

Kyogle Council



Road Reserve Management Plan

Proposed changes May 2012 relating to the use of footpath areas and road side fencing

The attached amendments are proposed to replace sections 5 and 9 of the current Road Reserve Management Plan, and the current Appendix F and G are proposed to be revoked.

5 USE OF FOOTPATH AND NATURE STRIP AREAS

5.1 Temporary Footpath Hoardings

Temporary Footpath Hoardings are generally associated with works that would also require a Development Application. For applications to use footpath or nature strip areas as hoardings, or for unloading and loading of goods, a written proposal should be forwarded to Council detailing the proposed use, duration of use, and reason for requiring the use of the road reserve. Applications will be assessed on an individual basis at the discretion of the Director of Technical Services.

5.2 Permanent Structures

No permanent structures are to be placed on the footpath or nature strip areas without prior approval by Council. In areas subject to high pedestrian traffic and commercial activity, there should be no permanent structures erected within the first 2.5m from the building line to ensure that a clear passage is maintained along the shop fronts. The preferred area for placement of street furniture such as seats, signposts, bins, light poles etc is within the first 1.0m from the back of the kerb line.

The only permanent structures to be considered for placement within the 2.5m clear zone are public seating providing the following criteria are met;

- That the seat does not have any glass immediately behind or up to 500mm above the seat back to avoid damage to adjacent property
- That the adjacent business is not a licensed premises or food premises
- There must be a 2.4m clear footpath width left between the seat and any other permanent structure to allow for free movement of pedestrians
- That the operator of the adjacent business and owner of the property at the time of erection do not object to the placement of the structure. Objections from any subsequent owner or operator will not require removal of the structure once placed.

The placement of any permanent structures within the remaining footpath and nature strip areas will be at the sole discretion of the Director Technical Services who will have regard to the following matters;

- The level of pedestrian and vehicular traffic in the area
- Any loss of sight distance or visibility between pedestrians and vehicular traffic
- Impacts on the visually impaired
- Accessibility issues associated with wheelchair access
- Access for street cleaning and garbage collection equipment
- Health impacts of the structure and associated uses
- Possible damage to adjacent areas
- Exposure of Council to civil liability claims

5.3 Portable Advertising Structures

All shopkeepers are permitted to display on the footpath a single A-frame style sign board per shop without any formal approval from Council. No fees or charges apply to the placement of A-frame style signs. Any such sign;

- must be placed within the shop frontage
- must encroach no further than 1.0m from the kerb line
- must be no bigger than 900mm wide,

- should be placed at the dividing line of the adjacent car parking bays wherever possible, to avoid interference with car doors and people entering and existing vehicles.

No other items including, but not limited to, signs, advertising material, amusement rides, storage, seats, tables are allowed on the footpath without formal approval from Council. Any permanent advertising structure will need to comply with the current planning instruments under the Environmental Planning and Assessment Act, and will likely require a separate Development Application.

5.4 Street Vending

Street vending or placement of goods for sale within the footpath areas will only be allowed;

- Where there is a Development consent in place for the activity such as Farmers Markets, or
- Where it is associated with a charity and has been previously authorised by Council, or
- In association with Kyogles "Red Hot Sale Day" or other such event previously endorsed by Council, or
- Where there is a formal Agreement in place between Council and the proprietor of the adjacent business

Council can consider an application from any business operating out of adjacent premises for a formal legally binding Agreement to permit street vending. The following requirements will apply in relation to the consideration and preparation of any such Agreement;

- No annual fees or application fees would be applied by Council
- Any goods or structures used in conjunction with the display or sale of goods shall not extend more than 700mm from the front of the shop alignment and shall not extend beyond the length of the shop frontage.
- The front entrance of the shop shall be kept unobstructed at all times.
- A clear distance of at least 2.0m in width is to be maintained between any goods displayed and any adjacent permanent structures at all times so as to not interfere with pedestrian circulation.
- The goods placed for sale must not be dangerous goods, liquid, food, or any other material that is of a perishable nature or that may lead to spills or leaks on the footpath area
- Goods must be easily visible and preferably make use of contrasting colours for the visually impaired
- All structures must be portable and removed from the footpath at the close of business
- The footpath must be kept in a clean and tidy state by the shop owner
- Shop owners must have public liability insurance for a minimum \$10,000,000 and must list Council as an interested party
- The shop owner shall indemnify Council against all claims of public liability

Any applications for a Street Vendors Agreement must be made in writing and include details of the goods proposed to be placed on the footpath for sale. The application will be assessed and determined by the Director Technical Services who can execute a formal Agreement where the above criteria can be met.

5.5 Footpath Restaurants

Footpath dining areas will only be allowed;

- Where there is a Development consent in place for the adjacent food premises or restaurant, and
- Where there is a formal Agreement in place between Council and the proprietor of the adjacent business

Council can consider an application from any food premises or restaurant operating out of adjacent premises for a formal legally binding Agreement to permit footpath dining. The following requirements will apply in relation to the consideration and preparation of any such Agreement;

- No annual fees or application fees would be applied by Council
- Dining areas must be appropriately delineated (by way of suitable barriers) with easily visible and contrasting colours for the visually impaired
- No smoking in footpath dining area
- No animals are permitted in, or adjacent to, footpath dining areas, excepting guide dogs used by the blind or visually impaired
- Any structures used in conjunction with the footpath dining area shall not extend more than 1.5m from the front of the shop alignment and shall not extend beyond the length of the shop frontage.
- The front entrance of the shop shall be kept unobstructed at all times.
- A clear distance of at least 1.2m in width is to be maintained between any goods displayed and any adjacent permanent structures at all times so as to not interfere with pedestrian circulation.
- All structures must be portable and removed from the footpath at the close of business
- The footpath must be kept in a clean and tidy state by the shop owner
- Shop owners must have public liability insurance for a minimum \$10,000,000 and must list Council as an interested party
- The shop owner shall indemnify Council against all claims of public liability

Any applications for a Footpath Dining Agreement must be made in writing and include details of the proposed layout of the dining area, and the materials to be used for barriers and furniture. The application will be assessed and determined by the Director Technical Services who can execute a formal Agreement where the above criteria can be met.

9 ROADSIDE FENCING

Roadside fencing refers to the fencing along the road reserve boundary, usually parallel to the constructed roadway. Roadside fencing is the responsibility of the owner of the property adjoining the public road. It is also the property owners responsibility to verify property and road reserve boundaries prior to fencing. Council may require the boundary between private property and the public road reserve to be fenced.

The specifications provided below identify a minimum acceptable standard. All fencing is to be kept and maintained to ensure containment of stock. Council may approve a variation on the specifications below where the aims and objectives of the minimum specifications are complied with.

9.1 Specifications

Council has specified minimum standards for roadside fencing based on the Road Class and location. Refer to Council's Road Network Management Plan for a list of roads and their Road Class. If in doubt or for verification of Road Class contact Council during business hours.

APPENDIX J contains some standard drawings for fencing from various sources. None of these is specified as Council's standard they are provided for reference on construction methods and material types. If the standard drawing and the specifications listed below do not agree, the specifications below will prevail.

9.1.1 Main Roads, Regional Roads,

- Five (5) strand wire fencing
- Posts at three (3) meter spacings
- Wires at 225mm spacings

9.1.2 Arterial Roads, Collector Roads, Feeder Roads, Residential Access Roads and Town and Village Streets

- Four (4) strand wire fencing
- Posts at three (3) meter spacings
- Wires at 300mm spacings

9.1.3 Electric Fencing

- Electric fencing must not be erected on the road reserve boundary
- Any electric fencing must be erected a minimum of 300mm inside the road reserve fencing
- Electric fencing must not be used where there is not roadside fencing in accordance with the specifications shown above