

COUNCIL POLICY PS200

ALFRESCO DINING

KEY FOCUS AREA PROSPERITY

Purpose

The purpose of this policy is to provide a framework for the establishment and management of appropriately located and designed alfresco dining areas within the Town of Claremont (**the Town**) to ensure that such areas do not adversely affect the enjoyment, convenience or safety of persons, or the character and amenity of the surrounding area.

Policy

The Town of Claremont *Activities on Thoroughfares and Public Places Local Law* prescribes the requirements, conditions and other matters for persons seeking to establish an outdoor eating facility (which includes alfresco dining) on a thoroughfare that is under the Town's care, control and management. In addition to the Local Law, the following requirements are applicable:

- 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.
- Traders 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.
- 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 where the design requires, be securely anchored in accordance with Australian Standard AS1170.2-2011 – Structural Design Actions – Wind Actions and/or any recommendations provide by the manufacturer.
- 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.
- 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.
- 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.
- Alcohol consumption shall only be permitted where the necessary approvals have been obtained from the Department of Racing, Gaming and Liquor.
- Smoking is not permitted within alfresco dining areas. The permit holder is required to provide appropriate non-smoking signage to ensure compliance.
- 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.

- The Trader is to ensure that the eating area, footpath, and the immediate surrounds are kept in a clean and tidy condition at all times and free of litter.
- The Trader must ensure adequate access to the footpath is maintained to ensure the safety and amenity of both patrons and the public at all times.

Document Control Box			
Legislation:	Local Planning Scheme No. 3 Town of Claremont <i>Activities on Thoroughfares and Public Places Local Law</i>		
Organisational:	The following work procedures apply: <ul style="list-style-type: none"> • Application for Development Approval where located on private land • Permit Application Form – Outdoor Eating Facility • Schedule of Fees (Currently No Fees Apply due to Council decision 4 February 2014). Transfer of Permit Application Form – Outdoor eating Facility 		
Version #	Decision:	OCM Date:	Resolution Number:
1.	Adopted	6 September 2009	274/09
2.	Reviewed	5 October 2010	210/10
3.	Reviewed	10 December 2013	360/13
4.	Reviewed	4 February 2014	7/14
5.	Reviewed	9 December 2014	203/14
6.	Modified	13 December 2016	206/16
7.	Modified	18 December 2018	228/18
8.	Modified	30 August 2022	100/22