

6.8 – Advertising Signs, Town Centre Public Space & Outdoor Eating Permits

Adoption		
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22/11/18	OCM	04-1118
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Delegation		
No.	Title	

1. POLICY STATEMENT

The Shire of Exmouth encourages local businesses to partner in continually improving the presentation of Exmouth as the State's premier tourism town. In addition to its own efforts to enhance the visual amenity of the town the local government actively invites local businesses to create improved retail and hospitality vibrancy through this business-friendly advertising signage and trading permits policy.

This policy sets out the matters the local government will consider when assessing applications for advertising signs, town centre public space and outdoor eating space permits.

It has been prepared to support and be read in conjunction with Clause 4.31 of the Shire of Exmouth Local Planning Scheme No.4 (The Scheme). The Scheme requires the submission of an application for Development Approval only for non-exempt advertisements.

Local businesses are required to submit applications for the Town Centre Public Space and Outdoor Eating permits.

This policy is supported and should be read in conjunction with the individual guidelines for;

- Advertising Signage Guidelines
- Town Centre Public Space Permit Guidelines
- Outdoor Eating Guidelines
- Booking Temporary Banner Display Guidelines

2. POLICY OBJECTIVES

1. To assist local businesses create vibrancy, enhance amenity and maximize business opportunities whilst reinforce the positioning of Exmouth as a unique visitor destination.
2. To ensure that the display of advertising signs on properties complements the surrounding area without impacting on public safety and access.
3. To encourage local food businesses to create and manage quality outdoor dining areas without impacting on public safety or access.

4. To ensure consistent policy and clearly set out the requirements of the Shire of Exmouth for applicants making an application for advertising signage, use of town centre public space and outdoor eating areas.
5. To guide the design, materials and siting of advertising structures and signs in the local government area.
6. To provide improved opportunities and clear guidelines for local community and sporting groups to advertise events and activities.
7. To decrease bureaucratic procedures, restrictions and constraints, as well as legal and jargonistic guidelines.

3. DEFINITIONS

Unless otherwise defined, words and expressions in this policy are as defined in *Schedule 1* of the Shire of Exmouth Local Planning Scheme No.04. Definitions are included in respective supporting guideline documents.

4. GENERAL PROVISIONS

4.1 Advertising Signs

Businesses within the local government area are encouraged to create high quality advertising signage that complements the surrounding settings and reinforces the positioning of Exmouth as a tourism town. The Advertising Signage Guidelines detail what is permitted and ensure adherence to public safety and access.

4.2 Town Centre Public Space;

Commercial operators within the town centre are provided the opportunity to use the public space immediately in front of their respective tenancy. The "**Town Centre Public Space Permit**" encourages traders to use the public space immediately in front of their tenancy for advertising, merchandising or seating as detailed in the Shire's Town Centre Public Space Permit Guidelines.

4.3 Outdoor Eating Permit;

Food businesses within the local government area that meet stated qualifying criteria are encouraged to create high quality outdoor dining areas in public spaces via the "**Outdoor Eating Permit**".

This policy endorses the Outdoor Eating Guidelines, failure to comply with these guidelines will result in the permit being cancelled or enforcement action taken.

To operate an outdoor eating area the following criteria applies;

1. You are a registered food business with the Shire of Exmouth.
2. Have a tenancy fronting the public place where the outdoor dining will be situated.
3. Have clear and unobstructed access and views of the area.
4. All relevant fees have been paid in respect to the permit area.
5. Maintain Public Liability insurance of \$10 million dollars.
6. The Shire's Outdoor Eating Permit Guidelines are complied with.

4.4 Temporary Banner Display Advertising;

The local government offers dedicated banner display infrastructure at nominated high profile locations within the township for use primarily by local community and sporting groups for the short-term promotion of events and activities.

The use of dedicated banner infrastructure is managed by the local government's ***"Booking Banner Sites Guidelines"***.



Advertising Signage Guidelines

Version: 13 March 2020 DRAFT

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Introduction

The Shire of Exmouth encourages local businesses to create vibrancy, enhance amenity and maximise business opportunities whilst adhering to these tourism friendly advertising signage guidelines.

These Guidelines are set under the Shire of Exmouth’s Advertising Signs, Town Centre Public Space & Outdoor Eating Permits Policy.

Objectives

The objective of these guidelines is to ensure that the display of advertising signs on properties complements the surrounding area without impacting on public safety and access.

To achieve the above the Guidelines will give due regard to:

- The Shire of Exmouth’s Disability Access and Inclusion Plan July 2015.
- The Shire of Exmouth’s Strategic Community Plan – Exmouth 2030.
- Clause 4.31 of the Shire of Exmouth Local Planning Scheme No.4

Who do the Guidelines apply to?

The guidelines apply to:

- Advertising signs on all land zoned or reserved pursuant to the Shire of Exmouth Operative Local Planning Scheme.
- In accordance with Clause 61(1)(h) of the Planning and Development (Local Planning Schemes) Regulations 2015 development approval is not required for signs that are identified as exempted signs under Exemptions of this guideline or expressly comply with the General Provisions and Specific Requirements under General Provisions and Specific Requirements (Table 1) of this guideline.
- Where there is any inconsistency between this Advertising Signage policy and guidelines and the local government’s Structure Plans, Local Development Plans and Special Control Areas then the provisions within those documents shall prevail.
- Where a sign does not require development approval under this Policy and Guidelines it should be noted that a building permit may still be required in certain circumstances and is to be obtained separately from the local government’s Building Services. A building permit is to

document the methods of construction and how the sign is to be affixed to a building or the ground.

- Where a sign type is proposed that is not prescribed in the Policy it will be considered on its merits and assessed against the criteria outlined in Variations of this guideline.

General Provisions

1. Advertisements will not be approved on properties primarily used for residential purposes where the advertisement does not pertain to a relevant home based business unless otherwise provided for in this Policy Guideline.
2. Where a commercial activity (specifically excluding home based businesses) has been approved on land zoned Residential under the Shire's Local Planning Scheme, signage proposals shall be assessed against the criteria within Table 1 of this Guideline.
3. Advertisements shall be located such that traffic and pedestrian safety is not compromised.
4. Advertisements shall not contain any obscene or offensive information or illustration.
5. Advertisements shall not impede pedestrian or vehicle movements.
6. Advertisements associated with new commercial, industrial or mixed-use developments with multiple tenancies are to be accompanied with a wider signage strategy for the site.
7. The local government supports the tourism collaboration principle of local businesses cross promoting each other products and services. Third party advertising is permitted on public space within the town centre via permit, and all private land with the exception of land zoned Residential where General Provision 1. as detailed above prevails.
8. No advertising signs are permitted within the road reserve.
9. No advertising signs are permitted in public space without approval excluding the town centre public space permit areas and Shire temporary banner display locations.
10. Where signs are illuminated they will:
 - i. not cause a nuisance, by way of light spillage to abutting sites;
 - ii. not comprise flashing, intermittent or running lights, or change more than once in every 5-minute period;
 - iii. not interfere with or be likely to be confused with, traffic control signals;
 - iv. have any boxing or casing in which it is enclosed constructed of non-combustible material;
 - v. have its electrical installation constructed and maintained to the satisfaction of the relevant electricity supply authority;
 - vi. be maintained to operate as an illuminated sign; and
 - vii. not have a light of such intensity as to cause annoyance to the public.

11. Where the policy refers to a maximum area and the advertisement sign involved has more than one visible face the measurement identified is applicable to each face.

12. Street numbering to be clearly visible and incorporated into signage wherever possible.

Exempted Advertisements

The following signs are specifically exempt from the requirement to obtain development approval:

- (a) Signs implemented in accordance with legislated requirements;
- (b) Signs erected by a public authority or on its behalf for the primary purpose of public safety or information and/or the direction and control of people, animals or vehicles;
- (c) All advertisements erected, placed or displayed within buildings which cannot ordinarily be seen by a person outside of those buildings;
- (d) All classes of building, one (1) advertisement sign containing the name, number or address of the building, the purpose for which the building is used or the name or address of the managing agent thereof, with a maximum area of 0.2 square metres;
- (e) Home based business signs not exceeding 0.2m² in area;
- (f) Temporary (48 hours prior, removed within 48 hours after) erection or installation of electoral advertisements as provided in clause 61(1)(g) of the deemed provisions;
- (g) Temporary banner signs erected on dedicated Shire local community and sporting group banner sign infrastructure. Complete and submit local government's "Booking Temporary Banner Display" form required and adherence to guidelines.
- (h) Real Estate signs not exceeding 6m² in area in residential zoned areas (noting that greater allowances are permitted where 'Development Signs' are involved as per General Provisions of this guideline.
- (i) Real Estate signs not exceeding 12m² in commercial/industrial zoned areas (noting that greater allowances are permitted where 'Development Signs' are involved as per Specific Requirements of the guideline); and
- (j) Home Open for inspection signs.

SPECIFIC REQUIREMENTS

TABLE 1: ACCEPTABLE STANDARDS FOR VARIOUS SIGN TYPES

SIGN TYPE AND DEFINITION	DIAGRAM	REQUIREMENTS
<p>HOARDING (BILLBOARD) SIGN</p> <p><i>A detached or detachable structure other than a pylon or monolith sign, that is erected for the sole purpose of displaying a sign or signs and includes a poster panel, a wall panel or an illuminated panel but does not include a hoarding erected as a barrier or screen on a building site</i></p>		<ul style="list-style-type: none"> • Is limited to a maximum of one sign per lot. • Is not to exceed 10m² in area. • Is to be no less than 1.2m or greater than 2.5m above ground level. • Is not permitted within the Residential, Rural and Special Rural zone. • Is not to be erected in the area between any building and any street boundary of a lot except with the approval of the local government. • Is not permitted if there is a monolith sign or pylon sign on the same lot. • Is to be located wholly within the boundaries of the land.
<p>MONOLITH SIGN</p> <p><i>A sign that is not attached to a building or any other structure</i></p>		<ul style="list-style-type: none"> • Is limited to a maximum of one monolith sign per lot, unless it is a corner lot where one sign per lot frontage may be permitted.

and with its largest dimension being vertical. Such a sign may consist of a number of modules and is generally uniform in shape from ground level to the top of the sign.



- Is not permitted where there is an existing pylon sign or hoarding sign on the same lot.
- Where there is more than one business tenancy on the lot, the sign shall be designed to accommodate advertising requirements of all tenancies.
- Is to have a maximum depth of 0.5m.
- If the lot frontage is less than 71m, then a sign shall be limited to 7.5m in height and 2.5m in width.
- If the lot frontage is between 71m and 100m, then a sign shall be limited to 9m in height and 3m in width.
- If the lot frontage is above 101m, then a sign shall be limited to 10.5m in height and 3.5m in width.
- Is to be setback 1m from any crossover.
- Is to be located wholly within the lot boundary.
- Is to be no higher than 3m in height and 1.5m in width for commercial uses within a Residential zone.

		<ul style="list-style-type: none"> • Is to be located wholly within the boundaries of the land.
<p>PORTABLE SIGN</p> <p><i>A sign not permanently attached to the ground or to a structure, wall, fence or building and including but not limited to a sandwich board sign consisting of two sign boards attached to each other at the top or elsewhere by hinges or other means.</i></p>		<ul style="list-style-type: none"> • Is to be no higher than 1.2m above ground level. • Is not to exceed 2m² in area (total area where sign has a double side) with a maximum 1m² on any one side. • Is to be secured and stabilized, removed outside normal business hours or left appropriately secured. • Is to be located wholly within the boundaries of the land and not permitted within public space nor within the road reserve. • May be displayed by tenants obtaining and adhering to conditions of a Town Centre Public Space Permit.
<p>PRODUCT DISPLAY SIGN</p> <p><i>A product or object displayed for the purposes of advertisement or a sign which is applied or otherwise attached or placed on a vehicle.</i></p>		<ul style="list-style-type: none"> • Is limited to a maximum of one sign per lot. • Is located wholly within the boundaries of a lot. • Be placed so as not to cause any interference, whether directly or

For the purpose of the term a vehicle includes a car, truck, boat, trailer, caravan, machinery, and the like whether moveable or not.



indirectly, to vehicular traffic or pedestrians.

- Is to have no moving parts.
- Has a maximum vertical dimension or horizontal dimension of 2m.
- Is only permitted within Industrial zones (including Service Commercial zone).

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PYLON SIGN

A freestanding and elevated sign supported by one or more posts, which is not attached to a building.



- Is limited to a maximum of one pylon sign per lot, unless it is a corner lot where one sign per lot frontage may be permitted.
- Is not permitted where there is an existing monolith or hoarding sign on the same lot.
- Where there is more than one business tenancy on the lot, the sign shall be designed to accommodate advertising requirements of all tenancies.
- Is not permitted within a Residential zone.
- When a lot has an area up to 5000m² and one tenancy, a pylon sign shall be limited to 4m² in area, 6m in height and 2.5m in any dimension.
- When a lot has an area up to 5000m² and more than one tenancy, a pylon sign shall be limited to 5m² in area, 7.5m in height and 3m in any dimension.
- When a lot has an area over 5000m², a pylon sign shall be limited to 6m² in area, 9m in height and 3m in any dimension.

		<ul style="list-style-type: none"> • Is to be located wholly within the lot boundary. • Is to have a minimum clearance of 2.7m to ground level
<p>DEVELOPMENT SIGN</p> <p><i>A sign mounted on one or more support poles, erected on a lot with an approved subdivision or development, displaying information about the project such as its name, the plan of subdivision or development, its features, sales and real estate agency contact details.</i></p>		<ul style="list-style-type: none"> • Is to be limited to one sign on the site. • Is to be restricted to 6m² in area for single residential developments. • Is to be restricted to 12m² in area and a maximum dimension of 4m for multiple dwelling residential developments, commercial and industrial projects. • Is to be restricted to 20m² in area and a maximum dimension of 6m for larger developments or redevelopment projects involving shopping centres, office or other buildings exceeding 3 stories in height. • Is only to be in place for the duration of the construction works / development / transaction period.
<p>DISPLAY HOME SIGN</p> <p><i>A sign erected on a lot on which a display home has been erected</i></p>		<ul style="list-style-type: none"> • Is limited to one sign per display home.



- Is not to exceed 2m² in area per display home.
- Is to be no higher than 4m above ground level.
- Is not to be illuminated after 9:00pm.
- Is to be removed on the cessation of the Display Home use.

CREATED ROOF SIGN

A sign which is affixed to the fascia or parapet, or forms part of a projection above the eaves or ceiling of the building and complements the architectural style of the building, but does not include a Roof Sign



- Is to be limited to one sign per tenancy on a lot.
- Is not to project more than 300mm from the portion of the building it is attached.
- Is not to be within 600mm of either end of the fascia, roof or parapet of the building.
- Maximum areas in accordance with the **Table A**.

Table A

Building Height	Area
<7.5m	3m ²
7.5m – 9m	4.9m ²
>9m	6m ²

PROJECTING SIGN

A sign attached to a projection (such as a verandah) or projects more than 300mm from a wall of the building below the eaves or ceiling height.



All Projecting Signs

- Is limited to one sign per tenancy on a lot other than any Projecting Signs which are attached to the fascia of a verandah.
- Is to have a minimum clearance of 2.4m to ground level.

Projecting Sign attached to verandah:

- Is not to project beyond the outer frame or surround of the fascia.

Projecting Sign underside of verandah:

- Is not to exceed 2.4m in length.
- Is not to weigh in excess of 50kg.
- Is not to be within 3m of another such sign attached to the underside of the same verandah.
- Is to be at right angles to the front street boundary except on a corner lot where the signs may be so placed to be visible from both streets.
- Is not to project beyond the outer frame or surround of the verandah.

		<p><u>Projecting Sign attached directly to a building:</u></p> <ul style="list-style-type: none"> • Is not to project more than 1m from the wall and not to exceed 4m² in area. • Is not to be placed within 2m of either end of the wall to which they are attached. • Is not to project above the top of the wall to which they are attached.
<p>ROOF SIGN</p> <p><i>A sign erected on or attached to the roof of a building.</i></p>		<ul style="list-style-type: none"> • Is not at any point to be closer than 4m to the ground. • Is not to extend laterally beyond the external walls of the building. • The maximum height of the sign shall be limited to 20% of the height of the building at the point where the sign is to be fixed, to a maximum height of 2.5m. • Is limited to one sign per building. • Is only permitted within Industrial zones.

TETHERED SIGNS

A sign which is suspended from or tethered to any structure, tree, pole (with or without supporting framework) or ground and made of paper, plastic, fabric or similar materials. The term includes lighter than air aerial devices, inflatables, bunting, banners, flags and kites.



Tethered Signs (not including inflatable devices):

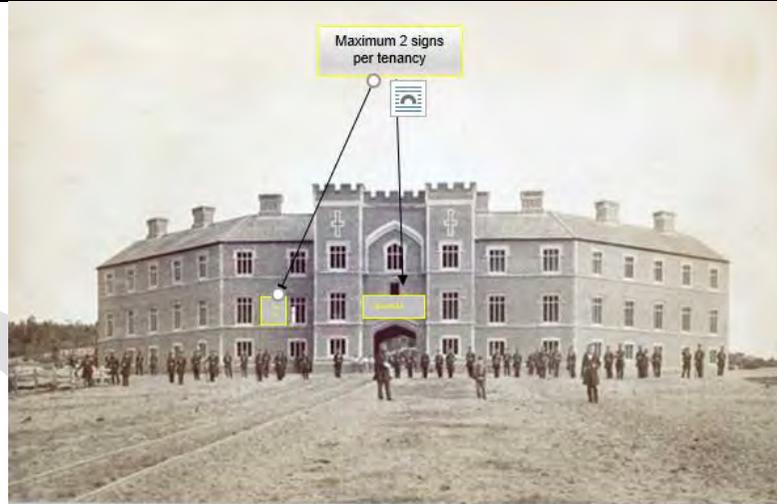
- Is limited to a maximum of one sign per street frontage on any lot.
- Is to be wholly located within the boundaries of the lot.
- Is to have a maximum vertical dimension of 0.75m and a maximum area of 2m².
- Is not to be greater than 8 metres from ground level.
- Is not to be within 10m of a Pylon or Monolith sign.

Tethered Signs (including inflatable devices):

- Is limited to a maximum of one sign per lot.
- Not exceed 6m in diameter or 6m in height.
- Is to be erected for no more than 28 days in aggregate for any one calendar year.

WALL & FENCE SIGNS

A signboard or panel used for displaying a posted or painted message and affixed to or adjoining the wall of a business premises or erected on the forecourt of any business premises.



- Is not to exceed 25% of the area of each building façade or fence frontage.
- If placed over door openings, or projects from the wall in excess of 30mm, to have a minimum clearance of 2.7m.
- Is not to be within 600mm of either end of the wall to which it is attached.
- Is not to project above the top of the wall.

WINDOW SIGN

A sign affixed to either the interior or exterior of the glazed area of a window



Within the (Commercial) Centre Zones:

- is not to exceed 25% of the total area of all windows facing a street; and
- lettering height for the window is not to exceed 1m.

Variations

The Signs that do not comply with Table 1 above are generally deemed unacceptable unless it is established that a particular standard or provision in this guideline is unreasonable or undesirable in the particular circumstances of the case. In order for the local government to determine the merits in such instances a development application will need to be lodged identifying any exceptional circumstances involved and include justification against the following performance criteria that the signage proposal:

- (a) is clear, simple and concise;
- (b) is compatible with existing signage on the site and within the surrounding area and will not obscure existing signage on adjacent tenancies;
- (c) will not result in the creation of an unacceptable level of visual clutter within the area, to the detriment of visual amenity;
- (d) is appropriate to the locality and surrounding land uses, in terms of its size, location and design;
- (e) will not result in an adverse impact upon the character or historical significance of the surrounding area;
- (f) is designed to complement the architectural style and character of the building, site or area;
- (g) will not compromise traffic or pedestrian safety;
- (h) will not result in unacceptable light spill on to abutting sites;
- (i) will not pose a threat to public safety or health; and
- (j) does not contain obscene or offensive information or illustration.



Town Centre Public Space Permit Guidelines

Version: 2 March 2020 DRAFT

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Introduction

The Shire of Exmouth supports the development of the town centre as the primary focus for retail and hospitality services for local residents and visitors to Exmouth.

To sustain our tourist town into the future requires a healthy and vibrant commercial town centre.

Ensuring sustainable retail growth around a core town centre area has been highlighted as a key design element of the Shire's Exmouth Town Centre Revitalisation Plan (Hassell, 2012).

"The core will be the centre of action, the central meeting place and the area people are naturally drawn to. It will be the magnet of activity in Exmouth's town centre. The core must be tight – that is, it must contain a mix of activities in a defined and accessible area that allows for activation throughout the day and into the evening. Activities must therefore be appropriate to the core and build on each other – retail, entertainment, lifestyle, culture, dining and short stay functions are some activities appropriate to town cores. The built form within the core also must have an intensity and character that contains activity – in this way the core is defined, easily recognisable and the logical heart of Exmouth."

Source: Hassell Report "Defining the Core"

The **Town Centre Public Space Permit** is a tool to encourage town centre traders to create greater vibrancy, improve opportunities to extract visitor spend and reinforce the atmosphere of a popular holiday town destination.

The permit allows town centre traders to utilise the public space immediately in front of their tenancy for greater advertising, merchandising and/or seating opportunities.

The Public Space available for use will be clearly described through the use of "Delineation Markers" on the ground installed by the Shire.

The size of designated Public Space area may vary for each tenancy and will take into consideration pedestrian safety and access. The Public Space area must commence from the front of the tenancy boundary extending out to a distance no greater than 1200mm and across the length of the tenancy frontage.



These Guidelines are set under the Shire of Exmouth's Activities on Thoroughfares and Trading in Thoroughfares and Public Places Local Law and the Advertising Signage, Town Centre Public Space Permit, and Outdoor Eating Permits Policy 6.8.

Objectives

The objective of these guidelines is to encourage traders with tenancies located within the town centre to better utilise their adjoining public space for commercial activity without impacting on public safety or access.

To achieve the above the Guidelines will give due regard to:

- The Shire of Exmouth's Disability Access and Inclusion Plan July 2015.
- The Shire of Exmouth's Strategic Community Plan – Exmouth 2030.
- Creating vibrancy and enhancing amenity through improved retail experiences.

Who do the Guidelines apply to?

The guidelines apply to:

- Commercial operators with tenancies within the town centre as defined under the Shire TPS4.

What is the application process?

To apply for a Town Centre Public Space permit you will need to complete and submit the appropriate application and have Public Liability Insurance for not less than \$10 million.

Prior to making the application you will need to ensure:

1. You are the owner or lessee of a commercial tenancy located within the town centre precinct.
2. Have a tenancy fronting the public place where the permit will be operating.
3. Have clear and unobstructed access and views of the area.

Submission Process

Please follow the following steps to submit your application:

1. Choose an appropriate site based on the parameters identified above.
2. Prepare site plans. Site plans can be hand drawn on graph paper but need to be neat and legible.
3. Submit application with payment of the application fee. When you submit your application please ensure it is accompanied by a copy of the Certificate of Currency for the Public Liability Insurance.

4. The Shire will assess the application and contact the applicant if additional information is required. Please note an application can take up 3 weeks to process.
5. A permit will be issued stating the dimensions of the approved space. Shire officers will install permanent guides on the ground that define the approved space.
6. It is the responsibility of the applicant to ensure the permit conditions are complied with.

Each application will be assessed on a case-by-case basis.

Are there any fees payable?

There is a fee and charge applicable when lodging the application of \$50.00. Once the application is approved there is an additional permit approval fee calculated at the rate of \$51.50m2 per annum payable in advance.

Permit Duration

Permits are valid for up to 3 years.

Conditions on Permit

The Shire may impose conditions on the permit where necessary. The conditions will be based on the requirements of the Activities on Thoroughfares and Trading in Thoroughfares and Public Places Local Law.

Cancellation of Permit

Cancellation of a Town Centre Public Space Permit by the permit holder will need to be via written notice. Once received the Shire will process the cancellation within 14 days.

Change of Ownership

Change of ownership can be notified in writing. Once received the Shire will process the change of ownership.

Definitions

Applicant

The business or representative of a business located within the town centre as defined by TPS4 formally applying to use the public space immediately in front of and abutting the applicant's tenancy.

Town Centre

The area zoned "Town Centre" as per Shire's Local Planning Strategy and described in Figures 1 and 2 attached to these guidelines.

Town Centre Public Space Permit

A permit, approved by the Shire that allow the use of the nominated area in a public place for retail, advertising or customer seating.

Permit Holder

The business or representative of the business that holds a Town Centre Public Space permit.

Development Application

A Development Application (DA) is a formal request for approval to change the use of a

premises from one activity or land use to another. This is a separate application and approval process to the town centre public space permit application.

Delineation Markers

Small flat disks fastened to the outer edge of the permit area, identifying the boundary of the area.

Public Place

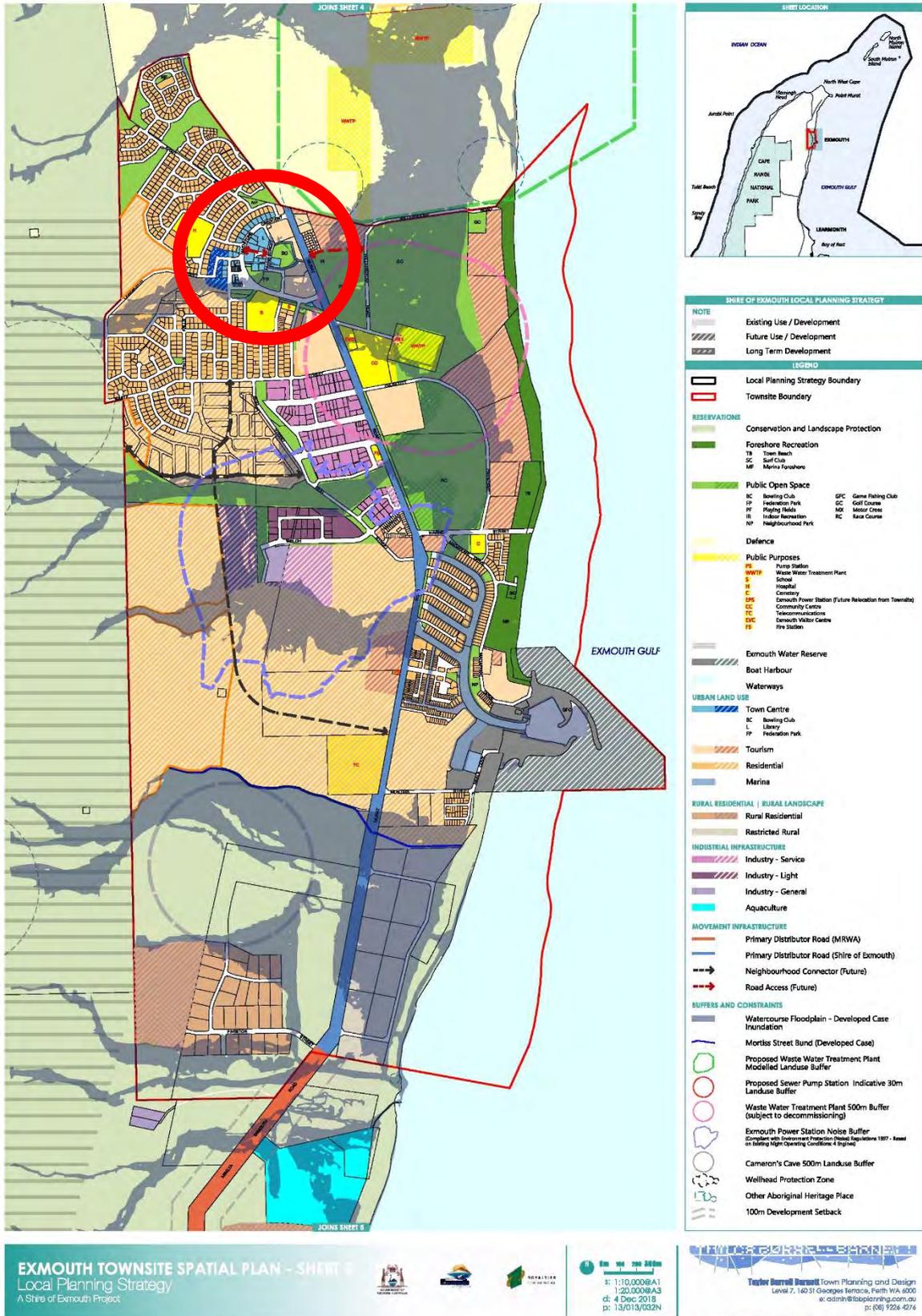
A public place is defined by the Shire of Exmouth's Activities on Thoroughfares and Trading in Thoroughfares and Public Places Local Law as any thoroughfare or place which the public are allowed to use, whether or not the thoroughfare or place is on private property, but does not include –

- (a) Premises on private property from which trading is lawfully conducted under a written law;
- (b) Local government property;

Figure 1 – Town Centre zone (delineated in light blue) as per Town Planning Scheme 4.



Figure 2 – Town site plan with land use zonings described. Town Centre Public Space Permits apply only within “Town Centre” designations (light blue and highlighted with red circling below).





Outdoor Eating Permits Guidelines

Version: 3 March 2020 DRAFT

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Introduction

The Shire of Exmouth supports the use of suitable public spaces for the community to utilise as outdoor dining areas.

Outdoor dining creates vibrancy and encourages community connections. The climate in Exmouth is suited for the outdoor dining experience and the Shire encourages businesses to establish high quality outdoor dining areas.

Quality dining areas would:

- Contribute to the vibrancy of streets and other public places.
- Create diverse street activity.
- Attract residents, visitors and tourists to relax and spend time in the area.
- Supports local businesses by increasing trading opportunities for cafes, restaurants and bars.

These Guidelines are set under the Shire of Exmouth's Activities on Thoroughfares and Trading in Thoroughfares and Public Places Local Law and Policy 6.8 Advertising Signage, Town Centre Public Space and Outdoor Eating Permits.

Objectives

The objective of these guidelines is to assist food businesses to create and manage quality outdoor dining areas without impacting on public safety or access.

To achieve the above the Guidelines will give due regard to:

- The Shire of Exmouth's Disability Access and Inclusion Plan July 2015.
- The Shire of Exmouth's Strategic Community Plan – Exmouth 2030.
- Creating vibrancy and enhancing amenity through high quality outdoor dining areas.
- Local Laws and associated Australian Standards applicable to outdoor dining areas.

Who do the Guidelines apply to?

The guidelines apply to:

- Outdoor dining areas on public land and Shire owned and leased land.
- Existing food businesses that have an outdoor eating permit.
- New applicants for outdoor dining permits.

Sanitary Provisions

The Shire of Exmouth is willing to take into consideration nearby public toilets when looking at seating numbers in the outdoor eating area. This will be assessed on a case by case basis and will depend on the distance and quantity of toilets available.

Internal eating/dining areas are limited to 20 or less people if there is no access to adequate toilet facilities. Likewise, the consumption of alcohol on outdoor eating areas will need to meet the requirements of Liquor Licencing.

What is the application process?

To apply for an outdoor eating permit, you will need to submit HealthOD001 Outdoor Eating Permit Application and have Public Liability Insurance for not less than \$10 million.

Prior to making the application you will need to ensure:

1. You are a registered food business with the Shire of Exmouth.
2. Have a tenancy fronting the public place where the outdoor dining will be situated.
3. Have clear and unobstructed access and views of the area.

Submission Process

Please follow the following steps to submit your application:

1. Choose an appropriate site based on the parameters identified above.
2. Prepare site plans. Site plans can be hand drawn on graph paper but need to be neat and legible.
3. Submit application with payment of the application fee. When you submit your application please ensure it is accompanied by:
 - Copy of the Certificate of Currency for the Public Liability Insurance.
 - A scaled plan showing the position of tables, chairs and structures.
 - A scaled plan specifying the proposed eating facility and the area incorporated within 10 metres beyond the boundary of the proposed eating area. Identify the location of all carriageways, footpaths, public facilities, public places, streets and street alignments.
 - Coloured photographs of the tables, chairs and other structures intended to be used.
4. The Shire will assess the application and contact the applicant if additional

information is required. Please note an application can take up 3 weeks to process.

5. A permit will be issued. It is the responsibility of the applicant to ensure the permit conditions are complied with.

Each application will be assessed on a case-by-case basis.

Are there any fees payable?

There are fees applicable when applying for a permit, transferring or reviewing a permit and with the usage of the permit area. The fees are set by Council and can be found at <https://www.exmouth.wa.gov.au/documents/budget-fees-and-charges>.

The fees are set to recover the costs associated with the use of public toilets, private usage of local government property and staff time.

Annual usage fees are pro rata from the 30 September each year. Failure to pay any relevant fee will result in the permit being cancelled.

Permit Duration

Permits are valid for three (3) years with an annual usage fee invoiced and payable by September.

Conditions on Permit

The Shire may impose conditions on the permit where necessary. The conditions will be based on the requirements of the Activities on Thoroughfares and Trading in Thoroughfares and Public Places Local Law.

Cancellation of Permit

Cancellation of an Outdoor Eating Permit by the permit holder will need to be via written notice. Once received the Shire will process the cancellation within 14 days.

Any fees paid in respect to the cancelled permit will be considered forfeited.

Change of Ownership

Change of ownership can be notified in writing. Once received the Shire will process the change of ownership and issue a new permit.

An approval for transfer of ownership does not involve the refund of fees from the Shire that have been paid by the former permit holder.

Compliance and Enforcement

Outdoor eating facilities are governed by the Shire of Exmouth's Activities on Thoroughfares and Trading in Thoroughfares and Public Places Local Law, a copy of which can be viewed here <https://www.exmouth.wa.gov.au/documents/47/trading-in-thoroughfares-local-law>.

Failure to comply with the conditions of the permit, policy or Local Law will result in enforcement action.

The first initial response taken by the Shire will be a notice served on the permit holder advising them of what needs to be addressed and by when. Failure to abide by the notice may result in a fine and or the works being completed by the Shire at a cost to the permit holder. Major and repeated offences will result in the permit being cancelled.

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Definitions

Applicant

The business or representative of a registered food business formally applying to operate an outdoor dining area in a public place, within the Shire of Exmouth.

Outdoor Eating Area Permit

A permit, approved by the Shire that allow the operation of an outdoor dining area in a public place within the municipality.

Permit Holder

The business or representative of the business that holds an outdoor eating area permit.

Development Application

A Development Application (DA) is a formal request for approval to change the use of a premises from one activity or land use to another. This is a separate application and approval process to the outdoor dining application.

Non-fixed items

Furniture and items that can be easily and quickly removed from the outdoor dining area are considered non-fixed. This includes tables and chairs.

Semi-fixed items

Furniture and items that are permanently fixed in the street and not easily removeable at short notice or at the end of trading each day. This includes glass screens.

Fixed items

Furniture and items that are permanently fixed in the street and not easily removeable at short notice or at the end of trading each day.

Registered Food Business

A food business registered under the Food Act 2008.

Delineation Markers

Small flat disks fastened to the outer edge of the outdoor eating permit area, identifying the boundary of the eating area.

Public Place

A public place is defined by the Shire of Exmouth's Activities on Thoroughfares and Trading in Thoroughfares and Public Places Local Law as any thoroughfare or place which the public are allowed to use, whether or not the thoroughfare or place is on private property, but does not include –

- (a) Premises on private property from which trading is lawfully conducted under a written law;
- (b) Local government property;

Creating inviting public spaces

One of the key considerations is the creation of vibrant and accessible areas, the Shire of Exmouth feels the following design principles are key to outdoor eating areas:

Public Access and Movement

Allowing for uninterrupted paths of travel that are accessible to all users regardless of ability. The crowding of thoroughfares with items and obstacles should be avoided, ensuring the area is visually easy to understand and negotiate



Creating street character and identity

Outdoor eating areas can enhance the character of the area and provide a drawcard for the community and visitors to the area. This can be achieved by using art, colour and unique furniture, enhancing the area while meeting the requirements of the Guidelines.

Taking advantage of our climate

Whether taking advantage of the sunshine or providing a cool shady place for patrons to dine, Exmouth is fortunate enough to experience a climate highly suited to outdoor dining.



Connections

Creating a space where the community and visitors can connect, in a relaxed and welcoming setting. Providing an atmosphere that welcomes impromptu catch ups allowing people to slow down relax and linger.

Determining the Layout of Outdoor Eating Area

Outdoor eating areas need to be positioned to enhance the public space and not impede the flow of people. The Shire of Exmouth will determine the appropriateness with respect to the location for all outdoor eating area permit applications. It is important to recognise that not all locations are suitable for setting up an outdoor eating area.

Outdoor dining areas outside the boundary of the permit holder's frontage.

Applicants may apply for their outdoor eating permit to extend beyond their building frontage to a single adjacent neighbour.

The applicant must provide written permission from the business owner and building owner of the neighbouring premises and include it in their application. The written permission must include an acknowledgement that the extension of outdoor eating in front of the neighbouring premises will result in the area no longer being available for their use during outdoor dining trading hours.

If permission is withdrawn by the neighbouring building owner or business owner (current or future), the outdoor dining area must be removed. The permit holder must submit a revised outdoor dining area plan and withdrawal letter as part of this process.

Any liability issues which may arise and that are associated with the extended outdoor dining area are the responsibility of the permit holder.

Width of thoroughfares

A minimum of 1.8m clear area for pedestrian circulation is required for thoroughfares. The Shire of Exmouth reserves the right to vary the width to accommodate areas with heavy foot traffic.

Chairs can't be placed alongside thoroughfares if only the minimum width is met.

If an outdoor dining permit area has greater than 8m of continuous outdoor eating area or if the adjacent business also has an outdoor eating area that results in a combined distance greater than 8m a minimum 1.8m clear access way equally divided between the two areas will need to be provided to allow movement between the two areas.

An outdoor eating area located against buildings will need a minimum of 1.2m clearance for the principal pedestrian entrance of the building.

Setbacks from streets and intersections

A setback of 600mm is required from the front face of kerb to the outdoor dining area or pedestrian clearance. This will provide appropriate distance from vehicles using kerbside parking.

To ensure clear visibility is maintained at intersections a cleared area set from a 45° angle from the corner of the building to the kerb. In addition to this outdoor eating area furniture within 20m of the building corner may be no greater than 1100mm high and all barriers shall be visually permeable.

Outdoor eating permits are not permitted adjacent to disabled accessible parking.

Street Tree Setbacks

Street trees provide valuable shade and help to enhance public places. Any existing trees should be integrated into the outdoor eating area where possible.

No street trees can be relocated, trimmed or pruned, or modified in any way. A 500mm clearance from the outer edge of any tree trunk and outdoor eating area should always be maintained to protect the trunk and root system.

The Shire may require amendments to existing outdoor eating areas that conflict with new street trees planted.

Size of area

The size of the area needs to allow for a minimum of 1m² per person of available space.

Any large tables or structures may reduce the available area and decrease the quantity of people.

Determining the Design of an Outdoor Eating Area

The outdoor eating area should reflect the character of the area and complement the existing street environment. Existing infrastructure and landscaping should be integrated into the space where possible.

Furniture and Fixtures

The design of the furniture used for the outdoor eating area activity should be in keeping with the style and character of the host building and reflect the interior image of the business.

- Moveable items such as small pot plants or structures are not permitted as they can create obstructions of clear pedestrian pathways.
- Furniture should be consistent in type and style throughout the dining area and be easily cleaned and maintained.
- The Shire encourages businesses to select furniture and other items that are accessible for people of all sizes and abilities.
- Cheap moulded plastic chairs/tables and stools are not permitted.
- Tables and chairs should be portable so they can be moved or retracted from the outdoor eating area at the end of each trading day.
- All furniture and fixtures need to be maintained to ensure they are in a good condition safe for patrons to use.
- White table – tops and white chairs are not permitted in outdoor eating areas adjacent to public roads due to the possibility of glare.

Planter Boxes

Planter boxes can be used but are incorporated into the outdoor eating permit area. For example, the outside edge of a planter box must be within the outside edge of the permit area.

The planter boxes must be of durable material with no sharp corners or edges. The structural strength of planter boxes must be adequate to withstand vandalism and impact from pedestrians.

The plant species chosen must be hardy, low maintenance, non-flowering and reflect the character of the street. Any dead plants must be removed and replaced immediately.

Subsurface irrigation or wicking beds must be used. Overflow must not discharge into stormwater drainage, stain pavement or cause a safety hazard to pedestrians.

Delineation Markers

Delineation markers are little round discs placed onto the ground and are used to identify the permit area. The Shire will install delineation markers on all outdoor eating permits at the applicant's expense.

Advertising

Advertising should be kept to a minimum. The Shire doesn't support an excess of advertising in outdoor dining areas as it privatises the public space and adds visual clutter.

Advertising on furniture and structure may only bear the name of the associated establishment and/or the name of a commercial product sold within the premises. The total area must not exceed 10% of the area of furniture.

No alcohol or tobacco advertising is permitted within the permit area, this includes product pictures.

No A-frame signs are to be used in the permit area. A frame signs should be placed adjacent to the door, against the exterior wall of the shop.

Umbrellas

Market style umbrellas are encouraged for shade and shelter. A minimum height of 2.1m from ground level is required for umbrellas which must be fixed securely in place. Fixing mechanisms or footings must be designed to allow the reinstatement of the pavement following removal of the umbrella.

On extremely windy days umbrellas must remain removed or closed.

Umbrella canopy edges may extend a maximum of 300mm outside the allocated outdoor eating area on the side facing the footpath (except where adjacent to the kerb).

Permanent Structures

Permanent structures such as gazebos and shade structures will be considered depending on available space and style. They will only be considered in areas where shelter doesn't already exist.

The following principles apply to permanent structures:

- Structures must be of high-quality design, contemporary style, lightweight, and comprise of materials and finishes that reinforce the streetscape. Highly reflective surfaces are not permitted.
- A minimum vertical clearance of 2.5m above the ground and a maximum height of 3.5m, unless otherwise approved by Council.
- Posts and other elements must not obstruct pedestrian movement or the sight lines of motorists.

- Stormwater must be collected and discharged to the street water table to the satisfaction of Council.
- Structures must always be maintained in safe and good condition; and
- All structures will need building approval and be built to withstand cyclonic conditions.

Maintaining the Outdoor Eating Area

The outdoor eating area needs to be maintained in a clean, safe and tidy state always.

Exmouth is home to a wonderful array of bird life. Tables should be monitored and checked on a regular basis to ensure no remaining food is scavenged upon. The Shire recommends placing signage on tables advising patrons to not feed the birds.

Damaged, discoloured or weathered furniture must be replaced at the permits holder's expense.

The permit holder shall ensure that the area is kept clean and tidy. The permit holder is responsible for disposal of litter and cleaning of the permit area.

No debris or litter should be swept into the street gutter and or subsequently washed down the stormwater drainage system.

Decommissioning of an Outdoor Dining Area

In the event of the permit being cancelled or no longer required, the permit holder is responsible for:

- Fixing any damage and restoring the area to the satisfaction of the Shire of Exmouth.
- Removing any bolts or studs protruding from the pavement area and repairing the pavement to the same specifications as the surrounding paved area.
- Leaving the pavement in a clean condition.
- All replacement costs.

Failure to complete the above within 14 days of the permit ceasing will result in the Shire of Exmouth carrying out the works at the permit holder's expense.

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Temporary Banner Display Guidelines

Version: 19 March 2020 DRAFT

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Temporary Banner Display Guidelines

- Banners must only be displayed on nominated Shire banner display infrastructure.
- Banners must be constructed of heavy-duty material such as vinyl (no calico or sheeting will be accepted).
- Sponsor advertising including the name and/or logo must not exceed 25% of the total area of the banner.
- A photo image of the banner must be submitted to the Shire for approval.
- The permit holder must install and remove the banner as specified in the letter or email.
- Banners must be removed by 6pm on the final day of the display period, to ensure that other groups are not inconvenienced when they arrive to place their banners.
- The banner must be securely fastened.
- There is a maximum period of 3 weeks hire, after which you must re-apply.
- If using cable ties to secure a banner, all cable ties must be collected and removed from site.
- The banner must be immediately removed on a yellow cyclone alert.

Fees and Charges:

Non-profit rate	\$ 15.40 per week
Commercial community rate	\$ 46.20 per week

Confirmation of Bookings:

A booking confirmation letter will be emailed after the Shire has assessed a formal application and invoiced for payment. Cancellation after this time will result in the hirer being liable for cancellation charges.

The booking is not confirmed until invoice is paid and the confirmation letter has been sent by the Shire.

Shire staff will remove any banner displayed on a banner site that does not have Shire of Exmouth approval.

If a banner remains on a site after the expiry date, the hirer will be liable for additional fees.

Enquiries:

Enquires can be directed to Shire of Exmouth Customer Services on 08 99493000 or in person.

An application form to display a banner on a banner site must be completed by the applicant and approved by the Shire of Exmouth.

NB: Permits are issued at the discretion of Council. Council may grant a permit, refuse to issue a permit, or cancel a permit which has been issued.

Temporary Banner Display Application

Organisation Name:

Postal Address:

Telephone:

Mobile:

Contact Person:

Email:



Booked Banner Sites:	Maximum Size:	Dates:	Booking No.
Corner Payne & Maidstone			
Pool -panel left	2.5m x 1m		
Pool – panel middle	2.5m x 1m		
Pool – panel right	2.5m x 1m		
Corner Learmonth & Maidstone			
Bank - left	2.5m x 1m		
Bank - right	2.5m x 1m		

All banner applications must be submitted with the following documentation:

- Current \$5,000,000.00 Public Liability Insurance Yes
- Photo image of banner to be displayed Yes

I / we have read the guidelines and conditions and agree to abide by them.

I / we herewith indemnify The Shire of Exmouth against any liability, loss or damage resulting from the placement of the above banner.

Signed:

Date: