

## **8.10. Restoration Works on Public Land Policy and Amended Guidelines**

**AUTHOR:** Danilo Giribaldi, Works Manager

**ENDORSED BY:** Duncan Mitchell, Director Engineering Services

### **ATTACHMENTS:**

1. Draft Restoration Works on Public Land Policy [**8.10.1** - 7 pages]
2. Amended Restoration Works on Public Land Guidelines [**8.10.2** - 15 pages]

### **PURPOSE:**

This report is seeking Council endorsement to publicly exhibit a new Policy – “*Restoration Works on Public Land*” and the associated Guidelines which are to be read in conjunction with the policy.

### **EXECUTIVE SUMMARY:**

In order to maintain Council’s infrastructure assets to a high standard and condition which is safe, fit for purpose and meets the requirements of Council’s technical specifications and development conditions, a new policy has been developed to provide clear guidance to staff, developers, utility companies and individual property owners on what Council’s expectations and requirements are when undertaking work on Council owned land or infrastructure.

The key objective of the policy is to ensure that all entities that undertake work on Council’s land or infrastructure are held accountable to repair and make good Council’s assets to the correct standards and quality requirements of Council. Additionally, the policy and guidelines provide a clear framework around payment to Council in accordance with the adopted Fees and Charges, so repairs and permanent restoration of Council land and or infrastructure can be made at no cost to Council.

### **FINANCIAL IMPLICATIONS:**

The key objective of this policy is to reduce the amount of cost shifting back to Council that results from utility companies, developers, and or private property owners undertaking poor quality restoration work on Council owned assets, and infrastructure.

**RECOMMENDATION:**

**1. THAT** the Draft “*Restoration Works on Public Land Policy*” and Amended Guidelines be placed on public exhibition for 28 days.

**2. THAT** should Council receive submissions, a further report be prepared for Council’s consideration. Should Council receive no submissions, Council consider the “*Restoration Works on Public Land Policy*” and Amended Guidelines as adopted at the end of the closing period for submissions.

## **LINK TO COMMUNITY STRATEGIC PLAN**

The relationship with the Community Strategic Plan is as follows:

### **2. Our Built Infrastructure**

#### **2.1 Infrastructure and assets meet community needs**

## **BACKGROUND**

North Sydney Council currently does not have a formal Policy around restoration works undertaken by others on Council owned land and or infrastructure.

At present to manage restoration works undertaken by others on Council owned land and or infrastructure, Council relies on instruments such as the '*Street Opening Application Form*' which contains high level conditions around Council's requirements. In addition, Council also has the '*Public Utility Authority Works – Guidelines*' which has a focus on Service Utility company related works only. The "*Street Opening Application form*" and the "*Public Utility Authority Works – Guidelines*" both do not directly address or adequately cover works that are undertaken on Council controlled land and infrastructure by private property owners and developers.

This new policy and the updated guidelines now referred to as "*Restoration Works on Public Land Guidelines*" aim to address this gap, as well as provide Council and others who do this type of work with more clarity around responsibility, payment and quality standards that Council expects. This should reduce the number of disputes between parties and also provide Council with better grounds for enforcement, management and compliance with its requirements and standards for maintaining publicly owned infrastructure.

The existing Guidelines (Attachment 2 "*Restoration Works on Public Land Guidelines*") have been updated to improve on current processes and to align with the new policy. The proposed amendments are shown in strikethrough for deletion and red font/italics for new/edits.

The related "*Street Opening Permit Application Form*" has also been updated for better alignment with the new Policy and Guidelines and also in the context of the adopted annual Fees and Charges Schedule for 2020/21.

## **CONSULTATION REQUIREMENTS**

Community engagement will be undertaken in accordance with Council's Community Engagement Protocol.

Internal consultation at Council has occurred with:

- Development Services Department
- Customer Service Section
- Traffic & Transport Permits Officer
- Restorations Engineer and Contract Managers
- Manager of Engineering Infrastructure
- Council's Solicitor

## **DETAIL**

Provisions within the Local Government Act and Regulations, Section 138 of the Roads Act as amended, Environmental Planning and Assessment Act (EP&A Act), WHS Act and Regulations, enables North Sydney Council as the principal authority to specify the manner and standards to which restoration works are to be undertaken by others within our road reserve, such as placing utility services in, on or over a road and footpath. Council has the same ability to specify the manner and standard for restoration works required in other publicly owned areas such as parks, foreshores, streetscapes and plazas.

North Sydney Council is responsible for managing street openings or other works undertaken on public land within the North Sydney Local Government Area (LGA). Works can be done on a road pavement, footpath or nature strip for connection or access to a public utility i.e. gas, electricity, telecommunications, sewerage or water; installation or repair of property stormwater drainage; investigations or other similar work. The work referred to involves all inspections, clearing, excavation, backfilling and restoration activities associated with new infrastructure installations, programmed maintenance, or emergency maintenance works undertaken on publicly owned land and infrastructure within the North Sydney LGA.

Any works on Council's publicly owned land and or infrastructure whether planned or not, including investigative non-destructive works requires Council to be formally notified as to who and what is being done, with relevant fees and charges applied to restore any damage to the land or infrastructure.

The amended "*Restoration Works on Public Land Guidelines*" have been updated to improve on processes for Council's benefit, by providing greater clarity on requirements, responsibilities, and conformance to Council standards.

The related "*Street Opening Permit Application Form*" has also been updated to be in alignment with the new Policy and Guidelines and the newly adopted Fees and Charges Schedule 2020/21.

In summary the benefits that this policy and the updated Guidelines brings to Council include, but is not limited to:

1. Ensuring the protection and proper repair of Council's public infrastructure and assets (Both natural and built).
2. Providing the community with safe, accessible and sustainable public infrastructure at all times, which includes public open space, roads, footpaths, drainage and all other Council owned land and infrastructure.
3. The policy and guidelines provide a clear framework around payment to Council in accordance with the adopted Fees and Charges, so repairs and permanent restoration of Council land and or infrastructure can be made at no cost to Council, thus eliminating and or reducing any cost shifting to Council.
4. The policy and revised Guidelines provide Council and others with more clarity around responsibility and quality standards that Council expects.
5. The policy and revised Guidelines should reduce the number of disputes between parties and also provide Council with better grounds for enforcement, management and compliance with its requirements and standards.
6. The policy and revised Guidelines provide clarity around the responsibilities of each section of Council with its dual roles as a consent authority (EP&A Act) and roads authority (Roads Act). That is, managing the two processes between restorations under Street Opening Permits and completion of Public Domain works under conditions stipulated in a Development Application.
7. The policy and revised Guidelines provide an integrated framework for all parties when undertaking works and activities affecting public land and infrastructure.
8. The policy and revised Guidelines aim to makes Council's requirements and expectations more understandable and accessible to all parties who undertake work on Council owned land or infrastructure.



## RESTORATION WORKS ON PUBLIC LAND POLICY

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**Policy Owner:** Director Engineering & Property Services

**Direction:** Our Built Infrastructure

### 1. STATEMENT OF INTENT

1.1 The purpose of this Policy is to:

- a) to provide a standard procedure for the management of work activities undertaken on public land within the North Sydney Local Government Area (LGA), affecting areas such as roads, footpaths, parks, plazas, and reserves, under the provisions of the *Local Government Act 1993* and Regulations, sections of the *Roads Act 1993* as amended, the *Environmental Planning and Assessment Act 1979*, and *Work Health and Safety Act 2011* and Regulations.
- b) specifically address the process of controlling work activities to standards on Council public land areas, and to provide a system for ensuring that Council and community interests are protected as far as possible, for safety, amenity, and financial repair responsibilities.
- c) provide guidance to the implementation of Council's objectives by specifying the manner and standards to which authorised entities who are entitled to work on public land, such as utility authorities placing or maintaining services in, on or over public land can undertake.

1.2 The objectives of this Policy are:

- a) to ensure the protection and proper repair of Council's public infrastructure and natural assets, providing ongoing community accessibility and safety with long term sustainable public infrastructure, and natural amenity - roads, footpaths, drainage, plazas, parks and open space areas.
- b) to promote an integrated framework with all parties dealing with works and activities affecting public land areas.
- c) to minimise Council's risk exposure and limit damage to Council's assets, whilst preserving and maximising the remaining life of our existing assets.
- d) to ensure consistency and fairness in the manner in which Council deals with works and activities affecting public areas.
- e) to make Council's requirements for works and activities affecting public areas readily accessible and understandable to the public.

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## 2. ELIGIBILITY

- 2.1 This Policy applies to all works including non-destructive works (e.g. investigations), done anywhere on public land in the North Sydney LGA, by public utility authorities, developers and their contractors, land owners engaging their contractors such as plumbers, electricians etc, and to any other entity involved in similar work.

## 3. DEFINITIONS

- 3.1 **Street Opening** - An opening or any works done on a road pavement, footpath, nature strip, park or open space for new installations, connection, repair or access to a public utility (gas, electricity, telecommunications, sewerage, water installation), or repair of property stormwater drainage, investigations or other similar work.
- 3.2 **Notification of Work** - The announcement and description of works, duration and times, provided with the required warning period. Usually in the form of a letter and other customer service liaison methods. Also involves updating those effected along the duration of the works.
- 3.3 **Condition of Street Opening Permit and Restoration Works on Public Land Guidelines** - General conditions and guidelines which are connected and needs to be read with each street/footpath/public land opening permit application.
- 3.4 **Permit Holder** - An individual or company who is the applicant of the street/footpath/public land opening permit, who accepts full responsibility for all requirements and payments. The permit holders name will appear on any receipts issued by Council and will also be the only entity to receive restoration invoices and/or refunds associated with these works. Permit holder must be either the developer or their head contractor, the landowner or the authorised service utility representative.
- 3.5 **DA** - Development Application.
- 3.6 **VPA** - Voluntary Planning Agreement due to development.
- 3.7 **CC** - Construction Certificate.
- 3.8 **OC** - Occupancy Certificate.
- 3.9 **Development Associated Work** - work that is incidental and related to the adjustment of services and/or utilities required to provide for development under construction that requires work in the road reserve.

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#### 4. PROVISIONS

- 4.1 Council has a responsibility to the community to ensure that it provides and maintains Council's assets such as roads, pathways and public reserves to an appropriate approved standard within the limits of the available budget.
- 4.2 Council also has a responsibility to ensure that when others wish to carry out works or activities on public land, the works are not to detract from the condition or function of Council's assets, such as to reduce the life of the asset or create additional risks and limit accessibility for Council and the community.
- 4.3 Under the provisions of *Local Government Act 1993* and Regulations, sections of the *Roads Act 1993* as amended, the *Environmental Planning and Assessment Act 1979*, and *Work Health and Safety Act 2011* and Regulations, Council is the road authority responsible for managing street openings undertaken within the North Sydney LGA.
- 4.4 Other than emergency works, the *Street/Footpath/Public Land Opening Application Form* must be used to apply for a permit from Council to carry out any works whether destructive or non-destructive on public land within the local government area.
- 4.5 Service utilities, developers, head contractors or the street opening permit holder must undertake to reimburse Council for the cost of repair of any damage caused to public land as a result of the work activities associated with street opening approvals and or developments, unless another arrangement is approved by Council.
- 4.6 Council is entitled to recover the costs incurred in rectifying or repairing any work which does not fully satisfy the standard conditions of approval for street/footpath/public land opening works.
- 4.7 Service utilities, developers, head contractor or the street opening permit holder is responsible for the proper placement of the temporary restorations and for the regular checking and maintenance in a manner that always ensures safety of the site for pedestrian and vehicular traffic until the final restoration is undertaken.
- 4.8 The holder of this approval shall indemnify and keep Council indemnified against all claims, demands, suits, action damages and costs incurred by or charges made against Council in respect to death or injury to any person or damage in any way arising from this approval.

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- 4.9 The Utility or Permit Holder undertaking the work is responsible for coordinating with Council for determining the final restoration scope as soon as practicable, within 21 calendar days from completion date of works, including the temporary restoration.

**5. RESPONSIBILITY/ACCOUNTABILITY**

- 5.1 Council's Traffic and Transport Operations Department is responsible for administering and processing the street/footpath/land opening permit applications.
- 5.2 Council's Works Engineering Department is responsible for the follow up and management of final restoration with the Permit Holder, including inspections to ensure compliance to standards for those entities who are approved to do their own final permanent restorations.
- 5.3 Council's Ranger and Parking Services Department is responsible for enforcement of permits, including issuing penalty notices if contractors are found doing works on public land without utility accreditation evidence or holding a valid Council Permit.
- 5.4 Council's Development Services Department is responsible for managing infrastructure work on public land associated with DA's, VPA's and Section 138 permits issued under the *Roads Act 1993* that is associated with development applications.

Such works include the creation of public spaces in accordance with Council's *Public Domain Style Manual* and connections to Council's stormwater system.

Development consents also provide for 'Development Associated Work' which includes the adjustment of utilities including water, sewer, gas, electricity and communications, which often require separate road opening permit to be issued by Council and restoration on public land due to the development.

- 5.5 In case of a major development, it is the Developer's Lead Contractor's responsibility to co-ordinate with Council the required final restoration of Council's infrastructure on public land, and it cannot be transferred onto their subcontractors undertaking the works on behalf of the Lead Contractor with or without a Street Opening Permit.
- 5.6 Development requiring work to be done on public land, will likely also require needing a Street Opening Permit from Council for development associated works including service extensions. The Developer's Lead Contractor as the applicant takes on full responsibility for ensuring compliance and the required

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payments to Council in accordance with Council's *Fees and Charges Schedule*.

Council's Development Engineers are responsible for ensuring that public domain work, road works and drainage work is carried out in accordance with Council specifications. This work is generally limited to the area of the public domain located immediately adjacent to the site frontage within the road reserve, with some extension into the road reserve. The area of work is subject to the discretion of the development engineers and the particular design requirements of the development. Some provision is made for works in kind where such work is appropriate, and Council has made such arrangement prior to the commencement of work.

- 5.7 Those developments without Street Opening Permits in place, will be limited to restore public property to the building footpath frontage from kerb to building boundary. All other restorations required from dilapidation reports and on-site inspections will be through payment to Council via the Street Opening Permit process. Final complying restorations needed on public land due to development works, can be done by the developer or their contractors, only with prior Council approval or with DA conditions in place. Final restorations needed on public land due to development works are to be fully funded by the developer or their Lead Contractor and cannot be transferred onto their sub-contractors.

In accordance with DA Standard Condition of Consent G1, Council's Development Services Department shall ensure that developers complete all restoration or other arrangements made with Council, including:

- a) cross checking quality and scope of works completed on public land, including a handover site meeting with key stakeholders from Council's Engineering and Property Services Division, prior to the issue of development compliance and or occupation certificates;
- b) cross checking with developer's dilapidation reports and ensure that full payment has been received to make good any development induced defects on public land prior to issuing the occupancy certificate.
- c) checking in with Council's Works Engineering Department to confirm that any final restorations done by the developers' head contractor has been compliant to Council standards during and at completion of works, prior to the issue of the occupation certificate.

**5.8 Bonds**

Council's Development Services Department is responsible for managing bonds associated with development applications.

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Council standard development consent conditions require payment of a security deposit or bank guarantee which must be provided and held by Council for the payment of cost for any or all of the following:

- a) making good any damage caused to any property of the Council as a consequence of the doing of anything to which this consent relates;
- b) completing any public work (such as road work, kerbing and guttering, footway construction, stormwater drainage and environmental controls) required in connection with this consent; or
- c) remedying any defects in any such public work that arise within 6 months after the work is completed.

The security required must be provided by way of a deposit with the Council; or other such guarantee that is satisfactory to Council (such as a bank guarantee). Any guarantee provided as security must name North Sydney Council as the nominated beneficiary and must not be subject to an expiry date.

The security will be refundable following the expiration of 6 months from the issue of any final Occupation Certificate or completion of public domain work required to be completed (whichever is the latest) but only upon inspection and release by Council's Development Engineers or Manager Development Services.

5.9 In accordance with Council conditions, Council has the authority to make use of the bond for such restoration works as deemed necessary by Council in circumstances including the following:

- a) where the damage constitutes a hazard in which case Council may make use of the security immediately;
- b) the applicant has not repaired or commenced repairing damage within 48 hours of the issue by Council in writing of instructions to undertake such repairs or works;
- c) works in the public road associated with the development are to an unacceptable quality; and
- d) the Certifying Authority must ensure that security is provided to Council prior to issue of any Construction Certificate.

**6 RELATED POLICIES/DOCUMENTS/LEGISLATION**

The Policy should be read in conjunction with the following Council policies and documents:

- City Strategy Standard Development Conditions
- Compliance and Enforcement Policy

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- Infrastructure Specification for Roadworks, Drainage and Miscellaneous Works
- North Sydney Development Control Plan
- Public Domain Style Manual
- Restoration Works on Public Land Guidelines
- Street /Footpath/Land Opening Permit Application Form

The Policy must be read in conjunction with the following documents/legislation:

- AUSPEC Specifications for Road Openings and Restorations; Service Conduits, and Trenchless Conduit Installations
- Australian Standard 1742 Part 3
- Environmental Planning and Assessment Act 1979
- Local Government Act 1993
- NSW Street Opening Coordination - Model Agreement for Local Councils and Utility Service Providers
- NSW Streets Opening Coordination - Council Guide to Codes & Practices for Street Opening
- Road Act 1993
- RMS Manual for Traffic Control at Work Sites
- RMS Specification M209 - Road Openings and Restoration
- Work Health and Safety Act 2011

<b>Version</b>	<b>Date Approved</b>	<b>Approved by</b>	<b>Resolution No.</b>	<b>Review Date</b>
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Provisions from the Local Government Act and Regulations, Section 138 of the Roads Act as amended, Environmental Planning and Assessment Act (EP&A Act), WHS Act and Regulations, enables North Sydney Council as the principal authority to specify the manner and standards to which restoration works are to be undertaken by others within our road reserve, such as placing utility services in, on or over a road and footpath. We have the same ability to specify the manner and standard for restoration works required in our other public land areas such as parks, foreshores, malls and plazas.

North Sydney Council is responsible for managing street openings or other works undertaken on public land within the North Sydney local government area. Works can be done on a road pavement, footpath or nature strip for connection or access to a public utility i.e. gas, electricity, telecommunications, sewerage or water; installation or repair of property stormwater drainage; investigations or other similar work. The work referred to in this document involves all inspections, clearing, excavation, backfilling and restoration activities associated with new infrastructure installations, programmed maintenance, *or* emergency maintenance works undertaken in public areas in the North Sydney Council area.

Council must be notified of any works proposed or emergency works done on Council public land, whether planned or not, including investigative non-destructive works, with all relevant fees and charges being paid to restore any damage to public infrastructure.

This document shall be read in conjunction with:

- North Sydney Council Infrastructure Specification for Roadworks, Drainage, and Miscellaneous Works;
- NSW Streets Opening Coordination Council Guide to Codes & Practices for Street Opening;
- NSW Street Coordination Council Guides Document Model Agreement for Local Councils and Utility Service Providers;
- AUSPEC Specifications for Road Openings and Restorations; Service Conduits, and Trenchless Conduit Installations;
- RMS Manual for Traffic Control at Work Sites, and RMS Specification M209- Road Openings and Restoration;
- Australian Standard 1742 Pt 3

Where this and the above-mentioned documents cover the same areas *or* overlap, this document shall prevail, in so far as any inconsistencies existing between the relevant documents.

This document applies to proposed works or works carried out by public utility authorities, private developers, contractors, sub-contractors and authorised agents of public utility authorities.

**Where works are carried out by a contractor and or sub-contractor on behalf of a public utility authority or developer, absolute responsibility for the work, compliance and payment liability, will remain with the Public Utility Authority or the Developer / Head Contractor.**

Any entity, other than a Utility Authority Service Provider (who is specifically exempted by legislation), who does any work whether it is destructive or otherwise on any road, footway, plaza, park, public reserve or public land, must apply and obtain a 'Street / Footpath / Public Land Opening Permit' before any work commences. All entities, including the Utility Authority Service Provider shall be responsible for the full cost of all restoration works required, to comply with Council Standards and Specifications.



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### DEFINITIONS

The definition of terms used to define components shall be in accordance with AS 1348-2002 (Glossary of terms – Road and traffic engineering), unless otherwise stated.

The terms are:

**Permit Holder** - An individual or company who will pay all deposits and whose name will appear on the receipt issued by North Sydney Council. The Permit Holder will also be the only person/party to receive restoration invoices and/or refunds associated with these works.

**CBD** - Central Business District – North Sydney

**SOP** - Street Opening Permit

**Carriageway** - That portion of the road reserve devoted for the use of vehicles, including parking lanes.

**Clearing** – Works involving the removal of vegetation or other obstacles at or above ground level.

**Footpath** - The section of pathway dedicated to facilitating passage of pedestrians.

**Pathway** - That portion of the road reserve devoted for the movement of pedestrians.

**Pavement** - That portion of a carriageway placed above the sub grade for the support of, and to form a running surface for vehicular traffic and surface water flow. Kerbing and guttering which directs surface water flow is deemed to be part of the pavement.

**Roads Authority** - North Sydney Council is the Roads Authority for the local government area under its control except for those roads in its local government area classified as State Roads. The carriageway portion of State Roads are under the control of Roads and Maritime Services (RMS), as the Road Authority.

**Utility Services** - Physical conduits or conductors within the road reserve for the distribution of electricity; gas; telecommunications; sewerage; and water. They may consist of pipes, ducts, cables, etc. with associated access points / pits, protection devices and location indication devices. Utility Services comprise of public utility and commercially provided services, with property services linking from the principal carriers to properties.

**Street Opening Work** - Work within the road reserve or on any public space / land, requiring a permit from the relevant Roads Authority. This includes, but not limited to excavation and/or trenchless techniques; restoration; cable hauls, etc.

**Trenchless Technique** – Includes but is not limited to: micro tunnelling; horizontal directional drilling; auger boring; guided boring; impact moling; rotary moling; rod pushing; pipe ramming; thrust boring; jacking and bursting.



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**Public Utility Authority** - The utility service provider: electricity; gas; telecommunications; sewer; or water for whom the service installation/maintenance and restoration work is being conducted.

**Verge** - That portion of the road formation not covered by the road pavement or footpath.

### NOTIFICATION OF WORK

1. Notification of proposed work shall include the following details:
  - The Job/Project number.
  - Contact details for the Superintendent or Superintendent's Representative of the Public Utility/Authority.
  - Contact details for the Contractor including the site supervisor and after-hours emergency numbers.
  - Proposed hours of work.
  - Copies of notification letters to affected properties.
2. The notification process and customer service liaison during any work must be of the highest order.
3. Every attempt must be made by those doing the works to minimise the impact works will have on the surrounding area.
4. All affected properties are to be kept fully informed of upcoming works and the progress of works once started.
5. The contractor for a Public Utility/Authority shall take out a Street Opening Permit (SOP), prior to the commencement of **any planned or programed work**. **No permit application fee shall apply in this case. however, should the contractor be responsible for permanent restoration, then restoration fees shall be paid based on the estimated extent of work and as detailed below.**
6. **After planned utility works are completed, if permanent restoration is either not done by the Utility or not done to the satisfaction and standards of Council by the authorised Utility or their contractor, then permanent restoration fees are payable to Council based on agreed extent of works as detailed below, in order to allow Council to re-do or undertake the permanent restoration works required,**
7. Details supplied with the Street Opening Permit must include, though not be restricted to:
  - Contractor contact details including the site supervisor and after-hours emergency numbers.
  - The name of the entity /Public Utility/Authority or developer for whom the work is being undertaken including the Job/Project number and contact details for the Public Utility/Service Authority's representative.
  - **Site plan showing the details and extent of scope of works**
  - **Photographic evidence of the state of the footway/road prior to commencement of your**



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works. A minimum of three (3) photos showing a close up of the work area and two long shots from either end of the works are required.

- Approval from Police Local Area Traffic Branch.
- The submitted and approved Traffic Guidance Scheme for the proposed works in accordance with requirements of AUSPEC Road Openings and Restorations.
- Transport Management Centre (TMC) Road Occupancy Licence where applicable.
- Proposed hours of work.
- Extent of restoration work required based on the guidelines in this document.
- Copies of all notification letters.

### EMERGENCY MAINTENANCE WORK

1. Emergency maintenance work must be undertaken in accordance with the requirements of this document, with the following exceptions:
  - Notification is not required.
  - No restriction to the hours of work.
  - Saw cutting the edges of the opening is not required.
2. Where traffic flows are affected due to the required work, the Transport Management Centre and Harbourside Police Traffic Branch shall be notified as soon as possible.
3. **The Utility Service Provider shall notify Council of any emergency works being undertaken at the earliest opportunity, ideally within 48 hours (2 working days excluding weekends & public holidays), to the Council Call Centre on 02 9936 8100, Monday to Friday, 9am to 5pm or email details to [customerservice@northsydney.nsw.gov.au](mailto:customerservice@northsydney.nsw.gov.au) or [council@northsydney.nsw.gov.au](mailto:council@northsydney.nsw.gov.au) and /or fax (02) 9938 8177.**

### HOURS OF WORK

1. The standard hours of work in the Council area are 7:00am to 5:00pm Monday to Friday and 8:00am to 1:00pm Saturday.
2. Proposed hours of work outside those stated above must be noted on the notification. Refer to Practice Note (vii) of the RMS Environmental Noise Management Manual for guidance in the programming of work outside standard hours of work. At all times, the aim should be to program the work so that noise and vibration at night will not affect any single dwelling or group of dwellings, flats, units and other places of residence on more than two consecutive nights, or on more than a total of six nights over a period of one calendar month.
3. Where an RMS Road Occupancy Licence (ROL) is necessary, hours of work will be restricted to those stated on the approved licence – issued by the Traffic Management Centre.





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### LOCATION AND MAINTENANCE OF SERVICES

1. Dial Before You Dig (DBYD) plans and information must be obtained prior to commencement of any excavation works, to obtain location details for Council stormwater and subsoil drainage lines; recycled water reticulation network; street lighting cabling and parking sensors that may be in the affected area.
2. If the parking meter and/or the associated meter infrastructure is not required to be removed prior to or during the proposed works, **the applicant is required to provide maximum protection to the existing parking meter** (wrapped in thick plastic and thick material from meter head to base of meter) **and associated meter infrastructure** during excavation and use of equipment and materials/products.
3. Council may require the existing meter and meter infrastructure to be removed temporarily if the site conditions are unsatisfactory and the applicant will bear all associated costs.
4. Parking Sensors – **Parking sensors are located in the road pavement approximately one (1) metre from the kerb. DBYD information must be obtained from Council which includes guidance information that must be implemented when working in an area with parking sensors.**
5. The applicant will bear all costs for the removal, adjustments, changes and reinstatement of the affected parking meters including all associated meter infrastructure such as parking sensors, parking signage, signage posts, bay lines and bay pads.
6. Applicant is required to notify the Council Parking Meter Manager or the Meter Team:
  - if the scope of works changes and it affects the adjacent parking meter and/or meter infrastructure.
  - for the reinstallation of a parking meter prior to the commencement of new pavement/public domain works. This is for coordination purposes so that the meter can be reinstalled during the new pavement installation.
7. The location of existing stormwater and subsoil drainage lines; recycled water reticulation network and street lighting cabling, shall be established by exploratory excavation prior to the principal excavation.
8. Property stormwater lines discharging into kerb and guttering or other Council drainage structures, eg. Pits or pipes shall always be maintained.
9. **Any damage caused to any of the above services by activities associated with the maintenance or installation work shall be repaired or replaced to the satisfaction of Council. All costs for this work shall be borne by the Public Utility Authority or Permit Holder and/or its contractor.**



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### WASTE SKIPS

A Building Waste Skip Permit shall be taken out for each skip on-site. The placement of skips away from the work site for future use is not permitted. The contractor will be directed to remove any offending skip/s. Failure to do so may result in the impounding of the skip/s and Council seeking reimbursement for the cost of the removal.

### TRAFFIC MANAGEMENT

1. Any person undertaking work on a road, pathway or public place is responsible for ensuring that safe conditions are always maintained for members of the public (pedestrians, drivers and the people undertaking the work). Accordingly, all works are to be carried out in full observance of the *Work Health and Safety Act 2011* (NSW) and any other relevant State and Commonwealth requirements.
2. Appropriate written notification shall be provided to affected residents/occupants advising of the nature, extent and timing of the work. Notification should be enough to enable negotiation of alternative access arrangements and timing of works.
3. The Australian Road Rules as applied in New South Wales apply to all work areas. This includes:
  - Enforcement of NO STOPPING ZONES; CLEARWAYS; TRANSIT LANES; etc. during signposted times
  - Not standing any plant or skips within 10 metres of the nearest point of an intersecting road.
4. It is an offence under Section 667 of the Local Government Act for any person to wilfully remove, destroy, damage or otherwise interfere with notices or signs erected by Council.
5. All traffic control shall be in accordance with the current version of AS 1742 – Manual of uniform traffic control devices.
6. Where the works to be undertaken are likely to affect vehicular traffic on State or Regional roads; or within 100m of any set of traffic lights; or on the following RMS maintained roads, an RMS Road Occupancy Licence must be obtained:
 

Falcon Street	–	Pacific Highway to Military Road.
Military Road	–	Falcon Street to Macpherson Street.
Pacific Highway	–	Harbour Bridge to Christie Street.
Berry Street	–	Pacific Highway to Arthur Street.
Arthur Street	–	Berry Street to Pacific Highway.
Miller Street	–	Falcon Street to Cammeray Suspension Bridge.
7. Vehicular and pedestrian access to properties shall be maintained wherever possible. 48 hours written notice shall be provided to property owners whose access will be affected.



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8. **Emergency vehicle access must always be available.**
9. **All traffic control/management documents and plans shall always be available on-site .**

### **SURFACE PAVEMENT REMOVAL**

1. The edges of all proposed trenches in concrete or asphalt footpaths or carriageway pavements shall be saw-cut for the full depth of the bound pavement layers except where located along expansion joints. Any concrete base found under segmental pavers, shall also be saw-cut for its full depth.
2. All concrete and asphalt footpath and carriageway pavement material shall be removed and legally disposed of off-site.
3. **All full segmental paving units shall be taken up by hand, neatly stacked on pallets, sealed with plastic wrap and delivered to Council's Works Depot, with prior permission and notification. Pallets returned to Council's Works Depot shall be clearly marked to identify the origin of the pavers.**
4. Council approval is required to store pavers on-site. Pavers stored on-site must be at a location that will minimise interference with both vehicular and pedestrian traffic access to the area and surrounding properties.
5. **All cut and damaged segmental paving units and concrete edging associated with sections of lifted segmental pavers shall be removed and legally disposed off-site.**
6. **Turf, small plants, shrubs and trees may be taken up and stored for possible re-use. The decision as to whether or not the turf and plants are suitable for re-use will be made by Council's Open Space & Environmental Services Division. Contact on - Ph. (02) 9936 8228.**
7. All turf, small plants, shrubs and trees deemed unsuitable for re-use shall be removed and be legally disposed off-site.

### **EXCAVATION**

1. **No excavated material shall be re-used for backfilling.**
2. All excavated material shall be legally disposed off-site immediately.
3. Where excavating across a roadway, not more than one-half the width of the road pavement shall be opened at any one time.
4. Excavated material shall not, at any time, be stockpiled against tree trunks, buildings, fences or obstruct the free flow of water along gutters.



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### BACKFILLING

1. **No excavated material shall be used for backfilling.**
2. **All excavations or trenches are to be backfilled to the base of the surrounding pavement structure with pre-mixed sand and cement using a 14:1 ratio.**
3. All backfilling, between the Overlay Zone for the particular service being installed and the base-course for the surface treatment, shall be undertaken in accordance with AUS-SPEC 1152 - Trench Backfill.
4. The base-course backfill shall consist of DGB20 material in accordance with Council's Standards and Specifications.
5. Backfill for trenches less than 300mm in width shall be placed by hand with shovels. **In such trenches backfill shall not be pushed in from the sides with mechanical plant.**

### COMPACTION

1. Backfilling shall be compacted to the requirements of Table 4.1 in AUS-SPEC 1152 - Compaction of Trench Backfill.
2. All material shall be compacted in layers not exceeding 150mm compacted thickness. Each layer shall be compacted to the minimum compaction specified before the next layer is commenced.

### PROTECTION OF TREES

1. All existing trees shall be protected from any damage during the works.
2. The storage, stockpiling, dumping or otherwise placing under or near trees, bulk materials and harmful materials, including oil, waste concrete, clearings, boulders and the like is prohibited.
3. The Public Utility Authority or Permit Holders or their Contractors shall not attach stays, guys and the like to trees and shall prevent damage to tree bark.
4. **The Public Utility Authority or Permit Holder or their contractors shall not cut tree roots without the approval of Council's Division of Open Space and Environmental Services - Ph. (02) 9936 8228.**
5. All soil replacement, for a minimum 300mm thickness around tree roots, shall consist of a soil mixture approved by Council's Division of Open Space and Environmental Services, placed and compacted in layers of no more 150mm to a dry density equal to that of the surrounding soil.
6. No material shall be placed above the original ground surface around tree trunks or over the root zone unless approved by Council's Division of Open Space and Environmental Services.



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### RESTORATION - GENERAL

1. Carriageway pavements and pathways shall be restored in a continuous manner to a condition at least equivalent to that existing prior to the commencement of the works.
2. **Service access pits, access chamber frames and lids, etc. shall be set by the Public Utility Authority or its approved contractor such that carriageway pavements and pathways can be restored to original levels. All new pit installations or reconstructions must use aesthetic/paved infilled pit lids where they are in existing paved areas. The Public Utility Authority or its contractor shall liaise with other utility authorities should any other utility service access pit be required to be adjusted or replaced prior to restoration.**
3. All asphalt carriageway pavement reinstatements shall include a 400 150mm over-cut around the entire perimeter of the opening. **The minimum width for trench restoration works on asphalt roadways or paths is 600mm.**
4. All concrete carriageway pavement reinstatements shall be dowelled to the existing road pavement in accordance with Council's requirements, standards and specifications.
5. **Council is responsible for determining the extent of the concrete road pavement restoration to suit the proposed road opening. The minimum width for concrete road slab restoration is 1.2m.**
6. **Unless approved in advance by Council, North Sydney Central Business District (CBD) Granite Footpath & Road Pavement final restoration costs will be estimated based on extent of work required. Please consult Council for site specific requirements in the planning process phase of the work.**
7. Unless approved in advance by Council, the area of concrete carriageway pavement to be reinstated (in addition to the actual area opened and all over-break as a result of the works) shall include any concrete carriageway pavement adjoining such opening that is within ~~500mm~~ 1.2m of:
  - (a) Any edge of the concrete slab in which the opening is made.
  - (b) Any edge of a previous reinstatement.
8. ~~Where the concrete footpath is determined to be less than three (3) years old, full width slab replacement is required.~~
9. ~~Unless approved in advance by Council, the area of concrete footpath to be reinstated, in addition to the actual area opened and all over-break as a result of the works, shall include any concrete footpath adjoining such opening which is within 500mm of:~~
  - ~~(a) Any edge of the concrete slab in which the opening is made.~~
  - ~~(b) Any joint in a concrete slab.~~
  - ~~(c) Any edge of a previous reinstatement~~
8. **Unless approved in advance by Council, replacement of full slabs of dug up and/or disturbed concrete footpaths and driveways (joint to joint) is required regardless of the age and**



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condition of the existing concrete footpath and driveway to ensure structural asset life durability, the minimising of risk and the continued aesthetic integrity of the area.

9. Unless approved in advance by Council, the area of segmented paving footpath to be reinstated, in addition to the actual area opened and all over-break as a result of the works, shall include an additional outside the edge of the excavated area around the entire perimeter to allow for appropriate blending in with the existing paved footpath. This is done by ensuring:
  - (a) three complete concrete pavers (Civic and Interlocking Pavers) laid on sand bedding on road base;  
AND OR
  - (b) one complete paver (Granite, Urbanstone and Pebblecrete Pavers) laid on wet mortar bedding on concrete base.
10. Unless approved in advance by Council, the area of sandstone or granite paved footpath to be reinstated, in addition to the actual area opened and all over-break as a result of the works, shall include an additional 500mm 300mm outside the edge of the excavated area around the entire perimeter to allow for appropriate blending in with the existing paved footpath.
11. Unless approved in advance by Council, the length of kerb and/or gutter to be reinstated, in addition to the actual length opened and all over-break as a result of the works, shall include any kerb and/or gutter adjoining the opening, which is within 500mm 1000mm of a joint or the edge of a previous reinstatement.
12. Where property stormwater pipes discharging into kerb gutters have been cut, they shall be replaced to the satisfaction of Council.
13. ~~Where a restoration has subsided or proved unsatisfactory through the incorrect backfilling of an opening, the Public Utility Authority concerned will be liable for all costs involved in restoring the faulty restoration.~~
13. If the backfilling of the trench is found not to be compliant to standards in accordance with Council Infrastructure Specification, Council may redo the works to rectify with all costs incurred charged back and recouped. If the trench subsides at a future date due to unsatisfactory backfill, the Public Utility Authority or Permit Holder will be liable for the full cost of the rectification / re-work required to bring to standards.
14. Where Council stormwater pipes or culverts have been damaged during the course of the work, Council's Engineering and Property Services Division shall be contacted on 9936 8100 as soon as possible. Damaged pipes or culverts shall be repaired or replaced to the satisfaction of Council. The entity / permit holder concerned will be liable for all costs involved in restoring the damage including CCTV inspections required to confirm the extent of damage and suitability of the repair.

**Note: If complex in nature due to many factors, the basis / conditions of reinstatement should be agreed to with Council prior to the start of any construction works.**



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### RESTORATION - TEMPORARY RESTORATION

Temporary restorations in roads and pathways shall be undertaken in a manner that ensures the safety of the site for pedestrian and vehicular traffic until the final restoration is undertaken. The Permit Holder or Service Utility is responsible for undertaking the backfilling works and to maintain the safety and serviceability of the temporary restorations until final restoration is undertaken, unless other arrangements are made with Council.

It is the Service Utility or Permit Holder's **responsibility** to regularly inspect the temporary restorations to confirm integrity and undertake any necessary maintenance required until completion of the permanent restoration as approved by Council.

1. The edges of all paved asphalt or concrete surface layers and all base layers are to be prepared with a straight clean square edge prior to temporary restoration.
2. Immediately after backfilling, the carriageway pavement, footpath or driveway shall be temporarily restored and re-opened to traffic.
3. Temporary restoration shall consist of either:
  - Hot mix compacted in accordance with industry best practice to a thickness of a minimum of 25mm and maximum of 50mm. Where required the base course material shall be built up to achieve the 50mm maximum thickness allowed.
  - Permanent patch cold mix, eg. EZ Street; Sami Pavefix or similar, compacted as per manufacturer's requirements and to a maximum thickness of 50mm. Where required the base course material shall be built up to achieve the 50mm maximum thickness allowed.
  - Steel plating, non-slip coated, overlapping the opening by 400mm on each side, of enough thickness to support traffic loadings, suitably secured with pins and ramped with bituminous cold mix in accordance with RMS specification M209.
4. The asphalt is to be laid and uniformly compacted to match the finished surface levels of the surrounding pavement surface and is to be free of any irregularities that could lead to pedestrian or traffic hazards.
5. Steel plating shall only be utilised where access is again required to the trench / opening and complete backfilling is not possible at that time.
6. Where steel plating is used, advance warning signs shall be provided in accordance with either AS 1742.3 and its associated handbooks or the RMS document – Traffic Control at Work Sites.
7. The Utility or Permit Holder undertaking the temporary restoration must action Council request to repair failed temporary restorations **within 4 hours** of the request.
8. At the completion of the temporary restoration works, please notify Council Customer Service Centre to arrange a site visit to measure the site for permanent restoration.
9. The Utility or Permit Holder undertaking the work is responsible for co-ordinating with



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Council for determining the final restoration scope as soon as practicable, within 21 calendar days from completion date of works, including the temporary restoration.

### RESTORATION - PERMANENT RESTORATIONS DONE BY COUNCIL

1. Restoration orders shall be sent to Council through either:
 

Facsimile	-	(02) 9938 8177
Email	-	<a href="mailto:council@northsydney.nsw.gov.au">council@northsydney.nsw.gov.au</a>
Post	-	North Sydney Council PO Box 12 North Sydney NSW 2059
  
2. All openings in verges or public reserves shall be restored in accordance with the requirements of Council's Division of Open Space & the Environmental Services – Ph. (02) 9936 8228.
3. ~~Minimum charge for a restoration is 1.0 square metre of area or 1.0 metre length. Areas/lengths over the minimum shall be measured to the nearest 0.1 square metre/metre.~~
3. Minimum restoration charges apply for type of footpaths, driveways and road pavements in accordance with Council's adopted Fees and Charges, and Council's Street Opening Permit Application Form.  
are as follows;
  - ~~Concrete footpath – \$1,000.00~~
  - ~~Concrete Driveway – \$1,450.00~~
  - ~~Interlock, Urbanstone, Pebblecrete Paved footpath and driveways (with Concrete Base) – \$1,800.00~~
  - ~~CBD Granite Footpath, Kerb Ramp and Driveway – \$2,150.00~~
  - ~~50mm Asphalt Road Pavement – \$1000.00~~
  - ~~50mm Asphalt on Concrete Base pavement – \$4650.00 (Mostly in North Sydney CBD – Check with Asset)~~
4. **Restoration works are the contractual responsibility of the Utility or Permit Holder undertaking the work. All costs associated with the restoration shall be paid to Council.**
5. **Other than Utility Authorities, initial payment is based on the estimated extent of restoration required when the Street Opening Permit Application is submitted to Council prior to the commencement of any work by the Permit Holder. Additional cost adjustments or refunds will be negotiated with the Permit Holder once the infrastructure works are completed and the affected area is ready for permanent restoration.**
6. **Additional costs will need to be paid in full to Council prior to Council undertaking permanent restoration works. Delays in completing payment will not dismiss the permit holders ongoing responsibility to maintain the temporary restoration to ensure safety and compliance to Council standards.**





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### RESTORATION - PERMANENT RESORATIONS DONE BY PUBLIC UTILITY AUTHORITY / **PERMIT HOLDER**

1. **Permanent restoration of the area affected by the works undertaken by the Public Utility Authority / Permit Holder or its contractors may only be carried out with the prior agreement and approval of North Sydney Council.**  
**A 12-month defects liability period applies for all permanent restorations work undertaken by or on behalf of the public utility or permit holder.**
2. The extent of work, inspection / hold points, and relevant fees shall be agreed with North Sydney Council prior to the commencement of any permanent restoration work.
3. Council standard fees and charges will apply for critical hold point inspections, such as on hold points when work cannot be inspected later (e.g. steel inspection before concrete pour).
4. Council does not approve permanent restorations by others using Granite, Urban stone, Pebble Crete and Sandstone footpath paving on concrete base. All permanent restorations in these paved areas shall be undertaken by Council in order to maintain the structural and aesthetic integrity of the paving in these important areas following payment of the agreed to costs to Council.
5. All work shall be undertaken in accordance with North Sydney Council's current Infrastructure Specification for Roadworks, Drainage and Miscellaneous Works.
6. **Where a permanent restoration is carried out by others and is shown to be unsatisfactory through incorrect preparation and finishing, the entity concerned will be liable for all costs involved in restoring the faulty restoration to Council standards.**
7. All temporary pavement material shall be removed and legally disposed of off-site by the contractor.
8. All concrete works shall be restored using ready mixed concrete of a minimum strength of **25 32Mpa**.
9. Around electricity supply poles, the concrete paving shall be terminated 200mm from the pole and the resulting space filled with bituminous cold mix material.
10. Paving units shall be re-laid to match the pattern and surface levels of the existing adjacent paving. Cut or damaged paving units unsuitable for re-laying shall be replaced with new units of the same material, type, size and colour as the existing units.
11. All openings in verges or public parks and reserves shall be restored in accordance with the requirements of Council's Division of Open Space & the Environmental Services.
12. **A maintenance period of 4 weeks applies to all turfing and landscape restorations.** Maintenance includes the following activities - watering, weeding, pest and disease control, pruning, mulching or any other horticultural activity to ensure the health and survival of the turf and/or plants.



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13. **At the end of the maintenance period, any turf and/or plants that have died off shall be replaced at the permit holders' expense.**

### CLEANUP

1. Upon completion of all works associated with the project, the areas affected by the works and associated construction activities, including services mark-ups, shall be cleaned up and restored to a condition at least equivalent to that existing at the commencement of the works.
2. All rubbish and residual construction materials shall be legally disposed off-site by the contractor.
3. Failure to comply shall result in Council undertaking the necessary remediation work with all costs including overheads being charged to the permit holder.



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### REFERENCE DOCUMENTS

*North Sydney Council Infrastructure Specification for Roadworks, Drainage and Miscellaneous Works –*

Web Hyperlink: [North Sydney Council - Styles & Specifications](#)

Web Address:

[https://www.northsydney.nsw.gov.au/Projects\\_Infrastructure/Public\\_Domain\\_Infrastructure/Styles\\_Specifications?BestBetMatch=specification|863552b6-4be4-4f53-b581-248e125e80fa|b0f2021b-05f6-4b41-aed2-a0a60125844d|en-AU](https://www.northsydney.nsw.gov.au/Projects_Infrastructure/Public_Domain_Infrastructure/Styles_Specifications?BestBetMatch=specification|863552b6-4be4-4f53-b581-248e125e80fa|b0f2021b-05f6-4b41-aed2-a0a60125844d|en-AU)

*NSW Street Opening Coordination Council -Guide to Codes and Practices for Streets Opening (2018)-* (<http://www.streetsopening.com.au/resources/>)

PDF document link:

<http://www.streetsopening.com.au/data/files/d4/10/00/00/200505%20SOCC%20Guide%202018%20R3.10%20&%205.5.pdf>

*NSW Street Opening Coordination Council - Guides Document Model Agreement for Local Councils and Utility Service Providers (2018) -*

<http://www.streetsopening.com.au/data/files/24/10/00/00/NSW-Streets-Opening-Coordination-Council-Model-Agreement-2018.pdf>

**RMS Manual – Traffic Control at Work Sites**

**Australian Standard 1742 Pt 3.**

**AUS-SPEC – Specification 1151 – Road Openings and Restorations**

**AUS-SPEC – Specification 1152 – Road Openings and Restorations (Utilities)**

**AUS-SPEC – Specification 1391 – Service Conduits**

**AUS-SPEC – Specification 1392 – Trenchless Conduit Installations**

**RMS Specification M209 – Road Openings and Restoration**

**NOTE:**

**When undertaking works in the North Sydney Council area, reference documents should be utilised in the following order:**

- 1. North Sydney Council – Works by Others on Public Land Guidelines**
- 2. North Sydney Council – Street Opening Permit Application Form**
- 3. NSW Street Opening Coordination Council Guides and Codes**
- 4. AUS-SPEC Specifications**

**When undertaking works on RMS State or Regional Roads, primary reference documents will be the relevant RMS Manual, Guidelines, and Specifications.**