



## Application for Road Opening Permit

**Section 138 of the Roads Act 1993 and Section 68 of the Local Government Act 1993**

<b>About this form</b>	Use this form to apply for a permit to carry out excavation within a road, footpath, public reserve or public place for a lawful purpose. This form does not necessarily include a comprehensive list of the fees that may be applicable, should the application be approved. Council will advise you of any additional fees after assessment of the application and payment will be required prior to any approval. Please refer to Council's adopted Fees and Charges.
<b>How to complete</b>	<ol style="list-style-type: none"> <li>1. Ensure that all fields have been filled out correctly.</li> <li>2. Please print clearly</li> <li>3. Once completed, please refer to the <i>How to Lodge</i> section for further information.</li> </ol>

Section 1: Associated Property Address			
Unit No		House No	
Street Name		Cross Street(s)	
Suburb		Postcode	

Section 2: Associated DA or Complying Development Certificate information			
Is there an associated DA or Complying Development Certificate with these works?			<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A
DA/CDC Consent No		Approval Date	

Section 3: Activity Details	
<b>Activity Location</b> – Describe the location incl. street name(s) and proximity to a cross street and/or property	
<b>Associated Activity</b> – Provide a summary of the proposed works or activities	

Section 4: Permanent Restorations to be undertaken BY		Fees Detail
<input type="checkbox"/> Contractor (The Applicant)		
<input type="checkbox"/> Council		
Scope of Works	<input type="checkbox"/> The road opening is limited to the footpath area and the restoration area will be less than or equal to 4sqm AND will not extend into the road pavement.	Section 10.1
	<input type="checkbox"/> The road opening is limited to less than 5sqm of road pavement (can include crossing the footpath).	Section 10.2
	<input type="checkbox"/> Other scope	Section 10.3

By nominating your preference for Council or the Contractor, Council reserves the right to decline either and issue the permit on the basis that the alternate will undertake the permanent restoration. This decision may be influenced by factors including but not limited to road classification, type of surface material, planned works in the area, resource availability at the time and other factors that may affect the capacity to undertake the works

Section 5: Timing of works			
Commencement Date		Finish Date	
Has the road opening already been commenced or completed?			
<input type="checkbox"/> No			
<input type="checkbox"/> Yes		An additional charge is applicable for unauthorised work or late lodgement of the application (non- refundable)	
<input type="checkbox"/> Yes, due to an emergency	Provide an explanation of the circumstances		
Are you applying for out of hours works/activities (night or weekend works outside normal hours)?			
<input type="checkbox"/> No			
<input type="checkbox"/> Yes		An additional fee will be applicable for this request (non- refundable). Every effort must be made to avoid night or weekend works outside normal hours and payment of this fee will not guarantee approval.	
Explain the reason			

Section 6: Public Liability – Provide details of public liability insurance cover (See Clause 12.3)			
Insurance Company		Public Liability Expiry Date	
Policy Number		Date	

**Section 7: Mandatory Documents** to be supplied with all applications as separate documents, in pdf format, with clear file names

Application form – a signed copy of the application form.

Public Liability Insurance – required for every application (see details above)

A Traffic Control Plan (Prepared by RMS accredited person) in compliance with RMS Traffic Control at Work Sites Manual Guidelines – AS1742.3 and Work Cover NSW regulations

Scope of works/ Site Plan - See Section 14 for example of how to provide details/dimensions of the opening and calculate areas.

A draft Notification letter(s) for distribution by the applicant to residents in the affected area, for approval by Council.

A photograph showing the location of the proposed road opening (with annotations on photo showing exact location)

**Section 8: Applicant's Details or Company and Representatives (Required)**

If the applicant is a company, proof the company is a legal entity must be given, either by company seal or company letterhead.

Salutation (✓)	<input type="checkbox"/> Mr	<input type="checkbox"/> Ms	<input type="checkbox"/> Miss	<input type="checkbox"/> Other (please specify)
First name				Surname
Company name				ABN
Postal Address (If different to street address)				
Suburb				Post Code
Email				
Phone number				Other

**Section 8.1: Site Contact (if different to above)** – for site inspections/ meetings, Council officer contact

Contact Name	
Contact Phone Number	
Contact email address	

**Section 9: RMS / State Classified Road**

Are the works to be carried out on or near a RMS State classified road or Traffic light?	<input type="checkbox"/> Yes <input type="checkbox"/> No
Has consent been obtained from RMS?	<input type="checkbox"/> Yes <input type="checkbox"/> No
See Section 13 below for a list of RMS State classified roads or go to: <a href="http://www.rms.nsw.gov.au/business-industry/road-occupancy-licence/index.html">http://www.rms.nsw.gov.au/business-industry/road-occupancy-licence/index.html</a>	

**Section 10: Fees**

The refundable deposit payable at lodgement depends on the Scope of Works selected at Section 4. Council will advise you of any additional fees after assessment of the application and payment will be required prior to approval of the Permit.

Description	Unit	Fee \$	Quantity	Charge \$
Permit Application Fee	Item	\$133.70	1	\$133.70
Inspection Fees (business hours)	Item	\$196.40	2	\$392.80
Unauthorised work or Late lodgement Fee (non- refundable)	Item	\$668.00		
Deposit - Refundable (Minimum) – select one of the following three (3)				
10.1	The Scope is limited to the footpath area and the restoration area will be less than or equal to 4sqm AND will not extend into the road pavement.	Item	\$1,782.20	-
10.2	The Scope is limited to less than 5sqm of road pavement (can include crossing the footpath).	Item	\$3,182.00	-
10.3	Other Scope	Item	\$4,456.00	-
<b>Lodgement Total</b>				<b>\$-</b>

Additional charges may include:

- The refundable Security Deposit is 30% of the calculated restoration costs based on Council's Fees & Charges (or minimum above).
- An Asset Integrity Charge of 30% of the calculated restoration costs based on Council's Fees and Charges may be applicable, depending on the nature and location of the works.
- Additional fees if the Council Officer determines the areas have exceeded the initial estimation or measurement.
- Council may charge additional inspection fees for larger restoration jobs.
- Night works loadings or traffic control charges

**Section 11: Additional fees for Council to complete Permanent Restoration**

Following are the most common charges applicable when Council will be undertaking the permanent restoration. Council will advise you of any additional fees after assessment of the application and payment will be required prior to approval of the Permit.

Description	Unit	Fee \$	Area	Charge \$
Site Establishment Fee	Item	\$489.80		
Footpath – Concrete (80mm thick)	Sqm	\$361.20		
Road Pavement – Asphalt (AC10/AC20, up to 150mm) on existing base	Sqm	\$436.40		
Driveway – Residential	Sqm	\$439.80		
Grass Verge (100mm topsoil)	Sqm	\$96.90		

For all other restoration charges, please see [www.innerwest.nsw.gov.au/FeesAndCharges](http://www.innerwest.nsw.gov.au/FeesAndCharges)

**Section 12: General Permit Conditions****Permit Application:**

- 12.1 The assessing Council Officer will contact the applicant within 10 (ten) working days if they need to discuss or seek clarification in relation to any aspect of the application. In some instances, the Officer may request additional information or amendments to your proposal in order to complete their assessment.
- 12.2 The Applicant must conform to all the requirements of this agreement together with the conditions issued by Council with an approved Permit.
- 12.3 The Applicant must provide Council with a copy of their Public Liability Insurance to the value of at least \$20,000,000 (twenty million dollars). The Inner West Council needs to be noted as an interested party to the insurance policy for activity on Council roads and footpaths.
- 12.4 Immediate processing of applications is not guaranteed, and Council will not be responsible for the consequences caused by late applications or insufficient information.
- 12.5 The Applicant shall indemnify the Council;
- Against all claims and expenses and costs arising therefrom made or recovered against the Council by any person arising out of any work done or purported to be done by the applicant under the authority of this Permit.
  - Against all claims and expenses and costs therefrom made or recovered against the Council by any person and against all loss damages costs and expenses incurred by the Council arising out of the failure of the applicant to comply with the provision of any Act, Regulation, Ordinance or By-law or any order or direction lawfully given thereunder by any person relating in any work done or purported to be done by the applicant under the authority of this Permit.

**Emergency Work**

- 12.6 In the case of an emergency (i.e. where damage or blockage has been caused to a water or sewer service) the work of repairing such services, including the excavation of the road, footpath, public reserve or public place for such purpose, may proceed without first obtaining a permit, but in such emergency one clear working day calculated from the day upon which the excavation is made will be allowed for the purpose of obtaining a permit and paying the restoration charges.

**General Work Times:**

- 12.7 Unless otherwise approved by Council, work shall only be permitted during the following hours:
- 7:00 am to 6:00 pm, Mondays to Fridays, inclusive (with demolition works finishing at 5pm);
  - 8:00 am to 1:00 pm on Saturdays with no demolition works occurring during this time, and at no time on Sundays or public holidays.
- 12.8 If approved by council, works may be undertaken outside these hours where they do not create any nuisance to neighbouring properties in terms of dust, noise, vibration etc. and do not entail the use of power tools, hammers etc. This may include but is not limited to painting.
- 12.9 In the case that a special permit is obtained from Council for works in association with this development, the works which are the subject of the permit may be carried out outside these hours. This condition does not apply in the event of a direction from police or other relevant authority for safety reasons, to prevent risk to life or environmental harm.

**Noise:**

- 12.10 The use of any equipment or activities must not result in any "offensive noise" as defined by the Noise Control Act.
- 12.11 Activities generating noise levels greater than 75dB(A) such as rock breaking, rock hammering, sheet piling and pile driving shall be limited to: 8:00 am to 12:00 pm, Monday to Saturday; and 2:00 pm to 5:00 pm Monday to Friday.
- 12.12 The Proponent shall not undertake such activities for more than three continuous hours and shall provide a minimum of one 2-hour respite period between any two periods of such works. "Continuous" means any period during which there is less than an uninterrupted 60-minute respite period between temporarily halting and recommencing any of that intrusively noisy work. Noise arising from the works must be controlled in accordance with the requirements of the *Protection of the Environment Operations Act 1997* and guidelines contained in the New South Wales Environment Protection Authority Environmental Noise Control Manual.

**Fees & Charges:**

- 12.13 An application is only valid when the fees specified for payment at lodgement have been paid to Council.
- 12.14 A Permit is only valid on the condition that all required fees are paid to Council in accordance with Council's adopted Fees & Charges.
- 12.15 The Applicant must pay additional charges, in accordance with Council's current Fees & Charges, if Council's Officers determine the application has exceeded the initial estimation or measurements.

**Traffic and Pedestrian Management:**

- 12.16 No traffic control shall be undertaken without a traffic management plan being submitted to and accepted by Council.
- 12.17 The Applicant and/or Applicant's contractor must employ adequate site, traffic and pedestrian control/protection measures at all stages of the activity in accordance with Australian Standards 1742.1, 1742.2, 1742.3 and 1743 Traffic control devices for works on roads and RMS Traffic Control at Work Sites Manual Guidelines.
- 12.18 The Council does not approve Traffic Control Plans. The TCP submitted with the application is viewed as a document containing information about the impacts on traffic flow only and is NOT evaluated from the viewpoint of risk assessment of Work, Health and Safety.
- 12.19 If works are less than 50 metres from traffic lights, or on State road, the Applicant must provide Council with a relevant Transport for NSW (TfNSW) Road Occupancy Licence (ROL). Some classified roads may also require an ROL. Classified roads can be found on: <http://www.tms.nsw.gov.au/business-industry/partners-suppliers/lgr/documents/classified-roads-schedule.pdf>
- 12.20 TfNSW has responsibility for the road pavement and kerb/gutter on State Roads. If the main traffic route is a classified State Road, the applicant shall apply for a permit from TfNSW as well as obtaining written approval from Police Traffic Branch. Council is responsible for works, activities, occupation and restoration on footpaths of all roads including State Roads and will be responsible for the issuing of permits for such.
- 12.21 A minimum 1.5m wide accessible path of travel must be maintained for pedestrians at all times, clear of obstructions between the adjacent property boundary(s) and the approved area/articles- otherwise an appropriate alternative pedestrian thoroughfare is required.

**Police Approval:**

12.22 For works occurring on the roadway with consequent interruptions to traffic, the applicant is to contact the local Police Traffic Sergeant. An acknowledgment is to be obtained and a copy of that acknowledgement shall be held on site so that it can be produced if requested by any person or other authority.

**Resident/ Business Notification:**

12.23 The Applicant shall be responsible to notify affected businesses, residents and other occupants at least two (2) days prior to undertaking the works/activity. Any concerns or requirements raised by business proprietors, residents and other occupants must be resolved or accommodated.

**Safety and Legislation:**

12.24 The Applicant shall maintain no adverse impact on road safety for road users including pedestrians and cyclists. Provision is to be made for service vehicles, resident vehicles etc. to gain access to properties at all times.

12.25 The Applicant must comply with all of the agreements, declarations and conditions of the Work, Health and Safety Act 2011, Work Cover NSW, NSW Dial1100 before You Dig Service, Council's Fees & Charges, Environmental and other Legislation, Council policies and any other Regulation applicable to the activity.

12.26 Where in Council's opinion, inadequate barricading and/or lighting has been provided around the works or activity, Council may, without prior notification, install additional barricades and/or lamps and charge the applicant.

**Heritage Issues:**

12.27 Many streets within the Inner West Council area have footpaths constructed of bricks in the early 20th century. These footpaths have heritage significance and any openings are only to be made with the approval of Council. In these cases, the bricks are to be carefully lifted to prevent damage and safely stored during the work. Upon completion of the work the sub-base is to be restored and the bricks are to be re-laid on a 20mm bed of river sand to match the surrounding footpath. Some concrete footpaths have coloured street name letters inlaid in the concrete. These street names are not to be disturbed and advice should be sought by Council's Road Access Services Team.

**Openings made in concrete roads / rigid pavements:**

12.28 Council requires that all work involving rigid road pavements (i.e. Concrete roads) be bored horizontally. Where possible, Council requires that flexible pavement roads also be bored horizontally. If any road cannot be so bored, the approval of Council's Footpaths, Roads, Traffic and Stormwater Group Manager is required to make the opening.

**Site Management:**

12.29 The site shall be maintained in a safe condition. The applicant shall, in demand, pay to the Council all expenses and costs incurred by the Council in respect of the repair or restoration of the footway or roadway rendered necessary as a result of any work or thing done or purported to be done by the applicant under the authority of this Permit.

12.30 The areas to be used for the activities must be maintained in a clean and tidy condition to the satisfaction of Council's Engineering Services Manager. Failure to comply may result in the applicant being required to reimburse Council for any extraordinary cleansing costs.

12.31 Should Council incur costs as above or any of Council's property and/or the physical environment sustain damage during the course of the occupation, or if the works put Council's assets or the environment at risk, Council may carry out any works necessary to repair the damage and/or remove the risk. The cost of these works shall be borne by the applicant and/or if applicable, may be deducted from any security deposit/ bonds held by Council.

**Extension of Permit:**

12.32 The Applicant shall contact Council at least two (2) days prior to the original expiry date for any required extension of time for the occupation, or an additional application may be required with full payment of applicable application fees. Any extension of time may incur additional fees.

12.33 If the works are postponed due to unforeseen circumstances, the Applicant must advise the Council Representative in writing of the proposed revised date, as soon as practicable after the decision is taken to not proceed with the original approved date(s). Updated Police and RMS approvals, where applicable, are required. Providing there are no changes to the original traffic management plan and the road is available for use, a revised permit may be issued.

**General:**

12.34 A copy of the Permit must be held on site and be available for inspection whilst the works/activity is being carried out.

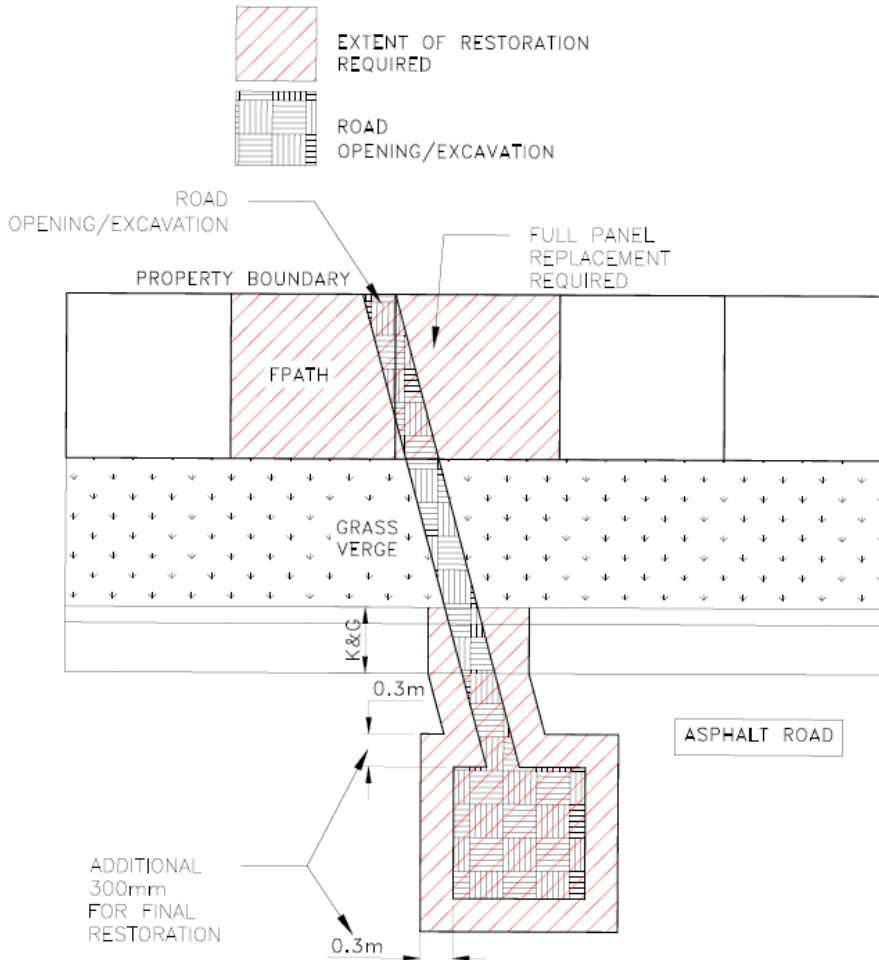
12.35 Separate Council approval is to be obtained prior to the placement of any waste storage container on the footway or roadway.

12.36 All excavation, construction and restoration works must comply with Council's specifications.

**Section 13: List of State Roads in the Council area**

Balmain Road, Matilda Street to Wharf Road	Livingstone Road, Sydenham Road to New Canterbury Road
Barker Street, Brown Street to Old Canterbury Road	Marrickville Road, Railway Parade to Buckley Street
Brown Street, Hathern Street to Barker Street	Mary Street, Perry Street to Lilyfield Road
Buckley Street, Marrickville Road to Sydenham Road	Milton Street, Liverpool Road to Georges River Road
Canal Road, Princess Highway to Alexandra Canal	New Canterbury Road, Old Canterbury Road to Crystal Street
Canterbury Road, Princess Street to New Canterbury Road	Old Canterbury Road, New Canterbury Road to Parramatta Road
City West Link Road, Crane Avenue to The Crescent	Parramatta Road, Mallett Street to Lang Street
Cook Street, Old Canterbury Road to Brown Street	Perry Street, Wharf Road to Mary Street
Darley Road, James Street to Allen Street	Princess Highway, Sydney Park Road to Cooks River Bridge
Darling Street, Victoria Road to Matilda Street	Pyrmont Bridge Road, Parramatta Road to Booth Street
Enmore Road, Stanmore Road to King Street	Railway Parade, Sydenham Road to Marrickville Road
Foster Street, Allen Street to Lords Road	Railway Road, Unwins Bridge Road to Princess Highway
Frederic Street, Parramatta Road to Liverpool Road	Railway Terrace, Gordon Street to Old Canterbury Road
Georges River Road, Milton Street to Greenhills Street	Ramsay Street, Wattle Street to Dobroyd Canal Bridge
Gleeson Avenue, Railway Parade to Unwins Bridge Road	Stanmore Road, Crystal Street to Enmore Road
Gordon Street, New Canterbury Road to Railway Terrace	Sydenham Road, Livingstone Road to Railway Parade
Hathern Street, Tebbutt Street to Brown Street	Tebbutt Street, Lords Road to Parramatta Road
James Street, Lilyfield Road to Darley Road	The Crescent, Johnston Street to Johnston Street
Johnston Street, Parramatta Road to The Crescent	The Crescent, Victoria Road to The Crescent
King Street, Church Street to Sydney Park Road	Victoria Road, Iron Cove Bridge to Anzac Bridge
Liverpool Road, Parramatta Road to Dickinson Avenue	Wattle Street, Parramatta Road to Crane Avenue

**Section 14: Example of Scope of Works Plan required with dimensions of road opening**



(Example only)

Dimension	
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Material Description	Length	Width	Total per sqm	Comments
Concrete Footpath	2.4	1.8	4.3	Note: Whole damaged slab
Grass verge	1	1	1	Min 1m.
Concrete Kerb and Gutter	1	1	1	Min 1m.
Asphalt Road	various		4.5	(1.8x1.8) + (1.3x1)

**Section 15: Applicant's Declaration (Required)**

- I declare that all the information in the application is to the best of my knowledge, true and correct
- I understand that if the information is incomplete, the application may be delayed/ rejected or more information may be requested and accept delays in processing may arise out of any inadequacies in the material submitted in support of the application
- I acknowledge that if the information provided is misleading, any approval granted 'may be void'
- I declare that any electronic data provided is a true copy of all plans and associated documents submitted with this application.
- I declare that any electronic data is not corrupted and does not contain any viruses
- I understand that Council will use the information and materials provided for notification and advertising purposes if required.
- I have read, understood and agree to comply with Council's permit conditions, and I agree to indemnify the Council against any action or claim for damages arising from work being undertaken under this permit.
- I will ensure safety at and around the works site is controlled and is in accordance with WorkCover requirements.
- I understand that Council will not commence processing of my application until such time as fees are paid. I agree to pay the fees within 7 days of receipt of an invoice from Council. I understand that if the fees are not paid, the application will be rejected and returned to me.

Applicant's signature

Date

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## Privacy Statement

This form contains personal information of a person/s making an application to Inner West Council. The requested information assists Council staff to respond to the applicant/s. The supply of information is voluntary. If you do not provide the requested information, Council may not be able to respond to / progress your application. The information will be retained in Council's record keeping system. Information held by Council is not made publicly available unless there is an overriding public interest to do so under the Government Information (Public Access) Act 2009 (GIPA Act) and in accordance with section 18(1)(b) of the NSW Privacy and Personal Information Protection Act 1998. For more information about your privacy please contact Inner West Council on (02) 9392 5000 and ask to speak with the Privacy Officer. Alternatively, you may email Council at [council@innerwest.nsw.gov.au](mailto:council@innerwest.nsw.gov.au) or write to us at P.O. Box 14, Petersham, NSW 2049.

## How to Lodge

Lodging an application requires a completed application form, all mandatory documents, all relevant information and payment of the required fees.

**From 27 April 2020, applications can be lodged online on Council's website at:**  
[www.innerwest.nsw.gov.au/about/get-in-touch/online-self-service](http://www.innerwest.nsw.gov.au/about/get-in-touch/online-self-service)

- For applications being lodged in person or by mail, all documents must be contained on a USB device.
- All documents including plans must be submitted as separate PDF files, viewable in Adobe Acrobat – each document with clear (descriptive) file names.
- Security settings (including passwords and editing restrictions) must not be applied to electronic documents.
- Files larger than 5MB should be separated logically and supplied as separate PDF files.

**Lodge online:** [www.innerwest.nsw.gov.au/about/get-in-touch/online-self-service](http://www.innerwest.nsw.gov.au/about/get-in-touch/online-self-service)

**Lodge by mail:** Inner West Council, PO Box 14, Petersham NSW 2049

**Lodge in person:** Inner West Council's Customer Service

Centres:

- Ashfield – 260 Liverpool Road Ashfield.
- Leichhardt – 7-15 Wetherill Street Leichhardt.
- Petersham – 2-14 Fisher Street Petersham.

**Opening hours:** Monday-Friday, 8:30am-5:00pm [www.innerwest.nsw.gov.au/ContactUs](http://www.innerwest.nsw.gov.au/ContactUs)

**Cashiering:** 8:30am-4:30pm.

**Fees and charges:** This form does not necessarily include a comprehensive list of the fees that may be applicable. Council will advise you of any additional fees after assessment of the application and payment will be required prior to any approval. Find fees and charges on the Council website: [www.innerwest.nsw.gov.au/FeesAndCharges](http://www.innerwest.nsw.gov.au/FeesAndCharges)

**Cheques are to be made payable to:** Inner West Council