

ROADS ACT APPLICATION: ROAD RESERVE HOARDINGS & TEMPORARY STRUCTURES FY2022-23

AN APPLICATION MADE UNDER SECTION 138 OF THE ROADS ACT 1993

This form is to be filled out for the installation of hoardings and temporary structures such as scaffolding, construction site fencing and the like over a public footpath.

Completed form to be sent to council@penrith.city.

SECTION A - DEVELOPMENT DETAILS

DA / CDC 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

- Hoarding & Temporary Structures Fee Calculation

Proposed install date Proposed removal date Weeks (incl. part thereof)

Type A Hoarding or Other Structures perimeter length

m \$30 per m/week \$

Type B Hoarding Area over the road reserve

m² \$8 per m²/week \$

Total fees payable \$

SECTION D - HOARDING ARTWORK REQUIREMENTS

Refer to below table to determine if your hoarding requires an artwork.
The artwork shall be sourced & installed by the Applicant at no cost to Council.

HOARDING LOCATION	MINIMUM TYPE A HOARDING DURATION	MINIMUM TYPE B HOARDING DURATION
City Centres (Penrith CBD, St Marys Town Centre, and Kingswood Traders Area)	4+ Weeks	4+ Weeks
Adjoining major roads (State & Regional Roads) outside of the city centres	10+ Weeks	12+ weeks
All other areas	16+ weeks	20+ weeks

Please refer to Appendix 3 in [Council's Hoardings Policy](#) for more information on exact limits of City Centres.

Does not apply to other temporary structures.

OFFICE USE ONLY

Receipt number

Receipt date

Total fee \$

Approval number

Approval date

Approved by

CONTACT US

601 High Street
PENRITH NSW 2750
P: (02) 4732 7777
E: council@penrith.city
W: penrith.city

SECTION E - PROPOSED HOARDING ARTWORK

YES, my hoarding exceeds the minimum durations in the table above.

I have referred to [Council's Creative Hoardings Program](#) and contacted Council's City Activation Department (Caroline Holmes) via email at Caroline.Holmes@penrith.city or on 02 4732 7642.

Artwork / Artist name

YES, my hoarding exceeds the minimum durations in the table above.

The development will propose a site-specific high-quality artwork to be endorsed by Council prior to installation.

NO, my hoarding does not exceed the minimum durations in the table above. Artwork is NOT applicable.

SECTION F - APPLICATION ATTACHMENTS

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

Construction plans

An engineering plan drawing showing the accurate location of the hoarding and identifying any utility pits, light poles, trees, street signs, street furniture etc. in the road reserve

An engineering plan drawing showing vehicle and worker access gates

An engineering elevation drawing showing hoarding heights, bracings, and fascias

Artwork

An engineering elevation drawing showing that the location of proposed artwork or graphics is equal to or greater than 70% of the total hoarding area

Artwork details for developer proposed site-specific artwork for Council endorsement

Not Applicable, hoarding does not meet the criteria set out in Section D

Lighting system

Details for the lighting system on Type B hoardings, or

Not Applicable, Type A hoarding install only

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)

Structural certification for the hoarding design

Council CCTV

Details of any Council operated CCTV cameras in high pedestrian areas with impacted sight lines to be relocated or a new one installed due to the hoarding, or

Not Applicable, no Council CCTV cameras are affected

SECTION G - 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

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 Credit 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.

Download the application prior to signing digitally, if filling it out from an Internet browser

ROADS ACT APPLICATION CONDITIONS

1. GENERAL

- 1.1 Works cannot start until the applicant has received approval from Council's City Assets Department for this Section 138 Roads Act Application.
- 1.2 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.
- 1.3 Other Roads Act Approvals may be required, please refer to Council's [Roads Act Application page](#).
- 1.4 The approval period for this type of Roads Act approval shall be the proposed start and end dates.
- 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 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.
- 1.7 Subject to the Clause 1.5, 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.
- 1.8 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.
- 1.9 Failure to comply with the conditions on this application may result in the immediate cancellation of approval.
- 1.10 All site workers must obey any reasonable direction from the Police, Council Rangers & Compliance, Regulatory Officer and/or any Emergency Services.
- 1.11 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. ROAD RESERVE HOARDINGS INSTALLATION

- 2.1 Applicants must refer to [Council's Hoardings Policy](#) for further details and specific requirements for the installation of Type A and Type B hoardings.
- 2.2 The standard colour to be used for hoardings NOT displaying any artwork is Dulux 'Flooded Gum' for the site fence, fascia, steel frame, and counterweights. The underside of Class B Hoardings shall be white.
- 2.3 Where artwork applies on a hoarding, all parts of the hoarding is to be painted black, except for the underside of Class B decks which shall be white.
- 2.4 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.
- 2.5 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. 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.

3. HOARDINGS ARTWORK REQUIREMENTS

- 3.1 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.
- 3.2 Council reserves the right to require an applicant to display approved artwork on temporary structures placed on Council owned land.
- 3.3 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.
- 3.4 At least 70% of the surface area of hoarding panels, including fascias and access points, must be covered by an artwork.
- 3.5 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.
- 3.6 Council shall give approval to an artwork proposed by the applicant and reserves the right to specify the particular type of display.
- 3.7 Council can supply the design files free of charge. The cost of printing and installation of artworks shall be borne by the applicant.

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 7777 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. BONDS

- 5.1 A development under a Development Application (DA) may impose consent conditions that may require the lodgment of an [Infrastructure Restoration Bond \(IRB\)](#).
- 5.2 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.
- 5.3 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. UNAUTHORISED WORKS

- 6.1 Where works have been conducted without the appropriate Roads Act Approval additional penalty fees shall apply.
- 6.2 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.

7. FEES & CHARGES

- 7.1 Fees can be waived for Council-funded projects or Utility maintenance/upgrade related projects. This clause does not apply for developer-related utility works; fees shall apply in this case.
- 7.2 The administration fee is non-refundable and shall cover the initial administration of the application and any other assessments by Council's Assets department.

8. PUBLIC LIABILITY

- 8.1 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.
- 8.2 The currency of an appropriate public liability insurance of no less than \$20 million must be maintained.

9. COMMUNITY & PUBLIC SAFETY

- 9.1 The applicant is responsible for carrying out community notifications as required to all affected residents, occupants and building management affected by the works.
- 9.2 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.
- 9.3 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.

10. WHS, ENVIRONMENT & NOISE

- 10.1 The Applicant is responsible for the health and safety of all individuals entering, and for the public accessing around the work site.
- 10.2 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.
- 10.3 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.
- 10.4 No trees are to be removed without Council permission.
- 10.5 All street trees must have an appropriate protection zone from any edge of any construction.
- 10.6 The use of equipment or activities to be conducted shall not result in any offensive noise as defined by the Noise Control Act.
- 10.7 Penalties may apply for breaching any safety, environment or noise requirements.

CONTACT US

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PENRITH NSW 2750

PO Box 60
PENRITH NSW 2751

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