the guidelines and that mere compliance will result in an approval.

The Shire encourages applicants to produce innovative ways of achieving the stated objectives and acknowledges that these may sit outside the more traditional planning and architectural approaches. In these instances the local government is open to considering (and encourages) well-presented cases, during pre-application consultation, having due regard to the outcome of any public consultation undertaken and the orderly and proper planning of the locality.

## **SCOPE**

A guideline is not part of the Scheme and does not bind the local government in respect of any application for planning approval but the local government is to have due regard to the guidelines and the objectives which the guidelines are designed to achieve before making its determination.

## **OBJECTIVE**

- 1 To ensure that alfresco dining activities are carried out in a way which is in tune with a healthy, safe and comfortable environment for the community and positively contributes to the attractiveness of the area.
- 2 To ensure that an adequate proportion of the verge area is available for unrestricted public movement. This is to ensure the primary use of footpaths, namely safe pedestrian movement, is maintained.
- 3 To promote a vibrant street life balancing the interests and needs of residents and visitors alike.
- 4 To limit the impacts on the public amenity and the characteristic streetscape of the area and the street.
- 5 To ensure the safe and unobstructed passage for pedestrians and unobstructed vision for motorists and cyclists.

## **STATEMENT**

### **General**

- 1.1.1 Taking advantage of the footpath for trade purposes is a privilege not a right. The community expects traders to keep certain common principles.
- 1.1.2 Alfresco dining should only be approved where they are directly associated with an adjacent food establishment or business.
- 1.1.3 Alfresco dining activities shall not, in the opinion of the local government conflict with, or inconvenience, other adjacent businesses.
- 1.1.4 This policy also applies to use areas in pedestrian arcades and other similar “public” places on private property.
- 1.1.5 Public liability insurance cover of \$20 million is required.
- 1.1.6 The applicant is solely responsible for all and any associated costs with the removal, alteration, repair, reinstatement or reconstruction (to the approval of the local government) of the street carriageway, footpath or any part thereof arising from the use of the alfresco area.
- 1.1.7 The local government may seek a contribution towards the upgrading and/or construction of a sealed footpath adjacent to alfresco dining areas.
- 1.1.8 Smoking and the consumption of alcohol (without a permit) on is not permitted.
- 1.1.9 In the event that, in the opinion of the Chief Executive Officer, the alfresco area is not regularly managed in accordance with these guidelines, the Chief Executive Officer may cancel the approval without notice.

### **Site Requirements**

- 1.1.10 Pedestrian movement down the footpath should be safe and unobstructed. All objects and furniture for dining must not obstruct pedestrian movement. A minimum clear footpath width of 1.5 metres shall be maintained in all cases and the local government may specify a greater width in certain cases.
- 1.1.11 All public facilities should be surrounded by 1 metre clear space from alfresco dining activities (street rubbish bins, public seats, bicycle racks etc.).
- 1.1.12 Alfresco dining activities should have a minimum setback of 900mm from the edge of the carriageway/kerbline or nearest edge of adjacent on-street parking bays unless alternate an suitable barrier separating people from vehicles is installed to the satisfaction of the Chief Executive Officer or his delegate.

### **Street Furniture**

- 1.1.13 Street furniture should be well constructed and not a hazard. It should be able to withstand windy conditions, be easily moveable to allow for cleaning of the area and shall not be a vehicle for advertising.
- 1.1.14 All objects and furniture located as part of the dining area are to be readily removable, however where it is demonstrated to the local government that there are positive benefits to the public (refer to Objective 3), more permanent features such as flower boxes, shade sails etc. may be permitted.
- 1.1.15 The placement of appropriate barriers to separate diners and the public generally to be provided by the applicant in accordance with relevant Australian Standards.

- 1.1.16 It may be appropriate, in certain circumstances, that screens be used to provide shelter from wind and rain. Screening should be visually permeable and readily removable. They should only be used when and where climatic conditions warrant.
- 1.1.17 All objects and furniture must not obstruct sight lines for either vehicles or pedestrians, either at road junctions and crossovers.

### **Application Requirements**

- 1.1.18 This guideline is to read in conjunction with the “Activities on Thoroughfares and Trading in Thoroughfares and Public Places Local Law”.
- 1.1.19 Before placing chairs and tables on public verge areas you are required to obtain firstly a Planning Approval (from Planning Services) and subsequently a Permit to Conduct an Outdoor Eating Facility (from Environmental Health).
- 1.1.20 A Planning Approval shall only remain valid while the Permit required remains current and valid. On the expiration or earlier termination of the Permit, the Planning Approval shall cease to be valid.
- 1.1.21 Applications must be in writing and be accompanied by plans, drawn to scale, which clearly indicate the proposed location of all tables, chairs and any other object(s) and show their relationship to surrounding features such as buildings, kerb line, street furniture, landscaping, services etc. Additionally colour photographs of the tables, chairs and other structures intended to be in the proposed alfresco area are required and such applications must specify proposed days and hours of trading for the alfresco area.