

# application



## BUILD OVER/NEAR COUNCIL INFRASTRUCTURE

Please note: Failure to provide adequate information will result in delays to the processing of your application. Council will not be responsible for any delay in processing applications.

### CONTACT DETAILS

Applicant details			
Applicant name(s) <i>(individual or company full name)</i>			
Postal address <i>(P.O. Box or street address)</i>			
Suburb			
State		Postcode	
Phone			
Email address			
Owner's details			
Owner's name(s) <i>(individual or company full name)</i>			
Postal address <i>(P.O. Box or street address)</i>			
Suburb			
State		Postcode	
Phone			
Email address			

### BUILDING DETAILS

Affected Infrastructure			
I/we hereby apply for permission to build over/near Council's			
<input type="checkbox"/> Water Infrastructure			
<input type="checkbox"/> Sewer Infrastructure			
<input type="checkbox"/> Stormwater <b>Note: it is prohibited to build over stormwater infrastructure</b>			
<input type="checkbox"/> Within Council easement where not related to the above			
Site details			
Street No. (if applicable)	Street Name	Suburb	Postcode
Structure details			
Proposed Structure			
Proposed Use of Structure			

ENGINEERING DEPARTMENT

# BUILD OVER/NEAR COUNCIL INFRASTRUCTURE

Building Certifier or RPEQ details			
Contact Name			
Company			
Postal Address			
Suburb			
State		Postcode	
Phone Email			
Email Address			

Other relevant approvals	
Is this application a condition of a Development Approval?	Has a Building Approval been obtained? (Where Applicable)
<input type="checkbox"/> No	<input type="checkbox"/> No
<input type="checkbox"/> Yes, please provide a Council Application Number	<input type="checkbox"/> Yes, please provide a Council Application Number

## OFFICE USE ONLY

Payment				
General Ledger	Fee	Receipt Number	Date	Officer

### PRIVACY STATEMENT

The information collected on the Form will be used by Mount Isa City Council Planning, Building & Environmental Section in accordance with your application. Your personal details will not be disclosed for a purpose outside of Council protocol, except where required by legislation (including the Information Privacy Act 2009) or as required by law. This information may be stored in the Council database. The information collected will be retained as required by the Public Records Act 2002.

**DEED OF INDEMNITY**

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IN CONSIDERATION of MOUNT ISA CITY COUNCIL giving approval to:

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**Applicant's Name**

including its servants, agents and volunteers ("the Applicant"), to use a portion, or all, of the following Council controlled roads, namely:

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**Identify Location ("the Land")**

to

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**Identify Works ("the Works")**

or until otherwise advised by either the Applicant or Mount Isa City Council.

**RECITALS**

1. Council has relevant water, sewerage and/or drainage infrastructure located on or adjacent to the Property.
2. The Owner intends to build the structure described in an application made to Council for consent dated on or about the date of this Deed (Structure).
3. The Owner is required to obtain Council's consent to build the Structure on the Property.
4. In consideration for Council granting its consent, the Owner has agreed to indemnify and cause future owners of the Property to indemnify Council on the terms of this deed.

**THIS DEED PROVIDES:**

1. INDEMNITY
  - a. The Owner is liable for and indemnifies Council from and against all liability, loss, costs and expenses (including legal fees, costs and disbursements on the higher of a full indemnity basis and a solicitor and own client basis, determined without taxation, assessment or similar process and whether incurred by or awarded against the Council) arising from or in connection with:
    - i. the construction of the Structure on the Property;
    - ii. the existence of the Structure on the Property; or
    - iii. the removal of the Structure from the Property.
2. COVENANT
  - a. Immediately prior to the sale or transfer of the Owner's interest in the Property, the Owner must:
    - i. obtain from the purchaser/transferee an indemnity in favour of the Council and a covenant in an identical form to this deed; and
    - ii. deliver the purchaser/transferee's duly executed indemnity and covenant to Council.
  - b. Upon receipt by Council of the purchaser/transferee's duly executed indemnity, the Owner will be released and discharged from all liability in respect of this deed.
  - c. If the Owner fails to comply with clause 2.1, the Owner will remain liable to Council under this deed.
3. GOVERNING LAW AND JURISDICTION
  - a. The construction, performance and validity of this deed shall in all respects be governed by the laws of Queensland.
  - b. The parties agree to submit to the exclusive jurisdiction of the courts situated in Queensland.
  - c. A reference in this document to the Owner includes the person's executors, administrators and successors (as the case may be).

**Signed by**  
**(print name)** \_\_\_\_\_

**dated this** \_\_\_\_\_

**day of** \_\_\_\_\_

**Signature** \_\_\_\_\_

**in the year** \_\_\_\_\_