



Council Policy Name: Al Fresco Trading in the Busselton City Centre

Responsible Directorate: Planning and Development Services

Version: Current

1. PURPOSE

1.1. This Policy supports the activation and sustainability of the Busselton City Centre through facilitating an expansion in the number and scale of al fresco areas associated with cafes, bars and restaurants.

2. SCOPE

2.1. This Policy is applicable to proposals for al fresco trading in the Busselton City Centre, on the road reserve (i.e. it does not relate to private property or other local government land).

2.2. This Policy guides the exercise of the City’s property functions, and guides how City land will be managed; this Policy is not a local planning policy or policy that guides the City’s other regulatory functions. In exercising those other functions, however, the City will be conscious of this Policy and its purpose.

3. DEFINITIONS

Term	Meaning
Policy	this City of Busselton Council policy entitled “Al Fresco Trading in the Busselton City Centre”

4. STRATEGIC CONTEXT

4.1. This Policy links to Key Goal Area 2 - Places and Spaces of the City’s Strategic Community Plan 2017 (Review 2019) and specifically the following Community Objective:

- a. 2.3: Creative urban design that produces, vibrant, mixed-use town centres and public spaces.

5. POLICY STATEMENT

- 5.1 The Council generally supports removal of car parking to accommodate more al fresco space
 - (a) on Queen and Prince Streets; and
 - (b) may support such proposals on other streets; and
 - (c) where such proposals are supported, it shall be mainly in a reversible and in an incremental/demand-driven fashion.
- 5.2 Al fresco areas should generally be provided ‘out the front’ of the associated premises, and shall generally be at a scale proportional to the floor area of the premises.
- 5.3 The preferred forms of al fresco involve:
 - (a) the extension of the footpath to the edge of the traffic lane; or
 - (b) decking placed over car bays; or
 - (c) a custom designed and built ‘drop-in’ structures; and
 - (d) in all cases with bollards installed separating the al fresco area from the traffic lane or a sufficient setback from the traffic land such that bollards are not necessary; and

(e) al fresco in the form of converted or adapted sea containers is not supported.

- 5.4 The costs of providing al fresco infrastructure (paving, decking or similar) can either be met by the proponent (proprietor and/or landowner) in which case proposals can be subject of applications for funding under the City's façade upgrade subsidy programme, or be met by the City, subject to the City's agreement and budgetary constraints.
- 5.5 If the infrastructure has been provided by the proponent, the land on which the al fresco space will be provided is at no cost for up to two years, but a licence fee shall apply thereafter, if the infrastructure has been provided by the City, a licence fee shall apply at all times.
- 5.6 In approving al fresco areas, consideration will be given to applying conditions that specify minimum trading periods, the aim of which is to encourage trading and activation in the evening, Saturday afternoon, Sunday and/or outside the summer holiday period.
- 5.7 If the infrastructure is provided by the proponent, the proponent shall be responsible for removal and decommissioning of al fresco infrastructure that is no longer required or supported.
- 5.8 Prior to the commencement of works, the proponent shall enter into a licence agreement with the City, for an initial one to five year term (with the term to be reflective of the level of up-front investment), with further licences generally for five year terms, if a further term is considered appropriate by the City.

6. RELATED DOCUMENTATION / LEGISLATION

- 6.1. Town planning scheme and related legislation, regulations and policy.
- 6.2. *Building Act 2011* and related regulations.
- 6.3. *Public Health Act 2016* and related regulations.
- 6.4. *Local Government Act 1995* and related regulations, notably the City's Property Local Law and Thoroughfares Local Law.
- 6.5. Busselton City Centre Conceptual Plan.
- 6.6. City of Busselton Economic Development Strategy.

7. REVIEW DETAILS

Review Frequency		3 yearly		
Council Adoption	DATE	11 December 2019	Resolution #	C1912/267
Previous Adoption	DATE	12 December 2018	Resolution #	C1812/257