



AUTHORISATION TO ALTER A PUBLIC ROAD APPLICATION (NON-BUSINESS PURPOSES)

SECTION 221 OF THE LOCAL GOVERNMENT ACT 1999

Version No:	1.0
Issued:	Dec 2019
Next Review:	Dec 2022

Please submit application by post, email or in person to:

Shane Gill

District Council of Franklin Harbour

PO Box 71

Cowell SA 5602

Phone: (08) 8629 2019

Email: council@franklinharbour.sa.gov.au

I/We

(the "Applicant")

Of address

(Address)

Hereby apply to the District Council of Franklin Harbour for an Authorisation to alter the public road at

.....

(exact location of proposed alteration)

Pursuant to section 221 (2) of the *Local Government Act 1999*, is that a person makes an alteration to a public road if the person: (tick as applicable)


- Alters the construction or arrangement of the road to permit or facilitate access from an adjacent property;
- Erects or installs a structure (including pipes, wires, cables, fixtures, fittings or other objects) in, on, across, under or over the road;
- Changes or interferes with the construction, arrangement or materials of the road;
- Changes, interferes with or removes a structure (including pipes, wires, cables, fixtures, fittings, or other objects) associated with the road; or
- Plants a tree or other vegetation on the road, interferes with vegetation on the road, or removes vegetation from the road.

Proposed term of the Authorisation: **(May not exceed 42 years)**,

Note 1: If recent Development Approval has been granted for works, you may not require a separate Authorisation (Please check with the Council Office).

Note 2: A public road includes the carriageway, footpaths and verges.

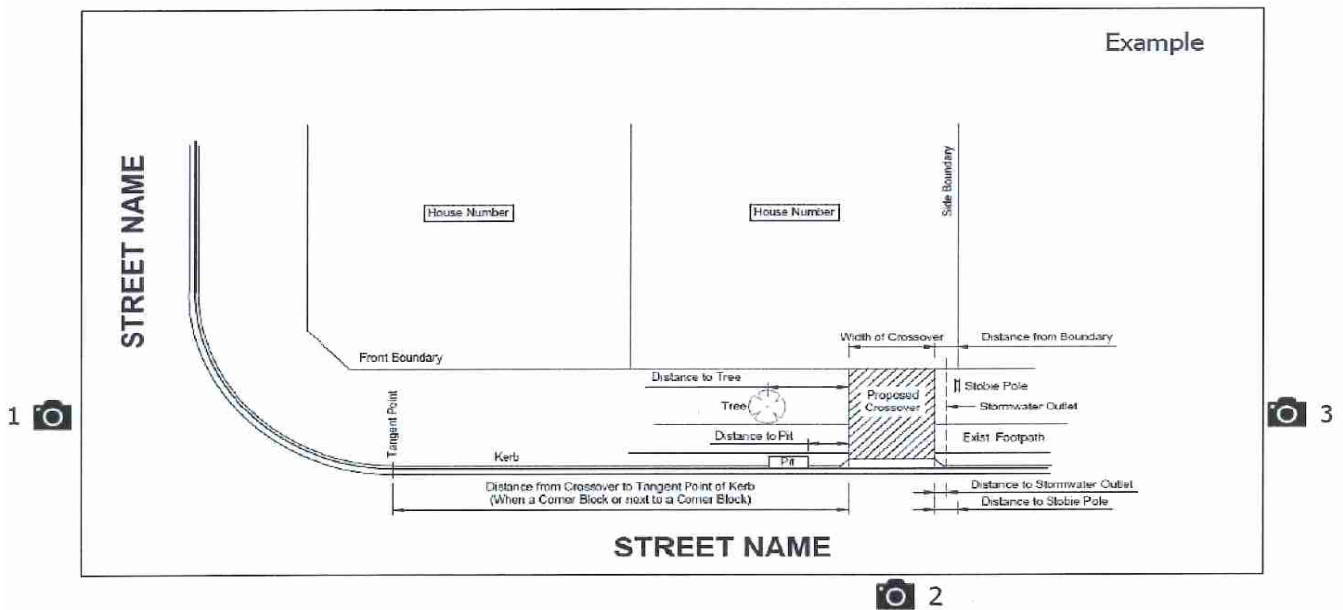
Note 3: If the Applicant proposes to use a public road for a business purpose, in addition to a section 221 Authorisation, the Applicant will also require a permit under section 222 of the Act.

	<h2 style="margin: 0;">AUTHORISATION TO ALTER A PUBLIC ROAD APPLICATION (NON-BUSINESS PURPOSES)</h2> <p style="margin: 0; font-size: small;">SECTION 221 OF THE LOCAL GOVERNMENT ACT 1999</p>	Version No:	1.0
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Details and specification for the proposed alteration are (include reasons)

(Specify any structure or objects including details of location, extent of alteration, materials proposed. (Attach plan, diagram and images))


Your plan should look similar to this example



Photos of existing infrastructure should be taken from the 3 points as indicated above. The photos should capture all the infrastructure indicated within the drawing.

THE AUTHORISATION IS NOT EFFECTIVE PENDING:

- a. The Applicant agreeing to the **General Conditions** as contained herein;
- b. The Applicant agreeing to any/all **Special Conditions** that the Council may determine and attach to the Authorisation.
- c. The Applicant paying the prescribed fee.
- d. A copy of this document signed for the Council has been returned to the Applicant.
- e. The Applicant providing to the Council evidence of all insurances as required by the General Conditions and/or the Special Conditions.
- f. If, in addition to the Authorisation, the Applicant requires a permit to use a public road for a business purpose under section 222 of the Act, the Council issuing and the Applicant agreeing to the conditions of such permit.

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GENERAL CONDITIONS OF AUTHORISATION

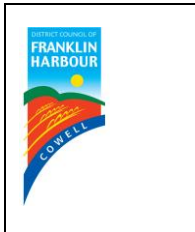
1. For the term of the Authorisation, to comply with all applicable industry standards, health or safety standards, current standards of Standards Australia or any applicable Code of Practice.
2. To ensure that all works carried out are undertaken to the highest standard and are carried out promptly 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 under this Authorisation.
5. That all fixtures and equipment erected or installed in, on, across, under or over the road under the Authorisation remain the property of the Applicant pursuant to section 209 of the *Local Government Act 1999*.
6. For the term of the Authorisation, to maintain all fixtures and equipment erected or installed, or vegetation planted, in good and safe condition and to recognised standards.
7. To indemnify 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.
8. For the term of Authorisation, 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 activities under the Authorisation (if required).
9. To not assign or otherwise transfer this Authorisation without first obtaining the consent of the Council in writing.
10. Subject to section 225 of the Act, Council may cancel the Authorisation for breach of a condition.
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 under the Authorisation and to reinstate the road to the satisfaction of the Council.
12. 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*.

Attach the following items (indicate using the tick boxes that items are attached)

- Plan and diagram showing alteration
- Photos of existing infrastructure
- Insurances

In making this application to the District Council of Franklin Harbour (Council) for an Authorisation to alter the road, I/we acknowledge that I/we have read, understand and agree to be bound by the conditions of the Authorisation and declare that the particulars provided by me/us with regard to the proposed alteration are true and accurate.

Date:	
Signed by Applicants/s	
Name/s	



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(OFFICE USE ONLY) PERMIT CHECKLIST

Please ensure that all of the below has been checked and completed before permit is approved.

1. **Proposed Site inspected** Yes No

Conditions and/or comments

2. **Dial before you dig required (Copy to be provided, ensure date is valid for works)?**

Yes No

3. **If erecting or installing a structure, has consideration been given for;**

- a) **Unduly obstruct the use of the road; or**
- b) **Unduly interfere with the construction of the road; or**
- c) **Have an adverse effect on road safety**

Conditions and/or comments

4. **Have all attachments been provided as required (insurances, plan, diagram and images)?**

Yes No

5. **Fee received?**

Yes No

6. **If approved, has a signed copy of this document been returned to the Applicant?**

Yes No

7. **Has this signed document been filed in the current records management system?**

Yes No

COUNCIL AUTHORISATION (OFFICE USE ONLY)

Application Approved Denied

Special Conditions Attached Yes No

Council Specification for Alteration to Road attached Yes No

Checklist Completed Yes No

Fee

Name of Authorised Officer of Council

Signed Date.....