

The process for private developments that impact NSW State roads.

Roads and Maritime Services (RMS) works everyday with private developers whose projects may impact on the NSW State road network. This fact sheet answers some commonly asked questions about the process for managing private developments that include roadworks on State roads and traffic control signals on all roads. It outlines RMS's processes and procedures in regard to private developments.

Who approves a development?

A development or project application may be submitted to a council or the NSW Department of Planning and Infrastructure, depending on the nature of the development. As consent authorities they consult with other agencies regarding relevant matters. For RMS, these are generally the road safety and traffic generating impacts of development on the State road network.

The consent authority considers and determines the development application.



The consent authority either gives approval by issuing a notice of determination / project approval with conditions, or refuses the development application.



If approved RMS reviews the consent conditions and determines if an RMS works authorisation deed is required.



If yes, an RMS works authorisation deed is executed between the developer and RMS.



Work proceeds! The required roadworks are managed, designed and constructed through the RMS's works authorisation deed process.



When construction has been completed to the satisfaction of RMS, it is opened to traffic. The ongoing management of the new road infrastructure then becomes the responsibility of RMS, council or private owner.

A summary of the process

The developer is encouraged to consult with RMS before making their development or project application.



The development application is made to the consent authority with the required supporting information.



The development application is referred to RMS for comment and *Roads Act* requirements.



RMS responds to the consent authority with comments and *Roads Act* requirements, for the consent authority to include in the conditions of consent.

The steps in the process

Step 1: The developer consults with RMS

Before making a formal development or project application to the relevant council or the NSW Department of Planning and Infrastructure it's worthwhile consulting Roads and Maritime Services (RMS) land use development staff. Please contact RMS on 131 782 and ask for the land use development section for your location/region.

Step 2: A development application is made

The developer submits a development application and supporting information to the relevant consent authority. The consent authority will then refer the development application to RMS for comment and *Roads Act* requirements. These requirements may then be included in the conditions of the development consent.

Step 3: Assessment of the development application

RMS has policies and guidelines that mean we take a consistent approach to assessing and commenting on development applications. The aim is to ensure that road safety, efficiency, reliability and accessibility of the State road network are maintained. The traffic, freight, public transport, cycle and pedestrian activity to be generated by the proposal needs to be planned for. The developer often needs to submit a traffic study or statement (through the consent authority) to make sure we assess the proposal's traffic and transport impacts.

RMS is generally given 21 days to provide its comments to the consent authority. RMS cannot consult the community on its response, to discuss the traffic and transport impacts of a proposal. The developer and the consent authority are responsible for the community consultation task in the development application process.

Step 4: Determination by consent authority

The consent authority issues the notice of determination (or the project approval.) Where conditions of consent relate to works on State roads or traffic control signals, RMS reviews and confirms if these works require what we call a works authorisation deed.

Step 5: Works authorisation deed process

A letter with the works authorisation deed and related documents is sent to the developer to commence the works authorisation deed process.

A works authorisation deed is a legally binding contract between RMS and the developer, authorising the developer to undertake roadworks on a State road

and/or install traffic control signals. On execution of the works authorisation deed the developer is required to pay fees and charges to cover RMS costs to review the documents and administration during construction. All designs and other documentation must be in accordance with RMS standards and specifications. RMS requires the developer to lodge an unconditional bank guarantee, provided as security for the full value of the roadworks, prior to construction.

The developer may be required to carry out additional environmental assessment of the roadworks and prepare a review of environmental factors for RMS. All environmental matters relevant to the roadworks would be addressed, including any community impacts (eg from night work noise) and actions required to minimise these impacts. Any community consultation is to be undertaken by the developer.

A traffic management plan is required to manage traffic, property access, and pedestrian and cyclist movements during construction. When the time comes to do the roadworks the developer will need a Road Occupancy License issued by RMS's Traffic Commander or the Transport Management Centre. This is for any lane and/or shoulder closures required to safely carry out the works.

Step 6: Complaints management during construction

The developer must record and resolve all complaints made by the community in relation to the project. RMS is to be consulted on any complaints relating to the roadworks.

Step 7: Practical and final completion of the project

The developer must give 20 days notice to RMS prior to completing the project.

When RMS is satisfied that all roadworks have been completed under the works authorisation deed it will issue a notice of practical completion and return 50% of the security. Following the completion of the defects liability period (usually 12 months from practical completion) and any defects being rectified, RMS will issue a final certificate and release the remaining security to the developer.

Management of the new road infrastructure (including traffic control signals) generally becomes the responsibility of RMS at final completion, for ongoing maintenance. Sometimes ownership remains with the developer (eg where a private bridge is constructed over a State road). In this instance, RMS may determine that the developer or other authority is responsible for ongoing maintenance.

Roads and Maritime Services

Questions and Answers

What does a developer need to do before lodging a development application?

The developer is encouraged to consult with Roads and Maritime Services (RMS) staff before making a formal development application to a council or the NSW Department of Planning and Infrastructure, who are generally the consent authorities. The developer can contact RMS land use development staff in their location or region on 131 782.

This consultation is an opportunity for RMS to provide preliminary advice to the developer on traffic and transport impact assessment requirements, and possible road improvements required to the road network as a consequence of the proposed development.

RMS and the developer should consider the following aspects of the proposed development:

- Concept layout.
- Its nature and size.
- Potential impacts on the road, transport, pedestrian and cyclist networks.
- Road network efficiency, sustainable transport and road safety impacts.
- Possible solutions on reducing these impacts.

What happens when a council or the Department of Planning and Infrastructure receive a development application that will impact on a State road?

RMS is consulted by council or the Department of Planning and Infrastructure when a development is likely to impact on a State road.

RMS advises that council or the Department of Planning and Infrastructure of its comments about how to manage that impact, for example how to achieve the most efficient traffic movements and road safety initiatives. In some circumstances, RMS may object to an application.

The final decision to approve or refuse the development application is made by the relevant council or the Department of Planning and Infrastructure, not RMS.

For applications that are approved the developer may then need to enter into a works authorisation deed with RMS, in order to undertake works on a State road and/or traffic control signals.

What is a works authorisation deed?

A works authorisation deed is a legally binding contract between RMS and an external party, typically a developer. This deed authorises the developer to undertake roadworks on the State road network and/or traffic control signals.

The deed helps to ensure that the quality of the works meets RMS durability standards and aims to minimise the impacts to road users and the community during construction. Through the deed RMS provides the developer with the requirements and conditions under which they can do this work. The deed requires appropriate controls are in place, such as insurances and security, to ensure the works are completed in a safe and timely fashion.

Road projects are generally undertaken to provide traffic access to and from private developments such as shopping centres, residential and industrial estates, etc. This type of project may include intersection changes, traffic control signals, and signposting. These road projects are financed, designed and constructed by the developer. The upgraded road/traffic control signals becomes the ownership and responsibility of RMS for future maintenance (sometimes with a financial contribution from the developer).

The works authorisation deed agreement is entered into **after the DA has been approved and generally prior to the consent authority issuing a construction certificate for the development.** The developer and RMS must agree on the scope of works, prior to the deed being finalised.

The final deed is signed by both the developer and RMS.

Does RMS approve the developer's project design drawings?

No, RMS doesn't approve the project design drawings, rather, RMS accepts project design drawings once the developer has engaged competent designers to develop concept and detailed design drawings in accordance with RMS standards.

These design drawings must be certified by an independent designer prior to RMS acceptance. The developer takes full responsibility for design compliance. The developer's obligations include, but are not limited to:

- Completion of concept and final design drawings to RMS standards, including preparation of a design report.
- Geotechnical report and pavement design.
- RMS acceptance of the design of traffic control signals.

RMS must accept the detailed design drawings prior to the start of construction. These drawings may be made available to the community by the developer, however there is no obligation to do so.

Does RMS approve the developer's specifications and project management plans?

Yes. The works authorisation deed sets out the specifications and requirements for management plans for the proposed works, which must be approved by RMS prior to the start of construction.

The developer should note the following regarding specifications and management plans:

- All work is to be completed in accordance with the relevant RMS specifications and model drawings, available from RMS.
- Construction project management plans must be independently certified.

Who builds the developer's project?

RMS will issue a letter to the developer authorising construction to commence when it is satisfied that all the requirements of the works authorisation deed have been met.

RMS has specifications for all works and requires that a RMS pre-qualified contractor build the developer's project.

A list of pre-qualified contractors is available on the RMS website:
<http://www.rta.nsw.gov.au/doingbusinesswithus/tenderscontracts/prequalifiedcontractors.html>.

The developer must submit the names of proposed contractors and subcontractors to RMS for approval.

RMS surveillance officer/s oversee the work with the RMS project manager as the first point of contact for both the developer and the contractor during design and construction.

For larger projects RMS requires the developer to engage an independent project verifier. The project

verifier oversees some design and construction aspects on RMS's behalf.

What happens when the project is nearly complete?

The developer must give RMS written notice 20 business days before the anticipated practical completion of construction (this is a notice written by the developer to indicate that the contracted works are now complete).

As part of the request for practical completion the developer must provide a certificate from an independent engineer that all the work complies with the requirements of the works authorisation deed, and is fit for occupation and use.

Provided the works are satisfactory and meet RMS standards, RMS will issue a Practical Completion certificate along with a list of defects and/or omissions and request submission of the 'Works as Executed' drawings within 20 days. The developer must correct all defects listed within the nominated time frame.

Upon receipt of the Works as Executed drawings and once the defects have been corrected, RMS will return 50% of the security.

At the end of the defects liability period, when all requirements of the deed have been satisfied, RMS will issue a final certificate and release the remaining 50% of the security.

How does the developer consider the local community?

The developer is encouraged by RMS to develop and implement a community relations plan.

Community involvement and consultation on the project is the responsibility of councils or the Department of Planning and Infrastructure during the development application approval stage. These authorities may request the developer to consult with the community prior to considering development consent.

After the development application has been approved, RMS may require the developer to undertake further environmental assessment for the roadworks, usually in the form of a review of environmental factors. This is mandatory for large projects. This review may identify the need for ongoing community notifications (eg for night roadworks).

The developer's community relations plan should meet the desired outcomes detailed in the RMS *Community Participation and Communications Resource Manual for Staff 2010*. Information should be provided to the community during:

- (i) The design development phase;

- (ii) The construction phase;
- (iii) The project completion / opening phase.

The developer's community relations plan should ensure that:

- The users of the affected road network are informed of planned traffic arrangements, including any temporary traffic switches or other activities that could result in delays. Users of the affected road network include emergency services, the road transport industry, public transport (eg buses), and other road users (pedestrians and cyclists).
- Affected and concerned residents and business operators are informed of the investigations and construction activity, and the likely impacts on them from this.
- All relevant government agencies are informed of planned construction activities.
- The RMS representative is informed of all community issues and decisions affecting the local and wider (including road user) community.
- Proposed traffic changes in the development consent conditions are explained to the community.

Will the community be kept informed about the project?

The developer is responsible for providing community information and participation opportunities relating to the project. This may include:

- Information on any of the scope, construction investigations and activities that may affect the community.
- Information on the progress of the project, significant milestones, design changes, changed traffic conditions, and other matters that could either affect or concern the community.

The type of community notifications and their frequency should be described in the developer's community relations plan.

How will the community know what's happening?

The developer may keep the community informed by:

- Distributing leaflets or community updates to mailboxes / nearby premises.

- Advertising construction activity and progress updates (including use of variable message signs to advise motorists during construction).

What if I have a complaint about the development being proposed?

Please direct your complaints to the consent authority responsible for approving the development application – either the relevant council, or the NSW Department of Planning and Infrastructure.

What if I have a complaint about the development's roadworks being built?

The developer must record all complaints, and report these in their monthly progress report to RMS.

The developer must resolve all reasonable complaints and claims made by members of the community in relation to the project.

Additional information

For more information on road project developments and works authorisation deeds, please contact RMS's land use development staff in your location on 131 782.

Resource documents

- RMS's *Guide to Traffic Generating Developments* (Traffic Studies).
- RMS's *Beyond the Pavement (Urban Design Policy, Procedures and Principles)*.
- Austroads *Guide to Road Design* (and RMS supplements).
- Austroads *Guide to Traffic Management* (and RMS supplements).
- Relevant Australian Standards.
- Department of Planning and Infrastructure's *Development Near Rail Corridors And Busy Roads – Interim Guidelines*.

These are on the website at:
www.rta.nsw.gov.au/roadprojects/community_environment.