

ROADS ACT APPLICATION: TOWER CRANE OPERATIONS FY2022-23

AN APPLICATION MADE UNDER SECTION 138 OF THE ROADS ACT 1993 AND
SECTION 68 OF THE LOCAL GOVERNMENT ACT 1993

This form is to be filled out for the operation of tower cranes where the intended swing radius is above any Council owned road reserve. **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 - TOWER CRANE DETAILS

Type/Model of tower crane(s)

Maximum height of crane(s) in metres

Local council roads within the tower crane(s)' slew radius

SECTION D - COUNCIL FEES

- Section 138 Roads Act Application Administration Fee \$ 250
- Tower Crane Operations Fee Calculation

Installation date Removal date Months (incl. part thereof)

No. of tower cranes

\$500 per month per tower crane \$

Total fees payable \$

SECTION E – APPLICATION ATTACHMENTS

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

Construction plans

Diagram of tower crane swing radius over the road reserve

Certificates

Certificate from an accredited engineer for the tower crane footing & structure

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)

Evidence of consent from private property owners (if the crane's slew radius is over their property)

SECTION F – 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 penrith.city

All fees subject to change.

IMPORTANT

If you are emailing payment details, please include the Credit Card Authorisation Form as a separate attachment to your Application or any other information.

Please do not merge forms together.

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.

OFFICE USE ONLY

Receipt number

Receipt date

Total fee \$

Approval number

Approval date

Approved by

CONTACT US

Penrith City Council
601 High Street
PENRITH NSW 2750

PO Box 60
PENRITH NSW 2751

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

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. TOWER CRANE OPERATION

- 2.1 Any approval granted for tower crane operations does not endorse or approve the design or structural adequacy of a hoisting device, system or operation.
- 2.2 This application is also made under Section 68 of the Local Government Act 1993 under Part E1.
- 2.3 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, evidence of must be provided to Council as part of this application.
- 2.4 A certificate from a suitably accredited engineer shall be provided to certify the structural components of the tower crane operations.
- 2.5 Proper risk assessments must be conducted on site to ensure adequate clearances prior to installation and operation of the tower crane.

3. INSPECTIONS

- 3.1 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.
- 3.2 Sufficient time shall be allowed between the inspection and the proposed concrete pour date for any required rectifications to be made.

4. BONDS

- 4.1 A development under a Development Application (DA) may impose consent conditions that may require the lodgment of an [Infrastructure Restoration Bond \(IRB\)](#).
- 4.2 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.
- 4.3 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.

5. UNAUTHORISED WORKS

- 5.1 Where works have been conducted without the appropriate Roads Act Approval additional penalty fees shall apply.
- 5.2 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.

6. FEES & CHARGES

- 6.1 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.
- 6.2 The administration fee is non-refundable and shall cover the initial administration of the application and any other assessments by Council's Assets department.

7. PUBLIC LIABILITY

- 7.1 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.
- 7.2 The currency of an appropriate public liability insurance of no less than \$20 million must be maintained.

8. COMMUNITY & PUBLIC SAFETY

- 8.1 The applicant is responsible for carrying out community notifications as required to all affected residents, occupants and building management affected by the works.
- 8.2 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.
- 8.3 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.

9. WHS, ENVIRONMENT & NOISE

- 9.1 The Applicant is responsible for the health and safety of all individuals entering, and for the public accessing around the work site.
- 9.2 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.
- 9.3 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.
- 9.4 No trees are to be removed without Council permission.
- 9.5 All street trees must have an appropriate protection zone from any edge of any construction.
- 9.6 The use of equipment or activities to be conducted shall not result in any offensive noise as defined by the Noise Control Act.
- 9.7 Penalties may apply for breaching any safety, environment or noise requirements.

CONTACT US

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