 <p>City of Mount Gambier</p>	F505 - FOOTWAYS AND COUNCIL LAND SALE OF COMMODITIES	Version No:	3
		Issued:	August 2023
		Next Review:	August 2027

1. INTRODUCTION

This document sets out the policy of the City of Mount Gambier (“Council”) for the issuing of Permits to allow the sale of commodities from footways and Council land. This Policy also applies to the regular display of goods on a footway by a retail premises.

For the purpose of this Policy ‘footway’ refers to the area of Council land located between a property boundary and the road kerb.

2. ISSUING OF PERMITS

- (a) Within the City Centre, where there is a street closure, as part of a special occasion, permits may allow sales to occur on the carriageway of the road.
- (b) Except for special occasions, permits should only be issued to shop holders to sell from the footpath in front of their own retail premises.
- (c) Conditions of permits are to include:
 - 1. permit holder to indemnify Council and provide evidence of a public liability insurance policy associated with the activity permitted by the permit;
 - 2. the activities permitted by the permit are not to hinder the public in the free and proper use of the footway;
 - 3. list of the particulars which may be sold pursuant to the permit.
- (d) The Permit Holder must be present at all times that the permit right is being exercised.
- (e) The Permit may not be transferred or assigned to any other party.


3. CONDITIONS FOR PERMITS

- (a) Permits pursuant to Council By-Laws to sell, offer, expose for sale, any commodity or article from a vehicle on Council land, are to be issued subject to the following conditions:
 - 1. The permit holder is to indemnify Council, to the value of \$20 million for any public liability associated with the activities permitted by the permit;
 - 2. The activities permitted by the permit are not to hinder the public in the free and proper use of the Council land;
 - 3. A list of commodities or articles to be sold pursuant to the permit is to be provided to Council;
 - 4. The minimum distance that the permit holder is to operate away from any shop, selling similar commodities or articles is to be included/identified in the permit;
 - 5. The length of time that a vehicle may operate from the same position on any one day is to be included/identified in the permit. Vehicles operating from fixed positions (other than short term) may require formal Development Approval pursuant to the *Development Act 1993*.

4. 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.

5. AVAILABILITY OF POLICY

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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. 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.

File Reference:	AF18/48
Applicable Legislation:	Local Government Act 1999; Development Act 1993
Reference: Community Plan	Goal 2: Our Location
Related Policies:	
Related Procedures:	
Related Documents:	Council By-Laws

DOCUMENT DETAILS

Responsibility:	General Manager Corporate and Regulatory Services
Version:	3.0
Last revised date:	15 August 2023
Effective date:	15 August 2023
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 th February, 2015
Reviewed/Amended:	17 th February, 2015; 20 th February, 2018, 15 August 2023