



Underground Services

Terms and Conditions

1. Notations

- a. The Applicant is responsible for seeking approval to locate existing underground services. Prior to submitting this application, the Applicant (or their Contractor) shall contact SAPN, Telstra, and Origin Energy, to ascertain location of underground infrastructure and any special precautions necessary;
- b. The Applicant is responsible for arranging the necessary relocation of utility infrastructure. All associated costs to be borne by the Applicant;
- c. The existing footpath shall be cut neatly with straight edges using either a concrete saw or angle grinder. All trenches shall be backfilled sufficiently to prevent subsidence. The reinstatement of the trench is to be completed to the satisfaction of the Manager Engineering Strategy & Assets. Reinstatement shall match existing surfaces. The Applicant to arrange an inspection after the trench has been sealed by contacting **Development & Permit Officer on 8408 1111**;
- d. The Applicant is responsible for location of any side entry pits, trees, all service pits, footpath, driveways and the like in front of the property and adjacent properties;
- e. The underground service to be laid at a minimum depth of 600mm for SAPN electrical cabling and 450mm for telecommunication cabling;
- f. The underground cabling shall be laid from the service pole/pit to the building alignment of the property at 90 to the kerb;
- g. All cabling shall be laid in accordance with appropriate standards and regulations and SAPN service requirements (if applicable);
- h. The underground cabling installation shall be approved by the relevant service authority before the excavations are backfilled;
- i. The Applicant agrees to indemnify the Council from and against all actions, costs, claims and damages arising in negligence that may be brought or claimed against the Council arising out of or in relation to this Permit;
- j. The Applicant is responsible for all repairs, damage or rectification work, to any footpath, road, service or other Council's property resulting from the issuing of this Permit. The Council may complete any repairs necessary and recover the cost from the Applicant;
- k. The Applicant (or their Contractor) shall arrange for insurance cover in the form of a Certificate of Currency. This Certificate shall state the City of Charles Sturt, the Contractor and the allotment owner as being interested parties. The Certificate shall show the date period of when the cover will apply. The Certificate shall provide a public risk insurance cover of a minimum sum of **Twenty Million Dollars (\$20,000,000.00)** to cover all actions, costs, claims, damages and expenses whatsoever which may be brought or made or claim against the Applicant in relation to the granting of this Permit;
- l. The Applicant shall not commence the activity until evidence of such public risk insurance policy is given to the Council. The policy shall bear the endorsement of the Insurer indicating the Insurer accepts the indemnity given by the Applicant.

2.

- a. This Application Permit shall remain effective for twelve months from the date of submission. The approval of the alignment of the underground service being placed within Council land shall remain effective for the following 42 years, from the final inspection date of the works;
- b. The Applicant to contact the Council 24 hours prior to the commencement of works. This is to allow related public enquiries about the works to be answered promptly and diligently;
- c. The Applicant shall be the allotment owner. Landowner is to be responsible for actions taken by

- their Contractor;
- d. This Permit approval allows the landowner to install their underground service under public owned land. The Applicant shall become the owner of the underground service from the date when the works commence. The ownership and maintenance responsibility of the underground service shall be with the landowner of the accessed allotment;
 - e. The original Permit to be available on site if requested by a Council representative;
 - f. This Permit will not be effective until the Applicant has received a copy of the Permit signed by the Council;
 - g. Consideration needs to be given when location of the Works is within a residential area. The Environmental Protection Authority (EPA) manages the permissible hours that any noisy work activity is allowed to proceed within a built-up residential area;
 - h. Removal of a Council street tree will usually only occur if; it's dead or dying, constitutes a serious safety hazard and/or presents a current serious traffic visibility problem that cannot be alleviated by pruning; and is an inappropriate species and constitutes a potential risk;
 - i. The Council tree can be transplanted if it is immature and transplanting will not affect its health.

3. Legislation

The Applicant shall comply with all notices required by any Act of Parliament, ordinance, regulation or Council by-law relating to the use of the Permit. Wherever there is any cost involved in complying with the preceding requirement, the Applicant will be responsible for payment of those costs.

4. Services

The works shall not interfere with or cause damage to or affect in any way any wire, post, cable, pipe or other item that is the property of SAPN, Telstra, SA Water, United Water, Origin Energy or other government department or authority or other infrastructure owner. The provisions that might apply in case of damage, injury, accident or interference to property under the control of service authorities for the supply of electricity, gas, telephone, water and sewerage shall be adhered to.

5. Safety Measures

The Applicant to take all safety and protective measures and to do all things necessary to prevent any accidents or injury to persons, or damage to private property and public infrastructure. The Applicant shall monitor and ensure, to the satisfaction of the Council, that the area is adequately lit at night and that all appropriate barriers, barricades, signage and warning devices are installed to protect the public. If work equipment of personnel encroaches onto road pavement, the Applicant must ensure that provisions of AS1742 are adhered to.

6. Public Risk Insurance

The Applicant shall take out and keep current (throughout the duration of the Permit) a public risk insurance policy insuring for the minimum sum of **Twenty Million Dollars (\$20,000,000.00)** to cover all actions, costs, claims, damages and expenses whatsoever which may be brought or made or claim against the Applicant in relation to the granting of this Permit.

7. Revocation

The Council may revoke the Permit if the Applicant fails to comply with a condition of this Permit. This revocation will be without payment of compensation. Any reasonable costs incurred by the Council as a result of the Applicant's failure to comply with the Permit will be recovered from the Applicant.

8. Maintenance and Repair

The Applicant shall periodically monitor the area of services reinstatement. If the reinstatement structurally fails to the extent that it poses a hazard to the Public, then it will be the Applicant's responsibility and cost to promptly repair or replace the damaged section. The Council may at any time inspect the Works and the Applicant shall comply with all reasonable requirements of the Council in relation to the maintenance and repair of the reinstated area. If the Applicant does not adequately reinstate and maintain the utilities reinstatement, the Council may carry out any such repair and maintenance and will be entitled to recover its costs from the Applicant.

9. Notification of Change

The Applicant must take all precautions to avoid damage to any nearby public infrastructure. The Applicant must immediately notify the Council of any such damage. The Applicant will be responsible to reimburse the Council for its cost to repair or rectify any such damage.

10. Contractual Rights Only

The Council does not confer on the Applicant any exclusive right, entitlement or interest in the public road reserve.

11. Tree Protection Provisions

To minimise the impact of the proposed work on existing street trees and other road side vegetation, the following provisions must be carried out:

- Work Exclusion Zone around each street tree (or other significant roadside vegetation) be identified and provided, as advised by the Council;
- The Applicant to arrange for Council's Arboriculture Officer be onsite to supervise all excavation works around existing trees / vegetation if the species are deemed significant or the proposed works are deemed to be possibly tree damaging;
- No machinery or vehicle to enter the Work Exclusion Zone without Council's consent;
- No fuel or chemicals shall be allowed in or stored within the Work Exclusion Zone. The servicing and refuelling of equipment should be carried out away from this root zone;
- No storage of material or equipment shall occur in the Work Exclusion Zone;
- Nothing should be attached to any tree including temporary services wire, nails or other fixing device;
- Only Council staff must carry out any required pruning.