

# FOOTPATH DINING POLICY

## LOCAL LAW POLICY



### 1 Scope

This policy applies to food businesses requesting to use the footpath on Rockhampton Regional Council controlled areas for outdoor dining purposes.

### 2 Purpose

The purpose of this policy is to ensure:

- (a) The establishment of footpath dining is encouraged;
- (b) Footpath dining areas do not disrupt traffic and pedestrian flow or compromise safety; and
- (c) There are no adverse impacts on adjoining/nearby properties.

### 3 Related Documents

#### 3.1 Primary

Nil

#### 3.2 Secondary

*Liquor Act 1992*

*Local Government Regulation 2012*

*Local Law No. 1 (Administration) 2011*

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

*Subordinate Local Law No. 1.4 (Installation of Advertising Devices) 2019*

*Tobacco and Other Smoking Products Act 1998*

*Transport Operations (Road Use Management) Act 1995*

Commercial Use of Roads Application Form – Footpath Dining

### 4 Definitions

To assist in interpretation, the following definitions apply:

Council	Rockhampton Regional Council
Controlled Areas	Land, facilities and other infrastructure owned, held in trust or otherwise controlled by the local government, other than a road.
Fees and Charges	Fees and charges contained within the schedule adopted annually by Council in accordance with the <i>Local Government Regulation 2012</i> .

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Footpath	As defined in <i>Subordinate Local Law No. 1.2 (Commercial Use of Local Government Controlled Areas and Roads) 2011</i> , has the meaning given in the <i>Transport Operations (Road Use Management) Act 1995</i> .
Rockhampton CBD Area	The area within the Central Business District bounded by Quay Street, Bolsover Street, Fitzroy Street and Derby Street.

## 5 Policy Statement

Council is committed to the revitalisation of the Rockhampton CBD area and other areas within the Region. Footpath dining provides a lively and attractive place to meet and socialise.

### 5.1 Applications

Applications must be submitted on the Commercial Use of Roads Application Form – Footpath Dining.

#### 5.1.1 Fees

Relevant application fees to be paid upon application are detailed in Council's Fees and Charges Schedule.

### 5.2 Specific Requirements

Approvals are subject to conditions outlined in schedule 1 of Council's *Subordinate Local Law No. 1.2 (Commercial Use of Local Government Controlled Areas and Roads) 2011*. The following specific requirements also apply.

#### 5.2.1 Minimum Footpath Pedestrian Access Width

Footpath dining areas must provide a clear unobstructed passageway of at least 1.5 metres wide for pedestrian traffic.

#### 5.2.2 Minimum Shop Access Width

Footpath dining areas must provide a clear unobstructed passageway of at least 1.0 metres wide to allow access to the shop.

#### 5.2.3 Delineation of Footpath Dining Area

Consideration can be given to the installation of temporary screens, barriers and the like in conjunction with footpath dining where it can be demonstrated that the fixture will assist with pedestrian access and safety at the location. Details of such are to be included in the site plan. Screens need to be of a weight and design that are safe.

#### 5.2.4 Unsuitable Locations

Footpath dining may not be supported at public transport stops, near pedestrian crossings or where there are concentrated pedestrian traffic movement or vehicle traffic concerns. Footpath dining directly in front of an adjoining shop will only be considered with the written consent of the occupier of the shop and subsequent owners. The inability to maintain consent from the occupier of the shop will result in the loss of the relevant footpath area.

#### 5.2.5 Waste Disposal

Street rubbish bins are not for the disposal of waste generated by cafes and restaurants with or without footpath dining. Footpath dining approval holders must have a commercial waste collection agreement.

#### 5.2.6 Insurance

The footpath dining approval holder must indemnify Council in respect of any claim which may arise from use/occupation of the footpath area and hold Council harmless from and against all actions, sums of money, costs, claims, demands and other liabilities which may be sustained or suffered or recovered or made against Council by any persons during the term of an approval to operate. Council will require a Certificate of Cover for Public Liability Insurance

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with a minimum of \$20 million and noting Council as an interested party.

### 5.2.7 Approval Terms, Renewal and Transfers

Approvals will be granted until the 30 June. Before this date a renewal notice will be issued and a review of any changes will be completed. The annual renewal fee is detailed in Council's Fees and Charges Schedule.

If the food business is sold or leased to another person, the new owner may apply to Council for a transfer of the footpath dining approval. The new owner can do this by lodging a new application form, documents and paying the required fee.

### 5.2.8 Inspection

The footpath dining approval holder shall allow an authorised person to inspect the operation of the activity.

### 5.2.9 Liquor Licensing

Liquor consumption on footpaths is regulated under the *Liquor Act 1992*. Approval is required by the Office of Liquor and Gaming Regulation.

### 5.2.10 Smoke Free Areas

Outdoor eating places are to be smoke-free in accordance with the *Tobacco and Other Smoking Products Act 1998*. Control is the responsibility of the footpath dining approval holder. Enforcement is conducted by Queensland Health.

### 5.2.11 Advertising

Advertising and signage must be contained within the approved footpath area and must comply with *Subordinate Local Law No. 1.4 (Installation of Advertising Devices) 2019*. Low key ancillary advertising may be supported by Council such as supplementary menus or specials boards but these cannot interfere with patrons, their movement and safety, or be located in designated pedestrian zones.

## 5.3 Footpath Dining in Non-Council Controlled Areas

Footpath dining approval is not required when trading on private land; however a planning approval may be required. Footpath dining approval is not required from Council when trading on a main (State Government-controlled) road; however approval from the Department of Transport and Main Roads may be required.

## 6 Review Timelines

This policy is reviewed when any of the following occur:

- (a) The related information is amended or replaced; or
- (b) Other circumstances as determined from time to time by Council.

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## 7 Document Management

Sponsor	Chief Executive Officer
Business Owner	General Manager Community Services
Policy Owner	Manager Planning and Regulatory Services
Policy Quality Control	Legal and Governance



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