

## Alfresco Dining, Public Trading and Displays

### Policy Objective

- (a) To provide a framework for the assessment and management of alfresco dining, public trading and banner poles within the Town.
- (b) To ensure alfresco dining and public traders do not impede on the safe movement of pedestrian or vehicular traffic.
- (c) To ensure a high standard of alfresco dining that enhances the activation and amenity of streets within the Town.

### Policy Scope

This Policy applies to proposals for alfresco dining activities, trading in thoroughfares and public places, mobile food vendors, parklets and banner poles throughout the Town.

### Policy Statement

Under the Town's *Activities on Thoroughfares and Trading in Thoroughfares and Public Places Local Law 2010*, the Town may issue a permit to allow certain activities to occur in public streets and on Town reserves.

The Town recognises that public land can be used for range of activities that can enhance the amenity of the Town and the enjoyment of the use of that land.

Alfresco dining and parklets can be used by local businesses to enhance the dining experience and create interest and activation of a space, whilst traders that operate in public locations, such as mobile food vendors, can provide food and beverages to an area that may otherwise not be available in that location.

This Policy seeks to provide an appropriate policy framework to guide such use.

### Definitions

The terms used in this Policy are as per the definitions contained in the *Activities on Thoroughfares and Trading in Thoroughfares and Public Places Local Law 2010*, or as defined below:

**Banner Poles** means the pole structures located within various road reserves throughout the district that are capable of displaying advertising, promotion material, signs and/or miscellaneous imagery.

- Parked Mobile Food Vendor *means a static (parked) caravan, vehicle, cart or truck used for purposes of preparing and dispensing food products in public areas.*
- Parklet *means a small public space set into the existing streetscape that can be used by any member of the public and is not for the exclusive use the adjacent business.*
- Roaming Mobile Food Vendor *means a caravan, vehicle, cart or truck used for purposes of preparing and dispensing food products from the roadway, that travels from place to place to engage in trade, not staying in one location other than while executing a sale.*

## **1. Policy**

### **1.1 General Requirements**

- (a) Traders and mobile food vendors are responsible for maintenance of public land on and immediately surrounding where the activity is trading or operating and shall make good any damage to the satisfaction of the Town.
- (b) The permit holder or proprietor shall have current public liability insurance of not less than \$10,000,000, and provide an indemnity from the permit holder or proprietor indemnifying the Town in respect of any injury to any person or any damage to any property which may occur in connection with the use of the public place.

### **1.2 Alfresco Dining, Trading and Portable Signage**

*(Activities on Thoroughfares and Trading in Thoroughfares and Public Places Local Law 2010: Part 3, Division 2 and Part 5, Divisions 1 and 3)*

- (a) Alfresco dining areas, trading and portable signage shall be restricted to the area adjacent to the subject business. That is, the portion of the road reserve between the private lot, the kerb line and the lines that would be the extension of the side boundaries.
- (b) Unless otherwise approved by the Town, Alfresco dining areas, trading and portable signage must provide for a minimum 1.8m wide pedestrian clearway (running parallel to the street) and be located a minimum 1.0m from any kerb line. In areas of heavy pedestrian traffic, the Town may require a wider pedestrian thoroughfare and/or greater setback to the kerb line. See Appendix 1.
- (c) Unless otherwise approved by the Town, no more than two Portable Signage are permitted for each commercial tenancy with each sign having a maximum height of 0.9m and a maximum width of 0.6m.
- (d) All furniture and signage shall be durable, waterproof, rustproof and weather resistant, be maintained in good condition, be designed so that corners and fastenings do not create potential hazards for patrons and pedestrians and be securely anchored in accordance with *Australian Standard AS1170.2-2011 – Structural Design Actions – Wind Actions* and/or any recommendations provide by the manufacturer.
- (e) All furniture and signage must be removed from the public realm at the close of business each day. In any event, the Town may remove any furniture, structure or signage from public land at any time to allow the undertaking of works in the road reserve.

- (f) Outdoor heating devices must comply with *Australian Standards AS1596:2014 – The Storage and Handling of LP Gas* and shall switch off automatically if overturned, to prevent injury to patrons, pedestrians and property.
- (g) Where the alfresco area is being used at night, clear and well distributed lighting must be provided to ensure the safety and amenity of both patrons and the public. Lighting shall not cause a nuisance by way of light spill to any nearby premises.
- (h) Alcohol consumption shall only be permitted where the necessary approvals have been obtained from the Department of Racing, Gaming and Liquor.
- (i) Smoking is not permitted within alfresco dining areas. The permit holder is required to provide appropriate non-smoking signage to ensure compliance.
- (j) Unless otherwise specified by the Town, hours of operation may be determined at the discretion of the permit holder, subject to compliance with any Liquor Licence conditions and the *Environmental Protection (Noise) Regulations 1997*.

### **1.3 Parked Mobile Food Vendors**

*(Activities on Thoroughfares and Trading in Thoroughfares and Public Places Local Law 2010: Part 5, Division 1)*

- (a) Unless otherwise approved by the Town or trading as part of a Town approved event, parked mobile food vendors are only permitted to trade within the car parking areas at Sandy Beach Reserve (*also requires DBCA approval*), Pickering Park, Success Hill Reserve and Point Reserve. The Town reserves the right to make any approved location unavailable for a set period of time for community events, for works to be undertaken at or near the location or for any other reason that the Town deems necessary.
- (b) Unless otherwise approved by the Town or trading as part of a Town approved event, there are to be no more than three vendors at any venue at any time, with availability to be on a 'first come, first serve' basis.
- (c) Waste, litter or pollutants are not to be disposed of on-site, allowed to enter any watercourse or stormwater system nor disposed of in Town rubbish bins. Mobile food vendors permit holders must provide bins for use and ensure the area around their position is kept clear of rubbish and refuse at all times.
- (d) Vendors must be located so as not to obstruct pedestrian flow or vehicular traffic.
- (e) Noise generated from the business (including from any generator) is to be accordance with the *Environmental Protection (Noise) Regulations 1997* and must not detrimentally impact the enjoyment of other users of the public area. Amplified noise is not permitted unless otherwise approved by the Town.
- (f) Mobile food vendors are to provide their own power and water supply unless otherwise approved by the Town.
- (g) Hours of operation are restricted to between 7:00am and 7:00pm.
- (h) Temporary furniture and fixtures are permitted subject to the fixtures being be durable, waterproof, rustproof and weather resistant, be maintained in good condition, be designed so that corners and fastenings do not create potential hazards for patrons and pedestrians and being removed at the end of each trading day.

#### **1.4 Roaming mobile food vendors**

*(Activities on Thoroughfares and Trading in Thoroughfares and Public Places Local Law 2010: Part 5, Division 1)*

- (a) Roaming mobile food vendors are permitted to move around the district and trade intermittently from the road reserve, but are not permitted to trade from locations that abut or are within 50m of land zoned for commercial purposes.
- (b) Roaming mobile food vendors are required to observe all traffic rules and parking restrictions and operate in such a way that does not compromise the safety or convenience of any road user.

#### **1.5 Parklets**

*(Activities on Thoroughfares and Trading in Thoroughfares and Public Places Local Law 2010: Part 2, Division 1)*

- (a) Parklets shall be located:
  - (i) in existing on-street car parking bays (not loading, taxi, bus or accessible car parking bays) on a local road with a speed limit of no greater than 50kph;
  - (ii) so as to not impact street and road signage, furniture, accessways, hydrants or manholes;
  - (iii) at least one car parking space (or a minimum of 6.0m) from a corner and at least 0.3m from the edge of the traffic lane;
  - (iv) so as to not have a detrimental impact on the functionality or amenity of the existing streetscape, including the availability of on-street car parking bays.
- (b) The structure must be freestanding, have an overhead clear height of a minimum of 2.0m and not require fixtures to adjacent structures or buildings. The parklet design must have structural certification from a suitably qualified engineer.
- (c) The floor of the parklet is to be flush with the abutting kerb and the parklet must be accessible from the footpath via an unobstructed section with a minimum width of 1.8m.
- (d) The road-side of the parklet is to be visually permeable and utilise planter boxes, railing, cabling or other suitable means to define the space. The footpath side of the parklet is to remain open. The ends of the parklet must be protected by wheel stops with retro reflective material (or similar).

#### **1.6 Banner Poles**

*(Activities on Thoroughfares and Trading in Thoroughfares and Public Places Local Law 2010: Part 2, Division 1 and Part 3, Division 2)*

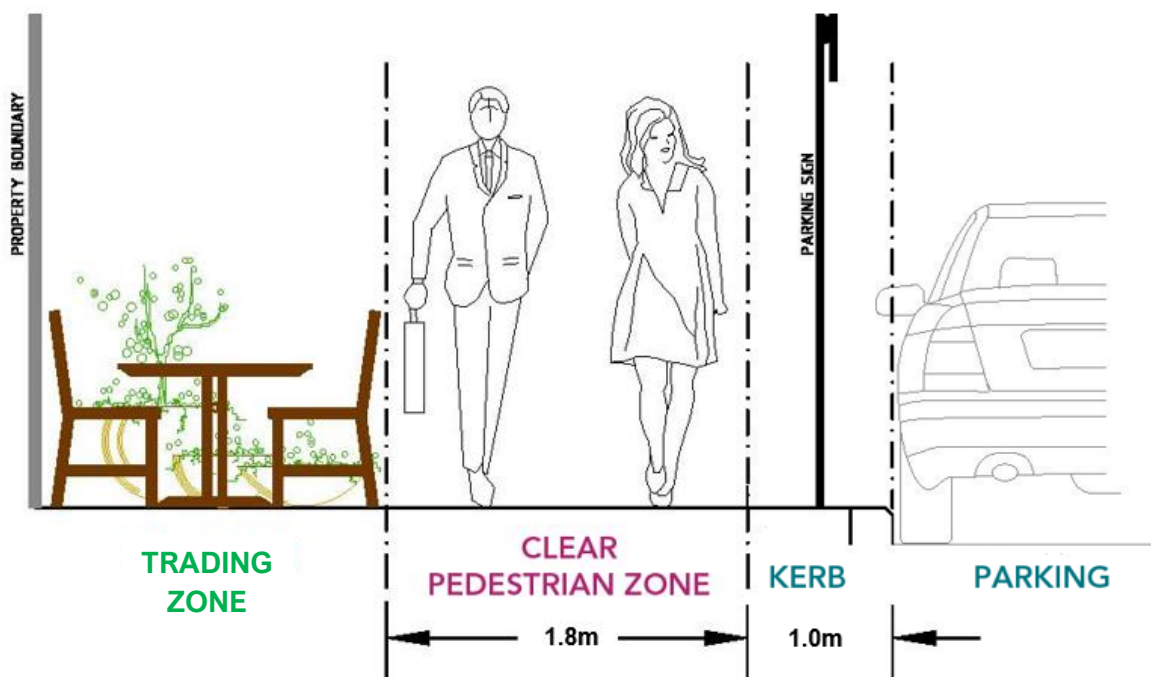
- (a) The Town will allow banner poles to be used to promote events that are run or sponsored by the Town, attract large number of visitors to the Town, run by not-for-profit organisations and/or run by a government organisation.
- (b) The Town will allow the banner poles to be used to display community artworks.
- (c) The cost of the production of banners and any required traffic management shall be borne by the applicant/group wishing to use the banners poles.

- (d) The Town will generally not allow the banner poles to be used for generic advertising of commercial enterprises and/or products for sale or hire.

**1.7 Consultation**

- (a) Applications considered under this Policy, with the exception of Parklets, will be determined without consultation.
- (b) Applications for Parklets will be advertised to landowners and business operators within 50m of the proposed location

**Appendix 1 – cross-section of trading zone [Clause 1.2(b)]**



| Document Control box       |  |                             |                    |
|----------------------------|--|-----------------------------|--------------------|
| Document Responsibilities: |  |                             |                    |
| <b>Owner:</b>              | Chief Executive Officer  | <b>Owner Business Unit:</b> | Community Planning |
| <b>Inception Date:</b>     | April 2022<br>(OCM – 12/04/22)   | <b>Decision Maker:</b>      | Council            |
| <b>Review Date:</b>        | Every 2 years  | <b>Repeal and Replace:</b>  | N/A                |
| Compliance Requirements:   |  |                             |                    |
| <b>Legislation:</b>        | <i>Local Government Act 1995<br/>Activities on Thoroughfares and Trading in Thoroughfares<br/>and Public Places Local Law 2010</i> |                             |                    |