

# Alterations to Public Roads, Verges and Footpaths Policy



COUNCIL POLICY	
Reference Number	915731
Responsible Business Unit	Assets & Infrastructure
Responsible Officer	General Manager Assets & Infrastructure
Legislation	Local Government Act 1999 Section 221 Road Traffic Act 1961 Real Property Act 1886
Relevant Delegations	Chief Executive Officer General Manager Assets & Infrastructure
Related Policies Management Guidelines Frameworks	Alterations to Public Roads, Verges and Footpaths Management Guideline
Link to Strategic Plan	Objective 1.2 - Infrastructure Development
Council resolution	95.6
Date Adopted	14 May 2018
Review Date	2022
Previous Revisions	

## POLICY STATEMENT

All the public roads in the area of the Council are vested in the Council in fee simple under the *Real Property Act 1886*.

A person or Contractor (other than a Council or a person acting under some other statutory authority) must not make an alteration to a public road unless authorised to do so by the Council.

In the Rural City of Murray Bridge area only a qualified person(s) can make an alteration to a public road. The Resident or Contractor can apply for the Alteration.

A Council is not liable for injury, damage or loss resulting from anything done under the authority of an alteration to a public road, verge or footpath (Section 221 Authorisation) if a company or qualified Person(s) erects or installs a structure in, on, across, under or over a road.

## OBJECTIVES

The objective to this policy is to guide Council's Administration, Residents, Contractors, and/or qualified Person(s) in a fair and transparent Section 221 of the Local Government Act application process.

To ensure that Council's Administration and Contractors complies fully with the requirements under the *Local Government Act 1999*.

## SCOPE

A qualified Person(s) makes an alteration to a public road, verge or footpath if the person:

- alters the construction or arrangement of the road to permit or facilitate access from an adjacent property; or
- erects or installs a structure (including pipes, wires, cables, fixtures, fittings and other objects) in, on, across under or over a road; or
- changes or interferes with the construction, arrangement or materials of the road; or

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- 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.

An alteration to a public road, verge or footpath is not required if:

- the company who proposes to make the alteration has some other statutory authorisation to make the alteration; or
- the purpose of the alteration is to permit vehicle access to and from land adjoining the road and the alteration is approved as part of a development authorisation under the *Development Act 1993*.

## PRINCIPLES

The Rural City of Murray Bridge application form can be downloaded from Council's Website [www.murraybridge.sa.gov.au](http://www.murraybridge.sa.gov.au) or picked up from Council's Customer Service Counter, 2 Seventh Street, Murray Bridge.

The Resident or Contractor is required to complete the form and supply the evidence that the form requires including:

- Consent letter from landowner;
- Public Liability Insurance, of not less than \$20m;
- Worksafe SA Registration
- Plans / Specifications for the Works
- Work Method
- Job Safety Environmental Analysis
- Traffic Management Plan

Application Fees are charged as per Council's fees and charges schedule for Section 221 Authorisation.

The application is then assessed by Council's Engineering Business Unit and approved for authorisation (refer to management guidelines for assessment process).

Before an Authorisation Permit is given a public consultation process may be required if the road is to be fenced, enclosed or partitioned so as to impede the passage of traffic to a material degree.

## IMPLEMENTATION

Through the implementation of this policy Council aims to set out the basis for the application process for Contractors to undertake works on Council's public road network and to have a consistent and transparent approach in assessing Section 221 of the *Local Government Act 1999* applications.

## DEFINITION

**ROAD:** A road, under the *Road Traffic Act 1961*, means an area that is open to or used by the public and is developed for, or has as one of its main uses, the driving of Motor Vehicles. Under the *Local Government Act 1999* a road includes the footpath and road verge.

**QUALIFIED PERSONS:** means a person who is officially recognised as being trained to perform a particular job and can demonstrate compliance with the required pre-requisites.