

	<i>Business Activity on Local Government Land Policy</i> <i>Policy No. GOVPOL 23</i>	Version No:	2
		Responsible Officer/s:	Governance Officer
		Classification:	Council
		Issued:	18 October 2021
		Next Review:	October 2029

1. Purpose

The purpose of this Policy is to set out rules and procedures for permit applications received for the purpose of conducting business activities on Council owned or managed land pursuant to the *Local Government Act 1999* (the Act).

2. Scope

This Policy applies to the use of all local government land, including footpaths, facilities and open spaces in the District Council of Grant area for business related activities or commercial purposes by an organisation, individual, group or business.

This Policy excludes business activities covered under separate policies ie: unsolicited proposals and road rental agreements.

3. Definitions

Definitions whether listed or not, are to be taken as consistent with relevant legislation as referenced in section 6.

<i>Community Land</i>	land classified as community land under Chapter 11 of <i>the Local Government Act 1999</i> .
<i>local government land</i>	land owned by a council or under a council's care, control and management as defined in the <i>Local Government Act 1999</i> .
<i>mobile food vending business - MFVB</i>	a business involving the sale of food or beverages from a vehicle (within the meaning of the <i>Road Traffic Act 1961</i>)
<i>unsolicited proposals</i>	a new, potentially innovative proposal which has been voluntarily submitted and not been requested by the Council through its regular procurement processes

4. Policy

Whilst Council is supportive of business operators conducting activities on local government land, those activities and services must be delivered in a safe, inclusive and appropriate manner in order to protect the public interest in and all users of the public land upon which such activities take place.

4.1. Permits

Business activity on local government land requires a permit and may, in some cases, require Development Approval (i.e. where semi-permanent or permanent structures are to be erected, or are adjacent to, or has potential to impact a property which has been heritage listed).

There are several permit types that relate to conducting business activities on local government land, depending on the relevant activity:

- Bailing

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- Boat launching (see Boat Ramp Policy)
- Busking
- Diving
- Filming
- Fish buyers
- Mobile food vendors
- Mobile Signs
- Mooring
- Mountain bike tours
- Outdoor dining
- Road rentals
- Special events
- Stock grazing
- Wood collection

Depending on the specific business activity, the relevant permit will include certain criteria and conditions which must be met. Permits will not be approved until all criteria and conditions contained in the Permit form have been satisfied.

4.2. Permit Applications

Applications to conduct a business activity on local government land and should be made using the Application/Permit Form relevant to the business activity sought.

Application/Permit forms can be found on Council's website at <https://www.dcgrant.sa.gov.au/services/forms> or requested from Council's principal office at 324 Commercial Street West, Mount Gambier.

A completed application consists of the following (all documents must be included in order for the application to be considered):

- A fully completed and signed Permit/Application Form;
- A Certificate of Currency for public liability insurance to the value of twenty million dollars (\$20,000,000), specifically indemnifying Council;
- A detailed map / plan of the proposed location/s of the activity; and
- Evidence of payment of the prescribed fee to Council.

The CEO has discretion to waive any of the above requirements on a case-by-case basis as appropriate. Applications for boat ramp and firewood permits do not require public liability insurance to be taken out by the applicant.

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4.3. Transfer of Permit

Permits are personal to the permit holder and are not transferrable. In the event that the business is sold, the new business operator must apply to Council for a new Permit.

4.4. Permit Period

A permit is issued for a maximum period of 12 months from the date of approval, unless otherwise prescribed in the permit. At the expiry of the permit period, the permit holder must submit a new application (with associated documents) if they wish to continue operating their business activity.

4.5. Permit Fee

All permits will attract a prescribed fee, which will vary depending on the type of business activity conducted. Permits shall not be issued until evidence of payment of the fee to Council is provided.

4.6. Cancellation or Amendment of Permit

A permit may be cancelled or amended by Council if:

- 4.6.1. The permit holder fails to comply with the conditions of the permit or this Policy, and/or
- 4.6.2. There are changed conditions affecting activity in the particular location/s nominated in the permit;
- 4.6.3. The Council or Service Authorities wish to install, alter and/or maintain infrastructure located on public land where the permit applies; and/or
- 4.6.4. The permit or surrounding area is no longer fit for purpose, whether because of physical or legislative changes

4.7. Public Liability Insurance

Permit holders are required to hold public liability insurance with a minimum cover of twenty million dollars (\$20,000,000). Policies must note Council as an "interested party". A certificate of currency for the policy must accompany the application for a permit. Additionally, if the policy expires during the Permit Period, a Certificate of Currency showing the renewed Policy must be provided to Council. Prior to the expiry of the current policy and/or before the activity is commenced/recommenced (whichever is sooner). It is the permit holder's responsibility to hold insurance that covers the activities they will be undertaking, and to provide current certificate of currency to maintain their permit.

4.8. No Exclusive Rights

Any local government land subject to a permit for business activity remains a public space, free to be used by other members of the community. Permit holders and their patrons or customers do not have any exclusive use of or rights over the area.

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4.9 Outdoor Dining Permits

Applications for outdoor dining must be attached to an established “bricks and mortar” business, as an extension of the trading area of that business, and will apply only during opening hours of the business.

All requisite approvals (ie: liquor licence, development approval) must be in place prior to an Application for Outdoor Dining permit being submitted.

A completed application requires the following additional inclusions (all documents must be included in order for the application to be considered):

- Photographs, images and / or a detailed description of all proposed outdoor furniture to be used (including but not limited to quality, colour, materials, dimensions, location/placement etc);
- A detailed description of any barriers and additional or already existing signage to be used (including but not limited to dimensions, colour, advertising included on barriers and signage, location/placement, etc); and
- Indication of barriers, signage, and fixtures including rubbish bins, already located in the area even if not owned or installed by the permit holder; and
- Detail that demonstrates disability access will be maintained for any footpaths and pedestrian thoroughfares.

Outdoor dining permits will not commence, and no piece(s) of outdoor furniture, barriers or signs may be placed in the permit area, until a permit has been authorised by Council and returned to the permit holder, and all terms and conditions of the permit (including any special conditions) have been satisfied. The permit holder must comply with all terms and conditions set out in the permit at all times.

It is the responsibility of the permit holder to remove or secure any temporary furniture which will not remain in place by itself in windy (actual or predicted) conditions.

The use of a public space as an outdoor dining area attracts an annual permit fee. The full Schedule of Fees and Charges is available on Council website.

4.11 Special Event Permits

The Event manager is to ensure any stall holders have a certificate of currency for insurance and appropriate licences (where relevant). Road close requests must be sought at least six (6) weeks prior to the proposed date of the event. As circumstances may change, Council may waive the restrictions on MFVB (ie: location, date, time) with details considered upon application. In-kind support from Council (ie: traffic management) may be available for an event. For further information, please contact Council.

- The proposed start and finish dates for when the permit will be required; and
- Details of the proposed trading dates, days of the week and times; and
- A detailed description of the type of product/s to be sold; and

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- d) Proof of food business notification with Council's Environmental Services Department; and
- e) Proof of a valid police check for all operators and staff of the; and
- f) Any further relevant information as requested by Council officers.

4.12 Fees

The full Schedule of Fees and Charges is available on Council Website.

5 Responsibilities

The Chief Executive Officer, Manager Environmental Health and Regulatory Services, Strategy and Governance Coordinator and Governance Officer are responsible for managing compliance with this Policy.

6 References / Other Documents

References to legislation and/or documents include as amended, supplemented, updated and/or augmented from time to time.

6.1 Legislation

Local Government Act 1999 SA

South Australian Public Health Act 2011

Road Traffic Act 1961 SA

Food Act 2001 SA

Environment Protection Act 1993 SA

Local Nuisance and Litter Control Act 2016 SA

Motor Vehicle Act 1959 SA

Food Regulations 2017

Local Government (General) (Mobile Food Vendors) Variation Regulations 2017

6.2 Council Policies / Procedures

Road Rent Agreement Policy WKSPOL 16

Collection of Firewood Policy ENVPOL 01

Rating Policy FINPOL 19

6.3 Other

Australian Road Rules

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7 Review

This Policy shall be reviewed by the District Council of Grant at a minimum, once within every four (4) year Council term (or on significant change to legislation or other matters which could affect this policy).

Action	Date	Minute Reference
Adopted by Council	18 October 2021	21166.3
Reviewed	May 2026	26144