

Use of public footpaths and roads for business purposes

Civic Centre
165 Sir Donald Bradman Drive
Hilton, SA 5033
Tel: 08 8416 6333
Email: csu@wtcc.sa.gov.au
SMS: 0429 205 943
Web: westtorrens.sa.gov.au



Please complete this form in black or blue ink in **BLOCK LETTERS**.

1. Permit system

Under Section 222 of the Local Government Act 1999 a person must not use a public road (including the carriageway, footpaths and verges) for business purposes without a permit. A permit is not a right, but a privilege to be granted only where there is no adverse impact on pedestrian and road user safety and access and where the amenity of the locality can be preserved.

Your application form, enclosed documents and insurance details may be sent to Council by email. Applications should be received by Council at least 15 working days before commencing business use of the road. A site inspection may be required by Council staff before approval can be granted.

2. Applicant details

Title:	Given name:	Family name:
Company name:		
Address:		
Suburb:	Post code:	
Telephone:	Mobile:	
Email:		

3. Application type

New Renewal Amend existing permit Change of owner

4. Nature of business

Business purposes include the use of a public road even if it is not intended to make a profit. Please specify below the business activity you wish to undertake.

Placement of outdoor dining furniture on footpath - documents to attach.

- Certificate of Currency of public liability insurance
- Site plan of the proposed area.
- Drawings and/or photographs depicting the site
- An independent risk assessment of the proposed outdoor dining area.
- Liquor licence where alcohol is to be served from the outdoor dining area.
- Application form for a S221 authorisation

Placement of commercial goods for sale or display on or over a footpath - documents to attach.

- Certificate of Currency of public liability insurance
- A detailed drawing or sketch (with dimensions) showing how the proposed goods are to be positioned on the footpath in accordance with the Layout and Setback Criteria as detailed above (please note that an inadequate sketch may delay the assessment process).
- Photographs depicting the site and the proposed location of structures for displaying goods.

Temporary vending from street stalls - documents to attach.

- Certificate of Currency of public liability insurance
- A sketch or drawing showing the length and width of the proposed display area, its location on the footpath and the position of where street stalls are to be placed.

Sale of goods mobile vending (Ice Cream) - documents to attach.

- Annual Permit Monthly Permit

- Certificate of Currency of public liability insurance
- A detailed drawing or sketch (with dimensions) showing how the proposed goods are to be positioned on the footpath in accordance with the Layout and Setback Criteria as detailed above (please note that an inadequate sketch may delay the assessment process).
- Photographs depicting the site and the proposed location of structures for displaying goods.

Sale of goods mobile food vending (Food Truck) - documents to attach.

- Annual Permit Monthly Permit

- Certificate of Currency of public liability insurance
- A detailed drawing or sketch (with dimensions) showing how the proposed goods are to be positioned on the footpath in accordance with the Layout and Setback Criteria as detailed above (please note that an inadequate sketch may delay the assessment process).
- Photographs depicting the site and the proposed location of structures for displaying goods.

Placement of real estate advertising on footpath - documents to attach.

- Certificate of Currency of public liability insurance
- Photographs/drawings specifying the dimensions of the real estate advertising boards, construction materials and method of fixture and showing the proposed location of boards in relation to buildings, fences and footpaths.

Placement of flowers for sale on a footpath or roadside on Mother's Day - documents to attach.

- Certificate of Currency of public liability insurance
- A sketch showing how the proposed goods are to be positioned on the footpath in accordance with the Layout and Setback criteria as detailed above (please note that an inadequate sketch may delay the assessment process).

5. Schedule of fees

An upfront non-refundable Application Fee may be applicable. Upon approval of your application you will be notified of any additional fees payable. The schedule of current fees can be viewed on the City of West Torrens website: westtorrens.sa.gov.au

6. Issuing of permit

1. The applicant agreeing to the general conditions contained in this form.
2. The applicant agreeing to the special conditions contained within the Guidelines.
3. The applicant agreeing to any additional conditions that Council may determine and attach to the permit.
4. The applicant submitting plans/documents to Council as required in the Guidelines.
5. The applicant paying the prescribed fee.
6. The applicant providing to Council a Certificate of Currency showing public liability insurance with a public risk cover of at least TWENTY MILLION DOLLARS (\$20,000,000).

The applicant obtaining appropriate Development Act approval for any structures, fixtures or equipment, and obtaining S221 authorisation, where required, to alter a public road.

7. Details of proposed business

Please refer to the guidelines for information on the special conditions you must meet for use of the road for a business purpose. Use the section below to demonstrate how you meet those conditions.

Location(s) of proposed activity:

Items for sale or display:

Food
 Non-alcoholic beverages
 Alcoholic beverages
 Non-food items - please specify

Details of objects/structures - e.g. number, dimensions, layout:

Details of any associated advertising:

Date(s) permit required:

Start:

Finish:

If requesting a monthly permit please tick month(s) required:

<input type="checkbox"/> January	<input type="checkbox"/> February	<input type="checkbox"/> March	<input type="checkbox"/> April	<input type="checkbox"/> May	<input type="checkbox"/> June
<input type="checkbox"/> July	<input type="checkbox"/> August	<input type="checkbox"/> September	<input type="checkbox"/> October	<input type="checkbox"/> November	<input type="checkbox"/> December

Operating	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday	Sunday
Opening time(s)							
Closing time(s)							

8. S221 authorisations

Under Section 221 of the Local Government Act 1999, it is an offence to make an alteration to a public road without an Authorisation to do so from the Council. Where your business activity requires an alteration to a public road you are required to complete a S221 application form and submit it at the same time as this form.

9. General conditions of permit

The applicant agrees for the term of the permit:

1. To comply with all applicable industry standards, health or safety standards, current standards of Standards Australia or any applicable codes of practice.
2. To comply with relevant Council by-laws and policy and with the guidelines.
3. To comply with state and federal legislation. The issue of the permit does not absolve the permit holder or their agents from any overriding legislation.
4. To maintain in good condition and to recognised standards all structures erected or installed on or over the road. Such structures remain the property of the applicant pursuant to Section 209 of the Local Government Act, 1999.
5. To indemnify and to keep indemnified the Council its employees, servants and agents and each of them from and against all actions, costs, claims, damages, charges and expenses whatsoever which may be brought or made or claimed against them or any of them arising out of or in relation to the issuing and granting of the permit.
6. To maintain a current public risk insurance policy in the name of the permit holder insuring 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 or made or claimed against the permit holder in relation to the activity.
7. To accept total responsibility to make good any damage that occurs to Council roads or to public infrastructure as a result of the erection or installation of structures by the permit holder.
8. To provide proof, upon the request of Council, of current public liability insurance at any time.
9. To not assign or otherwise transfer a permit without first obtaining the consent of the Council in writing.
10. To notify Council and obtain prior approval for any changes to the approved activity contained in the permit. (Changes to the activity may cause conditions to the permit to be altered. If this is the case a new permit will be issued).
11. To notify Council within 14 days of any changes to circumstances that would affect the validity of the permit (eg. change of ownership of a company).
12. To make the permit available for inspection upon request by an authorised officer or police officer.
13. 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.

In the event that the applicant has failed to comply with any of the conditions of the permit or for any other justifiable circumstance, including reinstatement, maintenance, repair or removal, the Council may revoke the permit except where there is a requirement for a serious breach for a mobile vending vehicle.

A 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 Act.

10. Declaration

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 are true and accurate.

Date:

Signed by applicant(s):

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