

Authorisation for landholder (or nominee) to fell and/or remove fire affected trees in a public road corridor



I/We _____
(the 'Applicant')

of _____
(address)

hereby apply to Wakefield Regional Council for an Authorisation to alter the road at:

(exact location of proposed alteration)

pursuant to Section 221 of the Local Government Act 1999.

Tick appropriate box

- I am the property owner of the land adjacent to this exact location
- I have the written permission of the property owner of the land adjacent to this exact location

Note 1: This permit is intended to be applied in circumstances where an extreme fire event has impacted on the local area and there is a need for the immediate felling/removal of tree/s. This permits the applicant to undertake the activity in accordance with the permit conditions.

Note 2: The Act provides that a road extends from property boundary to property boundary and includes the carriageway, footpaths and verges.

Note 3: These activities are considered road altering activities pursuant to the Act where it is an offence to undertake them without an Authorisation from the Council.

Details and specifications for the Proposed Alteration are:

(Specify any structures or objects including details of location, extent of alteration. Attach plan, diagram if required.)

Proposed term of Authorisation: _____

The authorisation is not effective until all of the following matters are agreed and/or have occurred:

The Applicant agreeing to the General Conditions as contained herein and, by signing this application, the Applicant agrees to all such Conditions.

The Applicant agreeing to any/all Special Conditions that the Council may determine and attach to the Authorisation, and agreement to which must be communicated in writing to the Council by the Applicant.

A copy of this document signed for and by the Council has been returned to the Applicant.

The Applicant providing to the Council evidence of all insurances as required by the General Conditions and/or the Special Conditions for the explicit purpose of undertaking this activity.

Where the Applicant is not the adjacent land owner, the written permission of the land owner has been granted and sighted by Council.



General Conditions of Authorisation:

The Applicant further agrees:

For the term of the Authorisation, to comply with all applicable industry standards, health or safety standards, current standards of Standards Australia or any applicable Code of Practice.

To hold at all relevant times, proper authority under the Native Vegetation Act and Regulations where such authority is required.

To comply with all legislative requirements applicable to the work to be carried out under this Authorisation, including but not limited to Work Health and Safety, Road Safety and Traffic Management.

To comply with all regulations in place in relation to the Fire Danger Season and fire ban days.

To ensure all works carried out are undertaken to the highest standard and carried out promptly and with all due care, skill and diligence, including the removal and disposal of any vegetation in an appropriate way and without impacting other land owners.

To ensure that any alteration to the road does not interfere with or cause damage to or in any way affect the property of any other person, or the lawful use of the public road by any other person.

To comply with any direction given by any authority, statutory authority or Council to remove, maintain or otherwise modify the alteration to the road subject to this Authorisation.

That all fixtures and equipment erected or installed in, on, across, under or over the road remain the property of the Applicant pursuant to Section 209 of the Local Government Act, 1999.

For the term of the Authorisation, to maintain all fixtures and equipment erected or installed, or vegetation planted, in good condition and to recognised standards.

To indemnify the Council, its servants and/or agents against all actions, costs, claims and demands for injury, loss or damage arising out of any negligent act or omission of the Applicant in relation to the alteration to the road, the granting of this Authorisation and the general and special conditions contained herein and such indemnity shall be in addition to any statutory immunity in favour of the Council.

For the term of the Authorisation, to take out and keep current a public liability policy of insurance to an appropriate level of cover per claim in respect of any negligent act or omission of the Applicant in relation to the alteration to the road or any activity arising out of or from the granting of this Authorisation by the Council. The onus is on the Applicant to check his/her insurance policy and seek written advice for the purposes of evidence to Council of the insurances in place for this activity.

To not assign or otherwise transfer this Authorisation without first obtaining the consent of the Council in writing.

Subject to section 225 of the Act, the Council may cancel the Authorisation for breach of a condition.

At the expiration or earlier termination of this Authorisation to remove, if so directed by the Council, any structure or object erected or installed on the road and to reinstate the road to the satisfaction of the Council.

This Authorisation does not confer on the Applicant any exclusive right, entitlement or interest in the road and does not derogate from the Council's powers arising under the Local Government Act, 1999.

In making this application, I/we acknowledge that I/we have read, understand and agree to be bound by the Conditions of the Authorisation and declare that the particulars provided by me/us with regard to the Proposed Alteration are true and accurate.

Dated the _____ day of _____ 20 _____

Signed by Applicant/s

		(Office use only)			
Authorisation Approved	<input type="checkbox"/>	Yes	<input type="checkbox"/>	No	
					Council Specification for Alteration to a Road attached <input type="checkbox"/> Yes <input type="checkbox"/> No
Special Conditions attached	<input type="checkbox"/>	Yes	<input type="checkbox"/>	No	
Authorised Officer of Council	_____			Position	_____
	(name)				
Signature	_____			Date	_____