

Scheme Provisions:

LPS #11
3.2 Zoning and Development Table
LPS #10
4.1 Zoning and Development Table

Other References:

Shire of Northampton Local
Planning Scheme No. 10
Shire of Northampton Local
Planning Scheme No. 11
Planning and Development Act
2005.

Special procedural considerations:

1.0 CITATION

This is a local planning policy prepared under the *Planning and Development (Local Planning Schemes) Regulations 2015* and the *Shire of Northampton Local Planning Schemes: No. 10 - Northampton District; and No. 11 - Kalbarri Townsite* ('the Scheme'). It may be cited as the Alfresco Dining local planning policy.

The local government may prepare a local planning policy in respect of any matter related to the planning and development of the Scheme area. In making a determination under the Scheme the local government must have regard to each relevant local planning policy to the extent that the policy is consistent with the Scheme.

2.0 OBJECTIVE

- 2.1 To ensure that alfresco dining activities are carried out in a way which is in tune with a healthy, safe and comfortable environment for the community and positively contributes to the attractiveness of the area.
- 2.2 To ensure that an adequate proportion of the verge area is available for unrestricted public movement. This is to ensure the primary use of footpaths, namely safe pedestrian movement, is maintained.
- 2.3 To promote a vibrant street life balancing the interests and needs of residents and visitors alike.
- 2.4 To limit the impacts on the public amenity and the characteristic streetscape of the area and the street.
- 2.5 To ensure the safe and unobstructed passage for pedestrians and unobstructed vision for motorists and cyclists.

3.0 POLICY STATEMENT

3.1 General

- 3.1.1 Taking advantage of the footpath for trade purposes is a privilege not a right. The community expects traders to keep certain common principles.
- 3.1.2 Alfresco dining should only be approved where they are directly associated with an adjacent food establishment or business.
- 3.1.3 Alfresco dining activities shall not, in the opinion of the local government conflict with, or inconvenience, other adjacent businesses.
- 3.1.4 This policy also applies to use areas in pedestrian arcades and other similar "public" places on

private property.

- 3.1.5 Public liability insurance cover of \$10 million is required.
- 3.1.6 The applicant is solely responsible for all and any associated costs with the removal, alteration, repair, reinstatement or reconstruction (to the approval of the local government) of the street carriageway, footpath or any part thereof arising from the use of the alfresco area.
- 3.1.7 The local government may seek a contribution towards the upgrading and/or construction of a sealed footpath adjacent to alfresco dining areas.

3.2 Site Requirements

- 3.2.1 Pedestrian movement down the footpath should be safe and unobstructed. All objects and furniture for dining must not obstruct pedestrian movement. A general minimum clear footpath width of 1.5 metres shall be maintained in all cases and the local government may specify a greater width in certain cases.
- 3.2.2 All public facilities should be surrounded by 1 metre clear space from alfresco dining activities (telephone booths, public seats, bicycle racks etc.).
- 3.2.3 Alfresco dining activities should have a minimum setback of 900mm from the edge of the carriageway/kerb line or nearest edge of adjacent on-street parking bays.

3.3 Street Furniture

- 3.3.1 Street furniture should be well constructed and not a hazard. It should be able to withstand windy conditions, be easily moveable to allow for cleaning of the area and shall not be a vehicle for advertising.
- 3.3.2 All objects and furniture located as part of the dining area are to be readily removable, however where it is demonstrated to the local government that there are positive benefits to the public (refer to Objective 2.3), more permanent features such as flower boxes, shade sails etc. may be permitted.
- 3.3.3 The placement of appropriate barriers to separate diners and the public generally to be provided by the applicant in accordance with relevant Australian Standards.
- 3.3.4 It may be appropriate, in certain circumstances, that screens be used to provide shelter from wind and rain. Screening should be visually permeable and readily removable. They should only be used when and where climatic conditions warrant.
- 3.3.5 All objects and furniture must not obstruct sight lines for either vehicles or pedestrians, either at road junctions and crossovers.

3.4 Application Requirements

- 3.4.1 Before placing chairs and tables on public verge areas you are required to obtain firstly a Development Approval (from Planning Services) and subsequently a Permit to Conduct an Outdoor Eating Facility (from Environmental Health).
- 3.4.2 A Development Approval shall only remain valid while the Permit required remains current and valid. On the expiration or earlier termination of the Permit, the Development Approval shall cease to be valid.
- 3.4.3 Applications must be in writing and be accompanied by plans, drawn to scale, which clearly indicate the proposed location of all tables, chairs and any other object(s) and show their relationship to surrounding features such as buildings, kerb line, street furniture, landscaping, services etc. Additionally colour photographs of the tables, chairs and other structures intended to be in the proposed alfresco area are required and such applications must specify proposed days and hours of trading for the alfresco.

4.0 RESPONSIBILITY	<p>The Chief Executive Officer as per the Delegations Policy and Register and further authority is delegated to the Chief Executive Officer for the following:</p> <ul style="list-style-type: none"> a. Vary site requirements (Clause 3.2). b. Approve street furniture (Clause 3.3). 		
5.0 ADOPTION	23 May 2003	Final Adoption	
	V2 16 June 2014	Advertising / Final Adoption	(Minutes 6.8.1)
	V3 15 June 2018	Advertising / Final Adoption	