

<b>POL</b>	<b>ALFRESCO DINING</b>	<b>LPP 3.5</b>
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<b>POLICY CODE:</b>	LPP 3.5
<b>DIRECTORATE:</b>	Planning and Development
<b>BUSINESS UNIT:</b>	Planning and Development
<b>SERVICE UNIT:</b>	Statutory Planning Services
<b>RESPONSIBLE OFFICER:</b>	Manager, Statutory Planning
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**BACKGROUND:**

Alfresco dining in various locations contributes to the vibrancy and amenity of a locality, as well as increasing interaction between the street and adjoining built forms.

**PURPOSE:**

To distinguish the locations and extent to which alfresco dining areas are permitted within the City of Cockburn.

To prescribe minimum standards for furniture, barriers and maintenance of alfresco dining areas.

**POLICY:**

- (1) Definitions:

In this Policy:

“alfresco dining area” means an area in which tables, chairs and other structures are provided for the purpose of the consumption of food or beverages or both by the public on public thoroughfare;

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“furniture” means the chairs, tables, waiters’ stations, planter boxes, umbrellas, screens, awnings and any other structure to be set up in the alfresco dining area;

(2) Policy Provisions:

The City will take the following matters into consideration in the assessment of applications for alfresco dining:

2.1 Layout and Setbacks

- 2.1.1 Alfresco dining areas are to be located directly adjacent the eating establishment to which they belong;
- 2.1.2 A maximum of one chair per square metre may be located in an alfresco dining area subject to any restrictions imposed by other laws including but not limited to the Building Code of Australia;
- 2.1.3 A 2m wide minimum footpath is to be provided and maintained clear of all obstructions including light poles, street furniture chairs, tables, pot plants and balustrading at all times;
- 2.1.4 Where the alfresco dining area is proposed in an area of a footpath adjacent to kerbside parking there should be a clearway of at least 0.6m between the alfresco area and car parking bays as indicated in Figure 1.
- 2.1.5 The City will not approve any alfresco dining areas within 1.5 m of a telephone booth, bus stop, bicycle rack, public seat or other street infrastructure. The City may move street infrastructure at full cost to the applicant to satisfy this requirement.
- 2.1.6 All alfresco dining areas shall be clearly demarcated on site and all chairs, tables and fittings shall remain within the demarcated area at all times;
- 2.1.7 Table service is encouraged, and where alcohol is served table service is mandatory and patrons must be seated at all times;
- 2.1.8 Where located abutting a road or vehicle crossover, chairs should not be placed with their backs to vehicles for safety reasons;
- 2.1.9 Alfresco dining areas should not obstruct sight lines for vehicles or pedestrians, both at road junctions and vehicle crossovers;

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## 2.2 Furniture

- 2.2.1 All chairs, tables and fittings shall be of a readily portable nature and shall be removed upon the completion of trading. All fittings and furniture such as umbrellas shall be appropriately secured so as to be stable and secure in all conditions;
- 2.2.2 All furniture shall be of a high quality and shall be in keeping with the style and materials of furniture provided within the eating establishment;
- 2.2.3 The furniture should be strong, durable, waterproof, rustproof and weather resistant and should fold or stack for storage for removal from the alfresco dining area each day;
- 2.2.4 The preferred materials for alfresco dining furniture are metal or timber. The feet of any metal furniture should be suitable encased in rubber or plastic to minimise noise. Plastic or acrylic chairs are not encouraged due to generally lower standards of design and quality and their rapid deterioration in the urban environment;
- 2.2.5 The style, layout and orientation of furniture should be chosen according to the extent and shape of the alfresco dining area and to dissuade patrons from moving furniture beyond the boundaries of the alfresco dining area.

## 2.3 Shelters and Screens

- 2.3.1 To provide shade and shelter high quality awnings or market umbrellas are encouraged. The canopy of the umbrella must be higher than 2.3m from the pavement;
- 2.3.2 Removable screens up to 1m in height may be used to define the boundary of an alfresco dining area, but should not create a barrier or solid wall effect;
- 2.3.3 Screens more than 1m in height, including glass or perplex panels or clear plastic rolled down from umbrellas and awnings are not permitted;
- 2.3.4 Boundary definition on all sides of an alfresco dining area is mandatory where alcohol is served;

## 2.4 Accessibility and Footpaths

- 2.4.1 No alfresco dining area shall obstruct the entrance to any mall, cause demonstrated inconvenience to adjacent retail or

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commercial activities, or residential properties, or obstruct the views or access to adjacent properties. Where the City believes that such problems may arise it may consult with the owners and/or occupiers of the affected premises as part of the assessment of the application.

2.4.2 The establishment of alfresco dining areas should not normally require extension of the existing footpath, unless this can be done without unduly affecting the prevailing form of the street or prejudicing its proper use as a traffic route and, without involving the loss of kerbside parking or loading zones. Such widening will be at the full cost of the applicant and should use materials to the satisfaction of the City.

## 2.5 Operating Times

2.5.1 The City may minimize the potential for conflicting uses by specifying operating times;

2.5.2 If alfresco dining occurs outside daylight hours the licensee must provide adequate, clear and well distributed lighting to ensure the safety of both patrons and the public. The lighting shall not adversely impact on surrounding residential land uses.

## (3) Information to Accompany Applications

3.1 All applications for alfresco dining areas are to be accompanied by a Schedule 5 Form and an appropriate application fee being charged;

3.2 Applications for alfresco dining areas are to include three copies of scaled plans indicating the number and location of proposed tables, chairs and other furniture and their relationship to the building in which the eating house is located similar to the example illustrated in Figure 2;

3.3 Diagrams indicating the style and dimensions of all furniture proposed to occupy the alfresco dining area are required.

3.4 Applicants are required to stipulate the hours of operation for the proposed alfresco dining area. These may be approved or amended in consultation with the applicant depending upon the location and nature of the alfresco dining.

3.5 Applicants should indicate whether alcohol is intended to be served and consumed within the alfresco dining area;

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(4) Conditions of Approval

If the City is prepared to support an alfresco dining proposal the following conditions may be applied (including a new proposal incorporating the sale of alcohol, or modification of an existing licence to incorporate alcohol):

- 4.1 The public shall be free to use the tables and chairs at all times, whether paying customers or not;
- 4.2 The tables and chairs are not to be fixed to the public footpath paving material;
- 4.3 The tables and chairs shall be removed from the public footpath area outside normal trading hours, unless otherwise permitted by the City of Cockburn;
- 4.4 The tables and chairs are to be maintained in good, clean and serviceable condition at all times;
- 4.5 In the event that the conditions of the cleaning arrangement with the City are not fully met or the cost of cleaning fall in arrears, the approval for the alfresco dining area shall be revoked;
- 4.6 The City of Cockburn shall be indemnified against any damage which may arise, with the indemnity being Public Liability Insurance cover of over \$5 million minimum;
- 4.7 The City shall be advised directly by the Insurance Company of the Policy and any changes to that Policy, a copy of which is to be kept at the City;
- 4.8 The applicant shall ensure that rubbish shall be regularly removed from the premises in order to ensure high public amenity;
- 4.9 The licensee is to maintain the footpath to a high standard of cleanliness and hygiene to the satisfaction of the City of Cockburn. This will include removing grease and stains and washing of the pavement. Under no circumstances are waste materials to be swept or placed in the gutter;
- 4.10 The serving of alcohol shall not commence unless the relevant approval has been obtained from the Liquor Licensing Division of the Office of Racing and Gaming;
- 4.11 The use of plastic resin chairs is not permitted;
- 4.12 Tables and chairs placed in a public place that enables unlimited public use shall not be considered as part of the premises in calculating the required number of public toilets under the Health Act;

4.13 The licensee is not permitted to prepare food or beverages in the alfresco dining area.

Figure 1 – Location of Alfresco Dining on Footpaths & Car Parking Embayments.

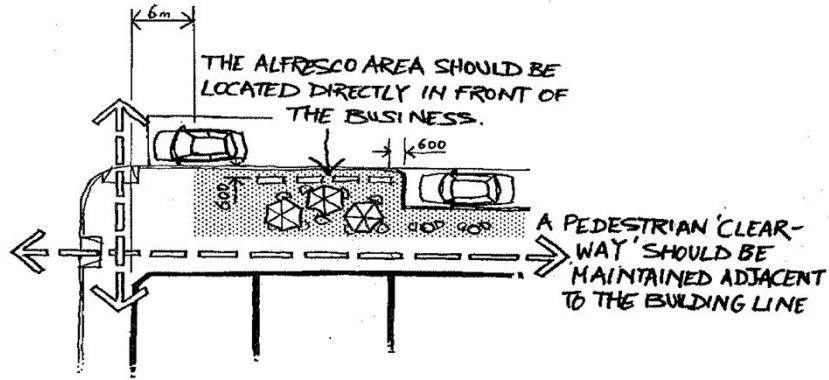


Figure 2 – Typical Plan of Proposed Alfresco Dining Area.

