

PERMIT TO USE AN UNMADE PUBLIC ROAD

Pursuant to Section 222 Local Government Act 1999

APPLICATION FORM

Period ending 30 June 2023

Our collection, use and disclosure of your personal information is governed by Council's Privacy Policy (found on Council's website at www.barossa.sa.gov.au) and the Freedom of Information Act 1999. The principal reason for collecting is to administer Unmade Public Road permits.

Please complete both pages of this application form, sign and return to:-

The Barossa Council

43-51 Tanunda Road, Nuriootpa SA 5355 (PO Box 867)

Fax: 8563 8461

Email: barossa@barossa.sa.gov.au

I/We: _____

(Applicant name/s)

of _____ and

(Rural property address)

(postal address)

Telephone _____ Email _____

Apply for a Permit to use an Unmade Public Road located at:

For the purpose of (please circle) Cropping Grazing Access

A sketch/image showing the area requested to be occupied in relation to your property must be provided on the following page.

- I acknowledge that I have read and understand the Permit conditions, and agree to abide by the said conditions.
- Enclosed with my application is a copy of my current Public Risk Insurance Policy for the minimum amount of \$10,000,000.** **An application will not be considered unless this information is provided at the time of lodgement****

Signed for and on behalf of the Applicant:

Name: _____ Date: _____

Signature: _____

PLAN OF PERMIT AREA

To accurately determine the actual location of the requested permit area, please ensure sufficient details (i.e Rural Property Address, parcel number, landmarks, driveways and buildings) are included to clearly define the location of the unmade public road in relation to your property.

I/We request that the following information and/or conditions be considered when assessing the application (optional)

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CONDITIONS - Period ending 30 June 2023

This application is to obtain statutory authorisation to use The Barossa Council unmade roads for business or other purposes in The Barossa Council area only.

Council reserves the right to decline to issue a Permit

All Permits to use the defined area will be issued for a maximum of five (5) years. This Permit will expire on **30 June 2023**. Upon expiration the Permit Holder may make application to renew the Permit in accordance with the provisions of Section 222 of the Local Government Act 1999 and Regulations. Permits will not be renewed automatically.

- **With Council approval the land can be fenced but must allow for unlocked gates especially where fire access is required.** No unmade public road can be rented unless the Permit Holder allows free and unrestricted access by others over the land.
- **This Permit is liable to be revoked by Council if the Permit holder fails to comply with any of these conditions.**
- **The issuing of a Use of Unmade Public Road Permit is subject to:-**
 - (a) the Permit Holder agreeing to the conditions of the Permit as contained herein and
 - (b) the Permit Holder agreeing to any special conditions that the Council may determine and
 - (c) the Permit Holder providing a copy of all appropriate insurances as required

Conditions of Permit

1. The Permit Holder agrees to indemnify and to keep indemnified the Council, its servants and agents and each of them from and against all actions, costs, claims, damages, charges, and expenses whatsoever which may be brought, made or claimed against them, arising out of, or in relation to, the issuing 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, made, or claimed against the Permit Holder in relation to the activity. The Permit Holder must provide confirmation of insurance to the Council. Such insurance policy shall bear the endorsement of the insurer indicating the Insurer accepts the indemnity given by the Permit Holder. This Permit will not come into operation until proof of the appropriate insurance has been provided to the Council, and a letter of approval has been returned to you.
3. The Permit Holder must inform the Council immediately in writing if the insurance policy lapses or is cancelled. Please be advised that Council will undertake random audits to ensure policies are current.
4. The Permit Holder shall not take any action that will or is likely to damage or cause degradation of the defined area, infrastructure or native vegetation within the unmade public road or on any nearby land.

5. Access for bushwalkers on recognised trails must be maintained free from animals likely to harm them.
6. No rubbish is allowed to accumulate on the land.
7. The Permit Holder shall not remove any fences or gates erected on or adjacent to the boundaries of the unmade public road without the prior written consent of the Council.
8. This Permit is not transferable.
9. The Council may cancel this Permit at any time by giving the Permit Holder at least 30 days written notice of the cancellation. Council may determine that a shorter period should apply to protect the health or safety of the public, or otherwise to protect the public interest.
10. 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 or use of the land.
11. The rights and entitlements conferred by the issuing of this Permit shall not create any tenancy estate or interest in or over the defined area other than those of Permit Holder.
12. The Permit Holder must disclose to any intending purchaser of land abutting the defined area that the defined area is an unmade public road and as such does not form any part of any abutting land parcel.
13. Permit approval shall be produced to any Authorised Officer of the Council on demand.
14. The Permit Holder shall pay to the Council an annual fee if one should be determined by the Council. The Permit Fee will be reviewed by the Council on an annual basis and listed in the Council Fees and Charges manual, available on Council's website www.barossa.sa.gov.au.

Please retain these conditions for your records.