

Section 3.1 – Development Services

APPENDIX 8

POLICY 3.1.3 - ALFRESCO DINING (PLANNING)
- JOONDALUP CITY CENTRE

OBJECTIVE

~~1. To establish a policy for alfresco dining facilities to ensure a consistency of form and function.~~

1. To facilitate “Alfresco Dining” which refers to outdoor seating that is designed to be used by the general public for dining purposes on the street verge or in a public space, generally as an extension of an existing eating house already operating within an adjacent building.
2. To allow for the operations of alfresco dining 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 dining
4. To complement the provisions for outdoor dining as specified in Part 3 – Outdoor Dining – Trading in Public Places Local Law.

The policy is to be implemented in conjunction with the provisions of Part 3 – Outdoor Dining of the City of Joondalup Trading in Public Places Local Law.

~~2. To allow for the operations of alfresco dining in such a manner that will not conflict with, or prejudice, the adjacent businesses and/or residential activities or other normal functions of the area.~~

STATEMENT**Area**

This policy shall apply to ~~all~~ alfresco dining facilities within the City of Joondalup, located within the Joondalup City Centre Zone.

Requirements to operate an Alfresco Area

In order to operate an alfresco dining area 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.

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Statements**Guidelines for locating Alfresco Dining Areas**

- 1 ~~1~~ Alfresco dining areas should be appropriate to the character and functions of the area in which they are proposed to be located.
 - 2 Alfresco dining areas will not be approved where, in the opinion of Council, the gathering of customers or the elements of design will impede pedestrian or vehicular movements, or cause conflicts with other activities.
 - 3 Applications to establish alfresco dining areas will also need to comply with specific requirements of any relevant policy relating to the location and/or type of activity proposed, unless the Council considers such compliance is not necessary in a particular instance.
 - 4 ~~An Alfresco dining area will only be approved where the proposal is part of an application to establish an eating house within an adjacent building, or is proposed as an extension of an existing eating house already operating within an adjacent building.~~
 - 45 The establishment of alfresco dining facilities should not conflict with or inconvenience other adjacent activities.
 - 56 Structures associated with alfresco dining areas may only be fixed to the footpath or to any other structures with the prior written approval of Council;
 6. In instances where permanent structures are proposed, the proposal must be referred to the Minister for Local Government for approval
 7. ~~Structures and furniture must be stable under windy conditions and provision made for out of sight storage when not in use unless Council approves otherwise.~~
 - 7 ~~The operator shall not, without the prior approval of the Council:~~
 - ~~(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 area, whether paying customers or not.~~
 - 8 ~~The operator shall keep the alfresco area clean and free from rubbish to the satisfaction of the Council.~~
 - 79 The alfresco dining area is to be designed to accommodate disabled access.
 - 8.10 ~~The exits to a building that from the adjoining building the alfresco area is attached to,~~ are not to be impeded in any way.
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~~11 The alfresco areas will need to be designed to accommodate emergency vehicle movements to the satisfaction of the Council.~~

~~12 Any relocation of existing street furniture, trees or services shall not be removed or modified without the prior approval of the Council. All costs associated with any such works will be totally at the applicant(s) expense.~~

9 Any alfresco dining area should not obstruct pedestrian movement. A minimum clear footpath width of 1.8m to 2.1m should be provided dependent on the pedestrian traffic volume within the area. Determination shall be made by Council on the individual merit of the location. 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.

10 Any alfresco dining area should not obstruct sight lines for either vehicles or pedestrians, both at road junctions and vehicle access crossovers.

~~11.13 A planning approval for alfresco dining will be valid for a minimum period of 3 years. Failure to comply with this policy will result, upon resolution of Council, in the revocation of the development approval for alfresco dining.~~

11. The alfresco dining area shall be presented in a way that enhances the amenity of the adjoining properties and the street in general. This may be achieved through using decorative pot plants and chairs and tables of an appropriate style. 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 'Trading in Public Places' local law.

Planning Approval requirementsImplementation

~~1 Applications for alfresco dining will be treated as Development Applications (Form 1), and considered in accordance with Council's Development Assessment Unit Policy. The application will need to be renewed on a twelve monthly basis. The application form is required to be signed by DOLA as the owner of the land.~~

~~2 Applications must be accompanied by plans and a management plan as outlined under part 3 (clause 17 d and e)– Outdoor Dining – City of Joondalup Trading in Public Places Local Law, 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 in which the eating house is located.~~

3 A planning approval for alfresco dining is required to include the following conditions:

~~A. A condition of approval for alfresco dining will require that~~ The licence holder make adequate insurance arrangements to the satisfaction of the Council, in the joint names of the Council and the operator, for public liability insurance cover of not

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~~less than five million dollars (\$5,000,000) in respect of any one event~~ to provide indemnity in respect to both injury to persons and damage to property. A copy of the policy will need to be provided to the City prior to the commencement of trading. The City shall be advised directly by the insurance company of any possible changes to the policy.

B Structures and furniture must be stable under windy conditions

C The operator shall not, without the prior approval of the Council:

- (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 area, whether paying customers or not.

D The operator shall keep the alfresco area clean and free from rubbish to the satisfaction of the Council.

E The approval is valid for a period of 36 months.

F In granting approval, the Council may limit operating hours.

G The tables, chairs and all equipment associated with the alfresco area shall be removed from the public space outside normal trading hours.

H The City reserves the right to require the alfresco area to be removed at any time at the applicant's expense to undertake essential maintenance work.

I 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 Council. All costs associated with any such works will be totally at the applicant(s) expense.

Fees

Development Application Fee	}	
Renewal Fee	}	
Alfresco dining fee (per person/ seat accommodated p.a.)	}	To be set by council as part of the annual schedule of fees and charges
Alfresco dining fee for applications with permanent structures (per person/ seat accommodated per annum)	}	

Previously Policy No. G3-41
 Amendments CJ213-06/99
 Issued July 1999
 Related Documentation: Schedule of Fees and Charges
 Local Laws of the City