

# Best Practice Use of Footpaths Policy



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# BEST PRACTICE USE OF FOOTPATHS POLICY

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## SECTION 1

# Overview

The Best Practice Use of Footpaths Policy has been developed by Council in consultation with business owners, traders and relevant stakeholders to provide a framework for the sustainable use and management of footpaths in the Cairns Central Business District.

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.*

This policy explains when and how to use the footpath for commercial purposes. This policy acknowledges that there will be times when it will not be possible for businesses to use the footpath in the way that they would like. Council is endeavouring to fulfil its obligations to the broader community by accommodating the needs of business.

## 1.1 What is a footpath?

The footpath is the area between the property boundary and the kerb.

This policy applies to all roads (*as defined by the Local Government Act 2009*) within the Cairns Central Business District.

This policy relates to those matters that regulate the commercial use of roads in Cairns Central Business District, more specifically, footpath dining and associated activities. The commercial uses regulated under this policy include activities carried out on a road (including a footpath) or local-government-controlled area such as: soliciting or carrying on the supply of goods and services for profit (eg footpath dining); installing, erecting or displaying of advertisements or signs that are visible from the road; making alterations or improvements to local-government-controlled areas and roads; and the holding of a public place activity that has been prescribed under a Subordinate Local Law, for example, erecting an awning or balcony over a footpath.



## 1.2 Why do we have a footpath?

The primary function of a footpath is to provide pedestrian access. However, the footpath may also be utilised for trading purposes that can improve the look of our streets and add life and vibrancy to shopping strips. It supports the prosperity of the local community and provides opportunities to dine outside.

With the potential benefits come potential problems and competing demands. For example, footpath dining and awnings can obstruct the view of customers, businesses and pedestrians. What is appropriate for one trader is not necessarily suitable for their neighbours.

In issuing permits for the use of footpaths, Council will consider the broader implications of any application and the interests of the area as a whole, not just the individual trader. Council has a responsibility to regulate the use of this public space.

## 1.3 Footpath objectives

The Council's footpath objectives are:

- *Promote a vibrant street life which balances the interests and needs of residents, ratepayers and visitors to the city*
- *Regulate and control the placement of objects on footpaths to achieve fairness and consistency between traders in the use of footpaths*
- *Regulate and control the placement of objects on footpaths to ensure:*
  - *safe and unobstructed passage for pedestrians, in particular those who may be physically or vision impaired;*
  - *safe and unobstructed vision for motorists and cyclists; and*
  - *limited impact on amenity and the streetscape that characterises the area.*

This policy should be read in conjunction with Cairns Regional Council's *Local Law No.1 (Administration) 2016* and *Subordinate Local Law No.1 (Administration) 2016*, which can be found at [www.cairns.qld.gov.au](http://www.cairns.qld.gov.au) under *Local Laws and Policies* within the *Laws Regulations and Forms* section.

## 1.4 Stakeholders

This policy attempts to balance the different interests and needs of businesses, residents and visitors. Each has an important role to play.

### COUNCIL

**Interest:** To provide safe and accessible pedestrian access on the footpath, while balancing the interests and needs of business, residents, ratepayers and visitors.

**Role:** Provide clear direction to businesses regarding permitted footpath trading activities through the administration, enforcement and regulation of this policy and *Local Law No.1 (Administration) 2016* and *Subordinate Local Law No.1 (Administration) 2016*.

### BUSINESS

**Interest:** The placement of objects on the footpath achieves fairness and consistency between traders and enhances amenity to promote patronage.

**Role:** Manage the use of their designated footpath trading area in accordance with relevant legislation (particularly Council's Local Laws) and this policy.

### PATRONS, RESIDENTS, RATEPAYERS AND VISITORS

**Interest:** Access to business and dining opportunities through easily defined pedestrian and trading areas.

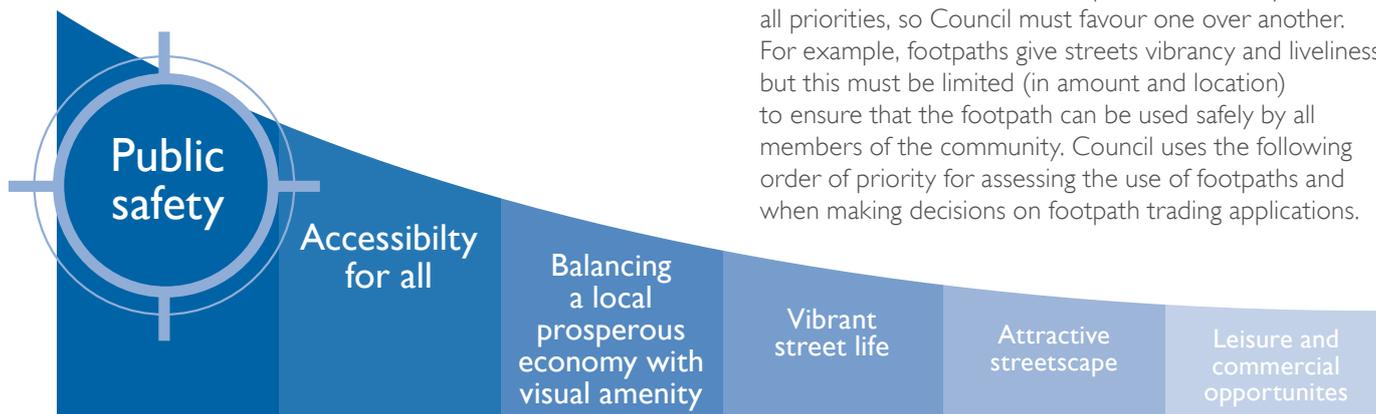
**Role:** Support businesses and Council's efforts to comply with legislative responsibilities and this policy.

## 1.5 Council's footpath priorities

The diagram below shows the order of Council's priorities for footpath use. It is a principle-based rule-of-thumb for all decisions relating to the use of the footpath. For example, Council's highest priority at all times is public safety, although this is not the only concern.

Public safety can be addressed while also creating a vibrant street life, ensuring accessibility for all and balancing a prosperous local economy with amenity. Achieving all these priorities is Council's goal.

There are times when it is not possible to evenly balance all priorities, so Council must favour one over another. For example, footpaths give streets vibrancy and liveliness but this must be limited (in amount and location) to ensure that the footpath can be used safely by all members of the community. Council uses the following order of priority for assessing the use of footpaths and when making decisions on footpath trading applications.



The objective for each priority is:

## PUBLIC SAFETY

Streets are:

- *safe and have unobstructed passage for pedestrians, in particular those who may be physically or vision impaired; and*
- *safe and have unobstructed vision for drivers of vehicles and cyclists.*

## ACCESSIBILITY FOR ALL

- *Streets are easily navigated by all pedestrians, allow unobstructed pedestrian traffic flows and support public transport use.*

## BALANCING A PROSPEROUS LOCAL ECONOMY WITH RESIDENTIAL AMENITY

- *Supporting a prosperous local economy is balanced with ensuring that footpath use does not cause any significant impacts on pedestrian safety, parking or the amenity of surrounding areas.*

## VIBRANT STREET LIFE

- *Streets are vibrant and lively and contribute positively to an area's sense of place and character.*

## ATTRACTIVE STREETScape

- *Streets are attractive, clean and pleasant and any heritage significance is not diminished.*

## LEISURE/COMMERCIAL OPPORTUNITIES

- *The footpath supports social interaction, al fresco dining and drinking as enjoyable leisure activities.*

## 1.6 Deciding applications

Where applications meet all the requirements of the policy, Council's delegated authorised officer will normally grant a permit. In cases where an application does not clearly meet the policy or where there are special circumstances, the application will be referred to the Council for further consideration.

The Council will assess all applications against the Council's footpath priorities, the footpath objectives, and the Local Laws. Council will vote on the recommendation and provide the outcome to the authorised officer who will approve or refuse the permit application.

In some cases a variation to this policy may be granted if the priority objectives can be met and there are extenuating circumstances (see section 5.7).

Each case will be decided on its merits.

## 1.7 Footpath management standards

A number of footpath management principles have been developed for this policy.

### 1.7.01 Safety and accessibility

To ensure that safe and unobstructed access to the footpath area is available, the following standards apply:

- *A continuous accessible path of travel must be provided along the building line.*
- *Pedestrian access should have a minimum width of 2.0m wherever possible and not less than 1.5m.*
- *Footpaths 3.0m or less in width are not suitable for footpath trading.*
- *Footpath trading located in close proximity to intersections should not obscure drivers' line of vision or traffic signs and will be subject to assessment by Council's Transport Engineer.*
- *Required clearances and setbacks from kerbs, public assets and other street infrastructure must be maintained at all times.*
- *The footpath area should be an inviting, clean and safe place.*
- *It is the permit holder's responsibility to ensure that their patrons or clients do not unreasonably impede the flow of pedestrian traffic.*
- *There should be full compliance with the Disability Services Act 2006 (DSA) at all times.*
- *Bicycles are only able to park on the footpath at designated bicycle storage areas. Bicycles are not to cause an inconvenience, obstruct, hinder or prevent the free passage of any pedestrian. Riding bicycles on some footpaths is prohibited, as indicated by 'NO BICYCLES' signs.*
- *Use of motorised assistance scooters and electric wheelchairs is permitted on the footpath.*
- *Scooters and motorcycles are not approved to be parked on the footpath.*



### 1.7.02 Visual amenity

To ensure the amenity of the footpath and adjacent areas are protected and enhanced, the following standards apply:

- All footpath furniture and screens, with the exception of approved permanent/temporary structures, must be removed from the footpath upon close of business.
- All businesses must control and prevent any adverse impact on the amenity of the neighbourhood arising from the emission of noise, odour or appearance of the premises in accordance with the requirements of the Environmental Protection Act 1994 and Cairns Regional Councils Local Law No.1 (Administration) 2016 and Subordinate Local Law No.1 (Administration) 2016. Further details can be found at [www.ehp.qld.gov.au](http://www.ehp.qld.gov.au) or on Council's website, [www.cairns.qld.gov.au](http://www.cairns.qld.gov.au), under Policies & Local Laws in the About Council section.
- Obstructive footpath furniture which creates a hazard for all users, including people with physical or vision impairments, should be avoided.

To ensure the appearance of any structures associated with footpath activity is appropriate and in keeping with Council's urban design and heritage controls for an area, the following standards apply:

- Structures should comply with Council's existing streetscape master plans and designs. Any proposed structures will be assessed as to whether they are appropriate to the streetscape.
- Structures associated with the footpath should not privatise, fully enclose public spaces or adversely affect the openness of our public footpaths.
- The only types of permanent structures that may be considered are retractable awnings, approved planter boxes and decks. Any other items located on the footpath are considered temporary items and must be removed every evening in accordance with the footpath permit.
- Additional forms of permanent structures may be considered in the City Centre Precinct.

For further information on the Cairns Regional Council Planning Scheme, visit [www.cairns.qld.gov.au](http://www.cairns.qld.gov.au).

### 1.7.03 Hygiene and cleanliness

To ensure the hygiene and cleanliness of a footpath is maintained, the following standards apply:

- Litter must be cleared from the footpath by the permit holder at all times.
- Food scraps, cigarette butts and any other rubbish within the footpath must be immediately removed and deposited within the permit holder's own bins, kept within the premises.
- Litter generated by footpath trading must not be swept into the street gutter or adjacent footpath areas. It must be picked up and deposited within the permit holder's own bins, kept within the premises.
- In most situations, all footpath furniture must be removed at the end of the trading day to ensure the footpath can be easily cleaned by Council.
- Waste generated from the business must not be placed in public street bins.

Council's street cleaning services operate early in the morning to ensure minimum disruption to local business. However, the permit holder has a responsibility to keep the street and footpath clean and must work with Council to ensure this is achieved. Failure to adequately keep the footpath clean may result in cancellation of a permit.



TARGETS DETECTED:  
FOOTPATH ZONES

- PEDESTRIAN
- TRADING

SECTION 2

# The Footpath

## 2.1 Footpath Zones

To easily explain this policy and to ensure footpath management standards are met, Cairns Regional Council describes the footpath as being made up of three zones (**Diagrams 1 and 2**).

These are:

Pedestrian Zone

Trading Zone

Kerb Zone

Existing landscaping artwork, street furniture, public infrastructure and the width of the footpath may prohibit or limit footpath trading.

Diagram 1. Transect of the footpath indicating footpath zoning.

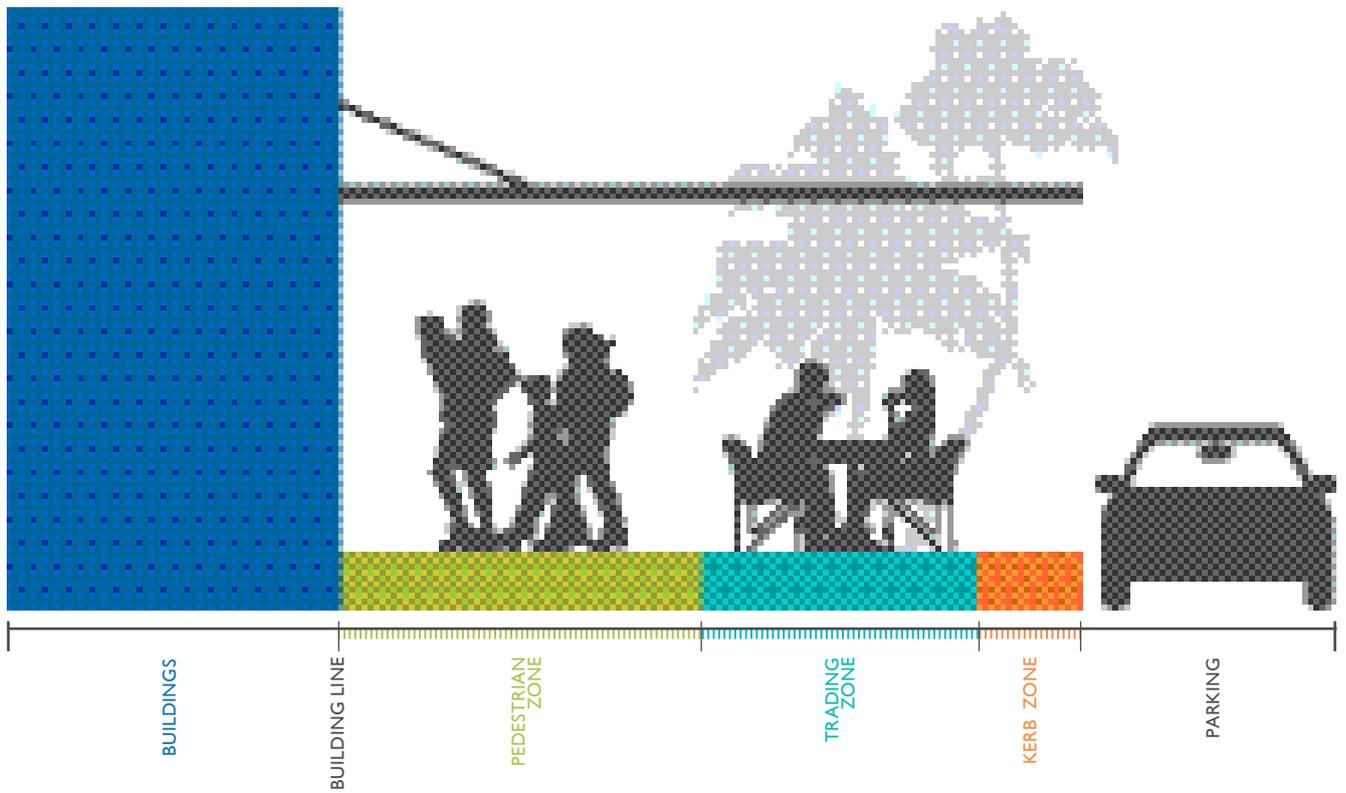
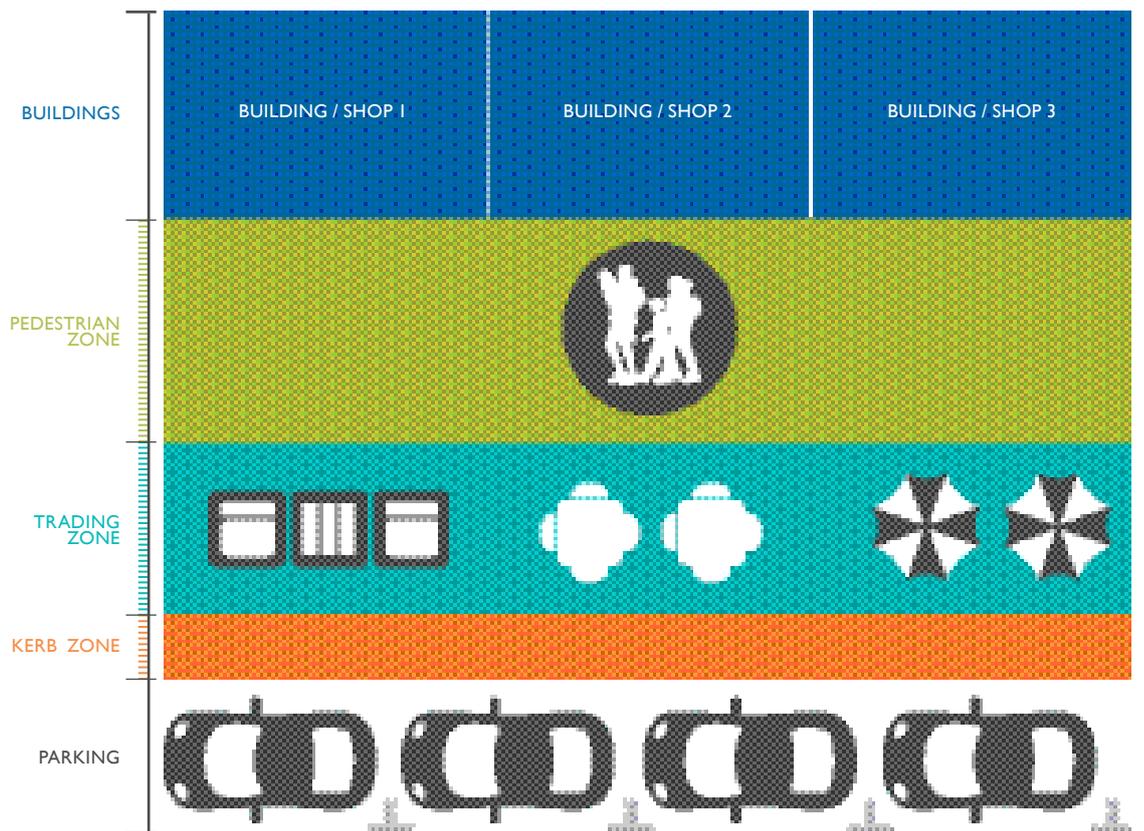


Diagram 2. Overhead view of the footpath indicating footpath zoning.



**TARGET DETECTED:  
FOOTPATH ZONE  
-PEDESTRIAN**

**2.1.01 Pedestrian Zone**

The **Pedestrian Zone** is the area of the footpath measured from the property boundary and is for the exclusive use of pedestrians.

The **Pedestrian Zone** must be a continuous and accessible path of travel along the property boundary and must provide for the safety of all the community, including meeting the access needs of people with mobility aids, prams and shopping trolleys.

The minimum clearance required between a proposed **Trading Zone** and the building will vary from street to street, depending on the overall width of the footpath, pedestrian activity, safety and circulation requirements.

Cairns Regional Council reserves the right to vary **Pedestrian Zones** depending on pedestrian needs, vehicular traffic and existing footpath widths. Refer to **Table I – Minimum pedestrian clearance for footpath.**

*Table I. 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
4.1m – 5.0m	2.0m	Grafton St
5.1m – 6.9m	3.0m	Esplanade



## 2.1.02 Trading Zone

The **Trading Zone** is the area that the Cairns Regional Council allows for commercial activity. It is the area left between the **Pedestrian Zone** and the **Kerb Zone** after these clearances are taken out. The **Trading Zone** will vary in width from street to street depending on the overall width of the footpath, the **Pedestrian Zone**, the **Kerb Zone** and any clearances from infrastructure that is located within the **Trading Zone**.

Approved items must remain within the **Trading Zone** at all times and must not intrude on the **Pedestrian Zone**. A gap of 1.0m must be left between adjoining **Trading Zones** with each zone set back 0.5m from the edge of the property boundary. Refer to **Diagram 3 – Gap between adjoining Trading Zones**. This is to ensure that adequate access is provided between adjoining **Trading Zones** for pedestrians crossing the road or alighting from vehicles.

A **Trading Zone** extending greater than 10m in length must provide an opening or gap in the centre of the **Trading Zone**. This gap must be a minimum of 1.5m in width to provide for pedestrian safety when crossing the road and to allow passengers alighting from vehicles to gain immediate access to the **Pedestrian Zone**. Refer to **Diagram 4 – Gap within Trading Zones greater than 10.0m**.

If there is no adjacent **Trading Zone** the subject **Trading Zone** may trade up to the property line. If an adjacent **Trading Zone** is established at a later date, the gap requirement will apply to both properties and the gap requirement will be reinstated.

Diagram 4. Gap within Trading Zones greater than 10.0m

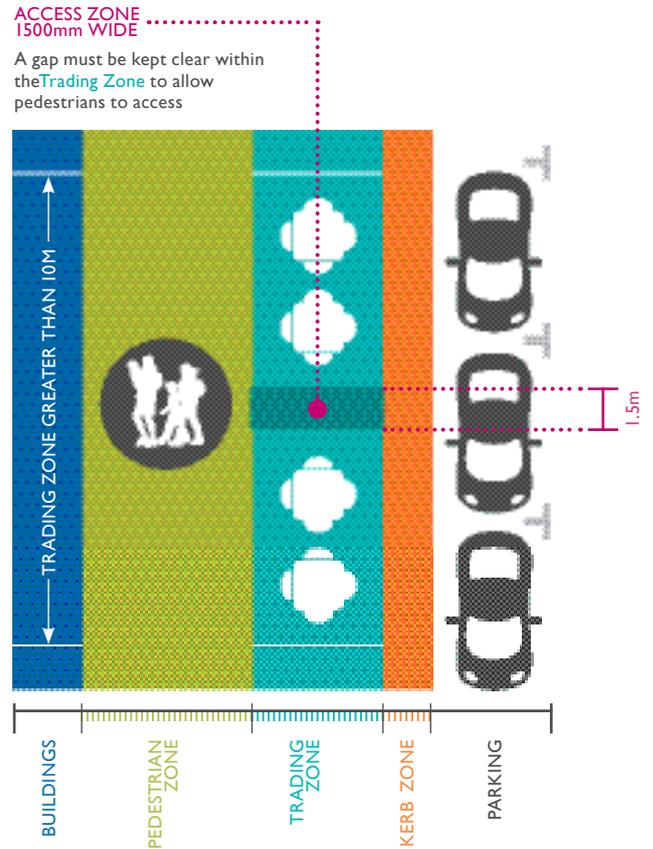
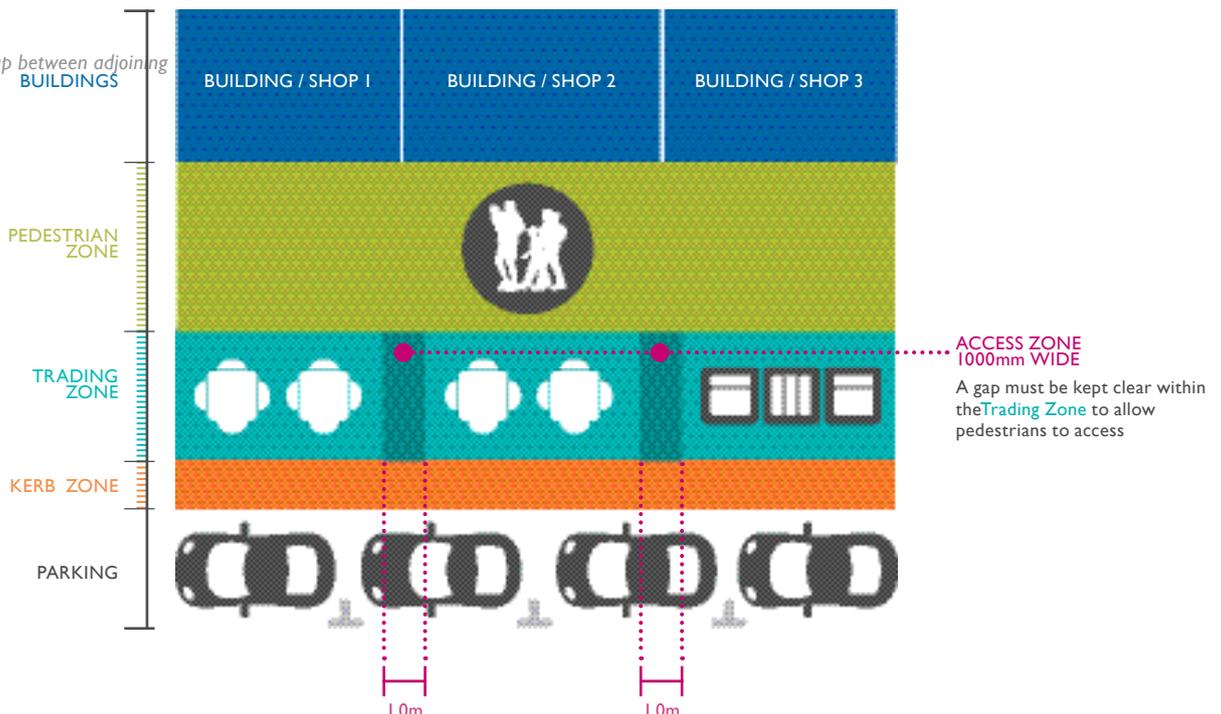


Diagram 3. Gap between adjoining BUILDINGS



### 2.1.03 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 allowing passengers to gain access to parked vehicles. This zone must remain clear of any footpath items approved within a **Trading Zone**.

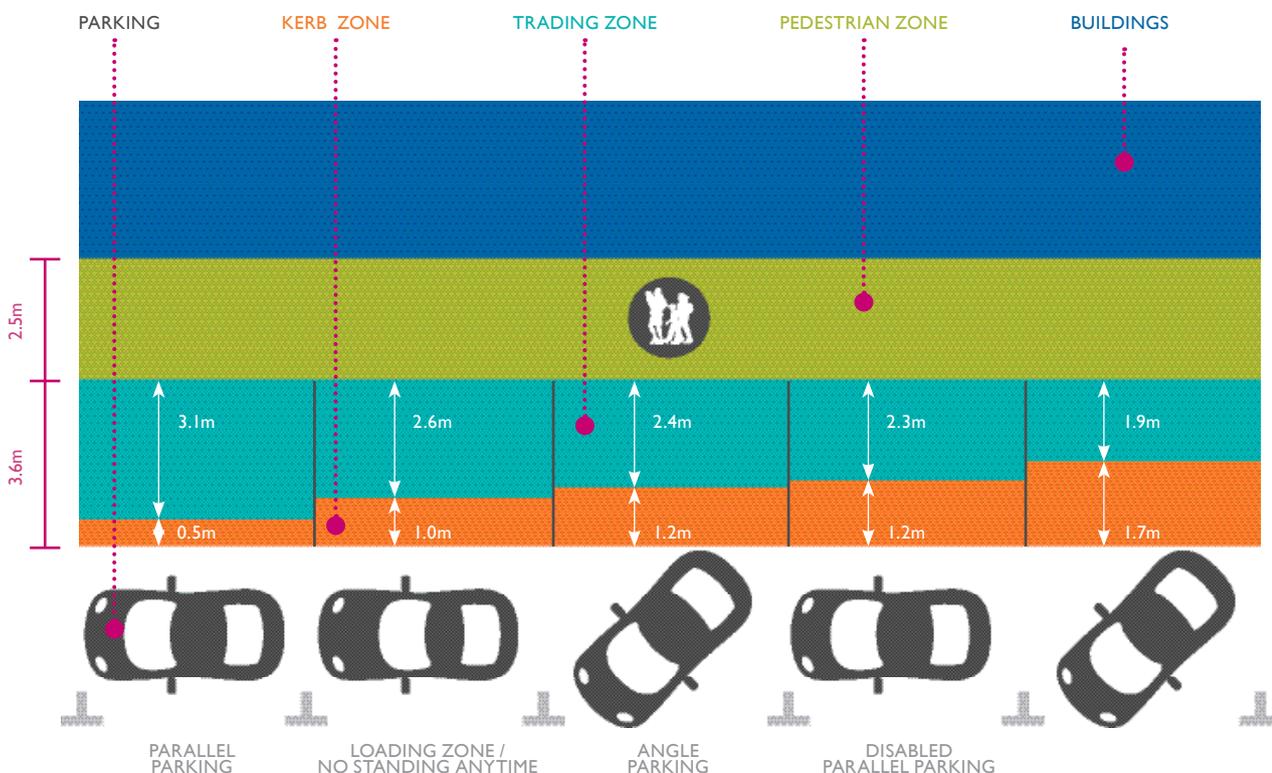
The **Kerb Zone** helps to protect footpath trading activity from moving traffic. Where there are no parking spaces next to a kerb, the **Kerb Zone** may not apply. In some instances, due to the footpath width and parking restrictions, footpath trading may not be approved.

Cairns Regional Council reserves the right to vary the setback of a **Kerb Zone**, dependent on pedestrian activity and parking restrictions adjacent to the area. Refer to **Table 2 – The minimum distance between the face of the kerb and the Trading Zone** and **Diagram 4** and **5** for examples of different footpath widths.

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

Diagram 5. Examples of different Kerb Zone widths.



## 2.2 Corner properties and intersections

### 2.2.01 Corner properties

Applications for footpath trading where businesses are located on street corners will be assessed with consideration to the width of the footpath and adequate sight lines for vehicles, motorcyclists and cyclists. Refer to **Diagram 6 – Corner properties and site lines**.

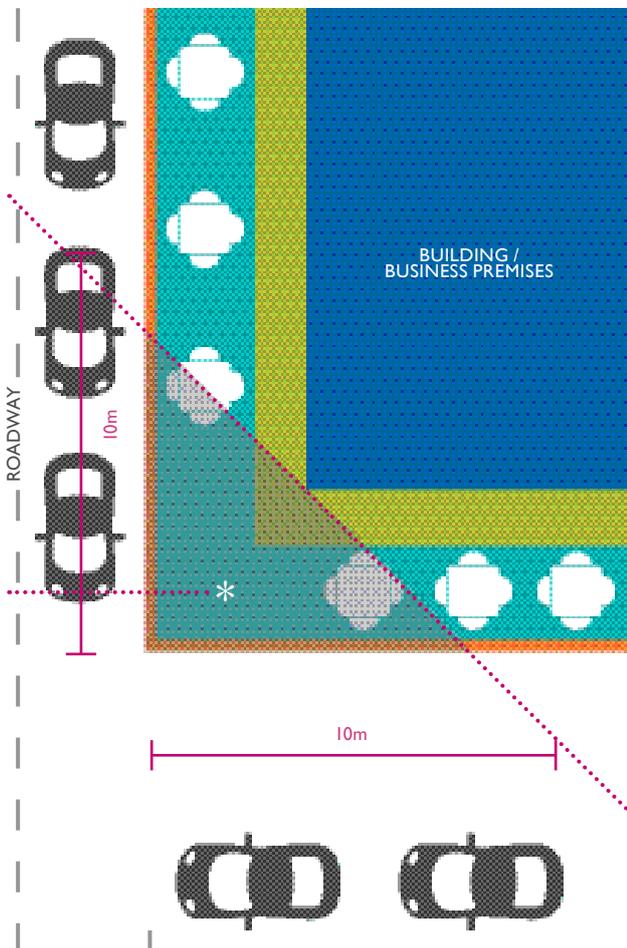
### 2.2.02 Intersections without traffic signals

It is not permitted to obscure the driver's or other road users' line of vision through the placement of structures within the **Trading Zone**. In this case low structures (that do not obstruct the driver's line of vision) may be acceptable.

### 2.2.03 Intersections with traffic signals

It is not permitted to obscure the traffic signals with any structure within the **Trading Zone**.

Diagram 6. Corner properties and site lines



**TARGET DETECTED:**  
**FOOTPATH ZONES**  
-PEDESTRIAN  
-TRADING  
-KERB



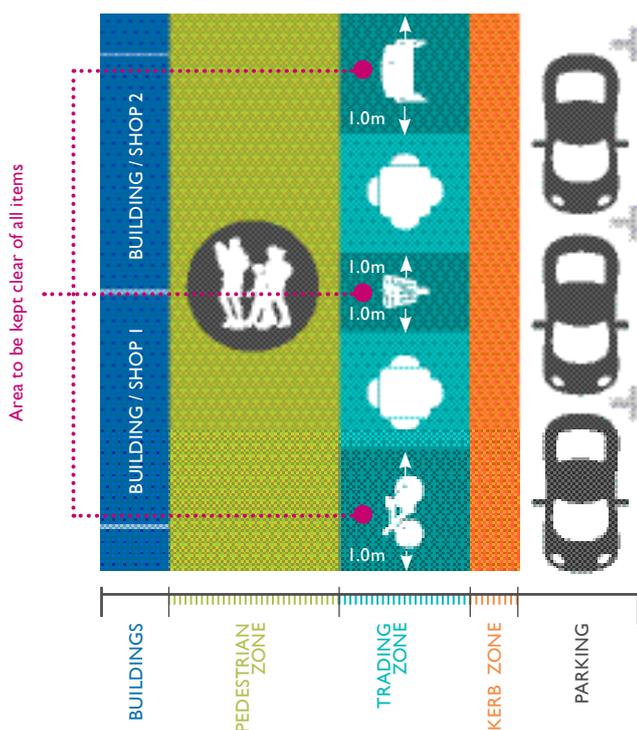
## 2.3 Clearances from existing public infrastructure

Public infrastructure includes items on the footpath that are required for the community and are for the benefit of the community. Minimum clearances are listed in **Table 3** and demonstrated in **Diagram 7 – Clearances from public infrastructure**.

Table 3. Clearances from existing public infrastructure

Public Infrastructure	Minimum Clearance from object
Litter bins	1.0m
Public seating	
Bicycle stands (from outer edges of stand)	
Fire hydrants	
Payphones	
Parking meters	
Traffic lights	
Pedestrian-operated lights	
Way-finding signs	
Trees and garden edging	
Electricity boxes	0.5m
Electricity poles	No clearance required
Street light poles	

Diagram 7. Clearances from public infrastructure



Well-maintained public places improve the perception of how safe a place is and support the public's desire to occupy and use those places, in particular:

### 2.3.01 Public seating

Public seating gives people the opportunity to rest and take time out while walking to and from their destination. Public seating also provides a place for people to pause along busy walking routes and creates informal meeting places.

Council will not permit tables and chairs in the **Trading Zone** to be used for public seating purposes. Permits for table and chairs will only be given for footpath dining purposes.

Footpath use should not compromise the ability of the general public or service contractors to access public furniture.

### 2.3.02 Street trees and garden edging

Clearance from existing street trees and garden edging must be maintained at all times to prevent damage to root systems. Gardens that are uncluttered by furniture improve the attractiveness of the streetscape.

### 2.3.03 Bicycle stands and litter bins

Clearance from bicycle stands and litter bins must be maintained at all times to ensure direct access from the **Pedestrian Zone** and the **Kerb Zone** for the community and Council contractors.

### 2.3.04 Way-finding signs

Way-finding signs have been installed throughout Cairns to assist pedestrians visiting the area to navigate their way around. It is important that clearance from way-finding signs is maintained at all times to ensure access and visibility.

### 2.3.05 Electricity boxes, traffic lights, parking meters

Clearance from essential public infrastructure is required at all times for access purposes.



### 2.3.06 Bus zones

Clearances from bus zones must be maintained at all times to ensure that direct access from the **Pedestrian Zone** so users can enter and exit buses safely. A minimum 1.5m clearance must be kept from the departure side of a bus stop to ensure adequate access for bus users.

Where a bus zone is 20m or less, outdoor seating will not be permitted on the adjacent footpath. Outdoor seating will be considered adjacent to bus zones that are greater than 20m on a case-by-case basis. Refer to **Diagram 8 – Clearance from bus zones**.

Diagram 8. Clearances from bus zones

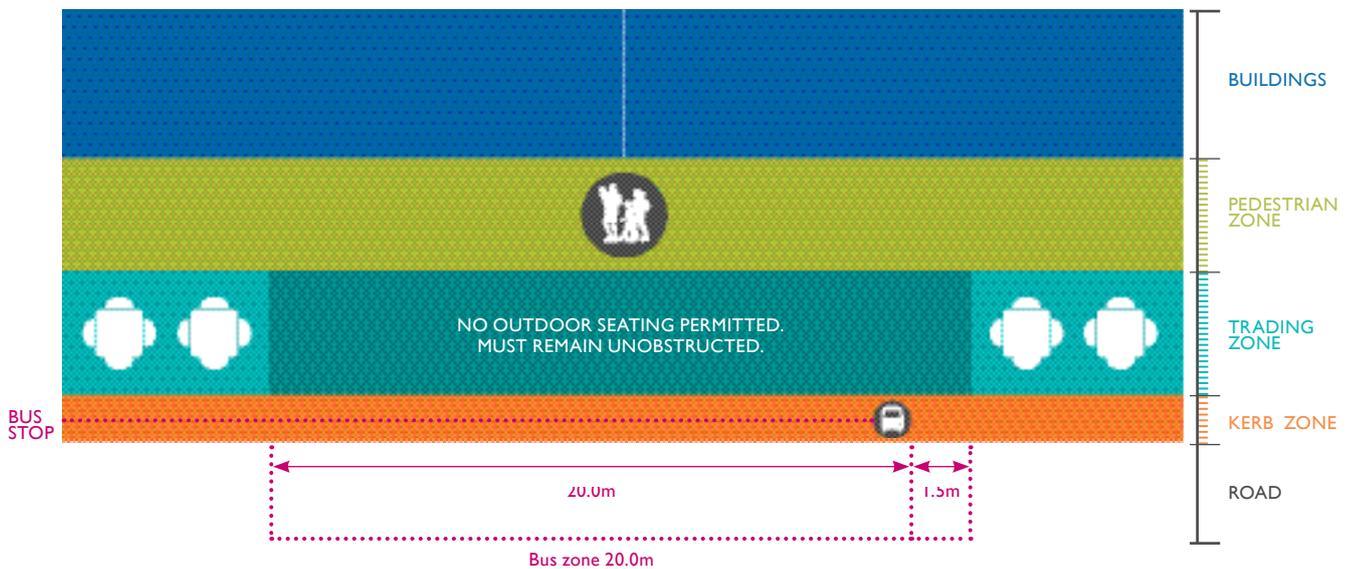
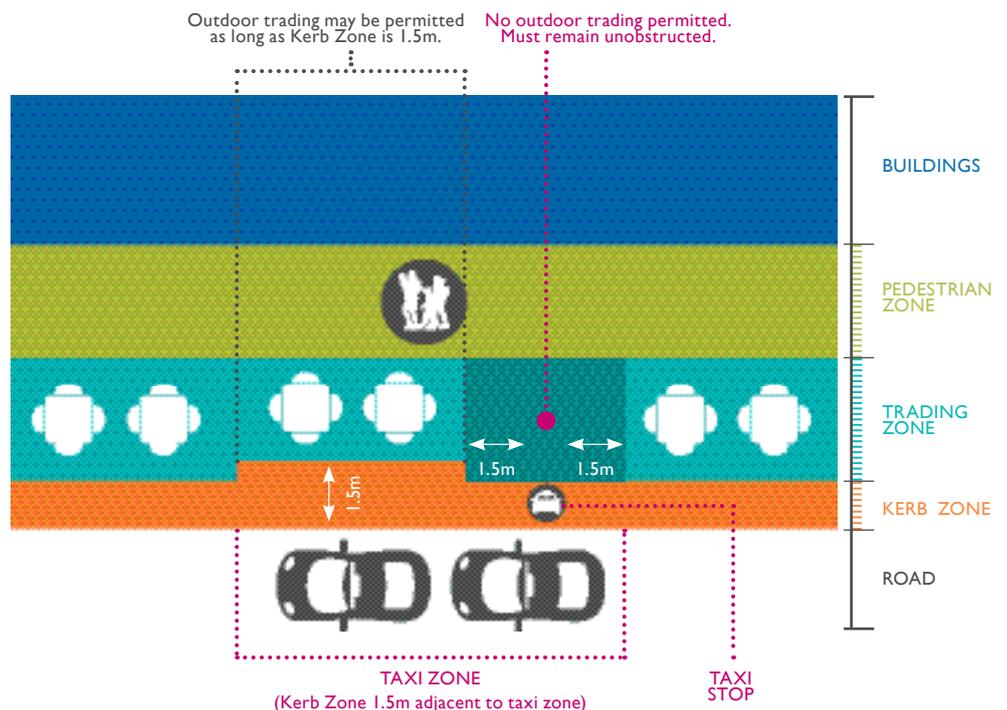
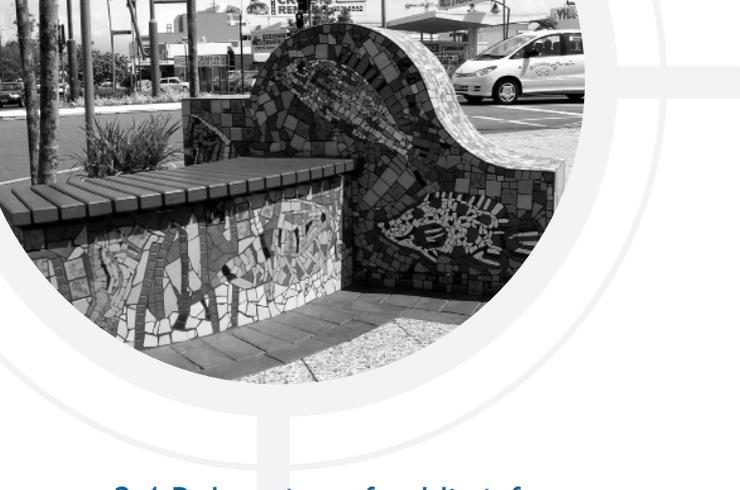


Diagram 9. Clearance from taxi zones





## 2.4 Relocation of public infrastructure and/or improvement to abutting footpaths

In special circumstances applicants may request Cairns Regional Council considers relocating public seats, litter bins or bicycle stands. This will be considered only if the new location is a better outcome for the general community.

Applications to relocate public infrastructure can be obtained from Council, [council@cairns.qld.gov.au](mailto:council@cairns.qld.gov.au)

## 2.5 Occupying an adjacent premises

If seeking to occupy the [Trading Zone](#) of an adjacent premise, Cairns Regional Council requires the applicant to obtain and submit written consent from the building owner, body corporate (if applicable) and occupier of the adjacent premise to Council. The letters of consent must be provided on the third party's official letterhead. If the neighbouring business is sold, a new letter must be submitted to the Council by the new occupier.

The submission must include to-scale plans including both premises, a signed indemnity form from both properties and a copy of the certificate of currency noting both premises.

The footpath is public space and as such is not owned by any one business. This means a business owner and/or building owner cannot charge "rent" for the use of the footpath in front of their premises.

In the instance that the use of the footpath is not adjacent to a business, Council may use its discretion to approve a permit if the outcome is to the benefit of the streetscape and the general community.

Cairns Regional Council will assess such applications on a case-by-case basis and reserves the right to approve or refuse any application with reference to streetscape and community outcomes.

Consent from the adjacent business owner and/or building owner, body corporate (if applicable) and/or occupier may be withdrawn at any time. If consent is withdrawn during the permit period, the permit will cease.

In the event that consent is withdrawn, no refund will be made in respect to fees paid in advance for the use of the area in front of the neighbouring premises.

## 2.6 Delineation markers

Delineation markers must be installed on the footpath according to Council specifications and at the applicant's cost. This will assist owners, managers and the general community to define the approved outdoor [Trading Zone](#).

The permit holder must ensure all furniture associated with commercial uses is located within the defined [Trading Zone](#).

## 2.7 Events

Cairns Regional Council holds and supports events throughout the year. During some of these events businesses have an opportunity to participate by extending their outdoor trading areas.

## 2.8 Temporary permits

Temporary permits are offered to existing businesses wishing to occupy the footpath for short periods of time.

This can include a business owner wanting to:

- *Promote their business during an event or a grand opening promotion.*
- *Extend an outdoor area during events supported by Cairns Regional Council.*

These applications will be assessed on a case-by-case basis and the permit is subject to Council's discretion.

## 2.9 Precinct-specific policies

Council recognises that specific areas of the region have unique characteristics and environments where footpath demands and use will differ. Council has developed precinct-specific areas to meet these needs.

The precinct-specific policies can be found in Appendix Two.

TARGETS DETECTED:  
FOOTPATH ZONES  
-PEDESTRIAN  
-TRADING  
-KERB

**OPENING HOURS:**  
Friday 5am - 6pm  
Saturday 6am - 3pm  
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FRESH PRODUCE  
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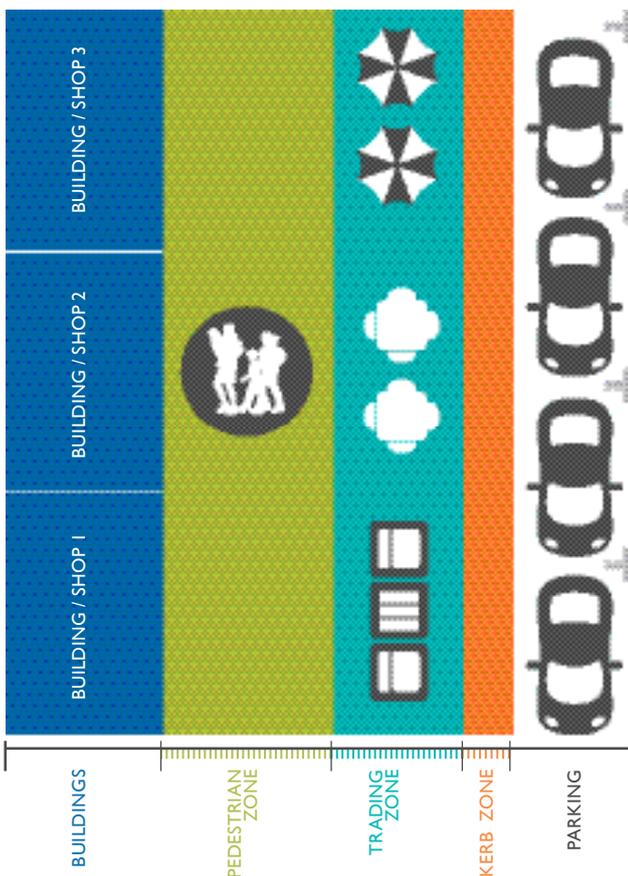


## SECTION 3

# Footpath Trading Zone

### 3.1 Trading Zone

The **Trading Zone** is located between the **Pedestrian Zone** and **Kerb Zone** of the footpath. This is the only area of the footpath where commercial uses can be carried out.



### 3.2 Permitted activities

Only certain activities, associated furnishings and structures are permitted in the **Trading Zone**:

These are:

- *Footpath dining and associated furnishings* (see *Footpath Dining* section 4); and
- *Fixtures, such as blinds and awnings* (see sections 3.4 and 3.5 respectively).

Fixtures can be approved at Council's discretion in the **Trading Zone**, subject to appropriate building approvals, in the absence of any footpath dining approval.

### 3.3 Non-permitted activities

The following activities are not permitted in the **Trading Zone**.

Display of advertising devices, including, but not limited to:

- *A-frame signs, portable signs, advertising boards and blackboards*
- *Advertising on transparent blinds*
- *Display of flags, banners, bunting or advertising banners.*

Display of goods, including, but not limited to:

- *Sunglasses and postcards stands, baskets containing products, tables displaying goods*
- *Tables and chairs used for public seating purposes. Permits for tables and chairs will only be given for footpath dining purposes.*
- *Structures such as decks, except in precinct-specific locations such as the Esplanade and corner properties in the Cairns City, subject to obtaining a permit.*

Left: Diagram 10. Trading Zone

Table 4. Permitted / not permitted structures in the Trading Zone

Trading Zone	Permitted Permit Required	Not Permitted
Awnings	3	
Transparent drop-down blinds	3	
Footpath dining furniture	3	
A-frames		7
Portable signage		7
Advertising on blinds / awnings		7
Display of goods		7
Flags		7
Banners		7
Public seating (chairs and tables)		7
Decks		7

### 3.4 Transparent drop-down blinds

Transparent drop-down blinds may be approved subject to available space, prevailing urban character, existing street infrastructure and traffic conditions. In certain situations drop-down blinds can extend the [Trading Zone](#) and improve the visitor experience in streets where there is poor protection from the elements. Applications will only be considered where the footpath is 6.0m or greater in width. Transparent drop-down blinds should not adversely affect the streetscape and heritage character of the precinct.

#### 3.4.01 Design

- No advertising is approved on a transparent blind
- Blinds must be UV resistant to avoid break down of the material and loss of transparency
- Plastic selected for blinds must be of maximum transparency
- Blinds may be attached to the footpath surface
- All fixings must be fully concealed within the pavement and not create a trip hazard when not in use
- All fixings must be marine-grade stainless steel
- All blinds should be retractable and ideally concealed within a pelmet when retracted
- Blinds must be kept clean at all times, maintained to a safe standard and repaired immediately if damaged
- Blinds in a heritage overlay area will require planning approval from Council. Council has the right to refuse a blind attached to a significant heritage building or within a heritage overlay area, despite meeting other

criteria.

#### 3.4.02 Placement and storage

- Blinds should only be used in areas that are susceptible to windy conditions
- Blinds must not intrude into the [Pedestrian Zone](#) or [Kerb Zone](#)
- A 1.5m break must be provided in the centre of an outdoor area that is 10m or greater in length
- Blinds should not obscure sight lines.

#### 3.4.03 Usage

- Blinds are approved during periods of adverse weather conditions. Approved drop-down blinds may be used between November and March or as otherwise specified by the Licensing and Approvals Unit. This may include allowances related to weather conditions.
- Details of blinds must be provided on the plans submitted with an application
- A footpath trading permit must be obtained prior to any construction and works.

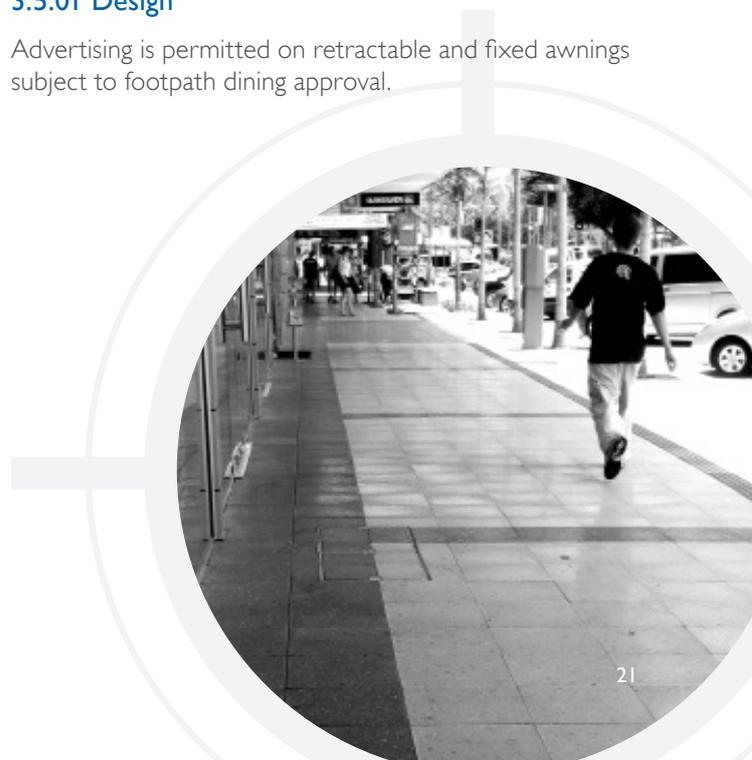
### 3.5 Retractable and fixed awnings / sunblinds

Applicants are required to seek and obtain all building works approvals necessary for fixed awnings / sunblinds (projecting 1.0m and over) before lodging an application for approval of commercial use in the [Trading Zone](#). All approvals must then be provided to Council's Licensing and Approvals Unit in support of the application for commercial uses in a road or Local Government Area.

Applications for retractable awnings must include an example of the awning as it will be considered as part of any footpath dining application.

#### 3.5.01 Design

Advertising is permitted on retractable and fixed awnings subject to footpath dining approval.



TARGET DETECTED:  
FOOTPATH DINING  
-TRADING ZONE



## SECTION 4

# Footpath Dining

### 4.1 Footpath Dining

Footpath dining is only permitted in the **Trading Zone**, which is located between the **Pedestrian Zone** and **Kerb Zone** of the footpath.

### 4.2 Permitted furnishings

Footpath dining permits incorporate the use of tables and chairs with associated furnishings, such as barriers, planter boxes, menu displays and umbrellas.

### 4.3 Non-permitted furnishings

The following activities are not permitted in association with footpath dining.

Display of advertising devices, including, but not limited to:

- A-frame signs, portable signs, advertising boards or blackboards
- Advertising on tables and chairs or transparent blinds
- Flags, banners, bunting or advertising banners.

Permanent structures such as decks, except:

- In precinct-specific locations
- On corner properties at the discretion of Council.

Table 5. Permitted / not permitted activities associated with Footpath Dining

Footpath Dining	Permit Required	Not Permitted
Awnings	3	
Transparent drop down blinds	3	
Footpath dining furniture - Menu display stands - Umbrellas - Planter boxes - Barriers	3	
Decks (precinct specific and corner properties)	3	
A-frames		7
Portable signage		7
Advertising on blinds / awnings		7
Display of goods		7
Flags		7
Banners		7
Public seating (chairs and tables)		7





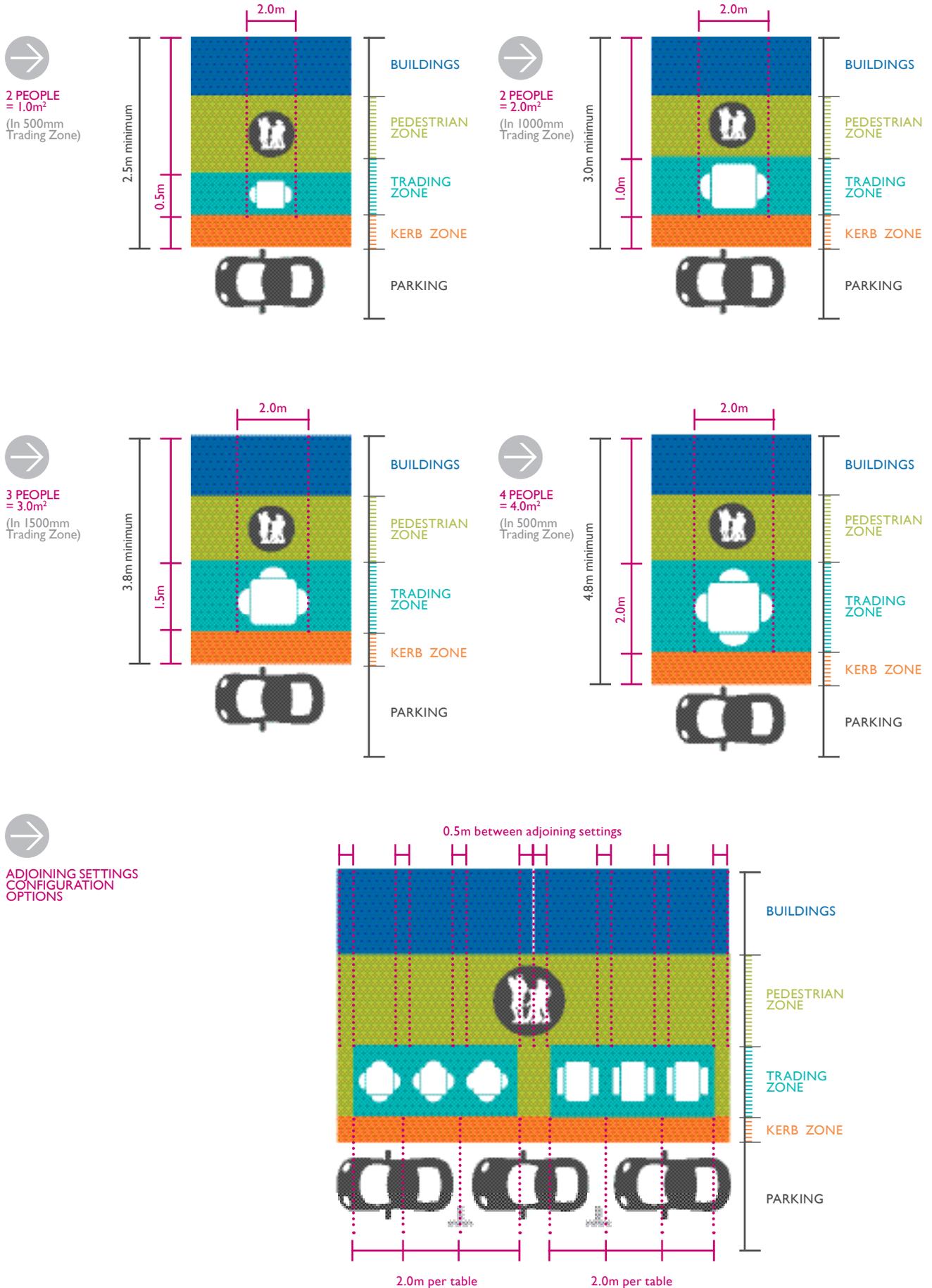
## 4.4 Tables and chairs

### 4.4.01 Design

Tables and chairs must, at all times, be confined within the approved [Trading Zone](#) and Council must approve all furniture (including tables and chairs) before they are located in the [Trading Zone](#).

- *Tables and chairs in an outdoor area must be of an outdoor design style. Indoor-style furniture is inappropriate for use in an outdoor area.*
  - *Tables and chairs should be hardy, sturdy and portable*
  - *Tables and chairs must be solid enough to resist wind gusts*
  - *Tables and chairs must be constructed of materials that do not deteriorate quickly*
  - *Tables and chairs must be easy to clean*
  - *Tables and chairs must be stackable for ease of storage and readily removed and stored within the indoor (private) part of the premises or as stipulated on the permit*
  - *All chairs and tables must have a minimum 3.0cm diameter rubber pad on their legs to protect the pavement surface. It is the business owner's responsibility to maintain the base of all items and to ensure items placed on the footpath do not cause damage to the footpath or other public infrastructure. The cost of repairing any damage caused will be borne by the permit holder.*
  - *No form of advertising is approved on tables and chairs*
- ### 4.4.02 Placement and storage
- The number of tables and chairs that will be approved for use on the footpath will be dictated by the size of the available footpath trading area directly in front of the applicant's premises and whether or not additional seating is likely to have a significant adverse impact on parking in the vicinity.
- Cairns Regional Council determines the placement and storage of furniture, as follows:
- *No more than the maximum number of tables and chairs specified on the permit can be used in the footpath area*
  - *Tables and chairs must be set back from existing infrastructure, including street trees, lights and public furniture as previously defined in **Diagram 7** in section 2.3.*
  - *No furniture is approved on grassed areas or nature strips*
  - *Tables and chairs must be removed and stored inside the premises outside operating hours*
  - *The applicant must ensure that adequate storage is provided on the premises for all approved footpath furniture. If there is insufficient internal storage area, Council may allow outdoor furniture to be securely stacked within the [Trading Zone](#) until the close of business. A permit will only be given if the applicant can demonstrate that the furniture will remain securely stacked and the relocation of the outdoor furniture into the premises can be carried out without causing unreasonable noise and disturbance to any nearby residents.*
  - *No fixed tables or chairs may be used in the footpath trading area*
  - *The number of tables and chairs placed within a footpath trading area must allow unobstructed access and circulation for patrons and staff*
  - *As a guide, 4.0m<sup>2</sup> (2.0m x 2.0m) is considered the minimum space requirement for a table and four chairs. A distance of 0.5m must be allowed between adjoining settings, refer to **Diagram 11**.*
  - *A two-person table requires a minimum of 2.0m<sup>2</sup> (unless a narrow footpath)*
  - *A three-person table requires a minimum of 3.0m<sup>2</sup>*
  - *A four-person table requires a minimum of 4.0m<sup>2</sup>*
  - *Bench-style furniture is approved for use in outdoor areas, however it must be constructed of lightweight material to ensure it can be easily removed and stored*
  - *Bench-style furniture must have a gap of 0.5m between each table setting to allow unobstructed access and circulation of patrons and staff.*

Diagram 11 Furniture layout options



## TARGET DETECTED: FOOTPATH DINING FURNITURE

- BARRIERS
- UMBRELLAS



## 4.5 Removable barriers

### 4.5.01 Design

- Barriers must be used in footpath dining areas to contain furniture within the approved *Trading Zone*. To preserve the general appearance and openness of the streetscape, the maximum height for removable barriers is 0.9m.
- Removable barriers must be placed on a minimum of two sides and a maximum of three sides of the outdoor dining area. Barriers may not be placed parallel to the *Pedestrian Zone*.
- Barriers should not privatise, fully enclose or adversely impact access to the approved *Trading Zone*.
- All types of removable barriers must be lightweight to ensure they can be removed from the footpath in accordance with the footpath dining permit.
- No other structures (including plastic blinds, awnings and menu displays) can be attached to the barriers, at any time.
- Planter boxes may be used as an alternative to removable barriers.

Cairns Regional Council will consider the approval of barriers on a case-by-case basis. Applications will be assessed according to available space, streetscape, pedestrian activity, amenity and traffic conditions.

### 4.5.02 Placement and storage

- All removable barriers must be secure to ensure that they are not moved or knocked over.
- The applicant must ensure that adequate storage is provided on the premises for all approved footpath trading furniture.
- In narrow streets, barriers will only be approved between the *Kerb Zone* and the edge of the *Trading Zone* parallel to the road. Screens running perpendicular to the road are not approved.

## 4.6 Umbrellas

It is preferred that umbrellas only be used where existing shelter, such as verandas, canopies, trees and awnings, do not provide sufficient sun protection. The use of umbrellas where existing awnings are present gives a cluttered appearance and detracts from the building facade and appearance of the street.

### 4.06.1 Design

The following design standards apply for umbrellas.

- *Colour of umbrellas must be sympathetic to heritage values and the streetscape*
- *The width of the umbrella must not protrude into the **Kerb Zone** causing a hazard to passing people or vehicles*
- *The umbrella may overhang into the **Pedestrian Zone** provided there is a minimum height clearance of 2.2m*
- *Umbrellas must be securely fastened into the footpath to ensure public safety*
- *Umbrellas must not obstruct traffic signals or sight lines.*

Permit applications will be assessed on a case-by-case basis.

### 4.6.02 Placement and location

Umbrellas take up space within a **Trading Zone**. This must be taken into account when considering the furniture layout.

- *Umbrellas will only be approved where tables and chairs have been approved*
- *Umbrellas must be removed from the footpath on close of business.*

## 4.7 Menu displays

Freestanding menu display stands are only to be located in the **Trading Zone**. A sign displaying menus may be fixed to building frontages but may not be attached to barriers, umbrellas or any other structure.

## 4.8 Planter boxes

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

The following standards apply for an approved planter box on the footpath.

- *Planter boxes can be used instead of barriers in the footpath dining area and within the **Trading Zone***
- *Planter boxes must be located within the **Trading Zone***
- *They must not be affixed to any footpath, building, street furniture, pole or other structure*
- *Planter boxes must be no higher than 0.9m and no longer than 1.8m.*
- *They must not be placed in the centre of the footpath or extend outside the designated zone*
- *To provide access to the street, there must be a 1.0m space between kerbside planter boxes and neighbouring zones (refer to **Diagram 3 – Gap between adjoining zones**)*
- *Planter boxes must be lightweight to ensure removal from the footpath in accordance with the approved footpath trading permit*
- *Planter boxes must be designed to ensure mosquito breeding does not occur.*

Cairns Regional Council will consider the use of planter boxes on a case-by-case basis. Applications will be assessed according to available space, streetscape, pedestrian activity, amenity and traffic conditions.

In certain cases, Council will permit planter boxes to remain on the footpath permanently subject to the following:

- *There is a 0.1m gap between the underside of the planter box and the ground*
- *Planter boxes are designed to enhance the streetscape and are constructed from durable materials*
- *Plants are in a good, healthy condition and look neat and tidy all year round.*



## SECTION 5

# Applications

### 5.1 Applying for a Footpath Dining Permit

Applicants are advised to read and familiarise themselves with this policy prior to making an application to Council.

Understanding the responsibilities involved in managing the footpath area, design requirements, legal obligations, costs and other relevant matters are important.

All footpath dining permits expire on June 30 of every year – refer to renewal of an existing permit (see Section 5.8.03).

### 5.2 Required information with application

Prior to any formal consideration, the following information is required from the applicant when submitting an application form.

- Completed application form
- A copy of the planning permit for the business or advice from the Council's planning department indicating that a planning permit is not required for the proposed / existing business to which the outdoor area relates.
- A copy of all necessary building approvals
- A copy of approval to conduct engineering works within a road reserve, where applicable
- Proof of the company and business registration certificates showing the company name, ACN, ABN and business name
- A site plan of existing conditions to scale: 1:100, accurately showing:
  - the width of the building frontage
  - the abutting properties – (Business names);
  - existing infrastructure including trees, light poles, rubbish bins, street furniture, fire hydrants, car parking and parking restrictions, and other relevant features.

All dimensions associated with the footpath must be shown.

- A site plan of proposed footpath activity must show a fully dimensioned plan to scale 1:100 that accurately shows the area and layout of the proposed footpath activity and clearly shows compliance with the requirements of this policy. This includes the proposed location of chairs, tables, barriers, umbrellas and the required zone dimensions.
- Photographs of the site clearly showing the proposed footpath activity zone relative to buildings and existing features in the footpath area.
- Details of furniture including colour photographs or detailed design drawings at a 1:100 scale of proposed furniture, including screens, planter boxes and umbrellas.
- Details of advertising including a colour photograph or detailed design drawings to scale of 1:100 of any proposed advertising logo, and clear indication of its size and location on barriers and umbrellas. If total advertising area exceeds 8.0m<sup>2</sup> a planning permit is required.
- Public liability insurance policy, noting Council's interest, in the amount of \$20million at a minimum in respect to any single occurrence. Public liability insurance must remain current and valid for the life of the permit.
- Form of indemnity to indemnify the Council against all claims, of any kind, arising from any negligent act either by the permit holder or the permit holder's agents and users.
- Application fee payable to Cairns Regional Council (non-refundable), being the fee for on-site meeting, review and assessment of the application.

Failure to submit all the above details may result in delays in processing the application or rejection of the application.

TARGETS DETECTED:  
FOOTPATH ZONES  
-PEDESTRIAN  
-TRADING



**TARGET DETECTED:  
FOOTPATH DINING  
FURNITURE  
-PLANTER BOXES**

## 5.3 Additional material for applications that include retractable and transparent drop-down blinds or planter boxes

### 5.3.01 Required information

Prior to any formal consideration, the following information is required from the applicant when submitting an application form.

### 5.3.02 Information required to assess your application, will include

Standard information as outlined in Section 5.2 and

- *Site plan of proposed conditions at 1:100 scale, accurately showing the footpath area and the layout of the proposed, retractable awnings, transparent drop-down blinds and planter boxes.*
- *Elevation plans at 1:100 scale showing:*
  - *Front and side elevation.*
  - *Total height of the barriers or planter boxes and clearances from the ground to the bottom of the planter box*
  - *Total height from the ground to the lowest point of the blind*
- *Any slope of the footpath*
- *Details of all advertising on barriers, umbrellas and retractable awnings*
- *Size and positioning of advertising/company logos*



## 5.4 Additional information/approvals

In addition to requiring a footpath dining permit from Council, applications may also be subject to further legislative requirements which may include the following.

### 5.4.01 Alcohol consumption

Liquor is not to be sold, consumed or served within the [Trading Zone](#) unless approved by Council's planning department and the Office of Liquor and Gaming Regulation Queensland. Further information can be obtained from:

- Cairns Regional Council's Planner on Duty - (07) 4044 3574 or [townplanner@cairns.qld.gov.au](mailto:townplanner@cairns.qld.gov.au)
- The Office of Liquor and Gaming Regulation Queensland, 13 74 68.

### 5.4.02 Designated outdoor smoking areas

Smoking within a [Trading Zone](#) must comply with Queensland legislation, see <http://www.health.qld.gov.au/tobaccolaws/eating/default.asp>

### 5.4.03 Fixed awnings and sunblinds

These fixtures require building approval from Cairns Regional Council's Building Services team, (07) 4044 3044 or [buildingservices@cairns.qld.gov.au](mailto:buildingservices@cairns.qld.gov.au)

### 5.4.04 Structures

Permanent structures, such as decks, require approval from Council's Development Engineering team, (07) 4044 3044 or [engineeringadmin@cairns.qld.gov.au](mailto:engineeringadmin@cairns.qld.gov.au)

### 5.4.05 Change of use

Changing the use of a premises requires development approval from Cairns Regional Council's planning department, contact Cairns Regional Council's Planner on Duty (07) 4044 3574 or [townplanner@cairns.qld.gov.au](mailto:townplanner@cairns.qld.gov.au)

## 5.5 Fees and charges

A permit application fee is required for the assessment, inspection and approval of footpath dining permits. In addition, fees apply to the gross floor area, which vary according to location.

Fees paid are for the current financial year, 01 July to 30 June, and can be paid on an annual or quarterly basis. Footpath trading permit fees are non-refundable.

Fees and charges vary dependent upon location. Within the Cairns Business District footpath dining fees vary between street locations (Appendix One).

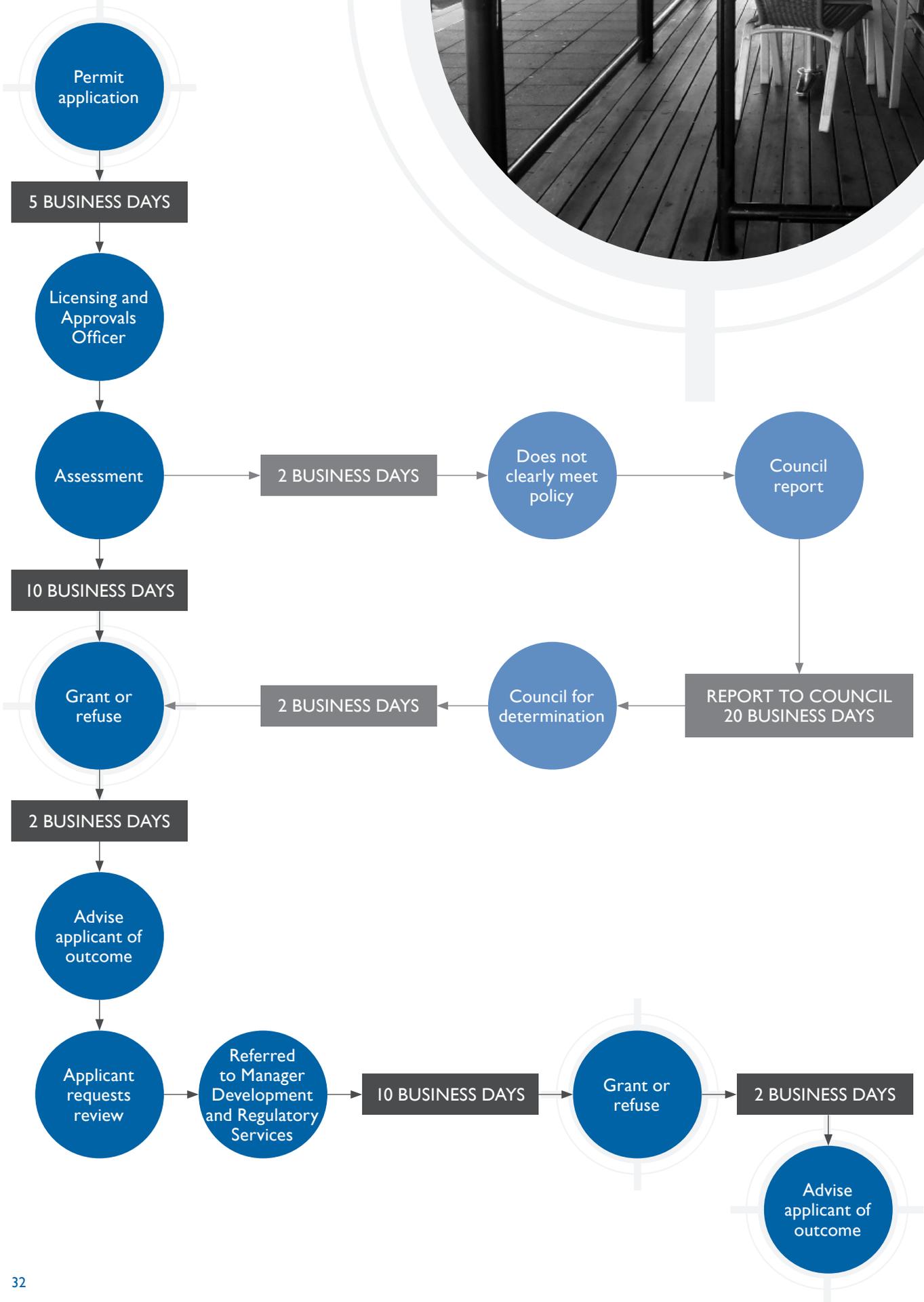
All footpath dining fees and charges can be found on Council's website <http://www.cairns.qld.gov.au/about-council/rates,-fees-and-charges/fees-and-charges>.

## 5.6 Application assessment process

On receiving an application the Council's Licensing and Approvals Officer will:

- Check that all relevant information has been received
- Check that the footpath trading is associated with a use legally established under the Sustainable Planning Act 2009 and CairnsPlan 2009
- Check the application to ensure it meets the intent and requirements of Cairns Regional Councils Local Law No.1 (Administration) 2011 and Subordinate Local Law No.1 (Administration) 2011 and this policy.
- Refer the application to other departments within Council for advice and comment as necessary
- Inspect the site and check the accuracy of submitted application plans
- Assess the application against other outstanding matters that may relate to the premises
- Advise the applicant of any changes that need to be made to the submitted plans and await re-submission
- Assess the application including referral to Council if appropriate
- Approve or refuse the permit application.

Diagram 12. Application process flowchart



## 5.7 Decision-making on applications

Where applications meet all the requirements of the policy, Council's delegated authorised officer will normally grant a permit. In cases where an application does not clearly meet policy objectives, or where there are special circumstances, the application will be referred to Council for further consideration. The Council will provide its recommendation to the authorised officer who will approve or refuse the permit application.

In some cases a variation to this policy may be granted if the policy objectives can be met and there are extenuating circumstances. Each case will be decided on its merits.

Extenuating or special circumstances could include, but are not limited to:

- *Support of the achievement of the footpath priorities*
- *Demonstrated hardship in conforming to new standards*
- *Mitigating factors such as street barriers or kerb extensions*
- *Previous Council permit and prohibitive expense in replacing existing infrastructure, including evidence of contributions to street furniture.*

In considering applications that vary from this policy, Council will assess the application and make a recommendation in accordance with the footpath objectives in conjunction with Cairns Regional Council's *Local Law No.1 (Administration) 2011* and *Subordinate Local Law No.1 (Administration) 2011*.

This includes matters such as:

- *The effect on pedestrian traffic flows and safety*
- *The impact on the appearance of the street and its surroundings*
- *The impact on amenity*
- *The duration of use*
- *The effect on vehicular traffic flows and safety*
- *Compatibility with other uses in the street*
- *Whether it is complementary to the primary adjoining use*
- *Whether it is less intensive than the primary adjoining use*
- *The applicant's previous record of compliance*
- *Any relevant policies of the Council*
- *Any other matter relevant to the application.*

Once the Council has made a recommendation the authorised officer will either approve or refuse the permit application with conditions.

**TARGET DETECTED:  
FOOTPATH DINING  
FURNITURE  
-TABLES**



## 5.8 Permit administration – amendments / transfers / renewals

### 5.8.01 Amendments to an existing permit

Permit holders must submit an application in writing, using the required application form, for any amendments to their existing permit. Amendments may include changing furniture design, adding furniture or installing an awning.

The Council assessment and consideration process will be followed.

Cairns Regional Council reserves the right to amend permit conditions to ensure compliance.

An upfront amendment fee is required for officer assessment and liaison.

### 5.8.02 Transfer of ownership

A footpath dining permit only applies to the premises for which it is issued and is not transferable from one premises to another or to a new business owner.

### 5.8.03 Renewal of an existing permit

Permits for footpath trading are renewed annually at the beginning of each financial year. A renewal notice is issued for all existing permit holders. It is the responsibility of the permit holder to ensure all permit renewal details, including public liability, amendments and fees, are forwarded to the Council by 30 June. Failure to provide all renewal documentation and meet the payment of annual or quarterly fees will result in the cancellation of the permit.

Cairns Regional Council reserves the right to reassess and amend permit conditions to ensure compliance with current policy.

An annual footpath dining permit is required for all and/or occupation of the footpath in accordance with Cairns Regional Council's *Local Law No.1 (Administration) 2011* and *Subordinate Local Law No.1 (Administration) 2011*. The permit holder is liable for any breach of the conditions set out in this Cairns Regional Council local law, including those committed by their staff or patrons.

To be granted an annual permit for footpath trading the applicant must agree to comply and sign the application form, which contains a condition to this effect.

### 5.8.04 Trading Zone of adjacent premises

If seeking to occupy the **Trading Zone** of an adjacent premises, Cairns Regional Council requires the applicant to obtain and submit to Council the written consent of the business and/or building owner, body corporate (if applicable) and/or occupier of the adjacent premise. The letters of consent must be provided on the third party's official letterhead. If the neighbouring business is sold, a new letter must be submitted to the Council by the new occupier.

The footpath is public space and as such is not owned by any one business. This means a business and/or building owner, body corporate (if applicable) and/or occupier cannot charge "rent" for the use of the footpath in front of their premises.

### 5.8.05 Display of permit registration

Permit holders must display a current, legible permit registration clearly on the shop front window.

Failing to display the current registration sticker is a breach of permit conditions.





## SECTION 6

# Management and responsibilities

## 6.1 Permit holder's responsibilities

### 6.1.01 Daily management

The management of a footpath dining permit is the responsibility of the permit holder. To ensure appropriate management, permit holders are required to:

- Operate in accordance with the conditions of the permit, endorsed plans and the requirements and objectives as outlined within this policy
- Monitor the *Trading Zone*, including observing patrons at all times and responding to behaviour that may interfere with the use, enjoyment and personal comfort of others using the footpath area
- Observe all local law and legislative provisions relating to footpath trading, including noise, responsible serving of liquor, and health and amenity
- Maintain access for all users in and around the footpath at all times, including repositioning furniture when moved outside the *Trading Zone* by patrons
- Uphold the cleanliness of the footpath area, ensuring tables and chairs are kept clean and litter is removed and deposited in bins kept inside the premises
- Remove all approved furniture from the footpath area at close of business.

## 6.2 Council responsibilities

### 6.2.01 Maintenance of the footpath

Council manages the maintenance of the footpath and reserves the right to reclaim access to the footpath and remove all trading furniture at any time.

### 6.2.02 Compensation and loss of trade

There is no compensation for the removal of footpath furniture or any loss of trade when service authorities and others are required to carry out works within the road reserve. It is the responsibility of the permit holder to reinstate fittings or fixtures, not the person, service authority or contractor executing the works.

No compensation is provided for any problems, inconvenience or loss of trade resulting from activities or works carried out by the Council or its contractors at, or adjacent to, a permit holder's footpath trading area.

### 6.2.03 Access to underground services

Services such as sewer, gas, water, telecommunications and electricity conduits must not be obstructed by any permanent structures, including fixed barriers, decking, umbrellas and planter boxes.

Removable tables and chairs may be placed on top of underground service pits providing these are structurally sound. In an emergency, immediate access is required.

Council and other service authorities reserve the right to access all underground services within the footpath trading area at all times, without notice to the permit holder.



#### 6.2.04 Monitoring compliance with approved permit

Council's Licensing and Approval Officers will monitor the operation of footpath dining permits and ensure the conditions of the permit are met.

Following a complaint or observation of a breach of a footpath dining permit, a Council officer will contact the permit holder and take appropriate enforcement action. This may be in the form of verbal instructions, a written notice or an infringement notice.

In the case of a serious breach, an officer may act immediately to resolve the situation. A serious breach is one where the officer considers there is an immediate public safety risk.

This may include instances where access is impeded to an extent that it would be difficult or impossible to walk freely through the [Pedestrian Zone](#).

Each breach will result in a compliance notice or an infringement notice depending on the seriousness of the offence. Cases where there are three breaches within a 12-month period will be referred to the Manager of Development and Regulatory Services for advice with a view to cancelling or varying the permit.

Failure to comply with a notice may result in Council seizing footpath dining furniture and associated furnishings until the matter is rectified.



APPENDICES

# Appendix One

Map indicating Footpath Dining areas





TARGET DETECTED:  
FOOTPATH ZONES  
CAIRNS CITY  
ESPLANADE PRECINCT



# Appendix Two

Council recognises that specific areas of the region have unique characteristics and environments where footpath demands and use will differ. Council has developed precinct-specific areas to meet these needs.

## No.1 Esplanade, Cairns City

### No.1 Precinct-specific policy

#### ESPLANADE CAIRNS CITY

Each shopping precinct is different in terms of activity, pedestrian traffic, types of shops, premises and the width of the footpath.

The Best Practice Use of Footpaths Policy has been developed by Council to provide a framework for the sustainable use and management of footpaths in the Cairns Regional Council area.

Council recognises that specific areas of the region have unique characteristics and environments where footpath demands and use will differ. Council has developed precinct-specific areas to meet these needs.

The Esplanade, Cairns City, is a unique precinct offering unique footpath trading and dining opportunities with wide landscaped footpaths and views of the lagoon. This precinct experiences heavy pedestrian traffic at all times of the year, making it one of the most popular shopping and outdoor dining strips in Cairns.

This policy sees the Esplanade, Cairns City, precinct divided into northern and southern sections. The following information describes how the footpath policy applies to these areas.



TARGET DETECTED:  
FOOTPATH ZONES  
CAIRNS CITY  
NORTHERN SECTION



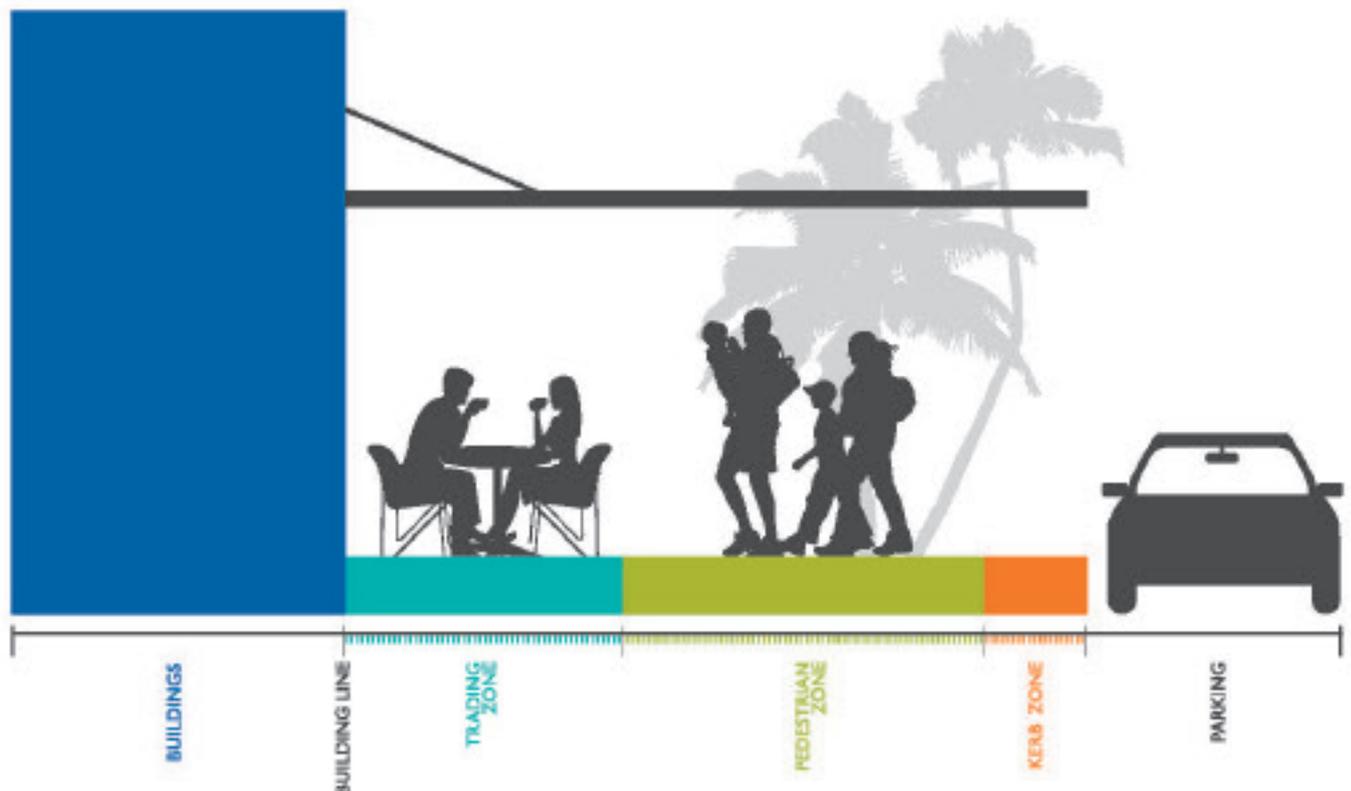
## Northern Section – between Aplin and Florence streets

### FOOTPATH ZONES

The footpath is made up of three zones, the **Pedestrian Zone**, **Trading Zone** and **Kerb Zone** (see **Diagram 1**)  
The northern Esplanade precinct footpath is unique in the sense that footpath dining is permitted next to the property boundary. This changes the standard **Pedestrian Zone** to the area between the property boundary and the **Kerb Zone**.

In the Northern Section the minimum **Pedestrian Zone** width is 2.0m from the **Kerb Zone** to the **Trading Zone**. The **Kerb Zone** will vary in accordance with the parking requirements along this area (see **Table 1**), however there is no standard width of the **Trading Zone** due to setbacks of the buildings. Applications for footpath dining will be assessed on a case-by-case basis.

All other requirements for this section of the Esplanade are in accordance with the *Best Practice Use of Footpaths Policy*.



**TARGET DETECTED:  
FOOTPATH ZONES  
CAIRNS CITY  
SOUTHERN SECTION**



## Southern Section - between Spence and Aplin Streets

### FOOTPATH ZONES

The footpath is made up of three zones, the **Pedestrian Zone**, **Trading Zone** and **Kerb Zone** (Diagram I).

In the Southern Section the **Pedestrian Zone** is 3.0m in width from the building boundary to the **Trading Zone**. The **Kerb Zone** will vary in accordance with the parking requirements along this area (see **Table I**).

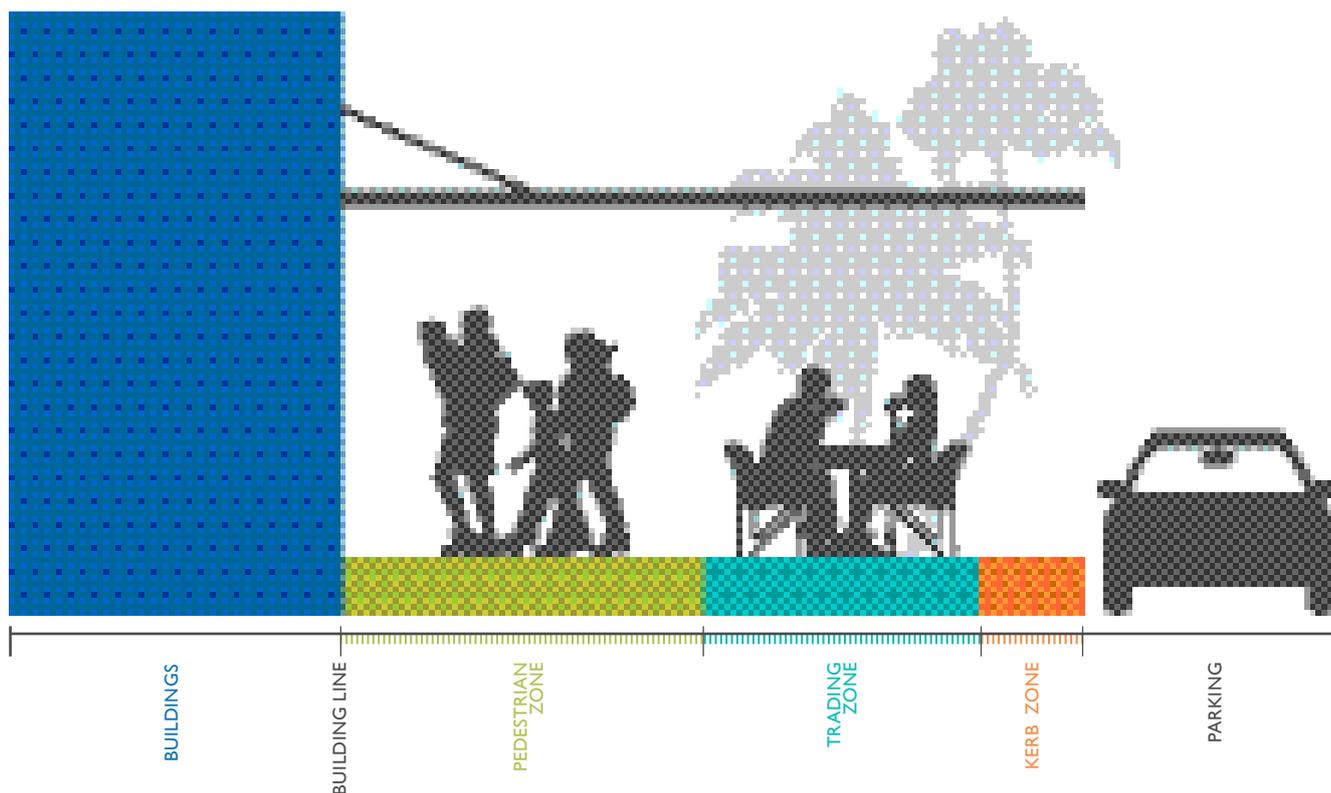
### DECKS

Temporary structures, such as decks, are permitted in the Southern Section only subject to approval by Council's Development Engineering team. Approval for decks is required prior to the submission of a Footpath Dining application.

For further information, contact Council's Development Engineering team on (07) 4044 3044 or [engineeringadmin@cairns.qld.gov.au](mailto:engineeringadmin@cairns.qld.gov.au).

All other requirements for this section of the Esplanade are in accordance with the *Best Practice Use of Footpaths Policy*.

New applications and further information can be obtained from Council's Licensing and Approvals Unit on (07) 4044 3044 or on Council's website [www.cairns.qld.gov.au](http://www.cairns.qld.gov.au) (see Local Laws and Policies under the Laws Regulations & Forms tab).





## No.2 Market Precinct, Cairns City

### No.2 Precinct-specific policy

#### SHERIDAN STREET

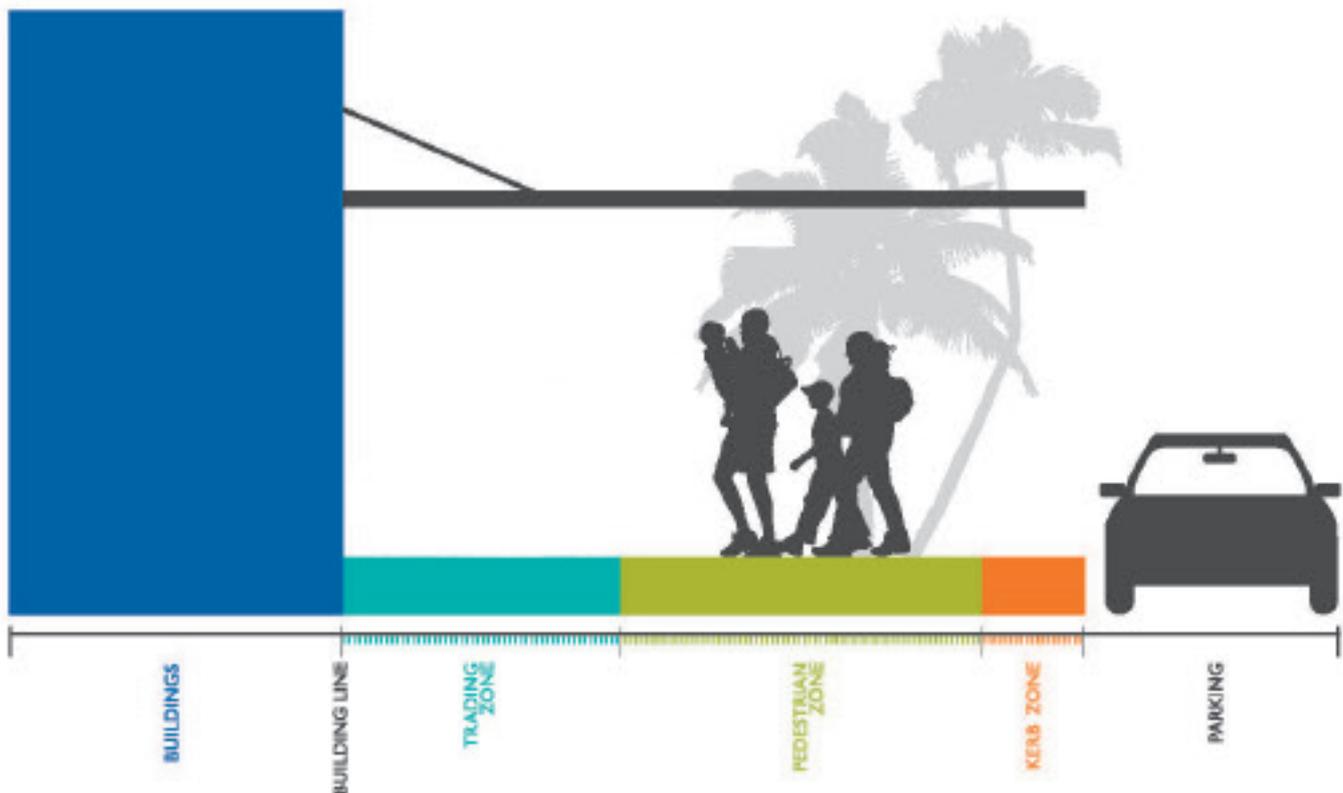
The markets along Sheridan Street, Cairns City, offer a boutique shopping experience. This precinct experiences heavy pedestrian traffic at all times of the year, making it one of the most popular market shopping experiences within Cairns.

### Sheridan Street Frontage

#### FOOTPATH ZONES

The footpath is made up of three zones, the **Pedestrian zone**, **Trading zone** and **Kerb zone**. The market precinct footpath is unique as it is within this section that commercial trading is permitted next to the property boundary. This changes the standard Pedestrian zone to the area between the property boundary and the Kerb zone.

The Pedestrian zone width for the market precinct is 2m from the kerb zone to the trading zone. The Trading zone width is 1.9m from the property boundary, with the Kerb zone being a distance of 1m, as angle parking occurs along this section of Sheridan Street.



**TARGET DETECTED:  
FOOTPATH ZONES  
CAIRNS CITY,  
MARKET PRECINCT**



## No.3 City Centre Precinct, Cairns City

### No.3 Precinct-specific policy

#### CITY CENTRE PRECINCT

The City Centre Precinct embodies the heart of Cairns city, containing the historically significant Shields and Lake Streets, the first streets developed in Cairns. Today, these streets play an important role as pedestrian corridors, bringing visitors from the Cairns Esplanade and Trinity Inlet areas. It is along these key streets that pedestrians may encounter public performances, street markets, footpath dining and retail shopping experiences - all set in a vibrant tropical landscape.

This policy sees the City Centre Precinct divided into the Lake Street and Shields Street sections. The following information describes how the footpath policy applies to these streets.

#### Lake Street - between Spence and Shields streets

##### FOOTPATH ZONES

Recent upgrades to Lake Street now offer pedestrians a wide, tropical landscaped footpath that contains public seating, shaded spaces and footpath dining areas. This road experiences high pedestrian use and provides on street parking for easy access to retail and commercial enterprises. This precinct offers wider footpaths and landscaped road areas that accommodate increased footpath dining spaces.

The **Pedestrian zone** width for the Lake street precinct is a minimum of 3 metres from the building line with the **Kerb zone** being a distance of 1 meter from parking areas. There is no standard width of the **Trading zone** due to the footpath undulating in width along the street and the provision for road resumption.



#### Shields Street – between Grafton and Abbott streets

##### FOOTPATH ZONES

The reduction of vehicular traffic and removal of parking areas will create additional open spaces conducive to permanent footpath structures and extended outdoor dining areas in Shields Street. In this area the **Kerb zone**

is not applicable, with the main **Pedestrian zone** being located a minimum of 3 metres from the building line and the **Trading zone** defined by community infrastructure in this area.



#### DESIGN CRITERIA

Fixed outdoors structures associated with footpath dining areas may be permitted in this precinct where design requirements, listed below, are met:

##### General

- Maximises daylight access to shopfronts
- Complementary to adjacent buildings/ structures and street scapes
- Avoids cluttering the footpath
- Promotes safe design

##### Structural materials

- Timber / timber look materials
- Metal / stainless steel look materials
- Durable or robust materials
- Glass
- Use of planter boxes, trellises, raised garden beds in borders
- Lawful Stormwater connections

##### Awning / Roof Profile

- Layered roof profiles incorporating glass
- Minimum 2.5m clearance from the footpath to underside of roof
- Lighting and up lights
- Fans / ventilation

Applications for footpath dining will be assessed on a case-by-case basis by Council. All other requirements are in accordance with the Best Practice Use of Footpaths Policy.

New applications and further information can be obtained from Council's Licensing and Approvals Unit on (07) 4044 3044 or on Council's website [www.cairns.qld.gov.au](http://www.cairns.qld.gov.au) (see Local Laws and Policies under the Laws Regulations & Forms tab).



# Appendix Three

## Footpath standard conditions

The permit holder must at all times operate in accordance with Council's Local Laws:

- *Cairns Regional Council's Local Law No.1 (Administration) 2011 and Subordinate Local Law No.1 (Administration) 2011; and*
  - *The Best Practice Use of Footpaths Policy*
1. The layout and use of the approved plan must not be altered without the written consent of the Council.
  2. Council reserves the right to revoke the footpath permit should there be a breach of Cairns Regional Council's *Local Law No.1 (Administration) 2011* and *Subordinate Local Law No.1 (Administration) 2011* or Council's footpath policy or the footpath dining permit.
  3. Ensure the annual or quarterly invoices issued in relation to the rental fees for the permitted area, are paid by the due date.
  4. The occupation of the footpath for the purposes of footpath must have a limited impact on the amenity and the streetscape.
  5. An adequate distance from all public seating, litter bins and any other infrastructure must be maintained in accordance with the footpath policy.
  6. ALL objects must be removed from Council's footpath at close of business.
  7. Furniture must be designed and maintained in a safe condition, be of sturdy construction and not damage the existing footpath area or other public infrastructure.
  8. Permit holders must display the current permit label clearly and legibly on the shop-front window.

9. Council reserves the right to reclaim access to the land at any time for maintenance purposes. Should any fittings fixed to the footpath need to be removed temporarily due to the nature of the maintenance, Council will reinstate them accordingly and to the best of its abilities. Costs associated with the removal and reinstatement will be at the expense of the permit holder.
10. Council and other service authorities reserve the right to access all underground services within the footpath area at any time, without notice to the permit holder.
11. No compensation will be payable for any removal of fittings or fixtures associated with the footpath permit or for the loss of trade experienced due to these works.

## VENUE MANAGEMENT

12. All patrons must be within the footpath **Trading Zone** and must not exceed the maximum approved numbers.
13. Liquor is not to be sold, consumed or served within the **Trading Zone** unless the area is covered by a current valid liquor license.
14. Venue management must ensure that the **Pedestrian Zone** is always kept clear of patrons and any footpath objects / items unless approved otherwise.

## WASTE MANAGEMENT

15. Litter generated from footpath must not be swept into the street gutter or adjacent areas and must be deposited within the operator's own bins kept within the premises.
16. Tables must be cleared of all bottles, glasses and tableware and be wiped clean to ensure safety and cleanliness for other patrons.

## NOISE

17. No form of external public address system or sound amplification equipment shall be used outside the premises.
18. The use of the footpath shall not cause nuisance and shall not have an impact on amenity by the emission of noise.

## RISK MANAGEMENT

19. Public liability insurance of \$20000000 must remain current and valid for the life of the permit. A copy must be forwarded to Council each year.
20. The permit holder indemnifies and releases the Council from all liability arising from the use of the footpath trading area, including any claims made by any person for injury, loss or damage arising in any matter.
21. Council must be notified immediately of any damage to Council's assets, as well as any other condition that creates a hazard to the public.
22. The footpath area is occupied and used by the permit holder at the permit holder's own risk.

## NON-COMPLIANCE

23. A breach of any of the conditions of this permit may result in enforcement action being taken against the permit holder and/or the organisation responsible for the permit.
24. This action may include the issuing of a Notice to Comply, fines, cancellation of this permit and/or impounding of items on the footpath.
25. Any enforcement action that is required in relation to this permit may affect future applications for footpath trading.
26. Council retains the right to claim costs for enforcement actions.

## REMOVABLE SCREENS

27. All removable screens must be no higher than 0.9m.
28. All removable screens must be removed from the footpath in accordance with the approved hours of operation as stated on this permit.

## UMBRELLAS

29. A minimum of 2.2m from the underside of the umbrella to the footpath must be maintained at all times.
30. Any approved umbrellas must not protrude into the **Kerb Zone**.
31. All approved umbrellas must be securely fixed in accordance with Council's requirements.
32. Any approved umbrellas must not be attached in any way to a removable screen with the purpose of enclosing an outdoor area.

## ADVERTISING BOARDS / PORTABLE A-FRAMES

33. Are not approved in the **Trading Zone**.

## DISPLAY OF GOODS

34. Are not approved in the **Trading Zone**.

## FLAGS / BANNERS

35. Are not approved in the **Trading Zone**.

## MENU DISPLAYS

36. Signs displaying menus may not be attached to barriers, umbrellas, or any other structure.

## MAJOR EVENTS

37. Major events include: Festival Cairns, Chinese New Year and New Year's Eve.
38. During these events the following conditions apply:
  - 38.1 *Festival conditions apply for the duration of the festival within the Festival-designated precinct.*
  - 38.2 *New Year's Eve conditions apply across the region.*



## Get in touch

### POST

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### FACEBOOK

[www.facebook.com/CairnsRegionalCouncil](http://www.facebook.com/CairnsRegionalCouncil)

### TWITTER

[www.twitter.com/councilcairns](http://www.twitter.com/councilcairns)

## Customer Service Centres

### CAIRNS

Council Chambers  
119-145 Spence St Cairns  
Phone 4044 3044  
STD calls 1800 070 444



[www.cairns.qld.gov.au](http://www.cairns.qld.gov.au)