

# ROAD MANAGEMENT PERMIT LICENCE CONDITIONS

## 1. General Conditions

- a) Failure to comply with the conditions of this consent and any instructions issued relating to the permit by Wollondilly Shire Council may result in revocation of the Road Management permit under Section 140 of the NSW Roads Act 1993.
- b) Council reserves the right to temporarily suspend or halt works or occupation of any road during special events or emergency operations to ensure minimal traffic disruption.
- c) The Applicant shall carry out the work at the cost of the Applicant in conformity with the said Plans and Specifications as approved by the Council, to the satisfaction of the Delegated Authority.
- d) The Applicant shall maintain and keep the work in a proper state of repair to the satisfaction of the Delegated Authority and shall carry out maintenance, renewal and repair work as expeditiously as possible and in conformity with any reasonable requirement of the Delegated Authority and with any statute regulation or ordinance or direction by a public authority.
- e) The Applicant at all times for the duration of this permit will not interrupt or otherwise disturb the traffic flow outside of all areas as outlined in the TCP without first obtaining the written consent of the Delegated Authority.
- f) The Applicant shall, if required by the Delegated Authority by notice in writing, at the cost of the Applicant relocate or remove all or any part of the work or, for the safety and protection of the public, carry out additional work and make good all damage done to the road by reason of such relocation or removal or carrying out of additional work.
- g) The Applicant shall at all times indemnify and keep indemnified the Council and Transport for New South Wales (hereafter called "TfNSW") from and against all actions, suits, proceedings, losses, costs, damages, charges, claims and demands in any way arising out of or by reason of anything done or omitted to be done by the Applicant in respect of the placement, erection, renewal, relocation, repair and maintenance of the work or of the existence or use thereof or by reason of the Council having given this consent or by reason of any approval, direction or assent to anything done or purported to be done by the Applicant under this consent and that in respect of any matter covered by this indemnity the Council and TfNSW shall be at liberty to pay, satisfy, defend, compromise or settle any claim, action or other proceedings paid by the Council or TfNSW in accordance with this Clause shall be repaid by the Applicant. The Applicant shall take out or extend a Public Risk Insurance Policy to cover the Council and TfNSW for public liability in an amount of \$20,000,000.00 or such other amount as the Delegated Authority shall nominate to the Applicant from time to time. Evidence of such policy, its extension to cover the Council, and its currency is to be produced to the Infrastructure, Strategy & Planning Manager prior to the commencement of the work.
- h) The Applicant shall make good any damage caused to the property of any person or any property of the Council or TfNSW by reason of the carrying out of any work by the Applicant under the conditions of this consent.
- i) Nothing in this consent shall be deemed to
  - (a) Prejudice or affect the rights of the public to free passage upon or along the road;
  - (b) Authorise any nuisance to or permanent obstruction of the road or public places;
  - (c) Confer upon the Applicant exclusive right or title to that part of the work within the boundaries of the road; or
  - (d) In any way restrict or limit the powers of the Council and TfNSW in respect of the road.
- j) Any notice or request hereunder may be served in the manner provided in Sections 254 & 255 of the Roads Act 1993.
- k) Should the Applicant fail to comply with any of these conditions or any requirement of the Council as provided then this consent shall permanently lapse and any part of the work remaining within the road at that time shall be deemed to be an obstruction or encroachment under Section 107 of the Roads Act 1993 and any person thereafter using or capable of using the work shall be deemed to be a person for the purposes of Section 109(1)(b) of that Act.
- l) Without limiting any power of the Council under this consent or under any Act, the Applicant shall, in the event that this consent shall permanently lapse, and in such manner as the Council may direct, remove and take away as quickly as possible in the work insofar as the same may encroach upon or in any way affect the road and shall make good all damage done to the road by such removal.
- m) Except insofar as the context or subject matter otherwise indicates or requires, a reference in this consent to the Applicant shall include a reference to the successors, assigns, agents and servants of the Applicant.
- n) Upon commencement by the Applicant or any part of the work it shall be deemed that the Applicant has agreed with the Council to comply with the Road Management Permit Licence Conditions.
- o) This permit is applicable only for the period indicated on the Shift Schedule.

## 2. 'Roadwork Speed Limit' Conditions

- a) The provided Traffic Control Plan (hereafter called "TCP") prepared in accordance with TfNSW Traffic Control at Worksites Manual must be attached to this permit.
- b) Roadwork Speed Limit Signs shall be installed in accordance with approved TCP.
- c) Records shall be maintained indicating the time and date of the operation of the reduced speed limit.
- d) The roadwork speed limit signs shall be removed as soon as practicable after the road works have been completed.
- e) Written advice shall be forwarded to TfNSW: <https://www.transport.nsw.gov.au/about-us/contact-us>
- f) Written advice shall be forwarded to the applicable Police Local Area Command: [https://www.police.nsw.gov.au/about-us/regions\\_commands\\_districts](https://www.police.nsw.gov.au/about-us/regions_commands_districts)

## 3. Permit Explanatory Notes

- a) Road Occupancy Permit only allows the permit holder to occupy that part of the road specified in the Permit Schedules. Works (other than maintenance works) that modify, remove or damage existing assets or that create new assets are prohibited. Temporary road closure or installing Construction Roadworks Speed Limits is prohibited without a Permit.
- b) Road Opening Permit allows works to modify and remove existing assets and create new assets in strict accordance with approved works plans. Road opening must be accompanied by Road Occupancy Permit. Temporary road closure or installing Construction Roadworks Speed Limits is prohibited without a Permit.
- c) Temporary Road Closures require additional approval in accordance with the Council Road Closure Policy and must comply with any conditions or restrictions imposed with an approval issued under the Policy.
- d) Erecting speed limits must have a TCP endorsed by Council. Changes to TCP must be notified to Council.
- e) Daylight hours are sunrise to sunset. Work hours must comply with any other approvals and consents issued by Council.
- f) Night hours are sunset to sunrise.
- g) The contractor public liability amount is \$20,000,000 unless approved by Council to a minimum of \$10,000,000
- h) A new public liability certificate of currency must be forwarded to Council within 2 days of the previous certificate expiry date.
- i) A twelve months defect liability period will apply from the expiry date of this certificate. Any defects that occur during this time due to workmanship or materials must be remedied at no cost to Council. A Defects Liability Bond may be applicable in accordance with Council's Fees and Charges.