

## **ALFRESCO DINING AREAS - CONDITIONS OF LICENCE**

### **1. Amendment of Licensed Area**

The alfresco dining area may, at any time, be amended by the CEO or Manager Community Services to allow changes to the footpath or parking area. This may include but is not limited to the provision of pedestrian crossing nibs, street furniture or other works necessary for the safe and orderly management of pedestrians and vehicles.

### **2. Transfer of Licence**

The sale of business or transfer of interests, which include an Alfresco Dining Area licence, will require a new licence application and Council approval. Providing that the new owner has met the conditions contained in the Local Laws and these conditions, such approval will not be unreasonably withheld.

### **3. Licence Period**

A licence will be valid for the period between the date of issue and the following 31 August or specified timeframe. The applicant will be responsible to applying for a renewal of the licensed area.

### **4. Consumption of alcohol**

Where alcohol is permitted to be served patrons must remain seated at all times while it is being consumed.

### **5. Fees and Charges**

Application and Licence/Renewal fees will be determined annually by Council as part of the fees and charges review. Only new applications for an Alfresco Dining Licence will pay the application fee.

### **6. Insurance**

The applicant shall effect and maintain during the term of the Alfresco Dining area licence, a public risk policy with an insurance company approved by Council in an amount of not less than ten million dollars (\$10m) with the City of Bunbury listed as an interested party.

Before the issuing of a licence, the applicant shall produce to Council the original policy of insurance. Receipts for payment of premiums and the certificate of currency shall be produced upon request and upon renewal of the policy.

### **7. Smoking Is Not Permitted in Alfresco Dining Areas**

In accordance with the Tobacco Products Control Act 2006 (as amended), smoking is not permitted in any alfresco dining area unless a liquor licence (other than a restaurant licence) has been issued.

### **8. Toilet Facilities**

An applicant for an Alfresco Dining Area licence shall demonstrate that the premises has sufficient toilets available for the use of patrons seated inside or seated in any leased area as specified in the Building Code of Australia. Seats provided in alfresco dining areas on Council land in conjunction with an alfresco dining licence shall not be included in the calculation for toilet requirements.

## **9. Obstruction of Footpaths**

Alfresco Dining Areas shall not obstruct pedestrian movement. A minimum clear footpath width of at least 2 metres shall be maintained in CBD street that are using car parking bays for Alfresco Dining areas. All other alfresco dining areas shall maintain a minimum clear footpath width of 1.5 metres.

All tables, chairs and other furniture must not be set-up in the clearance area unless otherwise approved by the CEO or Manager Community Services in consideration of traffic sightlines.

In any circumstance, pedestrians shall be able to make normal use of the footpath without being obliged to step onto the road at any point or make other unwarranted detours.

## **10. Street Furniture**

All furniture and fixtures must be maintained in good visual appearance, without visible fading, dents, tears, rust, corrosion or chipped or peeling paint. All furniture and fixtures must be maintained in a clean condition at all times. All furniture must be durable and of sufficiently sturdy construction as not to blow over with normal winds, be contained within the alfresco dining areas and must not obstruct the footpath.

All furniture other than tables, chairs and umbrellas/shade structures is prohibited. This includes but is not limited to serving stations, bar counters, shelves, racks, sofas, televisions, heaters and rubbish bins.

Except as otherwise approved by the CEO or Manager Community Services, tables, chairs and other furniture associated with an Alfresco Dining Area shall be removed from any street or public place at the close of business.

An applicant or person operating with an Alfresco Dining Area licence and wishing to secure tables, chairs or other furniture to the paving or to any other Council owned fixture shall be in possession of the written approval of the CEO or Director Works & Services to do so before any work is carried out.

### **Tables & Chairs**

Tables shall have rounded edges and corners and shall be of a sturdy manner that prevents them from being blown into the road or onto the footpath. Breakable glass tops are not acceptable. They should be of sufficient height (minimum 700 mm clearance from the floor to the table) to be easily accessible for wheelchairs.

Chairs shall have rounded edges and corners and shall be of a sturdy manner that prevents them from being blown into the road or onto the footpath. Plastic chairs are not permitted to be used.

### **Umbrellas/Shade Structures**

Where umbrellas are used, there shall be a minimum height of 2.3 metres from the lowest part of the canopy to the pavement, maintained at all times. Umbrella canopies must not extend past the kerb line of the footpath or onto the road. To ensure effective pedestrian flow, all parts of any umbrella (including fabric and supporting ribs) must be contained entirely within the alfresco dining area.

Umbrellas and shade structures are not permitted to be of any fluorescent or other strikingly bright or vivid colour. The fabric of umbrellas/shade structures must be of a material suitable for commercial outdoor use and must be of one solid colour. Construction must be engineered so that it is wind rated for the weather conditions. Umbrellas/shade structures must not contain signage for the restaurant or for any other entity in the form of wording, logos, drawings, pictorial or photographic representations, or any other likewise identifying characteristics.

Shade structures must be designed by an appropriately qualified person (or organisation) from approved materials. Shade structures and decking must be able to bear at least 7.2kpa.

### **Barriers**

All barrier material must be maintained in good visual appearance, without visible fading, dents, tears, rust, corrosion, or chipped or peeling paint. Barriers must be effective between patrons and vehicles and must be able to be detected for persons with visual impairments.

Sectional fencing (generally defined as rigid fence segments that can be placed together to create a unified fencing appearance), or rail-type fencing is recommended as a barrier.

Any barrier (whether sectional fencing or rail-type) must be freestanding, without any permanent or temporary attachments to buildings, footpaths or other infrastructure. Barriers are to be constructed of metal (aluminium, steel, iron or similar) and must have flat bases.

The use of chain-link, cyclone fencing, chicken wire or similar accessories is prohibited.

### **Planters**

Planters may be used in addition to or in place of other barrier designs. Planters may not exceed a height of 1 metre above the level of the paving. All planters must have plants contained within them. If the plants within a planter die, the plants must be replaced, or the planter removed.

Any planters supplied by the City of Bunbury will be provided by the City 'ready to plant'. Planting and ongoing maintenance is the responsibility of the applicant at all times who should keep plants in good health, water, weed and trim when necessary; any plants that require replacing will be the applicant's responsibility.

### **Signs**

Signage is permitted within the alfresco dining area in accordance with the City of Bunbury Local Laws relating to Signs, Hoarding and Bill Posting. The use of sandwich board signs in the street or other public areas is prohibited.