

**PRINCIPAL OFFICE:**  
 8 Elizabeth Street, Maitland  
 Telephone (08) 8832 0000

**ALL CORRESPONDENCE TO:**  
 PO Box 57, MAITLAND, SA 5573  
 Fax (08) 8853 2494  
 Email: admin@yorke.sa.gov.au  
 Website: www.yorke.sa.gov.au



<b>AUTHORISATION TO ALTER A PUBLIC ROAD</b>	SF404
	Responsible Officer: Governance Officer
	Issue Date: 15/04/2020
	Next Review Date: 15/04/2024

Pursuant to Section 221 of the Local Government Act 1999

Date \_\_\_\_/\_\_\_\_/\_\_\_\_

<b>Applicants Name (the Applicant)</b>	
<b>Applicants Address</b>	
<b>Phone:</b>	<b>Email:</b>

If the Applicant is a company please provide the name and title of the business owner (or partner)

<b>Business Trading Name:</b>	
<b>Business Address</b>	
<b>Phone:</b>	<b>Email:</b>

**Hereby apply to the Yorke Peninsula Council for an Authorisation to alter the Public Road at:-**

(Please provide exact location of proposed alteration)

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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 .....

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

Period of the Authorisation: (Permits may not exceed 42 years).	From:	To:
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**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, in addition to a section 221 authorisation, the Applicant will also require a permit under section 222 of the Act.

**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.
- g. Any Development Approval that maybe required. Should Development Approval be required, an Authorisation to Alter a Public Road will also be necessary.

**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 the 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.
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, the 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.

In making this application, I/we agree to be bound to the conditions of the Authorisation and declare that the particulars provided by me/us with regard to the proposed alteration are true and accurate.

Dated .....

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

**COUNCIL AUTHORISATION**

Authorisation Approved  Denied

Special Conditions attached Yes  No

Council Specification for Alteration to Road attached Yes  No

Fee .....

Name of Authorised Officer of Council

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Signed ..... Date.....