

Alfresco Activities Local Planning Policy

Responsible Directorate: Planning and Community Development

Objectives:

- To ensure alfresco activities are appropriate to the character and functions of the area in which they are proposed to be located.
- To encourage high quality, pedestrian friendly, street-activated development that integrates with surrounding areas and enhances the streetscape whilst limiting any impact on adjoining properties.
- To ensure any alfresco activities and incidental structures do not impact on the movement of pedestrians and vehicles, and do not impact on the future works required within the road reserve.
- To maintain an open and accessible public space that retains the functionality and appearance of being publicly available to all pedestrians, whether paying customers or not.

1. Authority:

This policy has been prepared in accordance with Schedule 2, Part 2 of the deemed provisions of the *Planning and Development (Local Planning Schemes) Regulations 2015* which allows the local government to prepare local planning policies relating to planning and development within the Scheme area.

2. Application:

This policy shall apply to all alfresco activities situated on City owned or managed land, typically within a road reserve (excluding any regional road reserve).

3. Definitions:

“**alfresco activities**” means the consumption of food and beverages by the general public that are located generally within the verge which are an extension of an existing adjacent business.

“**Alfresco Zone**” means the area of the verge or other public space where alfresco activities are permitted.

“**Kerbside Zone**” means the area between the road and the Alfresco Zone, which ensures that adequate space is provided between the Alfresco Zone and roadside activities.

“**Pedestrian Zone**” means the area that provides a continuous and unobstructed pathway.

“**Regional Road**” means a road reserve identified under the *Metropolitan Region Scheme* as an Other Regional Road or Primary Regional Road.

“**verge**” means the space between the property boundary and the road, commonly occupied by footpath or landscaping.

“visually permeable” means the same as that defined under the *State Planning Policy 7.3: Residential Design Codes*.

4. Statement:

The City encourages alfresco activities as a means of increasing vibrancy and choice for residents and visitors. It seeks to achieve this in a balanced way by employing a system of zones which take into consideration pedestrian safety, traffic flow and local amenity for residents and other commercial operators. As such, this local planning policy has been developed as a framework to guide the planning approval process for alfresco activities.

5. Details:

In determining the appropriateness of any alfresco activities within the City of Joondalup, the following will apply:

5.1. Alfresco location:

- a. Notwithstanding the Zone configurations identified below, all alfresco activities shall provide a 1 metre minimum setback from bus stops, fire hydrants, public telephones, electrical distribution boxes or any other public infrastructure.
- b. Alfresco activities located outside of the site-specific areas identified in Figures 2 and 3 are to comply with the following and be configured in the manner illustrated in Figure 1:

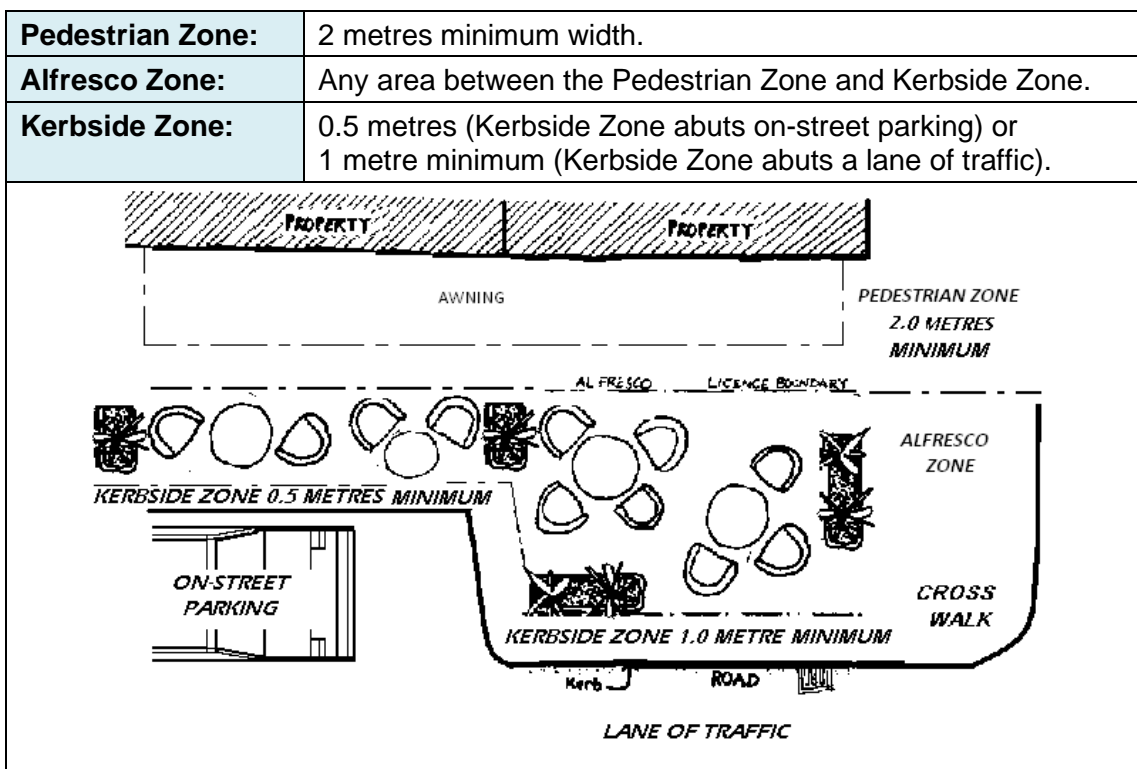


Figure 1. General standard for alfresco location

- c. Alfresco activities located on Lakeside Drive or Central Walk are to comply with the following and be configured in the manner illustrated in Figure 2 or 3 respectively:

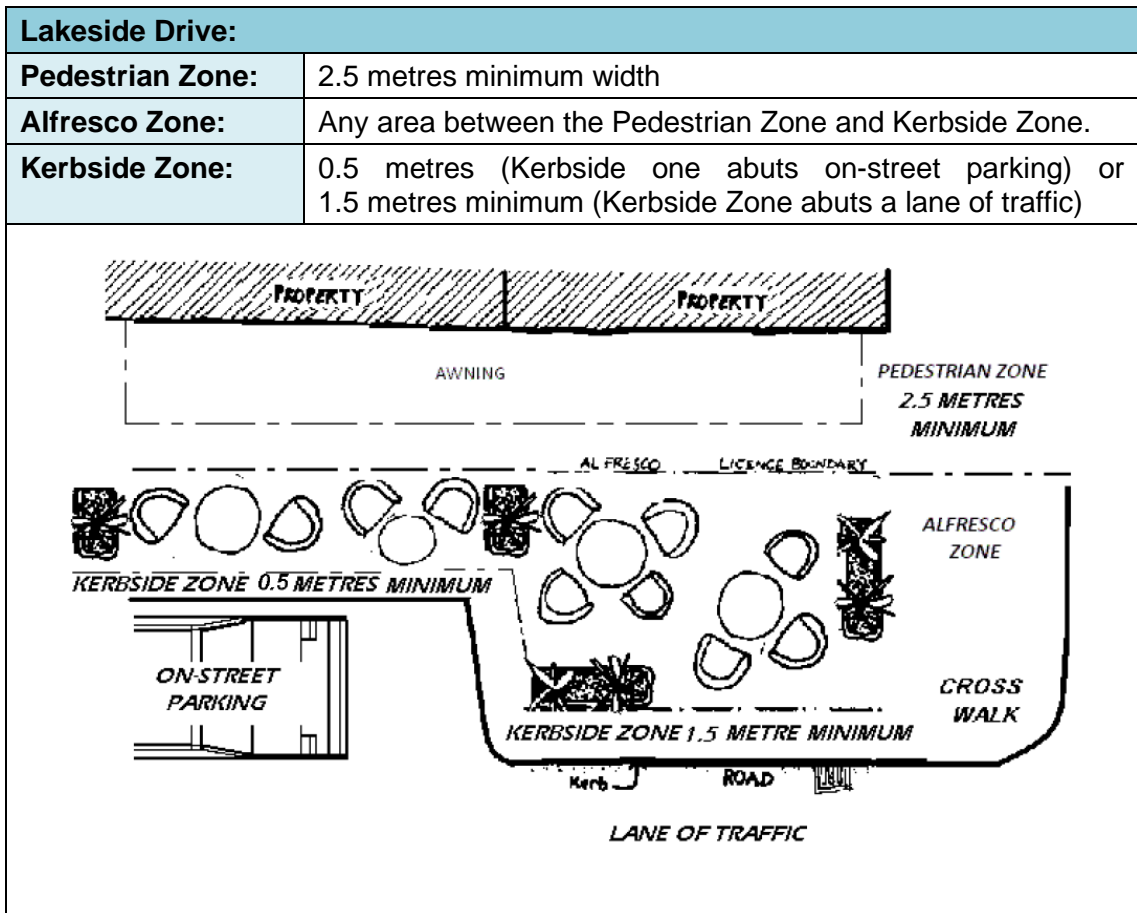


Figure 2. Alfresco location for Lakeside Drive

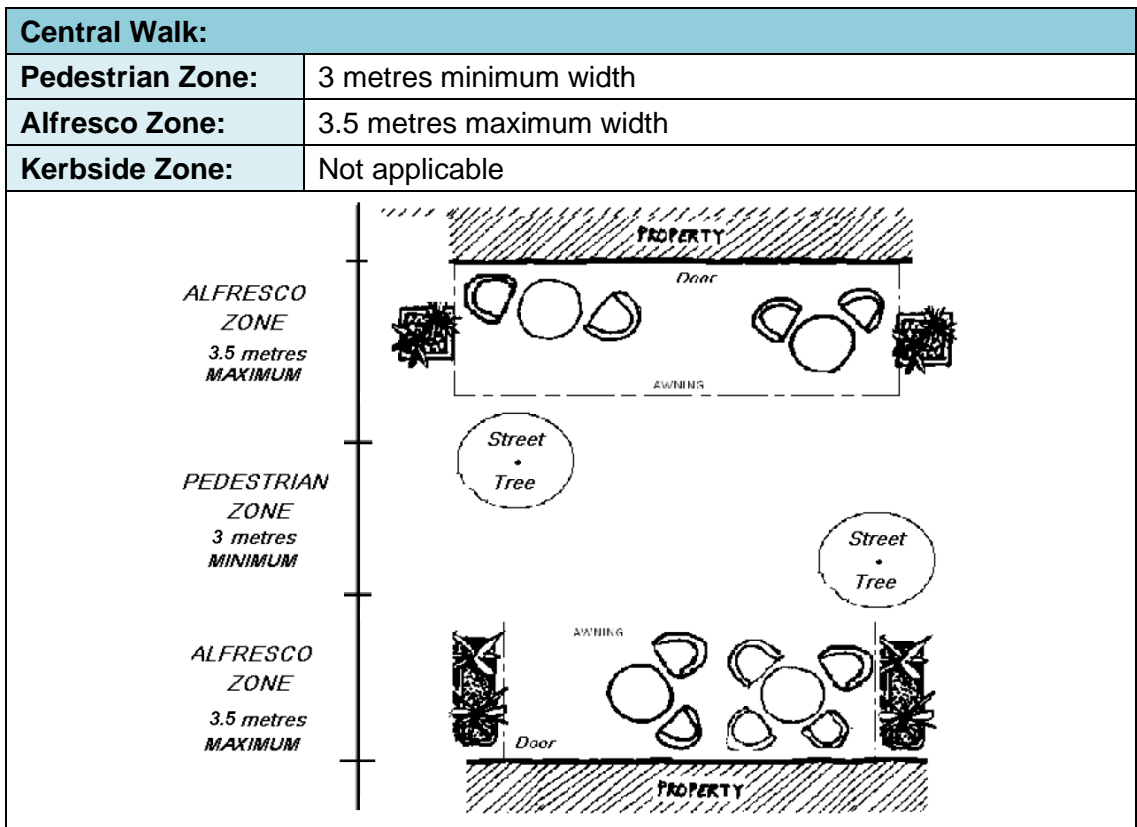


Figure 3. Alfresco location for Central Walk

- d. For the purpose of buildings with frontage to both Central Walk and Boas Avenue/Reid Promenade, alfresco activities may abut the building along both frontages and be located beneath awnings where provided in accordance with Figure 4.

Alfresco activities located along the Boas Avenue frontage must conform to the dimensions for the Alfresco, Pedestrian and Kerbside zones as specified in Figure 1.

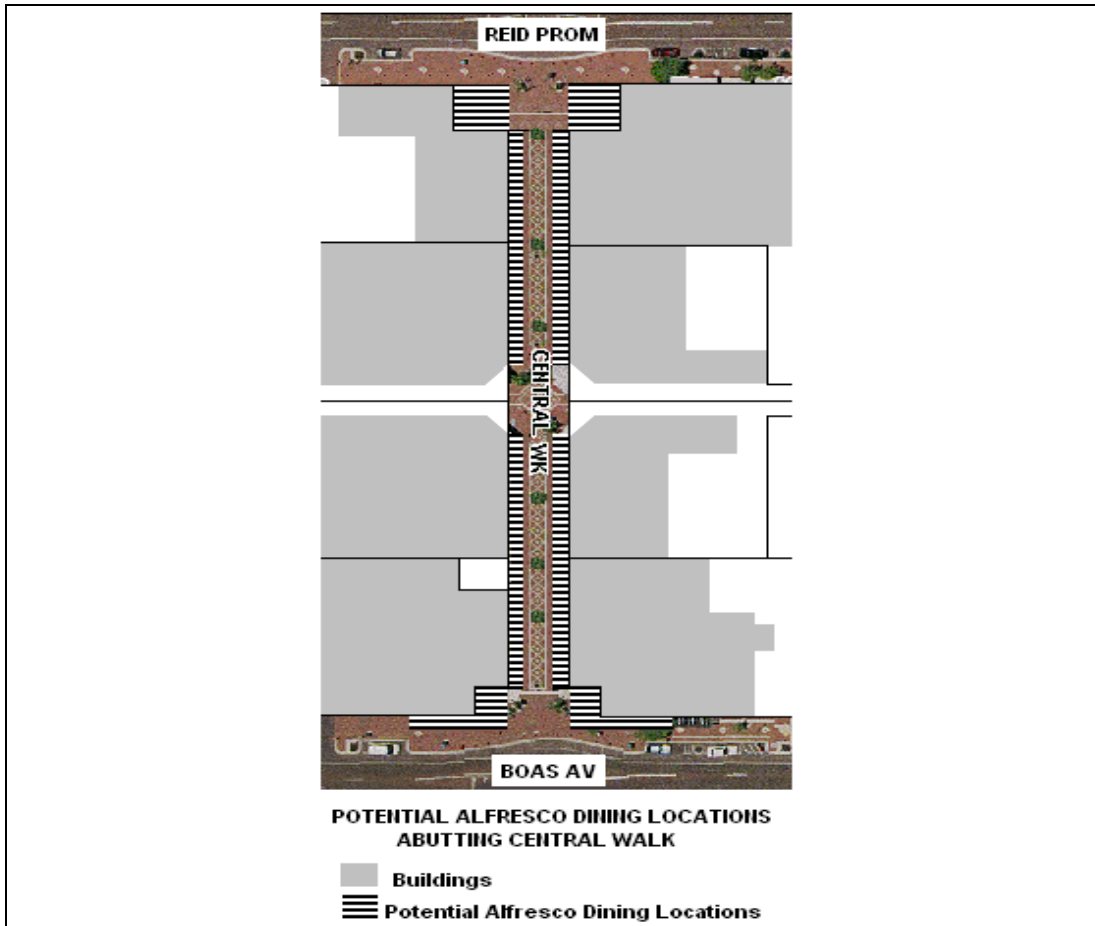


Figure 4. Alfresco location for buildings abutting Central Walk — between Boas Avenue and Reid Promenade

5.2. Planning requirements:

- a. The proposed alfresco activities must be associated with, and located adjacent to, a commercial tenancy which prepares and serves food and beverages to customers which has been granted Planning Approval by the City or is a permitted (“P”) as designated under the City’s *Local Planning Scheme No. 3*.
- b. Consideration may be given to alfresco activities which extend beyond the area directly adjacent a commercial tenancy; however this will require Development Approval to be issued prior to commencement and will be determined on a case-by-case basis taking into account the objectives of this policy, *Local Planning Scheme No. 3* and any relevant activity/structure plan.
- c. Alfresco activities may include the following within the applicable Alfresco Zone:
 - i. non-permanent furniture or fixtures, including but not limited to, fencing/barriers, planter boxes, umbrellas, chairs and tables, and may include signage affixed to this furniture which is associated with the approved use of the adjacent tenancy.

- ii. Café-blinds which are retractable, clear (visually permeable), contained within the Alfresco Zone and do not require any additional posts or support structures which are permanent in nature.
 - iii. All works, furniture and structures can be retained in the Alfresco Zone outside of the operating hours of the associated business, subject to the operator accepting all responsibility for works, furniture and structures they have installed.
- d. Alfresco activities may not include:
- i. Permanent furniture, fixtures or structures.
 - ii. Signage which is not affixed to any permitted furniture, fixtures or barriers and/or signage which is not incidental with the approved use of the adjacent tenancy.
 - iii. Any retail display/sale of goods from the Alfresco Zone.
 - iv. Any other use/development which is not incidental or associated with the operation of the adjacent tenancy.

5.3. Management:

- a. The applicant is solely responsible for all costs associated with the removal, alteration, repair, reinstatement or reconstruction (to the satisfaction of the City) of the street carriageway, footpath, verge infrastructure or any part thereof arising from the alfresco activities.
- b. Council will accept no responsibility or liability for any interruption to business caused by the need for Council, other Authority or adjoining development to carry out any type of maintenance works or new development on or in the vicinity of the alfresco activities.

6. Requirement for development approval:

- a. In accordance with Schedule 2, Part 7, clause 61(2)(e) of the *Planning and Development (Local Planning Schemes) Regulations 2015* (the Regulations), any proposed alfresco activities which demonstrate compliance with the provisions of this policy (to the satisfaction of the City) is exempt from the need for Development Approval.
- b. The City's *Alfresco Activities Checklist* must be completed by the applicant to certify compliance with the provisions of this policy and be submitted with an application for an Outdoor Eating Permit.
- c. If the proposed alfresco activities do not comply with any of the provisions of this policy, the proposal will not be exempt from the requirement to obtain Development Approval and an Application to Commence Development form (and associated fee) will need to be submitted to the City and approved prior to the lodgement of an application for an Outdoor Eating Permit.

7. Public consultation:

- a. Refer to the City's *Planning Consultation Local Planning Policy*.

Creation Date: June 1999

Amendments: CJ024-02/04, CJ052-04/08, CJ225-10/09, CJ032-03/12, CJ119-08/20

**Related
Documentation:**

- *City of Joondalup Local Planning Scheme No. 3*
- *City of Joondalup Alfresco Activities Checklist*
- *Planning and Development (Local Planning Scheme) Regulations 2015*
- *Local Government and Public Property Local Law 2014*