

AUTHORISATION TO ALTER A PUBLIC ROAD PURSUANT TO SECTION 221 OF THE LOCAL GOVERNMENT ACT 1999



I/We _____
(the 'Applicant')

of _____
(address)

hereby apply to the Wakefield Regional Council for an Authorisation to alter the road at:

_____ pursuant to Section 221 of the Local Government Act 1999.

Note 1: The Act provides that a road extends from property boundary to property boundary and includes the carriageway, footpaths and verges.

Note 2: The following are considered road altering activities pursuant to the Act where it is an offence to undertake them without an Authorisation from the Council.

The Nature of the Proposed Alteration is: (tick whichever is/are applicable)

- Alter the construction or arrangement of the road to facilitate access to/from property;
- Erect or install a structure (including pipes, wires, cables, fixtures, fittings or other objects) in, on, across, under or over the road;
- Change or interfere with the construction, arrangement or materials of the road;
- Change, interfere with or remove a structure (including pipes, wires, cables, fixtures, fittings or other objects) associated with the road;
- Plant, interfere with or remove a tree or vegetation from the road.

Details and specifications for the Proposed Alteration are:

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

Is the Proposed Alteration: (tick whichever is applicable)

- Permanent
- Temporary – indicate period: _____

The issuing of this Authorisation is subject to:

The Applicant agreeing to the General Conditions of Authorisation as contained herein;
The Applicant agreeing to any/all Special Conditions that the Council may determine and attach to this Authorisation;
The Applicant paying the prescribed fee.

General Conditions of Authorisation:

The Applicant further agrees:

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.

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.

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.

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.

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.

For the term of the Authorisation, to maintain all fixtures and equipment erected or installed, or vegetation planted, in good condition and to recognised standards.

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 of the Applicant in relation to the alteration to the road, the granting of this Authorisation and the general and special conditions contained herein and such indemnity shall be in addition to any statutory immunity in favour of the Council.

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 the alteration to the road or any activity arising out of or from the granting of this Authorisation by the Council.

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.

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 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.

Dated the _____ day of _____ 20 _____

Signed by Applicant/s _____

Name/s _____

(Office use only)

Authorisation Approved Yes No Council Specification for Alteration to a Road attached Yes No

Special Conditions attached Yes No Fee: _____

Authorised Officer of Council _____ Position _____
(name)

Signature _____ Date _____