



## Use of Unmade Road Reserve (Rural Area)

### PERMIT TO USE A PUBLIC ROAD FOR BUSINESS PURPOSES PURSUANT TO SECTION 222 OF THE LOCAL GOVERNMENT ACT 1999

*Please complete this form and return to the District Council of Robe by:*

**Post:**  
PO Box 1, Robe SA 5276

**Email:**  
council@robe.sa.gov.au

**In person:**  
3 Royal Circus, Robe SA

*To avoid delays, please ensure the application form is completed and all requested documentation is attached.  
Phone enquiries: 08 8768 2003*

APPLICANT DETAILS			
Name ( <i>permit holder</i> )			
Name of Business			
Address		Postcode:	
Phone Number			
Email Address			

Hereby apply to the District Council of Robe for the granting of a permit to use a public road for business purposes Pursuant to Section 222 of the Local Government Act 1999.

By completing this form the applicant also agrees to the compliance with the relevant Policies and to the General Terms and Conditions listed in this Application.

Completing this form does not constitute approval, approval is provided when the applicant is issued with the appropriate permit and following the payment of any relevant fees. **Use of the public road MUST NOT commence until approval has been granted.**

To view the relevant fees and charges please visit [www.robe.sa.gov.au/documents/feesandcharges](http://www.robe.sa.gov.au/documents/feesandcharges)

We endeavour to support all reasonable requests, however in some instances the proposed use of Council land or road may not be deemed appropriate and therefore may not be approved.

DETAILS OF PROPOSED USE	
For use of the road at: _____	
Type of Use: _____	
<p><b>(Must be for Business Purposes pursuant to Section 222 of the Local Government Act 1999)</b>  <b>Permitted Use:</b> Exclusive use of Road Reserve (primarily for grazing of livestock)</p>	
PERMIT DETAILS	
<b>Permitted Term:</b> Five (5) years	
Commencement Date:	Expiry Date:
<b>Permit Fee:</b> \$	

### **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 Code of Practice.
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 modify the alteration to the road 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 or installed, or vegetation planted, in good condition and to recognised standards.
7. To indemnify the Council, its servants and/or agents against all actions, costs, claims and demands for injury, loss or damage arising out of or in relation to the alteration of the road, the granting of this Permit and the general and special conditions contained herein and such indemnity shall be in addition to any statutory immunity in favour of the Council.
8. For the term of the Permit, to take out and keep current a public liability policy of insurance, for the minimum sum of \$20,000,000 of cover per claim in respect of the Business, any alteration to the road or any activity arising out of or from the granting of this Permit by the Council.
9. To not assign or otherwise transfer this Permit without first obtaining the consent of Council in writing.
10. 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.
11. 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.
12. This Permit is subject to the Applicant obtaining appropriate Development Act approval for any structures, fixtures or equipment.
13. 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 Local Government Act, 1999.
14. 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 Authorisation**

1. No native vegetation is to be removed or effected (or to ensure that required DEWNR/Native Vegetation Council approvals are held by the applicant). All activity must comply with Native Vegetation requirements.
2. Emergency Service vehicles and authorised personnel (e.g. SAPOL, Council) shall be able to access the road reserves if so required.
3. The permit holder is responsible for the maintenance (including grading and roadside weed/vegetation management) of the road reserves during the permit term.
4. Either party may terminate this permit by providing 3 months' notice to the other party, with the notice to be provided in writing.
5. The area must be maintained in a safe and tidy condition at all times for the duration of the permit.
6. Regular inspections may be undertaken by Council staff to ensure all conditions and special conditions are being adhered to.
7. It is the responsibility of the permit holder to ensure all legislative requirements are met for all activities undertaken on the site.
8. At the conclusion of this permit, the road reserve must be restored to its original condition.
9. The permit holder represents to Council that livestock grazed in accordance with this permit shall not have any identifiable or reportable disease. Where this condition is not met, this permit shall be cancelled immediately and all stock to be removed from the road reserve.

- 10. The road reserve will need to be fenced to an appropriate standard at the permit holders expense and may include an electrified (hot) wire system, which must not be used during any extreme fire day or total fire ban day.
- 11. Prior to fencing the road reserve, the road reserve will need to be surveyed by an appropriately qualified surveyor to determine the boundaries of the road reserve and the fence will need to be installed on the surveyed boundaries.

<b>PUBLIC LIABILITY INSURANCE</b>			
<b>The Permit holder must hold and keep current \$20 Million public liability insurance for the duration of the permit term.</b>			
The Permit Holder must provide a copy of the Certificate of Currency in the name of the Permit Holder to Council before a Permit will be granted, insuring the Permit holder for the minimum sum of <b>twenty million dollars (\$20,000,000)</b> 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 activity. If insurance expires during the permit period, the permit holder must provide a copy of the updated policy prior to expiry. Failure to do so will result in the permit being cancelled upon the expiry of the Public Liability Insurance.			
Does this policy exclude any products or services which you are providing?		Yes	No
		<input type="checkbox"/>	<input type="checkbox"/>
If Yes, please detail the excluded elements:			
Policy Holder Name:			
Insurer Name:		Sum Insured:	
Expiry Date:	___/___/202__	Certificate of Currency MUST be attached	

<b>APPLICANT DECLARATION:</b>	
<input type="checkbox"/> Acknowledge that I have read, understand and agree to abide by the General Conditions of Permit and Special Conditions of Authorisation as contained herein. <input type="checkbox"/> Declare that all particulars provided by me with regard to the Business and Road Reserve are true and accurate. <input type="checkbox"/> Agree to any Special Conditions that the Council may determine and attach to this Permit. <input type="checkbox"/> Agree to pay the applicable permit fee if the permit is approved. <input type="checkbox"/> Agree to be held personally responsible for any claim arising from damage, neglect or non-compliance. <input type="checkbox"/> The <b>Permit Holder</b> must indemnify and to keep indemnified the Council against all actions, costs, damages, charges and expenses whatsoever which may be brought or made or claimed against them arising out of or in relation to the issuing of the permit. <input type="checkbox"/> Understand that I am responsible for ensuring the public liability insurance policy remains current for the duration of the permit. <input type="checkbox"/> Understand that a breach of Council’s Policies or the Permit Conditions may result in cancellation of the permit.	
Applicant’s Name: _____	
Applicant’s signature: _____ Date: ___/___/_____	

**OFFICE USE ONLY**

<b>MANAGEMENT APPROVAL (This approval then constitutes a Permit)</b>	
Manager satisfied application is completed adequately	Yes <input type="checkbox"/> No <input type="checkbox"/>
Permit decision:	Approved / Declined
Council Specification for Alteration to Road attached:	Yes <input type="checkbox"/> No <input type="checkbox"/>
Special Conditions applied to permit (if yes, list below):	Yes <input type="checkbox"/> No <input type="checkbox"/>
<i>Name of Authorised Officer</i>	
<i>Position</i>	
<i>Signature</i>	
<i>Date</i>	

<b>PAYMENT</b>			
<b>DISTRICT COUNCIL OF ROBE   TAX INVOICE</b> ABN: 26 597 040 498			
[upon payment this docket becomes your tax invoice – GST included]			
<i>Total Fee Due</i>	\$		
<i>Payment Method</i>	Credit / Debit Card	Cash	Cheque
Please make payment in person at Council's Office at 3 Royal Circus, Robe SA, over the phone by calling 08 8768 2003 or post to PO Box 1, Robe SA 5276 in time to reach Council before permit commencement.			
<b>Credit Card details will be kept on file in Lieu of Bond</b>			
Credit Card Type: Visa /Mastercard	Amount \$ _____		
Card Number _____	CCV _____		
Name on Card _____	Expiry Date ____/____		
The District Council of Robe undertakes to transact the bond/damages amount <u>ONLY</u> if the user is in breach of the general terms and conditions overleaf.			

<b>POST APPROVAL CHECK LIST</b>		
Permit Completed and Copy Forwarded to Applicant	Yes	No
Permit Copy Saved to Electronic Records Systems	Yes	No
Name of Officer:	Position:	
Signed:	Dated:	