

Permit to use Public Road* for Business Purposes

(excludes Outdoor Café / Dining where a separate permit is required)

Pursuant To Section 222 Of The Local Government Act 1999

I/We
(the "Applicant")

Business name (if different to above)

of
(Address)

Telephone: Facsimile: Mobile:

hereby apply to The Corporation of the Town of Walkerville (the "Council") for a permit to use the road* at:

.....
(exact location of business where permission is sought)

for business purposes pursuant to Section 222 of the Local Government Act 1999.

***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 a permit to do so from the Council.

The following are considered road altering activities pursuant to the Local Government Act. Please tick whichever activity is applicable to this permit: (Delete whichever not applicable)

Planter Box(es); Plant Pot(s) on road (insert number) Planter Box(es); Plant Pot(s)

Business conducted from side of road:
(please state details of business)

Badge Day:

Other (please provide details).....
If permit is required for the selling of food or drinks etc. – refer to clause 8a for additional insurance requirements

Note 3: Where this Permit requires an alteration to a public road* (as per Note 1), the issuing of this Permit also includes an authorisation pursuant to Section 221 of the Local Government Act 1999.

Type of planter box; plant pot; or other: (eg state dimensions and construction material):

.....
.....

Type of plants that will be in the planter box/plant pot (eg petunias; apples etc.)

.....
.....
.....

Duration of permit: From...../...../..... to/...../..... (to a maximum of 5 years)

Location: Please provide sketch of location (show street; your business; details of where structure is to be placed)



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 or 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 the value of \$10 million (ten million dollars) 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 the granting of this Permit by the Council.
 - 8a. If permit is required to enable the selling of food or drinks, the applicant must also supply a copy of a current Products and Liability insurance policy
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 Permit 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 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 (refer Clauses 8 & 8a) has been provided to the Council and a copy of this document, signed by the Council has been returned to you.

Special Conditions:

1. The planter box etc. will not be placed until written approval has been received.
2. The final location of the planter box etc. will be made in conjunction with Council's Team Leader Works and/or Executive.
3. All costs associated with the installation of the planter box etc are the responsibility of the applicant.
4. The planter box shall be no less than 400mm from the kerb face and no less than 400mm from the designated edge of the footpath.
5. The applicant to accept full responsibility for the proper maintenance of any plantings and shall not permit effluent from planter boxes/plant pots to flow onto the public street.
6. The standard of maintenance shall be to the satisfaction of Council's Team Leader Works and/or Executive
7. I hereby agree to fully indemnify the Council against all or any claims howsoever caused by or in any way relating, directly or indirectly, to the establishment, maintenance, existence or removal of the planter box and plants including the issuing by the Council of this approval.
8. The applicant to meet all costs associated with temporarily removing the planter box etc if requested to do so by Council or any Public utility to facilitate repairs to the footpath or underground services.
9. The applicant to meet all costs associated with permanently removing or relocating the planter box if requested to do so by Council.
10. This authorisation is given to the applicant **personally** and is not transferable. Before vacating the premises the applicant must remove the planter box. Alternatively, the applicant may arrange for the new lessee/owner to apply in writing to the Corporation of the Town of Walkerville for permission to retain the items in the street. A minimum period of seven days' notice is required, in both cases.
11. Other structures on the street (e.g. trees, power pole, signs and services etc) may not be moved, altered or interfered with in any way except with the express, written approval of the relevant authority or owner and Council.
12. Protection of Works
 - During the progress of the work, the site must be protected by suitable safety barriers at all times in accordance with AS1742.3. If the works are left open overnight, at least 1 flashing amber safety light must be provided.
 - Every attempt must be made to complete the work as quickly as possible.
 - The site and adjoining roadway and footpath must be cleared of any excess material, spillage, form work and tools as they accumulate.
 - No material may be stockpiled on the road or footpath.
13. Satisfactory Completion
 - Any cost incurred by the Council in reinstating the road footpath as a result of work done under this authorisation or work not completed in accordance with this authorisation that must be made good by Council will be charged to the owner, pursuant to Section 213 of the Local Government Act 1999.

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.

Dated the day of 20

Signed by Applicant/s Name of Applicant.....

OFFICE USE ONLY

Copy of current Public Liability Insurance Certificate attached – YES / NO

Copy of current Products & Liability Insurance Certificate attached (if food/drinks) – YES / NO

Permit - Approved / Denied

Name of Authorised Officer of Council:

Position: **Signature:**

Date: / /