



Electronic Lodgement of Applications Terms & Conditions

Interpretation

- References to the singular include references to the plural and vice versa.
- References to persons include both natural and corporate persons.
- Headings are for convenience only and do not affect the interpretation of these terms and conditions.

Definitions

In these terms and conditions words have the following meanings:

Application means any request submitted to the City of Subiaco for approval, (including any associated documents such as plans, maps, title searches, licenses and certificates) whether by use of **Electronic Lodgement** or otherwise.

Applicant means the person identified on an Application who has the principal legal responsibility for it and is named as such in any documents the City of Subiaco creates in relation to approving or rejecting the Application.

City of Subiaco includes its employees, agents, servants who from time to time are involved in the provision of **Electronic Lodgement**, the Planning and Building Services department or Information Services department related to **Electronic Lodgement**.

Electronic Lodgement means the electronic facilities provided by the City of Subiaco on www.subiaco.wa.gov.au through which Users may submit Applications and/or track the progress of Applications.

User means any person submitting Applications through **Electronic Lodgement** as either principle or agent and/or any person otherwise electronically accessing the information provided by the City of Subiaco through **Electronic Lodgement**.

Submitting Applications through Electronic Lodgement

- All Applications submitted after 5:00pm Australian Western Standard Time are deemed to have been submitted on the next business day.
- Where the User does not complete all payment fields in the online Application form at the time of submitting an Application, no receipt will be issued and no documents will be submitted to the City of Subiaco.

- For Applications made using **Electronic Lodgement**, the City of Subiaco will only issue a tax invoice/receipt for the submitted Application after any relevant payment has been made through the electronic means provided by **Electronic Lodgement**.
- The City of Subiaco disclaims all liability related to any Application documents allegedly submitted through **Electronic Lodgement** in circumstances where an Applicant or User is unable to produce, upon City of Subiaco's request, a valid, tax invoice/receipt associated with the Application the User alleges he/she has submitted.
- Receipt by a User of a tax invoice/receipt in no way constitutes an appraisal of the completeness, validity, or lawfulness or any other matter pertaining to the substance of the Application. While the date of the tax invoice receipt is presumed to be the date of an Application, it is not determinative of the date on which a completed Application has been submitted.
- Submission of the application in no way constitutes approval or determination of such application.
- Where any Application is incomplete or otherwise deficient, the City of Subiaco reserves the right to request further information and halt further processing of the Application until such information is provided to the City of Subiaco.
- Unless the City of Subiaco is not lawfully capable of doing so in any particular circumstance, the City of Subiaco may deem that an incomplete Application was submitted on a later date on which the User provides the last of any such information as was required by City of Subiaco to properly consider the Application.

The User of Electronic Lodgement

All Applications are considered by the City of Subiaco in reliance on the following warranties.

- a) Where the User is not the Applicant, the User warrants that he/she has the actual authority of the Applicant to submit the Application to the City of Subiaco. A signed form 1 (application for planning approval) must be attached to the document signed by the landowner and applicant.
- b) The User understands that where an Application is incomplete, the City of Subiaco may at its discretion deem the date of the Application to be the date on which any outstanding information was received by the City of Subiaco.
- c) All information contained in an Application is true, complete and correct at the time that the User submits it to the best of her knowledge and belief.
- d) In order for an application to be considered complete, all items outlined in the development application lodgement checklist must be submitted with the application. Should any items not be submitted the application will be returned to the applicant for re-submission with all items.

Indemnity

Users of the service accept all liability for the contents of documents which they submit. The User agrees to indemnify the City of Subiaco for any loss or claim incurred by way of actions, suits, demands and expenses and other liabilities of any nature (whether or not the User was or could have been aware of them) by persons in relation to any Application the User submits through **Electronic Lodgement**.