



Shire of Northam

## **INFORMATION**

# **OUTDOOR DINING**

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

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# OUTDOOR DINING POLICY

## What is Outdoor Dining

Outdoor 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. Generally outdoor dining areas are located within the footpath adjoining a commercial property serving food.

Outdoor dining provides an alternative eating experience and helps promote a vibrant street life in a safe and comfortable environment.

## Aim

The aim of this policy is to provide guidelines for the approval process for outdoor dining.

## Summary

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

Approval will be granted in the following circumstances:

- Outdoor dining areas should be appropriate to the character and functions of the area in which they are proposed to be located. The gathering of customers or the elements of design should not unreasonably impede pedestrian or vehicular movements, or cause conflicts with other activities.
- An outdoor dining area will 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 outdoor 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.

## Application

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

- Copy of Planning Approval (if required);
- 'Application for an Outdoor 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.

## General Conditions of approval

- Approval will 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 ten million dollars (\$10,000,000) indemnifying the Shire against all actions, suits, claims, damages, losses and expenses made against or incurred by the Shire arising from any activity, action or thing performed or erected in accordance with the permit.
- The insurance cover shall ensure that the Shire of Northam is expressly listed on such policy as an "interested party".
- The Shire of Northam is to be notified if the insurance policy lapses, is cancelled or is no longer in operation.

- A "Certificate of Currency" must be provided upon request of an authorised person from the Shire.
- The outdoor dining facilities are not to conflict with or inconvenience other adjacent activities or the passing public. Therefore, a free unencumbered space of 2 metres is required between the outdoor dining area and the road way to allow access for two way pedestrian traffic, wheel chairs and prams.
- Structures associated with outdoor 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 outdoor 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 outdoor 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.