



# PERMIT TO MAKE AN ALTERATION TO A PUBLIC ROAD

PERSUANT TO SECTION 221 OF THE LOCAL GOVERNMENT ACT 1999

## APPLICATION

Please complete this form and return to the council office:

29 Holland St (PO Box 321) Kingston SE SA 5275      EMAIL: [info@kingstondc.sa.gov.au](mailto:info@kingstondc.sa.gov.au)

Name of Applicant: .....

Postal Address: .....

Phone: ..... Email: .....

I agree to my email being added to Council's email database?      ☐ Yes      ☐ No

hereby apply to

**The Kingston District Council**  
(the Council)

for a Permit to alter a public road at

.....  
(exact location of alteration)

**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:** Pursuant to the Act, it is an offence to make an alteration to a public road without an Authorisation to do so from the Council. The following are considered road altering activities pursuant to the Act. **(Tick whichever is/are applicable to this Application)**

- ☐ 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; provided it does not:
  - Unduly obstruct the use of the road
  - Unduly interfere with the construction of the road
  - Have an adverse effect on road safety
- ☐ 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, Plans and Specifications for the Proposed Alteration:**

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

# CONDITIONS OF PERMIT

## *The issuing of this Permit is subject to:*

- A. The Applicant agreeing to the General Conditions of Permit as contained herein;
- B. The Applicant agreeing to any/all Special Conditions that the Council may determine and attach to this Permit;
- C. The Applicant paying the \$12.50 (inc GST) fee when lodging the application.**
- D. The Applicant paying the prescribed fee.
- E. The Applicant providing to the Council evidence of all appropriate insurances as required by the General Conditions and/or the Special Conditions of Permit.

## *General Conditions of Permit:*

The Applicant further agrees:

- 1. For the term of the Permit, to comply with all applicable industry standards, health or safety standards, current standards of Standards Australia or any applicable Codes 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 subject to this Permit.
- 5. 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.
- 6. For the term of the Permit, to maintain all fixtures and equipment erected or installed, or vegetation planted, in good condition and to recognised standards.
- 7. 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 Permit and the General Conditions and Special Conditions contained herein and such indemnity shall be in addition to any statutory immunity in favour of the Council.
- 8. For the term of the Permit, to take out and keep current a public liability policy of insurance (\$20,000,000) 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 Permit by the Council.
- 9. To not assign or otherwise transfer this Permit without first obtaining the consent of the Council in writing.
- 10. In the event that the Applicant has failed to comply with any of the conditions of Permit or for any other justifiable circumstance, including reinstatement, maintenance, repair or removal, the Council may revoke the Permit.
- 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 and to reinstate the road to the satisfaction of the Council.
- 12. This Permit is subject to the Applicant obtaining appropriate Development Act approval for any structures, fixtures or equipment.
- 13. This Permit 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.
- 14. This Permit will not come into operation until proof of all insurances has been provided to the Council and a copy of this document, signed by the Council has been returned to you.

***In making this application, I/we acknowledge that I/we have read, understand and agree to be bound by the Conditions of Permit and declare that the particulars provided by me/us with regard to the Business and the Proposed Alteration to the road are true and accurate.***

Date:.....

Signed by Applicant/s .....

FOR OFFICE USE ONLY	
Application fee paid: YES/NO	Application Approved: YES/NO
Approved by:	Date of Approval: