

# Alfresco Dining on City of Swan Managed Land

## Information Fact Sheet



### Alfresco Dining

With Perth's mild Mediterranean climate alfresco or outdoor dining is a popular option for many people. Alfresco dining areas can help activate and vitalise areas whilst enhancing the visual amenity and street scape appeal. They are also an easy way for food businesses to increase their potential dining capacity and be able to serve more customers. The City supports alfresco dining in suitable locations. However it is important to ensure these areas do not compromise public safety or inconvenience other potential users of the area.

### When is an approval required

A food business wishing to set up an alfresco dining area on any land that is either owned or managed by the City of Swan must first obtain an Alfresco Dining Licence. A licence is not required where the outdoor dining area is part of an approved premises and the area in question is on private property e.g. beer gardens as part of a tavern all on the one lot.

### How to get an approval

In order to obtain an Alfresco Dining Licence you will first need to obtain Planning Approval in the form of a Development Application. Once the Development Application has been approved you are then able to apply for the Licence.

For more information regarding obtaining Planning approval you can contact the City on 9267 9267. A copy of the Development Application Form can also be found here:

[www.swan.wa.gov.au/Your-Property-land/Application-forms-fees](http://www.swan.wa.gov.au/Your-Property-land/Application-forms-fees)

Lodging an application does not guarantee an approval will be granted and the selected area's suitability as an alfresco dining area will be assessed. However if Planning approval is granted you may then obtain a Licence by submitting the Alfresco Dining Licence Application Form.

[www.swan.wa.gov.au/Services-support/Public-health/Health-Services-forms-and-guidelines](http://www.swan.wa.gov.au/Services-support/Public-health/Health-Services-forms-and-guidelines)

### Factors to be considered

Factors to be considered to an area's suitability for alfresco dining include but are not limited to such matters as the following:

- The provision of sufficient remaining space to allow pedestrians and other users to pass by without obstruction.
- Factors which may pose a hazard or public health and safety risk.
- The number and location of tables and chairs and other fixtures.
- The installation of any fixed structures such as bollards, screens or large planter boxes.
- Setback distance from any road and other road safety considerations.
- Impact on surrounding businesses.
- Impact on any public transport infrastructure such as bus stops.
- Amenity considerations.

### Consumption of alcohol

The City has no objection in principle to the consumption of alcohol in outdoor dining areas subject to compliance with the requirements of the Department of Local Government, Sport and Cultural Industries. The Department will require the Food Business to obtain the relevant Liquor Licence and may set a range of conditions to ensure responsible service of alcohol is maintained.

For more information about liquor licencing matters contact the Department of Local Government, Sport and Cultural Industries: [www.dlgsc.wa.gov.au/](http://www.dlgsc.wa.gov.au/)

## Public Liability Insurance

A minimum of \$10 million Public Liability Insurance is required to be maintained at all times when operating an Alfresco Dining Area. Traders must produce a Certificate of Currency on demand when requested by a City Authorised Officer. A Certificate of Currency will also be required to be submitted when lodging an application for approval.

## Licence application and renewal fees

There are no associated fees in relation to an Alfresco Dining Licence. Initial applications are required to obtain Planning Approval via a Development Application and this does have associated fees. Where a licence is granted it will be renewed automatically upon payment by the Food Business of the City's Annual Food Business Registration Fee unless otherwise cancelled by the Food Business.

## Responsibility of Licensee

General responsibilities of a licensee for an alfresco dining area may include but are not limited to the following and will typically form part of any conditions of approval;

- Ensure tables, chairs or anything placed on the verge do not obstruct the sight line of vehicles emerging from driveways or intersecting roads.
- Manage the area subject of the alfresco dining licence in accordance with all conditions imposed by the licence.
- Ensure that the eating area is kept in a clean and tidy condition at all times.
- Maintain the chairs, tables and other structures set up in the eating area in good and serviceable condition at all times.
- Keep the outdoor dining area free of any unnecessary obstacles or any matter likely to cause injury to persons or property and maintain a minimum clear way width of 2m for pedestrian access.
- Ensure furniture and equipment remains within the outdoor dining area and location approved on the plan endorsed as part of the licence and does not impede pedestrian flow or access.
- Repair any damage to the surface area, fixtures, fittings or utility services caused as a result of or attributable to the operation of the alfresco dining area and any associated activities.
- Remove all tables, chairs and non-permanent fixtures and fittings from within the outdoor dining area at the conclusion of operating hours each day.
- Pay all costs associated with the alteration, removal, repair, reinstatement, or reconstruction of all or part of the outdoor dining area arising from any works proposed or done in the thoroughfare by or on behalf of a government department, instrumentality of the Crown or the local government and shall not have any claim for compensation or damages as a result of any disruption to business or loss incurred due to such works.

## Important Information

It is the businesses responsibility to comply with all legislation requirements. The alfresco dining area will form part of the food premises and as such must be maintained to the requirements of the *Food Act 2008* and *Australia New Zealand Food Standards Code*.

## Enforcement Action

Where issues of non-compliance are identified the City has a range of enforcement options open to it. The action taken by the City will depend on the severity of the offence, the risk to the public and the history of the business with regards to past non-compliance issues and willingness to rectify the situation.

## Further information

**If you have any questions or require further information please do not hesitate to contact the City on 9267 9267 or visit**

[www.swan.wa.gov.au](http://www.swan.wa.gov.au)