

Application to hold a street stall or trading table

Permit to use a public road for business purposes

Pursuant to *Section 222 of the Local Government Act 1999*

This form must be provided to Council 5 working days prior to an event.

Any questions regarding this form please contact Customer Service on 08 8553 4500 or email kicouncil@kicouncil.sa.gov.au

Please return completed forms to:

In Person: Kangaroo Island Council, 43 Dauncey Street, Kingscote
Penneshaw Community Business Centre, 99 Middle Terrace, Penneshaw
By Post: PO Box 121, Kingscote SA 5223
Fax: 08 8553 2885
Email: kicouncil@kicouncil.sa.gov.au

Organisation/Business:

Postal Address:

Exact Location of
Proposed Business:

Has approval been given from business/store where stall
is to be set up:

☐ YES

☐ NO

Date of Event:

Contact Name:

Telephone:

Mobile:

Is food to be sold:

☐ YES (Temporary food permit applies)

☐ NO

I/we hereby apply to Kangaroo Island Council for a Permit to use all/part of the road at the location mentioned above 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.

Note2: Pursuant to the Act, it is an offence to make an alteration to a public road without authorization to do so from the Council. The erection of a street stall or trading table located on a footpath is considered road altering activities pursuant to the Act.

Note3: Where this application requires an alteration to a public road (as indicated above), the issuing of this permit also includes an authorization pursuant to *Section 221 of the Local Government Act 1999*.

Details, Plans, Specifications and Location for the Proposed Business (specify any structures or objects including details of location and materials proposed, attach plan/diagram):

Is proposed alteration:

☐ Permanent

☐ Temporary

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 providing to the Council evidence of all appropriate insurances as required by the general conditions and/or the special conditions of the permit. Public liability insurances may be arranged with Local Government Risk Services Tel: 08 8235 6444

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.

I have attached a copy of: ☐ Public Liability Insurance (up to the value of \$10million)

☐ Plan/diagram of proposed trading site

I wish to apply for: ☐ Commercial Business - \$7.00 per day/stall or

☐ Annual permit - \$76.00 (20 in one Financial year)

Signature:

Date:

 / /
Office Use Only

RESPONSE

PRIORITY 1

PRIORITY 2

PRIORITY 3

Risk Assessment:

☐ Public Safety

☐ Traffic

☐ Administration

☐ Public Health

☐ Council Operations

☐ Other

☐ Public Order

☐ By Law

Assessors Name:

Assessors Position:

Assessors Signature:

Comments:

Permit Assessment:

Permit:

☐ Approved

☐ Declined

☐ Council Specifications for alteration to road attached

☐ Insurance Attached

☐ Special Conditions Listed

Authorised Officer:

Position:

Signature:

Date:

 / /

Approval Forwarded:

☐ YES

☐ NO

Terms and Conditions

General conditions required to hold a Street stall or trading table permit: The Application 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.
- 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 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.
- 8.** 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.
- 9.** To not assign or otherwise transfer this Permit without first obtaining the consent of the Council in writing.
- 10.** 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.
- 11.** At the expiration or earlier termination of this Authorisation 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 (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.
- 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.
- 15.** This Authorisation 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.
- 16.** The works must NOT restrict pedestrian traffic movement along the footpath.
- 17.** The works must be restricted to the location identified on the application.