

<b>TITLE:</b>	<b>OUTDOOR DINING</b>
<b>ADOPTED:</b>	OCM 8 June 2006 – Pages 23-25
<b>REVIEWED:</b>	OCM 29 October 2009– Pages 79 – 80 OMC 19 April 2012 – Pages 60 – 61 OMC 30 July 2015 – Pages 28 – 40 OMC 17 December 2015 – Pages 110 – 121 OMC 25 May 2017 – Pages 85 – 260 OMC 14 December 2017 – Pages 1030 - 1043
<b>ASSOCIATED LEGISLATION:</b>	Local Government Act 1995 Local Planning Scheme No 6 (LPS6)
<b>ASSOCIATED DOCUMENTS:</b>	Shire of Broome Trading, Outdoor Dining and Street Entertainment Local Law 2016
<b>REVIEW RESPONSIBILITY:</b>	Director Development Services
<b>DELEGATION:</b>	Delegations are exercised in accordance with delegation granted in terms of Section 5.42 of the Local Government Act 1995 as amended or other statutes as applicable to specified officers.
<b>APPLICATION:</b>	This policy applies to the townsite of Broome only

Previous Policy Number: 8.3

**Background:**

The Shire of Broome Trading, Outdoor Dining and Street Entertainment Local Law (the Local Law) 2016 requires that an outdoor dining licence must be issued before a person conducts outdoor dining (also known as alfresco dining) in a public place. The Local Law establishes restrictions on all licence holders and sets out what is required to be submitted with an application, however, the Local Law does not provide direction on when the Shire would exercise its discretion and issue a licence.

Furthermore, under the provision of LPS6, outdoor dining is development and therefore an application for development approval must also be submitted with an application for an outdoor dining licence under the Local Law.

This policy will establish minimum requirements that will be considered by the Shire in assessing an application for a licence and planning approval for an outdoor dining area.

**Objective:**

1. Encourage where appropriate outdoor dining and streetscape activity to enhance the visual amenity and perception of outdoor lifestyle associated with Broome.
2. Provide a safe area for establishment of outdoor dining areas so they do not jeopardise the safety of patrons, pedestrians or motorists.

**Policy:**

- 1.1 An application for an outdoor dining licence under the Local Law and application for development approval under LPS6 must be submitted and approved prior to the commencement of outdoor dining.
- 1.2 An application for outdoor dining must include the following:
  - a) An outdoor dining licence application form;
  - b) A development application form;
  - c) Fee's as prescribed under the Shire of Broome Schedule of Fee's and Charges;
  - d) Three copies of all plans and accompanying material set out in Clause 3.4 of the Local Law; and
  - e) Two copies of the site plan and floor plan of the adjacent eating-house.
- 1.3 A minimum of 2.0 metres of the footpath must remain unobstructed adjacent to any outdoor dining area.
- 1.4 The outdoor dining areas must be located in a manner, which does not obstruct kerbside parking.
- 1.5 The outdoor dining areas must be suitably located with respect to adjacent street furniture, so that these features are not unreasonably obstructed and at all times a minimum 2.0 metre unobstructed footpath is maintained.
- 1.6 The outdoor dining area must be located immediately adjacent to an eating-house. Where it proposed to be located adjacent to the kerb, suitable access will need to be provided for parked vehicles and safety barriers may be required.
- 1.7 Licensees must maintain public liability insurance cover relating to all items and operations within the road reserve. Insurance cover must be not less than \$10,000,000 and be from a reputable underwriter.
- 1.8 All tables, chairs, barriers, umbrellas to be of a weight and construction so as not to move in a strong breeze. Before the wind reaches strength where any of the furniture could move, the furniture must be removed from the outdoor dining area. All furniture is to be removed immediately a blue alert for a cyclone is issued and not replaced until the all clear is given.
- 1.9 The eating-house relating to the outdoor dining area must have sufficient toilet facilities to cater for the additional seating.
- 1.10 All street furniture must be removed from the road reserve outside of the hours of operation as stipulated on the licence issued.

1.11 Any proposals for outdoor dining that falls within an area subject of design guidelines, must address the relevant provisions. Particularly the following must be addressed:

a) In the area subject of the Town Centre Design Guidelines:

- any application must be submitted with a site plan showing location and species of shade trees to be installed by the developer; and
- All verandahs, awnings and other overhangs must be designed to ensure they do not inhibit trees in the public domain achieving full mature canopies; and
- Alfresco (outdoor dining structure) within verge areas must provide integrated public access ways through the alfresco area.

## **SHIRE OF BROOME LOCAL PLANNING SCHEME No. 6 (LPS6) – LOCAL PLANNING POLICIES**

This Policy is a Local Planning Policy adopted under the provisions of Clause 2.4 of LPS6. LPS6 is administered by the Shire of Broome as the responsible authority under the Scheme. LPS6 was gazetted and came into operation on the 30 January 2015.

Planning policies adopted under LPS6 may be amended or rescinded after the procedures set out in Clause 2.4 and 2.5 have been completed.