



Application to Formalise an Existing Encroachment on Council Land

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

Local Government Act 1993, S46, S47, S47a – for drainage pipes

S88E Conveyancing Act 1919 – for positive covenants

Fees are valid until 30 June 2020

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 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:

Given name:

Company name:

Postal address:

..... Post Code:

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

Phone (2) (....) Mobile:

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) If the request is to purchase Council owned land, then the application will be considered in accordance with Council's Policy "Procedure for Sale of Council Land".
- 3) Council's application and processing fees (see page 3) must accompany the application.
- 4) The legal agreement is subject to a market valuation. This capital payment or rent will be determined by an independent Valuer.
- 5) Prior to the issue of a legal agreement, the applicant must pay all Council's costs including but not limited to valuation, survey, legal costs and any Stamp Duty incurred.
- 6) 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.
- 7) 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 Maritime Services (RMS).

▼ 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.

Applicant checklist:

Council's application fee enclosed
(see Fees on Page 3)

Agreement to pay additional costs including legal costs incurred by Council

☒ 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
Web: www.woollahra.nsw.gov.au

Who to contact: Senior Property Officer on 9391 7019

Fees

The fee for this application is \$369.00.

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 \$79 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.

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.

Fees

Fees are valid until 30 June 2020.

The appropriate fee must accompany the application.

To be completed by Council's Cashier and Customer Service Officer. GST may be applicable (<i>refer receipt for details</i>) Retain your receipt as proof of lodgement of the application. <input checked="" type="checkbox"/> Receiving Officer: Date:..... <input checked="" type="checkbox"/> Cashier: Date:.....	OFFICE USE ONLY		
	Fee Type	Receipt Code	Fee
	Application Fee	121	\$369
	Total:		\$369

Acct No: 00768.1175

▼ 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.

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