

# Alterations to or Works Impacting on a Public Road or Footpath

## Application Form

(Pursuant to section 221 of the *Local Government Act 1999* (SA))

Please allow four (4) weeks for requests to be considered. Any alterations or works on a public road or footpath must not commence until approval has been granted by Tatiara District Council.

### APPLICANT DETAILS

Applicant Name/s \_\_\_\_\_

Applicant Company \_\_\_\_\_  
(if applicable)

ABN (if applicable) \_\_\_\_\_

Property Address \_\_\_\_\_

Postal Address \_\_\_\_\_

Phone Number \_\_\_\_\_

Email Address \_\_\_\_\_

### SITE DETAILS

I/We hereby apply to Tatiara District Council pursuant to section 221 of the *Local Government Act 1999* (SA) to alter the road or footpath adjacent to:

Street Address \_\_\_\_\_

Certificate of Title \_\_\_\_\_

Plan No: \_\_\_\_\_

### DETAILS OF PROPOSED ALTERATION

Purpose

☐ Residential

☐ Commercial or Industrial

**It is an offence to undertake alterations without a written authorisation from Council. Maximum penalty of \$5,000.**

A 'road' extends from property line to property line and includes the roadside (including an area set aside for a footpath and landscaping) and the road carriageway. This is commonly referred to as the road reserve. The following activities are considered to be making an alteration to a road or footpath pursuant to the *Local Government Act 1999* (SA).

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Please indicate (✓) the nature of the proposed alteration:

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- ☐ Alter the construction or arrangement of the road to permit or facilitate access from an adjacent property
- ☐ Open driveway crossover      ☐ Close driveway      ☐ Extend driveway crossover crossover
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- ☐ Erect or install a structure (including pipes, wires, cables, fixtures, fittings and other objects) in, on, across, under or over a road
- ☐ Install irrigation on nature strip      ☐ Install street furniture
- ☐ Install stormwater pipe      ☐ Verandah/other overhanging structure on a footpath
- ☐ Install underground pipe or cable      ☐ Place a temporary hoarding or container
- ☐ Install underground electrical service
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- ☐ Change or interfere with the construction, arrangement or materials of the road
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- ☐ Change, interfere with or remove a structure (including pipes, wires, cables, fixtures, fittings or other objects) associated with the road
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- ☐ Plant a tree or other vegetation on the road/land, interferes with vegetation on the road, or removes vegetation from the road
- ☐ Removing tree/s or vegetation      ☐ Planting trees or vegetation on road or footpath
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- ☐ Other (please specify):
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Details and specifications of the proposed alterations (including reasons):

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Contractor name \_\_\_\_\_ Phone number \_\_\_\_\_  
(if applicable)

**Attach** site plan showing measurements of the proposed works, existing roads, property boundaries and existing fixed objects. See the guidance checklist below.

- |                                              |                                                                             |
|----------------------------------------------|-----------------------------------------------------------------------------|
| <input type="checkbox"/> Street name         | <input type="checkbox"/> Stormwater outlets                                 |
| <input type="checkbox"/> House address       | <input type="checkbox"/> Stormwater drainage pits and verge width           |
| <input type="checkbox"/> Footpath            | <input type="checkbox"/> Bus stops/shelters or other street furniture       |
| <input type="checkbox"/> Council trees       | <input type="checkbox"/> Verge vegetation                                   |
| <input type="checkbox"/> Fire plugs/hydrants | <input type="checkbox"/> Telstra pits                                       |
| <input type="checkbox"/> SAPN stobie poles   | <input type="checkbox"/> Distance between any of these to location of works |

Please **attach** at least three photographs demonstrating the location of the proposed works from different angles.

**Expected timeline of works:** Start date \_\_\_\_\_ Finish date \_\_\_\_\_

The following documents **must** be provided with the application: *(tick when attached)*

- ☐ Copy current public liability insurance - minimum sum of twenty million dollars (\$20,000,000)
- ☐ Location plan of works

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**Is the proposed alteration:**  
(Tick whichever is applicable)

☐ Permanent (For a term)

☐ Temporary (For a particular act or occasion)

**If the proposed alteration is for a term, please indicate desired term (max 42 years):**

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**If application relates to driveway crossover, does the proposed works align with Council's Standard Driveway Crossover Detail?**

☐ Yes

☐ No

☐ Not applicable

**If no, please provide reason:**

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Will the proposed works affect existing drainage flow paths in any way?

☐ Yes

☐ No

☐ Not applicable

If application relates to plant/weed control,

Plants/weeds to be controlled:

Method of control (e.g. spraying):

If control method by spray, type of spray to be used:

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## TRAFFIC MANAGEMENT

**Will the works prohibit or interfere with the public's access to the public road or Council land?**

☐ Yes

☐ No

**If yes, please provide full details of how access will be affected:**

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**Has a traffic management company been engaged and a plan developed?**

☐ Yes

☐ No

Please attach Traffic Management Plan(s) for approval.

**Please fill in the following information if a Traffic Management Plan is required:**

**Dates Traffic Management Plan will be in place:**

Start date \_\_\_\_\_

Finish date \_\_\_\_\_

**Time of Operation:** Start \_\_\_\_\_

Finish \_\_\_\_\_

**Site Contact Name:** \_\_\_\_\_

**Site Contact Number:** \_\_\_\_\_

**Provide details whether aftercare/night works have been considered (i.e. TMP provided for night works)**

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Are there any obstructions in proximity to the proposed work (e.g. street trees, stormwater/service pits, bus stops, traffic control devices (signs, traffic islands), stobie poles, lamp post, fire hydrants)?

☐ Yes ☐ No

Please provide a mark up of the locations if any.

In the event of any road works/road closures notification to the affected stakeholders (i.e. residents, public transport company) is required.

Notification letter has been provided to Council for review (Letter to be sent out by applicant a minimum 1 week prior to works commencing)

☐ Yes ☐ No

Please note: If traffic management is required your application will be referred to our internal Traffic Team for assessment. This application will not be approved until traffic consent is granted. Applications which, if granted, will result in part of a road being fenced, enclosed or partitioned so as to impede the passage of traffic to a material degree must be subject to public consultation under Section 223 of the *Local Government Act 1999* (SA), including a minimum 21 day public consultation period.

The applicant wishes to hire traffic management signs and barriers from Council?

☐ Yes ☐ No

## AUTHORISATION CONDITIONS

The issuing of this authorisation is subject to:

- A. The Applicant agreeing to the **General Conditions** of the authorisation as contained herein;
- B. The Applicant agreeing to any/all **Special Conditions** that the Council may determine and attach to the authorisation;
- C. Any public consultation requirements that may be necessary prior to the grant of the authorisation or permit, including consideration of any submissions made during that consultation;
- D. The Applicant carrying out the proposed works utilising suitably qualified contractors, in accordance with Council's specifications.

### General Conditions of the authorisation:

The Applicant agrees:

- 1. Works described above must be completed within a 12 month period from receipt of approval.
- 2. 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 related to the alteration.
- 3. To ensure that all works carried out are undertaken:
  - a. to the highest standards and are carried out promptly;
  - b. promptly and with all due care, skill and diligence;
  - c. to minimise impact on affected neighbouring property so as not to cause a nuisance or restrict access to other properties; and
  - d. ensuring that the road is kept in a clean and tidy condition during any works.
- 4. To ensure that any alteration to the road does not interfere with or cause damage to or in any way affect the property/infrastructure/underground services of any other person/government department/authority/infrastructure owner without the express written permission of the owner of that property/infrastructure/services.
- 5. Consultation and approval from the Native Vegetation Council is required if work is being undertaken on road reserves where rare and endangered species of roadside vegetation has been identified. Phone 83039725.
- 6. The applicant must keep a copy of the issued authorisation and produce it upon request to an authorised person of the Council.
- 7. To comply with any direction given by any authority, statutory authority or Council to remove, maintain or otherwise modify the alteration to the road subject to this authorisation.

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8. That all fixtures and equipment erected or installed in, on, across, under or over the road remain the property of the Applicant pursuant to section 209 of the *Local Government Act 1999* (SA).
9. For the term of the authorisation, to maintain all fixtures and equipment erected or installed, or vegetation planted, in good condition and repair.
10. Other structures on the street (i.e. trees, power poles, signs and services etc. not specifically documented in this application) may not be moved, altered or interfered with in any way except with the express, written approval of the relevant authority and council.
11. At all times, provision shall be made for pedestrian access. Each site shall be assessed accordingly, and pedestrian access could include, but not be limited to:
  - a. a minimum 1200mm wide continuous access path of travel;
  - b. signage directing pedestrians to use alternate path of travel; and
  - c. approved pedestrian access specified in the detailed travel management plan.
12. At all times to indemnify the Council, its servants and/or agents against all actions, costs, claims, and demands for injury, loss or damage arising out of any negligent act or omission in relation to the alteration to the road, the granting of this authorisation and the General and Special Conditions contained herein. Such indemnity shall be in addition to any statutory immunity in favour of the Council.
13. For the term of the authorisation, to take out and keep a current public liability policy of insurance of a minimum sum of twenty million dollars (\$20,000,000) to an appropriate level of cover per claim in respect of the alteration to the road or any activity arising out of or from the granting of this authorisation by the Council.
14. The Council may cancel the authorisation:
  - a. at any time by written notice by Council to the applicant for any reasons deemed necessary by Council (including, but not limited to, the Council determining to undertake roadworks with respect to the Road or in the vicinity of the Road), for which the applicant has no right of recourse against Council should Council choose to terminate the authorisation; or
  - b. if the alteration needs to be replaced in part or whole due to material damage to the alteration (noting any authorisation granted is for the life of the alteration and approval may not be given for any replacement of it); or
  - c. as permitted under the *Local Government Act 1999* (SA).
15. 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 and to reinstate the road to the satisfaction of the Council at the Applicant's sole cost. If the Applicant does not undertake the reinstatement works as requested to the satisfaction of the Council, then Council may undertake the works and may recover the costs from the Applicant as a debt. 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* (SA).
16. Infrastructure and underground service location is the responsibility of the landowner/contractor and is to be performed prior to commencement of the works.
17. Traffic management is to be established in accordance with Department for Infrastructure and Transport (DIT) guidelines and SA Standards for Workzone Traffic Management.
18. All cost associated with the proposed works shall be borne solely by the applicant.
19. The granting of an authorisation is personal to the applicant and is not transferrable without the Council's express written consent.
20. To be responsible for and bear the costs for all repairs and rectification work on infrastructure or property damaged through the works undertaken under the authorisation either immediately after the damage has occurred or immediately after the authorised works have been completed. If Council has to complete repairs and rectification works on infrastructure or property damaged by the authorised works, the Council may recover the costs of such works from the applicant as a debt.
21. The Council accepts no responsibility for damage to any private or public infrastructure however so arising, including but not limited to any damage that may be caused by road maintenance and/or construction by council or any other approved/authorised person/entity conducting the works.
22. Any future alterations necessary through road widening or other works by council shall be carried out by the applicant with the Council's permission, at no cost to the Council.
23. To ensure all activities carried out by persons operating under this permit must comply with the provisions of the *Environmental Protection Act 1993* (SA) in relation to environmental nuisances.
24. The granting of an approval does not confer on the applicant any exclusive right, entitlement or proprietary interest in the road
25. If this authorisation is granted for a term, that an application must be made to the Council for a renewal at least 6 weeks prior to the expiry of the term. Only one renewal (up to a maximum of 42 years) is permitted.

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In making this application, 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.

I/we acknowledge that I/we must not commence any alterations or works on a public road or until approval has been granted by Tatiara District Council.

**Signed by the Applicant(s)**

Name \_\_\_\_\_ Date \_\_\_\_\_

Signature \_\_\_\_\_

**Council Authorisation**

Public Liability Insurance sighted ☐

Authorisation ☐ Approved ☐ Refused

Special Conditions attached ☐ Yes ☐ No

Name and Position of Council Officer with Delegated Authority under section 221 of the Local Government Act 1999: \_\_\_\_\_

Date of expiry of the authorisation (not exceeding 42 years): \_\_\_\_\_

Nature of authorisation to alter a public road approved: \_\_\_\_\_

Applicant advised of decision and provided with copy of authorisation (if granted) ☐

Signed \_\_\_\_\_ Date \_\_\_\_\_

**Form to be retained on relevant file.**

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