



BRISBANE CITY COUNCIL

Footpath Dining Permit Guide

This guide will help businesses that operate or intend to operate footpath dining as part of their business. It provides advice on obtaining a permit and the conditions that may apply to using the footpath for dining.



Dedicated to a better Brisbane

Why does Council regulate footpath dining?

Footpath dining allows visitors and residents to enjoy Brisbane's scenery, climate and cosmopolitan character. To help Brisbane City Council balance the ever increasing demand on public footpaths, the *Footpath Dining Local Law 2011* was created to manage the impacts from footpath dining activities.

Who needs a permit?

Owners and operators of a food business who wish to use an area of a public footpath for customers to eat or drink, will need a 'Footpath Dining Permit' under Council's *Footpath Dining Local Law 2011*. Examples are a sidewalk café, a takeaway food store or a convenience store with table and chairs on the footpath for use by customers.

Who does not need a permit?

Food businesses with footpath dining facilities that are on private property (for example, in shopping centres or complexes that back onto a footpath) do not need a permit. A permit is not required for footpath dining facilities in the Queen Street, Brunswick Street or Chinatown Malls. However, for these food businesses, an approval must be obtained from Council's City Malls Management. They can be contacted through Council's Call Centre on (07) 3403 8888.

Approval process

Application

To obtain a footpath dining permit, an application form must be completed and submitted to Council. Application forms are available from your nearest Council Regional Business Centre, Customer Service Centre or by phoning Council on (07) 3403 8888. To assist Council in assessing your application, a number of documents need to be submitted with your application form.

- At least one copy of a plan outlining the area proposed to be used (drawn to scale)
- An application fee. For information on the latest Council fees visit Council's website www.brisbane.qld.gov.au or phone Council on (07) 3403 8888
- Colour photographs or brochures detailing specifications of the furniture, accessories or fittings you intend to place on the footpath and a photo of the site frontage.

Council will assess your footpath dining permit application against a number of criteria. The assessment of the application will consider other uses of the footpath – pedestrian access, cyclists, existing obstacles like bus stops, loading zones, street and footpath assets and the general suitability of footpath dining at the proposed location.

State controlled roads

Check your proposed footpath dining area is not on a state controlled road (see list at the end of this guide). If your proposed area is on a state controlled road, please contact the Department of Transport and Main Roads to check the following:

- any potential lease arrangements
- road reserves
- traffic or planning overlays.

Once you have a letter from the Department of Transport and Main Roads approving the proposed area, attach this to your footpath dining application with Council.

What do I need on my plans?

All applications must include a plan/s with the following details:

Existing site details

- An outline of the premises associated with the dining area with correct dimensions of the footpath area and the proposed footpath dining area.
- A basic outline of adjoining buildings or tenancies and their uses.
- The location of entries and exits to the premises associated with the dining area.
- The location of entries and exits of adjoining buildings or tenancies.
- The property boundary.
- The footpath, kerb and channel.
- All existing street furniture, trees, garden beds, artwork, planter boxes, telephone booths, mail boxes, shelters, posts, street signs, parking signs, and the like, within, and in proximity to, the proposed dining area.
- All service pit lids, transformers, fire hydrants, and the like, within, and in proximity to, the proposed dining area.
- Details of the kerbside parking uses (metered parking, loading zone, bus zone etc.) that adjoin or are in proximity to the proposed dining area.

- The location of roadway intersections, side roads, driveways or pedestrian crossings within, and in proximity to, the proposed dining area (refer to Design guidelines section).
- Distance to residential premises (if located within 20m of the proposed area).
- Distance to bus stops (if located within 20m of the proposed area).

Footpath dining area details

- A dimensioned outline of the area within the footpath intended for use as a dining area.
- Dimensioned pedestrian access corridors adjoining the dining area.
- Dimensions identifying the distance of the dining area from the face of the kerb.
- Dimensions identifying the distance of the dining area from existing fixtures in the footpath such as tree grates, street furniture, telephone boxes etc.
- Dimensions identifying that the dining area does not impact on the kerbside parking uses.
- The proposed position of all tables, chairs, planter boxes, wind breaks, umbrellas, awnings, screens etc. proposed within the dining area.
- Details and dimensions of the proposed tables, planter boxes, awnings, umbrellas and wind breaks.



What do I need to photograph?

At a minimum provide clear photographs with the following details:

- the proposed dining area
- the surrounding streetscape including any fixtures and/or Council assets*
- the site frontage taken from across the street
- photograph or brochure of the proposed furniture.

A number of design guidelines have been included to assist when considering your footpath dining location and area (refer to Design guidelines section).

* Example of a fixture includes an awning covering the dining area. Council assets include bus stops or seats, bins, parking meters, CityCycle stations etc.

Lodging plans

Plans, application form and relevant documentation should be lodged with Council at least 20 business days before you plan to commence a footpath dining activity in order for Council to assess your application. These plans can be lodged at Council's Regional Business Centres or Customer Service Centres, or posted to:

Built Environment Assessments Team
Brisbane City Council
GPO Box 1434
Brisbane QLD 4001

Council may contact you to arrange a time to inspect the area to assess the suitability of the location and discuss any issues. In some instances, Council may request further information in order to complete the assessment.

Footpath dining permit

If the application is approved, Council will issue an approval notice notifying of the decision. The applicant will then be required to:

- pay the prescribed annual occupation fee for the footpath
- provide evidence of public liability insurance for the activity to a minimum value of 10 million dollars which names Brisbane City Council as an interested party
- submit any outstanding documentation.

On satisfying these requirements a Footpath Dining Permit will be issued and Council will send out demarcation discs to be placed on the ground to designate the approved area.

Your approval will be valid for 12 months and can be renewed on a yearly basis.

Footpath dining fees

An annual occupation fee is charged for the use of the footpath and is charged for each square metre of footpath used. There are three Brisbane area zones used to determine the amount of the annual fee.

Zone A – covers:

- Central Business District (CBD) – but does not include the Queen Street or Fortitude Valley Malls as these are not covered by the Footpath Dining Local Law. A separate application is required to Council's City Malls Management.

Zone B – covers:

- Fortitude Valley
- Spring Hill
- Racecourse Road, Hamilton
- Given Terrace, Paddington
- Oxford Street, Bulimba
- Jephson Street, High Street and Sherwood Road, Toowong
- Park Road, Milton
- Logan Road, Stones Corner
- Kedron Brook Road, Wilston
- Boundary Street, West End
- Caxton Street (between Petrie Terrace and Hale Street)
- Brunswick and Merthyr Roads (Merthyr Village, corner Brunswick Street, New Farm).

Zone C – covers all other areas

For more information on fees please contact Council on (07) 3403 8888.

Diagram A: Map of Zone A – Central Business District (CBD)



Existing permits

Transfer of a permit

If a permit holder sells or leases the food business, the new owner may apply to Council for a transfer of the footpath dining permit. The new owner can do this by lodging the application form, documents and paying the required fees. In most instances the new applicant will need to pay new occupation fees as the unused portion of the occupation fees is usually returned to the permit holder, unless an agreement between the permit holder and the new applicant is supplied to Council in writing.

Variation of a permit

Council can add, vary or remove any conditions relating to a footpath dining permit. This can also be done at the request of the permit holder.

Varying permit conditions allow Council and the permit holder to adapt to changes that occur to the use of the footpath area.

To vary a permit, the permit holder must submit an application to Council outlining the reason for the variation, together with supporting documents.

If necessary, Council may vary a permit condition however it must first write to the permit holder outlining the reasons for the variation. Council will allow sufficient time for the permit holder to respond regarding the proposed variation.

Some of the situations where Council may consider varying conditions of a permit include:

- Changes in the footpath area due to installation of infrastructure e.g. bus stops, taxi zones.
- Complaints.

Design guidelines

The following guidelines have been developed to assist operators when making footpath dining applications. The guidelines outline the criteria used by Council when assessing an application. It is to be read as a guide only as Council will assess each application and may impose conditions more appropriate for the location.

Location of dining area

The preferred location for footpath dining is generally on the kerb side of the footpath. This is to allow all people including visually and physically impaired persons to comfortably use the property boundary line (the building edge in the majority of cases) as a continuous point of reference when moving along the footpath. It also serves to keep footpath features (furniture, equipment, trees, etc.) to one side of the footpath, allowing a direct path of travel.

Proposals for dining against the property boundary may be acceptable if it can be demonstrated that this is a more desirable option for all potential users of the footpath, and is consistent with the location of existing approved footpath dining areas for other premises in the street.

To ensure safe access for pedestrians and cyclists, a minimum clear pedestrian zone of 2.4 metres in the Central Business District (CBD) and 2 metres in suburban locations is required. Where dining aligns with the kerb, for safety reasons it must be setback a minimum of 600mm from the face of the kerb (refer to Diagrams B and C opposite).

Although rarely permitted, in special circumstances footpath dining may be approved with a lesser clear pedestrian zone than what is stated above. This is assessed in conjunction with any other relevant Council criteria, and must take into account pedestrian safety and accessibility as the highest priority. The kerbside setback of a minimum 600 millimetres is not negotiable.

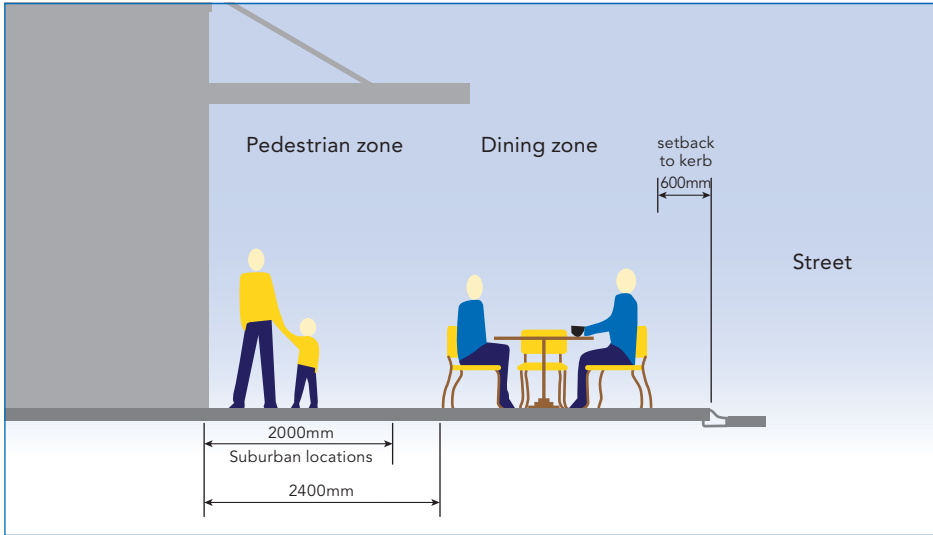


Diagram B:
Pedestrian zone and kerb setback – dining to kerb alignment

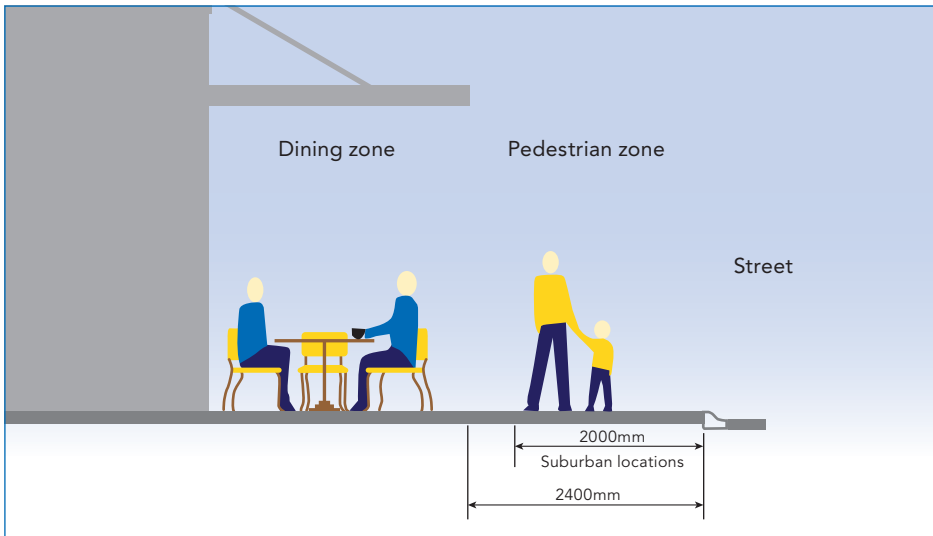
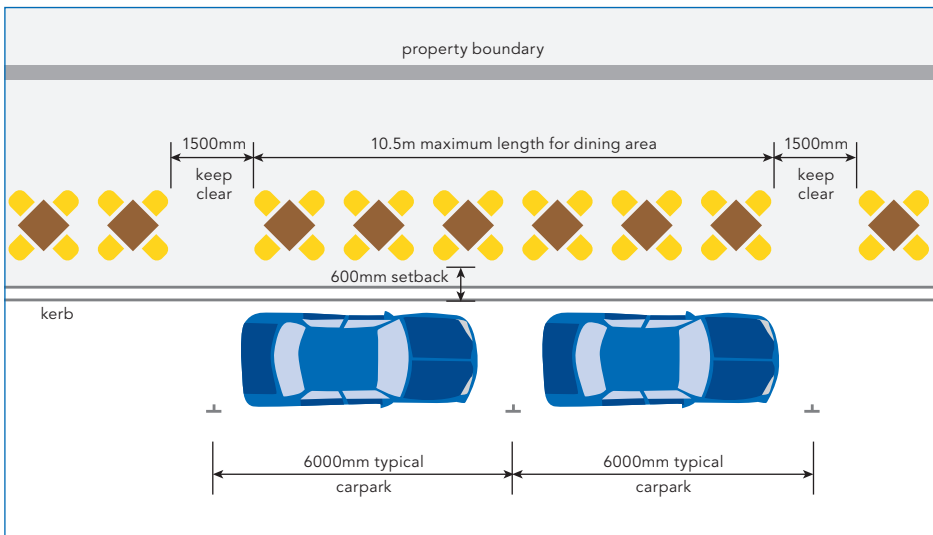


Diagram C:
Pedestrian zone and kerb setback – dining to property alignment



Generally, dining areas of a length greater than 10.5m should provide a gap of 1.5m in the dining area to allow pedestrian movement to and from the street edge.

Diagram D:
Clearance for pedestrian movement

Dining area and the kerbside

Footpath dining activities must not inhibit vehicles using the kerbside.

Driveways

Footpath dining must not cover or interfere with existing driveways. Footpath dining beside an existing driveway must be set back 600mm from the edge of the driveway.

Parking zone

Footpath dining beside parking zones is allowed, provided there is a gap in the dining area of 1.5 metres at the front of every second car space, or generally every 10.5 metres, to allow people to move to and from their vehicles. If the parking is metered, footpath dining activity must not obstruct the use of the parking meters (refer to Diagram D on page 7).

Parking meter units

Footpath dining beside parking meters is allowable provided there is a gap of 1.5 metres around the machine. The footpath dining activity must not obstruct the use of the meter or impede access to vehicles parking in the bays. A minimum distance of 1 metre must be left between the footpath dining area and the face of the kerb to allow passengers to safely move from their vehicle onto the footpath.

Bus zone

For footpath dining to be approved in an area beside a bus zone, it must be kept clear of areas where passengers alight and board leaving a minimum clear pedestrian zone of either 2.4 metres in suburban areas and 2 metres in the CBD. The footpath dining area should align with the property boundary for a minimum distance of 20 metres when adjacent to a bus zone (refer to Diagram E opposite). If the bus stop needs to be moved slightly or relocated, the dining area will be reviewed, and an amended permit negotiated and issued.

Taxi zone

For footpath dining to be approved in an area beside a taxi zone, the application will be referred to Council's Congestion Reduction Unit for comment. Taxi zones may have specific operational hours, or may have a heavier use than others. It is for site-specific reasons that Council's Congestion Reduction Unit must provide comments in these cases.

Loading zone

Footpath dining will be considered in an area beside a loading zone if it can be shown that the proposed dining activities do not obstruct the loading zone. Generally, a minimum distance of 1 metre is applied between the kerb face and the proposed footpath dining area to provide necessary access to the loading zone.

Australia Post mailboxes

Footpath dining will be considered in an area beside an Australia Post mailbox if it can be shown that the proposed dining activities do not obstruct pedestrian access to the box and Australia Post staff from opening the box to remove the mail. Generally, a minimum distance of 1.5 metres is applied between the mail box and the proposed footpath dining area.

Furniture and features within the footpath dining area

The following is an outline of Council's general requirements for common features relating to footpath dining activities.

Tables and chairs

All tables and chairs are to be of a sturdy design and fabrication and are to be of a height that facilitates sit-down dining activities. A maximum table height of 900 millimetres is appropriate (note that dry bars are not allowed). Tables and chairs must not be permanently fixed to the footpath.

Menu boards

Menu boards and similar items must be stable and located within the footpath dining permit area.

Dropdown blinds

Dropdown sides to awnings or attached blinds to awning structures should adhere to the following requirements.

- Are not a permanent fixture.
- The location of the blinds must not inhibit sightlines for the safety of vehicles, pedestrians and cyclists, particularly at driveways and kerb crossings.
- The blinds must be made of a fully transparent light-weight material with a finish that reduces glare.
- Any blinds are not to prevent persons accessing areas of the footpath where footpath dining operations are not approved.

(Refer to Diagrams F and G opposite).



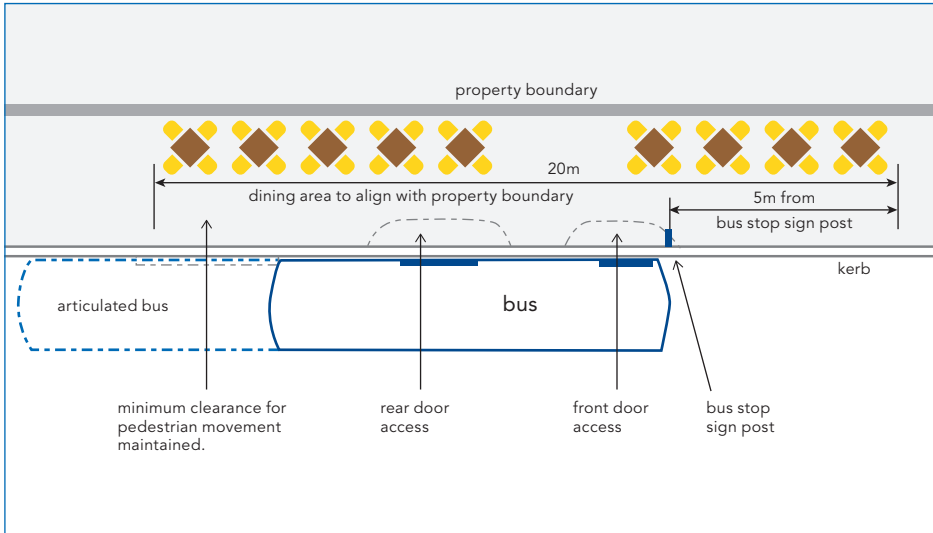


Diagram E:
Dining adjacent to a bus zone

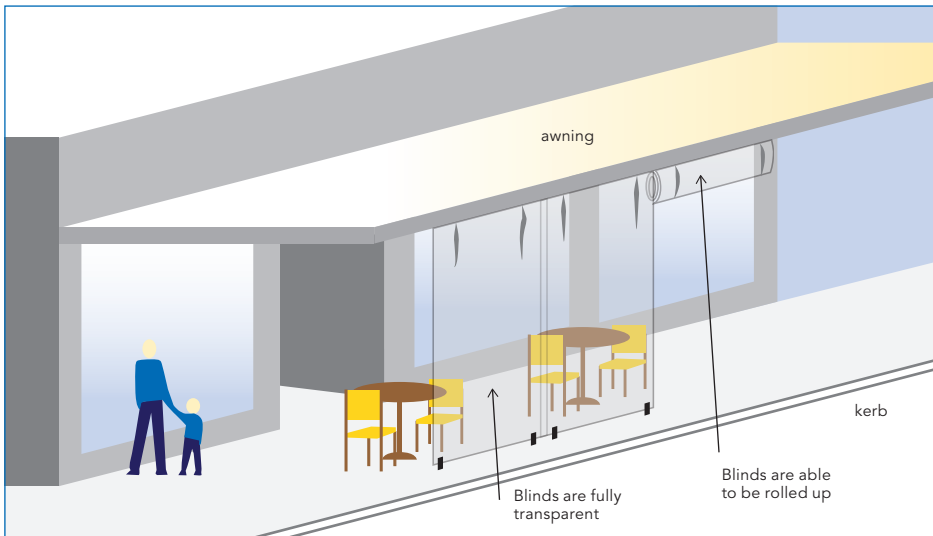


Diagram F:
Dropdown blinds

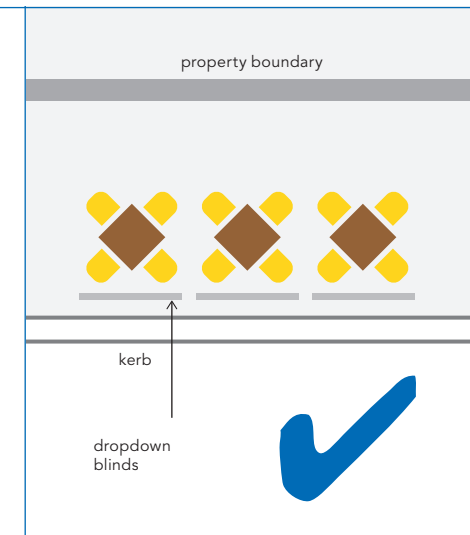
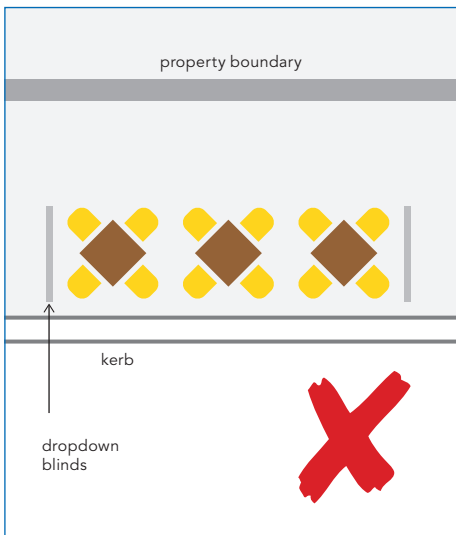


Diagram G:
Visibility and dropdown blinds

Heat burners

Free-standing heat burners and similar devices may be used provided they are stable, located within the dining permit area and do not cause danger to people or Council property in any way, especially to street trees.

Screens and windbreaks

Screens or windbreaks should adhere to the following requirements:

- Not higher than 900 millimetres above the pavement surface and do not conflict with vehicle sight lines.

- Not permanently fixed to the footpath and are removed outside of trading times.
- Sturdy to resist movement in windy conditions.
- Located within the designated footpath dining permit area.
- Setback no less than 600 millimetres from the face of the kerb.

(Refer to Diagrams H and I below).

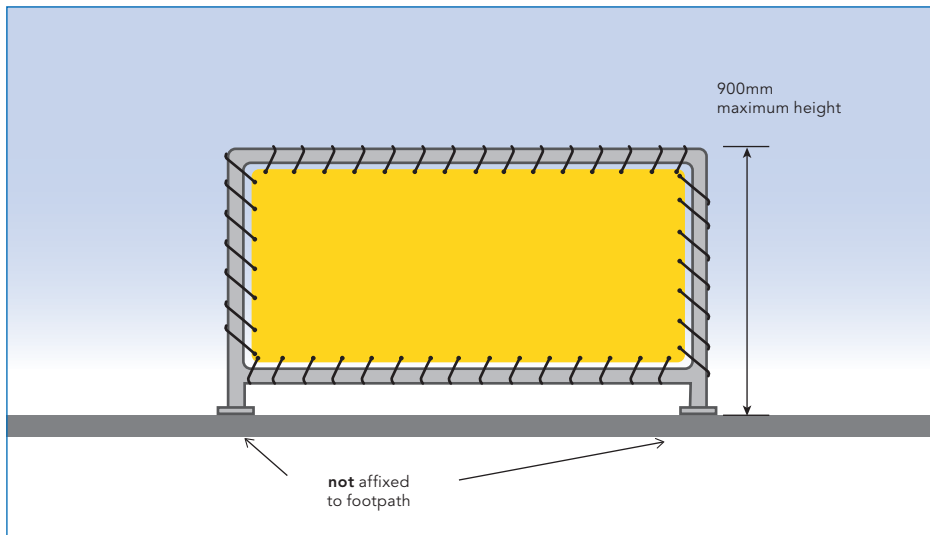


Diagram H:
Screen/windbreaks



Diagram I:
Location of
screens/windbreaks

Bollards and balustrades

If you intend to install bollards or balustrades on the footpath, you must first get approval from Council. If they form part of your footpath dining application, ensure they are clearly marked on your plans and Council will consider the request during the approval process.

Lighting within the dining area

Ensure any lighting associated with footpath dining activity does not cause hazard or nuisance to pedestrians, vehicles, or Council property. Permanent lighting structures or furniture within the dining area must not impede access to Council or Energex lighting or switchboards. A clearance of 600 millimetres must be left between the switchboard door in the open position and the dining area to allow access (refer to standard AS/NZS 3000).

Under awning lighting requires approval by Council. If lighting forms part of your footpath dining application, ensure all lighting is clearly marked on your plans and Council will consider the request during the approval process. Where the lighting illuminates a public footpath, ensure the lighting is on from dusk until dawn, 365 days a year. Light to a minimum of AS/NZS 1158.3.1 Category P3. Council prefers recessed light fittings for under awning lighting to reduce glare.

Advertising within the dining area

Advertising within the dining area is regulated under Council's Local Laws.

Noise within the dining area

Noise within the dining area is regulated by Queensland Police.

Shelter structures

The following are guidelines where awnings or umbrellas are located within the dining area.

- All structures to have a minimum setback of 600 millimetres from the face of the road kerb and 500 millimetres to be kept clear of existing mature street tree trunks and main branches.
- The minimum height from the footpath surface to the underside of an umbrella is 2.1 metres.
- Umbrellas must be of suitable design to ensure they do not endanger patrons, pedestrians and cyclists at any stage. Permanent umbrellas will require approval from Council. If they form part of your footpath dining application, ensure they are clearly marked on your plans and Council will consider the request during the approval process.

- Umbrellas must not overhang the area between the approved footpath dining activity and the kerbside.

Compatibility with existing footpath features

Public telephones

Footpath dining should be located at least 1.5 metres away from public telephone facilities and be arranged so that unrestricted access from the pedestrian corridor to the telephone booth is maintained.

Services and service pit lids

Footpath dining should not hinder access to service pits and valves located in the public footpath. Access to services such as parking meters, parking pay and display machines, traffic signal boxes and emergency services infrastructure must also be maintained at all times. The business owner or person responsible will work in conjunction with utility providers to ensure clear access to services and service pit lids within a footpath dining area.

Street furniture

Footpath dining activity should not hinder public access to Council owned street furniture including seats, bins, drinking fountains, information signs etc. Generally, dining should be at least 1.5 metres away from such furniture.

Tactile Ground Surface Indicators for the visually impaired

Footpath dining must not hinder pedestrian access to Tactile Ground Surface Indicators. Surface indicators take priority and generally, the footpath dining area should be located at least 1.5 metres away from these devices. When providing photographs please include images of all surface indicators.

Tree grates

Tables and chairs used for footpath dining must not be placed on top of tree grates.

Garden beds

A footpath dining activity must not interfere with Council owned or managed garden beds and plants.

Lighting

A footpath dining activity must not restrict or interfere with the current street lighting.



CityCycle

In areas where footpath dining is proposed adjacent to a CityCycle station, the footpath dining activity must not interfere with the users of the CityCycle station. A gap of 1.5 metres must be left around the CityCycle station and the footpath dining area.

Planter boxes

If you intend to place planter boxes on the footpath, you must first get approval from Council under a separate application. If they form part of your footpath dining application, ensure they are clearly marked on your plans and Council will consider the request during the approval process.

Visibility standards

Footpath dining may not be approved where the dining activity obstructs the clear vision of vehicles, cyclists and pedestrians, especially at a street corner with no traffic signals. If clear vision forms part of your footpath dining application, ensure it is clearly marked and this will be reviewed by Council's Congestion Reduction Unit.

(Refer to Diagram J opposite).

Pavement improvements

Any proposed improvements to a footpath surface or desired removal of items for the benefit of footpath dining must be approved by Council before a footpath dining activity commences. Unless otherwise instructed, all existing signs, meters, street furniture etc. must be reinstated in their original location if they are removed for pavement improvements. Footpath dining should in no way cause damage to the footpath pavement. Any damage caused must be rectified to Council's satisfaction, at the cost of the footpath dining permit holder.

Other considerations

Food hygiene

The food premises connected with the proposed area must hold the appropriate approvals from Council under the *Food Act 2006*. Food preparation and/or service (other than table service) is not permitted within an approved footpath dining permit area.

Liquor licensing

If you are proposing to permit alcohol consumption in the footpath dining area, you will need to contact the Office of Liquor and Gaming Regulation to ensure you meet their requirements.

Standing street vehicles

Standing street vehicles such as coffee carts are not permitted within an approved footpath dining permit area.

Cleaning

It is essential that operators maintain the footpath dining area in a clean and hygienic state at all times. Council waste bins are not to be used as part of the food business operations.

Complying with the local law

It is important for the safety of pedestrians, cyclists and vehicles using areas surrounding footpath dining, that permit holders comply with their conditions at all times. A number of enforcement tools are available to Council to ensure that impacts from footpath dining are limited.

These tools include:

- verbal directions
- written directions
- infringement notices
- confiscation of property
- revocation or suspension of permit.

Council will work closely with permit holders to resolve any issues in a fair and reasonable manner.

Appeal provisions

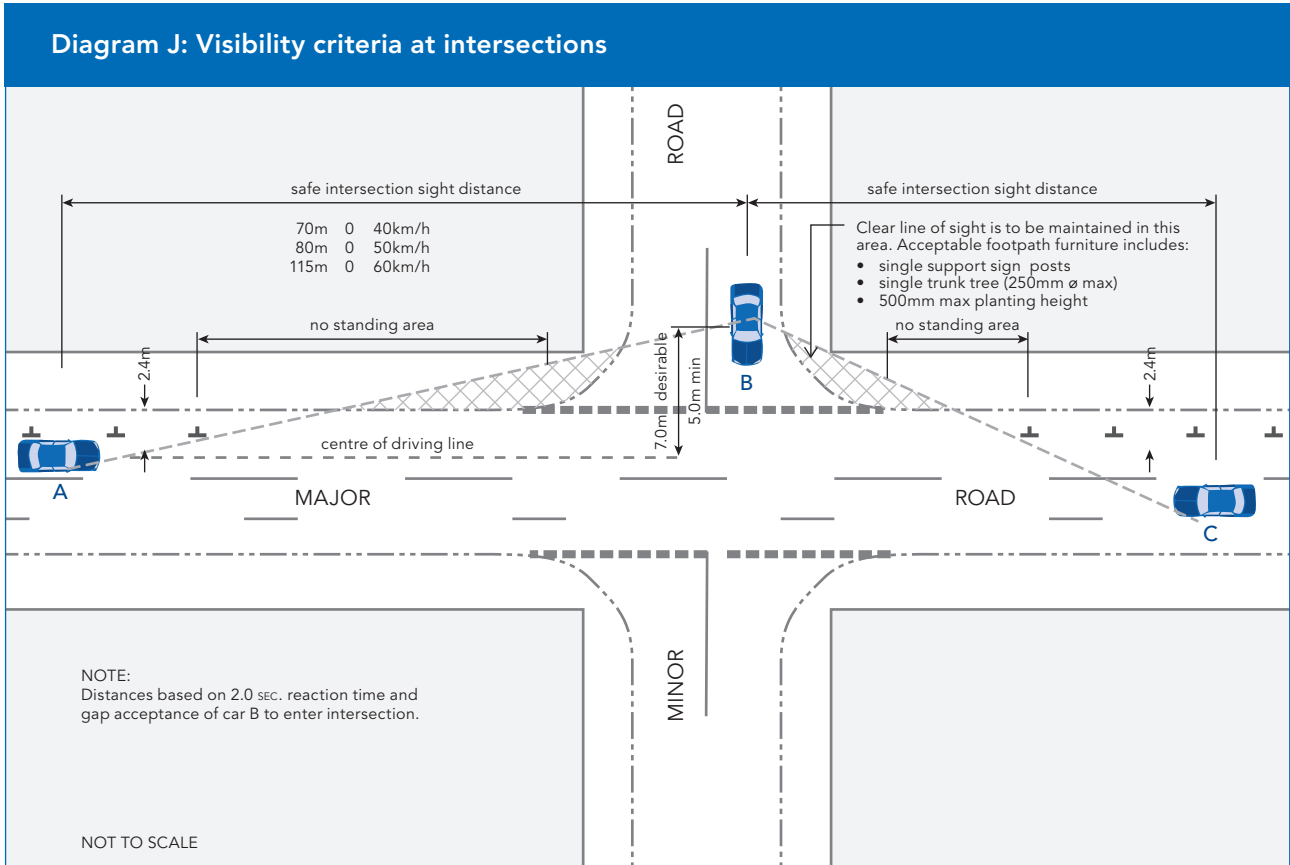
To ensure all permit holders have an adequate right of appeal regarding Council's decisions relating to the Local Law, an internal review process is available.

The following are decisions made by Council whereby a review may be applied for:

- Refuse application for a new footpath dining permit.
- Refuse application for a transfer of existing footpath dining permit.
- Refuse variation of a footpath dining permit.
- The variation of a footpath dining permit by Council.
- Suspension or revocation of a footpath dining permit.

If a review is requested, it must be done so in writing to Council within 10 days of the decision and supported by enough information to enable Council to make a decision. Once received Council has 14 days to consider the submission and make a decision. Council will notify the permit holder in writing within 7 days of making the decision.

Diagram J: Visibility criteria at intersections



State controlled roads

Road name	Section	Suburb
Albany Creek Road	Gympie Road to Moreton Bay Regional Council boundary	Carseldine to Bridgeman Downs
Beaudesert Road	Granard Road to Logan City Boundary	Rocklea to Browns Plains
Bruce Highway	Roghan Road to Pine Rivers Bridge (boundary with Moreton Bay Regional Council)	Carseldine to Bald Hills
Centenary Highway	Ipswich Motorway to Moggill Road exit (<i>see also Western Freeway below</i>)	Darra, Jindalee, Fig Tree Pocket
Deagon Deviation	Gateway Motorway to Hornibrook Highway	Brighton
East-West Arterial	Length of road	Clayfield to Hendra
Elimatta Drive	Jubilee Terrace to Stewart Road	Ashgrove
Fredrick Street	Length of road	Toowong
Gateway Motorway	South East Freeway to Gympie Arterial interchange	Underwood to Bald Hills
Granard Road	Ipswich Motorway to Beaudesert Road (length of road)	Rocklea
Gympie Road	Lutwyche Road to Roghan Road	Kedron to Fitzgibbon
Gympie Arterial Road	Linkfield Road overpass to merge with Bruce Highway	Bald Hills
Houghton Highway	Deagon Deviation to Moreton Bay Regional Council boundary (1.05km along the bridge)	Brighton
Ipswich Motorway	Granard Road to Ipswich City boundary	Rocklea to Gailes
Jubilee Terrace	Full length of road	Paddington
Junction Road	To Sandgate Road (from Rose St)	Clayfield
Kaye Street	Length of road	Bardon
Kedron Park Road	Lutwyche Road to Park Road	Woolloowin
Kessels Road	Orange Grove Road to Logan Road	MacGregor
Logan Motorway	Ipswich Motorway to Wembley Road	Carol Park to Berrinba
Logan Road	Kessels Road to Underwood Road	Mt Gravatt to Underwood
Lytton Road	Gateway Arterial (outbound) to end of road	Hemmant to Lytton

Road name	Section	Suburb
MacGregor Terrace	Length of road	Paddington
Mains Road	Kessels Road to South East Freeway	Nathan
Moggill Road	Western Freeway to Brisbane River	Centenary Highway overpass at Indooroopilly and outbound
Moreton Bay Road	Capalaba Bypass presently under construction	Old Cleveland Road to Tingalpa Creek
Mount Coot-tha Road	Roundabout at Western Freeway to roundabout at Milton Road	Toowong
Mt Cotton Road	Mt Gravatt-Capalaba Road to Tingalpa Creek	Mackenzie to Burbank
Mount Crosby Road	Moggill Road to Moreton Bay Regional Council boundary (Kholo Creek Bridge)	Anstead
Mt Gravatt-Capalaba Road	Logan Road to Mt Cotton Road	Mt Gravatt to Mackenzie
Old Cleveland Road	Gateway Motorway to Adley Street	Belmont to Capalaba
Old Northern Road	South Pine Road to roundabout at Rode Road, Beckett Road, Queens Road	Everton Park
Park Road	Kedron Park Road to Rose Street	Woolloowin
Riawena Road	Beaudesert Road to Orange Grove Road	Coopers Plains
Riverside Expressway	Tank Street to Stanley Street Overpass	City to Woolloongabba
Rose Street	Park Road to Junction Road	Clayfield
Rouen Road	Length of road	Bardon
Samford Road	Wardell Street to Moreton Bay Regional Council boundary	Enoggera to Ferny Grove
Sandgate Road	Junction Road to Gateway Motorway	Clayfield to Bracken Ridge
South East Freeway	Stanley Street Overpass to Pacific Highway	Woolloongabba to Springwood
South Pine Road	Samford Road to Old Northern Road	Enoggera
Stafford Road	Length of road	Stafford
Stewart Road	Wardell to Elmatia Drive	Ashgrove
Strathpine Road	Coriander Street to Gympie Road	Bald Hills
Wardell Street	Length of road	Ashgrove to Enoggera
Western Freeway	Moggill Road exit to Mount Coot-tha Road roundabout (see also Centenary Highway above)	Indooroopilly to Toowong



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