	<b>PERMIT TO USE A PUBLIC ROAD (COUNCIL ROAD RESERVE)</b> <i>Pursuant to Section 222 of the Local Government Act 1999</i> <b>MOBILE FOOD BUSINESS</b>	Form No:	GOV011
		Version No:	1.0
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		Last Updated:	30 <sup>th</sup> November, 2017
		Form Ownership:	Executive Support Coordinator
		Relevant Policy/Act:	

**This permit relates to activities of a mobile food business nature only.**  
**Please complete if you are a mobile food business applying to operate on Council Roads.**

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

of .....  
*(Address)*

Hereby apply to the District Council of Grant *(the "Council")*

for a Permit to use all/part of the road at .....  
*(Exact location of proposed business)*

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 an Authorisation to do so from the Council. The following are considered road altering activities pursuant to the Act.

**Tick whichever is/are applicable to this Application**


- 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.

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

**Details, Plans and Specifications for the Proposed Business:**.....

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

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

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**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; and to comply with and give all notices required by any Act of Parliament, ordinance, regulation or by-law relating to the occupation and use of this land including the CFS Act and the Native Vegetation Act.
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 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, in good condition and to recognised standards.
7. To not take any action that will or is likely to cause degradation of the land subject to the permit or any nearby land. The Permit Holder is to observe any direction given by Council in relation to the protection of such areas.
8. To make good any damage to the area as set out in Clause 7. The Council may give notice requiring such work to be done by the Permit Holder within 14 days from the giving of such notice. If such work specified in the notice has not been completed within the said 14 days the Council may, by notice in writing terminate the Permit.
9. To not remove from the land any minerals including sand, gravel, stone or other materials, or cut down or remove any dead timber or cut down, top, lop, bark or ring-bark or otherwise destroy any tree or shrub which is now or hereafter shall be growing upon the land without approval in writing from Council first being obtained.
10. For the term of the Permit, to keep the land clear of all plants required to be controlled under the Natural Resources Management Act 2004.
11. Where two or more persons are the Permit Holder their agreements and obligations hereunder shall be joint and several and this agreement shall be construed accordingly and reference to the Permit Holder shall be read as references to the Permit Holders and each and every one of them.

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12. 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.
13. 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.
14. The permit holder must at all times be familiar with and comply with Council's Mobile Food Business Policy (GOVPOL 19), including but not limited to:
  - Provide proof of food business notification with Council
  - Provide proof of a valid police check for all operators and staff of the mobile food business
15. To not assign or otherwise transfer this Permit without first obtaining the consent of the Council in writing.
16. That the Council may terminate this Permit at any time by giving to the Permit Holder three (3) months prior notice in writing of such termination.
17. 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 by giving 24 hours' notice in writing, signed by the Chief Executive Officer.
18. 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.
19. 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.

**Special Conditions of Permit:**

20. The minimum insurance cover for this permit shall be \$10,000,000.
21. The term of this licence shall commence on        /        /        and conclude on        /        /
22. The permit fee shall be the same as the minimum rate, as set by Council, plus GST for the sale of goods.
23. The business shall only operate from \_\_\_\_\_, at \_\_\_\_\_ (township) on  
\_\_\_\_\_ (days) between the hours of \_\_\_\_\_ and \_\_\_\_\_ from  
\_\_\_\_\_ /        /        (date) to        /        /        (date)

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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.***

Dated the \_\_\_\_\_ day of \_\_\_\_\_ 20

Signed by Applicant/s: \_\_\_\_\_  
 \_\_\_\_\_

**OFFICE USE ONLY**

Permit:	Approved	Declined
<b>Council Specification for Alteration to Road Attached:</b>	Yes	No
<b>Special Conditions Attached:</b>	Yes	No
<b>Insurance:</b>	Yes	No
<b>Name of Authorised Officer of Council:</b>		
<b>Position:</b>		
<b>Signature</b>		
<b>Date:</b>	/ /	
<b>Fee:</b>	\$	