



## SECTION D – ROAD OPENING FEES

If this Road Opening Application is related to a DA or CDC no additional bonds are required as these are now captured as part of the Infrastructure Restoration Bond (IRB).  
**Council assessment required prior to payment of fees and bonds.**

Work Type	Permit Fees (non-refundable)	Restoration Bond / Fee
<b>Maintenance of Private Stormwater</b> Repair or replacement of existing private stormwater outlet No. of outlets :	Road Opening Fee \$165	\$300 Restoration Bond per outlet <i>(Galvanised full kerb height steel adaptor incl. related minor K&amp;G works only)</i>
<b>Non-DA/CDC Minor Works</b> Installation of utility and/ or new private stormwater	S138 Admin Fee \$ 250 Road Opening Fee \$ 165	\$1,000 Minor Works Bond OR I will request Council to quote for restoration fees once works are completed
<b>Non-DA/CDC Major Works</b> Projects with the potential to damage an area greater than 30m <sup>2</sup> of pavements / footpaths	S138 Admin Fee \$ 250 Road Opening Fee \$ 165	\$10,000 Major Works Bond OR I will request Council to quote for restoration fees once works are completed
<b>DA or CDC Consent Condition</b> S138 Roads Act Approval for a Road Opening Permit under a DA or CDC.	S138 Admin Fee \$ 250 Road Opening Fee \$ 165	An <a href="#">IRB</a> should have been lodged with Penrith Council as part of a DA condition, or under 157 of the Environmental Planning & Assessment Reg 2021 for CDCs.  IRB Receipt No.

Failure to lodge a Section 138 Roads Act Application for Road Opening will incur an additional \$250 fee. Tick if applicable:

Bonds are used to ensure the quality of restorations. ALL BONDS ARE REFUNDABLE. Council shall give the applicant the opportunity to rectify damaged or non-compliant works in accordance with [Council's Restoration Specification](#) prior to any utilization of bonds. Concrete restoration works shall require booking a pre-pour inspection with an Asset Officer on 02 4732 8010 at least 24hrs in advance. Where the applicant has failed to comply with the Road Opening conditions, Council shall utilise the bond monies to conduct the necessary restoration works. It is highly recommended that a joint inspection be conducted with an Asset Officer upon completion of works to go through requirements to satisfy Council prior to restoration.

## SECTION E – OCCUPANCY TYPE

### Occupancy request type

Full road closure	Operating Hours from		Operating Hours to	
Partial lane(s) closure		AM		AM
Contraflow traffic		PM		PM
Occupy nature strip				

## SECTION F – COUNCIL FEES SUMMARY

Road Opening Permit Fees	\$
Restoration Bond	\$
<b>Total Fees Payable</b>	<b>\$</b>

Note:  
 Long-term full road closures may need to be endorsed by the Local Traffic Committee who meets monthly. Assessment times may be extended.

## SECTION G - APPLICATION ATTACHMENTS

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

### Mandatory Documents

Highlighted engineering plan or aerial map indicating ALL the location(s) of proposed excavation(s) and trenching alignments  
Certificate of currency of Public Liability Insurance of no less than a value of \$20 million

### Traffic Management (as required)

A Traffic Guidance Scheme(s) (TGS) showing proposed traffic control set up as required  
A Traffic Management Plan (TMP) where pedestrian or traffic is significantly impacted due to the works as required  
A copy of ROLs from TMC for works <50m State / Regional Roads or <100m to traffic signals as required  
Pedestrian Management Plan for significant impacts to pedestrian movement i.e. CBDs, as required

### Utility Documents (as required)

Sydney Water Tap-in approval, or other utility approval documentation

### Dilapidation Survey

Not Applicable, the proposed works are short-term works; or  
Dilapidation survey / prior damages report attached for long term occupancies

## SECTION H - 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.

I have read and acknowledged that restorations shall be conducted to [Council's Restoration Specification](#).

I confirm that as the owner of the permit I take full responsibility for the maintenance and upkeep of the area impacted by the works carried out under this permit until I have notified Council about job completion and have had all works accepted by Council.

Should I fail to appropriately conduct the restorations in a timely manner to Council's satisfaction, I give right to Penrith Council to utilise any bond monies to conduct the necessary repairs of any damaged or non-compliant works related to this Road Opening. Any outstanding additional costs resultant of Council's restoration to the damaged or non-compliant works shall be reimbursed to Council by the applicant.

Applicant Signature

Date

## PAYMENT METHOD

Application fees can be paid by cash, cheque or credit card once the application has been assessed and confirmed for payment by Penrith Council.

- 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

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

See Council's adopted fees and charges at [penrith.city](http://penrith.city)  
All fees subject to change.

## OFFICE USE ONLY

Receipt number

Receipt date

Total fee \$

Approval number

Approval date

Approved by

# ROAD RESERVE OPENING PERMIT 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 – except for Road Opening Permits which shall have a permit validity period of twelve (12) months from the date of approval.
- 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. ROAD RESERVE OPENINGS

- 3.1. 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.
- 3.2. Additional connections to Council stormwater pipes, culverts, channels, pits, watercourses, and/or the kerb & gutter NOT indicated on this application shall require the lodgment of an additional Road Opening application.
- 3.3. 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.
- 3.4. Pit connections shall be cut flush and rendered with non-shrink grout/concrete.
- 3.5. Additional excavation works NOT indicated on this application shall require the lodgment of an additional Road Opening application.
- 3.6. Openings to the nature strip and verges of State and Regional Roads shall require Council's Roads Act approval.
- 3.7. The applicant shall organize with Council's Asset Department a defect inspection upon completion of works to scope out restoration requirements. Refer to Restorations Conditions section.

## 4. ROAD RESERVE OCCUPANCIES AND CLOSURES

- 4.1. Thoroughfare for emergency vehicles must be provided at all times. If this cannot be achieved, the Applicant must advise emergency services (namely Police, Fire Brigade, and Ambulance) of the proposed road occupancy or closure.
- 4.2. Traffic Guidance Schemes (TGS) or Traffic Control Plans (TCP) must be developed by a qualified and competent person, and must comply with the requirements of any relevant signage specification and legislation.
- 4.3. Traffic Controllers must be accredited and adequately qualified as per SafeWork NSW requirements.

- 4.4. Council's Roads Act approval will be required for:
  - i. Occupancies or closures on Local Roads
- 4.5. Council's Roads Act approval & Traffic Management Centre's (TMC) ROL will be required for:
  - i. Works requiring occupancies or closures within 100m of any signalized intersection
  - ii. Works requiring occupancies or closures on Regional Roads
  - iii. Works requiring occupancies or closures within 50m of State Roads
- 4.6. Where major traffic management works are required (i.e. full road closures, works longer than 7 days or as directed by Council) the following are also required:
  - i. A Traffic Management Plan (TMP),
  - ii. Public notification and advertisement,
  - iii. Report to Council's Local Traffic Committee (LTC). The LTC meets on a monthly basis and this requirement may extend assessment timeframes.
  - iv. Letterbox drops by the Applicant to the affected properties, occupants, and building management
- 4.7. Due to the discounted rate, the weekly fee cannot be divided into days and refund requested for unused days. Full unused weekly periods only.

## 5. INSPECTIONS

- 5.1. 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.
- 5.2. Sufficient time shall be allowed between the inspection and the proposed concrete pour date for any required rectifications to be made.

## 6. RESTORATIONS

- 6.1. The applicant is responsible for the restoration of any damage to Council infrastructure assets on the road reserve during the works.
- 6.2. 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.
- 6.3. 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.
- 6.4. 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.
- 6.5. 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.
- 6.6. 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.
- 6.7. 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.

## 7. BONDS

- 7.1. A development under a Development Application (DA) may impose consent conditions that may require the lodgment of an [Infrastructure Restoration Bond \(IRB\)](#).
- 7.2. 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.
- 7.3. The bonds 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 applicant.
- 7.4. The applicant is responsible for the retrieval of any outstanding bonds they may have with Council under the Limitations Act 1969.

- 7.5. 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 utilise the bond to conduct the necessary repairs of Council infrastructure whereby it has been directly damaged by the works.
- 7.6. Council shall forward any outstanding bonds that have lapsed 6 years to the relevant State department as per the Unclaimed Monies Act 1995.

## **8. UNAUTHORISED WORKS**

- 8.1. Where works have been conducted without the appropriate Roads Act Approval additional penalty fees shall apply.
- 8.2. 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.

## **9. FEES AND CHARGES**

- 9.1. 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.
- 9.2. The administration fee is non-refundable and shall cover the initial administration of the application and any other assessments by Council's Assets department.

## **10. PUBLIC LIABILITY**

- 10.1. 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.
- 10.2. The currency of an appropriate public liability insurance of no less than \$20 million must be maintained.

## **11. COMMUNITY AND SAFETY**

- 11.1. The applicant is responsible for carrying out community notifications as required to all affected residents, occupants and building management affected by the works.
- 11.2. 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.
- 11.3. 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.

## **12. WHS, ENVIRONMENT & NOISE**

- 12.1. The Applicant is responsible for the health and safety of all individuals entering, and for the public accessing around the work site.
- 12.2. 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.
- 12.3. 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.
- 12.4. No trees are to be removed without Council permission.
- 12.5. All street trees must have an appropriate protection zone from any edge of any construction.
- 12.6. The use of equipment or activities to be conducted shall not result in any offensive noise as defined by the Noise Control Act.
- 12.7. Penalties may apply for breaching any safety, environment or noise requirements.

### **CONTACT US**

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