

Land use information

Notes for private developers



These notes are provided as a guide to developers who are required, as a condition of development consent, to undertake road works or other works for which the RTA has some statutory authority.

1. Pre development application consultation

The developer is encouraged to consult the RTA in relation to its requirements before making a formal development application (DA) to the consent authority (generally Council or the Department of Planning). The developer can contact the relevant RTA Land Use Officer via the 131 782 toll free number. Consultation with the RTA will allow for initial advice on RTA requirements. Concept plans, the nature and size of the proposal, a prediction of likely generated traffic volumes and its impact on the surrounding road network would be useful information.

A traffic impact assessment by a traffic consultant based on the RTA's Guide to Traffic Generating Developments should be provided with the DA.

The developer should note that, while the RTA may give preliminary advice, it cannot provide formal requirements on the development proposal before submission of the DA.

2. Development application referral

The RTA is consulted by the consent authority when a development is likely to impact on a classified road.

The RTA advises the consent authority of its requirements in terms of efficient traffic movement, road safety, the broader road network efficiency, road maintenance and protection of the RTA asset. These requirements may lead to the need for the developer to enter into a Works Authorisation Deed (contract) with the RTA to cover the legal requirements.

The developer may consult with the RTA during this process in which case any meetings should be held jointly with the consent authority to keep all parties informed of issues and progress.

3. Works authorisation deed

A works authorisation deed is a formally executed common law agreement between the RTA and the developer. It is entered into after the DA has been approved and prior to approval of design drawings. The deed authorises the developer to implement road works or other works for which the RTA has a statutory interest, subject to the following prescribed requirements and conditions, among others:

- Geometric road design and pavement design approval.
- Construction specifications.
- Project management plans.
- Insurances.
- OH&S and quality.
- Environmental impact assessment and management.
- Security bond (unconditional bank guarantee) equal to the value of works proposed.
- RTA fees and charges for design reviews, project management, administration and construction surveillance.
- Road occupancy licence.

The developer is invited to assist in drafting the schedule of the works authorisation deed to ensure agreement to the scope of works prior to finalisation. Two copies of the drafted deed are sent to the developer for signature and these are returned to the RTA for execution. The RTA then returns one executed copy to the developer with the other copy retained by the RTA.

The deed is a controlled legal document and should not be changed. If the developer insists on changes, these would need to be approved by RTA's Legal Branch, with the developer meeting all RTA legal costs.

4. Design drawings

The works authorisation deed outlines the developer's design approval obligations. These obligations include but are not limited to:

- RTA and Council concurrence/approval to concept and final design drawings.
- Geotechnical report and pavement design checklist for RTA approval.
- Obtaining independent certification of all drawings and specifications.
- RTA plan registration number to reference drawings.
- RTA approval for the design of traffic control signals.

The RTA must approve final design drawings prior to construction works commencing.

5. Specification and management plans

The works authorisation deed sets out the specifications and requirements for management plans covering the proposed works, which must be approved by the RTA prior to commencement of work. The developer should note the following:

- All work is to be completed in accordance with the relevant RTA specifications and model drawings.
- Specifications are available on the RTA website at www.rta.nsw.gov.au.
- Independent certification of construction project management plans is required.
- Model drawings may be obtained from the RTA.

6. Commencement of works

Construction works must not commence until all the requirements set out in the works authorisation deed have been met. The developer's attention is drawn to the following:

- The construction of traffic signals and road pavement may only be carried out by a contractor that, at the time of engagement, is prequalified for those works under the RTA's Prequalification Scheme for Construction Industry Contractors. A list of prequalified contractors is available on the RTA website at <http://www.rta.nsw.gov.au/doingbusinesswithustenders/contracts/prequalifiedcontractors.html>.
- The developer must submit the names of proposed contractors and subcontractors to the RTA for approval.
- The work will be overseen by RTA surveillance officer(s) who will be the first point of contact for the developer and the contractor during construction.

7. Completion and handover of works

The developer must give the RTA written notice not less than 20 business days before it anticipates achieving practical completion of the construction works. The developer's attention is drawn to the following requirements in the works authorisation deed:

- Independent certification from an engineer that all work complies with the requirements of the deed and is fit for occupation and use.
- The provision of Works As Executed drawings within 20 days of the issue of the notice of practical completion.
- The developer must correct all defects listed in the notice of practical completion as soon as possible after the date of practical completion.

The RTA will issue a final certificate and release the security bond after the end of the defects liability period when all the requirements of the deed have been satisfied.

Attachments

- Private developer project management procedure.
- Checklist for private developers.



For further enquiries:



www.rta.nsw.gov.au



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