

ROADS ACT APPLICATION: CONSTRUCTION WORK ZONE APPLICATION FORM FY2022-23

AN APPLICATION MADE UNDER SECTION 138 OF THE ROADS ACT 1993

This form is to be filled out for the establishment of a Construction Work Zone which is a dedicated right of access and parking allocation on a public road shoulder, outside a development. **Completed form to be sent to council@penrith.city.**

SECTION A - DEVELOPMENT DETAILS

DA/DCP Number

Building Developer/Principal Contractor

Street Address of Development

Suburb

Postcode

SECTION B - APPLICANT DETAILS

First name

Surname

Company

Main phone number

Mobile number

Email address

Company Address

SECTION C - COUNCIL FEES

- **Section 138 Roads Act Application Administration Fee** \$ 250
- **Construction Work Zone Set Up & Removal Fee** \$ 1500
- **Construction Work Zone Fee Calculation**

Installation date Removal date Weeks (incl. part thereof)

Length of Work Zone

m

Rate \$10/lineal m/week = \$

Total Fees Payable \$

SECTION D - APPLICATION ATTACHMENTS

The following has been provided as attachments to form part of this application:

Construction Plans

Engineering plan or aerial map indicating the location and length of the proposed Work Zone

Other Documents

Certificate of currency of public liability Insurance of no less than a value of \$20 million
Credit Card Authorisation Form (if paying the fees by credit card)

SECTION E - DECLARATION AND SIGNATURE

I confirm that the information provided in this application is correct and I will advise Council immediately of any change.

I have read and acknowledged the attached application conditions

Applicant Signature

Date

.....
See Council's adopted fees and charges at penrithcity.nsw.gov.au. All fees subject to change

THIS APPLICATION IS NOT VALID UNTIL ALL APPLICABLE FEES ARE PAID AND IT HAS BEEN ENDORSED BELOW AND RETURNED TO THE APPLICANT

PAYMENT METHOD

Application fees can be paid by cash, cheque or credit card.

- Cash, cheque or credit card payments can be paid in person
- Cheque or credit card payments are accepted by post
- Only credit card payments are accepted by email

Paying by card?

Please complete the [Credit Card Authorisation Form](#) located in the list of Downloadable Forms and ensure that you provide the full details of the purpose of your payment on that form.

If you are sending your payment by email, please ensure the Credit Card Authorisation Form is included in your email as a separate attachment to your Application or any other information.

OFFICE USE ONLY

Council Approval

Application number

Date

Time

Approved by

Date

Receipt Number

Receipt Date

CONTACT US

Penrith City Council
601 High Street
PENRITH NSW 2750

PO Box 60
601 High Street
PENRITH NSW 2751

PHONE: (02) 4732 7777
FAX: (02) 4732 7958
EMAIL: council@penrith.city
WEB: penrith.city

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. Works cannot start until the applicant has received approval from Council's City Assets Department for this Section 138 Roads Act Application.
- 1.3. The [road reserve](#) shall be described as the Council owned road corridor from one property boundary to the opposite property boundary on a local and/or regional road and includes nature strips, driveways, footpaths, kerbs, gutters, and the road pavement.
- 1.4. Other Roads Act Approvals may be required, please refer to Council's [Roads Act Application](#) page.
- 1.5. A copy of Council's written approval is to be kept on site at all times, and must be presented to Council staff, or authorities of other agencies on request.
- 1.6. Inspections requested by the applicant that Council deems excessive shall incur an Additional Inspection fee(s). Generally maximum of two (2) site inspections is included in the approval.
- 1.7. Failure to comply with the conditions on this application may result in the immediate cancellation of approval.
- 1.8. All site workers must obey any reasonable direction from the Police, Council Rangers & Compliance, Regulatory Officer and/or any Emergency Services.
- 1.9. Any request for expediting the assessment of an application shall incur an additional \$250 expediting fee, and will be subject to Council review and other outside factors which may not result in an approval.

2. VALIDITY

- 2.1. The approval period for this type of Roads Act approval shall be the proposed start and end dates.
- 2.2. Should the works be postponed due to inclement weather or other unforeseen circumstances, the applicant may re-apply by email using the Council supplied reference number. No additional fees will be payable if the advice is received prior to the start date and there are no other changes to the original application.
- 2.3. Subject to the Clause 2.2, any proposed variations or extension of approval are subject to payment of further Council fees and charges. The [latest fees & charges](#) shall be applicable at the time of notification. Previous financial year rates shall not be used.

3. WORK ZONES

- 3.1. 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.
- 3.2. The Work Zone must not be used for the storage of materials or skip garbage bins.
- 3.3. A Work Zone shall be in operation only between the hours as specified on the control signage.
- 3.4. Work Zones are enforceable by Council Rangers in accordance with the Road Rules 2014. Vehicles parked illegally in a Work Zone cannot be towed and the roadway cannot be barricaded by the applicant. Any illegal parking shall be reported to Council Rangers on 02 4732 7777.
- 3.5. Areas outside the Work Zone are assigned to public parking. These areas must not be blocked.
- 3.6. Existing Work Zones shall not be extended unless approved by Council and appropriate fees paid.
- 3.7. 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.
- 3.8. The Work Zone signage shall be removed upon lapsing the approved period and public on-street parking will be reinstated.
- 3.9. Upon completion, the Applicant shall notify Council that the Work Zone signage is no longer required.
- 3.8. The Work Zone set up & removal fee covers signage replacement, grinding of linemarking, additional signage etc.

4. INSPECTIONS

- 4.1. Any Council inspections relating to a Section 138 Roads Act Approval shall be made by contacting the Asset Management Department via phone on 02 4732 8030 at the latest before 12pm one business day prior to the requested inspection date.
- 4.2. Sufficient time shall be allowed between the inspection and the proposed concrete pour date for any required rectifications to be made.

5. RESTORATIONS

- 5.1. The applicant is responsible for the restoration of any damage to Council infrastructure assets on the road reserve during the works.
- 5.2. 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 permanently or temporarily restored.
- 5.3. 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.
- 5.4. Restoration works shall be conducted to [Council's latest Road Reserve Restoration Specifications](#) and shall require initial & final inspections by Asset Officers to ascertain restoration limits, location of sawcuts, joints, dowels etc.
- 5.5. Should the applicant opt for Council to permanently restore the damage, the applicant shall fully pay the restoration fees as per Council's latest Fees & Charges as assessed by Council Asset Officers.
- 5.6. Where the applicant has failed to make safe hazardous defects related caused by the works as instructed by Council, the applicant is responsible for any costs incurred by Council for the make safe.
- 5.7. At any stage Council maintains the right to conduct the required restoration within the road reserve at no cost to Council should the applicant fail to conduct adequate restoration works.

6. BONDS

- 6.1. A development under a Development Application (DA) may impose consent conditions that may require the lodgment of an [Infrastructure Restoration Bond \(IRB\)](#).
- 6.2. Any 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.
- 6.3. The IRB shall be used to permanently restore any damaged Council road reserve assets after the completion of a development, or any hazardous defects during the development not well-maintained by the developer.
- 6.4. The applicant is responsible for the retrieval of any outstanding bonds they may have with Council under the Limitations Act 1969.
- 6.5. Where Council has attempted to contact the applicant and/or notified the applicant 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.
- 6.6. Council shall forward any outstanding bonds that have lapsed 6 years to the relevant State department as per the Unclaimed Monies Act 1995.

7. UNAUTHORISED WORKS

- 7.1. Where works have been conducted without the appropriate Roads Act Approval additional penalty fees shall apply.
- 7.2. If works were conducted on the basis of an emergency, the penalty fees shall be waived if the prescribed Council fees are paid within two (2) working days. Evidence must be provided to the Assets Administration Team to support emergency nature of works.

8. FEES AND CHARGES

- 8.1. Any Council inspections relating to a Section 138 Roads Act Approval shall be made by contacting the Asset Management Department via phone on 02 4732 8030 at the latest before 12pm one business day prior to the requested inspection date.
- 8.2. Sufficient time shall be allowed between the inspection and the proposed concrete pour date for any required rectifications to be made.

9. PUBLIC LIABILITY

- 9.1. 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.
- 9.2. The currency of an appropriate public liability insurance of no less than \$20 million must be maintained.

10. COMMUNITY AND PUBLIC SAFETY

- 10.1. The applicant is responsible for carrying out community notifications as required to all affected residents, occupants and building management affected by the works.
- 10.2. Any temporary structures on the road reserve that help facilitate the works shall be maintained in a clean, tidy and safe condition at all times.
- 10.3. Safe pedestrian access must be provided at all times. Any temporary traffic and pedestrian controls must comply with relevant standards and specifications, and must have a Roads Act Approval for road reserve occupation or closure.

11. WHS, ENVIRONMENT AND NOISE

- 11.1. The Applicant is responsible for the health and safety of all individuals entering, and for the public accessing around the work site.
- 11.2. The Applicant is responsible for all environmental controls and shall maintain them in good condition during the entire approval period until the disturbed areas are restored and stabilized.
- 11.3. 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.
- 11.4. No trees are to be removed without Council permission.
- 11.5. All street trees must have an appropriate protection zone from any edge of any construction.
- 11.6. The use of equipment or activities to be conducted shall not result in any offensive noise as defined by the Noise Control Act.
- 11.7. Penalties may apply for breaching any safety, environment or noise requirements.