



**Permit for Business Purposes
Local Government Act 1999
Sections 222-225**

Version No:	V 01.09
Reviewed Date:	26/06/2018
Next Review:	26/06/2020

(Excludes Grazing and Cropping – please refer to Permit for Grazing and Cropping)

Name:	
Address:	
Phone No:	Email:

Location of Land/Road & Diagram (attach map if necessary):

Type of Business Activity Proposed: <input type="checkbox"/> Extending Business on Footpath/Road (excludes development) <input type="checkbox"/> Mobile Food Van <input type="checkbox"/> Signage (excludes Moveable signs) <input type="checkbox"/> Other _____	Type of Permit Requested: <input type="checkbox"/> Single Use <input type="checkbox"/> Permanent Use (5 years Maximum) <input type="checkbox"/> Electricity (If required)
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Please Specify any proposed changes and specific details (signs, street furniture):

Permit Period: From (Date): _____ to (Date): _____
Cannot exceed 5 years

Extract from Local Government Act 1999 Sections 222, 223, 224 & 225

222—Permits for business purposes

(1) A person must not use a public road for business purposes unless authorised to do so by a permit.
Maximum penalty: \$2 500. Expiation fee: \$210.

Examples—

- carrying on business from a pie-cart drawn up on the side of the road;
- establishing a kiosk on the side of a road;
- extending the business of a restaurant or café to outside tables situated on a footpath or roadside;
- depasturing stock;
- cropping.

(1a) However, subject to the regulations, a council must grant a permit under this section for the purposes of a mobile food vending business.

(2) A permit may grant rights of exclusive occupation in relation to part of a public road.

(3) A permit may be granted for a particular occasion or for a term stated in the permit.

(4) The term of a permit cannot exceed five years.

(5) This section does not apply to a person who is simply travelling along a road.

(6) This section does not apply to any water/sewerage infrastructure established or used (or to be established or used) by or on behalf of a water industry entity under the *Water Industry Act 2012*.

(7) In this section— **water/sewerage infrastructure** has the same meaning as in the *Water Industry Act 2012*.

223—Public consultation

(1) If a council proposes to grant an authorisation or permit—

(a) that would result in any part of a road being fenced, enclosed or partitioned so as to impede the passage of traffic to a material degree; or

(c) in relation to a use or activity for which public consultation is required under the regulations,

(2) the council must, before granting the authorisation or permit, follow the relevant steps set out in its public consultation policy.

(3) The council must also give written notice of the proposal to agencies that are, under the regulations, to be notified of the proposal.

(4) The regulations may prescribe exceptions to the operation of subsection (1)(a).

224—Conditions of authorisation or permit

(1) A council may grant an authorisation or permit under this Division on conditions the council considers appropriate

(2) Subject to subsection (3), a condition made in relation to a permit for the purposes of a mobile food vending business under section 222 must be consistent with—

(a) the location rules adopted by the council under section 225A; and

(b) any requirement prescribed by the regulations.

(3) Without limiting subsection (2), the regulations may—

(a) require that certain conditions be imposed in prescribed cases; and

(b) prohibit the imposition of certain conditions in prescribed cases; and

(c) prescribe requirements in relation to conditions relating to the payment of fees.

(4) Subsection (2)(a) does not apply in relation to a permit for the purposes of a mobile food vending business primarily engaged in the sale of ice cream.

Examples—

The conditions could for example—

- require compliance with specified safety requirements;
- require the person to whom the authorisation or permit is given to carry out specified work (or additional work) such as earthwork, drainage work and fencing;
- require specified insurance or indemnities;
- require the maintenance of structures erected or installed, or vegetation planted, under the authorisation or permit in good condition and to specified standards;
- in the case of an authorisation or permit given for business purposes—require the payment to the council of rent or other consideration;
- require the removal of a structure erected or installed under the authorisation or permit at the end of a stated period.

224A—Breach of condition of authorisation or permit

A person must not breach or fail to comply with a condition of a permit for the purposes of a mobile food vending business under section 222. Maximum penalty: \$2 500. Expiation fee: \$210.



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225—Cancellation of authorisation or permit

- (1) A council may, by notice in writing to the holder of an authorisation or permit—
 - (a) in the case of a permit for the purposes of a mobile food vending business under section section 222—cancel the permit for breach of a condition if the breach is sufficiently serious to justify cancellation of the permit; or
 - (b) in any other case—cancel the authorisation or permit for breach of a condition.
- (2) However, before the council cancels an authorisation or permit, the council must—
 - (a) give the holder of the authorisation or permit a written notice of the proposed cancellation stating the grounds on which the council proposes to act and allowing the holder a reasonable period to make written representations to the council on the proposed cancellation;
 - (b) consider any representations made in response to the notice.
- (3) The period allowed under subsection (2)(a) must be at least one month unless the council determines that a shorter period should apply to protect the health or safety of the public, or otherwise to protect the public interest.
- (4) If a council cancels a permit under subsection (1)(a), an application for a permit for the purposes of a mobile food vending business under section 222 must not, for a period (not exceeding 6 months) specified by the council at the time of cancellation, be made by or on behalf of the person who, before the cancellation, held the permit.

The Permit Holder must comply with requirements of:

1. The *Food Act 2001*
2. The *South Australian Public Heath Act 2011*
3. The *Environment Protection Act 1993*
4. The *Local Nuisance and Litter Control Act 2016*
5. The *Motor Vehicles Act 1959* and *Road Traffic Act 1961*
6. Any law or legislative provision relating to electrical and gas installations or appliances and
7. Any other relevant law or legislative provision relating to health, safety or the environment

The Issuing of this Permit is subject to:

- a. The permit holder agreeing to the General Conditions of the permit as contained herein
- b. The permit holder agreeing to all Special Conditions which the Council may determine
- c. The permit holder paying the prescribed fee
- d. The permit holder providing a copy of all appropriate insurances as required by either the General Conditions or Special

General Conditions of Permit:

1. The Permit Holder agrees to indemnify the Council from and against all actions, costs, claims and damages, which may be brought or claimed against the Council arising out of or in relations to the granting of this permit.
2. The permit holder shall take out and keep current a public risk insurance policy in the name of the permit holder insuring the permit holder for the minimum sum of ten million dollars (\$10,000,000) 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.
3. The permit holder must provide confirmation of insurance to the Council. Such policy shall bear the endorsement of the Insurer indicating the Insurer accepts the indemnity given by the permit holder.
4. The permit holder shall comply with and give all notices required by any Act of Parliament, Ordinance, Regulation or By-law relating to the activity.
5. The Permit Holder, where appropriate, shall ensure that it is licensed or registered to carry out the activity authorised by the issuing of this permit.
6. The Permit Holder must ensure the activity permitted to be carried out by this Permit is lawful and conducted in a safe and responsible manner.
7. The permit is not transferable. The permit is only valid for activity described on the permit for the approved dates.
8. Other structures on the area may not be moved, altered or interfered with in any way except with the written approval of the relevant authority or the owner and Council. The Permit Holder must take all reasonable precautions to avoid damage to the area and Council improvements and structures.
9. The Permit Holder may not alter or remove any of the existing fixtures and fittings or install any structures or items within or adjacent to the area without Council approval.
10. The Permit Holder agrees to supply Council with a diagram, detailing the specifics of the request.
11. All Fixtures and fittings erected or installed in, on, across, under or over the area remain the property of the Permit Holder and must be removed at the end of the permit period.
12. The Permit Holder must keep the area clean and free from litter and waste material.
13. The Permit Holder will remove all obstructions from the Area upon 24 hours notice (or less in times of emergency) by the Council for maintenance or repair works.



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14. Unless the Permit Holder first gets the consent of Council in writing, they must not display any permanent sign that is visible to the public.
15. This permit is liable to be revoked by Council if the permit holder fails to comply with a condition of this permit or may be revoked in any other justifiable circumstance.
16. This permit will not come into operation (where applicable) until proof of the appropriate insurance has been provided to Council and written confirmation of approval, signed by Council has been returned to you.
17. In this Permit;
Authorised person means an authorised person appointed by the Council pursuant to the *Local Government Act 1999*

Business equipment / Mobile Food Van

1. The Permit Holder must maintain at all times a minimum public access way width of 1.2 meters between the equipment placed on the area and the kerb or verandah posts abutting the Area.
2. Any Permit Holder intending to sell food products must supply Council with a current Food Business Notification Form.
3. The Permit Holder agrees to be responsible for and ensure the orderly conduct or member of the public within the area.
4. This permit does not provide exclusive use to any location.
5. All furniture associated with the display of goods for sale of supply or food and drink cannot be permanently fixed to the ground surface.
6. The Permit Holder shall at all times ensure no more than the number of persons specified on the permit shall consume food or drink within the Area and shall not place tables and/or chairs in the area in excess to the number approved by Council.
7. Operating a mobile food van business includes
 - a. The handling and preparation of food intended for sale
 - b. The selling of food
 - c. Transporting the mobile food vending business to, from and within the Council area
 - d. Parking the mobile food vending business and
 - e. Setting up and dismantling the mobile food vending business.

Signed for and on behalf of the permit holder

I acknowledge that I have read and understand the permit conditions and agree to abide by and be bound by the said conditions

Name: _____ Position: _____

Signature: _____ Date: _____

Office Use Only

Approval for a Permit for Business Purposes is hereby granted subject to the above Terms & Conditions and any Special Conditions outlined below;

Signed for and on behalf of the Council

Fee: As per Fees and Charges Register

Name: _____ Position: _____

Signature: _____ Date: _____