

BY-LAW PERMIT

Application Form

*Permit Application forms are required to be lodged with Council a minimum of **21 business days** in advance of the activity unless otherwise negotiated with Council.*

APPLICANT DETAILS:	
Name	
Association <i>(if applicable)</i>	
ABN <i>(if applicable)</i>	
Phone Number	
Postal Address	
Email Address	

Hereby apply for a By-Law Permit from Alexandrina Council to undertake an activity on Council Land, pursuant to relevant Council By-Laws

[illegible]



ANNEXURE A – MAP

ANNEXURE B – GENERAL CONDITIONS OF PERMIT:

The Applicant agrees:

1. Indemnification of Council

The Applicant agrees to indemnify and to keep indemnified and to hold harmless the Council, its servants and agents and each of them from and against all actions, costs, claims, charges, expenses and damages whatsoever which may be brought or made or claimed against them or any of them arising out of or in relation to the granting of such permit and the establishment and operation of the said Permit.

2. Public Liability Insurance

The Permit holder shall take out and keep current during the period of this permit a public liability insurance policy in a form approved by the Council insuring, for a minimum sum of ten million dollars (\$10,000,000) the Council and the Applicant against all actions, costs, claims, charges, expenses and damages whatsoever which may be brought or made or claimed against the Council or the Applicant or both arising out of or in relation to the granting of such permit or the operation of the permit.

3. Operation of Permit

This Permit will not commence to operate until payment of the prescribed fee is made (if applicable), the Permit has been duly executed by both parties, proof of all insurances have been provided to Council and a copy of the Permit returned to you by Council.

4. No Exclusive Occupation

- (a) This Permit does not give the Permit Holder exclusive use to any part of the Permit area.
- (b) The Permit Holder must take into consideration the use by members of the public and other business operators by using only a reasonable portion of the Permitted Area; and
- (c) The Permit Holder must not unreasonably prevent or obstruct the Council or the general public from using any portion of the permit area.
- (d) This Permit does not confer on the permit holder any exclusive right, entitlement or interest in the defined area (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.

5. Ownership of Equipment

All equipment placed on or over public land remains the property of the Permit Holder pursuant to Section 209 of the Local Government Act 1999.

6. Alterations to Permit by Permit Holder

Any alteration to the permit may only be granted upon a new application being lodged with Council and/or on written approval of the amendments by Council.

7. Transfer

The permit is not transferable. The permit holder may not assign or otherwise transfer this Permit without first obtaining the consent of the Council in writing.

8. Cancellation or Amendment of Permit by Council

A Council may, by notice in writing to the holder of a permit; cancel, revoke, amend the conditions or withdraw a permit for breach of a permit condition or for any other reason deemed justifiable by Council. However, before the council cancels or amends a permit, the council must –

- Give the holder of the permit a written notice of the 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; and
- Consider any representations made in response to the notice.

The ‘reasonable period’ of time allowed for the permit holder to make written representation to the council 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.

9. Presentation of Permit

This permit shall be produced to any Authorised Officer of the Council on demand.

10. Compliance

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.

11. Relocation

Council reserves the right to move the location should complaints be received, or a more suitable location determined between parties.

12. Legislative Standards

- (a) During the period in which this Permit is current the Applicant must comply with any applicable industry or health and safety standards, operating licenses or legal obligations in relation to the use of the Permit Area.
- (b) The Applicant must ensure that the activity to be carried out under this Permit is conducted in a safe and responsible manner in accordance with the Permit Holder’s obligations under industry standards.
- (c) The Applicant is responsible for arranging the necessary emergency services with the relevant authorities – e.g. police, ambulance, fire brigade (if required).
- (d) The Applicant is responsible for ensuring that the general public foreshore users and the safety risks to people under its care, control, direction or management are minimised

13. Permit Holder's Risk

The permitted use by the Permit Holder is conducted entirely at the Permit Holder's sole risk and responsibility including sole responsibility for ensuring at all times the safety of all participants and members of the public within close proximity of the Permit Area.

14. Area to be Kept Clean

The Applicant shall keep the area of permitted use clean, tidy and undamaged.

15. Reinstatement

The area of permitted use is to be reinstated to its original condition by the Permit holder on completion of the activity.

16. No warranty

- (a) The Permit Holder acknowledges and declares that no promise representation warranty assurance or undertaking has been given by Council in respect of the suitability of the Permit Area for the Permitted Use to be carried on by the Permit Holder;
- (b) Council does not warrant that the Permit Area will for the duration of this Permit be structurally or otherwise suitable (if applicable) for any purpose or business to be conducted on the Permit Area by the Permit Holder;
- (c) The Permit Holder must satisfy itself prior to each occasion of the Permit Holder's use of the Permit Area that the Permit Area is fit for the Permitted Use; and
- (d) Council makes no warranty and accepts no liability for any damage caused to the Permit Area or theft from the Permit Area by any third party.

17. Damage to permit area

- (a) Repairing and/or replacing any damaged Council infrastructure will be the responsibility of the permit holder.
- (b) The Applicant shall bear the cost of all repairs carried out by the Council within the defined area which, in the opinion of the Chief Executive, have been made necessary by the activities of the Permit.
- (c) The Chief Executive may give notice requiring certain work to be done by the Applicant within 14 days from the giving of such Notice, and if the work specified in the Notice has not been completed within the said 14 days, the Council may by notice in writing signed by the Chief Executive cancel the permit forthwith.

18. Activity to be within defined Permit area

- (a) The location will be allocated by the Council and the permit area may not be altered without the approval of the Council.
- (b) All persons, equipment and activities associated with the permit shall remain wholly within the permit area at all times.

19. Removal of Equipment

All equipment, rubbish, infrastructure and other associated with the permit, shall be removed from the area at completion of the permitted activity.

20. The Prescribed Fee

The Prescribed Fee shall be applied in accordance with Council's annual Schedule of Fees and Charges. The Prescribed Fee is subject to annual review by Council within its adopted Fees and Charges pursuant to Section 188 of the Local Government Act, 1999.

21. Licence

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.

22. Music

No music system or amplified sound to be used by any permit holder without the prior written approval of the Council. If you are wishing to use music please attach details.

23. Power

Council will not provide power. If you are wishing to provide your own power to your permit zone, please attach details.

24. Serving of Liquor

If you wish to serve alcohol, please attach details. A separate application must be made to Consumer and Business Services. Council reserves the right to refuse the sale/distribution of alcohol.

25. Health Act

It is the permit holder's responsibility to ensure they operate within all South Australian Public Health Act, Food Act and Food Business Notification requirements.

26. Suitability of character

- (a) Alexandrina Council is committed to providing a child safe environment (as defined by the Children's Protection Act 1993) at all times. A child safe environment is 'an environment, which is both child-safe and child-friendly, where children are valued and feel respected and encouraged to reach their full potential.'
- (b) The Permit Holder acknowledges that, if necessary, it has fulfilled its requirements under the Children's Protection Act 1993 prior to the provision of the service from the Permit Area.
- (c) Council reserves the right to request the Permit Holder to complete Council's standard 'Statutory Declaration as to Suitability of Character' at any time given Council's duties and responsibilities under legislation to act in the best interests of the community at large.
- (d) Council reserves the right to request the Permit Holder to provide a current police clearance or the relevant criminal history screening certificate under legislation for

itself or any of the Permit Holder's officers, volunteers, members, employees, contractors and agents providing services from the Permit Area.

27. South Australia Police

The permit holder acknowledges and agrees that Council reserves the right to engage the services of South Australia Police where any activity is deemed to be unlawful and / or in breach of the peace beyond Council jurisdiction, irrespective of whether a permit has been issued by Council for the activity or not.

28. Respect

The permit holder must treat all members of the public with respect.

29. Public Order

- (a) The Permit Holder must not convey, whether verbally or on signage, a message or communication which jeopardises public order or otherwise might encourage a breach of the peace.
- (b) The Permit Holder must not harangue, abuse, accost or argue with any member of the public.

30. Comfort of use

The permit holder must not adversely affect or disturb the peace, comfort or convenience of users of any public place.

31. Comply with directions

The Permit holder must comply with all directions issued by an Authorised Officer of Council.

32. Cease activity

The permit holder must cease the permitted activity immediately if directed to do so by an Authorised Officer of Council.

33. Obstruct or Impede

- (a) No portion of the land, car park or road reserve is to be reserved, coned off or unreasonably restricted for use by members of the public. Should the permit allow the placement of structures within the permit area (footpath, reserve, carpark), the Permit Holder must ensure that a clear and unrestricted public/pedestrian access of no less than 1.5 metres in width, is retained at all times.
- (b) The Permit Holder must not obstruct or impede the free flow of pedestrian or vehicular traffic or otherwise prevent such thoroughfare.

34. Waste

- (a) The Permit Holder shall keep the land in a clean and sanitary condition and shall be responsible for the proper disposal of all rubbish and litter resulting from its use of the land.

- (b) Trade/commercial waste must be disposed of in commercial waste receptacles supplied by the business operator.
- (c) Trade/commercial waste must not be disposed of in public community waste bins.
- (d) If requested by Council, the Permit Holder shall supply and install litter bins of a design approved by the Council.
- (e) The number of litter bins to be supplied and installed shall be determined by the Council.

35. Certificate of Currency – Insurance and Business details

In addition to the completion of the application form, the applicant must provide the following information to Council prior to the issue of the Permit. A current “Certificate of Currency” stating the:

- Business Name (as stated on this permit application)
- Policy Number (Insurance policy number)
- Minimum \$10 million Public Liability cover
- An acknowledgement or note on the policy, stating that the insurance covers the permitted use
- Any other relevant supporting documentation.

36. Occupational Health, Safety & Welfare Responsibility

Statement of Responsibility of Permit Holders

- Permit Holders, whilst holding permits authorised by Council are responsible for ensuring their capacity as responsible employers, that they and their employees comply with the provisions of the Occupational Health, Safety & Welfare Act 2012 and associated regulations.
- Notifying both the Council and the Department of Administration and Information Services of accidents, incidents and/or dangerous occurrences as defined by Regulation 6.6 of the Occupational Health, Safety & Welfare Act (Notification of Certain Occurrences) Regulations 1995, involving contractors or their employees.
- Ensuring compliance with the advice and/or directive regarding occupational health and safety issued by the Council and its agents.
- Abiding by the terms of the Permit, including compliance with these occupational health and safety responsibilities.
- Providing for themselves and their employees, all necessary protective equipment and enforcing the correct usage and maintenance of any such equipment.
- Exercising due skill, care and expertise in undertaking all defined permit activities.

37. PAMPHLET / LEAFLET DISTRIBUTION – Additional Conditions of Permit (if applicable)

The Applicant further agrees that they MUST NOT:

- Without the consent of the vehicle owner, place or deposit Pamphlets, leaflets, flyers or other on vehicles.
- Deposit Pamphlets in either public or private letterboxes.
- Use any table or other infrastructure to distribute any Pamphlet.
- Use private property unless explicit permission has been obtained from the property owner.



ANNEXURE C – INSURANCE

ANNEXURE D – SPECIAL CONDITIONS (if applicable to Permit Area)

1. Plovers

- (a) The Permit Holder acknowledges and agrees that the Hooded Plover are listed as a vulnerable nationally.
- (b) The Permit Holder must consult with the National Resources Management Board (NRMB) and Council in relation to Hooded Plovers (birds) and any other conservation protection matter on the Land, sites close to or on the Permit Area and the Permit Holder must comply with their requirements.
- (c) Any issues with the use of the Permit Area due to Hooded Plovers nesting or any other conservation protection or environmental purpose, the Permit Holder must contact Council's authorised Officer so an alternative location can be considered or alternatively, Council's Authorised Officer reserves the right to revoke, alter or suspend this Permit for the term of the Hooded Plovers nesting or for any term deemed appropriate for conservation protection or environmental purposes.

2. Sand Dunes

- (a) No damage is to be caused to the sand dune, reserves, vegetation or foreshore areas.
- (b) The sand dune areas are strictly prohibited from access as part of this Permit agreement.

DECLARATION BY APPLICANT

I / We agree and acknowledge that:

1. I have read and understood the Permit conditions and agree to abide by said conditions.
2. I have attached a copy of my current insurance in accordance with the Terms and Conditions of this Permit. I confirm that the insurance attached is adequate in providing the appropriate insurance cover for the permitted activity.
3. I agree to any/all Special Conditions that the Council may determine and attach to this Permit.
4. I understand that this Permit does not provide me with exclusive use of the site and as such, I acknowledge that other traders or activities may be located in relatively close proximity to the location of this permitted activity.
5. I understand that this permit application is not consent to undertake the activity until such time as I receive a copy of the Permit / Authorisation form signed by Alexandrina Council.

I / We acknowledge that I / we have read and understand the Permit conditions and I / we agree and abide by the conditions of this Permit:

.....

Signature of Applicant

.....

Name of Applicant

.....

Position of Applicant

.....

Date

OFFICE USE ONLY

AUTHORISATION BY COUNCIL

**SIGNED for
ALEXANDRINA COUNCIL
by its authorised delegate in the presence of:**

.....
Signature of Witness

.....
Signature of Authorised Delegate

.....
Name of Witness

.....
Name of Authorised Delegate

.....
Date

.....
Position of Authorised Delegate

Permit Number	
Permit Expiry Date:	
Permit Expiry Time:	

Permit Fact Sheet



By -Law Permit

A person must not without the permission of Council, undertake certain activities on Local Government Land including public land and community reserves.

Council will strive to ensure that activities that promote a sense of vibrancy and local attraction do not impede or create adverse impacts on other users.

A By-Law Permit is required when a community based or not for profit activity is proposed to be undertaken on Local Government Land (parks and reserves).

If your activity does not fit this criteria, a different Permit will be required and you are encouraged to contact Council Administration.

Activities which require a By-Law Permit include but are not limited to:-

- Club/Association community activities
- School activities
- Event/overflow parking
- Triathlons/park-runs
- Information stands and pop up displays
- Canvassing/leaflet distribution
- Installation of Automated External Defibrillator
- Games / organised competition or sport
- Model aircraft, boats and cars
- Foreshore activities (non-commercial)

The permit will authorise the permit holder to use an approved portion of Local Government Land for an approved use, in accordance with all conditions of the permit, on a non-exclusive basis.

Applications for and approval of permits will be determined by Council taking a range of factors into consideration. There is no obligation on Council to approve a permit

Permit application forms are required to be lodged with Council a minimum of **twenty one (21)** business days in advance of the activity unless otherwise negotiated with Council.

A By-Law Permit will be valid for a period of time/s and day/s as stipulated on the permit.

In order to obtain a By-Law Permit please read all of the information provided in the

- **General Conditions of Permit**
- **Permit Application Form**

For more information:

Website -www.alexandrina.sa.gov.au

Email – property.officers@alexandrina.sa.gov.au

Phone - (08) 8555 7000

