

GENERAL CONDITION 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.
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.
4. Authorised works must be completed within 12 months from the date of approval, otherwise the authorisation will lapse.
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 9 am and 4 to 6 pm. 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 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.

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.