

POLICY 7-5 – ALFRESCO ACTIVITIES

STATUS: **City Policy** - *A policy that is developed for administrative and operational imperatives and has an internal focus.*

City policies are referred to Council for review and endorsement.

RESPONSIBLE DIRECTORATE: Planning and Community Development

- OBJECTIVES:**
- 1 To encourage and facilitate alfresco activities within the City of Joondalup as a means of increasing vibrancy and choice. Alfresco activities refers to outdoor dining and/or the consumption of alcohol by the general public while seated at tables that are located on the street verge or in a public space, generally as an extension of an existing premises already operating within an adjacent building.
 - 2 To allow for the operations of alfresco activities in such a manner that will not conflict with, or prejudice, the activities in adjacent premises (commercial and/or residential) or interfere with the traffic flow in the area or any other normal function of the area.
 - 3 To provide guidelines for the granting of planning approval for alfresco activities.
 - 4 To complement the provisions for outdoor dining as specified in Part 3 – Outdoor Dining – Trading in Public Places Local Law.

DEFINITIONS:

“Alfresco activities” means outdoor dining and/or the consumption of alcohol by the general public while seated at tables that are located on the street verge or in a public space, generally as an extension of an existing premises already operating within the adjacent building.

“Alfresco zone” means the area of the verge or other public space where alfresco activities may be permitted.

“Kerbside Zone” is the area between the road and the Alfresco Zone, which ensures that adequate area is provided between the Alfresco Zone and roadside activities. (ie opening of car doors, informal pedestrian crossings, refuge from traffic or minimum separation between alfresco activities and passing traffic)

“Pedestrian Zone” means the area to provide continuous and unobstructed pathway.

“Verge” means the space between the property boundary and the road, commonly occupied by footpath or landscaping.

POLICY AREA:

This policy shall apply to alfresco activities within the City of Joondalup. The policy is to be implemented in conjunction with the provisions of Part 3 – Outdoor Dining of the City of Joondalup’s Trading in Public Places Local Law.

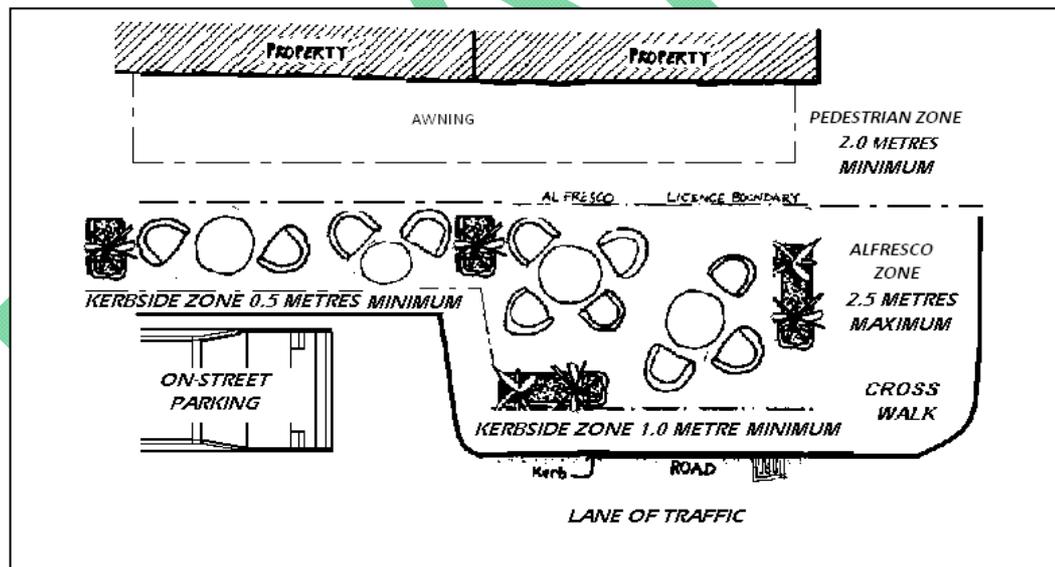
STATEMENT**ELEMENT 1: ALFRESCO LOCATION**

The City of Joondalup employs a system of zones within the verge to accommodate and balance its uses. Zone widths may vary depending on the overall width of the footpath or the specifics of a particular location or use.

1. Notwithstanding the site specific guidelines that follow, alfresco activities must conform to the following:

Pedestrian Zone: 2.0 metres minimum width
 Alfresco Zone: 2.5 metres maximum width
 Kerbside Zone: 0.5m (kerbside zone abuts on-street parking)
 1.0 metres minimum (kerbside zone abuts a lane of traffic)

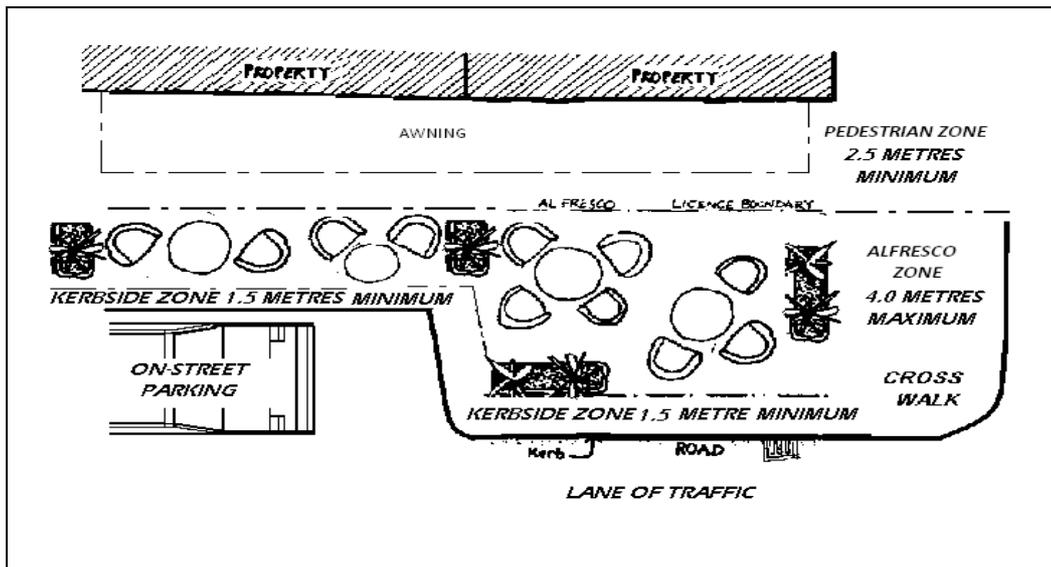
and must be configured in the manner illustrated below, unless the City of Joondalup deems compliance is not necessary in a particular instance.



2. Alfresco activities located on Lakeside Drive and Central Walk must conform to the following:

Lakeside Drive

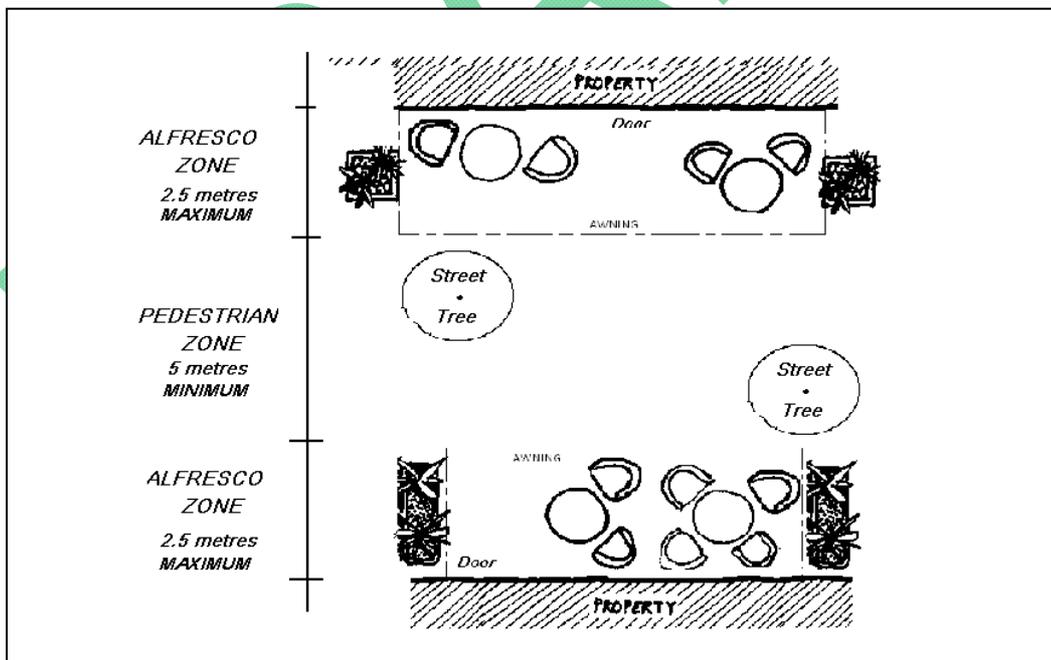
Pedestrian Zone: 2.5 metres minimum width
 Alfresco Zone: 4.0 metres maximum width
 Kerbside Zone: 1.5 metres minimum width



3. Alfresco activities located on Lakeside Drive and Central Walk must conform to the following:

Central Walk

Alfresco Zone: 2.5 metres maximum width
 Pedestrian Zone: 5 metres minimum width
 Kerbside Zone: None



ELEMENT 2: STREETScape AND AMENITY

1. Alfresco activities must be appropriate to the character and functions of the area in which they are proposed to be located.
2. The alfresco activities must be presented in a way that enhances the amenity of the adjoining properties and the street in general.

3. Alfresco activities must not restrict pedestrian access under awnings, with the exception of Central Walk where alfresco activities are permitted beneath awnings.

ELEMENT 3: TABLES AND CHAIRS

1. No chairs, tables or incidental structures are permitted outside the designated and approved alfresco zone.
2. Chairs and tables utilised within the Alfresco Zone must be suitable for outdoor use. Plastic chairs and tables are not permitted.
3. Chairs and tables must be able to withstand windy conditions yet be moveable so to access the area for cleaning purposes.

Note:

1. Where the proposed alfresco activity increases the seating capacity of the premises, the application may result in a greater car parking requirement.

ELEMENT 4: SHELTER, SHADE, BARRIERS & INCIDENTAL STRUCTURES

1. Alfresco activities shall be demarcated to the satisfaction of the City of Joondalup. This is to be achieved through the use of planter boxes. Fences are not permitted.

Note:

1. Any structures placed within the public domain in accordance with this clause must be considered in respect to other clauses in this policy and the City of Joondalup's Trading in Public Places Local Law.
2. Alfresco activities may incorporate shelter or shade structures (eg umbrellas) where:
 - i. Such structures are firmly anchored and free of sharp protrusions.
 - ii. Such structures have a minimum 2.0 metre vertical clearance from the pavement to any overhead structure.
3. Alfresco activities shall incorporate planter boxes (at the expense of the City) or other such structures as deemed appropriate by the City and:
 - i. are not erected between the building and the alfresco zone. The alfresco zone facing the building must remain open.
 - ii. must not be greater than 1.2 metre in height;
 - iii. do not have the visual effect of enclosing a public place;
 - iv. must not hinder use of a public place during and after trading hours.
 - v. no advertising is to be displayed on these structures.

vi. must be maintained in accordance with an approved management plan.

4. Alfresco activities may incorporate a permanent shade structure where:



EXAMPLE OF PERMANENT SHADE STRUCTURE ON 9 METRE WIDE VERGE.

- i. the verge to which the permanent shade structure is located exceeds 5 metres in width;
- ii. the shade structure does not exceed 3.0 metres in height above pavement level;
- iii. the shade structure is to be constructed of similar materials and be sympathetic to the building to which it adjoins; and
- iv. the design of the permanent structure is not to give the impression that the verge is a private space.

v. Any screening for weather protection, with the exception of roof cover and breeze barriers, must be visually permeable and readily removable. Canvas and shade cloth type materials will not be permitted.

vi. Clear plastic rolled down blinds are not to be affixed to awnings.

vii. Screening is retracted or removed when the alfresco activities are not in operation.

5. Alfresco activities and associated structures (shade structures, seating, planter boxes, screens, fencing etc) must not damage street trees, street furniture or pose a safety risk.

ELEMENT 5: HAZARD MANAGEMENT

1. Alfresco activities must not restrict direct pedestrian access to buildings entrances/exits.

2. Alfresco activities should not result in the gathering of customers or incidental structures that will impede pedestrian or vehicular movements, cause conflict with or inconvenience other adjoining activities. Pedestrians should be able to make normal use of the footpath without being obliged to step into the road at any point, or make other unwarranted detours.

3. Alfresco activities must not obstruct sight lines for either vehicles or pedestrians, both at road/laneway junctions and vehicle access crossovers.

4. Additional requirements or conditions of approval including the provision of bollards, increased kerbside zone or other may be imposed dependant on nature of a street intersection, traffic speeds or other circumstance.

ELEMENT 6: MANAGEMENT

1. The applicant is solely responsible for all and any associated costs with the removal, alteration, repair, reinstatement or reconstruction (to the satisfaction of the City of Joondalup) of the street carriageway, footpath or any part thereof arising from the use of the alfresco zone.
2. Umbrellas and other temporary structures must be stored away in extreme wind conditions, and in all cases, must be stored away from the public space after hours of operation.
3. Council will accept no responsibility or liability for any interruption to business caused by the need for Council, any other Authority or adjoining development to carry out any type of maintenance works or new development on or in the vicinity of the approved alfresco area

Amendments:

Related Documentation:

Issued:

CJ213-06/99; CJ024-02/04, CJ206-10/05; CJ052-04/08
Schedule of Fees and Charges; Trading in Public
Places Local Law – Outdoor Dining

DRAFT

APPENDIX

The following information is provided to assist applicants when preparing an application for alfresco activities.

REQUIREMENTS TO OPERATE ALFRESCO ACTIVITIES:

In order to operate alfresco activities prospective operators require:

- a valid planning approval; and
- a valid outdoor dining licence issued under the City of Joondalup's Trading in Public Places Local Law.

Note: Depending on the location of proposed alfresco areas and whether permanent structures are proposed, applications for planning application, may need to be referred by the City of Joondalup to other public authorities for comment or approval (eg Main Roads WA).

MAKING AN APPLICATION FOR PLANNING APPROVAL:

Applications must be accompanied by

- Completed Development Application Form (Form 1)

The application form is required to be signed by the City of Joondalup where the road reserve is vested to the City.

- Site Plan (3 copies)

A scale site plan (1:200) of the development site indicating the location of:

- any street furniture or other structures situated in the verge area including any power poles, bollards, phone booths, bus shelters, fire hydrants, street trees or free standing signage;
- the footpath and carriageway alignment, vehicle crossovers and any on-street parking.
- The proposed alfresco activities including the seats (both alfresco dining seating and seating internal to the premises), tables, screens, planter boxes or any other permanent or temporary structures proposed to be used of displayed in the alfresco zone.

- Elevation (3 copies)

A scale elevation is to be provided to indicate the height and detail of any screens, bollards or proposed structures associated with the alfresco activities.

- A management plan as outlined under part 3 (clause 17d and e) Outdoor Dining of the City of Joondalup's Trading in Public Places Local Law.
- A management plan outlining the manner in which the planter boxes will be maintained on a regular basis.
- Photographs or manufacturer's details of the furniture to be used;
- Any applicable fees

FEES

{Development Application Fee}	In accordance with the City of Joondalup schedule of fees and charges.
{Use of Public Land Fee}	Fees and charges relating to the use of public land will be charged at a rate per square metre of alfresco dining area in accordance with the City of Joondalup schedule of fees and charges.

PLANNING APPROVAL

A planning approval for alfresco activities will include the following standard conditions and advice notes:

Conditions

1. The licence holder shall make adequate insurance arrangements to the satisfaction of the City of Joondalup, ~~in the joint names of the City and the operator,~~ for a minimum public liability insurance cover ~~to provide indemnity in respect to both injury to persons and damage to property~~ of \$10 million. It will also be a condition of the licence that the City will respond to any actions, suits, claims, damages, losses and expenses caused by or arising from the negligence of the Council and the licensee will respond to any suits, claims, damages, losses and expenses caused by or arising from the negligence of the licensee. A copy of the policy will need to be provided to the City prior to the commencement of trading. The City of Joondalup shall be advised directly by the
2. Structures and furniture must be stable under windy conditions.
3. The operator shall not, without the prior approval of the City of Joondalup:
 - (a) make use of any method of noise making (ie live music, record, tape, radio, etc);
 - (b) carry out any specific functions (ie fashion parades, art exhibitions, etc);
 - (c) prevent the public from using the alfresco zone, whether paying customers or not.

4. The operator shall keep the alfresco zone clean and free from rubbish to the satisfaction of the City of Joondalup.
5. All structures associated with the alfresco activities shall be maintained in a good condition to the satisfaction of the City.
6. The approval is valid for a period of 36 months.
7. The tables, chairs and all equipment associated with the alfresco activities shall be removed from the public space outside normal trading hours for the associated premises.
8. Any modifications of the street verge or any relocation of existing street furniture, trees or services shall not be undertaken without the prior approval of the City of Joondalup. All costs associated with any such works will be totally at the applicant(s) expense.
9. Planter boxes shall be maintained by the operator in accordance with an approved management plan.

Advice Notes

1. In granting approval, the City of Joondalup may limit operating hours.
2. The City of Joondalup reserves the right to require the alfresco zone to be cleared at any time, either permanently or temporarily, at the applicant's expense, in order to undertake essential maintenance work, accommodate road widening, or other required works.

**PROPOSED AMENDMENTS TO POLICY 7-5 – ALFRESCO ACTIVITIES
SCHEDULE OF SUBMISSIONS FOLLOWING ADVERTISING
(CLOSED 3 AUGUST 2009)**

NO	NAME OF SUBMITTER	DESCRIPTION OF AFFECTED PROPERTY	SUBMISSION SUMMARY	OFFICER OR COUNCIL'S RECOMMENDATION
1	R Repke	N/A	Support Agree with proposal	Noted
2	H & S Deeplaul and Family	Kulcha Café & Noodle House 2/49 Boas Avenue Joondalup 6027	Objection The proposed changes should not apply to existing businesses that have already invested in alfresco infrastructure in their current locations Proposed roadside alfresco location will be unsafe for diners.	Noted The intent of the policy changes are to establish a consistent alfresco layout throughout the City Centre, as such allowing an inconsistent approach to continue would not fulfil the purpose of the policy. The proposed roadside location is setback 1-1.5m from the kerb and will be delineated by planter boxes that may serve a dual purpose as traffic bollards. In most instances this is considered sufficient to provide safety, however in areas of traffic flow 70km or greater other safety measure will be considered and/or alternative locations sought.
3	J Tran	Kulcha Café & Noodle House 2/49 Boas Avenue Joondalup 6027	Objection The proposed alfresco location will be inconvenient for servicing diners. There will be a clash between diners and pedestrians.	Noted The proposed format of alfresco and pedestrian activities has proven very successful in Oxford Street Leederville and Market Street, Fremantle. In both of these example foot traffic is high and the

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NO	NAME OF SUBMITTER	DESCRIPTION OF AFFECTED PROPERTY	SUBMISSION SUMMARY	OFFICER OR COUNCIL'S RECOMMENDATION
			<p>The inability to erect blinds on awnings will defeat the purpose of providing shelter from wind and cold.</p> <p>Proposed roadside alfresco location will be unsafe for diners. An incident on 21/06/2009 resulted in a vehicle crashing through bollards onto the proposed alfresco dining location.</p> <p>Would like the Council to permit alfresco dining to remain as is for the purpose of Kulcha Café.</p> <p>The existing alfresco location provides adequate pedestrian space.</p>	<p>servicing of alfresco activities whilst maybe inconvenient, is possible.</p> <p>Whilst there may be adequate space for pedestrians in the current approved layout, this does not provide access to awnings in times of inclement weather. The proposed changes will accommodate for this whilst providing the opportunity for temporary shade structures for alfresco diners.</p> <p>As per previous comments.</p>
4	HP & SE Burath	Kulcha Café & Noodle House 2/49 Boas Avenue Joondalup 6027	<p>Objection</p> <p>Proposed roadside alfresco location will be unsafe for diners.</p> <p>The dining experience will be lessened by a detached alfresco layout that may lack shelter.</p> <p>The existing alfresco location provides adequate pedestrian space.</p>	<p>As per previous comments.</p> <p>The proposed alfresco policy provides opportunity for temporary shade structure and in some instance permanent structures.</p>
5	A Noble	Kulcha Café & Noodle	Objection	As per previous comments.

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NO	NAME OF SUBMITTER	DESCRIPTION OF AFFECTED PROPERTY	SUBMISSION SUMMARY	OFFICER OR COUNCIL'S RECOMMENDATION
		House 2/49 Boas Avenue Joondalup 6027	The dining experience will be lessened by a detached alfresco layout with pedestrians free to approach without consideration.	
6	D Mason	Kulcha Café & Noodle House 2/49 Boas Avenue Joondalup 6027	Objection Proposed roadside alfresco location will be unsafe for diners and result in loss of patrons.	As per previous comments.
7	C Bowden	Kulcha Café & Noodle House 2/49 Boas Avenue Joondalup 6027	Objection Boas Avenue to a major thoroughfare and has potential for staff, diners and pedestrians to collide. Proposed roadside alfresco location will be unsafe for diners. Alfresco operators will incur greater costs to relocate	As per previous comments.
8	D Edwards & F Hagan	Kulcha Café & Noodle House 2/49 Boas Avenue Joondalup 6027	Objection Proposed roadside alfresco location will be unsafe for diners. Particularly as	As per previous comments. The intent of alfresco activities is to provide 'open air' dining. As such this

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NO	NAME OF SUBMITTER	DESCRIPTION OF AFFECTED PROPERTY	SUBMISSION SUMMARY	OFFICER OR COUNCIL'S RECOMMENDATION
			<p>learner and trainee drivers frequent the area (licensing centre on Boas Avenue).</p> <p>Smoke from passing pedestrians would interfere with smoke free alfresco areas.</p> <p>Businesses would incur a loss of income due to lack of protection from inclement weather.</p>	<p>may result in the exposure to smoke, breeze, sun and other elements. Alfresco activity is encouraged so it may create activity and vibrancy to the street. The effect of fully enclosing alfresco activities can obscure this activity and result in bulky structures encroaching into the streetscape. As such shelter will be considered, however the area should primarily remain open.</p>
9	F James	Kulcha Café & Noodle House 2/49 Boas Avenue Joondalup 6027	<p>Objection</p> <p>Proposed roadside alfresco location will be unsafe for diners.</p>	As per previous comments.
10	W & R Della-Vedova	Kulcha Café & Noodle House 2/49 Boas Avenue Joondalup 6027	<p>Objection</p> <p>Proposed roadside alfresco location will be unsafe for diners.</p>	As per previous comments.
11	K & K Ross	Kulcha Café & Noodle House 2/49 Boas Avenue Joondalup 6027	<p>Objection</p> <p>Proposal will reduce the number of tables for an establishment that often booked out in advance.</p> <p>Proposed roadside alfresco location will be unsafe for diners.</p>	As per previous comments.

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12	Dowey Family	Kulcha Café & Noodle House 2/49 Boas Avenue Joondalup 6027		
13	Sewell Family	Kulcha Café & Noodle House 2/49 Boas Avenue Joondalup 6027	Objection The changes will be detrimental and result in a lesser cosmopolitan atmosphere within the City Centre.	As per previous comments.
14	E & L Muniak	Kulcha Café & Noodle House 2/49 Boas Avenue Joondalup 6027	Objection The proposed changes will not benefit anyone. There is adequate room for pedestrians in its current layout.	As per previous comments.
15	P Cormack	The Butty Bar Café 3/47 Davidson Terrace Joondalup 6027	Objection The relocation of alfresco dining is impractical and would expose diners to sun. Proposed roadside alfresco location will be unsafe for diners. The City should be helping small	The policy does not preclude the erecting of shade structures such as umbrellas for the benefit of alfresco patrons. As per previous comments. Whilst an increase in fees is never welcomed, the City will be investing in planter boxes to increase the amenity of alfresco areas.

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NO	NAME OF SUBMITTER	DESCRIPTION OF AFFECTED PROPERTY	SUBMISSION SUMMARY	OFFICER OR COUNCIL'S RECOMMENDATION
			business not increasing licence fees.	
16	K Skipp	Kulcha Café & Noodle House 2/49 Boas Avenue Joondalup 6027	<p>Objection</p> <p>There is adequate room for pedestrians in its current layout.</p> <p>The change of alfresco layout will impact significantly on the owners of Kulcha.</p>	<p>Whilst there may be adequate room for pedestrians in the current layout there is not adequate pedestrian shelter. The proposed changes will provide opportunities for alfresco operators to provide shelter to diners and pedestrians with access to awnings.</p>