

## CP.43 ALFRESCO – Outdoor Eating in Public Place

<i>Responsible Department</i>	Development and Community Services
<i>Resolution Number</i>	C.2966
<i>Resolution Date</i>	15 March 2017
<i>Next Scheduled Review</i>	2024/2025
<i>Related Shire Documents</i>	
<i>Related Legislation</i>	Local Government Act 1995 Activities on Thoroughfares & Public Places & Trading Local Law 2008

### OBJECTIVE

To provide safety guidelines for (outdoor eating facilities) alfresco dining areas within business districts.

### SCOPE

Following Development Approval an Alfresco Dining Permit is required. An Alfresco Dining Permit will be permitted where the alfresco facility is conducted as an extension of an adjacent food business. Permits will expire 30 June each year but may be renewed upon payment of an annual fee. Any furniture or activities must not impede pedestrian or vehicular movement or cause conflicts with other activities.

### POLICY

- 1.1 An Alfresco Dining Permit is required to be obtained from the Shire prior to conducting an alfresco facility on a public place.
- 1.2 In consideration of a permit application the Shire will take into consideration the following:
  - Alfresco dining areas is appropriate to the character and functions of the area. They will not be approved where, in the opinion of the Shire, the gathering of customers or the elements of design will unreasonably impede pedestrian or vehicular movements, or cause conflicts with other activities.
  - The alfresco facility is conducted as an extension of an adjacent food business. A Liquor licence or an extension to a current liquor licence will be required from the Department of Racing Gaming and Liquor prior to any alcohol being consumed in an alfresco facility.
  - the alfresco dining facilities must not conflict with or inconvenience other adjacent activities or the passing public.
  - Structures associated may only be fixed to the footpath or to any other structures with the approval of the Shire. Structures and furniture must be

stable under windy conditions and provision made for out of sight storage when not in use.

- The area is to be kept clean and free from rubbish to the satisfaction of the Shire.
- The area is to be designed to accommodate disabled access.
- Exits from the adjoining building must not be impeded by the operation of the alfresco area.
- Street furniture, trees or services shall not be moved or modified without the prior approval of the Council. All costs associated with any such works will be totally at the applicant(s) expense.

1.10 Failure to comply with this policy will result, upon resolution of Council, in the revocation of the planning consent for an alfresco dining area.

1.11 The Alfresco Dining Permit holder is to provide public liability insurance indemnifying the Shire against all actions, suit, claims, damages, losses and expenses made against or incurred by the Shire arising from any activity, action or thing performed or erected in accordance with the permit. In particular the permit holder shall:

- 1.11.1 take out a public liability insurance policy in the name of the permit holder for a minimum of \$10 million dollars;
- 1.11.2 Ensure the Shire of Northam is expressly listed on such policy as an “interested party”;
- 1.11.3 Advise the Shire if the policy lapses, is cancelled or is no longer in operation; and
- 1.11.4 Produce a certificate of currency for inspection upon request of an authorised person from the Shire.

1.12 An Alfresco Dining Permit will expire 30 June each year but may be renewed upon payment of an annual fee.

An application fee, plus annual fee based on the number of chairs and tables applies to each premises with an alfresco dining area.