

Footpath Dining

Application for Approval of a General Activity

Cairns Regional Council Local Law No. 1 (Administration) 2016
Cairns Regional Council Local Law No.11 (Local Government Controlled Areas and Roads) 2016
Cairns Regional Council Subordinate Local Law No. 11 (Local Government Controlled Areas and Roads) 2016
Best Practice Use of Footpaths Policy

Year: 2019/2020

You **MUST** complete ALL questions unless the form indicates otherwise. Incomplete forms or forms without all necessary information and documentation will result in your application not being a properly made application.

For all applications, you must:

- complete this form
- complete any other forms relevant to your application
- provide any mandatory supporting information identified on the forms as being required to accompany your application
- submit the fee applicable

Business details

Trading name	<input style="width: 100%;" type="text"/>
Business name	<input style="width: 100%;" type="text"/>
ABN	<input style="width: 100%;" type="text"/>
Business address	<input style="width: 100%;" type="text"/>
Applicant's name	<input style="width: 100%;" type="text"/>
Postal address	<input style="width: 100%;" type="text"/>
Manager's name	<input style="width: 100%;" type="text"/>
Manager's contact phone number	<input style="width: 100%;" type="text"/>
Business phone number	<input style="width: 100%;" type="text"/>
Business e-mail address	<input style="width: 100%;" type="text"/>

Proposed Location of Activity

Street Address	<input style="width: 100%;" type="text"/>
Locality/Suburb	<input style="width: 100%;" type="text"/>

Type of Approval	(Please tick)
New Application	<input type="checkbox"/>
Renewal Application	<input type="checkbox"/>

Proposed Activity	(Please tick where applicable)
Please identify the nature of the activity by ticking one (1) or more of the following boxes	
Using a road (including footpath) for the purposes of footpath dining.	<input type="checkbox"/>
Placing of planter boxes associated with footpath dining on a road reserve.	<input type="checkbox"/>

Description of Proposed Footpath Dining Activity	
Please indicate the area to be used for footpath dining _____ m ²	
Proposed Tables:	Number _____ Materials _____
Proposed Chairs:	Number _____ Materials _____
Proposed Portable Shade Structure (if any):	Number _____ Materials _____ Dimensions (width x height) _____
Proposed Portable Screen/Barriers (if any):	Number _____ Materials _____ Dimensions (height, length, etc) _____
Proposed Landscape Planter Boxes (if any):	Number _____ Materials _____ Dimensions (width x height x length) _____

Further information	(Please tick)
Are you intending to use any promotional or advertising material in connection with the footpath dining activity?	
Yes, please attach details to application.	<input type="checkbox"/>
No	<input type="checkbox"/>
Is there any further information or requirements proposed in support of this application?	

Method of Storage/security of tables, chairs, etc.
What is the method of storage/security of the proposed tables and chairs, etc?

Supporting documents, information and materials required to complete this application. Please complete this checklist in full	<input checked="" type="checkbox"/>
Please attach a copy of your Public Liability Insurance to the value of \$20,000,000.00 noting Cairns Regional Council as an interested party.	<input type="checkbox"/>
Please attach a site plan (refer to attached guide).	<input type="checkbox"/>
Please attach colour photographs/brochures (refer to attached guide).	<input type="checkbox"/>
Please provide details of any promotional or advertising material intended to be used in connection with the activity.	<input type="checkbox"/>
Please provide details about any procedures which will be taken to ensure that the amenity of the surrounding area will not be adversely affected (refer to attached guide).	<input type="checkbox"/>
Please provide details about any procedures which will be taken to ensure that the activity will not cause a nuisance to neighbouring residents (refer to attached guide).	<input type="checkbox"/>
Please attach a plan of any temporary structures that will be placed on the road.	<input type="checkbox"/>
Please provide details about procedures which will be taken to ensure that the activity does not significantly detract from the capacity of the road to provide a vehicular and, where relevant, pedestrian thoroughfare (refer to attached guide).	<input type="checkbox"/>

Please indicate below the maximum length of time for which the footpath dining would be in place.
Example: The trading hours of a business might be 9:00am to 5:00pm, Monday to Friday and it is intended that the footpath dining will be placed on the footpath during those hours of operation.

Existing Approvals	(Please tick)
Have any approvals relating to the footpath dining activity been provided by Council or another department, agency or body pursuant to another law (for example, the <i>Liquor Act 1992</i> or the <i>Food Act 2006</i>)?	
Yes, please attach any approvals	<input type="checkbox"/>
No	<input type="checkbox"/>

Application Fees	\$
New Application Fee	\$ 234.00
Renewal Fee	\$ 190.90
Payment can be made in person at any of the Council's Customer Service Centres; posting a cheque or money order; or online https://eservices.cairns.qld.gov.au/eservice	

Upon approval of your permit the following annual footpath rental fees will apply (invoices are generated annually or quarterly):

Area A - \$199.50 per m²

Area B - \$106.10 per m²

Area C - \$ 61.60 per m²

Area D - \$ 37.10 per m²

Area E - \$ 22.30 per m²

Area F - \$ 13.80 per m²

Area G - \$ 9.60 per m²

To find out which area applies to your location, please contact Council on telephone 1300 69 22 47 or visit Councils website.

Term of approval: The term of approval is the period stated on the approval.

Term of renewal of approval: The term of any renewal of an approval is the same term as the original approval subject to compliance with all conditions stated on the approval.

Declaration:	
To the Chief Executive Officer, Cairns Regional Council	
I / We make application under <i>Cairns Regional Council Local Law No. 1 (Administration) 2016</i> for approval for the general activity as outlined in this form.	
Print Name:	
Signature:	Dated:

Cairns Regional Council – Information Privacy Statement

Your personal information has been collected for the purpose of assessing your Application for Approval. The collection of your information is authorised under the *Local Government Act 2009*. You are providing personal information which will be used for the purpose of delivering services and carrying out Council business. Your personal information is handled in accordance with the *Information Privacy Act 2009* and will be accessed by persons who have been authorised to do so. Your information will not be given to any other person or agency unless you have given Council permission or the disclosure is required by law.

OFFICE USE

Does the application fit the criterion for granting of approval?	YES		NO	
<p>5. Local Law – Section 7(2) – Grant of a permit For the purpose of section 7(2) of the Local Law, the granting of the permit will be consistent with the relevant criteria if –</p> <p>(a) the applicant holds all other necessary statutory approvals for the activity;</p> <p>(b) the activity will not be inconsistent with the terms and conditions of the trust and any statutory provisions relevant to the land; and <i>Example of section 5(b) – The activity is intended to be carried out on trust land under the Land Act 1994 but if carried out would be inconsistent with the terms of the trust for that land.</i></p> <p>(c) plans showing any temporary structure intended to be erected on the road as part of the activity indicate that it is structurally sound; and</p> <p>(d) the activity will not be conducted within close proximity of a business carrying out another commercial activity or, if it will be conducted within close proximity of that business – the activity will not be likely to have an adverse effect on that other business; and</p> <p>(e) if relevant, the activity will not significantly detract from the capacity of the road to provide a vehicular and, where relevant, pedestrian thoroughfare; and</p> <p>(f) the activity will not constitute a nuisance to any person; and</p> <p>(g) the activity will not constitute a danger to any person or property; and</p> <p>(h) if relevant, the activity will not obstruct access from the footpath to kerbside parking; and</p> <p>(i) the activity will not have an adverse effect on the amenity of the area; and</p> <p>(j) the activity will not have an adverse effect on existing services located in, on or over the road.</p>				
PAYMENT DETAILS:	Receipt Type 164	Payment Amount \$	Receipt No:	

GUIDE TO SITE PLAN

A site plan to a scale of approximately 1:100 should be attached which extends:

- (a) from the kerb's edge, the full width of the footpath, to the frontage of the building; and
- (b) from within 2 metres of one adjoining premises, the full length of the property frontage, to within 2 metres beyond the other adjoining premises, and shows:
 - the boundaries of the site, the outline of buildings, and the use of adjoining buildings;
 - the area (including dimensions) intended to be used for displaying goods (shown in red) and the location of all proposed outdoor dining facilities; and
 - any trees, fire hydrants, transformers, telephone booths, mail boxes, bus seats and shelters, traffic signal boxes, fixed rubbish bins, pillars and posts (supporting signs or other objects) and other obstructions.

GUIDE TO PROVIDING PHOTOGRAPHS/BROCHURE

The following should be attached to the application:

- (a) a colour photograph of the site frontage and proposed area to be used for outdoor dining; and
- (b) a photograph (or brochure) detailing furniture, accessories and fittings intended to be placed on the footpath.

GUIDE TO ADDRESSING PROCEDURAL CRITERIA*

When detailing how your business will ensure that the amenity of the surrounding area will not be adversely affected by outdoor dining, you may consider:

- How you will keep your trading zone free from litter and waste
- Use of commercial waste bins and not public street bins for waste generated by the business
- Choice of colour scheme and materials for furniture and planting that is consistent with the surrounding streetscape
- Selecting tables and chairs that are designed to withstand the outdoor elements i.e. solid enough to resist wind gusts, made of materials that do not deteriorate quickly

When detailing how your business will ensure that outdoor dining will not cause a nuisance to neighbouring residents, you may consider:

- Monitoring noise and odour to ensure there is no adverse impact on surrounding businesses or residences
- Monitoring patron behaviour that may interfere with the use, enjoyment and personal comfort of others using the footpath area
- Having adequate storage space on the premises to store outdoor dining furniture outside of business hours
- Placement and direction of artificial lighting

When detailing how your business will ensure that outdoor dining does not significantly detract from the capacity of the road to provide a vehicular and, where relevant, pedestrian thoroughfare, you may consider:

- How safe and unobstructed passage for pedestrians, particularly those who may be physically or visually impaired, will be maintained
- How safe and unobstructed vision for drivers of vehicles and cyclists will be maintained
- Identifying any services that require footpath access in the vicinity of your trading zone (such as sewer, gas, water, telecommunications and electricity conduits) and how access to those services will be maintained

* Please note these are provided as a guide only. You are required to ensure your supporting documentation clearly outlines how you will address the criteria in relation to your specific operations.