

Alfresco Activities Policy

Council Policy

Responsible Directorate: Planning and Community Development

Objective: To provide a consistent and coordinated approach to the approval and management of alfresco activities on City-owned or -managed land.

1. Authority:

This Policy has been prepared in accordance with Clause 8.11 of the *City of Joondalup District Planning Scheme No. 2*, which allows Council to prepare local planning policies relating to planning or development within the Scheme area.

2. Application:

This Policy shall apply to all alfresco activities situated on City-owned or -managed land.

3. 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 are permitted.

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

“Pedestrian Zone” means the area that provides a continuous and unobstructed pathway.

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

4. Statement:

The City encourages alfresco activities within its district as a means of increasing vibrancy and choice for residents and visitors. It seeks to achieve this in a balanced way which takes into consideration issues of pedestrian safety, traffic flow and local amenity for residents and other commercial operators. As such, to complement the conditions on alfresco activities provided by the City's *Trading in Public Places Local Law 1999*, this local planning policy has been developed to further guide the planning approval process for alfresco activities.

5. Details:

5.1. 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.

- a. Notwithstanding the site-specific guidelines that follow, alfresco activities must conform to the following and be configured in the manner illustrated in Figure 1, unless the City of Joondalup deems compliance is not necessary in a particular instance.

| | |
|-------------------------|--|
| Pedestrian Zone: | 2 metres minimum width |
| Alfresco Zone: | 2.5 metres maximum width |
| Kerbside Zone: | 0.5 metres (Kerbside Zone abuts on-street parking) or 1 metre minimum (Kerbside Zone abuts a lane of traffic) |

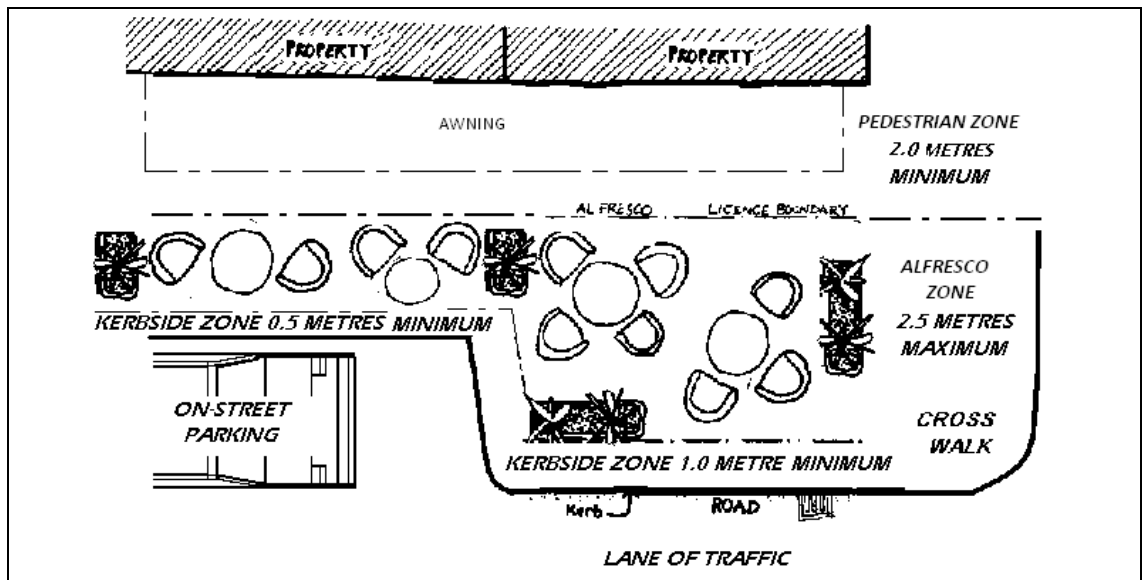


Figure 1. General standard for alfresco location

- b. Alfresco activities located on Lakeside Drive and Central Walk must conform to the following and be configured in the manner illustrated in Figure 2.

| Lakeside Drive: | |
|-------------------------|--------------------------|
| Pedestrian Zone: | 2.5 metres minimum width |
| Alfresco Zone: | 4 metres maximum width |
| Kerbside Zone: | 1.5 metres minimum width |

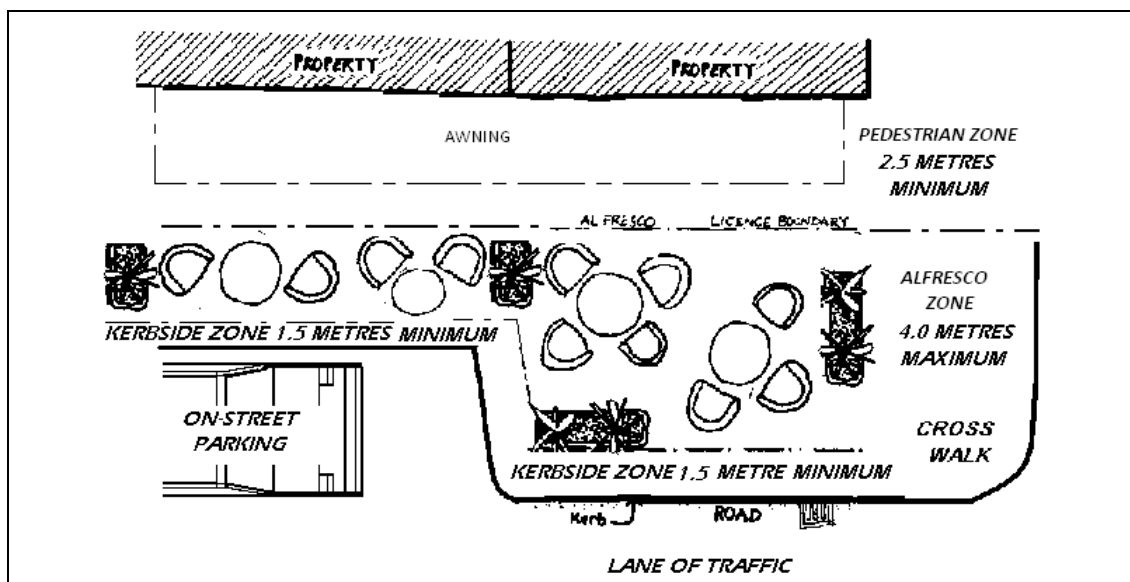


Figure 2. Alfresco location for Lakeside Drive

| Central Walk: | |
|-------------------------|--------------------------|
| Pedestrian Zone: | 2.5 metres minimum width |
| Alfresco Zone: | 5 metres minimum width |
| Kerbside Zone: | None |

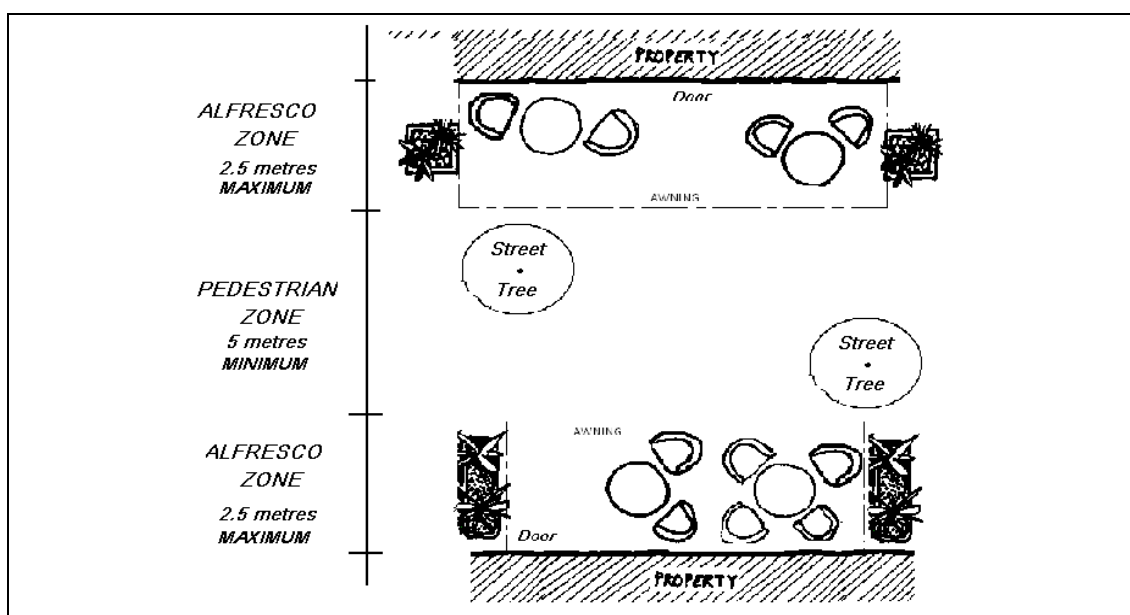
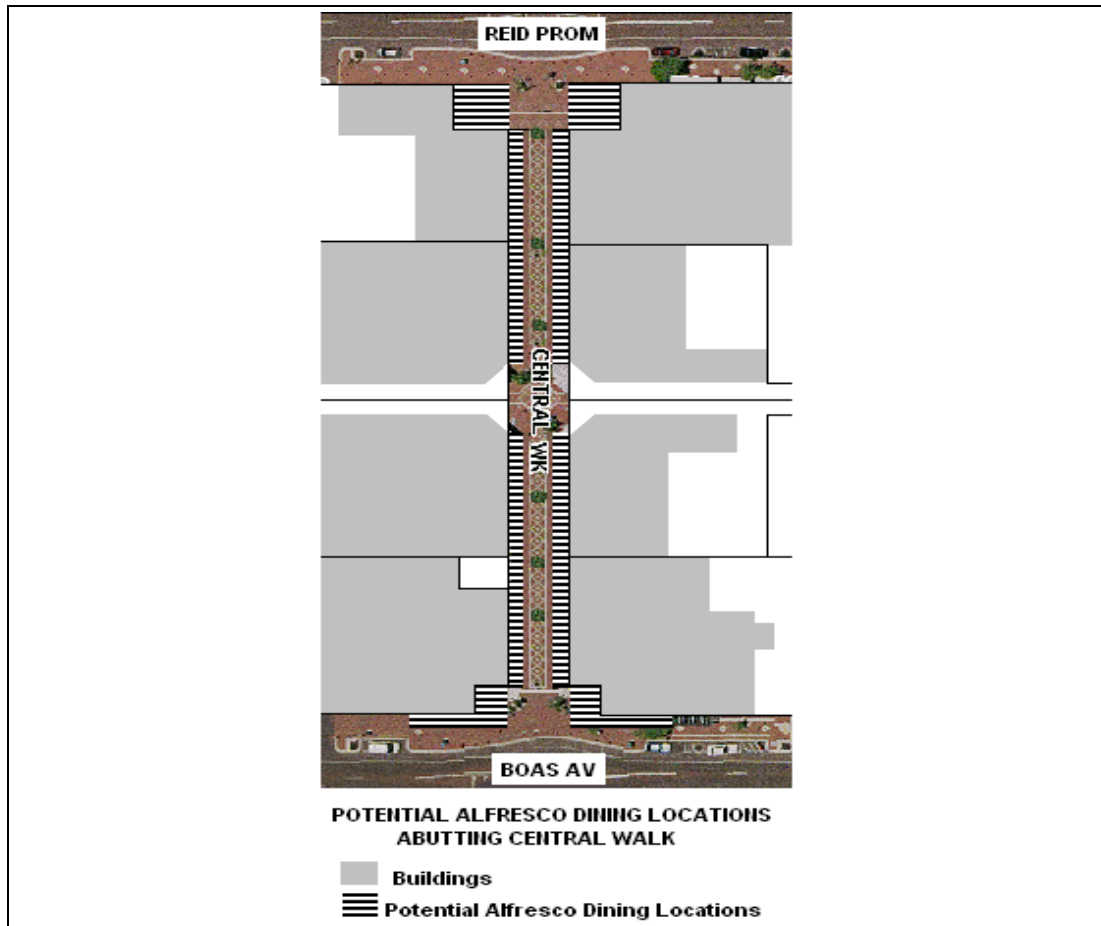


Figure 3. Alfresco location for Central Walk

- c. For the purpose of buildings with frontage to both Central Walk and Boas Avenue, alfresco activities may abut the building along both frontages and be located beneath awnings where provided in accordance with Figure 4.

Alfresco activities located along the Boas Avenue frontage must conform to the dimensions for the alfresco, pedestrian and kerbside zones as specified in Figure 1.



**Figure 4. Alfresco location for buildings abutting Central Walk —
between Boas Avenue and Reid Promenade**

5.2. Streetscape and Amenity:

- a. Alfresco activities must be appropriate to the character and functions of the area in which they are proposed to be located.
- b. Alfresco activities must be presented in a way that enhances the amenity of the adjoining properties and the street in general.
- c. Alfresco activities must not restrict pedestrian access under awnings, with the exception of Central Walk where alfresco activities are permitted beneath awnings.

5.3. Tables and Chairs:

- a. No chairs, tables or incidental structures are permitted outside the designated and approved Alfresco Zone.

- b. Chairs and tables utilised within the Alfresco Zone must be suitable for outdoor use. Plastic chairs and tables are not permitted.
- c. Chairs and tables must be able to withstand windy conditions yet be moveable so to access the area for cleaning purposes.

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

5.4. Shelter, Shade, Barriers and Incidental Structures:

- a. 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.

Any structures placed within the public domain in accordance with this Section must be considered in respect to other Sections in this Policy and the City of Joondalup's *Trading in Public Places Local Law 1999*.

- b. Alfresco activities may incorporate non-permanent shelter or shade structures (e.g.: umbrellas) under the following conditions.
 - i. Such structures are firmly anchored and free of sharp protrusions.
 - ii. Such structures have a minimum 2 metres vertical clearance from the pavement to any overhead structure.
- c. Alfresco activities may incorporate a permanent shade structure under the following conditions (see Figure 5 for example).
 - i. The verge on which the permanent shade structure is located exceeds 5 metres in width.
 - ii. The shade structure does not exceed 3 metres in height above pavement level.
 - iii. The shade structure is constructed of similar materials and is sympathetic to the building to which it adjoins.
 - iv. The design of the structure does not give the impression that the verge is a private space.
 - v. Any screening for weather protection, with the exception of roof covers and breeze barriers, may only include plastic blinds (café blinds) or other clear blinds which can be easily seen through during both the day and night and are readily removable. Canvas and shade cloth type materials are not permitted.
 - vi. Clear plastic blinds (café blinds) are not to be affixed to awnings, with the exception of the alfresco areas identified in Figure 4 of this Policy.
 - vii. Screening is retracted or removed when the alfresco activities are not in operation.



Figure 5. Example of a permanent shade structure on 9 metres wide verge.

- d. Alfresco activities shall incorporate planter boxes (at the expense of the City) or other such structures as deemed appropriate by the City under the following conditions.
 - i. Planter boxes and other such structures are not erected between the building and the Alfresco Zone. The Alfresco Zone facing the building must remain open.
 - ii. Planter boxes and other such structures are not to be greater than 1.2 metres in height.
 - iii. Planter boxes and other such structures do not have the visual effect of enclosing a public place.
 - iv. Planter boxes and other such structures do not hinder use of a public place during and after trading hours;
 - v. Planter boxes and other such structures do not display advertising.
 - vi. Planter boxes and other such structures are maintained in accordance with an approved Management Plan.
- e. 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.

5.5. Hazard Management:

- a. Alfresco activities must not restrict direct pedestrian access to buildings entrances/exits.
- b. Alfresco activities should not result in the gathering of customers or incidental structures that:
 - impede pedestrian or vehicular movements; and/or
 - 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.

- c. Alfresco activities must not obstruct sight lines for either vehicles or pedestrians, both at road/laneway junctions and vehicle access crossovers.
- d. Additional requirements or conditions of approval, including the provision of bollards, increased Kerbside Zone or other may be imposed dependant on the nature of a street intersection, traffic speeds or other circumstance.

5.6. Management:

- a. The applicant is solely responsible for all and any costs associated with the removal, alteration, repair, reinstatement or reconstruction (to the satisfaction of the City) of the street carriageway, footpath or any part thereof arising from the use of the Alfresco Zone.
- b. 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.
- c. 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.

| | |
|-------------------------------|--|
| Creation Date: | June 1999 |
| Amendments: | CJ024-02/04, CJ052-04/08, CJ225-10/09, CJ032-03/12 |
| Related Documentation: | <ul style="list-style-type: none">• <i>City of Joondalup District Planning Scheme No. 2</i>• <i>Schedule of Fees and Charges</i>• <i>Trading in Public Places Local Law 1999</i> |

Alfresco Activities Local Planning Policy

Responsible Directorate: Planning and Community Development

Objectives:

- To ensure alfresco activities are appropriate to the character and functions of the area in which they are proposed to be located.
- To encourage high quality, pedestrian friendly, street-activated development that integrates with surrounding areas and enhances the streetscape whilst limiting any impact on adjoining properties.
- To ensure any alfresco activities and incidental structures do not impact on the movement of pedestrians and vehicles, and do not impact on the future works required within the road reserve.
- To maintain an open and accessible public space that retains the functionality and appearance of being publicly available to all pedestrians, whether paying customers or not.

1. Authority:

This policy has been prepared in accordance with Schedule 2, Part 2 of the deemed provisions of the *Planning and Development (Local Planning Schemes) Regulations 2015* which allows the local government to prepare local planning policies relating to planning and development within the Scheme area.

2. Application:

This policy shall apply to all alfresco activities situated on City owned or managed land, typically within a road reserve (excluding any regional road reserve).

3. Definitions:

“alfresco activities” means the consumption of food and beverages by the general public that are located generally within the verge which are an extension of an existing adjacent business.

“Alfresco Zone” means the area of the verge or other public space where alfresco activities are permitted.

“Kerbside Zone” means the area between the road and the Alfresco Zone, which ensures that adequate space is provided between the Alfresco Zone and roadside activities.

“Pedestrian Zone” means the area that provides a continuous and unobstructed pathway.

“Regional Road” means a road reserve identified under the *Metropolitan Region Scheme* as an Other Regional Road or Primary Regional Road.

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

“visually permeable” means the same as that defined under the *State Planning Policy 7.3: Residential Design Codes*.

4. Statement:

The City encourages alfresco activities as a means of increasing vibrancy and choice for residents and visitors. It seeks to achieve this in a balanced way by employing a system of zones which take into consideration pedestrian safety, traffic flow and local amenity for residents and other commercial operators. As such, this local planning policy has been developed as a framework to guide the planning approval process for alfresco activities.

5. Details:

In determining the appropriateness of any alfresco activities within the City of Joondalup, the following will apply:

5.1. Alfresco location:

- a. Notwithstanding the Zone configurations identified below, all alfresco activities shall provide a 1 metre minimum setback from bus stops, fire hydrants, public telephones, electrical distribution boxes or any other public infrastructure.
- b. Alfresco activities located outside of the site-specific areas identified in Figures 2 and 3 are to comply with the following and be configured in the manner illustrated in Figure 1:

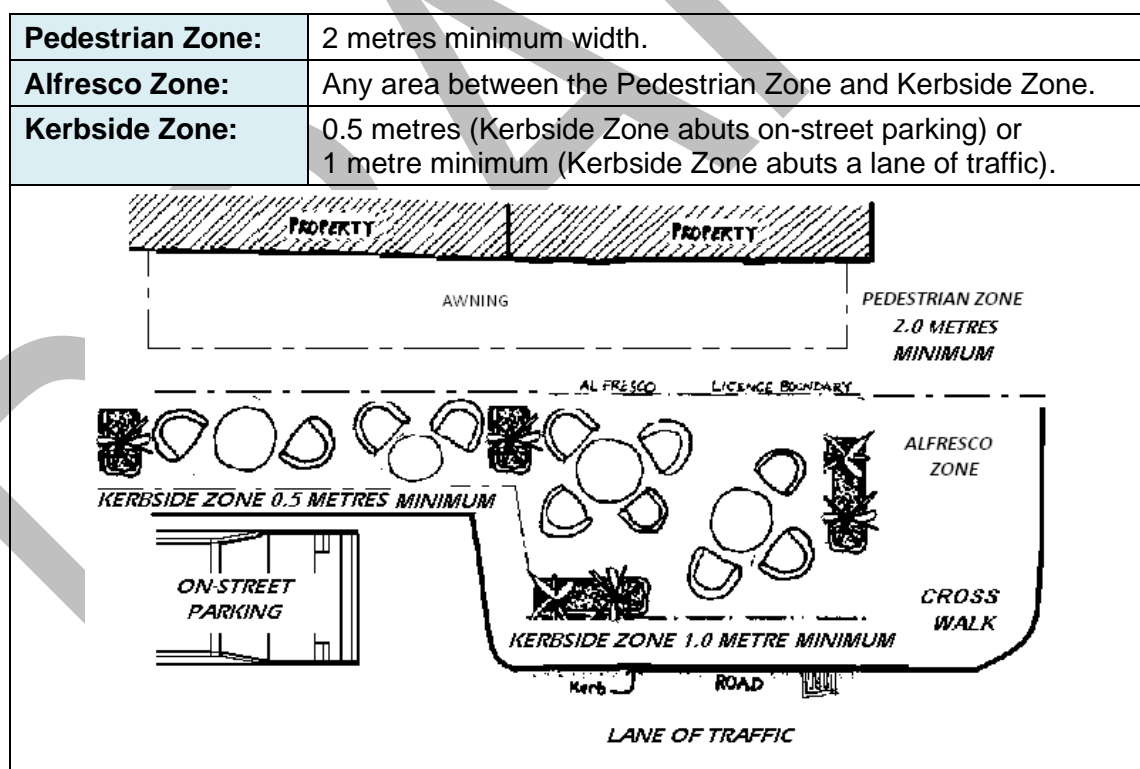


Figure 1. General standard for alfresco location

- c. Alfresco activities located on Lakeside Drive or Central Walk are to comply with the following and be configured in the manner illustrated in Figure 2 or 3 respectively:

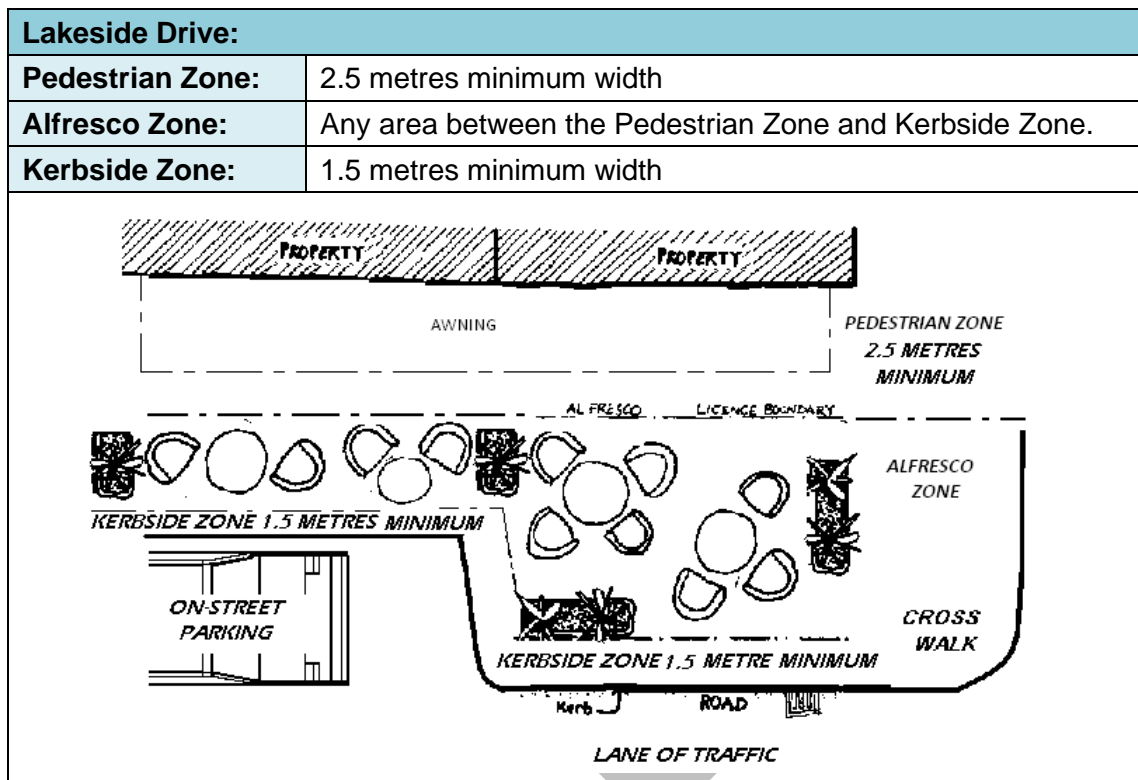


Figure 2. Alfresco location for Lakeside Drive

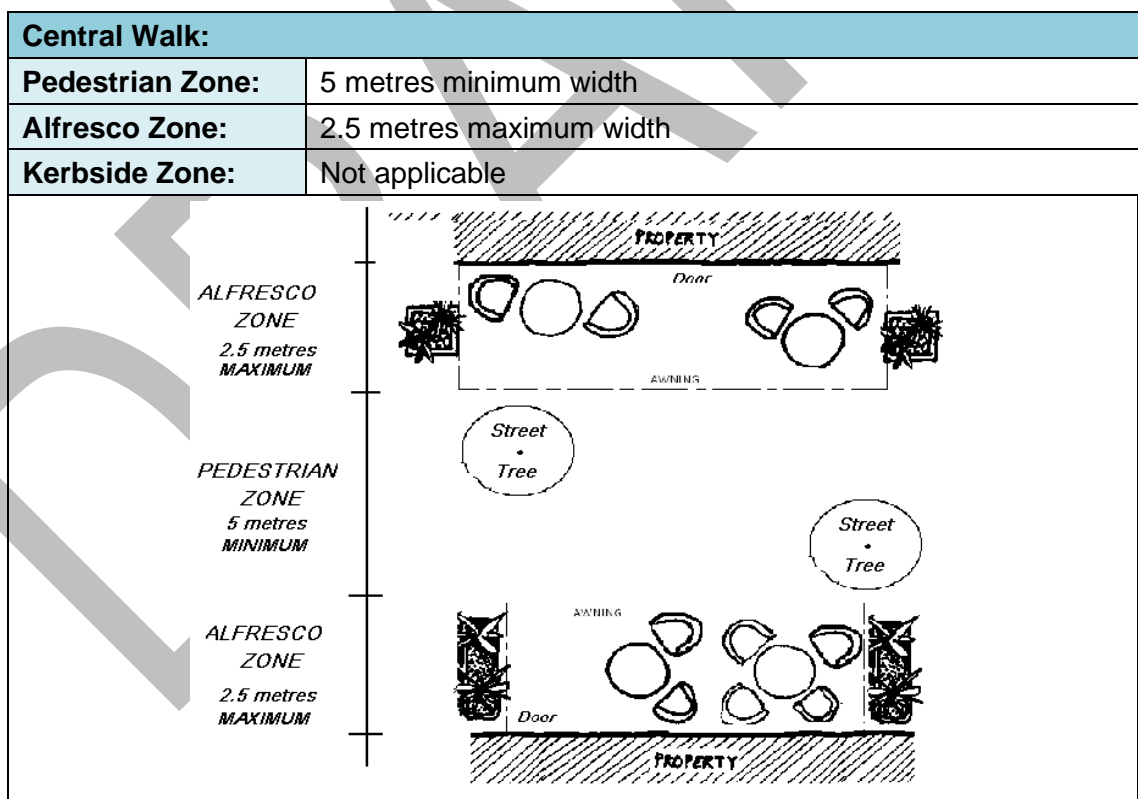


Figure 3. Alfresco location for Central Walk

- d. For the purpose of buildings with frontage to both Central Walk and Boas Avenue/Reid Promenade, alfresco activities may abut the building along both frontages and be located beneath awnings where provided in accordance with Figure 4.

Alfresco activities located along the Boas Avenue frontage must conform to the dimensions for the Alfresco, Pedestrian and Kerbside zones as specified in Figure 1.

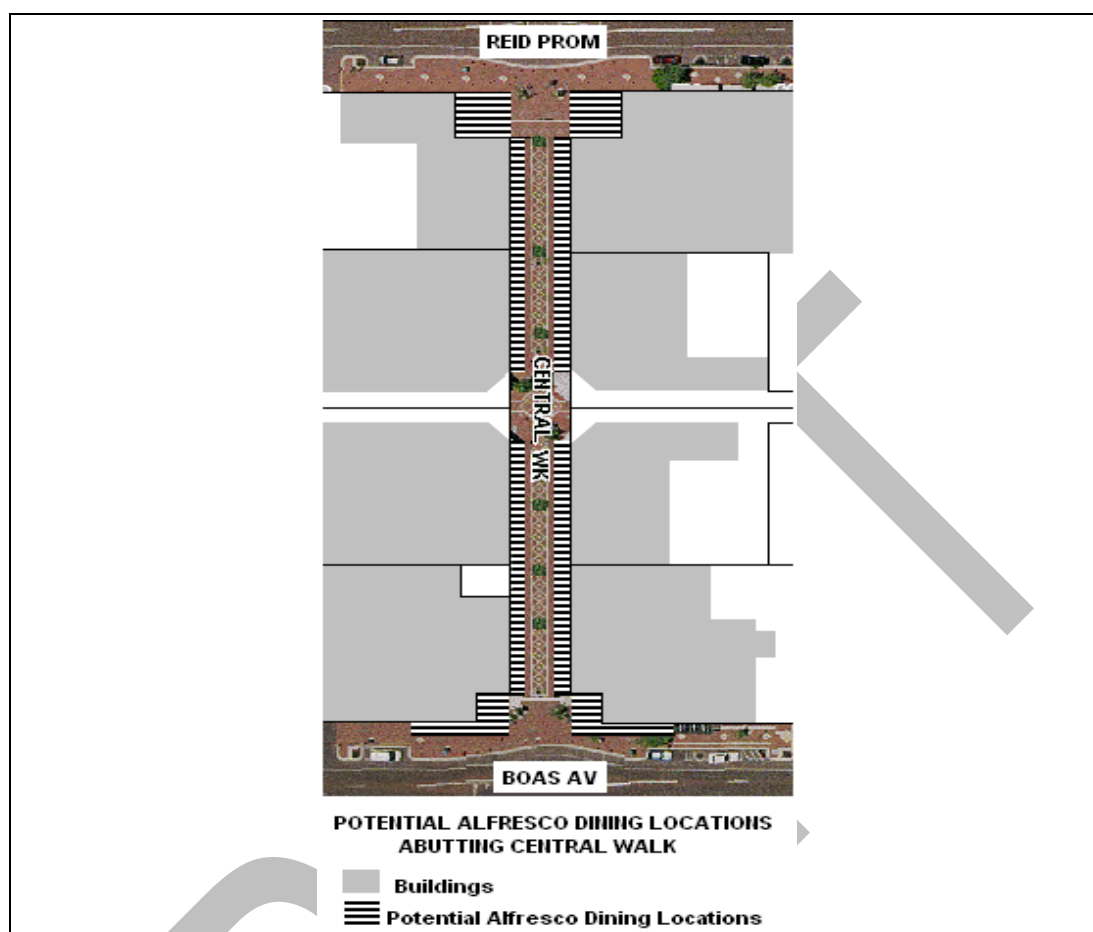


Figure 4. Alfresco location for buildings abutting Central Walk — between Boas Avenue and Reid Promenade

5.2. Planning requirements:

- a. The proposed alfresco activities must be associated with, and located adjacent to, a commercial tenancy which prepares and serves food and beverages to customers which has been granted Planning Approval by the City or is a permitted (“P”) as designated under the City’s *Local Planning Scheme No. 3*.
- b. Alfresco activities may include the following within the applicable Alfresco Zone:
 - i. non-permanent furniture or fixtures, including but not limited to, fencing/barriers, planter boxes, umbrellas, chairs and tables, and may include signage affixed to this furniture which is associated with the approved use of the adjacent tenancy.
 - ii. Café-blinds which are retractable, clear (visually permeable), contained within the Alfresco Zone and do not require any additional posts or support structures which are permanent in nature.

All works, furniture and structures are removed from the alfresco zone outside of the operating hours of the associated business.
- c. Alfresco activities may not include:
 - i. Permanent furniture, fixtures or structures.

- ii. Signage which is not affixed to any permitted furniture, fixtures or barriers and/or signage which is not incidental with the approved use of the adjacent tenancy.
- iii. Any retail display/sale of goods from the Alfresco Zone.
- iv. Any other use/development which is not incidental or associated with the operation of the adjacent tenancy.

5.3. Management:

- a. The applicant is solely responsible for all costs associated with the removal, alteration, repair, reinstatement or reconstruction (to the satisfaction of the City) of the street carriageway, footpath, verge infrastructure or any part thereof arising from the alfresco activities.
- b. Council will accept no responsibility or liability for any interruption to business caused by the need for Council, other Authority or adjoining development to carry out any type of maintenance works or new development on or in the vicinity of the alfresco activities.

6. Requirement for development approval:

- a. In accordance with Schedule 2, Part 7, clause 61(2)(e) of the *Planning and Development (Local Planning Schemes) Regulations 2015* (the Regulations), any proposed alfresco activities which demonstrate compliance with the provisions of this policy (to the satisfaction of the City) is exempt from the need for Development Approval.
- b. The City's *Alfresco Activities Checklist* must be completed by the applicant to certify compliance with the provisions of this policy and be submitted with an application for an Outdoor Eating Permit.
- c. If the proposed alfresco activities do not comply with any of the provisions of this policy, the proposal will not be exempt from the requirement to obtain Development Approval and an Application to Commence Development form (and associated fee) will need to be submitted to the City and approved prior to the lodgement of an application for an Outdoor Eating Permit.

7. Public consultation:

- a. Refer to the City's *Planning Consultation Local Planning Policy*.

Creation Date: June 1999

Amendments: CJ024-02/04, CJ052-04/08, CJ225-10/09, CJ032-03/12, **CJXXXXXX**

Related Documentation:

- *City of Joondalup Local Planning Scheme No. 3*
- *City of Joondalup Alfresco Activities Checklist*
- *Planning and Development (Local Planning Scheme) Regulations 2015*
- *Local Government and Public Property Local Law 2014*

Alfresco Activities Self-Assessment Checklist

Responsible Directorate: Planning and Community Development

Please complete the below Alfresco Activities Checklist and submit this to the City with your Outdoor Eating Permit application. Applicants can apply for an Outdoor Eating Permit on the City website at: joondalup.wa.gov.au.

| Applicant details | |
|---|-----------------|
| Business name: | |
| ABN (if applicable): | |
| Address (of business): | |
| First name: | Surname: |
| Home Telephone: | Work Telephone: |
| Mobile: | Fax: |
| Email address: | |
| Contact person for any correspondence: | |
| The information provided in the attached Alfresco Activities checklist is accurate and correct. Upon commencing the alfresco activities, should it be found that it operates outside of the requirements of the City's <i>Alfresco Activities Local Planning Policy</i> , compliance action may be initiated by the City and/or a retrospective development (planning) application will need to be submitted to the City for consideration. | |
| Signature: | Date: |
| Estimated time of completion: | |

If the answer to any of the below policy requirements is '**No**' or '**N/A**', Planning Approval may be required prior to the lodgement of an Outdoor Eating Permit.

If the answer to all the below policy requirements is '**Yes**', Planning Approval is not be required.

| Policy Requirements | Yes | No | N/A |
|---|-----|----|-----|
| The associated tenancy/business has been granted planning approval or is a permitted ("P") use under the City's Local Planning Scheme No. 3. | | | |
| The proposed Alfresco Zone is located within a road reserve, excluding any regional road reservation. | | | |
| The location, setbacks and 'zones' of the proposed alfresco are consistent with clause 5.1 of the City's <i>Alfresco Activities Local Planning Policy</i> . | | | |

| Policy Requirements | Yes | No | N/A |
|---|-----|----|-----|
| All structures, furniture and fixtures are temporary in nature and will be removed from the road reserve outside of the operating hours. | | | |
| If signage is proposed, this signage is attached to the permitted furniture/fixtures and only relates directly to the approved use of the associated business/tenancy. | | | |
| Any associated retail display/sale of goods will not occur within the alfresco zone. | | | |
| The applicant takes full responsibility/liability for any damage caused as a result of the proposed alfresco activities, and any disruption to the business operations if works are required within the road reserve. | | | |
| The applicant is aware that failure to comply with the <i>Alfresco Activities Local Planning Policy</i> or any associated approval issued by the City may result in compliance action and/or revocation of the Outdoor Eating Permit. | | | |

For further information regarding the Outdoor Eating Permit process, please contact the City's Environmental Health Services on 9400 4933 or email info@joondalup.wa.gov.au

If you would like to clarify any of the information contained within the City's *Alfresco Activities Local Planning Policy*, please contact the City's Planning Services on 9400 4100 or email info@joondalu.wa.gov.au

Alfresco Activities Local Planning Policy

Responsible Directorate: Planning and Community Development

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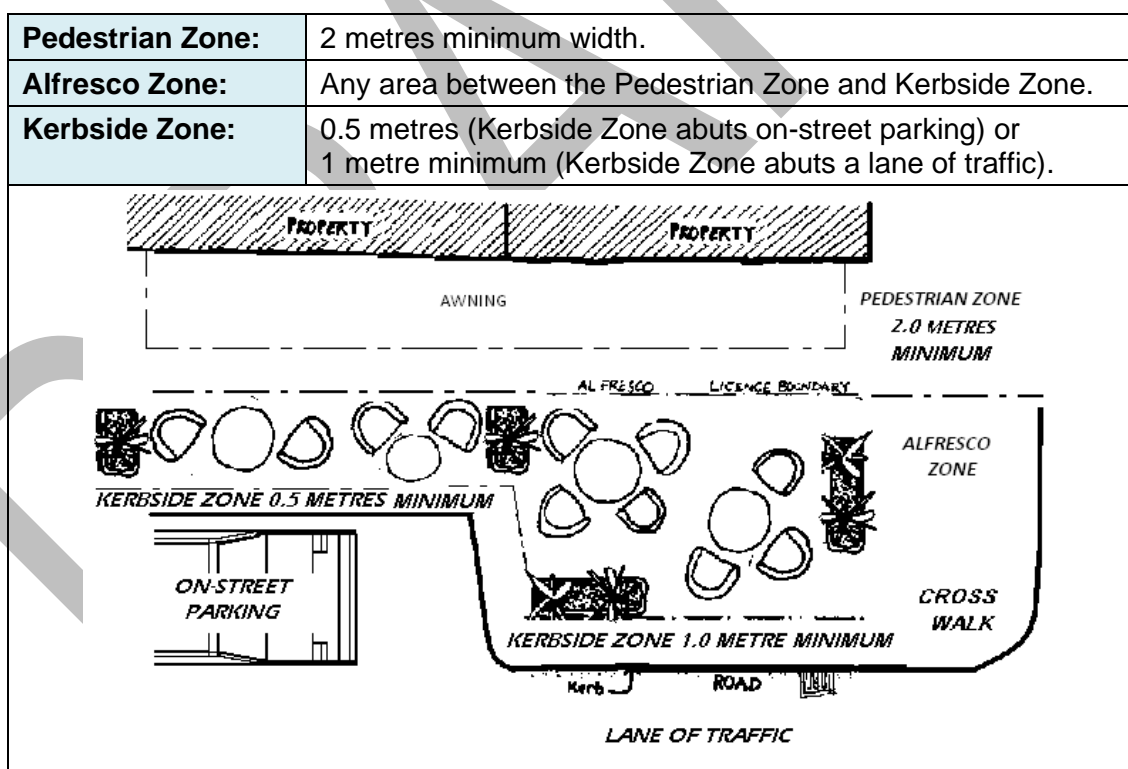


Figure 1. General standard for alfresco location

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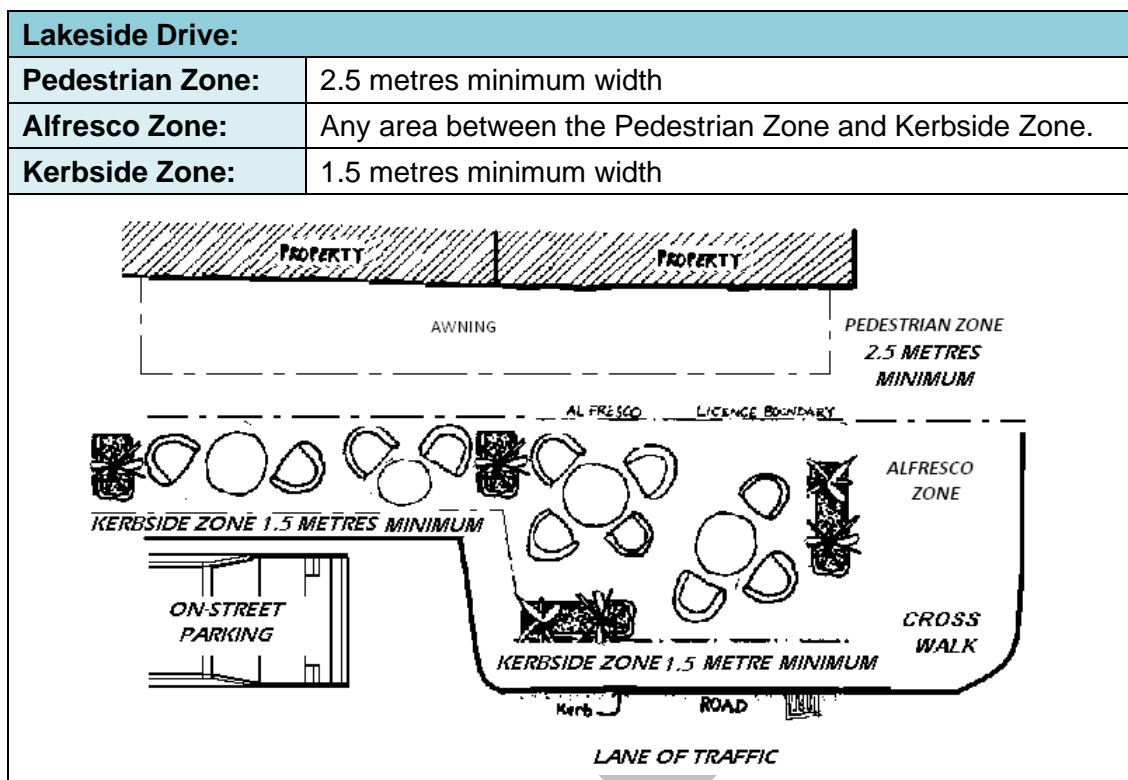


Figure 2. Alfresco location for Lakeside Drive

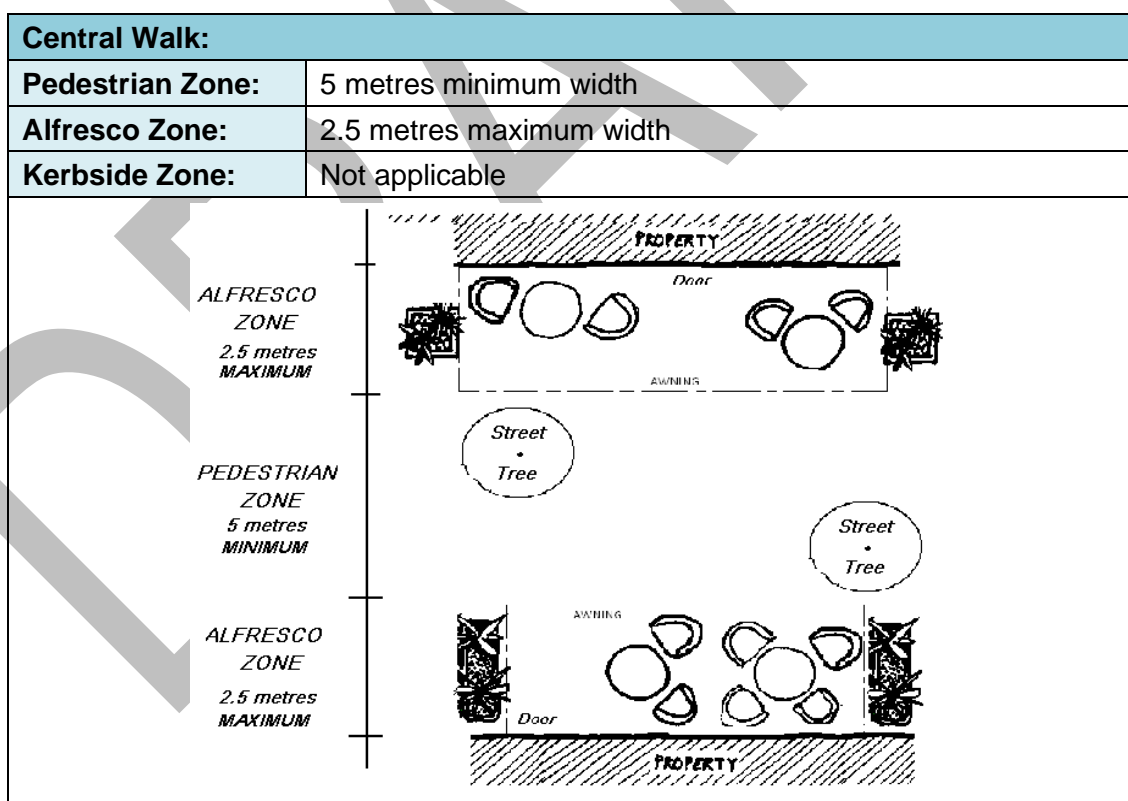


Figure 3. Alfresco location for Central Walk

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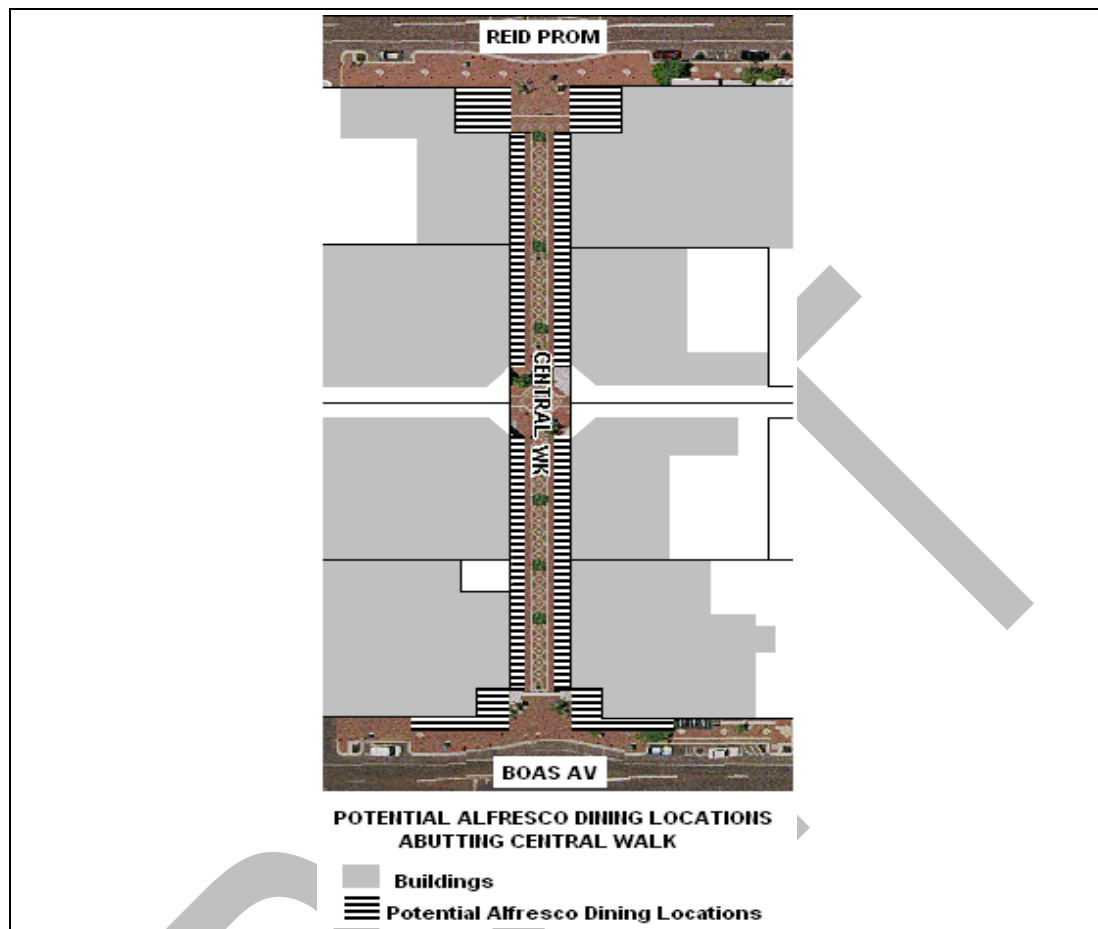


Figure 4. Alfresco location for buildings abutting Central Walk — between Boas Avenue and Reid Promenade

5.2. Planning requirements:

- a. The proposed alfresco activities must be associated with, and located adjacent to, a commercial tenancy which prepares and serves food and beverages to customers which has been granted Planning Approval by the City or is a permitted (“P”) as designated under the City’s *Local Planning Scheme No. 3*.
- b. Consideration may be given to alfresco activities which extend beyond the area directly adjacent a commercial tenancy; however this will require Development Approval to be issued prior to commencement and will be determined on a case-by-case basis taking into account the objectives of this policy, *Local Planning Scheme No. 3* and any relevant activity/structure plan.
- c. Alfresco activities may include the following within the applicable Alfresco Zone:
 - i. non-permanent furniture or fixtures, including but not limited to, fencing/barriers, planter boxes, umbrellas, chairs and tables, and may include signage affixed to this furniture which is associated with the approved use of the adjacent tenancy.
 - ii. Café-blinds which are retractable, clear (visually permeable), contained within the Alfresco Zone and do not require any additional posts or support structures which are permanent in nature.

All works, furniture and structures are removed from the alfresco zone outside of the operating hours of the associated business.

- d. Alfresco activities may not include:
 - i. Permanent furniture, fixtures or structures.
 - ii. Signage which is not affixed to any permitted furniture, fixtures or barriers and/or signage which is not incidental with the approved use of the adjacent tenancy.
 - iii. Any retail display/sale of goods from the Alfresco Zone.
 - iv. Any other use/development which is not incidental or associated with the operation of the adjacent tenancy.

5.3. Management:

- a. The applicant is solely responsible for all costs associated with the removal, alteration, repair, reinstatement or reconstruction (to the satisfaction of the City) of the street carriageway, footpath, verge infrastructure or any part thereof arising from the alfresco activities.
- b. Council will accept no responsibility or liability for any interruption to business caused by the need for Council, other Authority or adjoining development to carry out any type of maintenance works or new development on or in the vicinity of the alfresco activities.

6. Requirement for development approval:

- a. In accordance with Schedule 2, Part 7, clause 61(2)(e) of the *Planning and Development (Local Planning Schemes) Regulations 2015* (the Regulations), any proposed alfresco activities which demonstrate compliance with the provisions of this policy (to the satisfaction of the City) is exempt from the need for Development Approval.
- b. The City's *Alfresco Activities Checklist* must be completed by the applicant to certify compliance with the provisions of this policy and be submitted with an application for an Outdoor Eating Permit.
- c. If the proposed alfresco activities do not comply with any of the provisions of this policy, the proposal will not be exempt from the requirement to obtain Development Approval and an Application to Commence Development form (and associated fee) will need to be submitted to the City and approved prior to the lodgement of an application for an Outdoor Eating Permit.

7. Public consultation:

- a. Refer to the City's *Planning Consultation Local Planning Policy*.

Creation Date: June 1999

Amendments: CJ024-02/04, CJ052-04/08, CJ225-10/09, CJ032-03/12, **CJXXXXXX**

Related Documentation:

- *City of Joondalup Local Planning Scheme No. 3*
- *City of Joondalup Alfresco Activities Checklist*

- *Planning and Development (Local Planning Scheme) Regulations 2015*
- *Local Government and Public Property Local Law 2014*

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