

# Alfresco Standard Permit Conditions



10/07/2024

## Standard Permit Conditions for Alfresco Dining

### Conditions

#### Principal conditions

1. The Permit Holder is only permitted to:
  - (a) undertake the Permit Activity;
  - (b) during the Permit Days and Times within the Permit Period; and
  - (c) in the Permit Area.
2. This Permit cannot be transferred or assigned unless an application for the transfer of the Permit has been made and approved by the Shire.
3. The Permit Holder must carry a copy of this Permit at all times while undertaking the Permit Activity and present it to any Shire representative upon demand.
4. The Permitted Activity shall be conducted in accordance with 'General' provisions under Part 6 & 7 of *Shire of Augusta Margaret River Activities in Thoroughfares and Public Places and Trading Local Law 2020* and all terms and conditions under this schedule.
5. The Permit Holder shall be responsible for the cost of any damage to, or the cleaning of, the reserve or the road/footpath/car park resulting from the conduct of the Permitted Activity.

#### Special Conditions

6. The alfresco dining area may operate with a maximum of 1 seat per square metre of approved alfresco permit area, as detailed in the Permit Plan.
7. Maximum Accommodation for the business and alfresco area shall not exceed the maximum number of people at any one time as per Form 4 Certificate of Approval (if applicable) or any other existing approval for the business.
8. Designated exits shall be maintained clear of obstructions and permit patrons to efficiently exit the Public Building and Permit area in case of emergency.
9. All furniture and equipment for the alfresco dining area must be maintained in a clean and safe condition at all times.
10. All furniture and equipment for the alfresco dining area must be contained within the Permit Area as delineated in the Permit Plan.

11. The furniture and equipment must not be fixed and be removed from the Permit Area outside approved trading hours.
12. The alfresco dining area to be delineated as per details submitted within the Permit application.
13. The alfresco dining area must not obstruct lines of sight for vehicles or pedestrians at road junctions and building cross overs.
14. Pedestrian paths shall be maintained at an unobstructed width of 2 (two) meters. All pedestrians must be provided with a continuous accessible path of travel.
15. The Permit Holder shall ensure that the Permit Area is kept in a clean and tidy condition at all times.
16. Noise emissions resulting from the Permitted Activity shall not exceed the assigned levels in the *Environmental Protection (Noise) Regulations 1997*, and shall not unreasonably interfere with the health, welfare, convenience, comfort or amenity of an occupier of any other premises.
17. The Permit Activity must comply with the *Food Act 2008* and the *Australia New Zealand Food Standards Code* and *Food Regulations 2009*.
18. All meals served and consumed in the permit area must be prepared in the adjoining food premise.
19. The Permit Holder shall be responsible for all and any costs associated with the removal, alteration, repair, cleaning, reinstatement or reconstruction of any part of the public place arising from the conduct of the Permitted Activity.
20. The Permit Holder must temporarily remove the alfresco dining area furniture and equipment when requested to do so on reasonable grounds by the Shire. The furniture and equipment may then be replaced by the Permit Holder once directed by the Shire.
21. Should the Shire need to undertake any works within or near the approved location, if required, the Permit Holder must vacate the site until notified by the Shire that the works is complete and the Permit Holder may return to the approved location to conduct the approved activity.

### **Conditions for licensed premises**

22. The area approved for the consumption of alcohol shall be limited to the licensed area as indicated on the attached plan in Schedule 1, being the approved alfresco area.
23. The Permit Holder shall be responsible for provisions of the *Liquor Licensing Act 1988* being complied with at all times.
24. A copy of Extended Trading Permit to be submitted to the Shire prior to operating.

### **No exclusive rights**

25. This Permit does not grant the Permit Holder any exclusive rights to the Permit Area.

### **Breach of conditions**

26. Council reserves the right to withdraw approval for the Permitted Activity and all approvals granted by the Shire to the Permit Holder for the Permitted Activity shall cease should the Permit

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Holder operate the Permitted Activity in breach of the terms and conditions contained in this Permit.

### **Indemnification**

27. The Permit Holder accesses the Permit Area and undertakes the Permit Activity at its own risk.
28. The Permit Holder releases the Shire from liability for any damage, loss, injury or death occurring in the Permit Area or otherwise arising from or connected to the Permit Activity.
29. The Permit Holder indemnifies the Shire against any action or demand arising from any damage, loss, injury or death caused by the Permit Holder or any of the Permit Holder's contractors' or agents' acts or negligence.