

Town of Gawler

Application For Permit to Alter/Occupy a Road Pursuant to Section 221 of the Local Government Act 1999

Gawler



Town of Gawler - Infrastructure and Engineering Services

PO Box 130, Gawler SA 5118

Ph: 8522 9211

Email: council@gawler.sa.gov.au

APPLICANT DETAILS		
Property Owners Name		
Property Owners Address		
Property Owner's Phone		Mobile
Applicant's Name <i>(if not same as above)</i>		
Applicant's Address <i>(if not same as above)</i>		
Applicant's/Owner's Email		
Applicant's Phone		Mobile
Name of Site Supervisor		Mobile
Does this Application Relate to a Development Application (DA)?	<input type="checkbox"/> Yes <input type="checkbox"/> No	DA Number

More information can be found on the Council's website www.gawler.sa.gov.au

TYPE OF PROPOSED ALTERATIONS (tick all that apply)		
<input type="checkbox"/> Driveway access to property	<input type="checkbox"/>	<input type="checkbox"/> Changes to road, kerbs or gutter
<input type="checkbox"/> Footpath construction / alteration	<input type="checkbox"/>	<input type="checkbox"/> Underground service installation
<input type="checkbox"/> Stormwater connection	<input type="checkbox"/>	<input type="checkbox"/> Occupy verge and/or road (eg skip bin)
<input type="checkbox"/> Landscaping, street tree(s)	<input type="checkbox"/>	<input type="checkbox"/> Permanent structure (eg sign, post)
<input type="checkbox"/> Other (specify)	<input type="checkbox"/>	

OFFICE USE ONLY		
Receipt of Application Fee*	Assessment No.	
Application Fee \$	Receipt No.	Date
DETERMINATION OF APPLICATION FOR PERMIT		
<input type="checkbox"/> Approved <input type="checkbox"/> Not Required	<input type="checkbox"/> Refused	<input type="checkbox"/> Approved subject to conditions
Name	Position	
Signature	Date	Reference No.
Conditions		

* Payment receipt of non-refundable application fee must be attached to this form.

- Permits are issued after payment of the Permit Fee.

- The permit fee is in accordance with Council's Fees and Charges Register and in the 2019/20 Financial Year fee is \$80.00

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ADDITIONAL INFORMATION

Please provide a plan indicating the extent and location of the proposed works. Include dimensions, where applicable, and measurements showing the distance between works from key features such as the property boundary, street trees, drive-ways, cable layout between pole and boundary etc. In the case of landscaping, please include details of the species you propose to plant.

Scale Plan (seperate plan may be attached)

General Conditions and Provisions

The following conditions apply to any authorisation issued by Council under section 221 of the Local Government Act 1999 pursuant to this application:

1. Any authorisation issued does not confer on the permit holder any exclusive right, entitlement or interest in, over or under the road and does not derogate from the Council's powers arising under the Local Government Act 1999 or any other laws or policy. Nothing in the authorisation is intended to restrict or limit the Council's rights to access the road at any time.
2. The permit holder is responsible for all works associated with the proposal, including the costs of altering any infrastructure required to enable the works to proceed. The Council will not contribute to the cost of the works, nor any associated authorisations or permits, nor any further alterations necessary through road widening or other works.
3. The permit holder must maintain the permitted alteration in good repair and safe condition at all times while it remains on, over or under the road. The permitted alterations remain the property of the Permit Holder pursuant to Section 209 of the Act.
4. The authorisation will expire:
 - 4.1 5 years from the date that the Permit is granted by the Council; or
 - 4.2 if the Permit Holder ceases to hold the required insurance policy; or
 - 4.3 if it is surrendered by the Permit Holder by written notice to the Council.
5. The permit holder must comply with and give all notices required by any Act of Parliament, ordinances, regulations or by-laws relating to the activity.
6. The permit holder must comply with the applicable environmental, industry or health and safety standards applicable to the activity authorised and ensure that the activity be conducted in a safe and responsible manner.
7. The permit holder shall comply with any reasonable directions made by Council in respect to the activity or public safety or prevention / mitigation of damage to the road or any other Council property.
8. Any authorisation conferred pursuant to this application is not transferrable.
9. The permit holder must notify Council as soon as practicable if on-site conditions require the scope of the authorised works to be altered in any way and receive Council's written approval of such alterations.
10. The permit holder MUST keep the works safe - public safety is Council's highest priority. No structures, such as fences, walls and letterboxes within the verge area are permitted. Australia Post also requires all letterboxes to be located on the property boundary.
11. The permit holder must ensure that the work site and hoardings are adequately illuminated between sunset and sunrise and that all appropriate barriers, barricades and warning devices are installed so as to protect the public from injury or damage.
12. Where approval has been given for street works involving concrete the following conditions shall apply:
 - 12.1 No concrete equipment shall be cleaned in the street and no cement slurry or other materials to be allowed to enter the stormwater system or adjacent properties;
 - 12.2 On completion of concrete works the street is to be thoroughly cleansed of all cement and other materials or rubbish associated with the work; and
 - 12.3 In heavily trafficked streets, vehicles associated with concrete works shall NOT be manoeuvred to or from the site during weekday peak traffic periods of 8 to 9am and 4 to 6pm. Prior to the commencement of any works Council will confirm whether the street involved in this authorisation is heavily trafficked.
13. The permit holder uses and alters the road at its own risk.
14. The permit holder acknowledges that Council does not warrant that the road will, at any time, be structurally or otherwise suitable for the permitted alteration.
15. The permit holder indemnifies the Council from and against all actions, costs, claims, loss and damages, which may be brought or claimed against Council or incurred by Council arising out of, or in relation to, the granting of this permit and the permitted alteration.
16. The permit holder indemnifies Council from any liability or claim resulting directly or indirectly from any accident, damage, loss or injury occurring or arising from the permitted alteration, the permit holder's use and alteration of the road or any damage caused to the permitted alteration.
17. The permit holder must remove any structure, object or substance erected, placed or installed under the authorisation of this permit at the expiry or cancellation of the permit.
18. Council may, at the permit holder's cost, do anything which the permit holder should have done under this permit but which the permit holder has not done or which the Council reasonably considers the permit holder has not done properly.
19. The permit holder must ensure that the permitted alteration does not interfere with or cause damage to or affect in any way:
 - 19.1 any adjoining property (except with the written consent of the owner and occupier of the affected adjoining property);
 - 19.2 any wire, post, cable, pipe or other property or infrastructure belonging to Council, a service provider (including but not limited to Telstra, SA Water, United Water, Boral, SA Power Networks, Origin Energy Limited or any federal, state or local government department or authority) or any adjoining property owner; and
 - 19.3 the use of the road or adjoining area by the public or any person legally entitled to use the road or other adjoining area.
20. If the permit holder causes or contributes to any damage or interference described in item 19 above, the permit holder must immediately notify Council in the event of any damage to any Council owned property, water, gas, electric, telephone, any other service, roadway or footpath within the area or connected to the activity. The permit holder indemnifies Council to the full extent permitted by law against any claim made against Council for such damage or interference and the permit holder must, at Council's election, make good any damage or reimburse Council for any cost or expense it incurs in making good the damage.
21. The permit holder shall not commence any works under any authorisation until the permit holder has provided to Council evidence of a public risk insurance to a minimum value of \$10,000,000 (except for landscaping works by residents) and such policy must:
 - 21.1 be with an insurer and on terms approved by the Council;
 - 21.2 be in the name of the permit holder and note the interest of the Council;
 - 21.3 have no limit on the number of claims that can be made under it;
 - 21.4 cover events occurring during the policy's currency regardless of when claims are made;
 - 21.5 note that despite any similar policies of the Council, the permit holder's policy will be the primary policy; and
 - 21.6 require the insurer to notify the Council if the policy is varied or allowed to lapse.
22. The aforementioned public risk insurance policy must be current for the entire period of the works.
23. The Council may terminate an authorisation at any time and for any reason on seven (7) days' notice in writing to the permit holder.
24. On expiry of the term or earlier termination of the authorisation, the permit holder will be responsible for reinstating the works site to a standard acceptable to the Council, including removing all rubbish and other material and will be responsible for all costs associated with the same.
25. Dispute Resolution Procedure: If a dispute arises between the Permit Holder and the Council with respect to any matter under this Permit, the Permit Holder and the Council must comply with this clause and in accordance with the Councils Complaints Resolution Policy requirements available from its website at www.gawler.sa.gov.au.
26. The Permit Holder must comply with all specific conditions contained in the authorisation (if any).

NOTE: The submission of this application and payment of the application fee DOES NOT constitute a Council issued authorisation under section 221 of the Local Government Act 1999. The applicant must obtain a written section 221 authorisation / permit (which may be subject to further conditions) from Council prior to any proposed works to the public road commencing

General Conditions and Provisions

1. CONDITIONS APPLICABLE TO STORMWATER CONNECTIONS

- 1.1 All stormwater surface runoff from the property and buildings must be contained within the property boundaries, collected and overflow discharged to the kerb and water table (gutter). A drain must be laid either level with or with fall to the street water-table.
- 1.2 The permit holder is responsible for all matters associated with ensuring that the system used to discharge stormwater from private property is adequate to meet the needs of the property concerned and does not obstruct the road or cause a safety risk or public nuisance. This includes determination of pipe size, the need for inspection pits, risers, pipe layout etc.
- 1.3 Drains must be constructed of either sewer-grade uPVC or galvanised steel (box section). The minimum allowable size of an uPVC pipe is 80mm.
- 1.4 Galvanised steel kerb adaptors must be used where the stormwater pipe meets the kerb. The kerb shall be saw-cut to fit the kerb adaptor and the adaptor shall be fixed in place with a concrete adhesive or grouted as required.
- 1.5 For residential properties where the stormwater pipe will not be subject to vehicular traffic a sewer grade PVC pipe is required.
- 1.6 For properties where 80mm of cover above top of pipe cannot be provided a tubular or box section zincalume steel or similar approved cover shall be used.
- 1.7 Drains should be installed at right angles to the kerb wherever possible.
- 1.8 Trenches shall be backfilled with rubble and compacted to Council's satisfaction.
- 1.9 The disturbed footpath surface shall be reinstated using the same surface material as the existing footpath (concrete, asphalt or brick paving as applicable) to industry standards.
- 1.10 Where sufficient depth cannot be achieved to enable the proper reinstatement of a brick paved or concrete footpath over the stormwater pipe, a galvanised steel pipe cover ("top-hat" profile) with a chequer plate surface shall be installed over the pipe, flush with the footpath surface.
- 1.11 If it is not possible to reinstate the footpath surface at the time of the installation, the compacted rubble shall be left flush with the footpath surface. The final surface reinstatement shall occur within seven (7) days of the installation of the stormwater drain.
- 1.12 Stormwater pipes from private property must only be used to carry clean stormwater. The discharge of air conditioner run-off, mains water or swimming pool water contravenes environmental and health legislation. Such discharge must be directed to the sewer system.
- 1.13 The permit holder will be liable for any damage to Council's stormwater drainage system caused by the discharge.
- 1.14 The permit holder is responsible for the ongoing maintenance (including damage and general wear and tear) of all items covered in any authorisation issued by Council.

NOTE: Applicants are advised to consider incorporating an inspection pit (or similar) capable of following the release of backed up water at ground level inside the property boundary in the event that a blockage occurs within the stormwater pipe between the property boundary and the road water table (gutter).

2. CONDITIONS APPLICABLE TO LANDSCAPING

- 2.1 The Local Government Act 1999 requires that all private development of the verge has Council approval prior to commencement of any works. Property owners may only develop their verge areas, if the type or form of development maintains the following:
 - 2.1.1 Pedestrian access along the verge area is provided / maintained in preference to walking on the roadway, regardless of whether a footpath has been constructed or not;
 - 2.1.2 Existing drivers' sight line distances;
 - 2.1.3 Service authority and Council access for installation of new services and maintaining services; and
 - 2.1.4 Provision is made for Council street tree/s as per the Council's street tree planting program.
- 2.2 The following verge treatments are permitted and are suitable for safe pedestrian access:
 - 2.2.1 Mulch beds (other than trafficable surfaces);
 - 2.2.2 Rubble path (compacted);
 - 2.2.3 Low plants (maximum 500mm height);
 - 2.2.4 Paved footpath 1.5 metre minimum width to be constructed to Council's standards and manufacturers specifications at residents cost;
 - 2.2.5 Turf (irrigated and unirrigated); and
 - 2.2.6 Synthetic turf (to manufacturer's specifications and Council approval).
- 2.3 Where a property owner seeks to install a synthetic / artificial turf treatment to the verge, it is to be with a product and in a manner that complies with the following conditions:
 - 2.3.1 A pile length of between 25-40mm with a sand or rubber particle infill to ensure the pile remains upright;
 - 2.3.2 To comprise of bicolour filaments / tufts;
 - 2.3.3 To be installed as per manufacturers' specifications ensuring that any excavation does not damage Council infrastructure eg. footpath, kerb and gutter or street trees;
 - 2.3.4 The finished surface level and ground fixing method of the product is to be flush with adjacent levels limiting potential trip hazards; and
 - 2.3.5 The base construction and chosen product is water permeable and where a street tree exists the finished surface is to grade towards the tree.
- 2.4 Trees or vegetation on Council controlled land must not be removed to enable the proposed works to proceed unless Council approval is granted prior to the works being undertaken.
- 2.5 Verge landscaping must be maintained wholly within the verge. That is, vegetation must not encroach on the adjacent footpath or roadway.
- 2.6 Verge landscaping must be maintained to a height of no more than 0.5 metre from ground level and in a neat, tidy and weed-free manner.
- 2.7 When the verge is landscaped with lawn or grass, it must be regularly mown to maintain a neat and tidy appearance. The height of lawn or grass shall not be allowed to exceed 0.1 metre and must not be allowed to grow over the kerb or footpath.
- 2.8 Verges must not be mounded up with soil. The existing ground level must be maintained.
- 2.9 Verge landscaping must be maintained such that they do not prevent the access on the passenger side of vehicles parked alongside the kerb. Permit holders are advised to keep plantings at least 0.5 metre from the kerb.
- 2.10 At any time, the Council may require part or the entire verge landscaping to be altered or removed for any reason. If such works are required in order to satisfy the conditions of any authorisation, the responsibility for the works (including costs) will rest with the permit holder.
- 2.11 Where the verge is not consistently maintained in accordance with these conditions, Council may remove the verge landscaping at the permit holder's cost.
- 2.12 Only plant species listed by the permit holder and approved by Council may be planted.
- 2.13 Plant species which may not be approved include:
 - 2.13.1 Those which may cause an obvious hazard to road users or pedestrians, such as thorny roses, cacti and other prickly or toxic species;
 - 2.13.2 Those which are likely to be difficult to maintain to a height of less than 0.5 metre;
 - 2.13.3 Those which may negatively affect the amenity of the local streetscape; and
 - 2.13.4 In any case, plants declared as pest plants pursuant to Natural Resources Management Act 2005 must not be planted.
- 2.14 The permit holder may install below-ground irrigation systems (including pop-up sprinklers, below ground drippers and 'leaky-pipe' systems) if authorised to do so, provided the property owner accepts all responsibility for all on going repairs and maintenance.
- 2.15 When any development of a verge is altered or removed by the activity of a Service Authority, reinstatement will be subject to negotiation between the property owner and that Service Authority.

General Conditions and Provisions

2.16 Where a Council activity or operation alters or removes a conforming verge development, Council will endeavour to restore the verge to a reasonable standard.

3. CONDITIONS APPLICABLE TO UNDERGROUND SERVICE CONNECTIONS

- 3.1 Cables shall be laid in accordance with the requirements of SA Power Networks Utilities. It is the permit holder's responsibility to inform him/her of any legal and technical requirements with respect to the installation of underground electrical supplies.
- 3.2 Underground cabling shall be laid at a minimum depth of 600mm below the existing surface level.
- 3.3 Underground cabling shall be laid from the SA Power Networks Utilities pole to the property at 90 degrees to the kerb line or as otherwise shown and approved on this application and approval form.
- 3.4 Any trench created to lay cable shall be backfilled and compacted to the requirements of SA Power Networks.
- 3.5 The disturbed footpath surface shall be reinstated using the same material as the existing footpath (concrete, asphalt or brick paving as applicable) to the relevant industry standard.
- 3.6 If it is not possible to reinstate the footpath surface at the time of the installation, the compacted rubble shall be left flush with the footpath surface. The final surface reinstatement shall occur within seven (7) days of the installation of the cabling.
- 3.7 No responsibility will be accepted by the Council for any damage to the service from any causes whatsoever.
- 3.8 Prior to submitting this application, the permit holder or contractor shall contact Dial Before You Dig, SA Power Networks, Telstra and other appropriate organisations to ascertain the location of underground plant and any special precautions necessary.
- 3.9 The permit holder is responsible for the ongoing maintenance (including damage and general wear and tear) of all items covered in any authorisation issued by Council.

4. CONDITIONS APPLICABLE TO ALTER DRIVEWAY CROSSOVERS AND FOOTPATHS

- 4.1 Driveway crossover and invert works must comply with the Council's current specification and drawings relevant to the work.
- 4.2 Heavy duty crossovers are required to all driveways other than residential properties.
- 4.3 The Council will require the permit holder to make good, at the permit holder's cost, any work completed which does not comply with the Council's specifications, drawings or any other terms and conditions of the approval.
- 4.4 At any time, the Council may require part or the entire crossing place to be altered or removed for any reason. If such works are required in order to satisfy the conditions of this approval, the responsibility for the works (including costs) will rest with the permit holder.
- 4.5 If the installation or alteration of a driveway crossover renders another crossover to the same property redundant, the permit holder shall remove the redundant crossover and kerb invert and reinstate to match adjacent footpath and kerbing.
- 4.6 An area (nominal width of 1.5 metres) to serve as a pedestrian refuge is to be left clear for general pedestrian access. This area should be levelled grass or lawn or compacted rubble surface or sealed by paving. Any development of the verge with an existing concrete or block paver footpath must allow for the possible future construction of a footpath by Council.
- 4.7 Where a permit holder desires as part of a verge development to construct a paved footpath (where no paved footpath exists on adjoining verges) its location within the verge and the materials used for its construction shall be parallel to the road pavement at an even spacing from its edge, and of a consistent width, with variations only to avoid objects including trees, major telecommunication pits and electricity poles and shall be to Council specification. Construction shall be at the property owner's cost and shall be maintained by the permit holder, in a safe and trafficable condition at all times.
- 4.8 Pavers shall be approved by Council and be laid flat with levels matching connecting infrastructure and pits e.g. Telco service pits. Service pits must be brought up to height if required at the permit holders cost. Council will inspect service pit integration and will on charge permit holders if required.
- 4.9 The permit holder is responsible for the ongoing maintenance (including damage and general wear and tear) of all items covered in any authorisation issued by Council.

NOTE: Applicants are advised to undertake a thorough investigation to ascertain the location of existing underground utility services (e.g. telecommunications, water, sewerage, gas and electricity) prior to undertaking any excavation associated with the above works..

5. CONDITIONS APPLICABLE TO ALTER ROAD CARRIAGEWAYS AND/OR PAVEMENTS

- 5.1 All road work must be approved by Council (and notice given to Council) before commencement of the work.
- 5.2 A Traffic Management Plan showing all signage and traffic control devices around the works area shall be submitted and approved 10 working days prior to the commencement of works.
- 5.3 Five days prior to the activity commencing the permit holder shall provide to the Council a satisfactory dilapidation report which records the state of the Council land and any improvements thereon.
- 5.4 No material shall be stockpiled on the road or footpath. All work must be completed in a professional manner and the site, adjoining road and footpath cleared of all rubbish, spillage, excess fill or material and form work as it accumulates.
- 5.5 The work site area shall be protected and kept safe for pedestrians and road users at all times. Failure to address public safety may expose the owner to potential public liability claims. No street furniture (e.g. street signs, traffic signs, etc.) may be removed for any purpose except within the approval of a Council delegated officer or relevant authority.
- 5.6 Obstruction of public infrastructure such as traffic signs and parking bays within the road reserve is not permitted without prior consent by Council. The removal or relocation of any of these devices will be at the cost of the property owner.
- 5.7 All finished work should be free of obstructions and trip points.

6. CONDITIONS APPLICABLE TO USE OF ROAD FOR OBSTACLES, STRUCTURES OR SKIP BINS

- 6.1 The permit holder must take all reasonable precautions to avoid damage on, over and under the road and any improvements and structures located on, over or under the road and/or in the area.
- 6.2 The permit holder must immediately notify the Council of damage to the area or any Council owned property located within or adjacent to the area.
- 6.3 The permit holder will be responsible to reimburse the Council for all its reasonable costs to repair or rectify any damage caused as a result of the permit holder's use or misuse of the area.
- 6.4 The permit holder agrees that the Council will have no responsibility or liability for any loss or damage to the permit holder's fixtures or fittings or personal property.
- 6.5 Reflectors to be placed on all sides of the skip
- 6.6 Public access along the verge is to be available at all times.

Completed application forms can be forwarded to the Town of Gawler via the following methods:

Email: council@gawler.sa.gov.au

In person: Gawler Administration Centre, 43 High Street, Gawler East SA 5118

Post: Town of Gawler, PO Box 130, GAWLER SA 5118