

# **KU-RING-GAI COUNCIL**

## **CONDITIONS OF CONSTRUCTION**

### **FOR**

## **APPROVAL OF WORKS IN THE PUBLIC ROAD UNDER SECTION 139 ROADS ACT 1993**

### **RELATING TO DEVELOPMENT WORK**

**Recreation Avenue, Roseville  
DA 0261/16**

**June 2018**

#### **General**

1. All construction and restoration work shall be carried out in accordance with the approved plans (including any amendments shown in red) and with Council's General Specification for Construction of Road Works and Drainage Works and to the satisfaction of Council's Development Engineer.
2. Any disturbed or damaged areas adjacent to the work shall be restored or landscaped to the satisfaction of Council's Director Operations. Full cost to be borne by the applicant.
3. The total cost of all construction and restoration work shall be borne by the applicant.
4. Any inspections carried out by Council do not relieve the applicant or the Applicant's Engineer/Surveyor of their responsibility to ensure works are carried out in accordance with these approved plans and with Council's Specification for Road Works and Drainage Work.
5. Work on the site shall be restricted to the hours of 7.00am to 5.30pm, Monday to Friday, No work on Saturdays. Work is prohibited on Sundays and public holidays. If a Road Occupancy Licence is required, only the work that require the Road Occupancy Licence are to be carried out in the times specified by the Road Occupancy Licence that are outside the normal times listed above.

6. The applicant or the applicant's contractor shall ensure that there is adequate Worker's Compensation policy in force for the staff carrying out the work, and shall supply a copy of such policy to Council prior to the commencement of work.
7. This approval does not confer any responsibility upon Council with respect to the accuracy of the design for which responsibility fully rests with the designing engineer.
8. This approval does not confer any responsibility upon Council with respect to the design meeting requirements of AS1428.
9. A Tree Preservation Order exists within the Ku-ring-gai Council area whereby the removal, lopping or destruction of any tree exceeding 5.0 metres in height or 4.0 metres in canopy spread (except where exempt as defined under Council's Tree Preservation Order) without prior written consent of Council is prohibited. Trees SHALL NOT be REMOVED or DAMAGED without an application being made and approved under Council's Tree Preservation Order.
10. Construction of works under the Roads Act shall not be considered as 'in kind' benefit to Council.
11. Only hand excavation methods are to be used within 3m radius of any tree trunk. All hand excavation shall be carried out under the supervision of a qualified arborist. No machine excavation is permitted in these areas.
12. Tree roots 30mm diameter or greater are not to be severed or injured in the process of any works during the construction period.
13. If tree roots less than 30mm diameter are required to be severed for the purpose of constructing the approved works, they shall be cut cleanly by hand, by an experienced arborist/horticulturist with a minimum qualification of horticulture certificate or tree surgery certificate.

#### **Prior to Commencement of Works**

14. The applicant shall be responsible for all Public Utilities and services in the area of the work. The Applicant shall notify all relevant Authorities, and bear all costs associated with any repairs and/or adjustments as those Authorities may deem necessary. The Applicant shall call the "Dial Before You Dig" service phone 1100 or internet <http://www.1100.com.au/> for information prior to any work commencing. A copy of the 'Dial Before You Dig Caller Confirmation' is to be provided to Council before any construction work commences on site.



15. If the design is found to clash with any utility services or service connections or to be within the utility specified clearance around a service, then this approval is cancelled and fresh application is required with a new design clear of all utility services, including clearance around the service, or connection, along with fresh application fees, alternately, the services may be adjusted to comply with the design. All work on utility services is to be in accordance with the requirements of the relevant utility.
16. The applicant must indemnify Council against all loss of or damage to the property of others and injury or death to any persons which may arise out of or in consequence of the carrying out of the work and against all claims, demands, proceedings, costs, charges and expenses whatsoever in respect thereof or in relation thereto. In this regard, the applicant shall take out a public liability policy during the currency of the works in the sum of not less than \$20,000,000 and to be endorsed with Ku-ring-gai Council as principal, and keep such policy in force at the applicant's own expense. A certificate from the applicant's insurers to this effect is to be LODGED WITH COUNCIL BEFORE ANY WORK IS COMMENCED. The amount of Common Law liability shall be unlimited.
17. The applicant must submit a Traffic Control Plan for the construction works to Council for consideration. The Traffic Control Plan is to be prepared in accordance with the requirements of the R&MS's "Traffic Control at Work Sites Version 4", AS 1742.3 "Manual of uniform traffic control devices, Part 3, Traffic control devices for works on roads" and the approved Traffic Management Plan for these works. There may be a processing fee involved. Approval of the Traffic Control Plan will be a licence to occupy Council's roads in accordance with the TCP. It is the responsibility of the applicant to contact the R&MS to determine whether the works will require a Road Occupancy Licence from the R&MS. More information can be found at [http://www.rms.nsw.gov.au/documents/about/forms/road\\_occupancy\\_manual.pdf](http://www.rms.nsw.gov.au/documents/about/forms/road_occupancy_manual.pdf) or searching for 'road occupancy' on the R&MS website or contacting Road Occupancy Unit (PIU) Phone: 8396 1513 Fax: 8396 1530.
18. The applicant must not remove, damage, destroy, displace, obliterate or deface any survey mark unless authorised to do so by the Surveyor-General and is to comply with Section 24(1) of the Surveying Act 2002. Further details are contained in Surveyor General's Direction No 11. More information can be found at [http://spatialservices.finance.nsw.gov.au/data/assets/pdf\\_file/0005/217094/SG\\_Directon\\_No11\\_Final4.pdf](http://spatialservices.finance.nsw.gov.au/data/assets/pdf_file/0005/217094/SG_Directon_No11_Final4.pdf) or by searching on the Spatial Services part of NSW Finance website through <http://spatialservices.finance.nsw.gov.au/> the tags 'Surveying', & then, 'Surveying publications'. 'SCIMS Online', 'Survey Mark Status' to get a copy of the document. For the purpose of this clause 'survey mark' means a mark that is in a form or style declared by the regulations to be the form or style for a survey mark under the Surveying Act 2002.
19. The applicant must provide Council with a copy of the Road Occupancy Licence(s) issued by the Traffic Management Centre for all works prior to carrying out any work that may affect traffic on Boundary Street.

20. The internal driveway is not to be constructed to final levels for at least 5m from the boundary line until Council has approved the constructed layback and driveway crossing. If either the longitudinal grade of the street or the grade along the driveway exceed 5%, then the distance is increased to at least 10m from the boundary line. This is to ensure the driveway crossing can be constructed to issued driveway levels and the internal driveway can match to the levels of the driveway crossing.
21. The applicant must submit an Application for Road Opening that covers all Council Assets that are to be damaged by works for the infrastructure upgrades for all for all Utilities on Council's Road Reserve (eg Electricity, Water, Sewer, Gas and telecommunications ) related to the development. The Application is to cover the full scope of work and include all associated fees paid in full. A Road Opening Permit will not be issued until Council's Restoration Officer is satisfied with the application. The processing time for the application is a minimum of 5 working days. A copy of the Road Opening Permit issued is to be provided to Council's Development Engineer prior to commencing work on site.
22. The applicant shall give Council a **minimum of 48 hours notice** of the intention to commence work by contacting Council's Development Engineer on 9424 0894 during office hours. Failure to do so may result in rejection of works already completed.
23. At least 72 hours prior to the commencement of works the Contractor is to erect a prominent sign on-site advising of the Contractor's name and a 24 hour telephone contact number.

#### **During Works**

24. Lighting, fencing, traffic flagging and advance warning signs and other measures shall be provided in accordance with the R&MS's "Traffic Control at Work Sites Version 4", AS 1742.3 "Manual of uniform traffic control devices, Part 3, Traffic control devices for works on roads" and the approved Traffic Control Plan for these works. Traffic movement in both directions and vehicular access to private properties is to be maintained at all times.
25. If a Traffic Management Plan is not required for the particular part of the development, the applicant shall have sufficient 'Traffic Hazard Ahead' signs on site at all times that work is being carried out near or within a public road. In the event of an emergency the signs are to be used for no longer than four hours while full traffic control is being arranged.
26. The applicant shall ensure safe and properly signposted access across or around the footpath and this is to be maintained at all times during construction work.
27. Erosion control facilities are to be provided and maintained at all times by the applicant.



28. If any utility services or service connections, including the utility specified clearance around a service, is found to be in the way of the design, then the utility service is to be relocated at the so all utility services, including clearance around the service, and / or service connection, are clear of the attached design. All works is to be at no cost to Council.
29. Survey marks are not to be removed, damaged, destroyed, displaced, obliterated or defaced without prior consent of Surveyor General. Further details are contained in Surveyor General's Direction No 11. Council may require the applicant to provide written proof of compliance with the Surveyor General's requirements. For the purpose of this clause 'survey mark' means a mark that is in a form or style declared by the regulations to be the form or style for a survey mark under the Surveying Act 2002.
30. Council's Development Engineer is to undertake an inspection of the works. The applicant or their engineer is to give Council's Development Engineer at least 24 hours notice of the following stages:
- a) After excavation and prior to pipe laying commencing.
  - b) Pipes laid and jointed, prior to backfilling.
  - c) Pits formed prior to pouring.
  - d) Road, excavated to subgrade and subgrade compacted.
  - e) Road, base placed and compacted, prior to laying asphalt.
  - f) Prior to any concrete pours.
  - g) At formwork stage for footpath, kerb and gutter and driveway crossover.
  - h) All works completed and restoration complete.
31. A copy of the approved plans must be kept on-site at all times and be available to Council officer upon request. Variations will NOT be permitted from the approved plans and/or details without Council's prior consent in writing.
32. Joins to existing asphalt to be at least 300 mm overlap of edge of excavation below asphalt. See Council's drawing 2004-010.
33. Vehicular access to all properties affected by the proposed works must be maintained at all times except when directly necessary, in which case disruption time is to be minimised and be to the satisfaction of the affected resident. Access must be maintained during all shutdown periods including night-times.
34. All project related vehicles and plant are to be parked inside the site during construction. The only exception is plant and vehicles directly engaged in construction outside the site boundary while engaged in that work.

35. During the works, the Applicant is to arrange for any nearby residents garbage bins that cannot be collected due to the effects of the works to be moved to a location where the side loading garbage trucks can pick up the bin. After emptying and before the end of the days work, the Applicant is to return the bin to the location from where the bin was moved. The Applicant will move the bins from where the residents normally leave the bin, or at a place closer to their boundary, if the Applicant's works prevent the use of the normal location and return the bin to the place found. In some circumstances, this may require bins being moved to another street for collection. The operator of the collection vehicle will determine where the bins can be picked up. If the Applicant fails to move bins, any additional costs incurred by Council in having the bins emptied will be recovered from the Applicant either by deductions from bonds or by action in a court of suitable jurisdiction.

**At completion of works**

36. A Consulting Civil Engineer's Certificate is to be supplied to Council on completion of all works which is to certify that all works have been carried out in accordance with the approved plans and with Council's "General Specification for Road Works and Drainage Works".
37. That prior to construction of the building, fencing or suitable alternative be installed around the easement perimeter to prevent loading by heavy construction machinery on the area directly above the pipelines at no cost to Council.
38. Works-as-Executed drawings of the completed works are to be provided to Council's Development Engineer immediately upon completion of works. To be prepared by a registered surveyor.
39. That after the building construction on site and drainage in the road are completed, an inspection of the pipeline by closed circuit TV or suitable alternative be undertaken to verify the structural integrity of pipelines by the applicant at no cost to council. CCTV inspection is to be carried out in accordance with Water Services Association's Conduit Inspection Reporting Code of Australia WSA 05-2013 Third Edition. Pits are to be identified in the CCTV and report using Asset Numbers provided by Council. Prior to the issue of any occupation certificate(s), the applicant is to obtain written acceptance from Council of the pipeline and the inspection report.
40. A maintenance period shall apply to the work after it has been completed to Council's satisfaction until six (6) months after the issue of the final occupation certificate for the site. In that period, the applicant shall be liable for any section of the work that fails to perform to the design intent.

June 2018