

Outdoor Dining and Footpath Activation Policy

Local Government Act 2009

1. Policy Statement

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

To enhance the amenity and vibrancy of Townsville, Council encourages the use of Council-controlled outdoor areas by businesses, to activate the city. Specifically, Council encourages:

- serving food (and/or beverages) to the public through outdoor dining; and
- placing items on footpaths which generate interest and activate the street.

This policy is to be read in conjunction with the Outdoor Dining Guidelines available on Council's Planning Portal (<https://www.planning.townsville.qld.gov.au/>).

2. Principles

Council will approve the use of Council-controlled outdoor areas for outdoor dining and footpath activation subject to the 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.

Council provides permission for businesses to operate outdoor dining or activate the footpath, where outdoor dining areas or items are located on the footpath immediately adjoining the premises and complying with basic, prescribed standards.

Businesses seeking outdoor dining who are unable to comply with prescribed standards will have the opportunity to apply for a permit through a formal assessment process.

Council will also approve the use of the Strand foreshore for outdoor dining in a way that balances community expectations for other uses of the space and is not detrimental to the amenity of the Strand.

3. Scope

This policy applies to any business use of Council-controlled areas for:

- outdoor dining within the Townsville local government area where food and/or beverages are served;
- placing items on the footpath for street activation.

4. Responsibility

Role	Responsibility
• Chief Planning and Development Officer; • Team Manager Development Assessment; and, • Coordinator Planning Assessment	responsible for ensuring that this policy is understood and adhered to by managers and workers.
Planning and Development	responsible for administering permission statements and assessing applications made under this policy (as required).

5. Definitions

Term	Definition
Footpath Activation	means the use of Council-controlled footpaths for the purpose of generating interest and activate the street
Manager	an individual responsible for overseeing and coordinating specific functions, departments, teams or projects within Townsville City Council.
Outdoor Dining	means the use of 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.
Workers	includes employees, contractors, volunteers and all others who perform work on behalf of Council.

6. Policy

Outdoor dining and footpath activation must be directly associated with a business. In the case of outdoor dining requiring a permit, it must be directly associated with the business that holds the outdoor dining permit. Outdoor dining and footpath activation must only operate when those premises are open for business and should contribute to the vibrancy and social amenity of the street life.

Council will generally support the use of Council-controlled areas for footpath activation by businesses, and 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.

6.1. Permission

Council provides permission for businesses to place items or operate outdoor dining, where located on the footpath immediately adjoining the premises and complying with basic, requirement. Requirements for permission are outlined in [Appendix 1](#).

6.2. Application and Assessment Process for Outdoor Dining

Businesses wanting to operate outdoor dining who are unable to comply with requirements in [Appendix 1](#) will have the opportunity to apply for a permit through a formal assessment process.

When assessing applications for outdoor dining permits, 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;
- whether the proposed outdoor dining area is located in a defined outdoor dining precinct;
- whether the commercial premises is located on the Strand;
- pedestrian usage of the area;
- vehicular usage of the area;
- the safety of patrons of the proposed outdoor dining area;
- amenity; and,
- streetscaping.

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; and,
- kerbside risk management.

In cases where the applicant wishes to construct fixed structures on Council land, an additional assessment is required against the Townsville City Plan - SC6.4.20.2 Outdoor dining design s.

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

7. Legal Parameters

Human Rights Act 2019

Local Government Act 2009

Local Government Regulation 2012

Local Law 1 (Administration) 2011

Subordinate Local Law No. 1.2 (Commercial Use of Local Government Controlled Areas and Roads) 2011

8. Associated Documents

Townsville City Plan -SC6.4.20.2 Outdoor dining design for permanent outdoor dining structures

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Authorised by - Chief Planning and Development Officer

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Appendix 1 - Requirements for Footpath Activation and Outdoor Dining

Operators who meet all the following applicable requirements have permission to operate Footpath Activation and/or Outdoor Dining.

For All Footpath Activation and Outdoor Dining Areas

1. Area is located on the footpath* adjoining the business on Council-controlled roads.

Note: Businesses seeking to operate outdoor dining on state-controlled roads will need to apply to the Department of Transport and Main Roads. [Appendix 2](#) shows a map of state-controlled roads in Townsville (correct at time of adoption of this policy version). For up-to-date information, please refer to Queensland Government mapping services.

* Pedestrian malls are not considered footpaths. Operation of footpath activation and/or outdoor dining at Picnic Bay Esplanade pedestrian mall will require formal assessment by Council. For the declared mall on Stokes Street, between Flinders Street and Ogden Street, Townsville City, operators may operate without a permit outdoor dining in the first 5m from the property boundary inclusive of a 1.5m walkway as set out in 4. and while complying with all other requirements.

2. Road speed limit does not exceed 60km/h.
3. Areas are set back from the kerb in accordance with Table 1.

Table 1 - Kerb setbacks for footpath activation and outdoor dining areas

Kerbside Road Condition	Setback
Behind a wall, fence or crash barrier	No setback required
No standing zone	0.3m
Parking space/parking lane	0.8m
Traffic lane - 40km/h or slower	0.8m
Traffic lane - 50km/h and 60km/h	1.2m

4. Area leaves a minimum of 1.5m clear, continuous walkway free of obstructions.
5. Area does not block access to bins, driveways or public seating, pedestrian crossings, or kerb ramps (including for disabled parking).
6. Area maintains a safe environment for people with vision impairment or mobility challenges.
7. Outdoor furniture, including tables, chairs and umbrellas must be safe and not obstruct pedestrians.
8. The area must only operate during business trading hours. All furniture and items are to be removed when not trading.

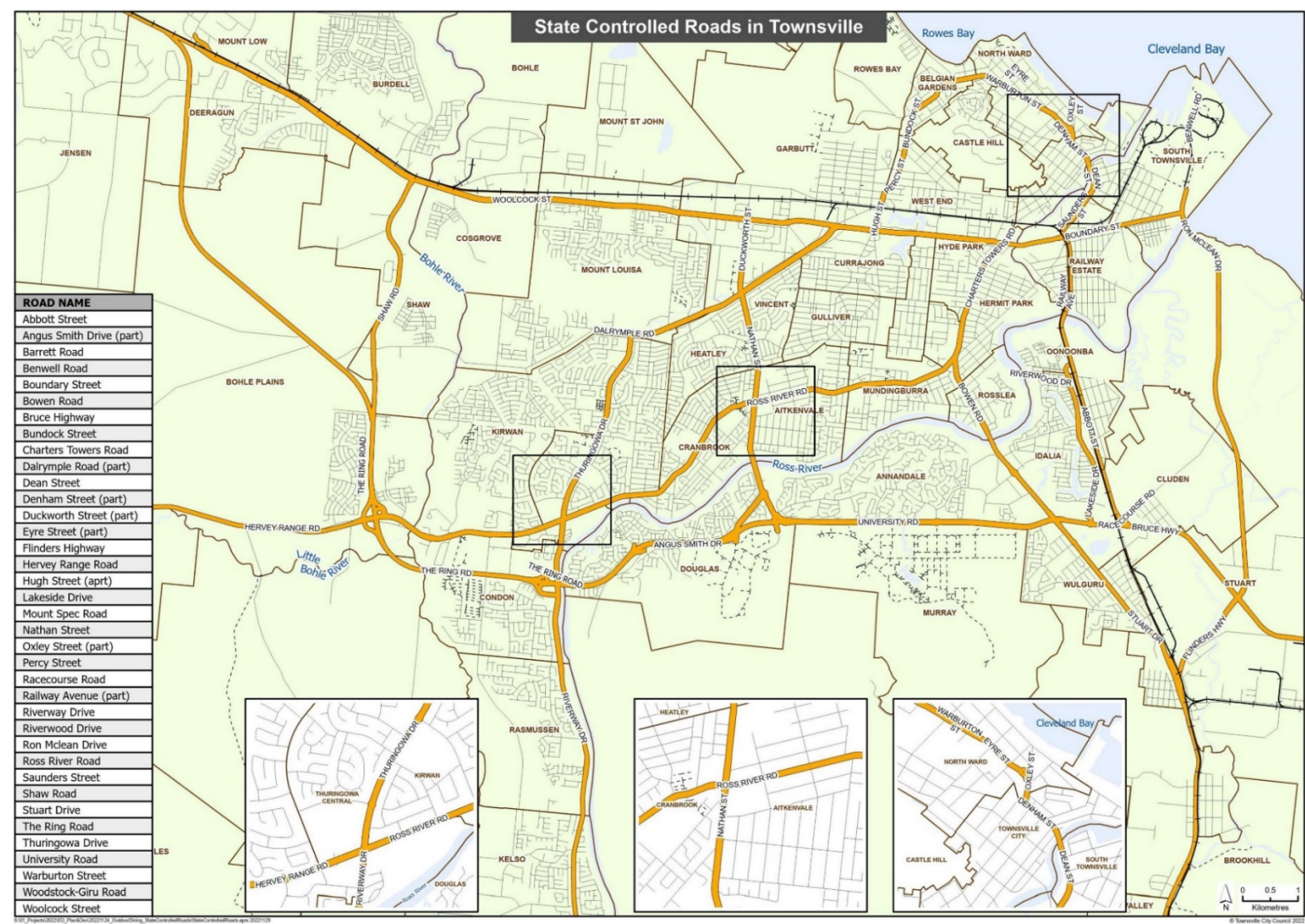
Advice

Council may require operators to vacate the space to facilitate public or emergency works.

Further Requirements for Outdoor Dining Areas

1. The business is a lawful food and drink venue and has a current food licence.
2. The consumption of alcohol must only occur in conjunction with a valid liquor licence.
3. Smoking is not permitted in an unlicensed outdoor dining area.

Appendix 2 - State-Controlled Roads in Townsville



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