

ORDINARY MEETING 30 OCTOBER 2013	9
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BEST PRACTICE USE OF FOOTPATHS POLICY

Toni Johnston: TJ: 18/46/1: #4160192

RECOMMENDATION:

That Council:

1. **adopts the Best Practice Use of Footpaths Policy to commence on 1 January 2014**
2. **rescind Cairns City Council Outdoor Dining Manual 2001 as at 1 January 2014**
3. **rescind Guidelines for Portable Advertisements 2000 as at 1 January 2014**

EXECUTIVE SUMMARY:

The Best Practice Use of Footpaths Policy sets out permitted uses of footpaths in the Cairns Regional Council region with the aim of improving safety and amenity while considering the needs of businesses and the community.

Taking a holistic approach, the proposed policy incorporates all aspects of footpath management from advertising and trading to pedestrian access, rather than Council's previous approach of specific policies for each issue.

Key changes include:

Defined use of the footpath through three zones

Reduction of goods and signage on footpaths

Requirements around footpath dining and associated furnishings

BACKGROUND:

Council resolved at the April Ordinary Meeting to develop a policy governing the commercial use of footpath to ensure a consistent and simplified approach to the use of this public space in relation to A-frames/portable signage, goods on footpaths and outdoor dining.

COMMENT:

The development of the *Best Practice Use of Footpaths Policy* (Appendix One) demonstrates Council's commitment to providing a clear, concise and well-defined framework for the sustainable use and management of footpaths in the Cairns Regional Council area.

The policy has been developed in consultation with various stakeholders, including members of the CBD Revitalisation Taskforce, led by the Cairns Chamber of Commerce, and business leaders across the community.

General and precinct-specific policies provide a holistic and cohesive approach to footpath management – in contrast to the previous approach of providing individual policies for specific uses such as portable signage and outdoor dining.

The proposed policy identifies the following Council footpath policy objectives.

- safe and unobstructed passage for pedestrians, in particular those who may be physically or vision impaired;
- safe and unobstructed vision for motorists and cyclists;
- limited impact on amenity and the streetscape that characterises the area.

The policy encompass all aspects of footpath use, from signage through to table and chair designs.

Proposed policy changes are outlined below.

Footpath zoning

The footpath is made up of three zones: Pedestrian Zone, Trading Zone and Kerb Zone (diagram No. 1 and 2).

The Pedestrian Zone is the area defined specifically for pedestrian use. The Pedestrian Zone is set at a minimum of 2m but widths will vary depending on the total footpath width. Minimum widths can also vary in precinct-specific areas, for example 3m in the Esplanade Precinct.

The Trading Zone is the area between the Pedestrian Zone and the Kerb Zone. The width of the Trading zone will vary in accordance with the overall footpath width and the area allocated for the Kerb Zone.

The Kerb Zone is the area between the face of the kerb and the Trading Zone. Kerb zone width is dependent on the adjacent parking requirements. For example, next to angle parking the Kerb Zone is 1m, next to bus and taxi zones it is 1.5m

Diagram 1. Trsect of the footpath indicating footpath zoning.

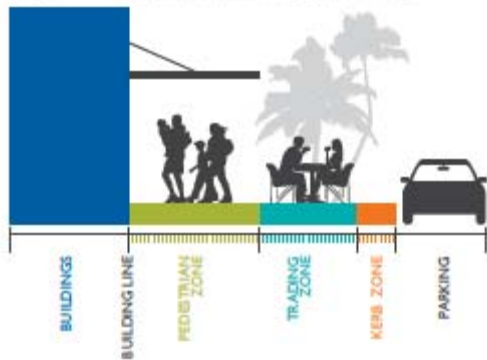
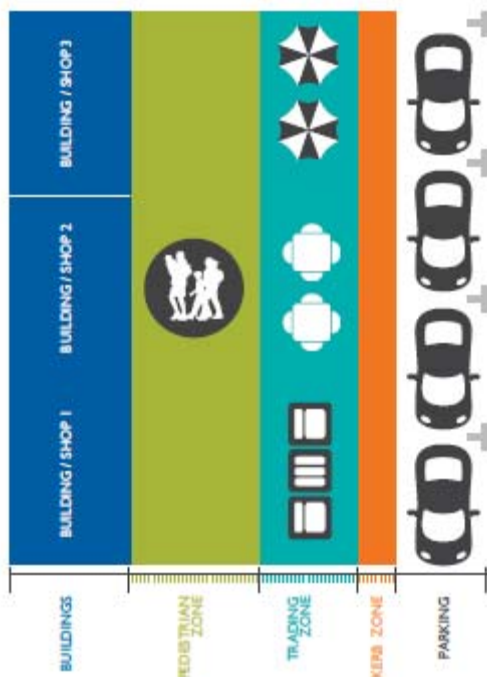


Diagram 2. Overhead view of the footpath indicating footpath zoning.



Footpath trading

The proposed policy sets out what activities and furnishings are permitted in the Trading Zone. To reduce the cluttered appearances of footpaths and increase amenity and sight lines along the footpath, A-frames/portable signage and the display of goods is not permitted in the Trading Zone. Business have alternative opportunities for advertising, such as creative window displays and the placement of signage on building frontages, fascias and walls.

Footpath dining and approved associated furnishings are permitted in the Trading Zone.

Footpath dining

The proposed policy establishes clear principles relating to the use of furnishings associated with footpath dining and their placement within the Trading Zone. Furniture design, menu displays, umbrellas, planter boxes and the use of barriers and decks are considered in detail in the proposed policy.

Fact sheets

Three fact sheets (Appendix Two) have been developed to explain specific principles outlined in the policy. The fact sheets “*Footpath Use*” and “*Footpath Dining*” are designed to inform businesses displaying goods on the footpath and conducting footpath dining activities of the proposed policy changes in a clear and succinct, informative brochure. The new *Footpath Policy* fact sheet is a quick reference guide, outlining the main changes in the policy. Once endorsed by Council, the fact sheets and the policy will be made available as a public resource through Council’s offices and website.

Implementation

It is proposed that prior to the commencement of the Policy on 1 January 2014 Licensing and Approval officers will work closely with traders to achieve compliance with the policy. Over the next two months, and focussing in the CBD area, officers will meet on site with all businesses impacted by the policy change to assist with the transition to the new policy requirements.

CONSULTATION:

Members of the Chamber of Commerce CBD Revitalisation Taskforce
 Manager Infrastructure Services
 Manager Parks and Leisure
 Manager Planning Strategies
 Manager Development and Regulatory Services
 Councillors

CONSIDERATIONS:

Risk Management (including financials):

The policy will reduce liability and risk to Council as commercial activities are now located in a defined footpath zone. Further, businesses trading on the footpath are now required to increase public liability insurance to \$20,000,000 (noting Council’s interest) at a minimum in respect to any single occurrence, which is consistent with Council’s current policy requirements.

Corporate and Operational Plans:

The policy is in line with Council’s four strategic directions outlined in the 2013-2018 Corporate Plan:

Providing a vibrant, inclusive and healthy community
 Ensuring a strong, diversified and sustainable regional economy
 Balanced, well-managed, healthy and sustainable environment
 Effective governance.

Statutory:

Local Law No.1 (Administration) 2011

Subordinate Local Law No.1 (Administration) 2011

Local Law No.59 Commercial Use of Roads) 2002

Subordinate Local Law No.59 Commercial Use of Roads) 2002

Policy:

The Best Practice Use of Footpaths Policy supersedes the following policies:

Cairns City Council Outdoor Dining Manual 2001

Guidelines for Portable Advertisements 2000

Options

Option 1

That Council:

1. adopts the Best Practice Use of Footpaths Policy to commence on 1 January 2014.
2. rescind Cairns City Council Outdoor Dining Manual 2001 as at 1 January 2014
3. rescind Guidelines for Portable Advertisements 2000 as at 1 January 2014

Option 2.

That Cairns City Council does not adopt the Best Practice Use of Footpaths Policy to commence on 1 January 2014 or rescinds the Cairns City Council Outdoor Dining Manual 2001 or the Guidelines for Portable Advertisements 2000

ATTACHMENTS:

Appendix One

Best Practice Use of Footpath Policy (Separately attached #4165582)

Appendix Two

Fact Sheets

Appendix Three

Letters of Support – Cairns Chamber of Commerce and Tourism Tropical North Queensland.

Toni Johnston

Team Leader Licensing and Approvals

Kelly Reaston

General Manager Planning and Environment

Appendix Two





**Best Practice
Use of Footpaths Policy
Fact Sheet**

FOOTPATH DINING

Council has developed the *Best Practice Use of Footpaths Policy* to help business owners determine how to trade on the footpath. The policy has been developed in consultation with business owners, traders and stakeholders to provide a framework for the sustainable use and management of footpaths in the Cairns Regional Council area.

The *Best Practice Use of Footpaths Policy* governs use of footpaths in the Cairns region. It outlines the responsibilities involved in managing the footpath area, design requirements, legal obligations, costs involved and other matters that are important prior to making an application to Council.

The policy aims to:

- *Promote a vibrant street life which balances the interests and needs of residents, ratepayers and visitors to Cairns.*
- *Regulate and control the placement of objects on footpaths to achieve fairness and consistency between traders in the use of footpaths.*

The footpath is a valuable use of public space. It can improve the look of our streets and add life and vibrancy to shopping strips. It supports the prosperity of the local economy and provides opportunities to dine outside.



Footpath dining

Cairns Regional Council describes the footpath as being made up of three zones.

Pedestrian Zone

The **Pedestrian Zone** is the area of the footpath, measured from the property boundary, that is for the exclusive use of pedestrians. The **Pedestrian Zone** is a minimum of 2.0m, however the width of the zone will vary from street to street, depending on the overall width of the footpath, pedestrian activity and safety.

Trading Zone

The **Trading Zone** is the footpath area between the **Pedestrian Zone** and the **Kerb Zone**. This area is exclusively for footpath dining. No other form of trading is allowed. The **Trading Zone** will vary in area from street to street depending on the overall widths of the footpath, the **Pedestrian Zone** and the **Kerb Zone** and any clearances from infrastructure located within the **Trading Zone**.

Kerb Zone

The **Kerb Zone** is the area between the face of the kerb and the **Trading Zone**. This zone is important for the safety of pedestrians crossing the road and to allow passengers to gain access to parked vehicles. The zone must remain clear of any items approved for use in the adjacent **Trading Zone**.



Get the facts at www.cairns.qld.gov.au

FOOTPATH DINING



As footpaths vary in width throughout the city the width of **Pedestrian Zones** and **Trading Zones** will also vary. Table 1 indicates minimum **Pedestrian Zone** width based on footpath width.

Table 1. Minimum Pedestrian Clearance

Footpath width	Minimum pedestrian zone requirements	Examples
2.49m or less	2.0m (trading prohibited)	
2.5m - 3.0m	2.0m (trading prohibited)	
3.1m - 4.0m	2.0m	Spence St / Lake St
4.1m - 5.0m	2.0m	Grafton St
5.1m - 6.9m	3.0m	Esplanade

Kerb Zone widths will also vary, depending on the associated parking requirements. Table 2 show the minimum setbacks for **Kerb Zones**.

Table 2. The minimum distance between the face of the kerb and the Trading Zone

Parking restrictions	Minimum setback from kerb
Parallel parking	0.5m
Loading zones	1.0m
No standing anytime	1.0m
Angle parking	1.0m
Bus and taxi zones	1.5m
Disabled parking	
• Parallel parking	1.3m
• Angle parking	1.7m

How do I work out my Trading Zone?

1. Measure the width of the footpath (from the building to the kerb)
2. Determine the **Pedestrian Zone** width (using Table 1)
3. Determine the **Kerb Zone** width (using Table 2)
4. Add the **Pedestrian Zone** width and the **Kerb Zone** width together and then subtract from the width of the footpath.

An example for Grafton Street footpath dining

Pedestrian Zone 2.0m plus **Kerb Zone** 1.0m = 3.0m **Trading Zone**
Footpath width 5.0m minus 3.0m = 2.0m **Trading Zone**

What can I have in my footpath dining zone?

Barriers must be used in outdoor dining areas to contain furniture within the approved **Trading Zone**. To preserve the general appearance and openness of the streetscape, the maximum height of removable barriers is 0.9m.

Menu displays are only to be located in the **Trading Zone**. Menu displays may also be placed on building frontages.

Planter boxes can be used to improve the look and feel of an outdoor dining area. A footpath approval must be obtained for the use of planter boxes or planters as barriers.

Advertising is not approved on tables and chairs or transparent blinds. Applicants may feature the name of their business or relevant product name on barriers, retractable blinds and umbrellas.

Tables and chairs must, at all times, be confined within the **Trading Zone**. The type and design of tables and chairs must be approved by Council.

Umbrellas should only be used where existing shelter, such as verandas, canopies, trees and awnings, does not provide sufficient sun protection. The use of umbrellas under existing awnings and verandas is not permitted.

Delineation markers

Delineation markers must be installed in the footpath according to Council specifications and at the applicant's cost. These markers will assist owners, managers and the general community to define the approved outdoor trading area. Delineation markers may not be required where screens and sockets are that clearly indicate the **Trading Zone** are installed.

The approval holder must ensure all furniture associated with outdoor trading is located within the defined zone.

Public Liability Insurance requirements

Public Liability Insurance policies will increase to \$20 million in January 2014.

Displaying permits

Permits for footpath dining must be clearly displayed on the shop front window.

Complying with the policy

The Best Practice Use of Footpaths Policy comes into effect on 1 January 2014.

Holders of Footpath Dining Permits will need to renew their permit for the year starting 1 January 2014. Once an application has been lodged, Council officers will inspect the footpath dining area and assist with implementing policy changes. Portable Signage Permits and Goods on Footpath Permits will expire on 31 December 2013.

More information

New applications and further information can be obtained from Council's Licensing and Approvals Unit on 4044 3044 or on Council's website www.cairns.qld.gov.au (see *Local Laws and Policies* under the *Laws Regulations & Forms* tab).

Get the facts at www.cairns.qld.gov.au



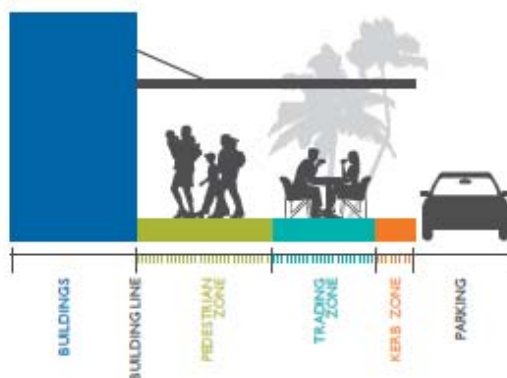
Council has developed the *Best Practice Use of Footpaths Policy* to help business owners determine how to trade on the footpath. The policy has been developed in consultation with business owners, traders and stakeholders to provide a framework for the sustainable use and management of footpaths in the Cairns Regional Council area.

The *Best Practice Use of Footpaths Policy* governs use of footpaths in the Cairns region. It outlines the responsibilities involved in managing the footpath area, design requirements, legal obligations, costs involved and other matters that are important prior to making an application to Council.

The policy aims to:

- Promote a vibrant street life which balances the interests and needs of residents, ratepayers and visitors to Cairns.
- Regulate and control the placement of objects on footpaths to achieve fairness and consistency between traders in the use of footpaths.

The footpath is a valuable use of public space. It can improve the look of our streets and add life and vibrancy to shopping strips. It supports the prosperity of the local economy and provides opportunities to dine outside.



This fact sheet provides a snapshot of the policy changes, including:

- Introduction of footpath zones
- Trading Zone
- Footpath dining
 - Public Liability Insurance requirements*
 - Displaying permits*
 - Barriers*
 - Menu displays*
 - Planter boxes*
 - Advertising*
 - Tables and chairs*
 - Umbrellas*
 - Delineation markers*
- Complying with the policy
- Development of precinct-specific policies

Footpath zones

Cairns Regional Council describes the footpath as being made up of three zones.

Pedestrian Zone

The **Pedestrian Zone** is the area of the footpath, measured from the property boundary, that is for the exclusive use of pedestrians. The **Pedestrian Zone** is a minimum of 2.0m, however the width of the zone will vary from street to street, depending on the overall width of the footpath, pedestrian activity and safety.

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NEW FOOTPATH POLICY



Trading Zone

The **Trading Zone** is the footpath area between the **Pedestrian Zone** and the **Kerb Zone**. This area is exclusively for footpath dining. No other form of trading is allowed. The **Trading Zone** will vary in area from street to street depending on the overall widths of the footpath, the **Pedestrian Zone** and the **Kerb Zone** and any clearances from infrastructure located within the **Trading Zone**.

Kerb Zone

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Trading Zone changes

Footpath dining and associated infrastructure, such as planter boxes, umbrellas, barriers and menu display stands, are permitted in the **Trading Zone**. To ensure clear pedestrian access to dining areas and shops, the sale of goods and advertising signage is not permitted in this zone.

Table 2. Indicates activities permitted in the Trading Zone

Trading Zone	Permitted Permit Required	Not Permitted
Awnings	✓	
Transparent drop-down blinds	✓	
Footpath dining furniture	✓	
A-frames		X
Portable signage		X
Advertising on blinds / awnings		X
Display of goods		X
Flags		X
Banners		X
Public seating (chairs and tables)		X
Decks		X

Footpath dining changes

Public Liability Insurance requirements – policies will increase to \$20million in January 2014.

Displaying permits – current permits for footpath dining must be displayed on the shop front window.

Barriers must be used in outdoor dining areas to contain furniture within the approved **Trading Zone**. To preserve the general appearance and openness of the streetscape, the maximum height of removable barriers is 0.9m.

Menu displays are only to be located in the **Trading Zone**. Menu displays may also be placed on building frontages.

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Umbrellas should only be used where existing shelter, such as verandas, canopies, trees and awnings, does not provide sufficient sun protection. The use of umbrellas under existing awnings and verandas is not permitted.

Precinct-specific policies

Precinct-specific policies have been developed for certain areas in the Cairns Regional Council area. The Esplanade Precinct-Specific Policy has been developed and can be found at Council's website www.cairns.qld.gov.au (under the Local Laws tab).

In areas not covered by a precinct-specific policy, or if a precinct-policy is applied but does not include a specific matter, the *Best Practice Use of Footpath Policy* applies.

Complying with the policy

The Best Practice Use of Footpaths Policy comes into effect on 1 January 2014.


Holders of Footpath Dining Permits will need to renew their permit for the year starting 1 January 2014.


Once an application has been lodged, Council officers will inspect the footpath dining area and assist with implementing policy changes. Portable Signage Permits and Goods on Footpath Permits will expire on 31 December 2013.

More information

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Best Practice Use of Footpaths Policy Fact Sheet

FOOTPATH USE

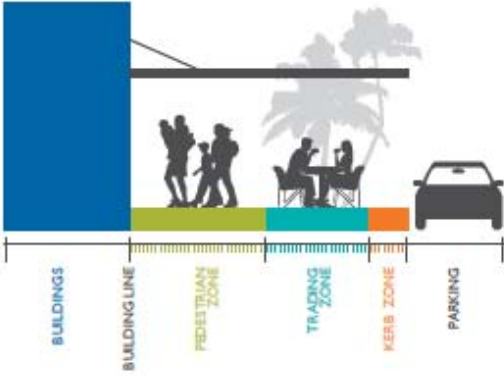
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The diagram shows a cross-section of a street. From left to right, it labels: BUILDINGS (a tall blue rectangle), BUILDING LINE (a horizontal line), PEDESTRIAN ZONE (a green area with silhouettes of people walking), TRADING ZONE (a blue area with silhouettes of people sitting at a table), KERB ZONE (an orange area with a car silhouette), and PARKING (a white area with a car silhouette).

Footpath zones

The footpath is the area between the property boundary and the kerb that is provided for pedestrian use. Cairns Regional Council describes the footpath as being made up of three zones.

Pedestrian Zone

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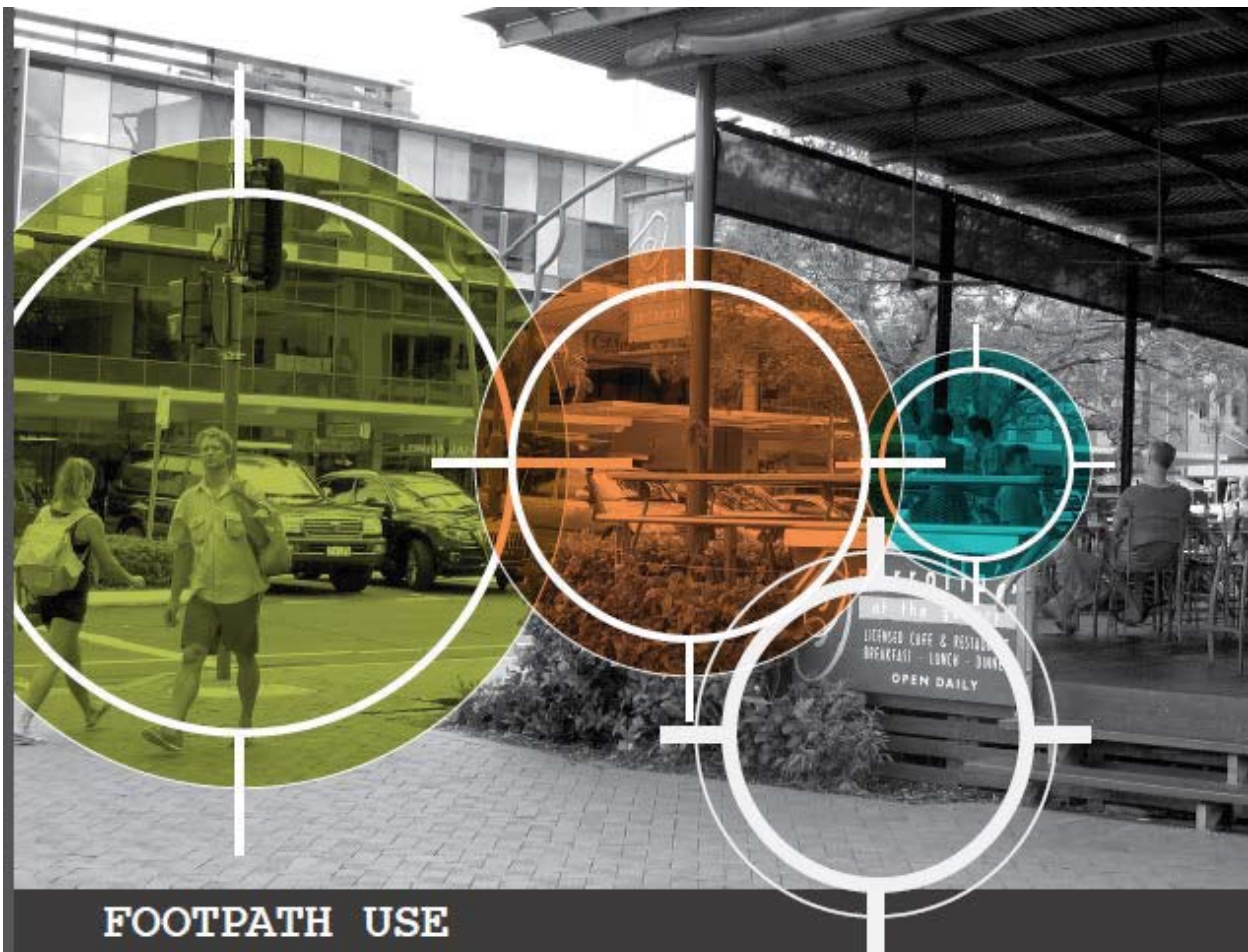
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What is permitted in the Trading Zone?

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Complying with the policy

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Appendix Three



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E info@cairnschamber.com.au
W www.cairnschamber.com.au

24 October 2013

Mr Peter Tabulo
Chief Executive Officer
Cairns Regional Council
PO Box 352
CAIRNS QLD 4870

Dear Peter

RE: Best Practice Use of Footpaths Policy

The Cairns Chamber of Commerce is very pleased to provide support for Council's proposal to implement the Best Practice Use of Footpaths Policy.

Through the CBD Revitalisation Taskforce, the Chamber and its members have contributed to and supported the development of the proposed policy. We believe the policy will have an overall positive impact on the safety and amenity of the CBD, which will make the area a more attractive and vibrant place to do business.

The proposed policy will provide clear, concise and holistic guidance to our members regarding their responsibilities associated with the commercial use of the city's footpaths.

We look forward to continued cooperation with Council in our joint effort to revitalise the CBD.

Kind regards

Deb Hancock
CHIEF EXECUTIVE OFFICER



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24 October 2013

The Chief Executive Officer
Cairns Regional Council
PO Box 352
CAIRNS QLD 4870

Dear Peter

Best Practice Use of Footpaths Policy

Tourism Tropical North Queensland (TTNQ) would like to offer support for Council's proposal to implement the *Best Practice Use of Footpaths Policy*.

TTNQ believes the proposed policy will have an overall positive impact on the amenity of footpaths, making Cairns a more attractive and vibrant place for tourists.

The regulation and control of objects on the footpath will not only ensure safe and unobstructed passage for pedestrians, but it will promote a vibrant street life which balances the interests of businesses, residents and visitors to the city.

We believe the policy will substantially enhance the visitor experience in Cairns.

TTNQ looks forward to the continued cooperation with Council in our joint effort to make the City a must-visit location.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Rob Giason'.

Rob Giason
Chief Executive Officer
TOURISM TROPICAL NORTH QUEENSLAND