

PERMIT TO USE A PUBLIC ROAD / COUNCIL LAND FOR BUSINESS PURPOSES SECTION 222



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NOTE: Where this Application requires an Alteration to a Public Road, the issuing of this Permit also includes an Authorisation pursuant to Section 221 of the Local Government Act 1999.

I/We
(the "Applicant")

of
(Address)

Telephone Number

hereby apply to the District Council of Barunga West for a Permit to use all / part of the road land at:

.....
(exact location of proposed business)
.....

for Business Purposes pursuant to Section 222 of the Local Government Act 1999 & Council's By-Law No. 4 – Moveable Signs

Note 1: The Act provides that a road extends from property boundary to property boundary and includes the carriageway, footpaths and verges.

Note 2: Pursuant to the Act, it is an offence to make an alteration to a public road without an Authorisation to do so from the Council. The following are considered road altering activities pursuant to the Act.

The Nature of the Proposed Alteration is: Tick whichever is/are applicable to this Application

- Display goods, including food or beverages, for sale;
- Establish a kiosk OR Locate a mobile food business, on the side of a road;
- Locate Sweets / confectionaries and / or toy dispensing machines for retail purposes;
- Extend the business (outdoor dining) of a restaurant or café to outside tables situated on a footpath or roadside;
- De-pasture stock;
- Cropping
- Alter the construction or arrangement of the road to facilitate access to/from property;
- Erect or install a structure (including pipes, wires, cables, fixtures, fittings or other objects) in, on, across, under or over the road;
- Change or interfere with the construction, arrangement or materials of the road;
- Change, interfere with, or remove a structure (including pipes, wires, cables, fixtures, fittings or other objects) associated with the road;
- Plant, interfere with or remove a tree or vegetation from the road.

Details, Plans and Specifications for the Proposed uses:

.....

.....

.....

.....

(Specify any structures or objects including details of location, materials proposed. Attach plan/diagram)

Is the Proposed Use / Activity : (Tick whichever is applicable)

- Permanent**
- Temporary** – indicate time period to

The issuing of this Permit is subject to:

- A. The Applicant agreeing to the General Conditions of Permit as contained herein;
- B. The Applicant agreeing to any/all Special Conditions that the Council may determine and attach to this Permit;
- C. The Applicant paying the prescribed fee.
- D. The Applicant providing to the Council evidence of all appropriate insurances as required by the General Conditions and/or the Special Conditions of Permit.

General Conditions of Permit:

The Applicant further agrees:

1. For the term of the Permit, to comply with all applicable industry standards, health or safety standards, current standards of Standards Australia or any applicable Codes of Practice.
2. To ensure that all works carried out are undertaken to the highest standard and are carried out promptly and with all due care, skill and diligence.
3. To ensure that any alteration to the road does not interfere with or cause damage to or in any way affect the property of any other person.
4. To comply with any direction given by any authority, statutory authority or Council to remove, maintain or otherwise modify the alteration to the road subject to this Permit.

5. That all fixtures and equipment erected or installed in, on, across, under or over the road remain the property of the Applicant pursuant to Section 209 of the Local Government Act, 1999.
6. For the term of the Permit, to maintain all fixtures and equipment erected or installed, or vegetation planted, in good condition and to recognised standards.
7. **To indemnify the Council, its servants and/or agents against all actions, costs, claims and demands for injury, loss or damage arising out of any negligent act or omission of the Applicant in relation to the alteration to the road, the granting of this Permit and the General Conditions and Special Conditions contained herein and such indemnity shall be in addition to any statutory immunity in favour of the Council.**
8. **For the term of the Permit, to take out and keep current a public liability policy of insurance to an appropriate level of cover per claim in respect of any negligent act or omission of the Applicant in relation to any alteration to the road or any activity arising out of or from any business use granted under this Permit.**
9. To not assign or otherwise transfer this Permit without first obtaining the consent of the Council in writing.
10. In the event that the Applicant has failed to comply with any of the conditions of Permit or for any other justifiable circumstance, including reinstatement, maintenance, repair or removal, the Council may revoke the Permit.
11. At the expiration or earlier termination of this Authorisation to remove, if so directed by the Council, any structure or object erected or installed on the road and to reinstate the road to the satisfaction of the Council.
12. This Permit is subject to the Applicant obtaining appropriate Development Act approval for any structures, fixtures or equipment.
13. This Permit does not confer on the Applicant any exclusive right, entitlement or interest in the road (unless specifically provided pursuant to Section 223 of the Local Government Act, 1999) and does not derogate from the Council's powers arising under the Local Government Act, 1999.
14. **This Permit will not come into operation until proof of all insurances has been provided to the Council and a copy of this document, signed by the Council has been returned to you.**

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In making this application, I/we acknowledge that I/we have read, understand and agree to be bound by the Conditions of Permit and declare that the particulars provided by me/us with regard to the Business and the Proposed Alteration to the road are true and accurate.

*Should you have any queries, please contact
Council's Risk Management Officer on 8635 2107 or e-mail
Barunga@barungawest.sa.gov.au*

I acknowledge that I have read and understand the permit conditions and agree to abide by the said conditions.

Signed for and on behalf of the event organiser:

Name _____ Date: _____
Position _____ Signature: _____

COUNCIL USE ONLY			
Insurance	YES / NO	Permit	APPROVED / DENIED
Signed	_____	Date: _____	
Position	_____		

Booking Noted: _____ Where: _____ Initial
If Applicable

Works Staff tasked: _____ Who: _____ Initial
If Applicable

Supplementary Forms Completed:
If Applicable

