

LPP15 – Street Activation



November 2020

1.0 Introduction

This policy provides a set of acceptable development standards, that when followed exempt the requirement for planning approval, for specific types of trading in the Bussell Highway road reserve in the Margaret River townsite.

This policy also provides a framework for the assessment of planning applications for alfresco dining in all other areas of the Shire including the townsites of Augusta, Cowaramup and Witchcliffe.

This policy has been developed to complement the Shire's *Activities in Thoroughfares and Public Places and Trading Local Law 2020* which provides an annual permit process for use of local reserves.

2.0 Objectives

This policy seeks to achieve the following:

- a) Vibrant, pedestrian friendly and interactive townsites.
- b) A greater variety of activities and experiences for visitors to townsites within the Shire
- c) Opportunities for businesses to extend the products and services they offer.
- d) Safe, unobstructed and accessible pedestrian travel along the main street, particularly for people with mobility difficulties.
- e) A simplified and efficient planning and approvals regime.

3.0 Scope

3.1 Margaret River Main Street Policy Area

Section 5.1 of policy applies to the Bussell Highway road reserve in the Margaret River townsite from Higgins Street in the north to Forrest Road and Wallcliffe Road in the south (as shown in red in Figure 1 below).

3.2 Alfresco Dining Policy Area

Section 5.2 of this policy also applies to, planning applications for alfresco dining, in all road reserve areas of the Shire outside those shown in Figure 1. This includes applications to use reserves in the townsites of Augusta, Cowaramup and Witchcliffe.

FIGURE 1



Margaret River Main Street Policy Area

3.3 Limitations

- 3.3.1 This policy does not exempt business owners from the requirement to obtain a permit under the *Activities in Thoroughfares and Public Places and Trading Local Law 2020*.
- 3.3.2 This policy does not exempt the requirement for planning approval to be granted for the erection of a permanent structure, fixing any structure into the reserve or carrying out works in or on a reserve. Fixing structures into or onto the reserve or carrying out works requires the prior planning approval of the Shire.
- 3.3.3 Business owners are not exempted from the requirement to comply with the *Building Regulations 2012* and any other legislative requirements relevant to their business including the provision of toilets commensurate with patron numbers.
- 3.3.4 Business owners are not exempt from the requirements of any relevant Certificate of Maximum Accommodation ('public building approval') issued under the *Health (Public Buildings) Regulations 1992*.
- 3.3.4 This policy does not exempt business owners from ensuring compliance with liquor licensing requirements when serving alcohol in a reserve area.
- 3.3.5 The local government, and its agents, are not fettered by the exemption provisions contained in this policy to enter the reserve and conduct works as required.

4.0 Interpretation

‘Accessible path’ means the area that is two metres wide and extends from the building frontage toward the road to allow unobstructed passage by pedestrians.

‘Activation area’ means that portion of the road reserve, located between the kerbside zone and the accessible path.

‘Alfresco dining’ means an outdoor dining area on public land which is directly adjacent to an eating house.

‘Eating house’ means any premises in which meals are prepared for service, or are served, to the public for gain or reward and includes for the purposes of this policy a hotel, licensed restaurant, restaurant, tavern, small bar, café and fast food outlets.

‘Kerbside zone’ means a minimum buffer from the kerb to the activation area which allows for access to and from parked vehicles, including loading zones.

‘Local law’ means the local government’s *Activities in Thoroughfares and Public Places and Trading Local Law 2020*.

‘Permit’ means a trading permit granted by the Shire under the *Activities in Thoroughfares and Public Places and Trading Local Law 2020*.

‘Temporary screens’ are moveable, portable, self standing and unfixed devices used to define an activation area.

‘Street vending’ means street entertainers, street art, stall holders including fundraising stalls, street furniture, ‘A’ frame signage and merchandise displays.

5.0 Acceptable Development Standards

5.1 Margaret River Main Street Activation Area

Alfresco dining and street vending which meets the following acceptable development criteria is exempt from the requirement to obtain planning approval.

Acceptable Development	
Element: General Conditions of Use	
AD1.1	A continuous, unobstructed and accessible path of travel (‘accessible path’) must be provided at all times in the portion of the reserve directly abutting the building frontage, in accordance with the specifications in Table 1 and as shown Figure 2.
AD1.2	All alfresco dining and street vending must be located in the activation area situated toward the kerb side and not along the building frontage in accordance with Table 1 and as shown in Figure 2.
AD1.3	Only the approved ground floor business that operates in the directly adjoining building is permitted to use the activation area. The activation area is only permitted to be used for alfresco dining and street vending and must be reasonably related, incidental and ancillary to the adjoining business.
AD1.4	The activation area for each adjoining business must not extend past the tenancy or property boundary for that business.
AD1.5	The activation area is only permitted to be used by the adjoining business in the approved trading hours for that business and subject to commencing the use from 8:30am Monday to Friday (inclusive).
AD1.6	Any item in the activation area must not create a trip and line of sight hazard. Any single item should meet a minimum height of 450mm and should be clear and legible.

Acceptable Development

- AD1.7 Installation of flooring, mats, flags, banners, inflatable devices, vehicles including food vans, electrical appliances, electric signs and illuminated, revolving, spinning, or flashing devices is prohibited in the reserve including in the activation area.
- AD1.8 The reserve must not be used in a manner to cause noise or nuisance to patrons or the public. Outdoor speakers, sound amplification equipment or jukeboxes are not permitted without the specific written approval of the Shire.
- AD1.9 Food or drink may not be prepared, cooked or heated in the activation area unless with the specific written approval of the Shire.
- AD1.10 All alfresco dining and street vending activity and furniture must be fully contained within the activation area and must not protrude into the accessible path, any traffic control work, directional sign, garden bed, street furniture or public asset.
- AD1.11 The activation area is not permitted to be used between public seating and the property line, or, between public seating and a road (including both roads on a corner).
- AD1.12 Lines of sight for vehicles or pedestrians must not be obstructed including at road junctions and vehicle crossovers. All activation areas must be setback a minimum of 2.0m from the corner of a building at street truncations and road junctions (refer to Figure 2).
- AD1.13 Use of the activation area must not compromise the ability for the general public to access street furniture or public infrastructure.
- AD1.14 A minimum clearance of 0.5 metres, or greater if deemed appropriate by the Shire, must be provided on either side of any asset permanently fixed to the reserve including bins, bike racks and pedestrian ramps.
- AD1.15 A minimum clearance of 1.0 metre, or greater if deemed appropriate by the Shire, must be provided on either side of a bus stop or public seat.
- AD1.16 Kerbside zone must meet the specifications in Table 1 and must be unobstructed and kept free at all times.
- AD1.17 A 1.0m clear access way must be provided from the road to the accessible path every three metres (see Figure 2) to ensure pedestrian access is maintained from the road.
- AD1.18 All furniture, temporary screens, street vending material and apparatus must be removed from the reserve and the reserve made good at the end of each trading day. The reserve is not permitted to be used for the storage of furniture, vending material and / or apparatus.

Element: Furniture & Equipment

- AD2.1 Furniture and equipment should be of a contrasting colour to the background to assist people with vision impairment.
- AD2.2 '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 secured in place.
- AD2.3 Furniture and equipment is permitted up to a maximum height of 2.4 metres from ground level.
- AD2.4 Temporary screens are permitted up to 1.0m in height to define the activation area.
- AD2.5 Temporary screens must have a locking mechanism to prevent them from moving or creating or becoming a hazard when in use.

Acceptable Development

AD2.6 The name and logo of the adjoining eating house may be displayed on furniture in the activation area. The name and logo may be displayed once on each furniture item and must not exceed 10% of the area of the item.

Element: Alfresco Dining

AD3.1 All meals served and consumed in the activation area must be prepared in the directly adjoining ground floor business.

AD3.2 Alcohol must only be consumed from chairs and tables and in conjunction with a meal served from the adjoining eating house.

AD3.3 Food and alcohol is not permitted to be served to people in the accessible path or kerbside zones.

AD3.4 Tables and chairs must not be fixed and must be removed from the alfresco dining area outside approved trading hours.

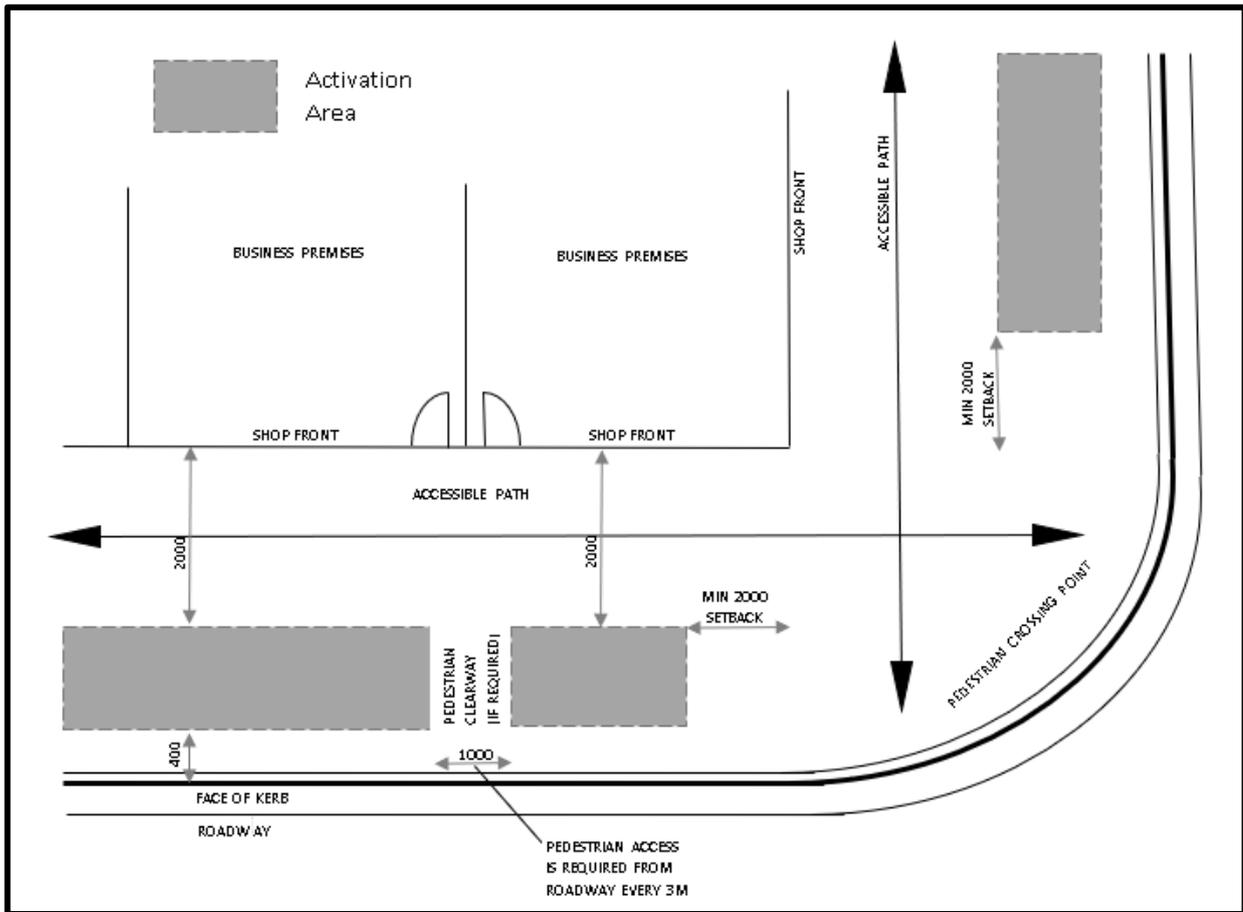
AD3.5 Staff at eating houses must give way to the public when moving across the accessible path.

AD3.6 Alfresco dining is permitted in the adjoining road reserve up to a maximum capacity of 25% of the total seating for the eating house without the need for additional on-site parking and subject to adequate off-street parking in the immediate locality.

Reserve Zones	Separation Dimensions
Accessible path	Minimum 2.0m in width from the building frontage toward the kerb.
Activation area	Remaining area once accessible path & kerbside zones identified; and Setback a minimum of 2.0m from the corner of a building at street truncations and road junctions (refer to Figure 2).
Kerbside zone	Minimum 0.4m from the kerb of the road; or Minimum 1.5m from the kerb of the road when adjoining an 'accessible' parking bay; or Minimum 0.7m from the kerb of the road when adjoining a loading bay.

Table 1: Minimum Zone Separation Distances

FIGURE 2



Example activation area on verge 3.5m in width

5.2 Assessment Criteria for Alfresco Dining

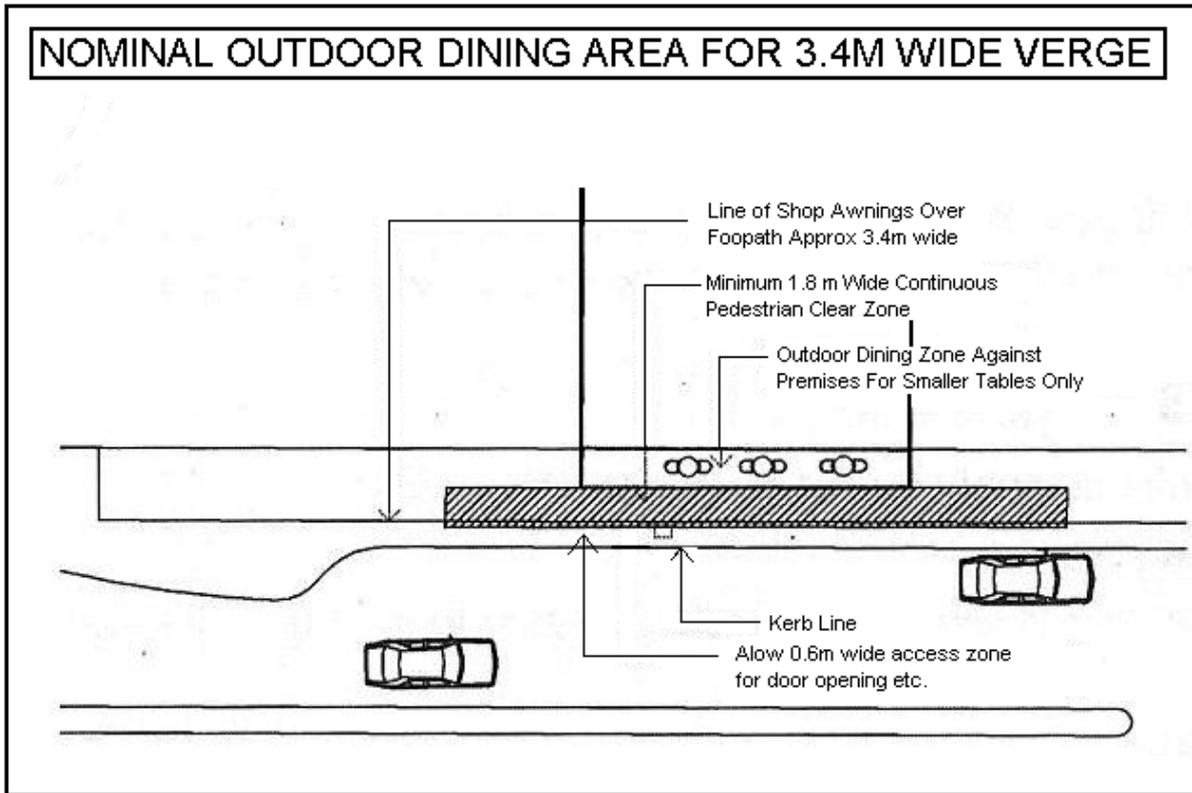
The following table demonstrates the assessment criteria for development applications for alfresco dining in areas other than those shown in Figure 1.

Assessment Criteria	
Element: Alfresco Dining	
AD1.1	All furniture and equipment must be maintained in a clean and safe condition by the permit holder.
AD1.2	The preference is, where possible, for furniture and equipment to be constructed of wood and metal.
AD1.3	'Market' style umbrellas are encouraged. A minimum height of 2.1m is required and umbrellas must be securely fixed in place.
AD1.4	Temporary screens may be permitted up to 1.0m in height to define the alfresco dining area.
AD1.5	The cost of removal and restoration of furniture and equipment is to be borne by the permit holder / applicant.
AD1.6	Pedestrian paths 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 section 7.2 and Figure 3).

Assessment Criteria

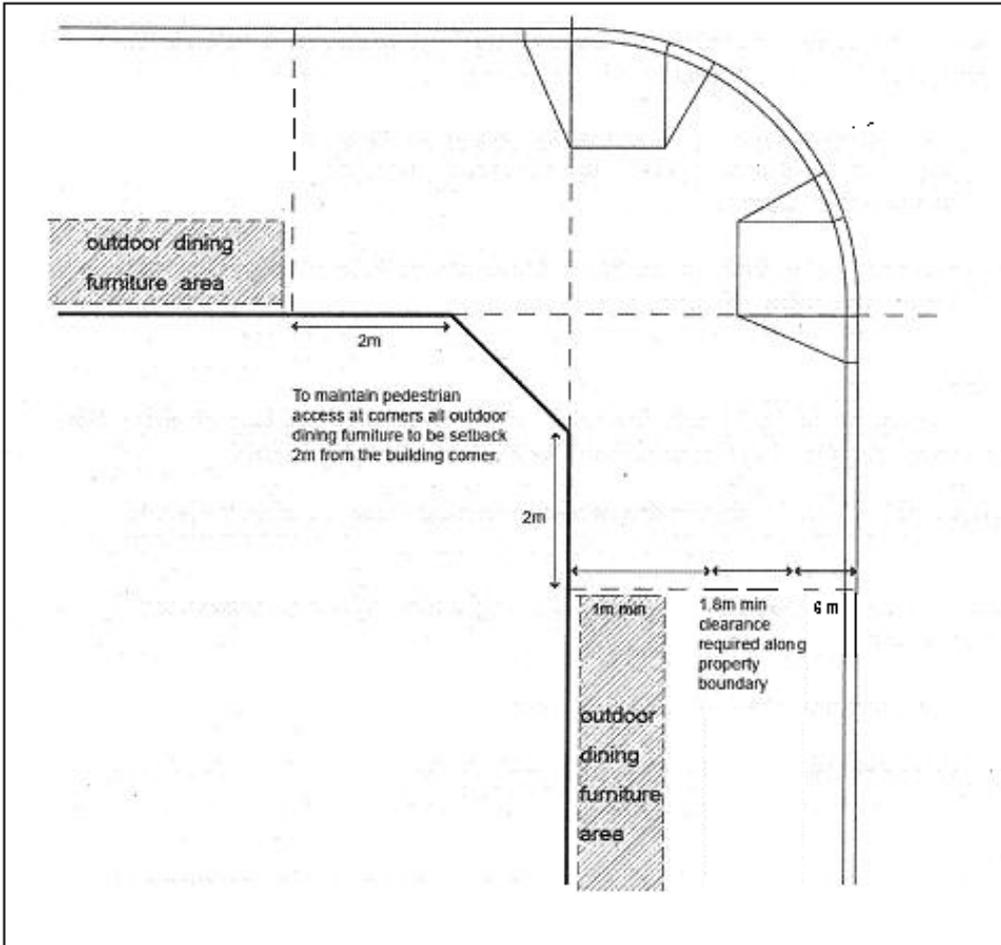
- AD1.7 Alfresco dining areas must not obstruct lines of sight for vehicles or pedestrians at road junctions and vehicle crossovers. Alfresco dining areas must be setback a minimum of 2.0m from the corner of the building (see Figure 4).
- AD1.8 The reserve should only be used by the adjoining business in the approved trading hours for that business and subject to commencing the use from 8:30am Monday to Friday (inclusive).
- AD1.9 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.
- AD1.10 Product advertising is limited to umbrellas, place mats and coasters and is limited to products sold by the adjoining eating house.
- AD1.11 All meals served and consumed in the alfresco dining area must be prepared in the adjoining eating house.
- AD1.12 Alcohol must only be consumed from chairs and tables and in conjunction with a meal served from the adjoining eating house.
- AD1.13 Tables and chairs must not be fixed and must be removed from the alfresco dining area outside approved trading hours.
- AD1.14 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.
- AD1.15 The alfresco dining area must not be used in a manner to cause noise or nuisance to patrons or land owners.
- AD1.16 The permit holder/applicant shall at all times ensure that chairs, tables, equipment and furniture are contained within the designated alfresco dining area.
- AD1.17 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.
- AD1.18 In the event a planning application is lodged for alfresco dining in an adjoining reserve, dining will be permitted up to a maximum capacity of 25% of the total seating for the eating house without the need for additional on-site parking and subject to adequate off street parking in the immediate locality.

FIGURE 3



Alfresco Dining Area on a 3.4m Wide Verge Area

FIGURE 4



Alfresco Dining Area Setback at Building Corners

Document and version control table

Strategic outcome	Goal 3 : Managing Growth Sustainably
Responsible Directorate	Sustainable Development and Infrastructure
Authority of original issue	Council
Date of original issue	9 December 2020
Contact officer	Director of Sustainable Development & Infrastructure
Date of next review	3 years

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Version	Date issued	Brief description
I	9 December 2020	Adopted by Council for advertising