

Road and Footpath Openings Permit General Conditions

Under section 138 of the Roads Act

About this form

The application form is used to apply for a permit to carry out any intrusive digging in the public road or footpath. The type of works covered by the application:

- Installation, maintenance, repairs/replacement or upgrading of utilities (water, gas, electricity or telecommunications)
- Any type of storm water or sewer connection works and repairs
- Providing a temporary driveway/layback to premises for residential or construction vehicle access
- Upgrading the road, kerb & gutter associated with a development site approved by Maitland city council.

The application form is not used for:

- Adding permanent driveways or replacing redundant driveways with new footpaths.
- These require an 'Undertake Private Works on Footway Application' form to be completed.

Note that a road and footpath openings notification may require a traffic control plan (refer to section traffic control at work sites).

Important notes:

- The application must be read in conjunction with the general conditions for road and footpath openings
- Applicants must comply with all conditions detailed in the general conditions for road and footpath openings and in signing this form, are agreeing to do so.
- Once approval has been received, a minimum of 48 hours noticed is required prior to the proposed date of works, i.e. 2 working days prior to the works excluding weekends and public holidays.
- The application may be used for multiple openings (maximum 4) at the same location

1. Public safety

- 1.1 Public safety and amenity are in jeopardy when road openings are carried out in an unsafe manner or left in an unsafe condition.
- 1.2 Council has an obligation to ensure as far as practicable that road opening activities are carried out in such a manner as to eliminate danger to the travelling public and minimise inconvenience and interference to the public in general.
- 1.3 To assist in the achievement of this aim and in conjunction with Council's powers under the Roads Act 1993, as scheduled hereunder, this instruction sets out general conditions and the procedures to be adopted in the opening and subsequent backfilling of roads and footpaths.
- 1.4 Accordingly, those persons whose occupations involve the opening of public roads and footpaths must accept a serious responsibility to the public for the manner in which they perform their tasks.

2. Public liability

- 2.1 Responsibility for any claims (e.g. public risk), which may occur even though a permit is obtained, rests with the person or persons who directs and is responsible for the opening, or without other directions, makes the opening.
- 2.2 Persons making openings in roads and footpaths are required to obtain and keep current public liability insurance, not less than \$10,000,000.00 including an endorsement to cover council as a principal to indemnify council from any claims or actions associated with the plumber's/contractor's activities. A copy of the policy or certificate of currency will be required to be provided to Council.

3. Application

- 3.1 Before the surface of any road or footpath is disturbed for the purpose of installing a new service, or carrying out repairs or extensions to existing services, the licensed plumber/contractor or other person in charge of the work shall immediately contact Council's City Services department either in person or by telephone or facsimile to make application for registration and provide the necessary details. A copy of these conditions will then be issued prior to commencement of work.
- 3.2 Where the applicant is registered with Council, the application for permission to open the road or footpath may be made either by personally, telephone or facsimile. Where the applicant has not registered with Council, a permit will not be issued (except in emergency cases) until clause 3.1 is complied with.
- 3.3 In the case of an emergency where immediate repairs are necessary, Council is to be advised on the following working day on the above telephone or fax numbers listed in clause 3.3.
- 3.4 The following information is to be provided when making application to open any road or footpath:
 - Plumber's name and address.

- Property owner's name (if applicable).
 - Lot number or house number, street name and suburb.
 - Date on which work is to be carried out.
 - Purpose of work (e.g. Water, gas, electricity, etc).
 - Position of opening (e.g. road, footpath, kerb, driveway, etc.).
 - Surface type (e.g. grass or earth, concrete, pavers, stone, bitumen, asphalt, gravel).
 - Estimate size of opening (e.g. length x width, or area). Note: the minimum width shall not be less than 300mm, and the minimum area shall not be less than 1.0sqm.
- 3.5 When approval is given, the applicant will be provided with an approval number to identify the work site. Whilst on site, this number must be able to be quoted, upon request, to any authorised council officer.
- 3.6 Failure to obtain an approval from council before undertaking any road/footpath opening could lead to prosecution.

The installation of private pipelines laid along or across the road reserve, (typically including effluent pump lines, irrigation lines or private water supply lines and private communication cables) will need an additional approval for the installation of a private pipeline prior to the opening the road or footpath. Further information can be obtained by phoning 02 4934 9700

4.Roads & traffic authority consent for works on state and regional roads

- 4.1 TfNSW consent is given for works under section 138(1) of the *Roads Act (1993)* for classified regional roads, provided the function and structural integrity of the road are maintained.
- 4.2 Council is required to seek the consent of the TfNSW for works on state roads including state highway 9 and main road 104 under section 138(2) of the *Roads Act (1993)*.
- 4.3 A person making an opening in roads mentioned in clause 4.2 will be required to give council at least seven (7) clear working days to seek consent from the TfNSW.

5.Payment of accounts

- 5.1 The licensed plumber, contractor or other person in charge of the work shall pay the fees to cover the cost of restoring the surface according to the scales of fees adopted by Council.
- 5.3 Council will forward an account for the payment for each restoration based on the actual dimensions of the opening as found, after the restoration is carried out.
- 5.4 In the case of any outstanding accounts in excess of 30 days, further approvals will not be issued to plumbers/contractors until payment is received.

6.Opening of road/footpath

- 6.1 Under normal circumstances roads/footpaths must be under bored. Excavation will only be permitted in exceptional circumstances and will require a council site inspection and approval.

- 6.2 The work shall be done in accordance with the details of a flexible pavement restoration as shown in figure 1 or details of a concrete footpath restoration as shown in figure 2 on page 7, and the following clauses.
- 6.3 Before proceeding with the work, the site should be checked for the location of any underground conduits, and Telstra and other public utility authorities should be contacted for the location of any underground cables and pipes etc.
- 6.4 The edges of all excavations in road pavements and on constructed footpaths must be saw cut. If saw cutting is required to be carried out by council the cost of this work will be added to the restoration charges.
- 6.5 Every excavation shall be backfilled to within 300mm of the surface using sand or suitable granular material excavated from the opening and compacted in 150mm layers to 98% maximum dry density. Under no circumstances is clay to be used. The final 300mm is to be backfilled using only road base quality material compacted in layers not more than 100mm thick. Flooded trenches are to be bailed out before backfilling. The balance of the material removed from the excavation shall be removed from the street and the site left in a clean and tidy condition.
- 6.6 Where the footpath is turfed, the surface shall be restored to as near as possible to the original condition using cut turf.
- 6.7 Where the trench crosses a concrete footpath, the complete panel of concrete from joint to joint over the trench shall be replaced.
- 6.8 Where a trench runs under and parallel to a concrete footpath up to 1.5 metres wide, the full width of the path will be replaced. Where the footpath is greater than 1.5 metres wide, the restoration detail shall be in accordance with details of a concrete footpath restoration as shown in figure 2 on page 7.
- 6.9 Council will prepare and restore the surface of the opening. The cost of this work will be charged to the person/organisation making the opening, at the unit rate(s) applicable to the type of opening approved by council from time to time.
- 6.10 In the event that the backfilling is not carried out in accordance with clause 6.5 above, council will remove the backfilling, replace with suitable material and reconsolidate the opening. An additional fee shall then apply, based on the actual cost of this additional work.
- 6.11 During the course of the work, the opening is to be barricaded, and traffic control provided, commensurate with the location of the site, and the amount of traffic using the road or pedestrian traffic on the footpath in accordance with Council's guidelines for traffic control. If the opening is to remain unfilled after dark, then it shall be barricaded and lit so as to ensure the safety of the public. These arrangements shall at all times be to the satisfaction of the Manager Works or his representative.
- 6.12 Service conduits where installed in new subdivision roads must be used. In the event of conduits not being found, the road surface shall not be opened and contact should be made with Council's City Services department, Works Depot, Metford Road, Metford.
- 6.13 A person making an opening in the road or footpath in an unsafe manner may be refused further permission to open roads and footpaths.
- 6.14 Failure to ensure the safety and protection of the public could result in prosecution by either Council or Workcover authority, or both. If the plumber/contractor is in any doubt as to the

measures necessary at any site, advice can be obtained from Council's traffic and road safety department by phoning 02 4934 9809.

7. Maintenance period

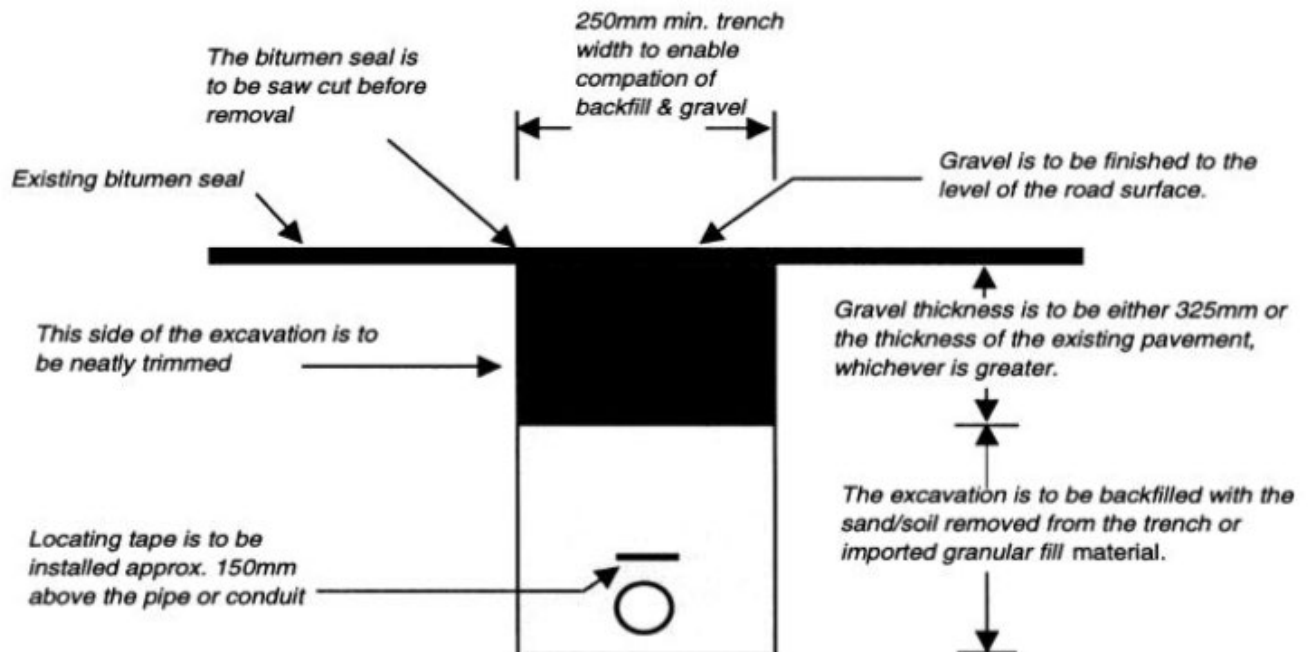
- 7.1 The backfilled opening shall be required to sustain traffic for a period of 28 days in a safe manner. Council will undertake to restore the surface within 28 days of being notified, or otherwise assume responsibility for maintenance of the opening. The restoration of the opening will still remain the responsibility of the plumber/contractor.
- 7.2 Should the opening subside either before it is restored by council or within a period of six months from the completion of the backfilling, the Manager Works or his representative may:
- Instruct the plumber/contractor or person responsible for the opening to make good the subsidence including any additional damage to the road pavement or footpath surface caused by the subsidence, or
 - Make good the subsidence including any additional damage to the road pavement or footpath surface caused by the subsidence and charge the original applicant for all necessary work.
- 7.3 In the event that the original applicant makes good the subsidence a second restoration will be required and will be charged at the scales of fees adopted by Council.

8. Inspection

- 8.1 Council officers are empowered to inspect works in progress and take such action as is considered necessary to safeguard Council and the general public.
- 8.2 If, upon inspection of an opening, the backfilling does not comply with Council's works specification, the Manager Works or his representative may:
- Instruct the permit holder to make good the opening forthwith, or
 - Make good the opening and charge the permit holder for all necessary work.
- 8.3 Failure to produce or state the approval number when requested by council's inspector could result in the inspector directing the work to cease on the job (except work required to protect the public, i.e. erecting additional warning signs and barriers) until the approval number has been produced by the applicant.

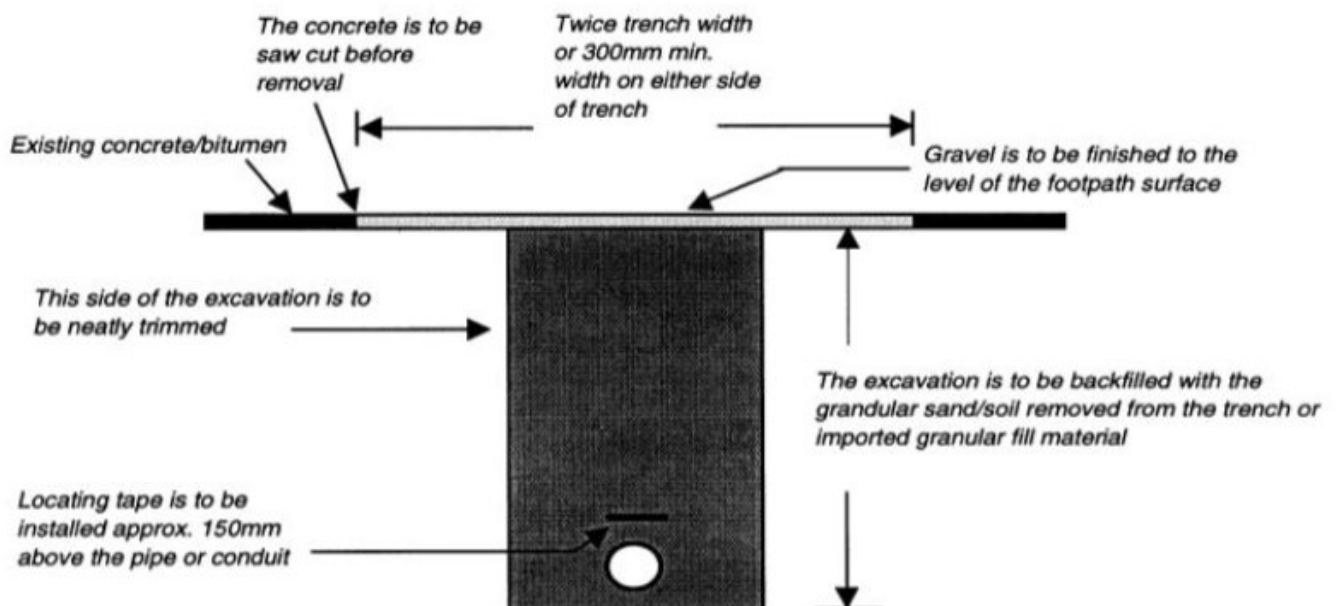
Restoration in flexible pavement

Figure 1



Restoration in concrete footpath

Figure 2



One lane closed – single lane used for traffic in both directions under flagman control.

Reference [TfNSW Traffic Control at Worksites Technical Direction 2022](#), Section 6.4.3.2: Two-lane, two-way roads For two-lane, two-way roads, installation should be carried out in the following order:

1. Install termination signs and devices (affected direction and side streets).
2. Install remaining signs and devices on side streets if applicable.
3. Install signs and devices in the non-working lane (unaffected direction).
4. Install signs and devices in the working lane (affected direction).

The sequence of installation should be as illustrated in Figure 6-3 in the following order:

1. **Circled numeral 1:** Install the termination signs when initially leaving work area, 'End Road Work/speed reinstatement' (affected direction).
2. **Circled numeral 2:** Use the existing road network to turn where safe to do so.
3. **Circled numerals 3 to 7:** Place approach signs in unaffected direction, including the PTCD (traffic controller to remain with the PTCD).
4. **Circled numeral 8:** Install 'End Road Work/speed reinstatement' (unaffected direction).
5. **Circled numeral 9:** Use the existing road network to turn where safe to do so.
6. **Circled numerals 10 to 14:** Place approach signs in the affected direction, including the PTCD (traffic controller to remain with PTCD).
7. **Circled numerals 15 and 16:** Traffic controller/s to stop traffic and taper/lane closure delineation implemented.
8. **Circled numeral 17:** ITCP qualified person completes drive around to confirm TGS is installed as designed.

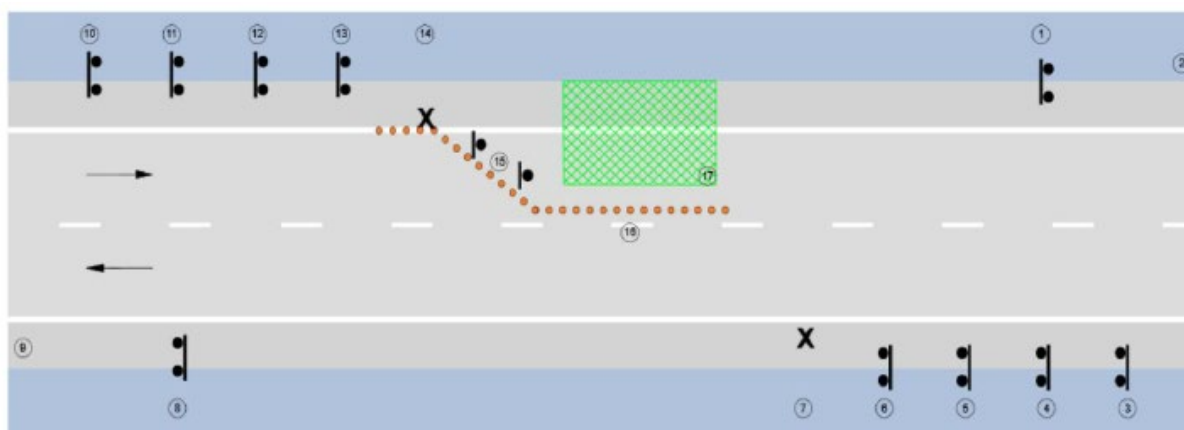


Figure 6-3 Example sign installation sequence for a two-lane, two-way road

NB: Road must be restored for two-way operation overnight.