

	<h2 style="text-align: center;">Authorisation to Alter a Public Road</h2>	Version No:	3
		Issued:	July 2022

I/We .....  
(the "Applicant")

of .....  
(Address)

Phone Number ..... Email address.....

hereby apply to the District Council of Tumby Bay for an authorisation to alter the public road at

.....  
(exact location of proposed alteration)

pursuant to section 221 of the Local Government Act 1999.

**Section 221(2) 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.

**Details and specifications for the proposed alteration are**

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

Proposed term of the Authorisation: ..... (may not exceed 42 years).

**Note 1:** A public road includes the carriageway, footpaths and verges.

**Note 2:** If the Applicant proposes to use a public road for a business purpose, then in addition to this Authorisation the Applicant will also require a permit under section 222 of the Act

**The Authorisation is not effective until:**

- a. The Applicant agrees to the **General Conditions** as contained herein;
- b. The Applicant agrees to any/all **Special Conditions** that the Council may determine and attach to the Authorisation.
- c. The Applicant pays the prescribed fee.
- d. A copy of this document signed for the Council has been returned to the Applicant.
- e. The Applicant has provided to the Council evidence of all insurances as required by the General Conditions and/or the Special Conditions.
- f. If applicable, the Council has issued the Applicant with a section 222 permit.

## General Conditions of Authorisation

The Applicant agrees:

1. For the term of this Authorisation, to comply with all applicable industry standards, health or safety standards, current standards of Standards Australia or any applicable Code of Practice.
2. For the term of this Authorisation, to pay any prescribed/agreed fee in the manner agreed and, on the dates, agreed without delay.
3. To ensure that all works carried out under this Authorisation are undertaken to the highest standard and are carried out promptly and with all due care, skill and diligence, and in accordance with the approved plan and/or diagrams attached to this Authorisation, subject to any approved variations.
4. 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.
5. To comply with any direction given by any authority, statutory authority or the Council to remove, maintain or otherwise modify the alteration to the road under this Authorisation.
6. To comply with all reasonable directions given to the Applicant by any employee or officer of the Council in relation to this Authorisation and any activities carried out under this Authorisation.
7. To pay when due (and if demanded by the Council) the full amount of all accounts, invoices, assessments and charges with regard to the consumption, use or supply of electricity and any and all other services and utilities (if any) supplied to the road or consumed by the Applicant in respect of the proposed alteration or in connection with this Authorisation.
8. To pay (if demanded by the Council) any taxes, rates, or charges levied by any government authority whether federal or state (but excluding local) in respect of the Applicant's use of the proposed alteration, or otherwise in connection with this Authorisation.
9. That all fixtures and equipment erected or installed in, on, across, under or over the road under this Authorisation will remain the property of the Applicant pursuant to section 209 of the Act.
10. 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.
11. To ensure that during and after any works in connection with this Authorisation that the road and any area in the vicinity of the road are kept in a clean and tidy state with any of the Applicant's waste, rubbish or unused or excess materials removed or otherwise disposed of.
12. 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 this Authorisation or arising out of breach of any condition attaching to this Authorisation.
13. For the term of this Authorisation, to take out and keep current a public liability policy of insurance for the minimum sum of \$20,000,000.00 per claim (or such other amount reasonably required by the Council) in the joint names of the Council and the Applicant for their respective rights and interests and with an insurer approved by the Council.
14. To not assign or otherwise transfer this Authorisation without first obtaining the consent of the Council in writing, which consent may be withheld at the Council's discretion.
15. That, subject to section 225 of the Act, the Council may cancel this Authorisation for breach of any of the General Conditions or Special Conditions.
16. That the Council may terminate this Authorisation at any time for any reason with 6 months' written notice to the Applicant.
17. That at the expiration or earlier termination of this Authorisation, it will remove, if so directed by the Council, any structure or object erected or installed on the road under this Authorisation, and will reinstate the road to the satisfaction of the Council.

18. That 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 Act.
19. That it will reimburse the Council's reasonable costs associated with the preparation and negotiation of this Authorisation, including legal fees if applicable.
20. That this Authorisation contains and represents the entire agreement reached between the parties with regard to its content and that no promises, representations or undertakings, other than those contained in this Authorisation, were made or given or relied upon.
21. That if any part of this Authorisation is found to be invalid or void or unenforceable, then that part will be severed from this Authorisation and the remainder of this Authorisation will continue to apply.

In making this application, I/we agree to be bound to the conditions of this Authorisation and declare that the particulars provided by me/us with regard to the proposed alteration the subject of this Authorisation are true and correct. The person signing this Authorisation on behalf of the Applicant warrants that he/she has the authority to do so.

Dated .....

Name ..... Signature .....

### Office Use Only

Site Inspection Complete	Yes	No
Consideration given to obstruction of road, interference with road construction and road safety	Yes	No

### Council Authorisation

Authorisation	Approved	Denied
This Authorisation is valid from ..... / ..... / ..... to ..... / ..... / ..... (both dates inclusive)		
Council Specification for Alteration to Road attached	YES	NO
Special Conditions attached	YES	NO
Name of Authorised Officer of Council & Position .....		
Signature: .....		Date: ..... / ..... / .....