

	<h1 style="text-align: center;">District Council of Cleve</h1> <p style="text-align: center;">Pursuant To Sections 221 And 222 of the Local Government Act 1999</p>	Version No:	1
		Issued:	28.3.2019
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Application to Alter Public Road or Footpath

This application form is used for the purpose of:

- 1) Sec. 221: Authorisation to alter a public road (or footpath) e.g. driveway crossover, pavers, pipes, tree planting or removal, etc. and/or;
- 2) Sec 222: Permit to use a public road or road reserve for business purposes

I/We
(the "Applicant")

of
(Address)

hereby apply to the District Council of Cleve for a Permit/Authorisation to:

- ☐ Alter the road reserve, valid for 42 years from date of approval, and/or;
- ☐ Use the road/reserve for business/farming purposes, valid for 5 years from date of approval

Location:
(the exact location of proposed alteration)

Note 1: The Act provides that a road extends from property boundary to property boundary. I.e., it includes the entire road reserve and any road thereon.

Note 2: Pursuant to the Act, it is an offence to make an alteration to a public road/reserve without an authorisation to do so from the Council. The following are considered road reserve altering activities pursuant to the Act.
(If any are applicable to this application please tick appropriate box)

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

Details, plans and specifications for the proposed road alteration (e.g. lay pipe, cement driveway) and/or business (e.g. grazing, kiosk, dining):

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

The issuing of this Permit/Authorisation 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 and/or specifications that the Council may determine and attach to this Permit;
- C. The Applicant paying the prescribed fee;
- D. The Applicant providing to the Council evidence of any appropriate insurances as required by the General Conditions and/or the Special Conditions of Permit.

General Conditions of Permit/Authorisation:

The Applicant further agrees:

1. For the term of the Permit/Authorisation, 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 approved alteration to the road reserve 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 any alteration to the road reserve subject to this Permit/Authorisation.
5. That all fixtures and equipment erected or installed in, on, across, under or over the road reserve remain the property of the Applicant pursuant to Section 209 of the Local Government Act, 1999.
6. For the term of the Permit/Authorisation, 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 reserve, the granting of this Permit/Authorisation 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/Authorisation, to take out and keep current a public liability policy of insurance to the sum of \$20 million dollars in respect of the Business, any negligent act or omission of the Applicant in relation to alteration to the road reserve 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/Authorisation 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 this Permit/Authorisation or for any other justifiable circumstance, including reinstatement, maintenance, repair or removal, the Council may revoke the Permit/Authorisation.
11. At the expiration or earlier termination of this Permit/Authorisation to remove, if so directed by the Council, any structure or object erected or installed on the road reserve and to reinstate the road reserve to the satisfaction of the Council.
12. This Permit/Authorisation is subject to the Applicant obtaining appropriate Development Act approval for any structures, fixtures or equipment.
13. This Permit/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.
14. Where applicable this Permit/Authorisation will not come into operation until proof of public liability insurance 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 to the District Council of Cleve for an Authorisation, 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 proposal are true and accurate.

Name:

Signed by Applicant:

Date:

Permit Checklist

(office use only)

Please ensure all of the below has been checked and completed before permit is approved.

1. Proposed Site inspected

Yes ☐ No ☐

Conditions and/or comments

2. Dial Before you dig required (Copy to be provided, ensure date is valid for works)?

Yes ☐ No ☐

3. If erecting or installing a structure, has consideration been given for:

- a) Unduly obstruct the use of the road; or
- b) Unduly interfere with the construction of the road; or
- c) Have an adverse effect on road safety; or
- d) Impact on other users, nearby community facilities, e.g. schools, shops.

Conditions and/or comments

4. Have all attachments been provided as required (insurances, plan, diagram and images)?

Yes ☐ No ☐

5. Fee received?

Yes ☐ No ☐ N/A ☐

6. If approved, has a signed copy of this document been returned to the applicant?

Yes ☐ No ☐

Council Authorisation

Application: Approved ☐ Denied ☐

Permit Number:

Special Conditions (attached): Yes ☐ No ☐

Council Specification for Alteration to Road (attached): Yes ☐ No ☐

Checklist complete: Yes ☐ No ☐

Name of Authorised Officer for Council:

Signature:

Date: