



**Permit for Grazing and Cropping
Local Government Act 1999
Sections 222-225**

Version No:	V 01.02
Reviewed Date:	17/05/2018
Next Review:	17/05/2020

Name:

Address:

Phone No:

Email:

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

Type of Business Activity Proposed:

- Grazing
- Cropping
- Other _____

Type of Permit Requested:


- Temporary
- Restricted Access (eg gated road for grazing still allowing public access).
- Exclusive Use (eg fenced area for cropping with no public access).

Please Specify any proposed changes and specific details (gates, grids, fences):

Permit Period:

Cannot exceed 5 years

From (Date): _____ to (Date): _____

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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.

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.
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.

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
 - b. 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.

224—Conditions of authorisation or permit

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

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.

225—Cancellation of authorisation or permit

1. A council may, by notice in writing to the holder of an authorisation or permit, cancel the authorisation or permit for breach of a condition. (Subject to supplying of written reasons and consideration of any responses 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).


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. (Except ‘Grazing and/or cropping and restricted Access’)
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.

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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.
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.

Grazing, cropping and exclusive use

1. The road concerned is to be fenced at the applicant's expense.
2. Maintain all structures erected or installed in good condition.
3. Exclusive rights to the road concerned has been granted to the permit holder.
4. Grazing and cropping on the road concerned has been granted to the permit holder.

Grazing and/or cropping and restricted Access (remove type of business if it does not apply)

1. Maintain all structures erected or installed in good condition.
2. Restricted access to the road concerned has been granted to the permit holder requiring public access to be maintained, any gates installed cannot be locked and the road cannot be fenced preventing access to the public.
3. Grazing and/or cropping on the road concerned has been granted to the permit holder.

Temporary permit

1. This is a temporary permit allowing the permit holder the use of the road reserve as highlighted on the map for the approved period of time.
2. The area identified on the map is to be fenced at the applicant's request and expense.
3. The permit holder must maintain all structures erected or installed in good condition.
4. Restricted access to the road reserve concerned has been granted to the permit holder requiring public access to the road to be maintained, any gates installed cannot be locked and the road cannot be fenced or any item/s left on or near road in any way preventing access to the public or impeding traffic.

Penalties for breaches of this permit

1. A breach of a condition of this permit may result in a penalty of up to \$2,500 or the cancellation of this permit.
2. If the permit is cancelled, the Permit Holder must inform any council which has also issued a current permit to the Permit Holder of the cancellation as soon as is reasonably practicable after receiving notice of the cancellation. A failure to provide notice may result in a penalty of up to \$500.
3. If this permit is cancelled, the Permit Holder may be prohibited by the Council from applying for a permit for a period of up to 6 months (**Prohibited Period**). The Permit Holder must inform a council to which the Permit Holder makes an application for a permit during the Prohibited Period of the cancellation as soon as is reasonably practicable after receiving notice of the cancellation. A failure to provide notice may result in a penalty of up to \$500.
4. The Permit Holder must be able to produce this permit at all times when conducting the Permit Business, if requested to do so by an authorised person.
5. In this Permit;

Authorised person means an authorised person appointed by the Council pursuant to the *Local Government Act 1999*

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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 Grazing and Cropping 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 declared each year by Council

Name: _____ Position: _____

Signature: _____ Date: _____