

# APPLICATION FOR APPROVAL TO CONDUCT WORKS IN COUNCIL ROAD RESERVE/S

**2021/22**

*This form will be used to process applications for approval to conduct works within Local Government Controlled Road Reserves, including works requiring full or partial closure or occupation of roads, footpaths, carparks or parking bays or other road related areas.*

## APPLICATION CHECKLIST

Prior to submitting your application, please ensure the following information is included. Failure to provide any of the below mandatory items will result in a delay to the processing of your application until such time as the required information is provided.

- Please Note:** Applications are not accepted within ten (10) days of the scheduled start date. Is the scheduled date over 10 days?
- Signed "Conditions of Approval" (Page 2)
- Completed and signed "Application for Approval to Conduct Works in Council Road Reserve/s" (all fields are mandatory) (Pages 3-5)
- Signed "Deed of Indemnity" (Page 6)
- Traffic Management Plan and Traffic Guidance Schemes prepared by a suitably qualified Traffic Management Designer showing how traffic (including pedestrians and other road users) is to be accommodated safely during the proposed works (to be provided by Applicant)
- Copies of any other relevant approvals, such as Land Access Activity Notices, Council Development Approvals or similar (to be provided by Applicant)

| OFFICE USE ONLY   |  |                 |
|---|--|-----------------|
| Date:   | Receipt no:<br>(1rRoadsIncome)                             | Amount Paid: \$ |
| CSO:  | DOCS Reference #:  |                 |
| Application Checklist Completed: <input type="checkbox"/> | Traffic Management Plan Attached: <input type="checkbox"/> |                 |

## CONDITIONS OF APPROVAL

**The Applicant understands and agrees to comply with the following conditions/specifications and Council's document Temporary Road/Footpath Closure Standard Conditions as part of the approval to work in the road reserve.**

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1. Submit Application and Traffic Management Plan no less than fourteen (10) days prior to work commencing. Site conditions may alter during the period of works whereby a reassessment of traffic control and other factors may need to be made. Factors may be weather conditions, traffic density, presence of children etc.
2. I/we understand that the approval granted is under the terms and conditions attached and within Council's document *Temporary Road/Footpath Closure Standard Conditions* and have read those conditions and understand their meaning.
3. Applicant or the Applicant's nominated Principal Contractor is liable for repair of any subsidence, shrinkage or defects that may arise as a result of works undertaken for a period of twelve months after written notification to Council of completion of works.
4. Applicant or the Applicant's nominated Principal Contractor shall make good, to the satisfaction of Council's Infrastructure Services Directorate, any damage to road infrastructure, furniture, signage or lands under the control of Council occurring during the works.
5. Comply with the requirements of this specification and all other relevant standards relevant to the proposed work, and take all reasonable steps to ascertain the requirements of these specifications.
6. Keep the road open to bi-directional traffic at all times unless the Infrastructure Services Directorate has given approval in writing for the road to be fully or partially closed.
7. Observe all necessary safety precautions and requirements relating to signs, barriers and warning devices for works in progress in accordance with the approved Traffic Management Plan designed in accordance with the Queensland Department of Transport and Main Roads' *Manual of Uniform Traffic Control Devices*. Furthermore, and in accordance with the *Traffic Management for Construction or Maintenance Work Code of Practice 2008*, provide safety lights, barricades and signs in accordance with any special requirements imposed by Council that may be in addition to the preceding conditions. For example, working times are noted in this specification.
8. Accept complete responsibility for determining the location of all services and equipment of other Authorities in the vicinity of the described area and take steps to protect any such equipment and services that are located in the area. Report immediately any damage caused to both service authority and Council and take responsibility for costs of repairs.
9. Pay all costs associated with repairs and reinstatement works due to the implementation of the requirements of this permit.

**DECLARATION** - Applicant or the Applicant's nominated Principal Contractor

|                     |  |                 |  |
|---------------------|--|-----------------|--|
| <b>SIGNED</b>       |  | <b>DATE</b>     |  |
| <b>PRINTED NAME</b> |  | <b>POSITION</b> |  |
| <b>COMPANY</b>      |  |                 |  |

**APPLICATION FOR APPROVAL TO CONDUCT WORK IN COUNCIL ROAD RESERVES**

**Please note:** All fields below are mandatory. Failure to provide adequate information will result in delays to the processing of your application. Council will not be responsible for any delay in processing applications. Please ensure your preferred method of correspondence is ticked (post or email).

**APPLICANT/PROPERTY OWNER DETAILS (who the work is being done for)**
**NAME**
**POSTAL ADDRESS**  PREFERRED FOR CORRESPONDENCE

**PHONE**
**REPRESENTATIVE**
**EMAIL ADDRESS**  PREFERRED FOR CORRESPONDENCE

**PRINCIPAL CONTRACTOR DETAILS (who is carrying out the works)**
**NAME**
**POSTAL ADDRESS**  PREFERRED FOR CORRESPONDENCE

**PHONE**
**REPRESENTATIVE**
**EMAIL ADDRESS**  PREFERRED FOR CORRESPONDENCE

**WORK DETAILS**
**I/WE HEREBY APPLY FOR PERMISSION FOR**

- Temporary full road closure
- Temporary partial road closure
- Temporary footpath closure
- Occupation of footpath
- Occupation of parking bays
- Other (provide description below)

**REASON FOR CLOSURE**

- Hoisting
- Property Access track
- Excavation
- Hoarding
- Maintenance
- New Construction
- Stormwater installation
- Other (provide description below)

**LOCATION OF PROPOSED WORKS WITHIN ROAD RESERVE**
**DESCRIPTION OF WORK TO BE UNDERTAKEN**
**ASSOCIATED APPROVALS** (EG DEVELOPMENT APPROVAL, OPERATIONAL WORKS PERMIT, LAND ACCESS AND ACTIVITY NOTICES - ATTACH COPIES IF APPLICABLE)

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**CLOSURE DETAILS** (Includes occupation of footpaths, parking bays, partial or full lane closures)

|   |                               |
|---|-------------------------------|
| <b>DETAILS OF CLOSURE</b>   |                               |
| <b>STREET</b>   | <b>SUBURB</b>                 |
| <b>FIRST CROSS STREET</b>   | <b>SECOND CROSS STREET</b>    |
| <b>START DATE OF CLOSURE</b>  | <b>FINISH DATE OF CLOSURE</b> |
| <b>START TIME</b>   | <b>FINISH TIME</b>            |
| <b>STANDARD PUBLIC LIABILITY INSURANCE</b><br>The applicant/s must: <ul style="list-style-type: none"> <li>(a) for the duration of the term of the approval, maintain in full force and effect a standard public liability insurance policy:             <ul style="list-style-type: none"> <li>(i) in the joint names of the approval holder and the local government; and</li> <li>(ii) covering their respective rights, interests and liabilities to third parties in respect of accidental death of, or accidental bodily injury to, persons or accidental damage to property; and</li> <li>(iii) for an amount of no less than \$20 million for any single event; and</li> </ul> </li> <li>(b) prior to the commencement of the activity, provide the local government with a certificate of currency for the standard public liability insurance policy; and</li> <li>(c) indemnify the local government and the State against all actions, proceedings, claims, demands, costs, losses, damages and expenses which may be brought against, or made upon, the local government or the State as a result of the activity.</li> </ul> <b>POLICY NUMBER:</b> _____<br><b>POLICY HOLDER:</b> _____<br><b>INSURER:</b> _____<br><b>EXPIRY DATE:</b> _____ |                               |
| <b>TRAFFIC MANAGEMENT PLAN</b><br>Attach a Traffic Management Plan in accordance with the current Manual of Uniformed Traffic Control Devices provide by a certified Nominated Traffic Officer.<br><br><b>Traffic Guidance Scheme (TGS) and/or Traffic Management Plan (TMP) must be attached before submitting the document</b>  |                               |
| <b>FEES AND CHARGES 2021/22</b> – Failure to provide required fee will result in a delay of assessment and issuing of the <i>Approval to Commence</i> .   |                               |
| Application Fee ( <i>mandatory for all applications</i> )   | \$296.00                      |
| Inspection Fee (per visit) ( <i>if applicable, will be advised in permit conditions</i> )   | \$174.00                      |
| Fines for unauthorised works on road  | Monetary Penalties Apply      |
| Advertising for road closures must be submitted to Council's Media Department prior to release to the relevant advertising mediums.<br>Advertisement of road closures is at full cost to the applicant  |                               |

## METHODS OF PAYMENT

|   |   |  |
|---|---|--|
| <p><b>In Person</b><br/>At a Council Office<br/>Present this form intact with cash, cheque, EFTPOS or credit card at Customer Service Centres between 8.15am - 4.30pm Monday – Friday</p> | <p><b>By Phone</b><br/>Contact a Customer Service Centre on 1300 79 49 29 for credit card payment of lodged and complete applications between 8.15am - 4.30pm Monday – Friday</p> | <p><b>By Mail</b><br/>Post with cheque/money order only to:-<br/>Chief Executive Officer<br/>Fraser Coast Regional Council<br/>PO Box 1943<br/>HERVEY BAY QLD 4655</p> |
|---|---|--|

## LOCAL GOVERNMENT AUTHORITY

Only the Department of Main Roads and Local Government have the authority to install Official Traffic Signs. An Official Traffic Sign is any sign, signal, pavement marking or other installation for the purpose of regulating, warning or guiding road users.

The installation of any Official Traffic Sign without lawful authority is an offence under the TORUM Act 1995, Section 75, Unlawful Installation of Official Traffic Signs.

The Transport Operations (Road Use Management) Act 1995, Part 5, Section 96 Diversion of Traffic, gives authority to the Queensland Police Service, Department of Main Roads and Local Government to temporarily or permanently close roads.

Local Government also has authority to temporarily or permanently close roads under the Local Government Act 2009, Section 69, Closing of Roads by Local Government.

## APPLICANT'S DECLARATION

I / WE understand the "Approval to Commence Work" is granted under the terms and conditions attached and specifications included in Council's document *Temporary Road/Footpath Closure Standard Conditions* and have read those conditions and understand their meaning.

I / WE enclose the current administrative charge for the application which is non-refundable once the application has been received.

|               |  |              |  |
|---------------|--|--------------|--|
| <b>SIGNED</b> |  | <b>DATE</b>  |  |
| <b>NAME</b>   |  | <b>PHONE</b> |  |

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## DEED OF INDEMNITY

IN CONSIDERATION of FRASER COAST REGIONAL COUNCIL giving approval to:

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*Applicant's Name*

including its servants, agents and volunteers (*"the Applicant"*), to use a portion, or all, of the following Council controlled roads, namely:

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*Identify Location ("the Land")*

to

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*Identify Works ("the Works")*

or until otherwise advised by either the Applicant or Fraser Coast Regional Council.

The Applicant indemnifies, and agrees to keep indemnified, Fraser Coast Regional Council, its agents and employees from and against all losses, damages, costs and expenses which the Fraser Coast Regional Council sustains or incurs in respect of any loss or damage to property or death or injury (including from the negligent use or misuse or the escape, overflow or leakage of water, fire, gas, electricity or other agent in or from the Land) which is caused or contributed to by the Applicant's carrying out the Work on, or the use or occupation of the abovementioned street/s (*"the Land"*).

Subject to law, the Applicant will enter the Land and carry out the Work on the land at its own risk.

### SIGNED BY

[PRINT NAME]

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SIGNATURE

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this \_\_\_\_\_ day of \_\_\_\_\_ in the year \_\_\_\_\_

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## TEMPORARY ROAD/FOOTPATH CLOSURE STANDARD CONDITIONS

The following standard conditions apply to construction activities within the local government controlled road boundaries within the Fraser Coast Regional Council area.

### 1. APPROVAL TO COMMENCE

No work shall be undertaken within the Council controlled road boundaries until the applicant has received a written *Approval to Commence Work* from the Fraser Coast Regional Council.

*Approval to Commence Work* will not be issued until after the following requirements have been met unless specific written exemption/s have been granted (see clause 2 for Minor Work):

- The Applicant has nominated a Principal Contractor with sufficient expertise to carry out the proposed work, and who will act on behalf of the applicant in matters related to construction of the work, for example, traffic management.
- The Applicant or the Applicant's nominated Principal Contractor has supplied a Traffic Management Plan to a standard acceptable to the Fraser Coast Regional Council.
- The Applicant has submitted a correctly completed Deed of Indemnity form.
- The Applicant has agreed to accept the cost of any Public Notification deemed necessary and authorised by Fraser Coast Regional Council.
- Any other requirements specific to the work as determined by the Fraser Coast Regional Council.

Once issued, a copy of the *Approval to Commence Work* and any related special conditions shall be kept on site for the duration of the proposed works and made available for inspection by representatives of Fraser Coast Regional Council upon request.

### 2. MINOR WORK

Where the extent and impact of the work is minor, Applicants may gain exemption from some requirements. Exemptions must be applied for in writing prior to submission of the application, and where approved, written approval for the exemption must be submitted with the application.

### 3. OTHER APPROVALS REQUIRED

The *Approval to Commence Work* issued by Fraser Coast Regional Council shall not be interpreted as approval by any other government department or service authority.

If the proposed work impacts upon adjacent property or service installations or other works or encroachments, whether of a temporary or permanent nature, the owner's written consent to the relocation, removal or other remedial measure proposed is to be obtained.

Likewise, if the proposed work impacts upon the State Controlled Road network, the applicant must notify the Department of Transport and Main Roads and comply with any conditions set by that department.

Driveways across footpaths are considered by Council to be privately owned by the property owner. Prior to commencing any work that may damage a private driveway, the Applicant or the Applicant's nominated Principal Contractor shall negotiate with the property owner and agree on the standard of repair.

The Applicant is responsible for obtaining these approvals and consents prior to undertaking the work.

Any conflicting conditions required by others are to be brought to the attention of the Fraser Coast Regional Council promptly for resolution.

### 4. TRAFFIC MANAGEMENT (INCLUDING PEDESTRIANS, CYCLISTS AND OTHER ROAD USERS)

A satisfactory Traffic Management Plan (TMP) for the proposed works prepared by a person holding the appropriate Traffic Management Design qualification, including clear site specific Traffic Guidance Scheme/s (TGS) for each stage of works in accordance with the current edition of the *Manual of Uniform Traffic Control Devices, Part 3 – Works on Roads*, must be submitted with this application. Fraser Coast Regional Council will assess the submitted TMP and TGS for suitability and

potential conflict with other works or events; however, this assessment will not absolve the Applicant from responsibility for safety at the site.

Any changes to devices shall be made by the Applicant's Principal Contractor if an officer from Fraser Coast Regional Council deems necessary for the safety of traffic.

Traffic Controllers, where required, shall be appointed and operate in accordance with *Manual of Uniform Traffic Control Devices, Part 3 – Works on Roads* and all other relevant legislation.

At all times work shall proceed so as to cause minimum inconvenience to through traffic, pedestrians and property access.

Fraser Coast Regional Council may carry out remedial work to ensure the safety of traffic and the maintenance of access, and recover the costs of the work from the Applicant.

## **5. REMOVAL OF SUPERFLUOUS PAVEMENT MARKING**

Superfluous pavement markings shall be removed by water blasting (sandblasting may be used away from built up areas). Over painting with black paint shall not be used.

## **6. DAMAGE TO EXISTING ROAD INFRASTRUCTURE OR PROPERTY**

The Applicant is required to bear the cost of repairing any damage to existing road infrastructure caused by the work or any breach of the Workplace Health and Safety requirements. If any property is damaged whatsoever, this must be reported to Fraser Coast Regional Council within twenty four hours of the damage occurring. The report must provide the date, time and location including the property owners name and address.

## **7. NOTIFICATION OF COMPLETION**

The Applicant must provide written advice of the completion of the work to Fraser Coast Regional Council as soon as works are completed and rectification and reinstatement is finalised.

## **8. APPLICANT'S MAINTENANCE RESPONSIBILITY**

After written notification from Applicant or the Applicant's Principal Contractor of completion has been received by Fraser Coast Regional Council, the work will be placed *on maintenance*; the Applicant shall rectify any defect which develops as a result of work during the Defects Liability period of twelve (12) months from the date of notification of completion.

If no written notification is provided to Fraser Coast Regional Council, Council shall determine the completion date in which the twelve (12) month maintenance period identified above shall commence.

## **9. SUNSET CLAUSE**

Work must be completed within the agreed period within the *Approval to Commence Work*. Any work outside of this time requires a written request five (5) days prior to expiration date of original approval.

## **10. NO TRANSFER OF APPROVAL**

*Approval to Commence Work* ceases with change of ownership or business going into receivership and is not transferable. Any new owner or administrator must apply for and obtain a new approval to continue the work.

## **11. PUBLIC LIABILITY INSURANCE**

Principal contractor shall maintain a minimum \$20,000,000 Public Liability Insurance Policy against all claims, actions or suits brought by any person in respect of the death of or injury to any person and the loss of or damage to any property associated with either any action or inaction of the principal contractor, employee, agent or client of the principal contractor. The insurance policy is to be current for the full term of the approved closure. A copy of the currency certificate for the insurance policy is to be made available for inspection by Council Officers upon request.