FOOTWAY DINING AND TEMPORARY STRUCTURES ON THE FOOTWAY (ROAD RESERVE) POLICY

POLICY NO: 46

POLICY TITLE: FOOTWAY DINING AND TEMPORARY STRUCTURES ON THE FOOTWAY (ROAD RESERVE) POLICY

SECTION RESPONSIBLE: ENGINEERING

MINUTE NO: 1022

REVIEW DATE: 30TH JUNE, 2008

OBJECTIVE:

To ensure that Council acts consistently and without bias and that Council regulates the use of the footway area to avoid nuisance or inconvenience to the public.

SCOPE OF POLICY:

This policy applies mainly to urban commercial centres in the Greater Hume Shire Council area.

BACKGROUND:

The increasing use of footways (road reserves) for the exposure of articles (whether for sale or not) and for dining by businesses, has highlighted the need to formalise a policy and procedures to assist in reducing Council's liability with such activities.

This policy refers to non-permanent structures such as tables, baskets, sandwich boards, racks used for display of goods, brochures, or information/advertising/promotional material that relates to the adjoining business activity. The only non-permanent structure that does not have to be directly related to the core business activity will be plant boxes/pots used for beautification purposes only and having no advertising content.

This policy will also cover areas to be used for footway/alfresco dining and includes the use of items with the activity such as tables, chairs, umbrellas, dividers where the items are not permanently fixed and are removed at the end of the trading day.

Approval may also be subject to local or specific Development Control Plan conditions, agreements/conditions formed by a town's Development Committee, Industry or any other sectors approved by Council.

PRINCIPLES:

Council has the authority to grant approval and regulate the use of the footway for business purposes.

The approval of temporary structures applies mainly to urban commercial centres in the Greater Hume Shire Council area.

The approval is granted within specific conditions and any request for the use of a classified road must be with the concurrence of the Roads and Traffic Authority.

Placement of structures must be on the actual shop frontage and should not impinge on adjacent business frontages.

This policy does not cover any structures that are permanent or are not removed at the end of each day's trading.

FEES

The fees for Footway Dining and Temporary Structures on Footway (Road Reserve) are published in Council's Schedule of Fees each financial year.

REVIEW DATE

This policy will be reviewed within 12 months of it being adopted by Council.

RELEVANT LEGISLATIVE PROVISIONS

Council's authority to approve footway dining activities is covered under:

- Local Government Act 1993 – Section 68
- Roads act 1993 – Section 125

Council's authority to approve temporary structures on footway (Road Reserve) is covered under:

- Local Government Act 1993 – Section 68

IMPLEMENTATION RESPONSIBILITY

The Engineering Department is responsible for the implementation of this policy.