



# COUNCIL POLICY

## Commercial Use of Footpaths

<b>Policy Number:</b>	PO040		
<b>Strategic Plan Objective:</b>	5. Responsible Governance and Leadership		
<b>Policy Owner:</b>	Director Development Services	<b>Record Number:</b>	16/13940[v5]
<b>Responsible Officer:</b>	Senior Compliance Officer	<b>Minute Reference:</b>	228/2021(8/12/2021)
<b>Date Adopted:</b>	09/12/2021	<b>Next Review Date:</b>	June 2024

### 1. POLICY OBJECTIVES

The Yorke Peninsula Council recognises that the commercial use (suitably positioned goods and/or outdoor cafés) on a footpath can enhance shopping enjoyment and provide an economic benefit for traders.

The policy assists Council to safely manage the needs of pedestrians, road users and business owners by allowing the commercial use of footpaths in appropriate circumstance.

### 2. SCOPE

This policy covers all applications made to Council for the commercial use of footpaths.

### 3. POLICY STATEMENT

A person must obtain a permit from Council before using a public road (includes footpath) for a commercial use. (It is an offence to use a public road for business purposes unless authorised to do so by a permit).

Council encourages the commercial use of footpaths when all the needs of all the users of the street and public space, including the safety of pedestrians and other users are met. Council will take these factors into consideration, as well as other relevant factors in assessing an application for the commercial use of a footpath.

A permit under this section may be subject to such conditions as the Council sees fit and are included in the permit.

The nominated permit area and operating hours are to be defined by the permit holder and will be shown on the permit.

Applications for the commercial use of a footpath must be made in writing by completing the relevant form and accompanied by additional information that the Council may reasonably require.

A fee as determined by Council for a permit for the commercial use of public road will apply.

All permits will be issued for a maximum of three (3) years or part thereof and will have a common expiry date of 31 July. Permits are not transferable.

**4. COMPLAINTS**

Complaints in relation to this policy can be directed to Council’s Senior Compliance Officer and will be managed in accordance with Council’s P0147 Complaints Policy.

**5. REVIEW**

This policy will be reviewed every three years and also as necessary in consideration of any changes to legislation and relevant standards, codes and guidelines.

**6. TRAINING**

Training needs will be reviewed as part of Council’s Training Plan and as necessary in consideration of performance reviews, changes to legislation and relevant standards, codes and guidelines.

**7. RECORDS**

Records shall be maintained as required by Council’s Records Management Policy (PO063) and relevant legislation.

**8. RELATED COUNCIL POLICIES/PROCEDURES AND DOCUMENTS**

SF196 Application for Commercial Use of a Footpath

IS116 Guidelines to Commercial Use of Footpaths

SF152 Commercial Use of Footpath Checklist

PO091 Risk Management Policy

**9. REFERENCES AND LEGISLATION**

Sections 221 & 222 of the Local Government Act 1999

Planning Development & Infrastructure Act 1993

Disability Discrimination Act 1992

**10. COUNCIL DELEGATION**

<b>Details of Delegation:</b>	Chief Executive Officer
<b>Delegate:</b>	Director Development Services

**11. VERSION HISTORY**

<b>Version No</b>	<b>Issue Date</b>	<b>Description of Change</b>
1	07/04/2003	New Policy
2	08/04/2012	Minor Revision.
3	08/04/2015	Minor Revision.

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4	13/06/2018	Minor Revision
5	08/12/2021	Minor Revision