

Alfresco Dining Guidelines

Table of Contents

Introduction

The Permit	Page 4
Permit applications	Page 4
Application requirements	Page 5
Insurance	Page 5
Fees	Page 6
Change of Owner / Transfer	Page 6
Permit Conditions	Page 6
Location	Page 6
Pedestrian access	Page 7
Furniture and equipment	Page 9
Design requirements	Page 9
Removal and storage of furniture	Page 10
Umbrellas	Page 10
Planter boxes	Page 10
Barriers / screens	Page 10
Heating and cooling equipment	Page 10
Lighting	Page 11
Electrical installations	Page 11
Management of the permit area	Page 11
Maintenance	Page 11
Food Safety	Page 11
Patrons	Page 12
Entertainment	Page 12
Hours of Operation	Page 12
Liquor Licence	Page 12
Toilets	Page 12
Dogs	Page 12



Advertising and Signage Page 13

Smoking Page 13

Disability Access and Inclusion Page 13

Special Precincts Page 14

Parklets.....Page 16

Alfresco Dining Guidelines

The purpose of these guidelines is to provide information and guidance to registered food businesses which wish to establish an alfresco dining area within the City of Rockingham.

The guidelines set out the conditions for alfresco dining areas and provides a framework which applications for alfresco dining permits will be assessed and for alfresco dining areas to be managed.

An alfresco dining permit is not required for outdoor dining activities:

- on private commercial or industrial land, where development approval may be required;
- as part of an approved outdoor event; or
- not associated with a registered food business.

Applications for an alfresco dining permit can only be made by a food business that has a Certificate of Registration issued by the City's Health Services.

THE PERMIT

A permit for alfresco dining will allow the permit holder to place approved furniture and equipment on the footpath or public area in front of their food premises. The permit does not grant exclusive rights over the relevant public space and the permit holder cannot exclude the general public from using tables and chairs provided for the purpose of alfresco dining.

An alfresco dining permit will be:

- issued in the name of the applicant;
- transferable at the City's discretion;
- valid only for the times and dates on the permit;
- valid only for the area stipulated on the permit;
- valid only for the activity described on the permit;
- subject to fees and charges; and
- subject to conditions of approval.

Permits will be issued for one financial year and expire on 30th June each year. Applications for renewal of the permit must be made one month prior to expiry.

The City may amend permit conditions by written notice to the permit holder at any time with or without consultation of the permit holder.

The City reserves the right to cancel or suspend a permit at any time to ensure public safety is maintained, or for breach of permit conditions.

PERMIT APPLICATIONS

An application for an alfresco dining permit must be made on the approved application form.

Applications will be considered on their merits and assessed against the criteria in these guidelines.

An application for a permit which proposes permanent fixtures such as screens, enclosures, canopies or other permanent shade structures and signage may constitute development and require development approval from the City.

No furniture, fixtures or other equipment are to be placed in the defined alfresco area until:

- all approvals have been granted, including development approval where required;
- payment is received of all fees; and
- a Certificate of Currency showing the required level of Public Liability Insurance is returned to the City and endorsed by the permit holder's insurer.

Application Requirements

Applications for an alfresco dining permit should be submitted with the following information to ensure efficient application assessment.

1. Completed application form;
2. Details of Public Liability Insurance for \$20 million dollars with indemnity provision to also include any proposed permanent structures;
3. A plan of the proposed alfresco dining area, indicating: size and location in the public area, location of any proposed barriers or planter boxes, anticipated diner numbers, and the proposed hours of operation;
4. Images and information and/or manufacturer's brochure showing any furniture, umbrellas, heaters or cooling units and the like proposed for use in the alfresco dining area;
5. Information on how equipment such as umbrellas and barriers are to be secured;
6. Images of the site and the surrounding context, showing location of: any public facility (bus stop, post box, etc.), any street furniture, street tree or rubbish bin, and any parking restrictions, accessible parking bays or loading zones;
7. Information on any proposed signage or advertising to be used in the alfresco dining area; and
8. Payment of fees and charges.

Please note that upon assessment of the application further information or documentation may be required, dependant on the location.

A successful application will result in an alfresco dining permit being issued. City Officers may attend and inspect the set-up of the alfresco dining area to ensure compliance with the Permit conditions of approval.

Insurance

Public Liability Insurance provides the applicant with insurance cover for their legal liability to third parties for injury and/or property damage arising from the alfresco dining area. The applicant must hold a current Public Liability Policy with an APRA (Australian Prudential Regulation Authority) approved insurer.

A copy of the applicant's Public Liability Insurance (Certificate of Currency) with a cover of not less than \$20,000,000 (twenty million dollars) must be provided with the application for an alfresco dining permit.

Fees

Fees are established in accordance with Sections 6.16 to 6.19 of the Local Government Act 1995 and may be reviewed annually. Fees and charges for the current financial year can be found on the City's website.

Change of Owner / Transfer

An alfresco dining permit is issued in the name of the applicant. Where there is a change of owner of the food business associated with the alfresco dining permit, the new operator can complete an Application for Alfresco Dining Permit form and forward it to the City with the required fee for a new permit to be issued.

A change of owner / transfer is only to be completed where the new owner / operator does not make any changes to the defined alfresco area, and the number and type of tables and chairs or fixtures noted on the existing permit. If any changes are made, a new application is required with the appropriate information and fee.

PERMIT CONDITIONS

Location

Alfresco dining areas will only be approved where the location, size or layout will not compromise public access, circulation, safety of patrons or other street users, and must not block lines of sight for pedestrians or vehicles.

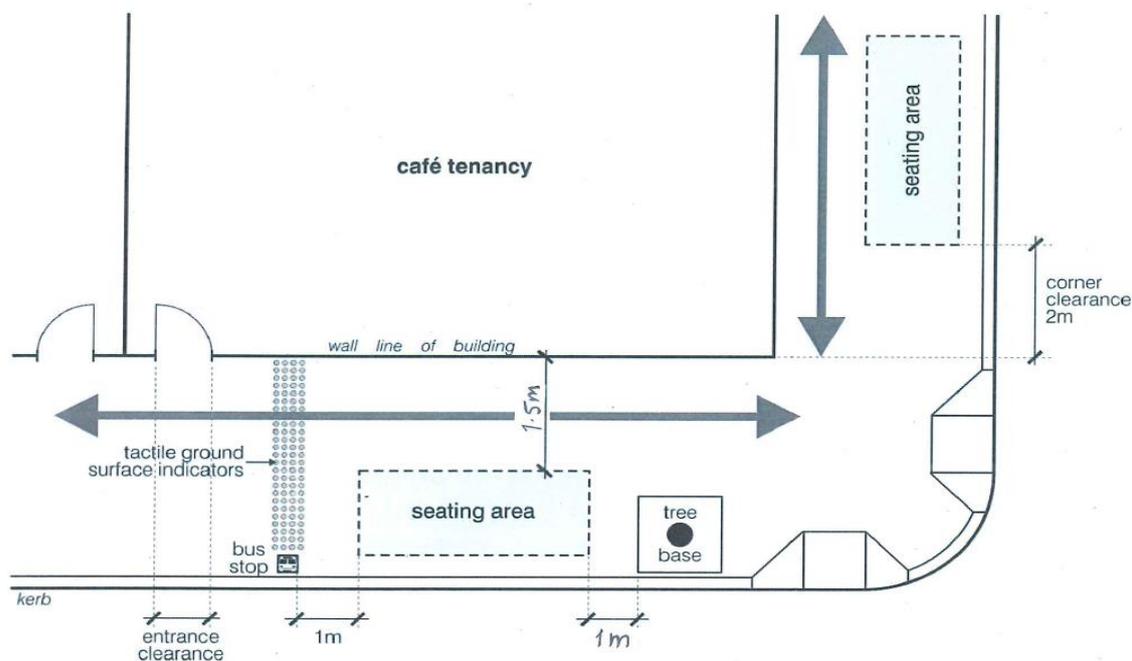
Generally, alfresco dining areas may only be established outside the food business to which they relate (not encroach across neighbouring property lines) and on footpaths with a width of at least 3.1m. Alfresco dining areas must not obstruct any fire escapes or emergency exits.

Should the proposed alfresco dining area include any City infrastructure (e.g. litter bin, public seat, etc.), the City is under no obligation to remove this infrastructure to allow for commercial use of the public area. If the City agrees to relocate or remove any City infrastructure, the business that makes the request will be liable for the costs involved.

Minimum setback requirements for an alfresco dining area are as follows:

- 0.6m from kerb (near normal parking, or where there is no adjacent parking);
- 1.5m from kerb when near accessible parking;
- 1m from any public transport access point, bus zone or taxi stand;
- 1m from any driveway crossover or pedestrian crossing;
- 1m from any service object including fire hydrant, utility pit, drain, public seat, bike rack, pay phone, parking meter, rubbish bin or the like;
- 1m from any landscaped area or street tree (measured from the outside of the street tree pit or grate);
- 1m from loading zone; and
- 2m from the corner alignment of the building at street intersections.

Figure 1 – Clearances required around the alfresco dining area



Pedestrian Access

The primary function of a footpath is to provide access for pedestrians and other users travelling along the street. This clear path of travel, which is to be maintained on all public footpaths before other users are considered, is referred to as the pedestrian clearway.

The pedestrian clearway must provide a consistent and predictable path of travel for each street block. Pedestrians must be able to make normal use of the footpath without being obliged to manoeuvre around street furniture or street trees, step onto the road at any point or make other unwarranted detours. This means that alfresco dining areas along one street must all have the same pedestrian clearway alignment.

The minimum clear pedestrian clearway width to be provided at all times is 1.5 metres. In areas of heavy pedestrian traffic, a wider pedestrian clearway may be required and in some locations alfresco dining may be unsuitable.

The default alignment for the pedestrian clearway is adjacent to the building line, running parallel with the street. (See Figure 2)

Where conditions are suitable, the City will consider a kerbside pedestrian clearway alignment. (See Figure 3)

The permit holder is to ensure that all furniture, fixtures and any objects associated with the alfresco area are retained in the approved area at all times and do not encroach into the pedestrian clearway or other areas of the footpath.

Figure 2 – Shows the default alignment for the pedestrian clearway.

This clear path of travel is in a consistent location on the block and is predictable for pedestrians.

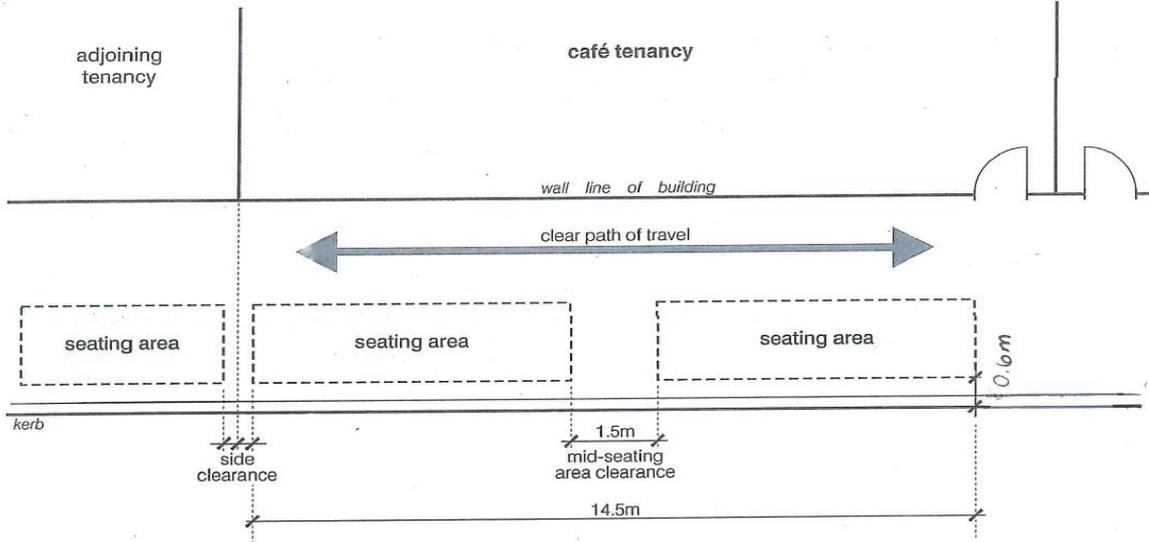


Figure 3 – this clear path of travel is in a consistent location on the block, and is predictable for pedestrians.

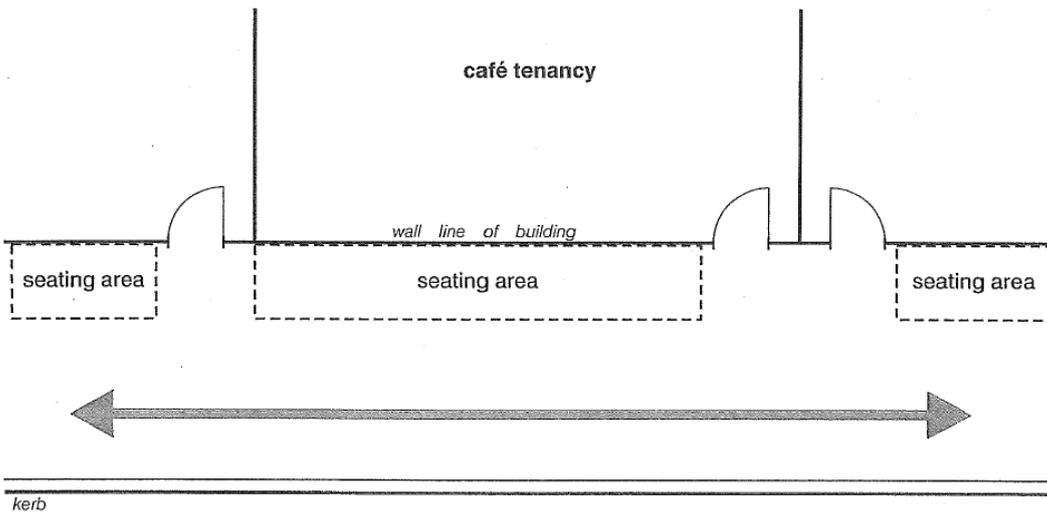
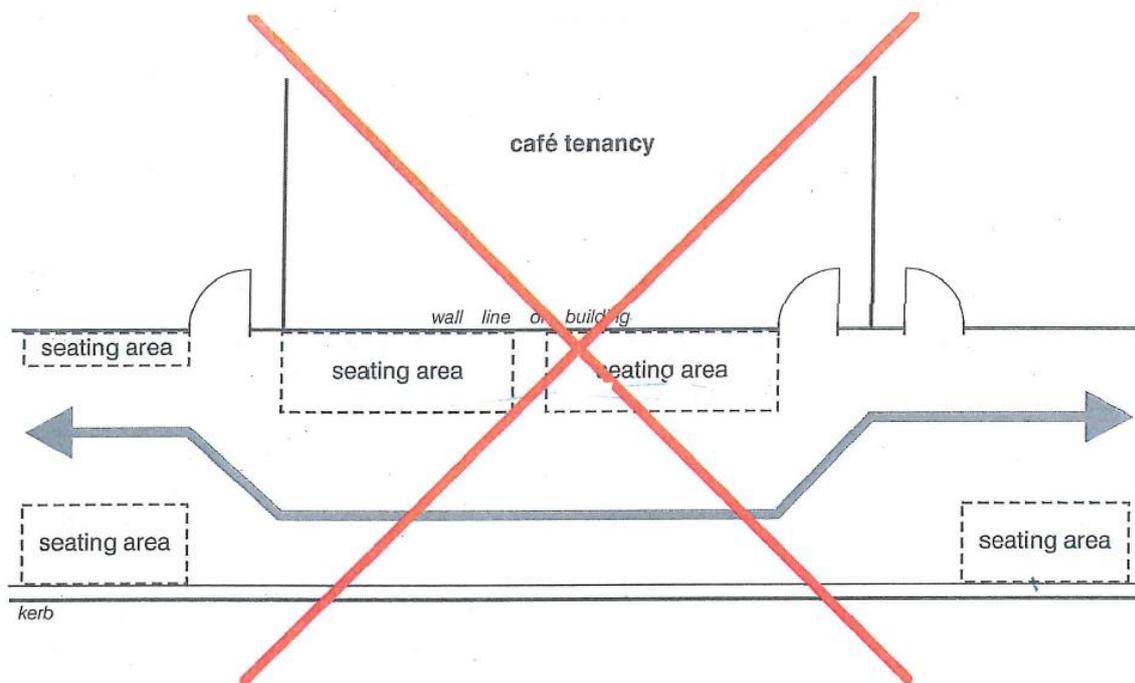


Figure 4 – this pedestrian clearway is not in a consistent location on the block, and is not predictable for pedestrians.



Furniture and Equipment

Alfresco dining furniture including barriers and other equipment must be maintained in physically sound and aesthetically acceptable condition, and in a good state of repair. They must be designed so that corners and fastenings do not create a potential hazard for pedestrians and patrons. Furniture and equipment must be sturdy enough to withstand strong winds and be easily packed or folded away.

All furniture and equipment including barriers must be placed and kept within the area defined in the permit during operation of the alfresco dining, and must not compromise the access and safety of patrons, pedestrians or road users.

All furniture and equipment including barriers is to be free standing and removable, unless specific approval has been given by the City for permanent fixing.

Design requirements

The design of the furniture, including barriers used for the alfresco dining area should be in keeping with the style and character of the host building and reflect the interior image of the business.

Alfresco dining patron numbers will be determined on assessment of each application, but will not exceed an occupancy of one person per m².

White tabletops and white chairs are not permitted in alfresco dining areas due to the possibility of glare.

Removal and storage of furniture

All furniture must be removed from the alfresco dining area at the close of business each day, unless otherwise permitted by the City.

Where furniture or equipment has been permitted to remain on the footpath or public area during the hours of darkness, illumination of the obstructions shall be provided by the permit holder and is to be approved by the City.

Umbrellas

Umbrellas are permitted, provided they:

- have a clearance between 2.1 – 2.4 metres above the footpath level to the lowest point of the umbrella arm;
- are adequately secured against the effects of adverse weather, and are closed or removed during strong wind conditions. Details in regards to how the umbrellas are to be secured is to be provided with the application;
- are maintained in good condition at all times;
- removed from the footpath when not in use, unless approved by the City;
- do not include side curtains; and
- do not create obtrusive glare or reflection.

Planter boxes

Planter boxes are to be of a design approved by the City and must not block lines of sight for pedestrians or vehicles. Planter boxes must be constructed of durable materials and the physical appearance must complement the streetscape character of the area.

Watering and discharge from the planter boxes must not enter into the stormwater system, stain the pavement area or create a hazard for pedestrians. Vegetation in planter boxes are to be maintained and replaced as necessary.

Barriers / Screens

Portable screens must be appropriately secured at all times to maintain safety in adverse weather conditions (e.g. weights / sand bags).

Screens must be aligned parallel to the kerb or designated alfresco area, be retained within the approved area, and must not block lines of sight for pedestrians or vehicles.

Heating and Cooling Equipment

Any proposed heating or cooling units will need City approval. The units should be specifically designed for outdoor operation and should be equipped with emergency shut off valves.

If gas heaters are used they should:

- turn off automatically if they are overturned;
- be turned off when the alfresco area is not in use; and
- be stored safely, as per AS/NZS 1596

The use of BBQ's and cooking equipment in alfresco dining areas is generally not supported, but may be considered on an individual basis as part of the Application for a Alfresco Dining Permit. Consideration will be given to public safety, egress and the suitability of the proposed location.

Lighting

Where alfresco dining occurs outside daylight hours, adequate lighting must be provided and maintained by the permit holder.

Lighting must be evenly distributed across the alfresco dining area to ensure the safety and amenity of both patrons and pedestrians is met.

Lighting must not cause a nuisance by way of light spill to nearby premises or impede road users' vision.

Electrical Installations

All electrical installations connected to lights, devices or appliances situated in or about the alfresco dining area are to be undertaken by a licenced electrician and a Certificate of Compliance provided to the City in regards to the works.

Electrical installations and power cords must not be placed in any manner or in any place which may be detrimental to safety or interfere with or obstruct the safe passage of pedestrians or vehicles.

MANAGEMENT OF THE PERMIT AREA

Maintenance

The permit holder is to maintain the alfresco dining area, including the pedestrian clearway, in a clean, hygienic and tidy state at all times including:

- frequent sweeping and spot mopping during trading hours to ensure that spillage of food, beverages and grease does not cause staining to the footpath;
- litter is to be managed to ensure it does not escape within or outside the designated dining area;
- cleaning the area at the close of the business day, including hard to reach spaces around furniture and structures;
- only non-penetrating alkaline products should be used for cleaning the alfresco paving;
- preventing waste, sweepings and wash down water from entering the gutter or stormwater system;
- disposing of waste within the proprietor's rubbish bin and not into public litter bins; and
- ensuring the area is free of trip hazards.

The permit holder is responsible for maintenance of the alfresco dining area and shall make good to the City's satisfaction any damage or staining to the surface.

The permit holder is to maintain all furniture and fixtures in a good state of repair at all times, and ensure that any heating and cooling units are serviced and maintained regularly, and that any lighting is maintained in good working order.

Food Safety

The permit holder is to maintain food safety standards by:

- taking all reasonable precautions to prevent food and beverages being contaminated when conveyed to the alfresco dining area;

- only lay out cutlery, crockery and glassware when a meal is ordered;
- only prepare food and beverages within the food premises, unless a separate approval is granted by the City's Health Services; and
- disposing of meal remnants promptly to discourage birds or other pests from frequenting the area.

Patrons

The permit holder is to ensure the orderly conduct of patrons within the alfresco dining area to ensure no disturbance or nuisance is caused to users of land adjacent to the area or to vehicles or pedestrians travelling along the area.

Entertainment

The permit holder is to ensure that noise generated from activities in the area (includes any music and patron noise) comply in all respects with the *Environmental Protection (Noise) Regulations 1997*. Consideration should be given to nearby land uses before allowing music in the alfresco dining area.

Hours of Operation

The hours of operation of the alfresco dining area will be limited to the hours of operation of the adjacent food business, however, the City may further limit alfresco trading with consideration to amenity and proximity to residential properties.

Liquor Licence

The consumption of alcohol within an alfresco dining area is permitted subject to the permit holder obtaining the necessary approvals from the Department of Local Government, Sport and Cultural Industries. A copy of this approval is to be provided to the City.

Table service is mandatory for alfresco dining areas with a liquor licence when the pedestrian clearway is adjacent to the building line. (see **Figure 2**)

Toilets

The applicant must demonstrate that acceptable toilet facilities are available in the premises to accommodate patron numbers. Patron numbers includes the combined seating both inside the premises and in the alfresco dining area, and toilet facilities are to comply with National Construction Code and Building Code of Australia requirements.

Dogs

Permit holders considering a 'dog friendly' alfresco dining area must ensure:

- dogs do not enter the food business (unless they are a guide/assistance animal);
- the premises has implemented a dog management policy, with staff trained in appropriate hygiene and cleaning practices, identification of potential tripping hazards and corrective actions and procedures;
- dogs in the alfresco area will need to be kept under effective control by means of a physical restraint by the owner or person responsible for the animal; and
- patrons understand that dogs are not allowed to be or cause, a nuisance within the alfresco dining area.

Advertising and Signage

Alfresco dining areas are to be visually attractive and not dominated by advertising. Only advertising in the form of the business logo or the name or logo or name of products used / sold by the business is permitted.

Advertising of items not related to the business is not permitted in alfresco dining areas.

All signage and advertising on permanent fixtures or structures will require Development Approval

Smoking

Smoking (including e-cigarettes and vaping devices) is not permitted in alfresco dining areas.

Access and Inclusion for People with a Disability

The City strongly encourages that consideration is given to make your alfresco dining area accessible. Making an alfresco dining area accessible to people with a disability is more than just providing access for wheelchairs. People with a disability can face a number of barriers and the following should be considered:

Outdoor Dining

- Is your furniture stable?
- Can a wheelchair fit easily under at least some of your tables? As a guide a table surface height of 750mm – 850mm is recommended.
- Can a wheel chair access the outdoor dining area without impeding the pedestrian access way?
- Is your seating access friendly? As a guide seating height of 450mm – 520mm is recommended.
- Is there sufficient lighting (without glare) in the area to assist those with vision impairment?
- Does the colour of your furniture contrast with the area around it, enabling the vision impaired to navigate the space?
- Does your premises offer an accessible toilet?

Menus and Cutlery

- Are your menus in large font and easy to read?
- Do you have hard copy menus that can be read at the table rather than having to locate a menu board?
- Is your crockery and cutlery easy to hold and use?

General Accessibility

- Are your staff made aware of the considerations to make alfresco dining areas more accessible?
- Are your doorways clear of hazards?
- Are any steps clearly marked?
- Are there any head height hazards?

Guide Dogs and Assistance Dogs

- Is there space for a guide/assistance dog to be placed without impeding the pedestrian access way?
- Is a water bowl available on request for guide/assistance dogs?

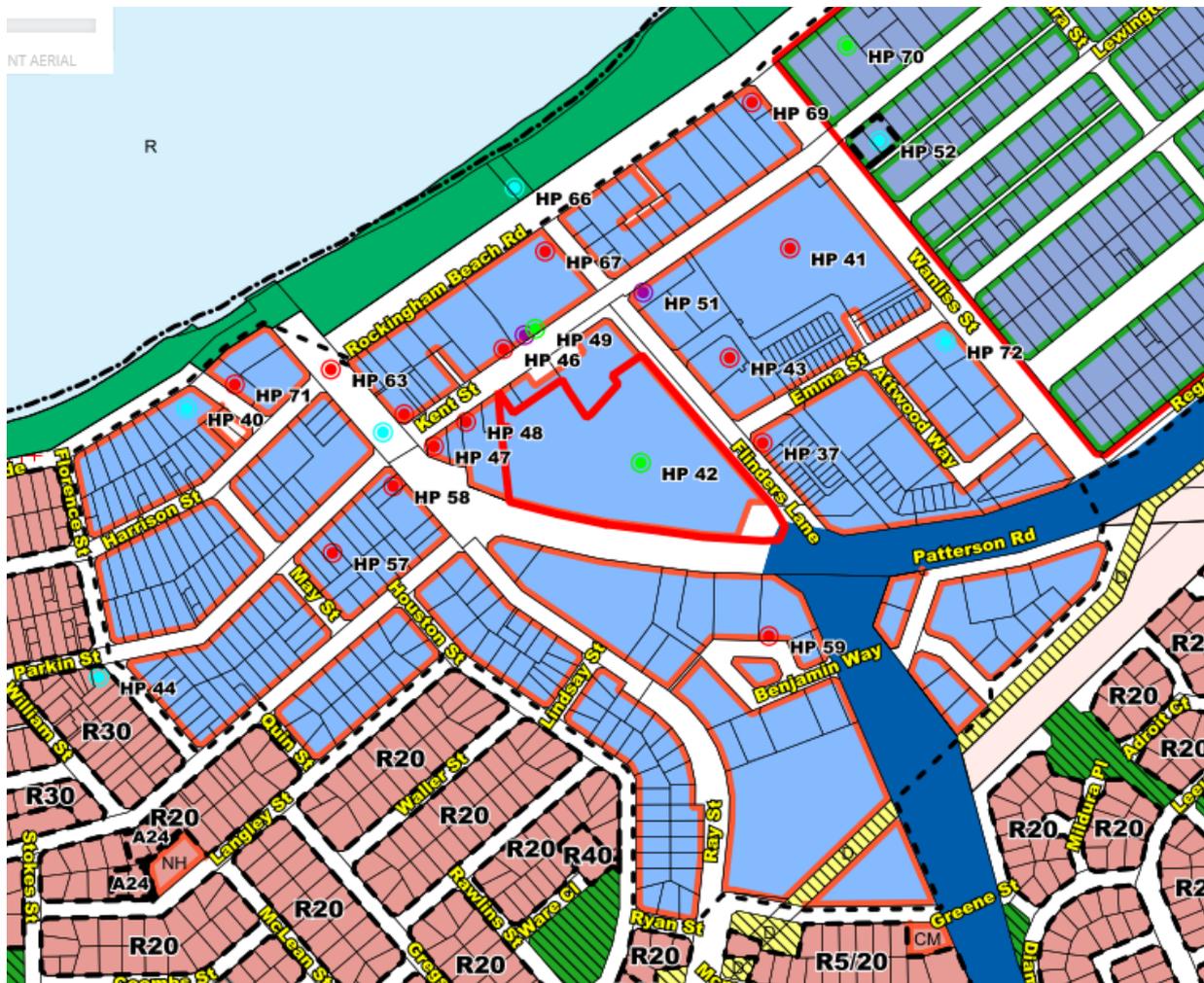
Considering these aspects is important for making your alfresco dining area accessible to people with disabilities. If you require any assistance regarding accessible alfresco dining areas, please contact the City’s Access and Inclusion Officer on 9528 0333, who can provide further assistance.

SPECIAL PRECINCTS FOR ALFRESCO DINING

The following are nominated as special precincts:

- Waterfront Village zone
- Foreshore Boardwalk

Waterfront Village (area shaded light blue)



Alfresco dining areas located in the Waterfront Village special precinct attract an additional cleaning area fee dependent upon the size of the proposed alfresco dining area.

Foreshore Boardwalk (area shaded yellow)



Alfresco dining areas located in the Foreshore Boardwalk special precinct attract an additional cleaning area fee for the Waterfront Village precinct.

Foreshore Boardwalk additional considerations:

- Discs have been installed in the Foreshore Boardwalk paving. Alfresco dining is permitted up to the discs;
- The City will not support any permanent shade structures being attached to the adjacent building;
- The City will only support the installation of permanent umbrellas of a kind consistent with those used for the Foreshore Redevelopment. Non-permanent umbrellas will not be considered and are not permitted for use in this area; and
- When alfresco upgrades are planned, consideration is to be given to utilising a higher standard of furniture that will complement the materials used for the Foreshore Redevelopment.

Information regarding the specifications for the permanent umbrellas can be obtained from the City's Health Services.

Parklets

There are some locations where the City will consider the creation of a 'parklet'. Parklets are temporary moveable structures placed in car parking bays, providing publicly accessible seating and amenities for the community, including alfresco dining for adjacent food premises.

Parklets are required to comply with both the Alfresco Dining Guidelines and Planning Policy 3.3.24, and are subject to applications for both Development Approval and Alfresco Dining Permit.

Further Information

For further information, or for assistance in preparing and lodging an application, please contact the City's Health Services on 9528 0333.