

<b>CD019</b>	<b>ALFRESCO DINING</b>		
<b>POLICY OWNER:</b>	Shire of Carnarvon		
<b>DEPARTMENT:</b>	Regulatory Services		
<b>CREATION DATE:</b>		<b>REVIEW SCHEDULE:</b>	
<b>LEGISLATION:</b>			
<b>DOCUMENT CONTROL</b>			
<b>DATE REVIEWED:</b>	<b>REVIEWED BY:</b>	<b>CHANGES (IF ANY):</b>	<b>APPROVED BY COUNCIL:</b>
24/10/2024	Council	Creation	

## CD0019 Alfresco Dining

### Purpose

Alfresco dining contributes to the vibrancy and amenity of a locality, as well as increasing interaction between the street and adjoining built forms. This policy will distinguish the locations and extent to which alfresco dining areas are permitted within the Shire.

### Objective

The objectives of this policy are to:

- (1) Establish guidelines for alfresco dining facilities to ensure a consistency of form and function.
- (2) Allow for the operations of alfresco dining in such a manner that will not conflict with, or prejudice the adjacent businesses, residential activities and/or other normal functions of the area.
- (3) Ensure that alfresco seating is located to avoid danger or unnecessary distraction to motorists, pedestrians and other road users.

### Policy Area

All land that covers the district of the Shire of Carnarvon as shown on the Scheme Map.

### Policy Statements

1. To operate alfresco dining activities, proponents require development approval. Applications will be assessed against Part 3 below.
2. Alfresco dining proposals will be treated as Incidental uses as stipulated in Local Planning Scheme No. 13 (LPS 13).

A condition of approval for alfresco dining will require that the licence holder demonstrate adequate insurance arrangements to the satisfaction of the Local Government for public liability insurance cover of not less than \$10,000,000 in respect to both injury to persons and damage to property. A copy of the policy will need to be provided to the Shire prior to the commencement of trading.

3. The development approval for alfresco dining does not confer approval or exemption from other relevant legislation and regulations including but not limited to Health Act 1911, Food Act 2008, Food Regulations 2009, Australia New Zealand Food Standards Code, Tobacco

Products Control Amendment Act 2009 , Shire of Carnarvon Health Amendments Local Laws 2002 and Building Act 2011. The applicant should contact the Environmental Health Section or Building Section to obtain further information on applicable requirements under this legislation.

4. The Shire may minimise the potential for conflicting uses by specifying operating times.

#### **Alfresco Standards**

1. Alfresco dining areas should be appropriate to the character and functions of the area in which they are proposed to be located. The establishment of alfresco dining facilities should not conflict with or inconvenience other adjacent activities.
2. Layout and Setbacks:
  - a. Alfresco Zones are to be located adjacent the food premises to which they belong;
  - b. A maximum of one chair per square metre may be located in the alfresco dining area, subject to any restrictions imposed by other laws;
  - c. Alfresco activities must conform to the following, unless in the opinion of Council variations should apply:
    - i. Pedestrian Zone: 2.0 metres minimum width
    - ii. Kerbside Zone: 0.5 metres minimum (abutting on-street parking) OR 1 metre minimum (abutting a lane of traffic);
  - d. Alfresco dining activities should not obstruct sight lines for vehicles or pedestrians, both at road junctions and vehicle crossovers;
  - e. The alfresco zone must be clearly demarcated on site and all chairs, tables and fittings must remain within the demarcated area;
3. Furniture:
  - a. 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;
  - b. The furniture should be strong, durable, waterproof, rustproof and weather resistant and should fold or stack for storage and removal from the alfresco dining area each day or as directed by the Shire due concern over public safety;
4. Shelters and Screens
  - a. High quality awnings or market umbrellas are encouraged. Umbrella canopies must be higher than 2.0 metres from the pavement;
  - b. Screens more than 1m in height, including glass or perspex panels or clear plastic rolled down from umbrellas and awnings are not permitted;

5. Accessibility, Footpaths and Car Parking

- a. Alfresco dining areas shall not obstruct the entrance, cause demonstrated inconvenience or obstruct the views of adjacent retail or commercial activities or residential properties.

**Information to Accompany Applications**

1. Applications for alfresco dining areas must include one set of scaled plans indicating the number and location of proposed tables, chairs and other furniture and their relationship to the building in which the business is located;
1. Applicants must 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;
2. Applicants must indicate whether alcohol is intended to be served and consumed within the alfresco dining area.

**Definitions**

Alfresco Dining - 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 a public thoroughfare.

Kerbside Zone - means the area between the road and the alfresco dining area, which ensures that adequate area is provided between the alfresco dining area and roadside activities.

Pedestrian Zone - means the area to provide a continuous and unobstructed pathway.

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

Furniture - means the chairs, tables, planter boxes, umbrellas, screens, awnings and any other structure to be set up in the alfresco dining area.

