

TITLE:	OUTDOOR DINING
ADOPTED:	OCM 8 June 2006 – Pages 23-25
REVIEWED:	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 OMC 30 May 2024 – Pages 10 –16
ASSOCIATED LEGISLATION:	Local Government Act 1995 Local Planning Scheme No 7 (LPS7)
ASSOCIATED DOCUMENTS:	Shire of Broome Trading, Outdoor Dining and Street Entertainment Local Law 2016
REVIEW RESPONSIBILITY:	Director Development Services
DELEGATION:	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.
APPLICATION:	This policy applies to the townsite of Broome only.

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 LPS7, 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 LPS76 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) Fees as prescribed under the Shire of Broome Schedule of Fees and Charges.
 - d) All plans and accompanying material set out in Clause 3.4 of the Local Law; and
 - e) A 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 when 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.

SHIRE OF BROOME LOCAL PLANNING SCHEME No. 7 (LPS7) – LOCAL PLANNING POLICIES

This Policy is a Local Planning Policy adopted pursuant to Part 2 clause 4 of the deemed provisions of LPS7. LPS7 is administered by the Shire of Broome as the responsible authority under the Scheme. LPS7 was gazetted and came into operation on the 28 September 2023.

Planning policies adopted under LPS7 may be amended or rescinded after the procedures set out in Part 2 of the deemed provisions of LPS7 have been completed.