

Commercial Use Activity – footpath dining – permit application

Local Law No. 11 (Local Government Controlled Areas and Roads) 2016
 Local Law No. 1 (Administration) 2016

2024/2025

This application form is to be used to apply for Commercial Use Activity permit which involves the use of Council controlled areas or roads for the purpose of footpath dining.

Please read Council's Best practise use of footpaths policy before submitting your application form to ensure that you understand what is required to be addressed and included in an application.

All relevant sections in this application form must be completed and any required documentation must be submitted with an application for it to be a properly made application. Council must receive a properly made application at least 30 days prior to the intended commencement date. Applications which are incomplete will not be accepted.

1. Who is applying for the permit?

Individual(s) - Complete question 2	<input type="checkbox"/>
Incorporated Association / Corporation – Complete question 3	<input type="checkbox"/>

2. Individual(s)

Individual 1

	Mr <input type="checkbox"/>	Mrs <input type="checkbox"/>	Miss <input type="checkbox"/>	Ms <input type="checkbox"/>
Full name:				
Phone number:				
Email address:				
Postal address:				

Individual 2

	Mr <input type="checkbox"/>	Mrs <input type="checkbox"/>	Miss <input type="checkbox"/>	Ms <input type="checkbox"/>
Full name:				
Phone number:				
Email address:				
Postal address:				

3. Corporation or organisation

Name: <i>E.g., ABC Company Pty Ltd</i>	
ACN:	
Postal address:	
Registered address of corporation or organisation:	
Phone number:	
Email address:	

Nominated contact person:

If the applicant is a corporation or organisation, a contact person must be nominated for the permit and must be duly authorised to act on behalf of the corporation.

Full name of contact person:	
Position held within corporation or organisation:	
Phone number of contact person:	
Email address of contact person:	

4. Business trading name

If the trading name of the business is different to that which is provided at either question 2 or question 3, please provide the following information:

Business trading name:	
ABN:	

5. Location of Footpath Dining area

Please note that if the proposed location of the Footpath Dining area is adjacent to State controlled road, then approval may also be required from the Department of Transport and Main Roads (DTMR). Please make contact directly with DTMR to determine if you require approval. Please note that any delay in obtaining approval from DTMR may result in a delay in the assessment of a permit.

Where is the proposed location of the Footpath Dining area? <i>E.g., the footpath area adjoining 123 North Street, Cairns.</i>	
Is the proposed Footpath Dining area adjacent to a State controlled road?	Yes <input type="checkbox"/> <i>Please provide a copy of the approval from DTMR with this application.</i>
	No <input type="checkbox"/>
Is the applicant the owner or lease holder of the land that adjoins the proposed Footpath Dining area?	Yes <input type="checkbox"/>
	No <input type="checkbox"/> <i>If the applicant does not own the land or premises which adjoins the proposed Footpath Dining area or the applicant does not have a registered lease over the adjoining land or premises, then a copy of written consent of the landowner will need to be provided with this application.</i>

6. Footpath Dining details

<p>What is the proposed use of the Footpath Dining area?</p> <p><i>E.g., The Footpath Dining area is to be used for customer dining for breakfast and lunch including the use of planter boxes and an umbrella for shade.</i></p>		
<p>What are the hours of operation that the Footpath Dining is proposed to be used for?</p> <p><i>E.g., The trading hours for the café is 7:00am to 3:00pm, 7 days a week and it is proposed that the Footpath Dining area is to be used during those hours of operation.</i></p>		
<p>What are the overall dimensions and total area for Footpath Dining being applied for?</p> <p><i>E.g., 5.5m x 2.5m = 13.75m²</i></p>		
<p>What are the proposed furniture and structures to be used/installed in the Footpath Dining area?</p>	<p>Tables:</p>	<p>Number:</p>
		<p>Materials:</p>
	<p>Chairs:</p>	<p>Number:</p>
		<p>Materials:</p>
	<p>Portable shade structures:</p>	<p>Number:</p>
		<p>Materials:</p>
		<p>Overall dimensions for each:</p>
	<p>Portable screens or barriers:</p>	<p>Number:</p>
		<p>Materials:</p>
		<p>Overall dimensions for each:</p>
	<p>Landscape planter boxes:</p>	<p>Number:</p>
		<p>Materials:</p>

		Overall dimensions for each:
	Other structure / item:	Number:
		Description:
		Overall dimensions:
How and where do you propose to store or secure the proposed furniture and/or structures when not in use for the purpose of footpath dining?		
Do you propose to sell or allow the consumption of alcohol within the Footpath Dining area?	Yes <input type="checkbox"/>	<i>If answering yes to this question, a liquor licence must be obtained from the Office of Liquor and Gaming Regulation prior to the commencement of alcohol consumption from within the Footpath Dining area. Please provide a copy of the liquor licence with this application if one is already obtained.</i>
	No <input type="checkbox"/>	
Are there any advertising devices proposed to be installed within the Footpath Dining area? <i>Note: menu stand signs and sandwich board signs are both prohibited within the Cairns CBD.</i>	Yes <input type="checkbox"/>	<i>If answering yes to this question, please include the following details with this application:</i> <ul style="list-style-type: none"> • The type of signs; • The number of signs; and • The location of signs within the Footpath Dining area.
	No <input type="checkbox"/>	
Please provide any further information or additional proposal if applicable.		

7. Supporting Documentation

Please provide copies of each of the following documentation with your application. Please be advised that if any of the following are not included with your application, it will not be considered a properly made application and Council may refuse to accept it.

Site Plan	<input type="checkbox"/>
Photographs and/or brochure of the site frontage including furniture and structures	<input type="checkbox"/>
Procedures – <i>Please see the guide at the back of this application form for more information.</i>	<input type="checkbox"/>
Landowner's consent – <i>Applicable if the applicant is not the registered owner or the registered lease holder of the premises which adjoins the footpath dining area.</i>	<input type="checkbox"/>

Evidence of any other approvals that may be required in relation to the footpath dining area <i>For example – If applicable, the applicant must provide a copy of the liquor licence if one is already obtained otherwise it will need to be provided to Council by no later than 7 days before commencement of the permit</i>	<input type="checkbox"/>
A certificate of currency for Public Liability Insurance for the footpath dining area held in the name of the permit holder for an amount of no less than \$20 million which notes the Cairns Regional Council as an interested party.	<input type="checkbox"/>

8. Applicant Declaration

If the application is made by a corporation, the person signing the form must occupy a position that is legally entitled to make an application on behalf of the corporation or incorporated association.

I declare that the information provided in this application form and any other documentation submitted in connection with this application is true and correct and consent to the Cairns Regional Council making enquiries and exchanging information with authorities of any Local, State/Territory or Commonwealth department regarding any matters relevant to this application.	
I indemnify the Cairns Regional Council, including its employees, representatives or agents, from and against any action, claim, demand, loss, damage, cost and/or expense that is or may be suffered by the Cairns Regional Council in connection with or related to the assessment of this application.	
I agree that if a permit is issued following assessment of this application form that I will:	
<p>(a) keep in effect during the term of any permit issued, a certificate of currency for public liability insurance which notes the Cairns Regional Council as an interested party and which is for a value of not less than \$20 million and held in the name of the permit holder; and</p> <p>(b) indemnify the Cairns Regional Council, including its employees, representatives and agents, from and against any action, claim, demand, loss, damage, cost and/or expense that is or may be suffered by the Cairns Regional Council in connection with or related to the activity and/or the use of the Council controlled area or road in any way.</p>	
<input type="checkbox"/> I have read and understood the above declaration and confirm that the information provided in this application and any supporting documents are true and correct.	
Name of applicant <i>Either individual or corporation</i>	
Name of signatory <i>If applicant is a corporation</i>	
Position of signatory <i>If applicant is a corporation. E.g., Director, Secretary.</i>	
Signature	
Date	

Fees

Application fee

Once a complete application form is received, information will be sent to you about how to make payment of the application fee.

Application fee	\$273.00
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Rental fees

If a footpath dining permit is issued following the assessment of your application, the following rental fees are applicable dependent on the location of the footpath dining area. To determine which area applies to the footpath dining area you are applying for, please see page 39 of Council's Best practice use of footpaths policy or call Council on 1300 69 22 47.

Note: for footpath dining permits that will also have a road permit in place, the below rental fees are not applicable as the rental fees will be charged under the road permit only.

Applicable area	Cost per m ² :
Area A	\$233.20
Area B	\$123.90
Area C	\$72.00
Area D	\$43.30
Area E	\$26.10
Area F	\$16.20
Area G	\$11.20

How to submit your application

Submit your completed application form and supporting documentation by one of the following methods:



By mailing

You can mail your completed application to the following address:
Cairns Regional Council
PO Box 359
CAIRNS QLD 4870



In person

You can submit your completed application in person at Council's Spence Street Customer Service centre.



By email

You can submit your completed application by emailing it to regadmin@cairns.qld.gov.au

OFFICE USE ONLY Receipt Type T 164			
Fee:	Receipt #	Date:	Officer Name:

Cairns Regional Council – Information Privacy Statement

Your personal information has been collected for the purpose of assessing your application. 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.

SUPPORTING DOCUMENTATION REQUIREMENTS

Site plan

A site plan is required to be submitted for all footpath dining applications. A site plan must include the following:

- the overall boundary of the Permit area including measurements;
- the outline of adjoining buildings;
- the area to remain as footpath;
- the kerb area – this is the area between adjoining carparks or road;
- the location of all furniture, structures, advertising devices and other items intended to be placed in the footpath dining area;
- the location of any permanent infrastructure within the footpath dining area or immediately adjoining it – this includes but not limited to trees, fire hydrants, transformers, telephone booths, mailboxes, bus shelters, rubbish bins, pillars and posts (awning or building supports) and any other permanent items;
- measurements on the site plan for the following:
 - the overall length and width of the footpath dining area;
 - the overall width of the area to remain as footpath; and
 - the width of the kerb area.

Please be advised that the approved footpath and kerb area will vary dependant on location.

Photographs/Brochure

The following must be submitted with all applications for footpath dining:

- a colour photograph/s of the proposed area to be used for Footpath Dining; and
- a photograph/s or relevant brochures which show the furniture, structures and other items intended to be placed within the Footpath Dining area as outlined on the site plan.

Note: Council will consider whether the selection of furniture, structures and other items intended to be used within the footpath dining area are designed to withstand the environmental elements.

Procedure

Council requires applicants for footpath dining permits to compile and submit a procedure with their application to outline how they plan to mitigate potential issues within a footpath dining area.

The procedure must address the following three (3) areas, being:

- How to ensure amenity of the surrounding area will not be affected;
- How to ensure that the footpath dining activity will not cause a nuisance to neighbouring residents and properties; and
- How to ensure that the activity does not significantly detract from the capacity of the road to provide a vehicular and/or pedestrian thoroughfare.

As a guide, the procedure should answer the following questions as well as anything else that may be applicable for the footpath dining area:

- **How to ensure that amenity of the surrounding area will not be affected:**
 - How will you ensure that the footpath dining area is kept free from litter and waste?
 - How will you ensure that your own commercial waste bins will be used for the waste generated by your business and the footpath dining area and not public street bins?
- **How to ensure that the footpath dining activity will not cause a nuisance to neighbouring residents and properties:**
 - How will you ensure that noise, light, odour and other potential impacts and nuisances are not having an adverse impact on surrounding businesses or residences;
 - How will you ensure that patron behaviour within the footpath dining area does not interfere with the use and enjoyment or cause nuisance to others?
- **How to ensure that the activity does not significantly detract from the capacity of the road to provide a vehicular and/or pedestrian thoroughfare:**
 - How will you ensure that safe and unobstructed passage for pedestrians, particularly those who may be physically or visually impaired, will be maintained;
 - How will you ensure the safe and unobstructed vision for drivers of vehicles and cyclists will be maintained; and
 - How will you identify services that require access within the footpath dining area such as sewer, gas, water, telecommunications and electricity conduits and how will you maintain access to those services.

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.