

Outdoor dining

DO I NEED A LICENCE?

If you have a food business that uses council land or footpath for outdoor dining purposes, you **will** need an Outdoor Dining Licence. An Outdoor Dining Licence may also be issued for short term and/or special events. However, if you have a food business that provides tables and chairs for outdoor dining purposes on private land, e.g. within the boundaries of shopping centres, you **will not** require an Outdoor Dining Licence.

APPLYING FOR A LICENCE

To apply for a licence, you will need to submit an [Application for Outdoor Dining Licence](#) and pay the application fee to council. The applicant must be a legal entity (e.g. a person or company), not a business or shop name.

While applications are usually processed within 10 days, they can take up to 30 days to assess. You will need to take this into consideration when starting your food business.

DESIGNING AN OUTDOOR DINING AREA

Outdoor dining may increase risks to diners, pedestrians and motorists. The four main risks assessed against include the risk of:

- » a vehicle running off the road when diners are present
- » a vehicle running off the road and the occupants being injured by outdoor dining furniture
- » a vehicle running off the road into an insufficient crash barrier
- » a diner falling into the traffic due to the proximity of the dining area to the road.

CONDITIONS OF APPROVAL

A copy of the Outdoor Dining Licence Agreement and approved layout plan must be kept on the premises, and be produced upon request by a council officer.

Once an outdoor dining licence is issued, it will be valid until terminated. Where there is pedestrian congestion, high volumes, uncertainty about future pedestrian volumes or other relevant issues, a shorter licence period may be specified and a trial period may be required.

Outdoor Dining Licensees may be subject to inspection by council, and licences may be cancelled if issues are not addressed satisfactorily

The outdoor dining area can remain open for as long as the food premises' kitchen is open.

Selling alcohol is only permitted in the footpath area if the appropriate liquor licence has been obtained. Council reserves the right to prohibit the selling or consumption of alcohol within the outdoor dining area should issues arise.

FEES

For all fees and charges relating to Outdoor Dining please refer to [Planning and Development – Schedule of fees and charges](#).

RELATED APPLICATIONS

While development approval for use of the road reserve is not required for outdoor dining itself, any changes to the business's building structure or purpose are subject to council's usual planning and regulatory processes. The applicant must ensure that all relevant approvals have been obtained prior to submitting an Outdoor Dining Licence Application.

OTHER INFORMATION

Before submitting your application, you must refer to the following documents, which are all available from council's website:

Outdoor dining policy – this contains the overarching principles that applications are assessed against.

Outdoor Dining Guidelines – this contains more detailed information on the assessment process and conditions of approval.

SC6.4.3.4 Outdoor Dining Design – this is part of the Development manual planning scheme policy and contains information on crash barriers and pedestrian fences, pedestrian access, furniture, shade structures, advertising and clearances to public infrastructure.

If you have any further questions, please contact council on:

Phone: 1300 878 001

Email: enquiries@townsville.qld.gov.au.

Summary of recommendations for risk management

Speed zone (km/h)	Appropriate for outdoor dining	Provide crash barrier guidelines	Provide pedestrian fencing guidelines
Above 60	No	-	-
60	Yes	Yes	Yes
50	Yes	Yes	Yes
40	Yes	No	Yes

Guideline for crash barriers, pedestrian fencing and separation distance

Speed zone (km/h)	Trading zone 3 m or more from traffic lane	Trading zone 1.2 m to 3 m from traffic lane	Trading zone less than 1.2 m from traffic lane
Above 60	Not recommended for outdoor dining	Not recommended for outdoor dining	Not recommended for outdoor dining
60	No crash barrier or pedestrian fence required	Pedestrian fence required	Crash barrier required
50	No crash barrier or pedestrian fence required	Pedestrian fence required	Crash barrier required
40	No crash barrier or pedestrian fence required	No crash barrier or pedestrian fence required	Pedestrian fence required