

Application for a road permit over a Council controlled road

section 69 Local Government Act 2009

This application is for a temporary road closure and subsequent issue of a road permit.

Important information:

- ⌘ A road is any area of land that has been set aside by legislation for road purposes. Not all roads are currently formed or being used by the public and some may never be developed or used for that purpose.
- ⌘ In terms of the *Local Government Act 2009*, a local government is responsible for the day to day management of dedicated roads in its area including construction and maintenance. The Department of Transport and Main Roads is responsible for management of State controlled roads such as freeways, highways or 'major roads connecting cities'.
- ⌘ This application can only be made over an area of local government controlled road.
- ⌘ **Only an adjoining landowner may apply for a road permit.** An application for a road permit is unable to be approved if you do not own or lease the land adjoining the application area.
- ⌘ A road may only be temporarily closed if the road is not:
 - the only dedicated access to a person's land;
 - used regularly by the public as a road; or
 - providing continuity to a road network.
- ⌘ An application for a road permit will be refused if the road is needed for road purposes.
- ⌘ **If an application for a road permit is approved, it will be subject to:**
 - the applicant undertaking public notification of the proposal; and
 - at the applicant's cost, a valuation to determine appropriate rental for the proposed use.
- ⌘ A road permit:
 - gives an exclusive right to use the land in a road that has been temporarily closed by the local government in terms of the *Local Government Act 2009*;
 - may be subject to payment of a security bond;
 - may be required for outdoor dining when structures are involved;
 - cannot be mortgage, subleased, subdivided or transferred;
 - is considered to be right to occupy the subject road area only while the rent continues to be paid; and
 - may be cancelled by the local government, after giving reasonable notice to the permittee, if/when the subject road area is required for road purposes.

Send completed form to:

Cairns Regional Council
PO Box 359
CAIRNS Q 4870
Attention: Property Services
or email to property.services@cairns.qld.gov.au

Information privacy statement:

Your personal information has been collected for the purpose of assessing your application for approval. The collection of your information is authorised under the *Local Government Act 2009*. You are providing personal information which will be used for the purpose of delivering services and carrying out Council business. Your personal information is handled in accordance with the *Information Privacy Act 2009* and will be accessed by persons who have been authorised to do so. Your information will not be given to any other person or agency unless you have given Council permission or the disclosure is required by law.

Contact details

1. Lodger details

Lodger details are only required when a solicitor, consultant, etc, lodges the application on behalf of the applicant.

lodger's name

postal address

phone number

email

2. Applicant details – If the applicant is a corporation, please include the Australian Company number, Australian Registered Body number or the Australian Business number.

applicant's name

company name

if a corporation, please provide

ACN

ARBN

ABN

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postal address

phone number

email

send future correspondence to

lodger

applicant

Application details

3. Provide details below of the land you are the registered owner of (or lessee) that adjoins the road area under application. – Your application is unable to proceed if you are not the owner (or lessee) of the land that adjoins the road area under application.

lot on plan description	title reference

4. Provide details below of the **current** use of the road area under application.
e.g. grazing, building/structure/fencing encroachment/car parking/vacant

5. Provide details of the **proposed** use of the road area under application.

* provision of an appropriate bond may form part of the road permit requirements

∴ a road permit is only required for outdoor dining where structures are proposed to be located on the subject road area

∴ the road area under application must exclude a 3m footpath strip for pedestrians

residential use – formalise existing encroachment*

residential use – involving structures*

commercial use – involving structures*

outdoor dining with structure* ∴

agriculture / grazing

other, please detail

Attachments

Please attach a **sketch plan** of the road area under application with approximate dimensions

– if the application is associated with outdoor dining, such **sketch plan** must exclude a 3m footpath area

For a not for profit group – please attach a **certified copy** of your organisation’s **certificate of incorporation**

Incomplete forms or forms without all necessary information and documentation will result in your application not being properly made.

Declaration

I certify that the information I have provided is true and correct.

print name

signature of applicant / lodger

date

if signed by lodger – I declare that I have the landowner’s consent to make this application.
