

TERMS AND CONDITIONS

221 Applications – Works on a Public Road

General Conditions

1. The issuing of this Authorisation is subject to:
 - A. The Applicant agreeing to the General Conditions of Authorisation as contained herein.
 - B. The Applicant agreeing to any/all Special Conditions and Specifications that the Council may determine and attach to this Authorisation.
 - C. The Applicant advising Council on commencement and completion of any works.

Standards of Care

2. 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.
3. To ensure that all works carried out are undertaken to the highest standard and are carried out promptly and with all due care, skill, and diligence.
4. 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 (including Council property).
5. To comply with any direction given by any authority, statutory authority, or Council to remove, maintain or otherwise modify the alteration to the road under this Authorisation.

Site Control

6. Underground services must be located prior to commencing excavations. The essential first step is contacting **Before You Dig Australia** at www.byda.com.au. Damage to public utilities and infrastructure shall be reported to the relevant service authority and will be the responsibility of the property owner.
7. When street trees are present, the contractor shall at all times ensure that any damage to the tree and root system is minimised and seek Council advice prior to undertaking excavation works around any street trees. Existing street trees shall not have their branches cut, damaged or removed without seeking permission from Council.

8. No street furniture (e.g. street signs, signs, power poles, Telstra services, stormwater pits etc.) may be removed or adjusted for any works except within the approval of a Council delegated officer or relevant authority.
9. No material may be stockpiled on the road or footpath at any time. The adjoining road and footpath must be cleared of all rubbish, spillage, excess fill or material and framework as it accumulates.
10. During the work, the site must be kept safe at all times, this may require protected by appropriate safety barriers in accordance with AS1742.3. The work site area shall be kept safe for pedestrians and road users at all times and minimise the restriction of pedestrian and vehicular traffic.
11. A Traffic Management Plan must accompany this application if traffic flow or pedestrian movements will be interrupted.
12. Any on road traffic management must be conducted in accordance with AS1742.3 (Australian Standard Manual of Uniform Traffic Control Devices, Part 3: Traffic Control Devices for Works on Roads).
13. The works must not restrict access to parked vehicles. Parked vehicles must have access to be able to open passenger side doors.
14. If the condition of a Council asset is altered in any other way than what is outlined on this form, Council need to be notified.
15. Any residents or businesses impacted by works must be advised in writing as soon as possible prior to the commencement of works.

Reinstatement

16. All reinstatement and infrastructure work will remain the responsibility of the property owner and must be completed in a tradesman like manner. The adjoining footpath, road and all other council infrastructure must be reinstated to its original state following the works and be free of obstructions and trip hazards.
17. Every attempt must be made to complete the work as quickly as possible; and, any trenching must be fully reinstated within 7 days of construction.
18. Any trenched area needs to be backfilled with quarry sand or quarry rubble and properly compacted prior to replacement with the same material. Verge must be backfilled with soil or dolomite; not rock, mud or rubble.
19. Any damage to the footpath, verge, kerb or road during works or temporary storage is the responsibility of the owner and must be made good at their cost.

Fixtures

20. All fixtures and equipment erected or installed in, on, across, under or over the road under the Authorisation remain the property of the Applicant pursuant to section 209 of the Local Government Act, 1999.
21. For the term of the Authorisation, to maintain all fixtures and equipment erected or installed, or vegetation planted, in good and safe condition and to recognised standards. Surrounding infrastructure such as footpath, verge, kerbing that may get damaged when completing the work or as a result from the private works must be maintained and repaired.

Indemnities

22. To indemnify the Council, its employees 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 any activities under the Authorisation or arising out of breach of any condition attaching to the Authorisation.
23. The Applicant acknowledges that the Council is not liable for any injury, damage or loss resulting from the granting of this permit; and, the Applicant indemnifies and holds harmless the Council in respect of any claim that may arise from such injury, damage or loss.

24. The Applicant accepts responsibility for any damage caused to the road or footpath surface, or any other damage of public property, as the result of these works on a public road; and, understands that Council may complete any repairs necessary and recover the costs from the Applicant, in accordance with the provisions of the Local Government Act 1999 Section 233.

Termination

25. Subject to section 225 of the Act, the Council may cancel the Authorisation for breach of a condition.
26. 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 under the Authorisation and to reinstate the road to the satisfaction of the Council.

About the Authorisation

27. 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 any activities under the Authorisation.
28. Must not assign or otherwise transfer this Authorisation without first obtaining the consent of the Council in writing.
29. Undertaking work without a permit under Local Government Act 1999 and the Development Act 1993 may result in the imposition of a fine.
30. The Applicant must submit a copy of their contractor's current public liability insurance policy with this application. The Certificate of Currency must be for not less than TWENTY MILLION DOLLARS (\$20,000,000).
31. 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.

**It is an offence to alter a public road without approval from the Council.
Maximum Penalty \$5000.**