FORM
E 1

Application to Locate a Temporary Structure Within a Drainage Easement

This application has been introduced to allow people to apply for certain low impact, temporary structures to be placed within a drainage easement. Consideration will only be given to this if sufficient information is supplied to demonstrate that the structure will have no or negligible impact on the operation of the easement and that access for any maintenance of the easement will be possible for Council crews. Please ensure that the latest version of the form is used to submit an application. (See our website: http://www.cairns.qld.gov.au then click on 'forms and permits', 'roads and easements'). If the easement also contains sewerage infrastructure, an additional application is required: follow the 'Plumbing Services' link to the application form.

If the proposal involves a permanent structure such as a garage or extension to a dwelling, this application form should not be used. In such situations the matter must be addressed to the Department Environment Resources, Mines & Energy (DNRME) ☏ 1300 255 750, to apply to surrender an easement or part thereof. DERM will then liaise with Council regarding the need for the easement and request comment on its surrender if appropriate.

It is important to note that additional approvals may be required if the structure triggers the need to obtain a building approval (e.g. has a roof) or is in close proximity to a boundary such that it may impact on a neighbours privacy or amenity. In such cases, the applicant must also contact a Private Certifier to obtain approval.

Approval will only be granted for a temporary structure subject to Cairns Regional Council receiving appropriately detailed information, drawings, photographs etc. of the proposal/site. All applications must attach a copy of the Survey Plan and easement document (Usually titled 'Schedule' or 'Memorandum of Grant of Easement') which is associated with the 'Survey Plan'. The application must be signed by the landowner and in doing so, agrees to the conditions identified on the last page of this application form. All approved applications will be noted on the Council's property file.

It should be noted that should an application be approved by Council, it is on the understanding that the structure must not interfere with the intended use of the easement and can be easily removed by the landowner upon request, or by the Council, for which a charge may be made.

Depending on the location and the nature of the proposal, Council may require a meeting with the applicant on site in order to gain easy access to the easement to better appreciate the proposal and consider any feature which may hinder approval.

It should be noted that no construction works can commence within an easement without first obtaining written approval from Cairns Regional Council.

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DETAILS & CHECKLIST OF REQUIREMENTS

Survey Plan	☐ A copy of the 'Survey Plan' **must** be attached which identifies the boundary of the easement in relation to the boundary of the Lot.		
Easement Schedule	☐ Copy of the easement 'Schedule' or 'Memorandum of Grant of Easement' **must** be attached which identifies the conditions for which the easement is granted. Note, this document is generally in addition to the Survey Plan.		
Name and address of the applicant (must be the land owner)			
Address of the property where work is proposed (if different from above)		**Daytime Telephone number of applicant**	
Email			
Easement Reference (From Survey Plan)	e.g. Easement 'A' on LOT 123 on RP12345		

General description of the work
(INCLUDE SKETCHES OR ANY DESIGN DETAILS ON SEPARATE SHEETS IF NECESSARY)

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The application must comply with or evidence the following:

Any conditions or approvals provided by Council must be read in conjunction with any conditions placed on the easement, as detailed in the Easement Schedule associated with the Lot Survey Plan.

The works must not cause an adverse effect on stormwater conveyance or stormwater discharge, or provide any impediment or diversion of stormwater flows. Practical access to the easement must be available for any future maintenance works to the easement either within the property or any other properties which adjoin the easement.

The land owner is responsible for the upkeep of the easement to ensure that its function is not compromised. However, Council reserves the right to remove any materials, structures, decks, planting etc. if emergency access is required to maintain or repair the infrastructure contained in the easement or easements that adjoin it. **Hence any structure contained within the easement will be considered as being temporary only.** The Council will not be responsible for replacing any structure/materials contained within the easement that may require to be removed to service that easement. Any reasonable costs associated with removing any obstruction placed in the easement by the owner, maybe recovered by Council if required.

No structure/materials shall impose adverse loading on any infrastructure contained within the easement. Any damage caused as a result of such loading will be charged to the landowner.

Any structure must be designed, installed and checked for suitability by appropriately qualified and competent persons. Most structures with a roof (including garden sheds) or those may affect the privacy of neighbours, will require additional approval by a Private Certifier.

Signature of the applicant and landowner	Date	Official Use Only	
		CRC File Ref:	19/1/2

SUBMISSION OF APPLICATION

Please allow **10 working days** to process the application. By submitting this application, the Applicant is consenting to agree to the terms and conditions identified above. The applicant can appeal any of these conditions in writing. If acceptable to Council, applicants will be issued a notice of 'No Objection' which will also be recorded on Council's property files.

PLEASE RETURN PAGES 2 & 3 OF THIS APPLICATION & SUPPORTING DOCUMENTATION TO:

Fax: (07) 4044 3838 Telephone: 1300 69 22 47

Email: imenquiries@cairns.qld.gov.au Post: Infrastructure Planning, PO Box 359, Cairns, QLD 4870

Cairns Regional Council – Information Privacy Statement

Your personal information is being collected for the purpose of processing your Temporary Structures within Easements Application. 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.