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## LOCAL PLANNING POLICIES

### Temporary Alfresco Dining Areas



Policy Number:	P12
Relevant Delegation:	Not Applicable
Adoption Details:	17 December 2012
Last Review Details:	27 April 2021

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#### **POLICY OBJECTIVE:**

To provide proponents clear principles and guidelines for the development of a Temporary Alfresco Area

#### **POLICY SCOPE:**

This policy applies to the development and approval of a Temporary Alfresco Area on the road reserve.

#### **POLICY STATEMENT:**

#### **INTRODUCTION**

The Shire of York recognises that alfresco dining in the York town centre adds to the vibrancy of the town and to the experience of visitors and locals alike. There are a limited number of locations for alfresco dining. This Policy set a way forward to establish other locations for alfresco dining.

#### **PRINCIPLES**

- (a) The safety and amenity of the road and footpath users is always the most important consideration in reviewing any temporary alfresco dining areas.
- (b) To encourage a greater range and type of experience available to visitors and residents in York.
- (c) To ensure the Heritage of the York Town Centre is not detracted from by inappropriate development of alfresco dining areas.

#### **PROVISIONS**

##### **1. General**

- 1.1 A Temporary Alfresco dining area will only be approved where the proposal is an extension of an approved food business within an adjacent building.
  - 1.2 Applies only to properties in the York Town centre.
  - 1.3 Does not apply to properties between South/Glebe streets and Macartney Street.
  - 1.4 All aspects of the Shires "Guidelines for Alfresco Dining and Trading in a Public Place", Appendix A attached are to be met at all times.
  - 1.5 A Temporary Alfresco dining area will not be approved where, in the opinion of Council, the gathering of customers or the elements of design will unreasonably impede pedestrian or vehicular movements, or cause conflicts with other activities.
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- 1.6 All Temporary Alfresco Dining Area applications will require community consultation of 14 days including advertising via the Shires website and Social Media and a letterbox drop to all properties in the same block.

## **2. Design Considerations**

- 2.1 The Alfresco area is to be within the width of existing car park bays so as not to impede traffic flow.
- 2.2 The Alfresco structure must not impede the stormwater drainage flow along the road kerb line.
- 2.3 The Alfresco area is to be a minimum of 1.5 m from a property driveway, (which is the same distance that car parking bays are usually marked at), to allow access to and from driveways
- 2.4 The Alfresco structure is to be substantially visibly permeable above a height of 1.15 m. To allow reasonable sight distance for vehicles using parking bays or driveways near the Alfresco and allowing passive surveillance.
- 2.5 Colour scheme to be sympathetic to the Heritage precinct and generally consistent with the Shire heritage policy.
- 2.6 Building materials to be sympathetic to the Heritage Precinct and generally consistent with the Shire heritage policy.
- 2.7 The Alfresco area is to be a minimum of 0.6 m from a car parking bay. Bollards may be required to protect vehicles and the alfresco structure.
- 2.8 Where the building in front of which the proposed Temporary Alfresco Dining Area is to be located is on the Shire's Municipal Heritage Inventory/Heritage List, the proposed scale and form and materials are to be consistent with conserving the heritage values of the building and precinct and is generally consistent with the Shire heritage policy.

## **3. Maintenance Obligations**

- 3.1 Maintenance of the structure is the responsibility of the approved applicant.
- 3.2 The Shire can have the alfresco area closed if it considers the structure is in need of repair.
- 3.3 Furniture and equipment is to be sensitive to the amenity and character of the locality.
- 3.4 All furniture and equipment must be maintained in a clean and safe condition by the approved applicant.
- 3.5 Loose furniture to be removed from site when business is closed.
- 3.6 Un-maintained alfresco structures to be removed at the owner's cost.
- 3.7 All plants to be maintained in a neat and tidy manner.
- 3.8 The alfresco area is to be swept daily and all loose rubbish removed before closing for the day.

## **4. Other**

- 4.1 Temporary Alfresco Dining Areas approved under this Policy will be required to comply with all other relevant Council Policies.
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**PENALTIES:**

Not applicable.

**KEY TERMS/DEFINITIONS**

**Alfresco Dining:** Alfresco dining refers to an outdoor eating facility or establishment which is located on any part of a 'public place' which is not on private land.

**Public place:** includes any thoroughfare or place which the public are allowed to use and any local government property

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Responsible Officer: Executive Manager Infrastructure and Development Services

Contact Officer: Environmental Health Officer

Relevant Legislation: Not applicable

Review History:

<b>Date Review Adopted:</b>	<b>Resolution Number</b>
Adopted – 25 March 2019	050319
Reviewed – 25 November 2019	291119
<b>Former Policy No:</b>	N/A

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## **APPENDIX A**

### **SHIRE OF YORK**

### **GUIDELINES FOR ALFRESCO DINING AND TRADING IN A PUBLIC PLACE**

'Alfresco Dining' is a term used to describe an outdoor eating area that is located on the thoroughfare (on the footpath or other Council controlled land).

'Trading in a Public Place' is the display of goods in any public place for the purpose of offering them for sale or reward.

#### **HOW TO APPLY**

Application forms are available from the Council office. They must be completed and returned with the following information:

- A plan to scale, showing location of chairs and tables and other furniture;
- Photographs of proposed furniture; and
- Certificate of public liability insurance.

A licence fee is payable. Approval is valid from 1 July to 30 June each year.

#### **PUBLIC LIABILITY INSURANCE**

Prior to a licence being issued the applicant is required to provide a current copy of their public liability insurance for no less than \$10 million, covering the outside area. A copy of the insurance renewal must be submitted each year.

#### **FURNITURE AND GOODS**

Furniture includes all chairs, tables, umbrellas and planter boxes.

Goods include all saleable objects and fixtures used for display purposes.

All furniture and goods are required to be free standing and must be removed at the close of business each day.

The furniture must be sturdy, durable and well maintained. It must also be appropriate for the York main street. Any umbrellas must be adequately secured and have a minimum height of 1.8 metres.

The number of chairs and tables that may be located in an alfresco is calculated at one chair per metre square taking into account any permanent fixtures such as street trees.

#### **CLEANING**

Cleaning of the approved area is the responsibility of the proprietor, and must be maintained throughout the day and at the close of business each day. All rubbish is to be removed and is not to be deposited into the Council's street bins.

#### **ALCOHOL**

The consumption of alcohol is permitted within the alfresco area provided that the appropriate licence has been obtained from the Liquor Licensing Division.

#### **PERMITTED LOCATIONS**

A minimum of 1.5 metres of footpath width is to be kept clear at all times. If the approved area is located at the kerb at least 500mm must be maintained between the kerb and the furniture.

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Only the area directly adjacent to the premises is to be utilised for trading. If at any time the chairs, tables or goods are obstructing pedestrian or vehicular traffic the proprietor will be requested to move the obstruction.

The Council may confiscate unapproved furniture or goods that are obstructing the footpath in any way.

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