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# **BYRON SHIRE COUNCIL**

## **POLICY 5.37**

### **COMMERCIAL AND OTHER ACTIVITIES ON PUBLIC LAND AND ROADS**

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**POLICY TITLE**                    COMMERCIAL AND OTHER ACTIVITIES ON PUBLIC LAND AND ROADS

**FILE REFERENCE**                COR050505

**Date Adopted**                    29 March 1994  
**Date of Review**

**1. OBJECTIVES**

- 1.1. To control commercial and other activities on public roads and footpaths.
- 1.2. To control commercial and other activities on community land and public reserves.

**2. PUBLIC ROADS AND FOOTPATHS (Section 68, Part F, Table A)**

2.3. The General Manager may approve the establishment and operation of roadside stalls in areas permissible under the local environmental plan. The approval of applications shall provide for the following:

- a) The location of the roadside stall shall be in close proximity to the residence or property of the operator.
- b) Goods offered for sale shall be restricted to farm produce grown on the operator's property and shall be of a perishable nature.
- c) The stall or vehicle used for the sale of items shall only be located in a position approved by Council and the Traffic Advisory Committee. The construction of the stall or the type of vehicle used shall comply with the health standards established by Council.
- d) The approval shall fix the hours of operation, rental for the use of the road, public liability insurance and other matters.
- e) The approval shall be subject to the approval of the Roads and Traffic Authority where the location is on a classified road.
- f) Approvals shall be consistent with the provisions of other Acts and regulations.

2.4. The General Manager may approve applications for street entertainment on Council footpaths providing the entertainment is of an acceptable standard and is in the interest of the general public. The approvals shall:

- a) Provide for the payment of the fee prescribed in Council's adopted fees and charges.
- b) Identify the location to be used and the hours of operation.
- c) Minimise the interference to pedestrian traffic and maintain acceptable noise levels.

2.5. Separate and related policies are provided for street stalls conducted by community groups for fund raising purposes, itinerant food vendors and outdoor eating areas operated in conjunction with an adjoining restaurant.

2.6. The use of public roads and footpaths for major events shall require the submission of a development application.

**3. PUBLIC LAND (Section 68, Part D, Table A)**

3.1. The operation of roadside stalls within the reserve south of Brunswick Heads may be approved by the General Manager subject to the following:

- a) Applicants shall be residents or ratepayers of the Shire.
- b) The articles offered for sale shall be limited to perishable farm produce grown by the applicant on the applicant's property.
- c) The vehicle used shall comply with Council's health standards for vehicles used in the conveyance and sale of food.
- d) The approval shall identify the location of the stall, the hours of operation, the duration of the approval requirements for insurance and other matters.
- e) The approval shall provide for the payment of a fee as prescribed in Council's adopted fees and charges.
- f) Approvals shall be consistent with the provisions of other Acts and regulations.

3.2. The General Manager may approve the use of public land for minor activities by community groups or for limited commercial activities. The approval shall be for minimal periods of time and shall be in the public interest. The approval shall include the hours of operation, location, provision of public liability insurance and the payment of a fee prescribed by Council's adopted fees and charges.

3.3. Major events shall require the submission of a development application.