**Application to Undertake Works on a Road**

|  |
| --- |
| **Important Information**1. Section 75(2) of the *Local Government Act 2009* provides that it is an offence to carry out works on a road, or interfere with a road or its operation, without lawful excuse or the written approval of the local government. Section 75(2) prescribes a maximum penalty of 200 penalty units for the offence.
2. This Application to Undertake Works on a Road is the appropriate form to submit to Council if a person is seeking to carry out works on a road or interfere with a road or its operation.
3. If approval to the application is granted, the approval will be on conditions specified by Council, which will include the Standard Conditions of Permit attached to this form (unless modified by special conditions imposed by Council).
4. Council may impose any special conditions on an approval that it considers appropriate.
5. Council may require the applicant to provide a bank guarantee or security deposit to Council as a condition of its approval.
6. Council may require an applicant to submit any material Council reasonably requires to complete its consideration of this application. If an applicant fails to provide requested material within a reasonable time, Council will treat the Application as having been withdrawn and any application fees paid will be forfeited
7. The submission of an application form does not automatically give rise to an approval, or to any other authorisation enabling the applicant to carry out the work that is the subject of their application. An applicant is not under any circumstances authorised to carry out works on a road, or interfere with a road or its operation, unless Council has, expressly in writing, notified the applicant of Council’s approval and any conditions applying to the approval. Council reserves the right to prosecute offenders under section 75(2) of the *Local Government Act 2009*.
8. The consideration of an application may involve consultation, and if so details of your application may be disclosed to third parties. They will not be otherwise disclosed by Council unless required or authorised by law.
 |

|  |
| --- |
| **Description of Land** |
| **Street Address** **(inc No, Street, Post code)** |  |
| **Lot and Plan Details** **(attach if necessary)**  |  |
| **Contractor Details** |
| **Name of Contractor** |  |
| **Contractor Address**  |  |
| **Date works to Commence** |  |
| **Date works to be Completed** |  |
| **Applicant Details** |
| **Name/s** |  |
| **Postal Address**  |  |
| **Daytime contact Number:** |  |
| **Description of Proposed Works**  | 🞏 Construction of Driveway Invert (Kerb & Channel Areas Only)🞏 Construction of Driveway Culvert (Rural Areas Only)🞏 Construction of Footway Crossover or Driveway (specify Construction Material)🞏 Installation of Cattle Grid or Gates🞏 Installation of Water Main (specify Purpose, Size and Materials)🞏 Undertake Clearing of Vegetation (Specify Purpose e.g. Fire hazard Reduction)🞏 Undertake Earthworks (Specify Purpose e.g. Access Track)🞏 Storm water Connection to Kerb or Council Pipe System🞏 Other (Please Specify in a separate attachment) |
| **Documents to be submitted with Application**  | 🞏 Site Plan satisfying the Standard Conditions of Approval🞏 Works Plan satisfying the Standard Conditions of Approval🞏 Evidence of public liability insurance satisfying the Standard Conditions of Approval🞏 Traffic Management Plan signed off by a Qualified TMD designer [insert any other documents that assist Council to review your application]Comments: …………………………………………………………………………………………………………………………………………………………………………………. |
| I/We agree to abide by any requirements of Flinders Shire Council in relation to this application and undertake that works will not be commenced until the written approval of Council is received. I/We acknowledge that any approval by Council is not an approval on behalf of any other service authorities. |
| **Signature of Applicant** |  **Date:**  |
| **Privacy Collection Notice** | *Flinders Shire Council is collecting your name, residential address and telephone number in accordance with the Local Government Act 2009 in order to process your application. The information will only be accessed by employees and/or Councillors of Flinders Shire Council for Council business related activities only. Your information will not be given to any other person or agency unless you have given us permission or we are required by law.* |
| **Office Use Only** |
|  **Receipt Date:**  |  | **Receipt Number:** |  |
| **Date Permit Issued:**  |  |
| **Permit No:**  |  |
| **1st Inspection:**  |  **Date:**  |
| **2nd Inspection:**  |  **Date:**  |

**Flinders Shire Council**

**Standard Conditions of Permit**

If an approval is granted, the approval shall be subject to the following Standard Conditions.

These Standard Conditions are not exhaustive, and Council can impose any Special Conditions, including Special Conditions that modify the effect of these Standard Conditions, as Council sees fit.

1. The approval holder warrants that it is qualified to perform the work under the approval and is wholly responsible for ensuring the work under the approval is competently delivered.
2. All works within the boundaries of the road reserve shall be constructed and maintained at the approval holder’s expense.
3. A site plan identifying the area where work under the approval is to be undertaken must be submitted to Council before work under the approval commences. The approval holder must provide updates to Council about any changes to the site plan as soon as practicable after becoming aware of the change.
4. A works plan identifying all work to be completed under the approval must be submitted to Council before work under the approval commences. The approval holder must provide updates to Council about any changes to the works plan as soon as practicable after becoming aware of the change.The approval holder is required to bear the cost of repairing any damage to the roadway, footpath or services caused by the construction.
5. The approval holder must follow any direction issued by Council (including any authorised person or contractor of Council) in relation to the performance of the work and in relation to the approval generally.
6. The approval holder must immediately cease work if directed to do so by Council (including any authorised person or contractor of Council).
7. Back filling of excavations, cross roads and pathways are to be filled with cement stabilized sand, at 6% cement by mass ratio.
8. Temporary warning devices shall be provided by the approval holder in accordance with the current edition of Queensland Government Department of Main Roads Manual of Uniform Traffic Control Devices, Part 3- Works on Roads.
9. Once work has commenced, it shall proceed without interruption so as to cause minimal disruption to traffic.
10. Any works will be maintained in a condition suitable to the safe and comfortable passage of vehicles (in the reasonable opinion of Council) at all times until the work area is fully reinstated.
11. For work in sewer areas, the approval holder is required to contact Council’s Supervising Foreman on (07) 4741 2954 prior to commencing work on site. The approval holder must follow any direction issued by Council’s Supervising Foreman.
12. For location of underground services of other service providers, the approval holder must contact Dial Before You Dig on 1100 to ascertain the existence of any services. The approval holder is wholly responsible for ensuring the work does not impact on any underground services, and is wholly responsible for liaising with any third party service providers.
13. Any approval issued by Council is not an approval on behalf of other services, authorities or agencies that may have an interest in the proposed works (for example, but without limitation, the Department of Main Roads, Telstra etc.). The approval holder agrees that it is responsible to carry out all enquiries about whether any other services, authorities or agencies are required to give approval to the work, and the approval holder warrants that they have obtained that approval.
14. All work is to be carried out between 7am and 6pm Monday to Friday inclusive and Saturday 9am to 6pm, unless otherwise agreed in writing by Council.
15. The approval holder must complete the work by the date stated in the approval.
16. The approval holder carries out the work that is the subject of the approval at its own risk. Council is not liable in any circumstances to the approval holder for any loss the approval holder suffers as a result of the work or the approval generally.
17. The approval holder indemnifies, and keeps indemnified, Council, during and after the period the approval is current, for any loss, damage, death or injury caused by or incidental to the work and the approval generally.
18. The approval holder must take out and maintain a standard public liability insurance company for at least the amount of $10 million. The policy is to include a cross liability clause which prevents the insurer from suing to recover damages paid on behalf of the contractor or land owner from Council. A copy of the Contractor’s insurance policy is to be lodged with Council with this Application.
19. If the approval holder breaches a condition of its approval, Council may, in writing effective immediately, terminate the approval, without being liable in any way or for whatever reason to the approval holder. In the event this approval is terminated:
	1. The approval holder must immediately cease work and rectify the site to the condition it was in before the work commenced;
	2. Council may carry out any rectification work Council considers is reasonably necessary with respect to the work carried out by the approval holder, with all costs of such work wholly recoverable from the approval holder as a liquidated debt. The approval holder hereby consents to Council entering into any adjacent land owned by the approval holder for the purpose of carrying out rectification work where Council considers it necessary to do so;
	3. Any property of the approval holder that is left at the site shall be taken to be abandoned and shall become the property of Council. Council may, without any liability whatsoever to the approval holder and in its discretion, either retain the property or dispose of it (and any costs associated with disposing of the property shall be wholly recoverable from the approval holder).