

These notes are a guide for Developers who are required, as a condition of development consent, to complete **road works** or other works for which TfNSW has statutory authority.

1. Works Authorisation Deed (WAD)

The WAD is a formally executed **common law agreement** between TfNSW and the Developer. It is entered into after the Development Application (DA) has been approved and before approval of design documentation. The WAD is emailed to the Developer for signature and returned to TfNSW for execution. TfNSW then emails an executed copy to the Developer.

The WAD is a controlled legal document and should not be changed. If the Developer insists on changes, these will need to be approved by TfNSW Legal Branch, with the Developer meeting all TfNSW legal costs.

The WAD authorises the Developer to carry out works within or in the vicinity of state / classified roads for which TfNSW has a statutory interest, subject to a series of prescribed requirements and conditions. These conditions include the process for design approval, construction specifications, project management, health and safety, environmental management, community consultation, and approval of road occupancies.

2. TfNSW costs

TfNSW requires payment of costs for reviewing design documents, project management, WAD administration and surveillance. An estimate of TfNSW costs will be sent to the Developer with the WAD for signature. An invoice for the estimated TfNSW costs will be sent to the Developer following execution of the WAD. TfNSW costs are to be paid **within 10 business days** of the date of the invoice.

Additional fees will apply for Traffic Control Signal (TCS) works and maintenance, bridgeworks and maintenance, or other works deemed significant by TfNSW, property and/or title charges, land dedication, and legal costs associated with WAD execution.

For new traffic signal works and modifications to existing traffic signals, the Developer will be required to pay a **10 year maintenance contribution fee**. Separate invoices will be forwarded to the Developer for these costs, if applicable; these are to be paid before granting practical completion.

3. Dedication of land

Any land acquisition required for road widening or to accommodate road infrastructure facilities and utilities is the responsibility of the Developer; including all costs associated with acquiring additional land and dedication of land required as public road. Council and TfNSW concurrence is required for the amount of land to be dedicated.

The dedication of land may become apparent at any of the project's phases:

- When a DA is submitted to the consent authority, the consent authority refers the DA to TfNSW for assessment. If a requirement for dedication is apparent and regulated by TfNSW, the consent authority will make it a condition of the consent.
- During Concept or Detailed Design, or during Construction phases, it may become apparent that additional land is required.

The Developer is responsible for dedication of additional land and associated costs to accommodate all road related infrastructure to achieve Practical Completion

The dedication of land may require a considerable amount of time, particularly land acquisition from a third party, so early initiation of the process must not be overlooked. TfNSW must receive proof prior to Detailed Design Acceptance that the owner of third party land has given authority for construction to occur and that the process of acquisition has been initiated.

4. Insurances

The Developer must ensure that the policies of insurances detailed in the WAD are current and maintained. In particular, the period of **Professional Indemnity** (for all consultants involved in the design and certification) insurance shall be from the earlier date of the design of the Works commencing or the time the construction contract is awarded up to completion of the Deed plus 7 years following completion of the contract.

A professional indemnity insurance certificate of currency shall be submitted with or before the concept design submission. Evidence of **Workers Compensation, Public Liability, Contract Works and Motor Vehicle insurances** shall be submitted to TfNSW before commencing construction.

The public liability, contract works, and motor vehicle insurance policies shall list as named insureds the Developer, all Contractors, TfNSW and Council (for their respective rights, interests and liabilities). These policies must also include a cross liability clause, which means the insurer agrees to waive all rights of subrogation or action that it may have or acquire against all or any of the persons comprising the insured; and for the purpose of which the insurer accepts the term 'insured' as applying to each of the persons comprising the insured; as if a separate policy of insurance has been issued to each of them.

5. Security bond

Before commencing construction of the Works, the Developer must lodge with TfNSW the Approved Security for the amount stated in Item 9 of the Schedule (Minor and Major WAD) for the purpose of ensuring the due and proper performance of the Developer's obligations under the Agreement. Security must be provided as two separate unconditional Bank Guarantees of equal value, totalling the amount stated in Item 9 of the Schedule.

One Bank Guarantee can be released back to the Developer after Notice of Practical Completion has been issued by TfNSW, and the remaining security at the end of the defects liability period (Final Completion).

Security is not required from Councils or other Government agencies entering into a WAD with TfNSW.

6. Design documentation

The WAD outlines the Developer's design approval obligations. These obligations include but are not limited to:

- TfNSW and Council concurrence/acceptance to concept and final detail design drawings before commencing construction works
- Geotechnical report and pavement design for TfNSW approval (**note:** it is recommended that the Developer consults with the TfNSW Project Officer prior to undertaking any Geotech investigations)
- TfNSW plan registration Drawing Set number for detail drawings
- TfNSW approval for the design of traffic control signals
- Road Safety Audit and Safety in Design Risk Register
- All WADs also require obtaining independent certification of all drawings and specifications and a design report.

Design documentation prepared in accordance with the design speed (posted speed + 10km/hr) shall meet [TfNSW supplements to Austroads](#) and [TfNSW supplements to Australian Standards](#) and [TfNSW Technical directions](#). Drawings should refer to [TfNSW Specifications](#) and [TfNSW Standard Drawings](#).

TfNSW is not responsible or liable for checking design documentation for errors, omissions or compliance. While TfNSW will review the documentation, it is expected that the Developer engage a consultant who is competent in preparing contract documents to TfNSW requirements. TfNSW can provide **Design Plan Requirements** which are generally in accordance with the [CADD manual](#) to assist in submission of comprehensive design documents.

7. Specifications and Project Management Plans

Copies of quality assurance specifications may be obtained from the appointed TfNSW Project Officer to guide the preparation of pre-construction activities, works surveillance, and provision of conformance data following construction.

The WAD sets out the requirements for management plans covering the proposed works, which must be accepted by TfNSW before commencing construction work.

8. Commencement of works

Construction works must **not commence until** all the requirements set out in the WAD have been met and you receive an **Approval to Commence Construction letter** from TfNSW. Your attention is drawn to the following:

- The construction of traffic signals, roadworks and/or bridgeworks may only be carried out by a contractor that, at the time of engagement, is prequalified for those works under the TfNSW Prequalification Scheme for Construction Industry Contractors. A list of [prequalified contractors](#) is available on the TfNSW website.
- The Developer must submit the names of proposed contractors and subcontractors to TfNSW for approval.
- The work will be overseen by a TfNSW Surveillance Officer, for Minor WADs, the Surveillance Officer will be the first point of contact for the Developer and the contractor during construction. For Major WADs, the Independent Project Verifier will be the first point of contact for the Developer and Contractor during construction.

9. Completion and handover of works

The Developer must give TfNSW written notice **not less than 20 business days** before it anticipates achieving practical completion of the construction works. In instances where the works period is expected to be less than 20 days, notice given for anticipated practical completion will be at the discretion of the TfNSW Project Officer.

Key WAD requirements are:

- independent certification from the Project Verifier (a Chartered Engineer) that all work complies with the requirements of the WAD and is fit for occupation and use
- the provision of Works As Executed (WAE) drawings within 20 business 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.

TfNSW will issue a final certificate when all the requirements of the WAD have been satisfied and release the remaining security bond after the end of the defects liability period.