



# Gympie Region

# Al Fresco Dining Guidelines

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## Introduction

Gympie is a region rich in heritage sites and buildings, beaches and agriculture and its proximity to Brisbane and the Sunshine Coast make it a destination for both tourists and intra/interstate migrants. Our vision for the Gympie region is to be 'the natural choice to live, work and play' and this reflects the diverse environments and resources the region can offer. In addition, the infusion of city urban cultural experiences, such as outdoor dining, partly as a result of the influx of population relocating from larger urban areas, has enriched the Main Street environment of Gympie region's town centres.

Outdoor dining adds colour, vibrancy and activity to the street frontages and public places. Gympie Regional Council recognises the mutual benefit of this to retailers and the community and aims to facilitate these activities in a safe and responsible manner. However, when considering outdoor dining, Council has competing objectives. On the one hand, Council has legal obligations and policy objectives to maintain the function, effectiveness and equitable access within and to public footways. At the same time, it is also tasked with the vibrancy and amenity of centres such as the Gympie Town centre.

Outdoor dining allows restaurant and café customers to enjoy dining in an external setting, however is not intended to be the primary dining area; rather it is an extension of indoor seating for use in fine weather. Council supports local restaurants and cafés by allowing well managed use of the footway for seating for outdoor dining to supplement indoor seating and provide an ambience to the region's main centres including the Gympie CBD. This allows diners to enjoy an outdoor setting, taking in the beauty of the streetscape and providing a relaxed and leisurely atmosphere to the street. By incorporating placemaking principles, this ambience can be further enhanced with traffic calming measures and the strategic use of natural flora and lighting.

Council is being proactive in encouraging the economic development and vibrancy of the region and its town centres but it should be noted that trade on the footpath is not a right but a privilege granted to traders by the community, only where there is no compromise to community safety, accessibility or general amenity. Outdoor dining facilities share space with other users of public space and public infrastructure and therefore the size, area and design must be mindful of shared space principles and the needs of citizens with disabilities. In the creation of these guidelines, a balance between the needs of all sectors of our community has been attempted. Research of other local government policies, processes and guidelines has been noted and in some instances incorporated in these guidelines.

## Definitions

**Alfresco/Outdoor dining** means dining on the public footpath, associated with a lawful restaurant or café, such activity having been approved by the Council and is considered to include the following:

- The use of Council-controlled public land for the purpose of extending the services of premises whose main function is the provision of food and/or beverages to the public. Premises may include restaurants, cafés, bars, deli and other food outlets, but does not include roadside stalls.
- Outdoor dining must be directly associated with the business that holds the outdoor dining permit, must only operate when those premises are open for business and should contribute to the vibrancy and social amenity of the street life. The outdoor dining permit lapses if the business closes down; new tenants are then required to apply afresh if they so wish. The permit is not held by the building owner.
- Outdoor dining areas are not intended to be the primary dining area but an extension of indoor seating for use in fine weather.

**Advertising** means any board, notice, A-frame sign, structure or banner or other similar device used for the purpose of soliciting sales, provision of services or notifying people where goods or services may be obtained.

**A-Frame sign** means a portable sign having two panels attached at the top with hinges and having signwriting on each panel face.

**Banner** means a long strip of cloth or similar material bearing a slogan or design and hung in a public place attached at more than one point.

**Flag** means a piece of cloth or similar material bearing a slogan or design typically square or oblong and hung in a public place attached by one edge to a pole or rope.

## Purpose

Council is being proactive in encouraging liveability, tourism and economic development in the region. The purpose of these guidelines is to enable the use of the public footpath in areas adjacent to business premises for the purposes of food consumption in a pleasant and safe environment without compromising the amenity of the public domain and the safety of pedestrians using the public footpath or adjoining public space.

## Objectives

The objectives of these guidelines are as follows:

1. Support local economic development and commercial vitality.
2. Ensure outdoor dining contributes to the improvement (function and safety) of the streetscape.
3. Encourage high quality outdoor cafés to enhance the safety, amenity and ambience of the Gympie region urban centres.
4. Ensure that pedestrians and other forms of traffic are not unduly obstructed by outdoor dining.
5. Ensure that outdoor dining is compatible with other community uses of public space.
6. Provide public places free of restrictions on individuals and social groups regardless of ethnicity, age, gender, disability or economic circumstances.
7. Avoid privatisation of public spaces.

## Scope

When assessing an application involving outdoor dining, Council will consider all relevant issues, including but not limited to:

1. Whether the proposed outdoor dining area is located immediately adjacent to the applicant's existing premises.
2. Pedestrian usage of the area, including safety and passage.
3. Vehicular usage of the area, including separation and safety matters.
4. The safety of patrons of the proposed outdoor area.
5. Amenity – the contribution towards a high amenity area and creation of active and integrated spaces and places.
6. Design Principles – how outdoor dining integrates with the character of the locality/zone and existing or intended streetscape, including specific footway treatments.

## Design principles

### Inclusive public places and streets

Outdoor dining and street trading areas should be designed to reflect the public nature of the street, with minimal fencing or boundaries that tend to privatise the public space. Applications that propose to extensively enclose a public place will not be approved. Installing an extensive, enclosed café structure in the public space to maximise café patronage can privatise an area. Privatisation of the public space results in reduced accessibility, visibility, amenity and safety to the public. The installation of an enclosed outdoor dining area to the front of the building diminishes public space.

### Accessibility

Outdoor dining areas should be integrated with existing street activities, pedestrian circulation and traffic safety by maintaining adequate clearances.

As a guide, outdoor dining and street trading areas should allow sufficient spaces on the footpath for two mobility aids or child prams/strollers to pass each other comfortably.

The Gympie Region has a high population of elderly residents with those in the 65+ year's category accounting for 21.0% as opposed to 14.4% for Queensland. Gympie also has a bigger percentage of persons with severe disability, being 2,967 persons (6.5%) compared to Queensland State (4.4%). These statistics suggest that there are a greater number of residents with mobility issues in the Gympie region than across Queensland. In the Gympie town centre the terrain and varying road width of Mary Street creates further challenges for people with mobility issues. Alfresco dining is important and is encouraged by Council however must be balanced with the needs of people with mobility issues.

### Temporary structures

The essential elements of an outdoor dining area are temporary: chairs, tables, canvas barricades (where permitted) and umbrellas. At the end of the business day, these facilities are to be removed from the public space.

### Heritage considerations – Gympie Town Centre

Gympie's streetscape encompasses many differing period styles, scales and design. The rich history and culture can be seen in the streetscape character. The general heritage objectives that apply to outdoor dining and street trading areas are that it does not detract from the heritage character of the streetscape but enhances it, creating an appropriate atmosphere and ambience.

## Furniture design, storage and placement

A key design principle is to improve the aesthetic quality of outdoor dining areas. Outdoor design/street trading areas should relate to and be sensitive towards and enhance existing urban character, cultural significance and street quality. In Gympie town centre, this refers to the town's gold rush history and heritage.

To ensure the best use of public space, Council in discussion with café operators will stipulate the maximum number of tables, chairs and other furniture.

Café furniture should be unobtrusive in style, appearance, materials, finishes and colours. The type and design of café furniture must be of a high standard in appearance and style made of quality materials with finishes that are practical, elegant and durable. All tables and chairs are to be of appropriate colour and sturdy in design and construction reflecting Gympie's Gold Rush heritage. Furniture should be in keeping with the *Gympie Town Centre Streetscape and Urban Design Palette (Appendix 2)* as a guideline, where galvanised steel and brown timber furniture is encouraged.

Footpath dining activity should not hinder public access to Council owned street furniture including seats, bins, drinking fountains, information signs, etc. Generally, dining should be at least 1.5 metres away from such furniture.

## Umbrellas, screens and planter boxes

### Umbrellas

Removable umbrellas may be used to provide shade and shelter to patrons and to promote the outdoor dining operation.

The following principles apply to removable umbrellas.

A minimum clearance of 2.3 metres is required from the edge of the umbrella to the street surface. Umbrella canopies need to be a neutral colour and made of a high-quality material, such as canvas. Artistically designed canopies may be considered on a case-by-case basis. Umbrellas are only allowed where existing shelter such as canopies or trees are inadequate. Umbrellas must be advertisement free, but may contain a business logo.

Umbrella bases must be properly monitored and weighted with appropriate base plates (28 kilograms minimum), to prevent them blowing over in strong winds. Bases must not be raised by more than 0.1 metres or represent a trip hazard to pedestrians.

The following must be observed when locating umbrellas.

Umbrella canopy edges are to be set back a minimum of 0.6 metres from any vehicle traffic areas to avoid conflict with moving traffic.

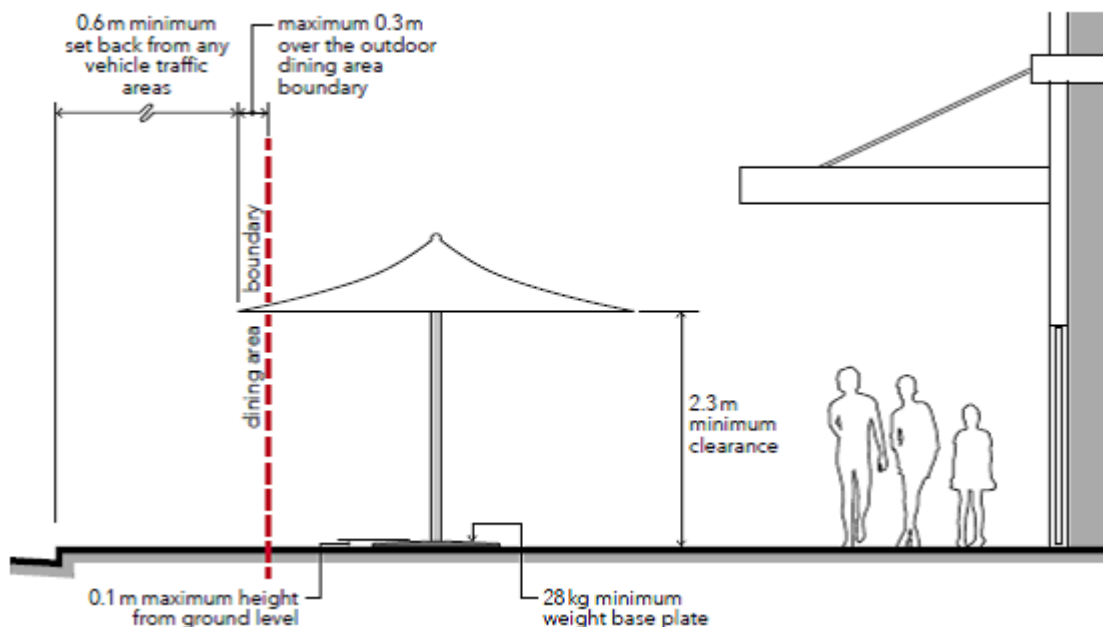
Umbrella canopies may extend a maximum of 0.3 metres beyond the outdoor dining area boundary facing the road.

These requirements are detailed in diagram A below.

Applicants must include details of the proposed umbrellas with their permit application.

Note: Plastic canopies are not permitted.

## Diagram A: Requirements for removable umbrellas.





## Screens

Screens may be used to separate an outdoor dining area.

Screens should:

- be free-standing and removable, and have a light-weight frame or be fixed to the footpath surface if approved by Council
- be easily installed and de-mounted
- be weighted down during periods of use
- not exceed 0.9 metres in height
- be a single colour
- be suitably located within the available space
- be compatible with the design of adjacent building frontages and mall streetscape.

## Planter boxes

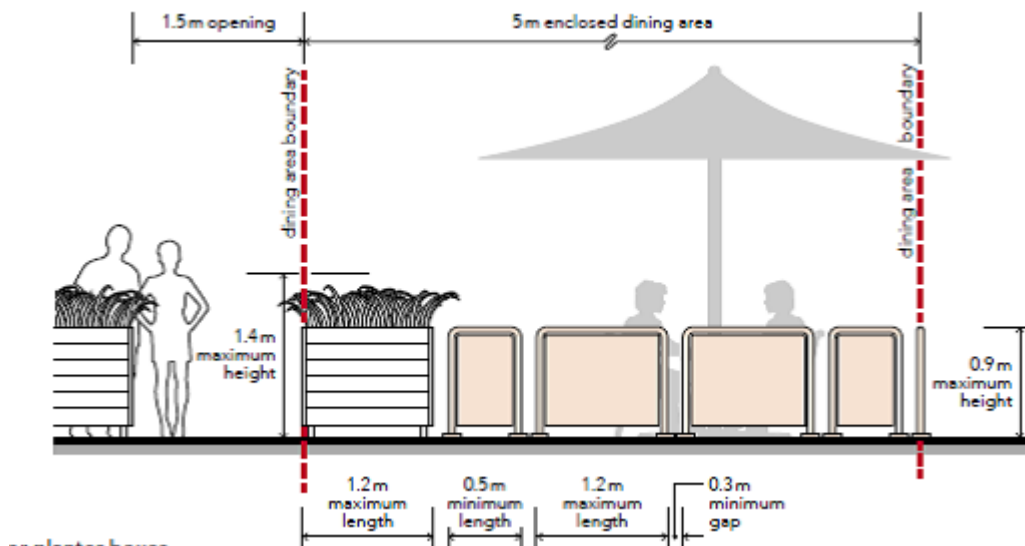
Planter boxes may be used to further define an outdoor dining area and bring variety and colour to the street.

Planter boxes should:

- be made of high-quality and durable materials able to withstand harsh treatment
- complement the streetscape and character of the street
- be strong enough to meet their functional requirements
- be resilient against vandalism and pedestrian impact
- be located along the perimeter of the outdoor dining area
- be located appropriately to allow pedestrians to move freely
- allow a 1 metre clearance from existing infrastructure
- be placed with a minimum gap of 0.3 metres between each
- be elevated above the pavement to allow for drainage.

When planter boxes are used in groups to define an outdoor dining area they are considered enclosures. In these circumstances, a 1.5 metre space is required every 5 metres and between adjoining outdoor dining areas with planters. The permit holder must regularly maintain and clean planter boxes and plants to ensure they remain visually attractive.

These requirements are detailed in diagram 2 below.



## Diagram 2: Requirements for planter boxes.

Note: Plastic planter boxes are not permitted.

Note: When cleaning planter boxes no run-off should be allowed to stain pavements, or cause a safety hazard for pedestrians.

## Regulatory requirements

The applicant must take out public liability insurance to a minimum value of \$20 million and name Gympie Regional Council as an interested party. A copy of this document must be submitted before the application is given approval.

Approval is required for commercial use of a local government controlled area or road (Schedule 7 of Subordinate Local Law No1) for soliciting or carrying on the supply of goods and services (including food and drink) for profit, as a prescribed activity in Schedule 2 (part 2) of Local Law No. 1, but does not include matters dealt with by other legislation or a temporary entertainment event.

An application for approval must be accompanied by full details of how the activity will be operated, including any relevant work methods, signage, maps, specifications, plans and vehicles to be used.

For all applications, the additional criteria to be considered are:

- The physical suitability of the area or road for the proposed use;
- The likelihood of the use causing nuisance, inconvenience or annoyance to the occupiers of the adjoining land, vehicular traffic or pedestrians;
- The likely effect on the amenity of the surrounding areas;
- The likely effect on the local environment and any risk of pollution or other environmental damage;
- The appropriateness, quality and condition of equipment to be used in the activity;
- The likely impact on the ability of the general public to use the site concurrently with the proposed activity.

Specific conditions for footpath dining are detailed on the approval and include:

- The provision of outdoor dining facilities will be permitted in areas of the region that are suitably zoned under the Planning Scheme and there is sufficient capacity on either the footpath or road reserve (to the extent of a designated number of parking bays) to permit the establishment of an outdoor dining facility in accordance with these guidelines. Council may approve the use of the adjacent footway area of adjoining premises, subject to the written agreement of the adjoining business operator/s and building owner.
- Tables and chairs shall be located in front of the subject premises, on the shopfront side of the footpath provided that a 2.0m clear footway is maintained with 1.0m clearance from nose-in parking bays and 0.5m clearance from parallel parking bays with appropriate safety features depending on circumstances. However, only in very special circumstances will tables and chairs be permitted to be placed on the roadside section of the footpath.
- Under no circumstance will a business be permitted to have tables and chairs on both the shop front and the roadside section of the footpath.
- Tables must not exceed 1.5 square metres in area.
- The preparation, handling and serving of food and refreshments for patrons shall at all times be in accordance with the provisions of the *Food Act 2006*.
- The area is to be kept in a clean and tidy condition at all times.
- Council may restrict dining operations where there is a potential or actual negative impact on the amenity of the area or a history of complaints.

## Signage

- A-frame signs may be permitted that are:
  - Not greater than 1m<sup>2</sup> in face area on any face;
  - No wider than 750mm;
  - Only placed adjacent to the business being advertised unless approved by Council;
  - Secured to prevent danger to pedestrians and traffic outside the site in high wind situations; and
  - Consistent with the architectural style and character of the area.

One sign per business per road frontage or, in the case of a business in an arcade, one sign per business per arcade opening is permitted without incurring a cost. A maximum of two portable signs (such as A-frame and banners) per business

Note: No third party advertising is allowed on any outdoor dining item, for example any advertising unrelated to the business.

## Gas heaters

Gas heaters may be temporarily located within an outdoor dining area to provide additional comfort for patrons, and must:

- be industry-approved, high-quality gas heaters that meet Australian standards and occupational health and safety requirements
- be self-contained and free-standing
- be securely fixed and stable
- not be placed where they may pose a safety or fire hazard.

## Access

Minimum public access along the footway shall be a width of 2.0m and this must be left in a clear and consistent lane along the kerb line as determined by Council. If outdoor dining is located adjacent to the kerb, then a clear space of 600mm is to be maintained behind the kerb to allow for parked vehicles to open kerb side doors. However, because of the terrain and inconsistent width of Mary Street, Council will treat each application on a case-by-case basis.

## Reference

1. Australian Human Rights Commission, Advisory Note on Streetscape, public outdoor areas, fixtures, fittings and furniture.
2. City of Greater Bendigo Outdoor Dining and Street Trading Code of Practice.
3. Brisbane City Council, Footpath Dining Permit Guide
4. *Footpath Dining Permit*, Sunshine Coast Regional Council.
5. *Outdoor Dining Code*, Hornsby Shire Council.
6. Outdoor Dining Guidelines, City of Sydney.
7. Outdoor Dining Guidelines City of Townsville.
8. Standards for the Conduct of Prescribed Activities (Local Laws) Gympie Regional Council.

## Endorsed

Gympie Regional Council endorsed these Guidelines on 24/11/2012, Minute Number M09/11/21

# Al Fresco Dining Guidelines



## APPENDIX 1.



Planning and Development Directorate  
 Environmental Health and Regulatory Services  
 29 Channon Street, PO Box 155, Gympie QLD 4570  
 Telephone: 1300 307 800 Facsimile: (07) 5481 0801  
 Email: [regulatoryservices@gympie.qld.gov.au](mailto:regulatoryservices@gympie.qld.gov.au)  
 Website: [www.gympie.qld.gov.au](http://www.gympie.qld.gov.au)

**Local Government Act 2009**

Gympie Regional Council Local Law No. 1 (Administration) 2011

**APPROVAL FOR UNDERTAKING REGULATED ACTIVITIES ON LOCAL GOVERNMENT CONTROLLED AREAS AND ROADS –  
 DEPOSITING OF GOODS OR MATERIALS  
 (Display of Goods or Materials on Footpath or Footpath Dining)**

**Application is for:**

- Display of goods or materials on footpath **TBA**  
 Footpath dining per table **TBA**

**Note: 1 table with 4 chairs**

*Postal payments may be made by cheque or money order to PO Box 155, Gympie QLD 4570. Payments made in person (cash, card, credit, EFT, cheque, money order) must be lodged with council's Planning and Development Directorate at 29 Channon Street, Gympie or Corporate and Community Services Directorate at the Gympie Town Hall, 2 Caledonian Hill, Gympie (near the Five-ways Roundabout) or at Kilkivan Branch Office - 26 Bligh Street, Kilkivan. Cheques and money orders should be made payable to "Gympie Regional Council".*

**Section 1 –  
 Applicant details**

*PRIVACY STATEMENT: Gympie Regional Council collects personal information where it is directly related to a function to activity of council and where the collection of such information may be reasonably considered as necessary for that purpose. It will only use personal information for that purpose, and will and disclose it, except as approved under the Information Privacy Act 2009.*

<b>ABN / ACN</b>	<input type="text"/>
<input type="checkbox"/> <b>Sole trader</b>	<input type="text"/>
<input type="checkbox"/> <b>Partnership</b>	<input type="text"/>
<input type="checkbox"/> <b>Private company</b>	<input type="text"/>
<input type="checkbox"/> <b>Trust name</b>	<input type="text"/>
<b>Name of Trustee of Trust</b>	<input type="text"/>
<input type="checkbox"/> <b>Incorporated association</b>	<input type="text"/>

Name/s of directors (if private company) / management committee (if incorporated association) / applicants (all others):

Title	Surname	Given Names
<input type="text"/>	<input type="text"/>	<input type="text"/>
<input type="text"/>	<input type="text"/>	<input type="text"/>

For corporation / incorporated association – address of registered office (not a PO Box):

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	Address					
	Suburb		State		Postcode	

## Section 2 - Business details

Trading name					
Postal address					
Suburb		State		Postcode	
Preferred contact person					
Business phone		Mobile			
Email address					

## Section 3 – Footpath use

Name and address of premises where items are to be displayed		
Items to be displayed (eg. display rack)		
Operating days and trading hours		
Number of tables and chairs to be placed (if applicable)		No. of umbrellas to be used over tables (if applicable)
Does the premises hold a current liquor licence?	<input type="checkbox"/> Yes <input type="checkbox"/> No	

### Public Liability Insurance

- Copy of **Certificate of Currency** to be submitted with this application. The applicant must not rely upon the insurer to submit the policy with council.
- Certificate of Currency must show Gympie Regional Council as an **'interested party'** on the public liability insurance policy.
- Public Liability cover is to be for a minimum sum of **\$20,000,000.00**.
- **The Approval will not be issued if the above requirements are not met.**

Current Insurer			
Date of expiry of current public liability insurance policy	/ / 20	Insured sum of current public liability insurance	\$

# Al Fresco Dining Guidelines



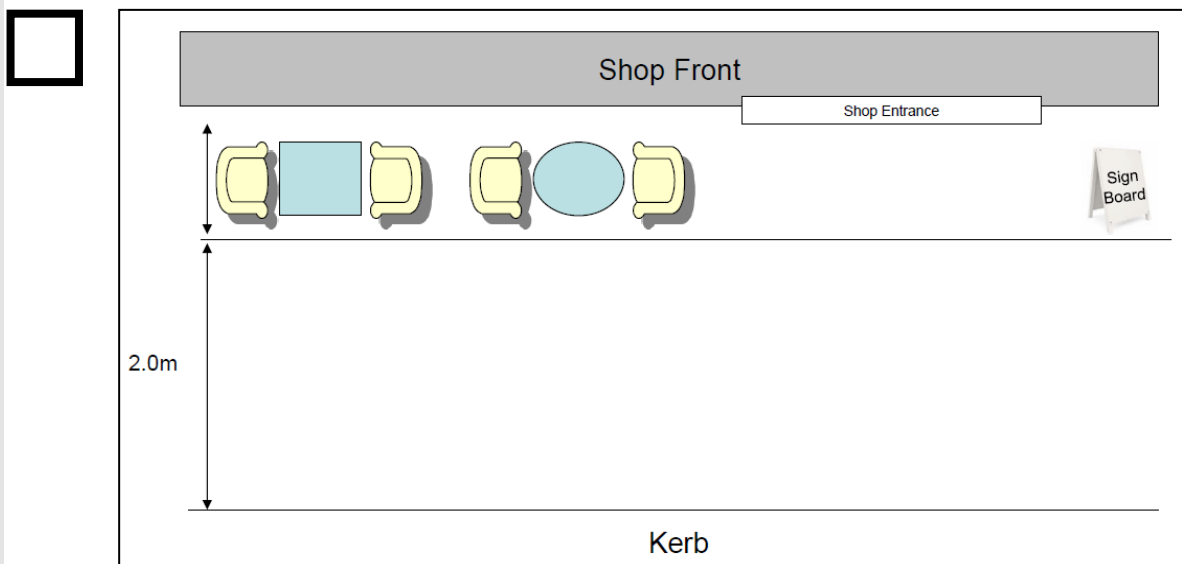
## Section 4 – Approved layout designs

*Note: Please choose  
one by ticking the  
appropriate box*

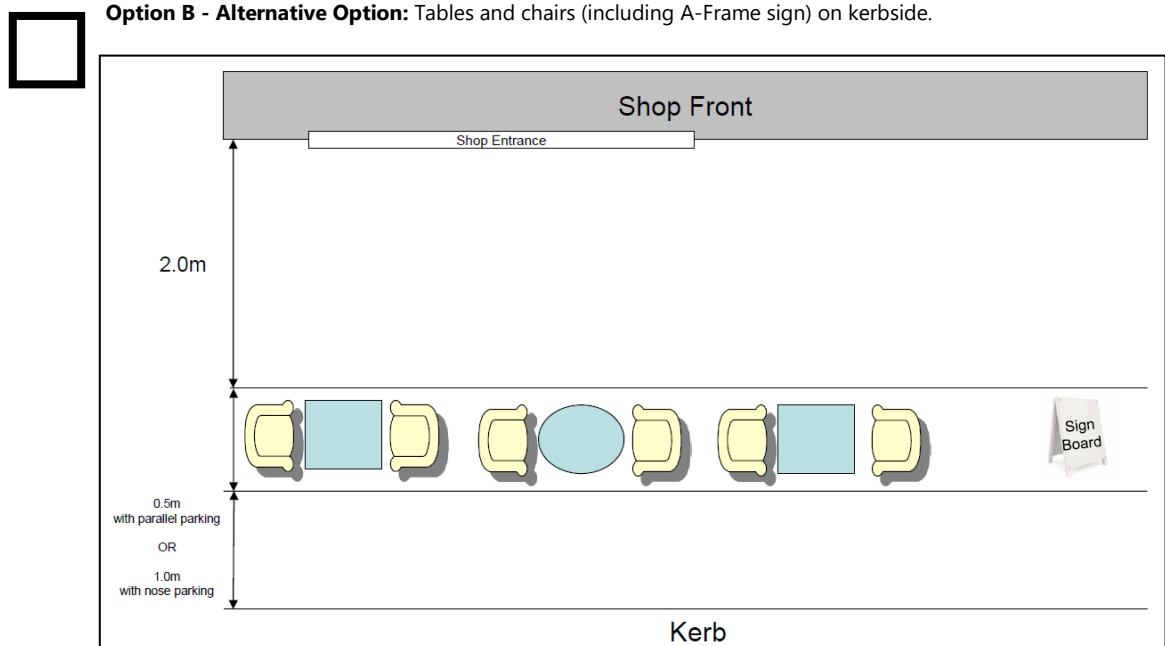


# Al Fresco Dining Guidelines

**Option A – Preferred Option:** Tables and chairs (including A-Frame sign) adjacent to shop front.

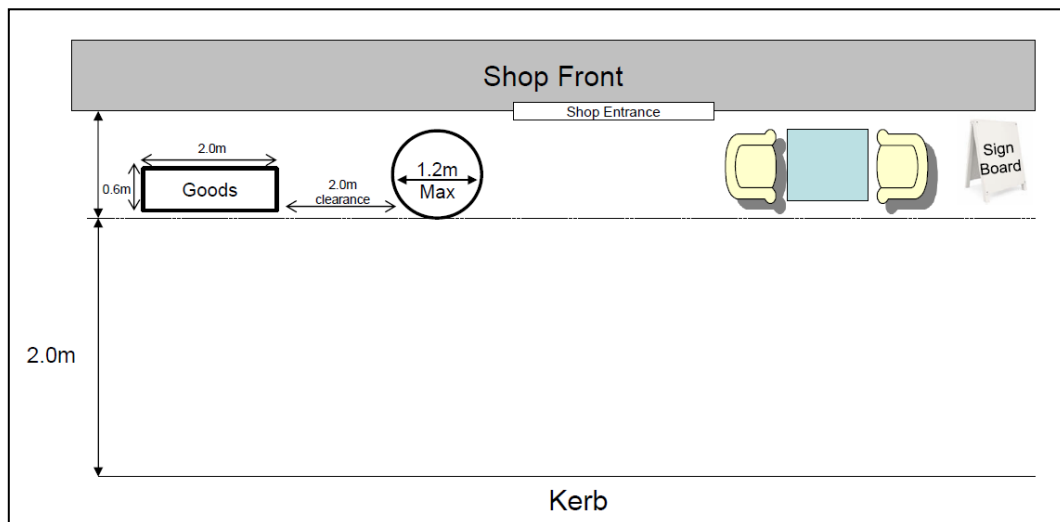


**Option B - Alternative Option:** Tables and chairs (including A-Frame sign) on kerbside.





**Option C – Preferred Option:** Tables, chairs and display of goods (including A-Frame Sign) adjacent to shop front.



# Al Fresco Dining Guidelines



## Section 5

**This section must be completed for all applications**

### Declaration

If you have not told the truth in this application you may be liable for prosecution under the *Local Government Act 2009*.

- I do solemnly and sincerely declare that the information provided is true and correct to the best of my knowledge.
- I understand that Gympie Regional Council collects personal information where it is directly related to a function or activity of council and where the collection of such information may be reasonably considered as necessary for that purpose. It will only use personal information for that purpose, and will not disclose it, except as permitted under the *Information Privacy Act 2009*.
- I understand that public availability of information supplied on or with this application can be restricted only after the confidentiality of information has been tested by application through the *Right to Information Act 2009*, and that the information supplied on or with this application may be used in accordance with the *Evidence Act 1977*.

Applicant/s Signature: \_\_\_\_\_ Date: \_\_\_\_\_

### Office use only

#### Planning and Development Directorate

Credit Ledger No.      Depositing of Goods or Materials      T35 – 1620302.1000.08

Total Fees Paid

\$

Date

/  / 20

Receipt No.

Approval/ Letter Ref.

Date Sent

/  / 20

## APPENDIX 2



The range of furniture illustrated above is recommended in the Gympie Town Centre Streetscape and Urban Design Palette. The material and colours of the above furniture should be used as a guideline for al fresco dining furniture on the Main Street. Regional town centre businesses are encouraged to choose furniture to reflect their town's historic or heritage themes.