



# COUNCIL POLICY

## Commercial Use of Footpaths

*Agriculturally rich - Naturally beautiful*

<b>Policy Number:</b>	PO040		
<b>Strategic Plan Objective</b>	Meet all legislative and compliance responsibilities		
<b>Policy Owner:</b>	Director Development Services	<b>File Number:</b>	20.63.1.1
<b>Responsible Officer:</b>	Senior Compliance Officer	<b>Minute Reference:</b>	078/2015 (08/04/2015)
<b>Date Adopted:</b>	08/04/2015	<b>Next Review Date:</b>	April 2018

### 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. DEFINITIONS

Nil

### 4. 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 expire on 30 June annually.

**5. 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.

**6. 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.

**7. 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.

**8. RELATED COUNCIL POLICIES AND DOCUMENTS**

- SF196 Application for Commercial Use of a Footpath
- S116 Guidelines to Commercial Use of Footpaths
- SF152 Commercial Use of Footpath Checklist

**9. REFERENCES AND LEGISLATION**

- Sections 221 & 222 of the Local Government Act 1999
- Development Act 1993
- Disability Discrimination Act 1992
- PO091 Risk Management Policy

**10. COUNCIL DELEGATION**

<b>Delegate:</b>	Director Development Services
<b>Sub Delegate:</b>	Senior Compliance Officer

**11. VERSION HISTORY**

Archived Policy Name	Policy Number	Date Adopted	Last Reviewed
Issuing licences for goods on footpaths & occupying outside cafes	PO040	07/04/2003	08/06/2010
Commercial Use of Footpaths	PO040	08/08/2012	March 2015