

PERMIT TO USE A PUBLIC ROAD FOR BUSINESS PURPOSES

SECTION 222 OF THE LOCAL GOVERNMENT ACT 1999

I/We
(the "**Applicant**")

of address
(Address)

hereby apply to
(the "**Council**")

for a Permit to use all/part of the public road at
(exact location of proposed business)

for a business purpose pursuant to section 222 of the *Local Government Act 1999* ("**Act**").

Proposed business purpose:

Proposed term of the Permit: (may not exceed 5 years).

Note 1: A public road includes the carriageway, footpaths and verges.

Note 2: Pursuant to Section 5 of the Act, land may be used for a "business purpose" even if it is not intended to make a profit.

Note 3: If the Applicant proposes to make an alteration to a public road, then in addition to this Permit, the Applicant will also require an authorisation under section 221 of the Act. In accordance with Section 221(2), a person makes an alteration to a public road if the person:

- ☐ alters the construction or arrangement of the road to permit or facilitate access from an adjacent property;
- ☐ erects or installs a structure (including pipes, wires, cables, fixtures, fittings or other objects) in, on, across, under or over the road;
- ☐ changes or interferes with the construction, arrangement or materials of the road;
- ☐ changes, interferes with or removes a structure (including pipes, wires, cables, fixtures, fittings or other objects) associated with the road; or
- ☐ plants a tree or other vegetation on the road, interferes with vegetation on the road, or removes vegetation from the road.

THE PERMIT IS NOT EFFECTIVE UNTIL:

- a. The Applicant agrees to the **General Conditions** as contained herein.
 - b. The Applicant agrees to any/all **Special Conditions** that the Council may determine and attach to the Permit, which will prevail over the General Conditions to the extent of any inconsistency.
 - c. The Applicant pays the prescribed fee.
 - d. A copy of this document signed by the Council has been returned to the Applicant.
 - e. The Applicant has provided to the Council evidence of all insurances as required by the General Conditions and/or the Special Conditions.
- F.** If applicable, the Council has issued the Application with a Section 221 authorisation.

GENERAL CONDITIONS OF PERMIT

The Applicant agrees:

1. For the term of this Permit, to comply with all applicable industry standards, health or safety standards, current standards of Standards Australia or any applicable Codes of Practice.
2. For the term of this Permit, to pay any prescribed/agreed fee in the manner agreed and on the dates agreed without delay.
3. To comply with all reasonable directions given to the Applicant by any employee or officer of the Council in relation to this Permit and any activities carried out under this Permit.
4. To ensure that at all times during the term of this Permit, it will hold the necessary permissions, certificates and other authorisations required to undertake the proposed business use, which must be provided to the Council upon request.
5. To at all times and at its cost comply with all statutory requirements relating to the proposed business use.
6. To pay when due (and if demanded by the Council) the full amount of all accounts, invoices, assessments and charges with regard to the consumption, use or supply of electricity and any and all other services and utilities (if any) supplied to the road or consumed by the Applicant in respect of the use of the road in connection with this Permit.
7. To pay (if demanded by the Council) any taxes, rates, or charges levied by any government authority whether federal or state (but excluding local) in respect of the Applicant's use of the road, or otherwise in connection with this Permit.
8. To ensure that for the duration of this Permit that the road and any area in the vicinity of the road are kept in a clean and tidy state with any of the Applicant's waste, rubbish or unused or excess materials removed or otherwise disposed of.
9. To indemnify the Council, its employees 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 any activities under this Permit or arising out of breach of any condition attaching to this Permit.
10. For the term of this Permit, to take out and keep current a public liability policy of insurance for the minimum sum of \$20 million per claim (or such other amount reasonably required by the Council) in the joint names of the Council and the Applicant for their respective rights and interests and with an insurer approved by the Council.
11. To not assign or otherwise transfer this Permit without first obtaining the consent of the Council in writing, which consent may be withheld at the Council's discretion.
12. That, subject to section 225 of the Act, the Council may cancel this Permit for breach of any of the General Conditions or Special Conditions.
13. That if the Applicant allows the subject road to be unoccupied for the proposed business use for a continuous period of more than three months during the term of this Permit, then notwithstanding any other clause of this Permit the Council may terminate the Permit by giving written notice to the Applicant and termination will be effective immediately upon receipt of the notice by the Applicant.
14. That the Council may terminate this Permit at any time for any reason with 6 months' written notice to the Applicant.
15. That 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 Act.
16. That it will reimburse the Council's reasonable costs associated with the preparation and negotiation of this Permit, including legal fees if applicable.
17. That this Permit contains and represents the entire agreement reached between the parties with regard to its content and that no promises, representations or undertakings, other than those contained in this Permit, were made or given or relied upon.
18. That if any part of this Permit is found to be invalid or void or unenforceable, then that part will be severed from this Permit and the remainder of this Permit will continue to apply.

In making this application, I/we agree to be bound to the conditions of this Permit and declare that the particulars provided by me/us with regard to the proposed business use the subject of this Permit are true and correct. The person signing this Permit on behalf of the Applicant warrants that he/she has the authority to do so.

SIGNED FOR AND ON BEHALF OF THE APPLICANT

Name: **Signature:**

Position: **Date:**

COUNCIL AUTHORISATION

Authorisation: Approved ☐ Denied ☐

Copy of insurance provided: Yes ☐ No ☐ N/A ☐

Special Conditions attached: Yes ☐ No ☐ N/A ☐

Section 221 Authorisation obtained and attached: Yes ☐ No ☐ N/A ☐

Fee

Name of Authorised Officer of Council

Signed Date.....