

ROADS ACT APPLICATION CONDITIONS

1. GENERAL

- 1.1 Applications can take up to ten (10) business days for an assessment and determination response.
- 1.2 A permit must be obtained prior to commencement of works on site.
- 1.3 Separate [Roads Act Applications](#) will need to be lodged for the following activities:
 - i. Driveway construction
 - ii. Road openings
 - iii. Temporary road reserve occupancy and closure
 - iv. Work zones
 - v. Hoardings
 - vi. Tower crane operations
 - vii. Temporary ground anchors
- 1.4 A copy of the permit shall be kept on site at all times, and must be presented to Council staff, or authorities of other agencies on request.
- 1.5 Failure to comply with the conditions on this application may result in the immediate permit cancellation.
- 1.6 All site workers must obey any reasonable direction from the Police, Council Rangers & Compliance, Regulatory Officer and/or any Emergency Services.
- 1.7 Any request for expediting the assessment of an application shall incur at Council's discretion an additional \$250 expediting fee, and will be subject to Council review and other outside factors which may not result in an approval.
- 1.8 Where works have been conducted without the appropriate Roads Act Approval additional penalty fees shall apply.
- 1.9 The administration fee is a non-refundable fee.

2. PERMIT VALIDITY

- 2.1 For road occupancies, work zones, hoardings, tower crane operations, and temporary ground anchors; the permit is valid for the proposed period applied for.
 - i. No works can commence prior to the start date.
 - ii. Council will need to be notified for any changes made to the proposed period.
 - iii. Additional fees will apply for extended durations.
- 2.2 For driveway construction and road openings, the permit is valid for two (2) years until work commences.
 - i. The same permit cannot be used again after the work has been completed. A new application will need to be lodged with Council.
- 2.3 Permit extensions be charged using the latest fees & charges, not the original application's rates.

3. EMERGENCY WORKS

- 3.1 Works conducted in an emergency can be conditionally approved upon lodgment of the application so long as the required Council fees are paid within two (2) business days.
- 3.2 Evidence shall be provided upon request to support the Applicant's claim of works under emergency.

4. PUBLIC LIABILITY

- 4.1 The applicant shall indemnify Council if a member of the public suffers injury or public asset/private property has been damaged due to the works being carried out.
- 4.2 The currency of an appropriate public liability insurance of no less than \$20 million must be maintained.

5. COMMUNITY NOTIFICATIONS

- 5.1 The applicant is responsible for carrying out community notifications as required to all affected local traffic, pedestrians, residents, occupants and building management affected by the works.
- 5.2 Appropriate signage must be displayed at the work site.

6. PUBLIC SAFETY

- 6.1 The Applicant is responsible for the health and safety of all individuals entering, and for the public accessing around the work site.
- 6.2 Safe pedestrian access must be provided at all times.
- 6.3 Any temporary traffic and pedestrian controls must comply with relevant standards and specifications.
- 6.4 The work area must be physically delineated from the general public.
- 6.5 Any temporary structures and traffic control devices on the road reserve that help facilitate the works shall be maintained in a clean, tidy, and safe condition at all times.

7. ENVIRONMENT & NOISE

- 7.1 The Applicant is responsible for all environmental controls and shall maintain them in good condition. They shall be removed after the disturbed areas have been restored and stabilized.
- 7.2 The applicant is responsible for stopping works immediately if the presence of asbestos or other hazardous materials is identified on the road reserve. The applicant must isolate the affected area and place warning signs to ensure the safety of workers and members of the public. The applicant must also advise Council of the find. The applicant shall organize and cover the cost for the safe removal by a licensed contractor and the clearance certificate to be provided to Council.
- 7.3 No trees are to be removed without Council permission.
- 7.4 A Tree Protection Zone (TPZ) shall be established around likely impacted Council trees. The TPZ diameter shall be twelve (12) times the trunk diameter.
- 7.5 The use of equipment or activities to be conducted shall not result in any offensive noise as defined by the Noise Control Act.
- 7.6 Penalties may apply for breaching any safety, environment or noise requirements.

8. ROAD RESERVE OPENINGS

- 8.1 The Applicant is responsible for conducting all due diligence prior to opening the road reserve such as Dial Before You Dig inquiries and positive identification of services.
- 8.2 The Applicant shall ensure that a road opening that is for a private development shall have the appropriate Infrastructure Restoration Bond (IRB) lodged with Council. Otherwise, a Road Opening Bond may be imposed for all other works depending on nature and scope of works.
- 8.3 All works in Town Centres, Shopping Centres and CBD areas may require special approval and at least seven (7) days notification and may be subject to additional special Council conditions.

- 8.4 Pit connections shall be cut flush and rendered with non-shrink grout/concrete.
- 8.5 Private stormwater outlets and pipes shall comply with [Council specifications](#) and [drainage policy](#).
- 8.6 The Applicant is responsible for maintaining and remains liable for all temporary surface finishes of the work area.
- i. Upon completion of works, Council shall conduct an inspection to scope and estimate the required restoration costs.
 - ii. Council shall take over maintenance and liability once Council has received a Purchase Order for restoration.
 - iii. Please refer to Restoration Section below.
- 8.7 Where the Applicant has opted to perform permanent restorations, the Applicant must organize an inspection with a Council Asset Officer for restoration scoping prior to commencing, and also another inspection prior to any concrete pour.

9. ROAD RESERVE OCCUPANCIES & CLOSURES

- 9.1 Road closures require the endorsement of Council's Local Traffic Committee who meet on a monthly basis.
- i. A Traffic Management Plan (TMP) must be provided to Council for any road closures.
- 9.2 Thoroughfare for emergency vehicles must be provided at all times.
- 9.3 The Applicant must advise emergency services (namely Police, Fire Brigade, and Ambulance) of the proposed road closure.
- 9.4 Traffic Guidance Schemes (TGS) must be developed by a qualified and competent person, and must comply with the requirements of any relevant signage specification and legislation.
- 9.5 Traffic Controllers must be accredited and adequately qualified as per SafeWork NSW requirements.
- 9.6 A Road Occupancy Licence (ROL) must be obtained from TfNSW's Traffic Management Centre (TMC) as required.

10. TOWER CRANE OPERATION

- 10.1 A Roads Act permit for tower crane operations shall also serve as Council's approval granted under Section 68 Part E1 of the Local Government Act 1993.
- 10.2 Any approval granted for tower crane operations does not endorse or approve the design or structural adequacy of a hoisting device, system or operation.
- 10.3 It is the applicant's responsibility to obtain consent from private property owners if the tower crane's swing radius is directly above a private property.
- 10.4 A certificate from a suitably accredited engineer shall be provided to certify the structural components of the tower crane.
- 10.5 The Applicant shall conduct the proper risk assessments to ensure adequate clearances prior to installation and operation of the tower crane.

11. ROAD RESERVE HOARDINGS INSTALLATION

- 11.1 Applicants must refer to [Council's Hoardings Policy](#) for further details and specific requirements for the installation of Type A and Type B hoardings.
- 11.2 Hoarding colours shall be:
- i. Black – where the hoarding is required to display Council artwork, or
 - ii. Dulux Flooded Gum – where the hoarding does not require an artwork.

- iii. White – to the underside of the deck for Class B hoardings.
- 11.3 Hoardings shall be designed and installed to prevent injury to trees by accommodating tree canopies, trunks and root zones as part of the structure design.
- 11.4 Class B hoardings shall have adequate illumination to the footway underneath the deck to maintain the safety and amenity of pedestrians. Please refer to Section 6 of Council's Hoardings Policy.
- 11.5 Impacted Council operated CCTV cameras may need to be relocated, or an additional cameras to be installed for the duration whilst the hoarding is in place.
 - i. All costs associated with this will be borne by the applicant. Please contact Council Security Operations on 02 4732 7401 or via email at security.ops@penrith.city for more info.

12. HOARDINGS ARTWORK REQUIREMENTS

- 12.1 Display of artwork and images on the hoarding is mandatory in Penrith City Centre, St Marys Town Center and Kingswood Traders Area and is strongly encouraged elsewhere across the Penrith LGA.
- 12.2 Council reserves the right to require an Applicant to display approved artwork on hoardings.
- 12.3 The applicant is required to maintain the graphic for the full duration of the required placement or for the full duration of the hoarding approval.
- 12.4 At least 70% of the surface area of hoarding panels, including fascias and access points, must be covered by an artwork.
- 12.5 Artworks must incorporate one of the following:
 - i. Must be commissioned by Council; or
 - ii. Must be an approved site specific high quality artwork commissioned by the developer or builder or as required by Council. Applicants shall discuss the proposal with Council prior to commencing and commissioning their own artwork; or
 - iii. When works are associated with a heritage building or site, historic images of the building or local streetscape from Council.
- 12.6 Council shall give approval to an artwork proposed by the applicant and reserves the right to specify the particular type of display.
- 12.7 Council can supply the design files free of charge. The cost of printing and installation of artworks shall be borne by the Applicant.

13. WORK ZONES

- 13.1 The Work Zone shall be used in accordance with the Australian Road Rules. Any vehicles stopping in the zone must be engaged in construction work in or near the zone.
- 13.2 The Work Zone must not be used for the storage of materials or skip garbage bins.
- 13.3 A Work Zone shall be in operation only between the hours as specified on the control signage.
- 13.4 Work Zones are enforceable by Council Rangers in accordance with the Road Rules 2014.
 - i. Vehicles parked illegally in a Work Zone cannot be towed and the roadway cannot be barricaded by the Applicant.
 - ii. Any illegal parking shall be reported to Council Rangers on 02 4732 7777.
- 13.5 Areas outside the Work Zone are assigned to public parking. These areas must not be blocked.
- 13.6 Council will install and remove the Work Zone signage as required. The Work Zone is not effective until signage is installed and is typically installed within 10 business days of the approval.
- 13.7 The Applicant shall notify Council when the Work Zone is no longer required.
- 13.8 Council will remove the Work Zone signage after the approved period and the original signage reinstated.

14. TEMPORARY GROUND ANCHORS

- 14.1 Prior to the installation of temporary ground anchors, the underground Council stormwater assets affected by the development need to be accurately located and represented on relevant construction drawings, including depth to invert and depth of cover.
- 14.2 A pre-installation existing condition CCTV footage shall be taken and submitted to Council for the affected stormwater pipe assets.
- 14.3 Installation of temporary ground anchors will only be permitted as described and designed in the submitted plans to Council.
- 14.4 Any amendments to the plans will require reassessment.
- 14.5 This application only applies to temporary ground anchors encroaching under any Council reserve.
- 14.6 Any installation encroaching on privately owned land must receive that property owner's consent.
- 14.7 A separate approval from TfNSW will be required for any anchors that extend on the road reserve fronting a State Owned Road.

15. DRIVEWAY CONSTRUCTION

- 15.1 A permit for the construction of a driveway shall be obtained via lodging an [online driveway application](#).
- 15.2 A driveway final approval under Section 138 of the Roads Act 1993 will be issued by Council upon satisfactory final inspection.
- 15.3 Driveways over the road reserve shall be installed as per Council's latest [Driveway Specifications](#).
- 15.4 Property owners wanting additional driveways will require further assessment by Council.
- 15.5 Driveways connecting to State Roads will require TfNSW approval where the existing kerb & gutter or layback is replaced, or the driveway requires the construction of a new layback.
- 15.6 An inspection with a Council Asset Officer shall be booked prior to pouring concrete. Refer to booking requirements in Section 16 below.
- 15.7 No stormwater outlets shall in the driveway alignment. Stormwater outlets shall comply with [Council's Specifications](#).

16. INSPECTIONS

- 16.1 Council may at its own discretion conduct inspections to ensure all permit requirements are complied with.
- 16.2 Any inspections prior to a concrete pour shall be made by contacting the Asset Management Department via phone on 02 4732 7777 at the latest before 12pm one business day prior to the requested inspection date.
- 16.3 Sufficient time shall be allowed between the inspection and the proposed concrete pour date for any required rectifications to be made.

17. RESTORATIONS

- 17.1 The Applicant is responsible for the restoration of damages to Council infrastructure assets on the road reserve and liable for the safety of the workers and the general public until works have been restored.
- 17.2 Upon completion of works, restoration of any incidental and accidental damage caused by the works to Council infrastructure assets on the road reserve shall be restored.
- 17.3 The applicant is responsible for maintaining the temporary restorations until either:
 - i. Permanent restorations are completed by the applicant to Council specifications and satisfaction, inclusive of Council concrete pre-pour inspections; or

- ii. Council has been notified that the opening has been backfilled and a temporary acceptable surface finish installed i.e. hotmix asphalt. The final scoping inspection shall be conducted by a Council Officer to confirm final restoration costs to invoice to the Applicant.
- 17.4 The Applicant shall make safe any public hazardous defects caused by the works within a reasonable timeframe. Otherwise, the Applicant is liable for any costs incurred by Council for the make safe.
- 17.5 Where the Applicant has requested for Council to permanently restore the damage, Council shall charge restoration fees as per Council's latest Fees & Charges.
- 17.6 Scoping inspections by Council Asset Officers shall be organized by the Applicant to ascertain restoration limits, location of sawcuts, joints, dowels etc.
- 17.7 Permanent restorations conducted by the Applicant:
 - i. Shall be conducted to Council's latest [Road Reserve Restoration Specifications](#).
 - ii. Shall require

18. BONDS

- 18.1 [Infrastructure Restoration Bond \(IRB\)](#):
 - i. A development under a Development Application (DA) may impose consent conditions that may require the lodgment of an IRB.
 - ii. A development under a Complying Development Certificate (CDC) must comply with Clause 157 of the Environmental Planning and Assessment Regulation 2021 and lodge an IRB as required.
- 18.2 Road Opening Applications may also impose the inclusion of a bond payment as part of the permit.
- 18.3 Bonds may be drawn upon to permanently restore any damaged Council road reserve assets after the completion of a development or road opening works.
- 18.4 Bond refund applications are the Applicant's and/or the bond payee's responsibility. Council does not automatically refund the bonds.
- 18.5 Where Council has notified the Applicant and/or the bond payee to enact the required restorations of damaged Council assets in the road reserve, and no response or action has been provided within a reasonable timeframe as per Section 108 of the Roads Act 1993, the applicant gives right to Council to utilize the bond to conduct the necessary repairs of Council infrastructure whereby it has been directly damaged by the works.
- 18.6 Council may forward any outstanding bonds that have lapsed 6 years to the relevant State department as per the Unclaimed Monies Act 1995.