

Permit to use Public Footpath for Business Purposes 2024/2025

Permit for use of a Public Road for Business Purposes, Section 222, Local Government Act 1999
Please read and fully understand permit conditions on the reverse side of this application.

Permit Holder						
Company Name:						
Contact Name:						
Postal Address:						
Phone Number:						
Email:						
Details of Use of Outdoor Dining Area						
New Application	Existing Application	Food Business Number: _____				
Location of Settings:						
Hours of Operation:						
Number of Tables:		Number of Chairs:		Number of Umbrellas:		
If you are serving Liquor within the proposed outdoor dining area, you need to apply for Liquor License from Consumer and Business Services (CBS) for their approval. Development Approval may also be required.						
Permit Fees and Term of Permit – 01/07/2024 – 30/06/2025						
Schedule of Fees – Outdoor Dining (per year/per unit)						
One Setting (1 table, 4 chairs, 1 Umbrella) \$66.50, Additional Chairs \$15.00, Additional Tables \$15.00 Additional Umbrella \$15.00. No Charge for Outdoor Heaters, refer to Office of the Technical Regulator for Outdoor Heaters						
Payment to be made by calling 87212 555 or at Council Office Civic Centre 10 Watson Terrace						
Office Use Only – Calculation of Fees:						
No. Settings ____ \$66.50 = \$_____ No. Tables ____ \$15 = \$_____ No. Chairs ____ \$15 = \$_____						
No. Umbrellas ____ \$15 = \$_____ Total Payable \$_____						
Amount Paid: _____ Receipt: _____ Date: _____						
Permit Requirements						
New Application – Copy of current Public Liability Insurance (\$20 Million)						
Renewal Applications – Public Liability Insurance provided						
Detailed Site Plan - New applications or additional seating for existing applications						
Applicant's Signature and Declaration						
I hereby acknowledge, understand, and agree to comply with all conditions relating to this permit. I further agree that this permit will be revoked upon any breach of the conditions.						
Name:						
Signature:				Date:		
Approved by Authorised Officer						
Name:						
Signature:				Date:		
Position:						

Standard Permit Conditions
1. General
Pursuant to section 208 of the <i>Local Government Act 1999</i> ("the Act "), all public roads in the area of the Council vest in the Council in fee simple. The Permit Holder wishes to use a public road for a business purpose pursuant to Section 222 of the Act and the Council agrees to grant a permit to the Permit Holder to permit such use, subject to the Permit Holder complying with the terms and conditions of this Permit and the requirements of the Act.
2. Permitted Use
The Permit authorises the Permit Holder, to undertake on a Council road the activity described in the " Permitted Use ", subject to these terms and conditions and any special conditions that may be notified to the Permit Holder in writing by the Council. To the extent that the Permitted Use is an activity that is regulated under a Council By-law then this Permit serves as a grant of permission for that Activity pursuant to the Council's <i>Permits and Penalties By-law</i> .
3. Permit Area
The Permit applies in relation to the road or roads described above as the " Permit Area " only.
4. Nature of Permit
The Permit does not take effect until: <ul style="list-style-type: none"> the Permit has been approved and signed by the Council and a copy returned to the Permit Holder; and all Permit fees have been paid by the Permit Holder; and the Permit Holder has provided a copy of a current certificate of public liability insurance for the sum of \$20,000,000. The Permit applies only during opening hours of the business. The Permit does not confer on the Permit Holder any exclusive right, entitlement or proprietary interest in the Permit Area and does not derogate from the Council's powers under the <i>Local Government Act 1999</i> or any other legislation. The Permit is personal to the Permit Holder and is not transferrable. The Council may vary the conditions that attach to the Permit at any time by notice in writing to the Permit Holder. Where two or more persons are named as the Permit Holder their liability and obligations hereunder shall be joint and several and this Permit shall be construed accordingly.
5. Term, Expiry & Renewal
The Permit expires on the earliest of the following dates: <ul style="list-style-type: none"> the expiry date as specified in the Permit; the date that the Permit Holder ceases to hold appropriate insurance policy as required by clause 6; or There is no automatic right of renewal of this Permit. Upon its expiration, the Permit Holder may make application for a new Permit, which may be granted at the Council's absolute discretion, subject to compliance with the public consultation requirements under the Act.
6. Cancellation
The Council may cancel the Permit for any breach of these Terms and Conditions by notice in writing to the Permit Holder, pursuant to section 225 of the <i>Local Government Act 1999</i> .
7. Insurance
The Permit Holder must, unless this requirement is waived by the Council, take out and maintain throughout the term of the Permit a public liability policy that: <ul style="list-style-type: none"> insures the Permit Holder for the minimum sum of twenty million dollars (\$20,000,000) against all actions, costs, claims, damages, charges and expenses whatsoever which may be brought, made or claimed against the Permit Holder in relation to the Permit Holder carrying on the Activity; and bears the endorsement of the insurer indicating the insurer accepts the indemnity given by the Permit Holder under the Permit. Failure to maintain insurance as required by this clause is a breach of this Permit.
8. Indemnity
The Permit Holder indemnifies and will keep indemnified the Council (including its employees, servants and agents) from and against all actions, costs, claims, damages, charges and expenses whatsoever that may be brought, made or claimed against the Council (or its employees, servants and agents) arising out of or in relation to the issuing of the Permit, the Activity and/or the actions or omissions of the Permit Holder and/or any person acting on the Permit Holder's behalf.
9. Permit Holder's Obligation
The Permit Holder must, at the Permit Holder's cost and expense in all things, comply with all applicable laws and all reasonable Council directions in relation to the Permit Holder's use of the Permit Area. The Permit must be made available for inspection upon request by a Council officer. The Permit Holder must not cause, suffer or permit any damage to Council land or property. The Permit Holder is liable to pay to the Council the costs of making good any damage caused to Council land or property in connection with the Permit Holder's use of the Permit Area for the Permitted Use. All structures and furniture used in connection with the Permitted Use must be positioned in accordance with any written directions issued to the Permit Holder by the Council. The Permit Holder must, at all times maintain the Permit Area in a clean and tidy state that is free from rubbish. The Permit Holder must not cause any unreasonable disturbances or nuisance (as determined by the Council) to users of land adjacent to the Permit Area or to vehicles or pedestrians using the Permit Area.
10. Council Works & Other Events
The Council retains the right to restrict public access to the Permit Area as it deems necessary and to otherwise schedule events, authorise other activities to be carried out and/or undertake any works within the Permit Area. The Permit Holder must not interfere with or hinder any such event, activity or works.
11. Alterations to the Permit Area
Subject to this Permit, the Permit Holder must not make an alteration or addition to the Permit Area without first obtaining an authorisation pursuant to Section 221 of the Act and, where necessary, development approval under the <i>Development Act 1993</i> . The Permit Holder must maintain any alterations it makes on or to the Permit Area. Upon the expiration or cancellation of this Permit, the Permit Holder must remove all alterations it has made to the Permit Area (if any) and, in any event, reinstate to the satisfaction of the Council, the Permit Area to the condition it was in prior to the Permit Holder's occupation of it. If the Permit Holder fails to comply with its obligation to reinstate the Permit Area the Council may undertake the works necessary for this purpose and recover the costs it incurs in doing so as a debt from the Permit Holder.
12. Food Business Notification
All food businesses must be notified with a South Australian local government authority prior to operating in SA and must be able to provide their Food Notification Number to organisers. If an interstate business has not operated in SA before, they must complete a Food Business Notification form and return to Council prior to the event. Any enquiries in relation to this should be directed to Council's Environmental Health Officers.
13. Alcohol
Subject to the <i>Liquor Licensing Act 1997</i> , the Permit Holder must not sell or serve alcohol in the Permit Area without the prior written consent of the Council.