
 City of Mount Gambier	<b>F510 - FOOTWAYS AND COUNCIL LAND</b>	
	<b>FUNDRAISING AND PROMOTION</b>	
	Version No:	4
	Issued:	August 2023
	Next Review:	August 2027

## 1. INTRODUCTION

This document sets out the policy of the City of Mount Gambier (“Council”) regarding the use of footways and Council land for fundraising and promotional purposes or the display of vehicles.

## 2. NON - COMMERCIAL VEHICLES


- (a) The following are considered to be non - commercial vehicles for the purposes of this policy:
1. Any vehicle marked with the graphic/logo (or similar) of any Commonwealth or State Government Department, Agencies or Statutory Authority that is being used for recruiting, promotional or educational displays;
  2. Local Government Authority vehicles used for promotional or educational displays;
  3. Tourism promotion vehicles;
  4. Incorporated community organisation vehicles used for promotional or educational displays;
  5. Vehicles with primarily a non-commercial promotional or educational display and which are owned or sponsored by a commercial organisation.
- (b) Non-commercial vehicles may, with the approval of the Chief Executive Officer or a General Manager, park for a period of not more than two (2) weeks on the portion of Watson Terrace which abuts the Cave Gardens. The Chief Executive Officer or a General Manager may also approve of the setting up of subsidiary displays on the lawns of the Cave Gardens, in the vicinity of the said vehicle, provided the Chief Executive Officer or a General Manager is satisfied such display will not unreasonably interfere, with public use of the Cave Gardens. When approval is given for this area, electricity will be made available from the Old Town Hall building at no cost;
- (c) The Chief Executive Officer or a General Manager may approve of an alternative site provided that, where the non-commercial vehicle is to be parked is in front of an occupied premises and the consent of the occupier is obtained. When considering requests for sites on Council owned properties, the Chief Executive Officer or a General Manager must take into account any lease on the property, and Council policies relevant to that property;
- (d) Any approval given pursuant to this Section, shall be subject to the conditions below:
1. Approvals given in accordance with this policy are subject to the following conditions fixed pursuant to the provisions of the Local Government Act:

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2. No goods, materials, merchandise, displays or structures associated with the vehicle are to be placed on a footpath, or carriageway. Such items, however, may, with the approval of the Chief Executive Officer or a General Manager, be placed on other abutting Council property, provided that it will not unreasonably interfere with public use of the area. Provided that this condition does not prevent the use of a canopy or steps at the entrance/exit to the vehicle, if such canopy or steps are not creating a hazard or unreasonably interfering with public use of the area;
3. Advertising may be displayed on the vehicle, on a board/s leaning against the vehicle (but not on the carriageway side where a vehicle is parked on a road) and with any approved associated display. No other advertising shall be displayed, i.e. for tobacco products or alcohol and any advertising or sign which the Chief Executive Officer or a General Manager considers offensive or inappropriate, shall be removed. Direction signs, however, may be used in accordance with Council Policy C330;
4. The use of amplification for announcements, advertising, entertainment or music shall be subject to any direction given by the Chief Executive Officer or a General Manager;
5. The vehicle or other activity associated with it shall not create undue noise or other nuisance. Determination of such matters shall be at the discretion of the Chief Executive Officer or a General Manager;
6. Printed material and samples of goods may be handed out free to the public from in the vicinity of the vehicle, provided such activity does not cause a hindrance or hazard. Sale of such items requires specific approval of the Chief Executive Officer or a General Manager;
7. An admission charge or donation may be collected to defray expenses or for donation to charity;
8. The vehicle shall meet all requirements of the Parking Regulations, apart from time limits. All associated vehicles (such as towing vehicles, passenger/goods carrying vehicles, unless they are an integral part of the display) shall meet all requirements of the Australian Road Rules;
9. The applicant shall indemnify and keep indemnified the Council against all actions, proceedings, claims, demands and expenses whatsoever which may be brought against, made upon or incurred by Council, in respect of injury, loss or damage (whether bodily injury or loss of, or damage to property) suffered by any person as a consequence of Council granting approval for the parking on any street, road or Council property of vehicles for promotional, educational and commercial purposes.

### 3. COMMERCIAL VEHICLES

- (a) For the purpose of this policy, Commercial Vehicles are all vehicles used for promotional, educational and commercial purposes, other than non-commercial vehicles as defined in Section 2(a) of this Policy;
- (b) This policy does not apply to any street trader licensed by Council;

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- (c) With the approval of the Chief Executive Officer, a commercial vehicle for promotional, educational or commercial purposes may be parked immediately outside a shop or hall from which a trader conducts business on a permanent or temporary basis. Approval may be given for one (1) period per calendar year and the period shall not exceed seven (7) consecutive days. Sales of goods may be effected from the vehicle, or from the immediate vicinity of the vehicle, provided it causes no hindrance or hazard;
- (d) The conditions set out in Section 2(d) of this policy shall apply;
- (e) In some circumstances the vehicle itself may require Development approval and any associated advertising may require Development approval, pursuant to the Planning, Development and Infrastructure Act 2016.

#### 4. COMMUNITY ORGANISATIONS


- (a) No more than one organisation be granted permission on the same day;
- (b) The preferred day for such collections is a Friday;
- (c) Except in conjunction with special events, the conduct of street stalls, trading tables, raffles and similar fund raising activities by community organisations on streets and roads will not be permitted;
- (d) Community organisations wishing to conduct such activities must also obtain permission, to conduct such activities from the landowners whose property abuts a street or road;
- (e) Any applications for community organisation fundraising or awareness days are to be determined by the Chief Executive Officer;
- (f) Applications must be made at least thirty (30) days prior to the requested date for any community organisation fundraising or awareness days.

#### 5. REVIEW & EVALUATION

This Policy is scheduled for review by Council in August 2027; however, will be reviewed as required by any legislative changes which may occur.

#### 6. AVAILABILITY OF POLICY

This Policy will be available for inspection at Council's principal office during ordinary business hours and on the Council's website [www.mountgambier.sa.gov.au](http://www.mountgambier.sa.gov.au). Copies will also be provided to interested members of the community upon request, and upon payment of a fee in accordance with Council's Schedule of Fees and Charges.

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File Reference:	AF18/48
Applicable Legislation:	Local Government Act 1999; Road Traffic Act 1961; Development Act 1993; relevant Australian Standards
Reference: Community Plan	Goal 2: Our Location
Related Policies:	
Related Procedures:	
Related Documents:	Council Policy F505 - Footways and Council Land - Sale of Commodities

#### DOCUMENT DETAILS

Responsibility:	General Manager Corporate and Regulatory Services
Version:	4.0
Last revised date:	15 August 2023
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Minute reference:	Council Meeting 15 August 2023 Item No. 19.3 - Resolution 2023/177
Next review date:	August 2027
<u>Document History</u>	
First Adopted By Council:	17 <sup>th</sup> February, 2015
Reviewed/Amended:	17 <sup>th</sup> February, 2015; 16 <sup>th</sup> May, 2017; 20 <sup>th</sup> February, 2018; 15 August 2023