

Alfresco Dining Deemed Permit Factsheet

What Laws apply to a Deemed Permit for Alfresco Dining in response to COVID-19?

Townsville City Council supports vibrant and activated public places in Townsville but has an obligation to protect the amenity of residents and the interests of commercial operators who are an important foundation of Townsville's economy. Therefore, while Council encourages the activity of Alfresco Dining, the Alfresco Dining must be conducted in a way that does not unreasonably impact others.

What laws exist to regulate Alfresco Dining?

- Outdoor Dining Policy, Local Law No. 4 (Local Government Controlled Areas, Facilities and Roads 2011)
- Outdoor Dining Guidelines
- Townsville City Plan Development Manual Planning Scheme policy - SC6.4.3.4 Outdoor dining design.

Under Council's Local Law No. 4 (Local Government Controlled Areas, Facilities and Roads) 2011, the Council will approve the use of Council-controlled outdoor areas for outdoor dining subject to the dining area being:

- adjacent or near to the business operator's restaurant or café
- located and constructed in a way that minimises risks to patrons from traffic
- configured and used in a way that will not unreasonably interfere with pedestrian movement.

Under this law, **outdoor dining** means - the use of the Council-controlled areas for the purpose of extending the services of premises whose main function is the provision of food and/or beverages to the public. Such premises include restaurants, cafes, bars, delis and other food outlets.

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.

Designing an Alfresco Dining area

Outdoor dining may increase risks to diners, pedestrians and motorists. To assist in the management of these risks, planning scheme policy SC6.4.3.4 Outdoor dining design describes requirements for:

- risk considerations, for the diners, pedestrians, and passing drivers, including crash barriers, pedestrian fences and setbacks from the road
- pedestrian access through the outdoor dining area
- clearances to public infrastructure
- furniture, including its amenity, safety and storage
- the use of umbrellas and shade structures
- advertising, toilet facilities, and lighting requirements.

SC6.4.3.4 *Outdoor dining design* contains various diagrams that will help you with designing a safe layout for your outdoor dining area.

The Outdoor dining design document can be accessed via ePlanning.townsville.qld.gov.au

How do I obtain Alfresco Dining approval?

To make it easier for Alfresco Dining to be carried out, the Council has created an Alfresco Dining Approval form (see below). Simply complete the form and ensure that you comply with the approval conditions when operating your Alfresco dining area.

What conditions apply to an Alfresco Dining permit?

To ensure that Alfresco Dining does not interfere with the amenity of residents and the interests of commercial operators, the following conditions apply:

- The Alfresco Dining Deemed Permit is valid until 30 September 2020 unless further extended by the Council
- A copy of the approval must be kept on the premise at all times and produced on request to any authorised Council Officer
- Operate only on the footpath:
 - o Immediately adjacent to the business premises
 - o That are on roads that have a speed limit of 60km/h or less
 - o Where seating can be provided no closer than 1.2m from the edge of the traffic lane
- Ensure the layout and use of the Alfresco Dining area allows for the safe passage of pedestrians, including persons with a disability
- Must not materially adversely affect any adjoining business
- Maintain appropriate insurances regarding use of the Alfresco Dining area, including \$20 million Public Liability Insurance
- Serve alcoholic beverages in the Alfresco Dining area only in compliance with an appropriate licence
- Use the Alfresco Dining area only during the usual trading hours for the business; and
- Remove tables and chairs from the Alfresco Dining area when the business is not trading.

Any business that is unable to comply with the conditions of a deemed approval – either because of the business location or some other issue – can apply to the Council for a bespoke Alfresco Dining permit.

FOR MORE INFORMATION

Please contact the Council's customer service centre on 13 48 10.



Alfresco Dining Application Form

Completed form to be emailed to developmentassessment@townsville.qld.gov.au. The completed form **must also be printed and kept on the business premises at all times** when using the Alfresco Dining area.

This approval is valid for the following person/s to conduct the activity of Alfresco Dining on a Townsville road, which is a restricted activity under section 5(1)(b) of Townsville City Council Local Law No. 4 (Local Government Controlled Areas, Facilities and Roads) 2011.

Print the name of the business and name/s of applicant/s carrying out the Alfresco Dining activity:

Date of approval (date printed and completed) _____

Withdrawal of approval

This approval continues until it is withdrawn by Council. This approval may be withdrawn by Council at any time without notice by:

- the conditions of the approval being changed on Council's website; or
- Council placing on its website a notice that all or particular website issued Alfresco Dining permits are withdrawn; or
- by a direction (including a verbal direction given on the spot) by an authorised person of Council.

It is the responsibility of each person relying upon this permit to check Council's website to ensure that the permit as printed remains valid.

Approval conditions

- The Alfresco Dining Deemed Permit is valid until 30 September 2020 unless further extended by the Council
- A copy of the approval must be kept on the premise at all times and produced on request to any authorised Council Officer
- Operate only on the footpath:
 - o Immediately adjacent to the business premises
 - o That are on roads that have a speed limit of 60km/h or less
 - o Where seating can be provided no closer than 1.2m from the edge of the traffic lane
- Ensure that the layout and use of the Alfresco Dining area allows for the safe passage of pedestrians, including persons with a disability
- Must not materially adversely affect any adjoining business
- Maintain appropriate insurances regarding its use of the Alfresco Dining area
- Serve alcoholic beverages in the Alfresco Dining area only in compliance with an appropriate licence
- Uses the Alfresco Dining area only during the usual trading hours for the business; and
- Remove tables and chairs from the Alfresco Dining area when the business is not trading.

Completed form to be emailed to the Council (Development Applications)
developmentassessment@townsville.qld.gov.au

