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21 May 2021

South Australian Productivity Commission

Submitted via email to: sapc@sa.gov.au

Inquiry into the reform of South Australia's Regulatory Framework – response to Issues Paper

Thanks you for the opportunity to provide input to the reform of the South Australia's regulatory framework. The input has been provided by staff views and have not been endorsed by Elected Members.

The City of Holdfast Bay tourism sector is a key economic driver for Holdfast Bay's economy that has significant positive flow-on effects for the local community. In 2019, 1.3 million people made day trips to our City and another 140,000 people made over-night visits. Tourism expenditure in Holdfast Bay has grown over the last five years from \$215 million in 2015 to \$258 million in 2019.

In Holdfast Bay, tourism supports an estimated 1,800 jobs, which is 14% of total employment. The majority of these jobs are in businesses that provide goods and services directly to visitors, such as accommodation, cafes and restaurants, and retailing.

Two case studies have been provided to highlight the difficulties experienced with the Food Act 2001 and Liquor Licensing.

COVID-19 demonstrated the need for more flexibility to be able to be nimble and responsive to current circumstances. Consideration around changes to outdoor dining, removal of parking spaces for parklet installations and the provision for continued ability of takeaway alcohol in hospitality venues were areas identified as critical in the ongoing survival of many businesses.

The following outlines some key issues relating to impacts through regulatory processes and provides comment through an earlier exploration of red tape reduction in 2018.

Temporary Events – The Process, Regulatory Requirements and Opportunities.

The Process



Typically, landowner consent (i.e. council consent) is required under the Local Government Act for a temporary or special event on public land. In considering the request, the council or delegated officer, will have regard to the following:

- Any encumbrances or caveats imposed on the land (particularly if bequeathed) that prescribes the in perpetual use of the land.
- The intended activities or uses for the land as described in the Community Land Management Plan for the site (should the land form part of the Community Land Register).
- An awareness of cultural sensitivity where the nature of the temporary or special event may cause offense to our indigenous community (this should be flagged for all public land on a register of aboriginal heritage)

Whether a proposal for a temporary or special event is assessed by full council or a delegated officer is somewhat subjective, but will be typically influenced by the scale, nature, location and previous track-record of the temporary or special event (for instance, the political interest in an all-day youth music festival at Wigley Reserve will differ from an event held to display classic vehicles on the same Reserve).

The City of Holdfast Bay does not consider a temporary or special event to constitute a 'change of land use' for the purpose of the Development Act, but the temporary or special event may incorporate structures and advertising that require development applications of their own. Schedule 3 of the Development Regulations prescribes such circumstances, which are as follows:

Development Regulations 2008

Schedule 3—Acts and activities that are not development

*(6) The construction of a temporary building by, or with the authorisation of, a council where the building—
(a) does not remain on the site for more than 30 days; and*

(b) is erected for the use of the council, or for some other public or community purpose approved by the council; and

(c) does not carry any advertising material (other than material which is incidental to the purpose for which the building is erected).

1—Advertising displays

The commencement of an advertising display containing an advertisement—

(f) that announces a local event of a religious, educational, cultural, social or recreational character, or that relates to an event of a political character, subject to the following conditions:

(i) that the total advertisement area of all advertisements of that kind displayed on 1 building or site is not more than 2 square metres; and

(ii) except for an advertisement that relates to a federal, State or local government election, that the advertisement is displayed for a period not exceeding 1 month prior to the event and 1 week after the conclusion of the event; and

(iii) that the advertising display—

(A) does not move; and

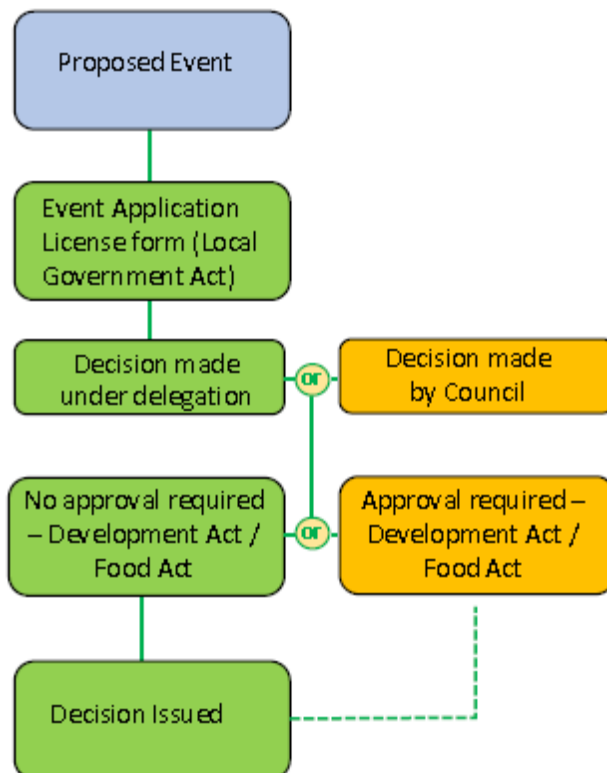
(B) does not flash; and

(C) does not reflect light so as to be an undue distraction to motorists; and
(D) is not internally illuminated;

There may also be a requirement for the approval of food stalls under the Food Act.

Regulatory Requirements

The process can become truncated and uncertain depending on how delegations are exercised and whether the event impinges on legislation beyond the Local Government Act. The flow chart below shows the broad pathway for assessment, and where roadblocks can occur in circumstances where an alternative/additional assessment stream is selected.



There are specific regulatory requirements imposed on a temporary or special event, which are primarily concerned with public safety and behavior. A complete description of these requirements is found in Event License Application Form for 2017/18, but a summary is provided below:

- Completion of an Event Licence Application Form, which must be submitted at least six (6) weeks prior to your event date.

- Larger events will may be required to submit a program/schedule of events and Operations Manual as part of the application process. An example of an Operations Manual can be provided by the council upon request.
- Council requires the Applicant/Event Organiser to have Public Liability Insurance to a minimum value of twenty million (\$20,000,000) and that the insurance provides coverage for the specific event location.
- A detailed risk management plan for a specific event/activity in relation to the event site must be provided to the events team prior to the event.
- A detailed site map must be provided as an attachment to the event licence application.
- If food is to be offered for sale, the food vendor must complete an Annual Food Permit Application and submit it along with a Public Liability Insurance Certificate of Currency.
- If stall holders (merchandise, fundraising, information etc.) are participating at the event, the Applicant/Event Organiser must provide a list of participants on the application form.
- The Applicant/Event Organisers must provide a sufficient number of portable toilets to cater for the needs of the expected number of participants and spectators.
- Amusement structures are only permitted at public events within the City of Holdfast Bay with Council approval. A current copy of SafeWork SA Certificate of Amusement Structure Registration must be submitted to the Event Management Team at least six (6) weeks prior to the event
- Arrangements must be made with council for access to power for an event.

The Applicant/Event Organiser must seek approval from the council for all essential event vehicles to access foreshore and reserve areas associated with the event (Accredited Traffic Marshals may be required specific events).

- All requests for road closures or traffic management in relation to the event must be included in the Event Licence Application Form.
- A 'Limited Liquor Licence' is required if the service or supply of liquor is intended as part of an event. Limited Licence applications must be approved by the Office of the Liquor & Gambling Commissioner in conjunction with the council.

- It is the Applicant/Event Organiser's responsibility to engage security services when event infrastructure and/or equipment remains on site overnight or for specific music events.
- The Applicant/Event Organiser is responsible for the control of noise in accordance with the prescribed council requirements outlined in the Event License Application Form for 2017/18.
- The Applicant/Event Organiser is responsible to advise all emergency service organisations of their event.
- The Applicant/Event Organiser is responsible for remediating the site of the event and leaving it in a clean and safe state.

Opportunities for Standardisation

There are certain 'steps' in the process for the assessment of applications for special events that are open to subjectivity and dependent on the extent of delegated authority. These two areas could be standardized across councils, without the need for legislative change (delegations could be reassigned and a set of guidelines could be developed to clearly outline where approvals could be issued under a single Act, being the Local Government Act).

NB: In the case of a state based event crossing multiple Local Govt areas there is most likely a different process in each municipality. Example: Tour Down Under.

Businesses voting in Local Government Elections

Business tenants and property owners are required to 'opt in' to vote in council elections. Revising regulation/practice such that all business tenants and property owners who are council rate payers are automatically registered to vote in council elections, i.e. remove the need for these to opt-in.

One Stop Shop Legislative and Business Advice

All Local, State and Federal Government business related websites should have links to a set of preferred business link sites eg. The Adelaide Business Hub website provides a comprehensive list for businesses to navigate the myriad of information, compliances and regulations required to operate a business <https://adelaidebusinesshub.com.au/resources>

Delegated Authority and Liaison relationships with state departments

Submitted by Council (thru LGA)

Issue raised: Seeking inputs and approvals from DPTI regarding road and transport related initiatives (delegated authority). Councils experience has been that DPTI may assign a liaison person and as discussions progress in relation to the project / initiative, there appears to be agreement with the direction and the related detail. Then when the initiative is distributed to

CHB currently experience this example of red tape
(Comment: Traffic Officer)

<p>the relevant staff across the organisation there are often hurdles and barriers caused by others in the chain of command who may not agree with the liaison person or require more information. This causes unnecessary delays and increased project costs.</p> <p>Council Proposal: The solution would be to have the right people around the table from the start of the project who can provide clear direction as to the requirements for information or compliance to standards OR to delegate authority to the liaison person for decisions.</p>	
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7.

<p>Submitted by Council (thru LGA)</p> <p>Issue raised: a small venue licence is available within the CBD in SA to support small businesses such as bars, restaurants, art galleries and live music venues. The small venue licence aims to provide flexibility and a new streamlined process for small venue licence applications. This is to encourage entrepreneurs to develop small businesses without the potential difficulties and costs associated with existing licences. It also aims to encourage small venues to host live music. The new licences have enabled small venues to make the Adelaide CBD a more vibrant and interesting place, as well as provided a boost to jobs growth. Limiting the licence to the CBD area prevents opportunities from being shared in other locations across metro and regional areas.</p> <p>Council Proposal: Expand the small venue licence to other metropolitan areas and regional areas in SA.</p>	<p>Note that AHA raised their concerns regarding the potential expansion in the Small Business Statement Action Plan for AHA (2017). CBS response noted that the existing small venue licence has proven successful in its limited application to the CBD and should be retained.</p> <p>Consideration as to possible expansion to other areas will be deferred for later review in two to three years to allow consolidation and proper review of the impact of the existing small venue licence.</p>	<p>Other LG areas would benefit from flexibility for small bar licence expansion and should be open to whole of state not just the CBD (Comment: Officer – Business Development Partner))</p>
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APPENDIX (A)

Outlined in Appendix (A) references input from the City of Holdfast Bay Risk Management Officer related to an earlier committee on red tape reduction in 2018. It relates to ‘Work Zone Traffic Management and Section 221 & Section 222 Permits.

Attachment: Appendix (A)

CASE STUDY 1 – COFFEE ROASTER BUSINESS REQUEST TO OPERATE IN LIGH INDUSTRIAL AREA (*Confidential for the purpose of the submission*)

This case study relates to the Food Act 2001 having been written in 2001 and over 20 years many practices have changed, improved and innovation taken the place of previous operating practices that may have been common in 2001. The case study below relates to operation of a forklift within the same preparation area without causing fumes or smoke and the need to seal concrete within the operation area. There has been many advances in technology of concrete fit for purpose products and also the manufacturing of electric forklifts that has made the red tape surrounding this case study less practical than should have been.

The Officer is restricted by outdated Act and the Food Business is bemused to understand the blockages in establishing a business that reflects current day practices.

Noting the outcome below at the conclusion of this application the business is also required to comply with completing a Food Business Notification Form (for a manufacturing operation), have a Food Recall Program in place through SA Health and also meet labelling requirements through SA Health. Many of these steps are unknown to the applicant until each step in the process.

Notification of Development Application progress:

Development application has progressed to Council's Environmental Health Service for assessment and comment under the Food Act 2001 and a copy to Council's Planning Development Officer so they are aware of our communications.

It is strongly recommended that detailed floor plans be submitted for assessment to ensure that any proposed works comply with the requirements of the Food Act 2001 and Food Standards Code to avoid making costly alterations once construction has started or has been completed.

Environmental Health Service input:

under the Food Act 2001 there are requirements that all food businesses must meet, regardless of sector ie. retail, food service, manufacturer or distributor/transporters. Coffee Roasters are captured under the Food Act and as a result, you will need to demonstrate, to the satisfaction of an authorised officer, how you will meet the requirements of the Food Act 2001 and Food Safety Standards. The State-wide Food Premise Risk Classification System risk classifies Coffee Roasters as a P2 (medium risk) meaning that although there is low water activity in coffee roasting activities it does contain high microbial load. The food safety assessment frequency for Coffee Roasters is 12 monthly, however, assessment frequencies are at the discretion of an authorised officer.

As you are operating a food business, it is in your best interest to know, understand and comply with the Food Act 2001 and Food Safety Standards. The legislation that relates to your food business can be found on Council's website.

Based on the information you have provided thus far, and in relation to your concerns regarding the forklift and the use of the roller door, under Food Safety Standard 3.2.3 Clause 3- General requirements states the following:

The design and construction of food premises must –

- (a) be appropriate for the activities for which the premises are used;*
- (b) provide adequate space for the activities to be conducted on the food premises and for the fixtures, fittings and equipment used for those activities;*
- (c) permit the food premises to be effectively cleaned and, if necessary, sanitised; and*
- (d) to the extent that is practicable –*
 - (i) **exclude dirt, dust, fumes, smoke and other contaminants;***
 - (ii) not permit the entry of pests; and*
 - (ii) not provide harbourage for pests.*

In relation to the use of a forklift and roller door being used when processing and packaging the coffee, there is potential for physical contamination when the coffee enters the cooling tray. As this is the finished product and no further heat treatment or processing occurs, the coffee has the potential to be exposed to dust, dirt, fumes, smoke and other contaminants coming in from the outside whilst the roller door is open and fumes and smoke from the forklift contaminating the finished product and food packaging area. You have a responsibility under the legislation to reduce the likelihood of food being physically contaminated from dust, dirt, fumes, smoke and other contaminants.

Concrete floors have the ability to absorb matter and do not comply with the Food Safety Standards. Floors must be smooth, free from cracks and crevices and resistant to hot water, steam and/or chemicals. Surfaces such as epoxy resin are relatively cheap option, however, there are many flooring materials on the market that are also suitable.

Under the Food Safety Standard 3.2.3 Clause 10-Floors specifies the following:

Floors must be designed and constructed in a way that is appropriate for the activities conducted on the food premises.

- (a) be able to be effectively cleaned;*
- (b) **be unable to absorb grease, food particles or water;***
- (c) be laid so that there is no ponding of water; and*
- (d) to the extent that is practicable, be unable to provide harbourage for pests.*

And under Food Safety Standard 3.2.3 Clause 7-Food Processing states the following:

- (1) A food business must –*
 - (a) take all practicable measures to process only safe and suitable food;*
- and*
- (b) when processing food – **(such as roasting coffee)***
 - (i) **take all necessary steps to prevent the likelihood of food being contaminated***

And under Food Safety Standard 3.2.3 Clause 9 Food packaging states:

A food business must, when packaging food –

- (a) only use packaging material that is fit for its intended use;*
- (b) only use material that is not likely to cause food contamination; and*
- (c) **ensure that there is no likelihood that the food may become contaminated during the packaging process.***

Finally, the following Standard specifies the design and construction of food premises. Under Food Safety Standard 3.2.3 Clause 3 - General requirements states the following:

The design and construction of food premises must –

- (a) be appropriate for the activities for which the premises are used;*
- (b) provide adequate space for the activities to be conducted on the food premises and for the fixtures, fittings and equipment used for those activities;*
- (c) permit the food premises to be effectively cleaned and, if necessary, sanitised; and*
- (d) to the extent that is practicable –*
 - (i) **exclude dirt, dust, fumes, smoke and other contaminants;***
 - (ii) not permit the entry of pests; and*
 - (ii) not provide harbourage for pests.*

You could consider enclosing the coffee roasters and packaging area and ensuring this area complies with Food Safety Standards so that the finished product is not exposed to dust, dirt, fumes, smoke or other contaminants from the outside when the roller door is up and the use of the forklift. How you comply with the above mentioned requirements in something you need to consider, there are many solutions/options available in the market.

Alternatively, you could consider a shop front where the majority of these issues may not be a problem, i.e. coffee roaster inside the premises, whilst deliveries and forklifts are in an enclosed separate storage area. Storage areas have less strict requirements compared to those of processing areas.

Applicant:

With the roasting process, green beans are imported and stored in non-foodsafe warehouses shipped in normal trucks with non-food related items, then delivered to non-foodsafe warehouses and roasteries where they are put on pallets and stored on racking. I don't know how this is ok for other people.

The beans are scooped out of a 70kg sack of coffee beans and into the metal hopper, they are then weighed then pneumatically loaded into the top

hopper. They are then dumped into enclosed drum where they are cooked for 12 minutes at between 100 and 210 degrees Celsius. They are then dumped into cooling tray where fins will agitate the beans in circles while the cool via a system that draws room air through the beans and out a chimney. This is how all roasting machines operate, 90% of which are in warehouses with forklifts and roller doors, and unsealed concrete floors. That is the roasting process, is it maybe a classification issue here?

I am also wondering how this is being assessed on a "case-by-case basis, taking into account the proposed operation of the food business." If we are not using any liquids in the entire operation, and we don't exactly pour coffee beans on the floor (that would be gross), then I'm also wondering about the sealed floor as we have nothing that can soak into the floor at all seeing as we have one single dry food product and coffee beans can't exactly 'soak into the floor'.

OUTCOME:

I have reviewed the new plan, the information provided and the information provided during our telephone conversation and the following was noted:

- I was advised that an electric forklift will be used to transport the green beans from the carpark into the warehouse and be stored on pallet racking at the back of the warehouse, passing the stainless steel bench (to be used as the bagging area) and roasters.*
- As the forklift would have been exposed to dust and dirt from the outside, we discussed possibility of moving the pallet racking closer to the roller doors to prevent dust and dirt from being dragged through the processing area potentially contaminating the food contact surfaces ie. cooling trays and stainless steel bench. You advised that before any processing occurs all food contact surfaces will be cleaned and sanitised. I am satisfied that this will meet the requirements of the Food Safety Standards (FSS).*
- All hand wash basins (HWB), including the HWB in the toilet, must be connected to warm running water from one common outlet (a mixer tap will achieve this requirement).*
- The location of the proposed HWB in the processing area must be within 5 metres of processing areas, ie. roasters and stainless steel bench(es). The location of the proposed HWB in the processing area is too far from the roasters. You then advised that you could reconfigure the processing area and move the coffee roasters and stainless steel bench. I have attached a revised plan based on our discussion. If you have another solution, I am happy to revisit this again. Ultimately, you just need to ensure that the HWB is not more than 5 metres from processing areas for food handler hygiene. If this is not achievable, you may require 2 HWBs in the processing area.*
- You advised that invisible paint will be used to seal the floor and the entire wall of the processing area. Please be advised that floor/walls must be free*

from cracks and crevices. The floor and wall may need to be resealed over time depending on the manufacturer's recommendations. The paint proposed must also withstand cleaning and sanitising.

- *There is no height requirement for splashbacks, however, does need to be high enough so that any residues on the wall can be easily and effectively cleaned.*
- *Mop water must not be disposed of down any of the hand wash basins (HWB), including the HWB in the toilet and sinks. Mop water must only be disposed of down a sewer drain outside the warehouse (preferably, if there is one) or directly down the toilet.*
- *Toilets in food businesses must not open directly into processing areas. Toilets in food businesses usually have an airlock system, it is noted that the toilet does not have an airlock system, however, a self-closing mechanism/device must be installed on the toilet door so that it does not accidentally remain open after being used and an exhaust fan must also be installed to prevent airborne contaminants, such as E.coli, from entering the processing area.*
- *Under the Food Act 2001 it is a requirement that you complete a Food Business Notification Form two weeks at least two weeks before the commencement of your food business. I have provided the following link to assist - <https://cdn.holdfast.sa.gov.au/general-downloads/Services/Food-Business-Notification-Form.pdf>*
- *You will also be required to have a Food Recall Program in place, I have provided the following link to assist - <https://www.sahealth.sa.gov.au/wps/wcm/connect/public+content/sa+health+internet/public+health/food+safety+for+businesses/food+recall+plan/food+recall+plan>*
- *There are also labelling requirements of your coffee that must be met. I have provided the following link below to assist. Any further enquiries relating to labelling must be directed to SA Health – Food and Controlled Drugs Branch (08) 8226 7100. SA Health is responsible for administering the labelling requirements. <https://www.sahealth.sa.gov.au/wps/wcm/connect/ad44f2804376365396b5dfc9302c1003/Final+Version-+Guide+to+Labelling+2016+Update.pdf?MOD=AJPERES&CACHEID=ROO-TWORKSPACE-ad44f2804376365396b5dfc9302c1003-n5itk10>*

CASE STUDY 2 – Existing business with current Liquor License:

Businesses are keen to recover from the impacts of COVID-19 restrictions and exploring ways to diversify their business model. Council's tourism officer has been working with many businesses to package experiences and promote to local, state and interstate visitors.

As part of this initiative the Council tourism officer is working with an existing business in the city that has a Liquor License and operates an adjoining business to the foreshore. The business is looking to develop an Oyster and Sparkling Experience on the foreshore by conducting hosted experience with tapas and oysters and sparkling wine. It was anticipated that as part of a hosted experience the business would conduct set times of operation and serve food and alcohol as well as provide commentary on the recently established Shellfish Reef. It was also anticipated that partners with scuba companies would be formed as part of this offering.

As the foreshore is a dry zone there has been many barriers for tourism operators to conduct experiences that involve the serving of responsible alcohol. Discussions with Kat Galpin at SATC have also highlighted the barriers currently under liquor licensing and exemptions of serving of alcohol in dry zones.

Please don't hesitate to contact me should you require further information or clarification.

Yours faithfully

A handwritten signature in black ink, appearing to read 'V. Miller', with a horizontal line extending to the right.

Virginia Miller

BUSINESS DEVELOPMENT PARTNER

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APPENDIX (A)

Work Zone Traffic Management & Section 221 & section 222 Permits

Highlighted in blue is the sector baseline which council will need to demonstrate. Described in Red is the responses by City of Holdfast Bay. When any works are to be conducted on Council land, involving hoarding or traffic management, the following form is required to be completed <https://cdn.holdfast.sa.gov.au/general-downloads/Council/Registers/Register-of-delegation/Development-and-Infrastructure/Development-Forms/Hoarding-form-writable-2020-21.pdf>. We also follow the linked process with regard to hoarding and traffic management compliance.

In relation to Red Tape reduction: although filling out the application form (and, if affecting pedestrian and traffic movement, providing a traffic management plan), could be argued an arduous impost on external stakeholders. This process provides checks and balances so that works are conducted in as safe a manner as possible in the public arena, whilst minimising the impact on others.

2	2 Does Council have systems in place to authorise or permit 3rd party alterations to a public road (non-business purposes)?	S221 Permit (e.g. LGA template) https://www.lgrs.com.au/documentlibrary/list?library=55&folderId=1726 Policy/procedure, staffing arrangements	LG Act S221 (1) permit – LGA template Refer LG Act S221 (3) (c), excludes “minor alterations”, as defined in the LG Regulations 2013 S24, minor alterations relates to telecommunication subscriber connections	Can Council demonstrate <ul style="list-style-type: none"> criteria for the circumstances for the use of the permit are clearly defined (permit is used for alterations to the arrangement of the road) Public access to the permit (download from website) a defined and documented submission process a process for assessment of lodged form a process for response to applications, including dispute resolution trained staff to assess permit applications 	<p><i>This question is about how Council issues their Sec 221 permits for authorisation of third party alterations to a public road.</i></p>  <p>Extract from LG Act sec 221 Permits 28-01</p> <p><i>The organisation should have a system that includes the sector baseline requirements in terms of access to the permits, how the permit applications are to be received and assessed, who does this, what competencies they are required to have in order to do</i></p>	<ul style="list-style-type: none"> Application clearly states it is required when placing hoarding scaffolding or equipment on a public road and/or footpath pursuant to section 221 LGA 1999. Yes, it is on our website. Council’s contact details are provided on the top of the application form including fax, postal address and email address for application submission. All application are sent to Council’s Records department then allocated via Internal Records System to Traffic &
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- contingencies for staff absence
- record management procedures

this, how this is tested, and how permits are issued or declined (including the dispute resolution process).

The system should provide contingencies for when allocated staff are away.

*The assessment process should be consistently applied, covering the same agreed criteria each time. This criteria should be consistent with the purpose and requirements outlined in Sec 221 of the LG Act (e.g. the person **is** going to alter the road, they have no other statutory authority, there is consideration of the structures and installations for their safety and suitability, and the proposed work is not minor alterations as defined in the Regulations).*

Transport Technical Officer for assessment within a minimum of two days.

- Traffic & Transport Technical Officer will assess all applications against AS1742.3.
- Traffic & Transport Technical Officer will correspond or call applicant regarding any application deficiencies.
- Traffic & Transport Technical Officer has current Statement of Attainment in Workzone Traffic Management and 5-6 years experience issuing traffic management approvals.
- Regulatory Services Administration staff with current Statement of Attainment in Workzone Traffic Management and experience issuing traffic management approvals will assess the application if Traffic & Transport Officer is absent.
- All applications, approvals and traffic management plans are recorded in INTERNAL RECORDS SYSTEM and all current approvals are listed in a INTERNAL RECORDS SYSTEM document accessible to all Holdfast Staff at any time.

2a	2a Does the authorisation process or permit consider structures and installations for their safety and suitability?	Approval process considers these issues	LG Act S221 (4) considerations	<p>The permit considers safety and suitability of structures and installations where they</p> <ul style="list-style-type: none"> a) unduly obstruct use of the road; or b) unduly interfere with construction of the road; or c) have an adverse effect on road safety 	<p><i>The assessment and approval process considers (as per Sec 221 of the LG Act) whether the structures and installations proposed will unduly obstruct the use of the road, or unduly interfere with the construction of the road; or have an adverse effect on road safety.</i></p> <p><i>This assessment process should be consistently applied across the organisation and this process should be documented in order to support the complaint resolution process.</i></p>	<ul style="list-style-type: none"> • Yes, the application is assessed in terms of road obstruction, construction of road & safety. • Applicants must provide a Traffic Management Plan with their application if traffic flow or pedestrian movements will be interrupted. • Applications are assessed to ensure they meet AS1742.3 requirements. • Applications are assessed to ensure the safest possible road environment for road users and pedestrians. • Applications are assessed to ensure minimal disruption to the surrounding road network. • Applicants are required to notify residents and businesses if disruption is significant. • Applications involving any practice that may affect construction of a road resulting in damage e.g. use of heavy crane on footpath, path of wide vehicle through roundabout or use of roads with load limits are identified. • Strategies are then put in place to avoid or minimise damage e.g. smaller crane used, different route used etc. • A dilapidation report prior to work taking place may be requested from Council's City Assets Road and Footpath
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						<p>Assessment Officer if damage is possible.</p> <ul style="list-style-type: none"> • If damage is detected at any worksite, Council's City Assets Road and Footpath Assessment Officer may seek restitution or reparation for builder damage to the public infrastructure.
2b	2b Does the authorisation or permit include an indemnity from the applicant to the Council?	Permit includes indemnity clause (e.g. LGA template)	LG Act S221 (5) liability (Council not liable for injury, damage or loss) LG Act S221 (1) permit – LGA template indemnity clause	<p>The permit includes</p> <ul style="list-style-type: none"> • indemnity for the Council, its employees 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 any activities under the Authorisation or arising out of breach of any condition attaching to the Authorisation, and • requirement for the applicant to take out and keep current (for the term of the application) 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 activities under the Authorisation. 	<p>All permits should include an appropriate indemnity clause (either standard LGA clause or approved by a qualified legal service provider). This indemnity is in line with part (5) of section 221 of the LG Act: "A council is not liable for injury, damage or loss resulting from anything done under the authority of an authorisation under subsection (2)(b)".</p> <p>Also in line with this, Council should have a process to inform the applicant of their need to have appropriate and current insurances, to cover them for claims arising from the permitted work undertaken.</p> <p>An LGA template with appropriate wording is available to assist Councils with these requirements.</p>	<ul style="list-style-type: none"> • Condition 5 on the application states: <ul style="list-style-type: none"> ○ The Applicant must submit a copy of their current public liability insurance policy with this application. The Certificate of Currency must be for not less than TWENTY MILLION DOLLARS (\$20,000,000). • Condition 6 on the application states: <ul style="list-style-type: none"> ○ The Applicant acknowledges that the Council is not liable for any injury, damage or loss resulting from the granting of this permit; and, the Applicant indemnifies and holds harmless the Council in respect of any claim that may arise from such injury, damage or loss. • Condition 7 on the application states: <ul style="list-style-type: none"> ○ The Applicant accepts responsibility for any damage caused to the road

						<p>or footpath surface, or any other damage of public property, as the result of the erection, placement of removal of the hoarding, scaffolding or equipment; and, understands that Council may complete any repairs necessary and recover the costs form the Applicant, in accordance with the provisions of the Local Government Act 1999 Section 233.</p> <p>These conditions are restated on the permit approval.</p>
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