



Local Planning Policy 15 - Alfresco Dining

AMRShire Planning Policy

25 September 2013

This Policy was adopted by Council to give guidance as to how discretion under a town planning scheme or other regulatory instrument may be exercised. It also serves to help proponents, landowners and the community understand how decisions are likely to be reached.

1.0 Introduction

This Local Planning Policy is to be read in conjunction with the Explanatory Guidelines which are provided to support the Local Government's Local Planning Policies.

This Local Planning Policy provides a framework to determine applications for the use and development of local reserves for the purposes of alfresco dining that are sought by an adjoining business.

This Local Planning Policy has been developed to complement the Local Government's Local Law which provides an annual permit process for alfresco dining on local reserves.

2.0 Objectives

In accordance with the aims of the Scheme and the objectives of the relevant zone, development in the Local Planning Policy Area should achieve the following:

- (a) Support and encourage high quality alfresco dining in public places to enhance the character and vibrancy of the town or village centre;
- (b) Maintain essential standards of public safety;
- (c) Ensure thoroughfares are not unduly obstructed including pedestrian thoroughfares, access to street parking and loading bays, and access to adjoining properties;
- (d) Ensure views to surrounding businesses are not unduly obstructed;
- (e) Protect existing infrastructure such as street trees and public seating;
- (f) Ensure the alfresco dining area is used with the adjoining eating house;
- (g) Ensure the permit holder/applicant maintains the alfresco dining area in a clean and tidy condition and restores it to its original condition if the use is discontinued;
- (h) Provide a clear policy framework for Council to exercise its discretion in considering applications based on their individual merits;
- (i) To compliment the relevant Local Law that governs the use of public land; and
- (j) Ensure street furniture is strong, durable, practical, safe and when necessary, removable.

3.0 Scope

- 3.1 This Local Planning Policy administers provisions for the development and use of public land, such as roadside footpaths and pedestrian malls, for alfresco dining for an adjoining approved eating house.
- 3.2 Alfresco dining areas will only be considered where the proposal is part of an application to establish or extend an eating house within an adjoining building.

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4.0 Approvals & Permits

- 4.1 Planning approval must be granted for the use and development of local reserves, including use and development of an alfresco dining area, as required in clause 3.4.1 of the Scheme.
- 4.2 A permit must be granted for the use and development of an alfresco dining area on public land, which is vested in the care and control of the Local Government, as required in clause 6.16 of the Local Law.

5.0 Interpretation

Land Use Definitions

- 'Alfresco dining'** means an outdoor dining area on public land which is directly adjacent to an eating house.
- 'Eating house'** means any land, premises or place or any part thereof, on or in which meals are prepared for service, or are served, to the public for gain or reward and includes, where in conjunction with the Local Planning Scheme No. 1, uses of Hotel, Licensed Restaurant, Restaurant, Tavern, Small Bar, Café, Restaurant and Fast Food Outlets.
- 'The Local Law'** means the Local Government's Activities on Thoroughfares and Public Places and Trading Local Law 2010.

6.0 Information Required with Planning Applications

Applications for planning approval must be submitted with the following information in addition to that described on the Planning Consent Checklist:

- (a) Two copies (A3 size) of a site plan, drawn to scale of not less than 1:200, showing
 - (i) The front façade of the business/building.
 - (ii) The verge including the footpath and adjoining road.
 - (iii) The interior of the adjoining eating house premises including toilets and kitchen areas.
 - (iv) The alfresco dining area including the number and location of proposed tables and chairs.
 - (v) All existing and proposed furniture and equipment including plant containers, umbrellas, barriers etc.
- (b) A cross section plan showing how furniture and equipment will be secured into the ground and installation of safety barriers.
- (c) A photo/brochure of the furniture and equipment.
- (d) Details of the total area of the premises (including toilets and kitchen area) in square metres.
- (e) A plan of any proposed advertising demonstrating its location, dimensions, how it will be fixed in place, any proposed illumination, and the message to be displayed.
- (f) Details are also required of the proposed sale, serving and consumption of alcohol in the alfresco dining area and the corresponding liquor licence that will be sought.
- (g) A line of sight diagram is required demonstrating that sight lines for vehicles or pedestrians, at road junctions and vehicle crossovers is not obstructed and that the required setback distances (minimum 2.0m) to building corners (refer to Figure 2) will be provided.

7.0 Policy Measures

7.1 Furniture and Equipment

- 7.1.1 Furniture and equipment is to be sensitive to the amenity and character of the locality.
- 7.1.2 Fixed furniture and equipment is generally not supported in the Bussell Highway road reserve.
- 7.1.3 All furniture and equipment must be maintained in a clean and safe condition by the permit holder / applicant.
- 7.1.4 The preference is, where practical, for furniture and equipment to be constructed of wood and metal.

- 7.1.5 'Market' style umbrellas are encouraged for shade and shelter. A minimum height of 2.1m from ground level is required for umbrellas which must be securely fixed in place.
- 7.1.6 Removable screens may be permitted up to 1.0m in height to define the alfresco dining area.
- 7.1.7 Demarcation plaques fixed into the ground to define the alfresco dining area are compulsory. The plaques will be supplied by the Local Government at the full cost of the applicant / permit holder.
- 7.1.8 The cost of the removal and restoration of any furniture and equipment is to be borne by the permit holder / applicant.

7.2 Location Requirements

- 7.2.1 Each table and chair set in an alfresco dining area is permitted to occupy a maximum of 1.0m².
- 7.2.2 Footpaths must be unobstructed to a width of 1.8m and pedestrians must be provided with a clear access for use of the thoroughfare at all times (refer to Figure 1).

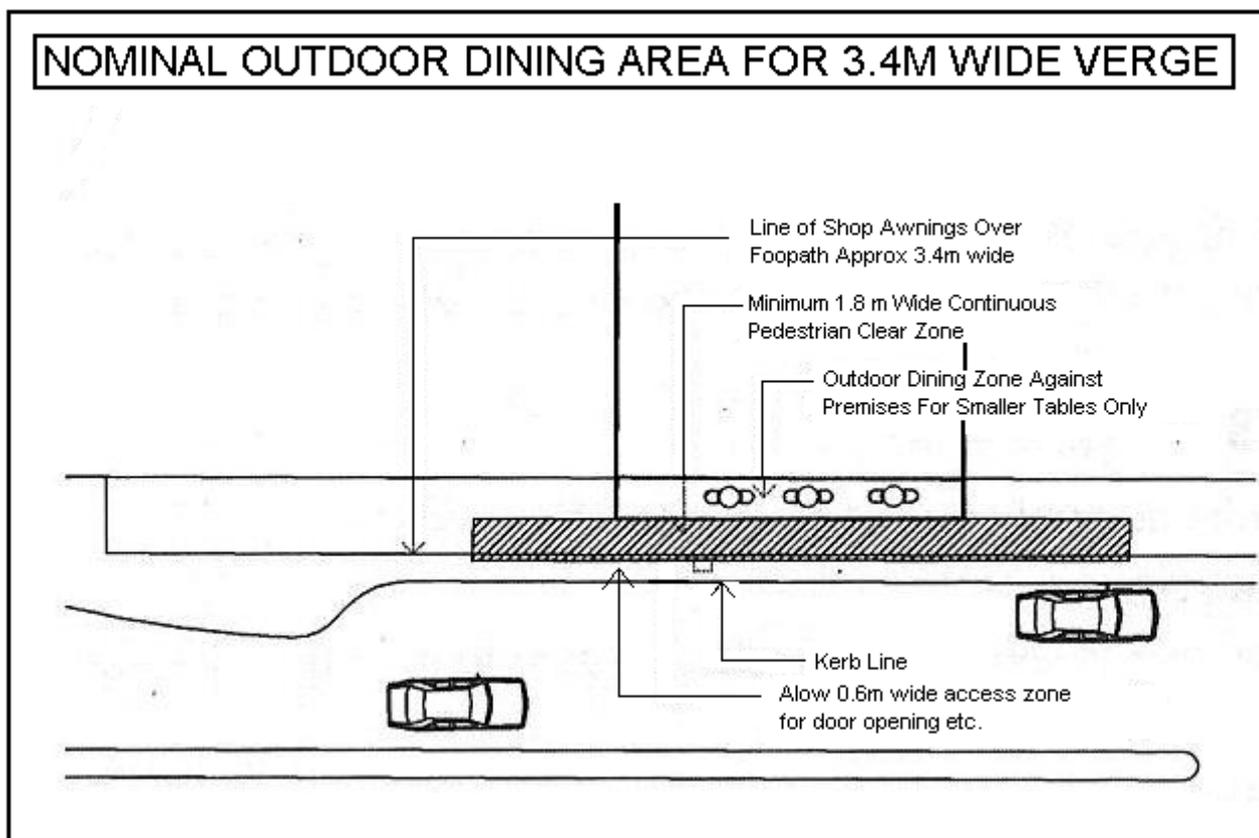


Figure 1: Alfresco Dining Area on a 3.4m Wide Verge Area

- 7.2.3 Figure 1 demonstrates the location of an alfresco dining area on a verge of 3.4m. In the Margaret River town centre verges on Bussell Highway vary between approximately 3.4m and 3.8m.
- 7.2.4 Alfresco dining areas must not obstruct lines of sight for vehicles or pedestrians at road junctions and vehicle crossovers. Alfresco dining areas must be setback a minimum of 2.0m from the corner of the building (refer to Figure 2).

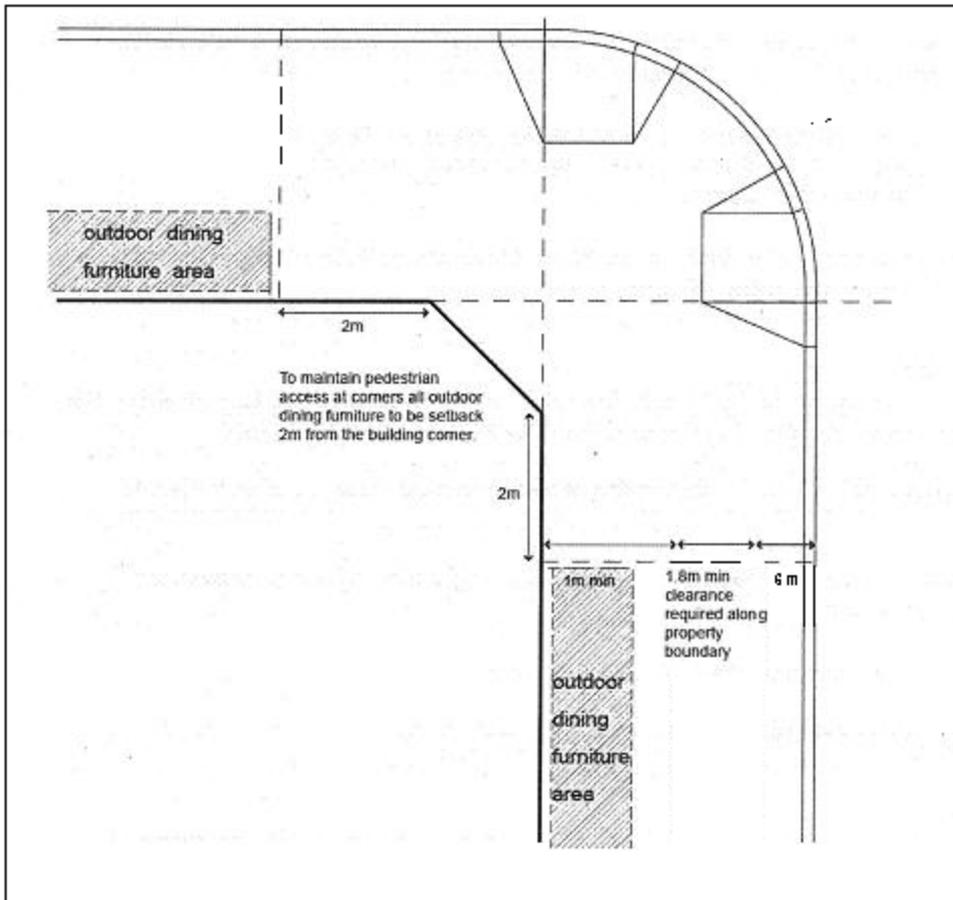


Figure 2: Alfresco Dining Area Setback at Building Corners

7.2.5 Establishing an alfresco dining area should not normally require extension of the existing footpath. Any applications to modify the verge by, for example, extending the footpath would need to ensure there is no loss of kerbside parking or loading zones and no adverse impact to street trees. Any approvals for modifications of the verge would be conditional upon the works being completed at the full cost of the proponent and to the Local Government's satisfaction.

7.3 Parking Requirements

No additional parking will be required subject to the alfresco dining area being located on public land and ancillary to the adjoining eating house¹. Any parking concession granted under this part will be subject to the exercise of discretion under the Scheme and:

- (a) Permitted up to a maximum of 25% of the capacity of the total seating provided for the eating house; and
- (b) Subject to demonstration of adequate off street parking in the immediate locality.

7.4 Advertising

7.4.1 The name and logo of the adjoining eating house to which the alfresco dining area is attached may be displayed on furniture in the alfresco dining area. The name and logo may be displayed once on each furniture item and must not exceed 10% of the area of the item.

7.4.2 Product advertising is limited to umbrellas, place mats and coasters and is limited to products sold by the adjoining eating house.

¹ While concessions to parking requirements are provided utilising discretion under the Scheme, compliance requirements with other legislation, such as the Building Act and Health Act must still be adhered to.

7.5 Conditions for Use of the Reserve

If the Local Government supports an application for alfresco dining the following conditions may be imposed:

- (a) All meals served and consumed in the alfresco dining area must be prepared in the adjoining eating house.
- (b) Alcohol must only be consumed from chairs and tables and in conjunction with a meal served from the adjoining eating house.
- (c) Tables and chairs must not be fixed and must be removed from the alfresco dining area outside approved trading hours.
- (d) When requested by the Local Government, the permit holder/applicant must temporarily remove the alfresco dining area furniture and equipment. The furniture and equipment may be replaced once directed by the Local Government.
- (e) The alfresco dining area must be maintained in a clean and tidy condition to the satisfaction of the Local Government. The permit holder/applicant must ensure that any spillage of food and drinks are promptly cleaned from the ground and all surfaces and that all rubbish is regularly removed such that the area is maintained to ensure a high standard of amenity.
- (f) The alfresco dining area must not be used in a manner to cause noise or nuisance to patrons or land owners.
- (g) The permit holder/applicant shall at all times ensure that chairs, tables, equipment and furniture are contained within the designated alfresco dining area.
- (h) If the use of the reserve for alfresco dining discontinues for a continuous period of 12 months the planning approval shall lapse and a new planning approval will be required.
- (i) Pursuant to the *Local Government Act 1995* and the Local Law, the Local Government must be indemnified against any damage which may arise from the proposed use of the reserve with the indemnity being public liability insurance cover to the minimum value of \$10million.

Responsible Department:	Sustainable Development
Adopted for Advertising	23 March 2011
Adopted by Council	13 July 2011
Reviewed & Adopted for Advertising:	24 July 2013 (decision OM1307/6)
Adopted by Council:	25 September 2013 (decision OM1309/23)