



ALFRESCO DINING POLICY

STATUTORY BACKGROUND

This policy is prepared under Part 2, Schedule 2 of the *Planning and Development (Local Planning Schemes) Regulations 2015* which enables the City of Kalgoorlie-Boulder (the City) to prepare local planning policies for any matter related to the planning and development of the Scheme area. This policy may be cited as Local Planning Policy Alfresco Dining.

PURPOSE

The purpose of the policy is to:

1. Provide guidance on the assessment of, and decision-making on, development applications for alfresco dining; and
2. Provide certainty to local businesses who may wish to utilise adjacent public land for alfresco dining.

OBJECTIVES

The objectives of this policy are:

1. To streamline planning processes and remove barriers to enable development and support new and existing businesses.
2. To encourage activation and thriving places that respond to the City's unique character and identity.
3. To ensure that any alfresco dining area is not detrimental to the surrounding uses in terms of interference with pedestrian or vehicular access, visual amenity, and that areas do not create excessive noise and rubbish.

RELATIONSHIPS TO OTHER DOCUMENTS

This Local Planning Policy forms part of the City's local planning framework. Where this policy is inconsistent with the City's local planning scheme, the local planning scheme prevails. Where this policy is inconsistent with an adopted local development plan, activity centre plan, or structure plan, the adopted local development plan, activity centre plan, or structure plan prevails.

This Local Planning Policy is not part of the local planning scheme and does not bind the Council in respect of any application for development approval. However, the Council shall have due regard to the provisions of the policy and the objectives of which the policy is designed to achieve before making its determination.



DEFINITIONS

CEO means the Chief Executive Officer of the City.

City means the City of Kalgoorlie-Boulder.

Public Land means Crown land.

POLICY PROVISIONS

1. Policy application

- a. This Policy applies to all alfresco dining proposals on public land adjacent to an approved food business within the district of the City.

2. Urban design principles

- a. Provide a barrier that allows interaction between “diners” and pedestrians.
- b. Provide structures that do not dominate the streetscapes and draws customers in.
- c. Provide opportunity for surveillance of the public domain for safety.
- d. Allows sufficient circulation for families on the footpath.
- e. Create an inviting environment.

3. General requirements

- a. The use of public space for food trading purposes should be considered as a privilege not a right. The community expects traders to keep certain common principles.
- b. Alfresco dining proposals with permanent structures will require a development approval and trading permit. Alfresco dining proposals with temporary structures (less than 48 hours) will only require a trading permit.
- c. Alfresco dining shall only be approved where they are directly associated with an adjacent food establishment or business.
- d. Alfresco dining activities shall not, in the opinion of the local government conflict with, or inconvenience, other adjacent businesses.
- e. Certificate of currency for public indemnity insurance to a minimum value of \$20 million is required.
- f. Details of any permanent footings or tie-down structures must be included in the application and approved by the City’s Engineering Department or Main Roads Western Australia. The approval/permit holder 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.
- g. The alfresco area shall not obstruct any main entrance, fire escapes, emergency exits and other services infrastructure relating to sewer, water drainage, and communications.
- h. Hours of operation shall be limited to those of the associated business.



- i. The approval/permit holder is to ensure that the eating area, footpath, and the immediate surrounds are kept in a clean and tidy condition at all times and free of litter.
- j. Applications to the City must be in writing and be accompanied by plans drawn to scale, which clearly indicate the proposed location of tables, chairs and any other object(s) and show their relationship to surrounding features such as buildings, veranda supports, street signs, kerb line, street furniture, landscaping services etc.
- k. The design of alfresco dining areas shall provide access to persons with a disability.
- l. Smoking is not permitted within alfresco dining areas. The approval holder is required to provide appropriate non-smoking signage to ensure compliance.
- m. Where the alfresco dining area is being used at night, clear and well distributed lighting must be provided to ensure the safety and amenity of patrons and the public. Lighting shall not cause a nuisance by way of light spill to any nearby premises.
- n. Consumption of alcohol shall be in accordance with a liquor licence granted by the Department of Local Government, Sport and Cultural Industries.

4. Site Requirements

- a. A general minimum circulation space of 2.5 metres wide (running parallel to the street) shall be maintained in all cases and the local government may specify a greater width in certain circumstances.
- b. Alfresco dining areas shall maintain a minimum of 2.5m from all public facilities and infrastructure (e.g. water and sewer lines access points, telephone infrastructure, public seats, bicycle racks).
- c. Alfresco dining activities shall be located clear of line of sight for road users. Where a proposal is located within 15m of a street intersection, the applicant must demonstrate traffic safety will not be compromised.

5. Street Furniture

- a. All furniture and signage shall be durable, waterproof, rustproof and weather resistant, and shall be maintained in good condition. Corners and fastenings must not create potential hazards for patrons and pedestrians, and where the design requires, be securely anchored in accordance with Australian Standard AS1170.2-2011 – Structural Design Actions – Wind Actions and/or any recommendations provided by the manufacturer.
- b. Screens may be used to provide shelter from wind and rain. Screening should be visually permeable and readily removable, and should only be used when and where climatic conditions warrant to.
- c. All barriers to alfresco dining areas shall be no more than 1.2m in height to enable street activation. Higher barriers are not supported.
- d. All permanent objects and furniture must be properly tied down and be capable of being removed within 24 hours.
- e. Any advertising on the barriers shall relate to the operation of the business and products sold on site. No third-party advertising or alcoholic beverage advertising is permitted.



- f. Advertising on the barriers shall not include any electronic or digital signs that will compromise traffic safety.

| DOCUMENT CONTROL | | | | |
|------------------------|------------------------|-------------------|---------------------|-------------------|
| Responsible Department | Development and Growth | | | |
| Description of Changes | New policy. | | | |
| Version | Resolution Number | Endorsement Date: | Last Reviewed Date: | Next Review Date: |
| 1 | 15.2.4 | 20 January 2025 | December 2024 | December 2026 |