



### **6.1.7 ALFRESCO DINING**

#### Purpose

The purpose of this Policy is to provide guidance to the placement of tables, chairs and other structures used in association with Alfresco Dining in Shire administered public areas.

#### Objectives

The objectives of this Policy are to:

- (i) To regulate placement of chairs, tables and other structures to ensure obstruction of pedestrian movement or sight lines for vehicles and pedestrians does not occur; and
- (ii) To ensure that alfresco areas throughout the Shire of Manjimup are designed and maintained to a high standard.

#### Areas of Application

Other than the exemption outlined below, this policy requires all alfresco areas that are located within the road reserve to gain development approval.

In order to allow for major community events of a short-term nature (as determined by the Chief Executive Officer), temporary alfresco areas (including expansions to approved alfresco areas) will be permitted without the need to obtain development approval subject to meeting the policy requirements outlined below.

#### Policy Requirements

Applications for Alfresco Dining shall be accompanied by sufficient information so as to demonstrate compliance with the following general requirements:

- (i) Designed to allow for a minimum clear footpath of 2.0 metres in width. Pedestrians should be permitted to make normal use of the footpath without stepping onto the road at any point.
- (ii) Positioned in a manner so as to not obstruct vehicle sightlines at intersections and/or access points.
- (iii) Designed to reduce conflict with, or obstruction of view or access to other retail and commercial activities being undertaken on adjacent properties.
- (iv) The appearance and structure of facilities proposed should be compatible with the amenity of the area.
- (v) All furniture placed within an alfresco area shall be:
  - ) Hardy, durable and windproof.
  - ) Appropriate for use in public place and suitable for outdoor environments.
  - ) Physically sound and safe, with no sharp edges or entrapment issues.
  - ) Protected against visible dirt and wear (consider using dark colours as

these are less likely to discolour and stain”

- (vi) Unless otherwise approved by Council the use of barricades/fencing is not permitted.
- (vii) No advertising material within the alfresco area apart from menus and table caddies/menu's and umbrellas, which should only contain the name of the business and not products.
- (viii) Advertising shall be restricted to the logo of the business operating the alfresco area and this shall not exceed 10% of the surface area of the furniture.
- (ix) Umbrellas proposed to provide shade for customers, shall comply with the following requirements:
  - a. Umbrellas shall be limited to a single colour (colour and Style selection); and
  - b. A minimum head clearance height shall be provided of 2.3m from the lowest part of the canopy to the pavement.
- (x) Adequately serviced by a rubbish bin which is to be provided by the applicant, at the rate of one 50 litre bin per twelve seats or part thereof. The rubbish bin shall be adequately serviced and emptied by the applicant.
- (xi) Where the alfresco area is to be operated during the hours of darkness, the eating area shall be well lit.
- (xii) The applicant shall hold a valid public liability insurance policy of not less than \$10,000,000, which applies to the alfresco area.
- (xiii) Unless otherwise approved by Council, all furniture must be temporary and removed from public land outside of normal operating hours.
- (xiv) Alfresco area approvals will be subject to an annual application renewal.
- (xv) Except where permitted in association with an event, all activities associated with the alfresco dining shall be wholly contained within the approved alfresco area.
- (xvi) No amplified music is permitted unless otherwise approved by Council.

The Shire of Manjimup may, where appropriate, impose planning conditions to ensure that the above requirements are satisfactorily maintained on an ongoing basis.

Where Alfresco Dining is proposed within Brockman Street, Manjimup the following additional requirements shall apply.

- (xvii) Furniture is not to be fixed in place due to the potential damage to the exposed aggregate concrete surface, with all furniture to be removed outside of trading hours.
- (xviii) Any barricades/fencing should have a maximum height of 1.2 metres and be of a single style, being either clear polycarbonate panels, or a high standard of decorative visually permeable fencing. The use of solid materials is not supported.
- (xix) All furniture within the dedicated alfresco areas shall comply with a uniform suite of furniture, using the same seating, tables, umbrellas, heaters and barricades/fencing as agreed to with the Chief Executive Officer and that

this suite of furniture comply with the following principals:

- ) Simple and contemporary in style, appearance and colour – dark, warm colours that prevent visual glare;
  - ) Materials and finishes to be high quality and unobtrusive; and
  - ) The use of suitable, sturdy furniture with wood features is encouraged.
- (xx) Where approval to alfresco dining is granted, the serving and consumption of alcohol is permitted subject to compliance with the relevant legislation;
- (xxi) Except where associated with an approved event or performance, neither live or amplified music is permitted unless otherwise approved by Council.

#### Administration

Alfresco areas which consist of structures that are permanently fixed to the ground are not considered to be temporary and therefore require a lease to be obtained from the relevant authorities. Where such an alfresco area is proposed, evidence must be provided to the Shire of Manjimup (as part of the development application) that a lease has been obtained. In addition, the lessor must sign the development application form as the owner of the land.

The provisions outlined in this policy relate to the planning issues associated with an alfresco dining area. There are no provisions relating to public health or hygiene within this policy as they are not matters of direct planning concern and can be administered under appropriate Environmental Health legislation and registration. Similarly, there are no provisions relating to tidiness and maintenance of a litter-free alfresco area as this can be best dealt with under the provisions of the *Litter Act 1979*. Notwithstanding this, alfresco dining applications will be referred for comment to Environmental Services as well as other relevant departments of the Shire as part of development approval process.

Local Planning Policies are guidelines used to assist the local government in making decisions under the scheme. A Local Planning Policy is not part of the scheme and does not bind the local government in respect of any application for development approval but the local government is to have due regard to the provisions of the Policy and the objectives which the Policy is designed to achieve before making its determination. Most importantly, provisions outlined in a Local Planning Policy cannot contradict a planning scheme.

**ADOPTED – 23 January 2020**

**EFFECTIVE – 5 February 2020**

**NEXT DUE FOR REVIEW – February 2024**

<b>The Administration of this Policy is by the Development and Regulation Division.</b>
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