

Registration No.: \_\_\_\_\_ (TIPP) (office use only)

# Application for Licence Trading in Public Places Outdoor Dining

**\* Please allow 10 business days processing time**

For applications received between 3-10 business days before the approval is required, an expedited service fee will apply. Charitable and community organisations are not exempt from this fee.

**Fees:**

Application Fee - Initial or Variation Outdoor Dining Area: \$72 (fee type 388)  
 Application Fee - Transfer Outdoor Dining Area: \$72 (fee type 391)

**Note: Community and Charitable Organisations Exempt from Application Fees**

**Expedited Service Fee for applications received between 3-10 working days before the approval is required: \$146 (No GST) (fee type 158)**

Name of Applicant: \_\_\_\_\_

Business/Organisation: \_\_\_\_\_

ABN: \_\_\_\_\_ Trading Name: \_\_\_\_\_

Residential Address: \_\_\_\_\_

Postal Address (if different from above): \_\_\_\_\_

Phone: \_\_\_\_\_ Mobile: \_\_\_\_\_ Fax: \_\_\_\_\_

Email: \_\_\_\_\_

Proposed times of operation:

Monday to Friday: \_\_\_\_\_ Sunday: \_\_\_\_\_

Saturday: \_\_\_\_\_ Public Holiday: \_\_\_\_\_

Proposed location of outdoor dining: \_\_\_\_\_

Details of proposed area:

Length (m): \_\_\_\_\_ Width (m): \_\_\_\_\_ Total area (m<sup>2</sup>): \_\_\_\_\_

Number of outdoor tables: \_\_\_\_\_ Number of outdoor chairs: \_\_\_\_\_

Number of total chairs (indoor and outdoors): \_\_\_\_\_

List number of any other proposed facilities e.g. planter boxes, umbrellas etc.: \_\_\_\_\_

Have you attached the supporting information?      Yes      No

Declaration: I, \_\_\_\_\_ (name of applicant) make this application and declare that the information contained in this application is true and correct in every particular. In making this application for a licence, I agree, upon issue of a licence, to indemnify the City of Kwinana against any claim for loss, damage or injury however arising from the operation of the outdoor dining area; and not to claim from the City of Kwinana or any person acting on their behalf, for any loss, damage or injury however arising from any public work on the public place.

Signature of applicant: \_\_\_\_\_ Date: \_\_\_\_\_

In case of a company, the signing officer must state position in the company.

Position (if applicable): \_\_\_\_\_

Declaration: I, \_\_\_\_\_ (name of owner/agent of property) have granted the abovementioned applicant permission to trade on the abovementioned property. I consent to this application and I understand my legal obligations in relation to the City of Kwinana Activities on Thoroughfares and Public Places and Trading Local Law 2011.

Signature of property owner/agent: \_\_\_\_\_

Date: \_\_\_\_\_

In case of a company, the signing officer must state position in the company.

Position (if applicable): \_\_\_\_\_

## Supporting Information for Outdoor Dining Application

The following information shall be provided as part of the assessment for the outdoor dining application:

1. Details of the Proposed Area
  - a) Dimensions of the proposed area, including any means of separation to the street or public place;
  - b) The front of the business showing windows and entrances and uses of adjacent businesses;
  - c) Location of pedestrian access areas and service access areas;
  - d) Location of any parking bays adjacent to the outdoor eating;
  - e) The footpath and verge including road and fixtures (street furniture, bins, trees, phone booths etc.);
  - f) The proposed position, number and location of chairs and tables including dimensions;
  - g) For umbrellas, planter boxes and other removable fixtures, the proposed location and dimensions of each item on the site plan;
  - h) Details of any proposed barriers or balustrades;
  - i) Lighting for the area if operating at night;
  - j) Colour photographs or brochures of all furniture; and
  - k) Proposed awnings, blinds and any other attachments to tenancy.
2. Details of how furniture will be prevented from being wind affected.
3. Details of how to ensure that smoking is prohibited in outdoor eating areas.
4. Please justify and demonstrate adequate toilets provided for patrons.
5. Copy of public liability insurance (up to \$10million for commercial businesses).
6. For selling and consumption of liquor, licensee must have obtained an appropriate liquor licence and or approval from Council and Department of Racing, Gaming and Liquor in accordance with the Liquor Control Act 1988.
  - a) Provide a copy of the liquor licence and the extended trading permit; or
  - b) If BYO, an alcohol management plan; and
  - c) Copy of Responsible Service of Alcohol (RSA).
7. Certificate of electrical compliance for all electrical installations in the outdoor dining area.
8. If the outdoor dining area is located on private property, written permission from the owner of the property.
9. If the outdoor eating area is proposed to extend in front of adjacent premises, written permission from the owner and occupier of the adjacent premises.

## Requirements of the Trading in Public Places Licence

### Licence compliance:

1. The outdoor dining area shall comply with the *City of Kwinana Activities in Thoroughfares and Public Places and Trading Local Law 2011*.
2. All food businesses shall comply with *Food Act 2008*, *Food Regulations 2009* and the Australian New Zealand Food Standards Code.
3. Noise levels generated from the operation of the food business shall be in compliance with the *Environmental Protection (Noise) Regulations 1997*.
4. The food business and the proposed outdoor dining area and its manner of operation shall comply with the requirements of the National Building Code, Town Planning Scheme and any other relevant City of Kwinana Local Laws.
5. The licensee shall comply with any lawful direction of Council, Council's Authorised Officers and any Police Officer in a timely manner.
6. Alfresco area boundary disks shall be provided by the Council to delineate the area and shall be at the cost of the licensee.
7. Anyone wishing to simply sell or display goods for sale should obtain a separate stallholders or traders permit.

### Accessibility:

1. A minimum width of one metre must be kept clear for pedestrian movement on the footpath and in the outdoor dining area. In areas of heavy traffic, the City of Kwinana may require a wider pedestrian thoroughfare or may prohibit outdoor eating altogether.
2. Protection barriers or balustrades are required to be installed to protect dining patrons from vehicles. The barrier or balustrade must be approved by the City of Kwinana Engineering Department and Planning Department.
3. Clear access for disabled persons including those in wheelchairs must be provided and maintained at all times.
4. To minimise the likelihood of collision between cafe staff and passing pedestrians, it shall be the responsibility of business operators to inform and train their staff to give priority to passing pedestrians when traversing between the licensed area and the shop.
5. No part of the out door dining area/facility shall be used for storage of any items, including the licensed area.

### Seating:

1. The maximum seating in the outdoor dining area will be limited based on adequate number of toilets accessible to the patrons in compliance with the National Construction Code.
2. As a guide, maximum of one chair per m<sup>2</sup> may be located in an outdoor eating area.
3. A person shall not occupy a chair or otherwise use the equipment in a facility that is the subject of a permit unless the person uses them for the purpose of consuming food or drinks provided by the facility.

### Design and materials:

1. Only approved outdoor furniture; chairs and tables are to be used, and these must not be placed outside the approved area under any circumstances. No third party logos, advertising, or display is permitted as part of the licensed area of the public footpath. This included signs, barriers, awnings and umbrellas.

2. Any outdoor furniture shall not pose any potential safety hazard, especially with sharp edges or moving parts to pedestrians, patrons or employees. The furniture shall be firmly secured to avoid risk of moving and falling over in windy conditions or other circumstances. The furniture shall be removed in high wind conditions.
3. Any approved outdoor furniture located in the outdoor dining area/facility shall not obstruct the visibility or clear sight lines at an intersection of thoroughfares of any persons; or impede pedestrian access; or cause obstruction to accessing any sanitary conveniences.

#### Liability:

1. Ensure that Public Insurance for \$10,000,000 (\$10M) is valid for the duration of this Licence. Please forward the City of Kwinana a copy of your business Public Liability Insurance upon renewal.
2. The licensee shall have noted on the Business Insurance Certificate of Currency that the alfresco area approved for use by the City of Kwinana is also covered by the policy including public liability and the City of Kwinana shall be listed as an interested party for the alfresco area on the policy.
3. The licensee shall be responsible for all and any costs associated with the removal, alteration, repair, reinstatement or reconstruction of any part of the public place arising from the conduct of the outdoor dining area/facility.
4. The licensee shall be solely responsible for all rates, taxes and charges levied upon the land occupied by the facility.

#### Removal of furniture:

1. All furniture must be removed from the dining area/facility and stored within the building outside business hours.

#### Cleanliness:

1. The licensee is responsible for maintaining the facility and all approved outdoor furniture including tables and chairs in good, clean and tidy condition and serviceable condition at all times.
2. An appropriate level of table service shall be provided. Such service shall include removal of dirty plates, cups; cutlery to ensure the areas is maintained in a clean tidy and hygienic state.
3. The outdoor dining/facility shall be kept clean at all times and any spilt food, liquid or other material likely to cause injury shall be removed immediately by the proprietor. The licensee is responsible for appropriate disposal of litter and waste; and is not permitted to use public rubbish bins. Sweeping and/or steam cleaning of pavement in the approved trading section of the outdoor dining area is responsibility of the licensee.
4. Paper, foam or plastic cups, plates, cups, cutlery and or/serviettes are not permitted for outdoor dining area/facility.
5. Food shall not be offered on display for sale within the outdoor dining area/facility.

#### Safety:

1. All electrical generators, electrical cabling, cords, switches, fuses and anything associated with the licensed business should be kept clear of patrons and the properly and safely secured. All electrical installations must comply with the Supply Authority or Office of Energy requirements, Australian Standard 3000 and Australian Standard 3012.

#### Alcohol consumption:

1. Selling and consumption of liquor is only permitted in the outdoor dining area/facility if the licensee has obtained an appropriate liquor licence and or approval from Council and Department of Racing, Gaming and Liquor in accordance with the *Liquor Control Act 1988*.
2. Where patrons are permitted to bring their own liquor for consumption in the outdoor dining area, BYO must be carried out in accordance with an approved alcohol management plan.

#### Smoking:

1. Smoking is not permitted in the outdoor dining area/facility as per the *Tobacco Products Control Act 2006*.
2. Please note that the owner/occupier of your business also commits an offence if a person commits the offence of smoking in an outdoor eating area, they are aware of the offence being committed, or if aware of the offence occurring and have not taken reasonable steps to prevent this person from smoking.
3. Therefore, the owner/occupier must take reasonable steps which include the following:
  - a) Inform the person that they are committing an offence;
  - b) Then request them to stop smoking in this area, extinguish and dispose of the cigarette; and
  - c) If the person fails to comply with this request, the owner should request the person to leave the outdoor dining eating until they have finished smoking.