



Outdoor Dining Policy

Local Law no.4 (Local Government Controlled Areas, Facilities and Roads 2011)

1. POLICY STATEMENT

Townsville City Council recognises the importance of the city's vibrant and unique outdoor lifestyle.

To enhance the amenity and vibrancy of Townsville, the council encourages the use of Council-controlled outdoor areas by businesses serving food (and/or beverages) to the public.

2. PRINCIPLES

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; and
- configured and used in a way that will not unreasonably interfere with pedestrian movement.

The Council may require a commercial payment for the use of the Council-controlled outdoor areas to ensure that businesses making use of the areas are not unfairly advantaged.

3. SCOPE

This policy applies to any business making use of Council-controlled public land for outdoor dining. Planning Services is responsible for administering applications made under this policy.

4. RESPONSIBILITY

The General Manager Planning, Team Manager Planning Services and Coordinator Development Assessment are responsible for ensuring that this policy is understood and adhered to.

5. DEFINITIONS

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.

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6. POLICY

This policy applies to the conduct of outdoor dining areas within the City of Townsville. It applies to all outdoor seating areas on Council-controlled areas where food and/or beverages are served.

The Council will generally support the use of Council-controlled areas for outdoor dining in association with the operation of businesses serving food (and/or beverages) to the public provided that local conditions are appropriate and the use is conducted in compliance with this policy.

Any person wishing to use any Council-controlled areas for outdoor dining must lodge an application for an outdoor dining licence.

When assessing applications for outdoor dining licences, the Council will consider all relevant issues, including but not limited to:

- whether the proposed outdoor dining area is located immediately adjacent to the applicant's existing commercial premises;
- pedestrian usage of the area;
- vehicular usage of the area;
- the safety of patrons of the proposed outdoor dining area;
- amenity;
- streetscaping;
- the commercial return to the council for use of the Council-controlled areas (to ensure that the use does not unfairly benefit the applicant).

The Council will reject any application, otherwise complying with the policy, which in its opinion causes detriment to the amenity of the locality or is otherwise not supported by Council.

Details of Council's requirements for businesses wishing to use public space to conduct outdoor dining are outlined in the guidelines associated with this policy. These cover various aspects such as:

- applications and approvals;
- design and layout;
- kerbside risk management;
- fees and charges.

This policy must be read in conjunction with the Outdoor Dining Guidelines and Townsville City Plan Development Manual Planning Scheme policy - SC6.4.3.4 Outdoor dining design.

It will be a condition of all outdoor dining licences that the applicant obtain and comply with the conditions of all other relevant approvals for the activity.

7. LEGAL PARAMETERS

Local Government Act 2009

Local Government Regulation 2012

8. ASSOCIATED DOCUMENTS

Outdoor Dining Guidelines

Outdoor Dining Licence Application Form

Townsville City Plan – Development Manual planning scheme policy - SC6.4.3.4 Outdoor dining design

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