



# Stormwater

## Terms and Conditions

### 1. Notations

- a. Private stormwater outlets shall discharge into street gutter at least one metre apart;
- b. Private Stormwater outlet must not discharge over a public walkway;
- c. The maximum flow rate that can discharge from a private stormwater outlet into the street gutter is 20 litres per second. This maximum flow rate is based on a design storm recurring once every 5 years and for rainfall duration of 10 minutes. For large allotments, or allotments that contain a high proportion of impervious ground, a detailed assessment will need to be made. This will involve the Applicant using the services of a professional drainage engineer to determine if the flow rate will exceed the limit. If the limit is exceeded, the Applicant shall arrange for either additional stormwater outlets or to directly connect their stormwater outlet into an underground stormwater main (if the main exists). This decision is to be made by the Council. The latter will need to be done with a connecting concrete pipe having a minimum diameter of 300mm, and a pipe slope that will encourage the flowing water to self-clean the pipe. The pipe size and slope to be determined by a professional drainage engineer;
- d. Significant tree roots encountered during excavation must not be severed and shall be reported to the Council prior to further excavation taking place. Significant roots include those over 20mm in diameter;
- e. Crossover cannot be located closer than 500 mm to an existing side entry pit;
- f. The Applicant is responsible for seeking approval to relocate utility infrastructure. All associated costs to be borne by the Applicant;
- g. 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;
- h. It is advisable that the inspection be arranged prior to the Applicant finalising payment for the Work by contacting **Development & Permit Officer on 8408 1111**;
- 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 of 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. Such policy shall bear the endorsement of the Insurer indicating the Insurer accepts the indemnity given by the Applicant.

### 2.

- a. The Application Permit shall remain effective for twelve months from the date of submission. The approval of the stormwater outlet occupying Council land shall remain effective for the following 42 years, from the final inspection date of the works;
- b. The Applicant to contact 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 Builder or Contractor;
- d. This Permit approval allows the landowner to install their stormwater outlet within public owned land. The Applicant shall become the future owner of the stormwater outlet from the date when the works commence. The ownership and maintenance responsibility of the stormwater outlet will be with the landowner of the accessed allotment;
- e. The original Permit to be accessible 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;
- i. 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;
- j. 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 accidents or injury to persons, or damage to private property and public infrastructure. The Applicant shall 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 encroach 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, charges 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 performance of the stormwater outlet. This includes monitoring the reinstated trench. If the trench subsides (*within twelve months after it was installed*) and poses a hazard to the Public, the Applicant will need to reinstate the trench.

## **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:

- A 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 Works 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.