

## **Disclaimer & Acknowledgment of Conditions**

Found It Down Under Pty Ltd

ABN: 85 684 084 044 | ACN: 684 084 044

### **Disclaimer:**

This document, along with any associated verbal communications, maps, or physical site markings, is issued by Found It Down Under Pty Ltd (hereafter referred to as "FIDU") under the assumption that the client has reviewed and accepted the terms outlined herein. The utility and asset locations provided in this report are based on the best available information at the time of the investigation, including Dial Before You Dig (BYDA) plans, visible site features, geophysical equipment capabilities, and environmental conditions. FIDU does not and cannot guarantee that all subsurface utilities or assets have been located or that their positions or depths are accurate without positive visual identification (i.e. potholing).

The detection and identification of underground utilities and assets are subject to numerous limitations, including but not limited to:

The detection limits and operating frequencies of electromagnetic and ground-penetrating radar (GPR) equipment.

- The type, size, composition, and depth of the asset.
- The presence of soil moisture, fill, or interference from adjacent infrastructure.
- The accuracy, completeness, and currency of utility plans provided by asset owners.

FIDU undertakes all utility locating services in accordance with AS 5488:2022 – Classification of Subsurface Utility Information (SUI), and this report includes corresponding Quality Level (QL) classifications. These classifications indicate the level of confidence in the accuracy of asset location data. FIDU provides nominal locational information only and accepts no responsibility for site works that rely solely on surface markings or report findings without verification.

### **Acknowledgment & Duty of Care Obligations:**

By engaging FIDU's services and/or relying on this report, the client acknowledges and agrees to the following terms:

### **Validity of Markings and Reports:**

Surface markings and report data are only valid until the expiration date of the associated BYDA™ plans, until site conditions or markings are disturbed, or until known infrastructure is modified — whichever occurs first.

### **Risk Management and Excavation Protocols:**

All utility and asset locations are to be treated as approximate only, with a horizontal tolerance of  $\pm 300$  mm and a vertical tolerance of  $\pm 500$  mm, as defined by AS 5488:2022.

FIDU cannot eliminate the risk of a utility strike; it can only reduce it. Mechanical excavation must not commence in any area marked with utility or asset presence until positive identification is achieved through non-destructive digging (NDD), such as vacuum or hydro excavation or the use of a non-metallic hand shovel.

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## Found It Down Under Disclaimer Statement

All excavation activities must comply with relevant legislation, including:

- *Work Health and Safety Act 2011* (Cth)
- *Work Health and Safety Regulation 2011* (Cth)
- Relevant State-specific WorkSafe Codes of Practice
- Safe Work Australia's model Code of Practice for Excavation Work
- Utility-specific no-go zones, approach distances, and high-risk work protocols.

### **Client Responsibilities:**

The client is responsible for ensuring that all asset owners not registered with BYDA™ are identified and contacted prior to commencement of works. The client must notify FIDU in writing of any known unregistered assets or services on site.

If a subsurface utility or asset is damaged during works, regardless of visibility or identification in this report, the asset owner must be notified immediately. Failing to do so may breach applicable laws and expose the client to legal liability.

Clients are responsible for photographing site markings before commencing works to preserve positional evidence for auditing or incident investigations.

Clients must retain this report on file and ensure its findings are distributed to all contractors, subcontractors, or personnel conducting excavation or intrusive activities on site.

### **Limitations of Liability:**

FIDU, including its employees, contractors, and agents, shall not be held liable for any injury, damage, delay, or loss arising from:

- Errors or omissions in BYDA™ plans or other third-party information.
- Misinterpretation or misuse of data provided in this report.
- Failure by the client or their agents to conduct potholing or comply with excavation protocols.
- Reliance on markings or reports that are expired, altered, or no longer reflective of site conditions.
- Liability is excluded to the maximum extent permitted by law, except where prohibited by statute, including but not limited to consumer guarantees under the Australian Consumer Law (ACL).

### **Exclusions and Accuracy Limitations:**

Non-conductive or non-metallic assets (e.g., optical fibre, plastic irrigation lines, polyethylene water mains, clay stormwater pipes) may not be locatable using standard electromagnetic or radar locating methods.

FIDU does not guarantee the detection of all such assets and strongly advises potholing before excavation or coring in areas of potential concern.

### **Final Note:**

By relying on this report, the client acknowledges that they will exercise due diligence and reasonable care, as required under common law and statutory duty of care principles. Utility locating services are a risk mitigation tool and do not eliminate the obligation of contractors or operators to assess and manage excavation risk following legal, industry, and WHS requirements.

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If you have any questions regarding the contents of this report or require a risk assessment prior to excavation, please contact Found It Down Under Pty Ltd directly.

DOCUMENT PREPARED BY

Brock Baker

Found It Down Under Pty Ltd

