



# Application to Formalise an Existing Encroachment on Council Land

Under the *Roads Act 1993 – Section 153 & Conveyancing Act 1919 – Section 181*

*Fees are valid until 30 June 2010*

## About this form

Use this form to apply to formalise an existing encroachment on Council land adjoining your property in accordance with Council's *Policy for Managing Encroachments on Council Road Reserves*, which can be viewed on Council's website at: [www.woollahra.nsw.gov.au](http://www.woollahra.nsw.gov.au) or be obtained from our Customer Service Centre.

## Lodgement & fees

Please follow the instructions on pages 2 & 3.

## Any questions?

Please telephone Customer Service on (02) 9391 7000 or visit our Customer Service Centre (see page 3).

## ▼ Applicant (Owner) details

**Applicant's name, address and contact details. The applicant must be able to provide evidence of ownership.**

Title:            Mr       Mrs       Miss       Ms       Other: .....

Family name (or company): .....

Given names (or ABN): .....

Postal address: .....

..... Post Code: .....

Phone (1) (....) ..... Fax (....) .....

Phone (2) (....) ..... E-mail: .....

Contact person (Only if a company etc): .....

## ▼ Conditions

- 1) Council will consider the application but may resolve to grant or not to grant a legal agreement at its discretion. Council will only consider granting a legal agreement to the owner of the property immediately adjoining that portion of roadway. The legal agreement may be in the form of creation of an Easement to Permit Encroaching Structures to Remain, or a Positive Covenant, or a Lease to occupy part of a Council Roadway.
- 2) Council's application and processing fees (see page 3) must accompany the application.
- 3) An Easement or Lease will be subject to a market valuation. This capital payment or rent will be determined by an independent Valuer.
- 4) Prior to the issue of a legal agreement, the applicant must pay Council's valuation and legal costs, including any Stamp Duty incurred.
- 5) Prior to the issue of a legal agreement, the applicant must obtain a Public Risk Insurance Policy in the amount of twenty million dollars (\$20,000,000) against any action that may arise from damage to property or injury to any person using the footway. Council must be nominated as an 'Interested Party' on the policy and indemnified against any claim.
- 6) The grant of a legal agreement will be in accordance with Council's Policy for Managing Encroachments on Council Road Reserves and Procedures for Leasing & Licensing of Council Controlled land. In respect of a classified (main) road grant will be subject to the concurrence of the Roads and Traffic Authority.

## ▼ Signature and declaration

### Your declaration

I, ..... declare I am the  
owner of the property at .....  
.....

I apply to formalise an encroachment on a portion of Council Roadway adjoining my property. I have read and accept the conditions set out above and in Council's policy.

I declare that all the information given is true and correct.

I also understand that:

- if incomplete, the application may be delayed or rejected, and/or
- more information may be requested after date of lodgment.

Council's administration fee enclosed?   
(see below)

Agreement to pay additional costs   
(see below)

⊗ Signature:..... Date:.....

# ▼ How to lodge this application

**Address the application to:** The General Manager  
Woollahra Municipal Council

**You can send it to us by any of the following methods:**

**Post:** PO Box 61  
Double Bay 1360

**DX:** DX 3607 Double Bay

**Courier or personal delivery:** Council Chambers  
536 New South Head Rd  
Double Bay NSW 2028

**Contact us by phone, fax or electronically**

**Phone:** (02) 9391 7000  
**Fax:** (02) 9391 7044  
**E-mail:** [records@woollahra.nsw.gov.au](mailto:records@woollahra.nsw.gov.au)  
**Web:** [www.woollahra.nsw.gov.au](http://www.woollahra.nsw.gov.au)  
**Who to contact:** The Property Officer on 9391 7019

**Fees**  
The fee for this application is \$275. If approval is granted and a legal agreement is required to be entered into by condition of approval, all legal and valuation costs will also be payable. These fees are calculated on the hourly rate and are payable before the release of any legal agreement. Protracted negotiations over 5 hours will be charged at \$55 per hour.

**Payment methods**

**In Person**  
Payment can be made at our Customer Service Centre by the following methods: cash, EFTPOS, cheque, Money Order (make payable to Woollahra Council) or by credit card – American Express, Diners Club, MasterCard or Visa. Credit card payment will incur a processing fee.

**Fees**  
Fees are valid until 30 June 2010 and include 10% GST where applicable.

The appropriate fee must accompany the application.

**By Mail**  
For credit card payments, please complete the attached "Credit Card Payment" form.  
For cheque payments, please make payable to Woollahra Council.

**Acknowledgement**  
You will receive a receipt specifying the amount of fees paid. We will acknowledge that we have received your application and provide you with the registered number of the application and the name of the officer who will be dealing with your application.

**Making a personal visit?**  
Woollahra Council is located at 536 New South Head Road, Double Bay. We look forward to seeing you.  
Bus or Rail: Take the train to Edgecliff, then take the bus or walk from the interchange at the Edgecliff Centre.  
Parking: Short-term customer parking spaces are available on site. On-street parking in nearby streets is also available.

<p>To be completed by Council's Cashier and Customer Service Officer.</p> <p>GST may be applicable (<i>refer receipt for details</i>)</p> <p><i>Retain your receipt as proof of lodgement of the application.</i></p> <p><input checked="" type="checkbox"/> Receiving Officer: ..... Date: .....</p> <p><input checked="" type="checkbox"/> Cashier: ..... Date: .....</p>	<h2 style="margin: 0;">OFFICE USE ONLY</h2> <table border="1" style="width: 100%; border-collapse: collapse; margin-top: 10px;"> <thead> <tr> <th style="width: 33%;">Fee Type</th> <th style="width: 33%;">Receipt Code</th> <th style="width: 33%;">Fee \$</th> </tr> </thead> <tbody> <tr> <td>Application Fee</td> <td>T897</td> <td>\$275.00</td> </tr> <tr> <td>Processing Fee</td> <td>T897</td> <td>NIL</td> </tr> <tr> <td> </td> <td> </td> <td> </td> </tr> <tr> <td><b>Total:</b></td> <td> </td> <td><b>\$275.00</b></td> </tr> </tbody> </table> <p style="text-align: right; margin-top: 10px;">Acct No: 00768.1175</p>	Fee Type	Receipt Code	Fee \$	Application Fee	T897	\$275.00	Processing Fee	T897	NIL				<b>Total:</b>		<b>\$275.00</b>
Fee Type	Receipt Code	Fee \$														
Application Fee	T897	\$275.00														
Processing Fee	T897	NIL														
<b>Total:</b>		<b>\$275.00</b>														

# ▼ Privacy notification

The personal details requested on this form are being collected and will only be used for the purpose of processing your application. The supply of information by you is voluntary. If you cannot provide or do not wish to provide the information sought, the Council may not be able to process your application. Access to the information is restricted to Council officers and other authorised people. Council is to be regarded as the agency that holds the information. You may make application for access or amendment to information held by Council. You may also request Council to suppress your personal information from a public register.

This page has been left blank intentionally to assist with double sided printing.



# Credit Card Payment Form

**All credit card payments will incur a processing fee, currently 1%**

Payments should be sent to: Wollahra Council  
536 New South Head Road  
DOUBLE BAY NSW 2028

OR

PO Box 61  
DOUBLE BAY NSW 1360

OR

DX 3607 DOUBLE BAY

## Credit card payment

*This matter will not be processed until the credit card payment has been authorised*

Tick Applicable Credit Card	<input type="checkbox"/> AMERICAN EXPRESS	<input type="checkbox"/> DINERS CLUB	<input type="checkbox"/> MASTERCARD	<input type="checkbox"/> VISA															
Full Name on Credit Card																			
Credit Card No.				--															
Card Expiry Date			--			Total Amount Paid	\$												
Cardholder's Signature																			
Date							Contact Phone No.												

## Reason for payment

*Please indicate in this section the reason for the payment and any other applicable information.*

Payment For .....

Council Reference eg DA No.etc .....

Address (where applicable) .....

.....

.....

.....

.....

**PRIVACY NOTIFICATION** The personal details requested on this form are being collected, and will only be used for, the purpose of processing your payment. The supply of information by you is voluntary. If you cannot provide or do not wish to provide the information sought, the Council will not be able to process your payment. Access to the information is restricted to Council officers. Council is to be regarded as the agency that holds the information. You may make application for access or amendment to information held by Council.

<b>OFFICE USE ONLY</b>	Payment Processed	<input type="checkbox"/> Yes	<input type="checkbox"/> No
	Cashier	.....	
	Date	.....	