



INFORMATION

ALFRESCO DINING

***Activities on Thoroughfares & Public Places & Trading
Local Law 2008***

**Shire of Northam
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ALFRESCO DINING POLICY

Aim

The aim of this policy is to provide safety guidelines for alfresco dining.

Summary

Approval from the Shire is required to have an outdoor eating facility on any part of a public place. A Planning Approval is required initially for the land use and an annual permit is required from the Shire's Health Section.

Approval will only be granted in the following circumstances:

- Alfresco dining areas should be appropriate to the character and functions of the area in which they are proposed to be located. They will not be approved where, in the opinion of Council, the gathering of customers or the elements of design will unreasonably impede pedestrian or vehicular movements, or cause conflicts with other activities.
- An Alfresco dining area will only be approved where the proposal is an extension of a food business within an adjacent building. Approval from the Liquor Licensing Authority will be required prior to any alcohol being consumed in alfresco dining areas.
- Application forms are completed and submitted together with applicable fees;

Legislation

This policy includes the provisions of:-

- Council's Policy H7 'Alfresco Dining';
- *Activities on Thoroughfares & Public Places & Trading Local Law 2008*, and
- Council's Planning Scheme.

What is Alfresco Dining

Alfresco dining refers to an outdoor eating facility or establishment which is located on any part of a 'public place' which is not on private land.

A 'public place' includes any thoroughfare or place which the public are allowed to use and any local government property.

Application

The applicant is to complete the following forms and submit to the Shire together with the applicable fee:

- Copy of Planning Approval;

- 'Application for an Alfresco Dining Permit' form, together with information requested in the application;
- Application Fees (as per Council's Fees and Charges).
- Applications must be accompanied by plans, drawn to scale, indicating the number and location of proposed tables, chairs and any other proposed and existing structures, and their relationship to the building and roadway in which the Food Business is located.
- Fees are determined by Council annually and are based on a table with up to 4 chairs. Extra fees apply for extra chairs.

Conditions for approval

- Approval will only be granted for a period of up to 12 months. The permit is to be renewed annually.
- Adequate public liability insurance cover of not less than five million dollars (\$5,000,000) in respect of any one event and to provide indemnity in respect to both injury to persons and damage to property in the joint names of the Shire and the operator.
- The alfresco dining facilities are not to conflict with or inconvenience other adjacent activities or the passing public. Therefore, a free unencumbered space of 1.8 meters is required between the alfresco area and the road way to allow access for two way pedestrian traffic, wheel chairs and prams.
- Structures associated with alfresco dining areas may only be fixed to the footpath or to any other structures with the approval of Council. Structures and furniture must be stable under windy conditions and provision made for out of sight storage when not in use.
- The public are not to be prevented from using the alfresco dining area, whether paying customers or not.
- The area is to be kept clean and free from rubbish to the satisfaction of the Shire.
- Accessibility for wheelchairs to the area is to be provided.
- Exits from the adjoining building are not to be impeded by the operation of the alfresco dining area.
- Street furniture, trees or services shall not be moved or modified without the prior approval of the Council. All costs associated with any such works will be totally at the applicant(s) expense.

Compliance issues

- Failure to comply with this policy may result, upon resolution of Council, in the revocation of the planning consent for an alfresco dining area.
- It is an offence of the local law to establish or conduct an outdoor eating facility in a public place without a permit. Any person who commits such an offence is liable, upon conviction, to a penalty of max. \$5,000 and a daily penalty max. \$500 per day and/or an Infringement Notice of \$350.
- The Shire reserves the right to revoke the approval based on complaints received that in the opinion of the Shire, unduly affects amenity, or on any other grounds that the Shire deems necessary to protect the health, safety and wellbeing of people.