

6.1.39 Alfresco Dining

For the purpose of this policy Alfresco Dining is defined as “an outdoor eating area located on public land being a street, right of way or other permissible public land”.

The Shire of Manjimup encourages and supports the provision of appropriately located Alfresco Dining within the Municipality in accordance with the provisions of this policy.

Objectives

- a) To allow the establishment of Alfresco Dining within public areas adjacent to existing food premises;
- b) To regulate placement of chairs, tables and other structures to ensure obstruction of pedestrian movement or sight lines for vehicles and pedestrians does not occur; and
- c) To identify proprietor obligations in respect of Alfresco Dining.

Application Requirements

Applications for approval to Alfresco Dining shall be made in writing.

Submitted correspondence should outline all details of the proposal and should be accompanied by a scale plan indicating the position of all tables, chairs and other structures, both existing and proposed and their relationship to the eating house.

Applications are subject to an annual application fee as may be reviewed by Council from time to time.

Assessment

In assessing the suitability of establishing Alfresco Dining, Council shall have regard to the following criteria:

- a) In determining any application for Alfresco Dining, Council shall have regard to the objectives of the policy;
- b) Maintenance of a minimum clear footpath of 2.0 metres in width being maintained in all cases. Pedestrians should be permitted to make normal use of the footpath without stepping onto the road at any point;

- c) The potential for obstruction of sightlines from nearby intersections and/or access points;
- d) Potential for conflict with, or obstruction of view or access to other retail and commercial activities being undertaken on adjacent properties;
- e) The appearance and structure of facilities proposed should be compatible with the amenity of the area to the satisfaction of Council. Unless otherwise approved by Council Alfresco Dining facilities shall be removable at the end of each business day; and
- f) The method of rubbish disposal.

Conditions of Approval

Conditions will be applied to approvals as deemed necessary. Without limiting the generality of Council discretion, approvals are to contain the following conditions:

1. All fixtures should be removed at the end of each business day unless otherwise approved by Council;
2. Applicants shall hold a public liability insurance policy of not less than two million dollars (\$2,000,000), which extends to the area effect;
3. The eating area shall be maintained free of litter and other disused materials at all times;
4. All tables, chairs and other structures shall be maintained in a condition acceptable to the Shire of Manjimup;
5. Where the eating area is to be operated during the hours of darkness, the eating area shall be lit to the satisfaction of Council;
6. In accordance with requirements of the Health Act, the kitchen floor area must be no less than 25% of the total area utilised for dining (including Alfresco Dining). For existing food facilities with less than a 25% area applications will be considered on a case by case basis;
7. Food premises providing dining for more than 20 persons shall provide public ablution facilities as required by the Health Act;
8. Eating utensils and tableware are to be provided on an 'as needed' basis only; and

9. Unless otherwise approved by Council approvals for Alfresco Dining shall be restricted to 12 months only. Operation of the Dining area beyond this time requires the further approval of Council.

**REVIEWED AND ADOPTED 12 AUGUST 1999
RENUMBERED 23 OCTOBER 2003**

**The Administration of this policy has been delegated by the Chief
Executive Officer to:**