

# TfNSW approvals for Council delivered upgrades

## A guide for works within the road reserve

Transport for NSW (TfNSW) approvals are required under the Roads Act, 1993 for road work, traffic control facilities and works and structures.

### Works requiring approvals

#### Road work

TfNSW consent is required for road work on classified roads under Sections 61-77.

Road work is defined in the Dictionary of the Roads Act, 1993. Broadly, road work facilitates the use and regulation of a road but excludes traffic control facilities. Examples include lanes, bridges, intersections, kerbs, shoulders, cycleways, bus bays.

#### Traffic control facilities

TfNSW consent is required under Section 87 for traffic control facilities on classified roads and is also required for traffic signals on any road.

Traffic control facilities are defined in Section 45E of the Transport Administration Act, 1999. They include roundabouts, signals, footpaths, pedestrian crossings (including pedestrian bridges), local area traffic management devices, railway level crossings, traffic signs, pavement markings, safety barriers.

#### Works and structures

TfNSW concurrence is required for works and structures on classified roads under Section 138.

Works and structures are detailed under Section 138. They include driveways, utility structures such as pipelines and power poles, advertising signs, town entry sculptures.

### How does this guide work?

This guide divides the works into four categories each with their own process dependant on the planning pathway, the type of road and the type of work. There are some exclusions, these are detailed on page 4.

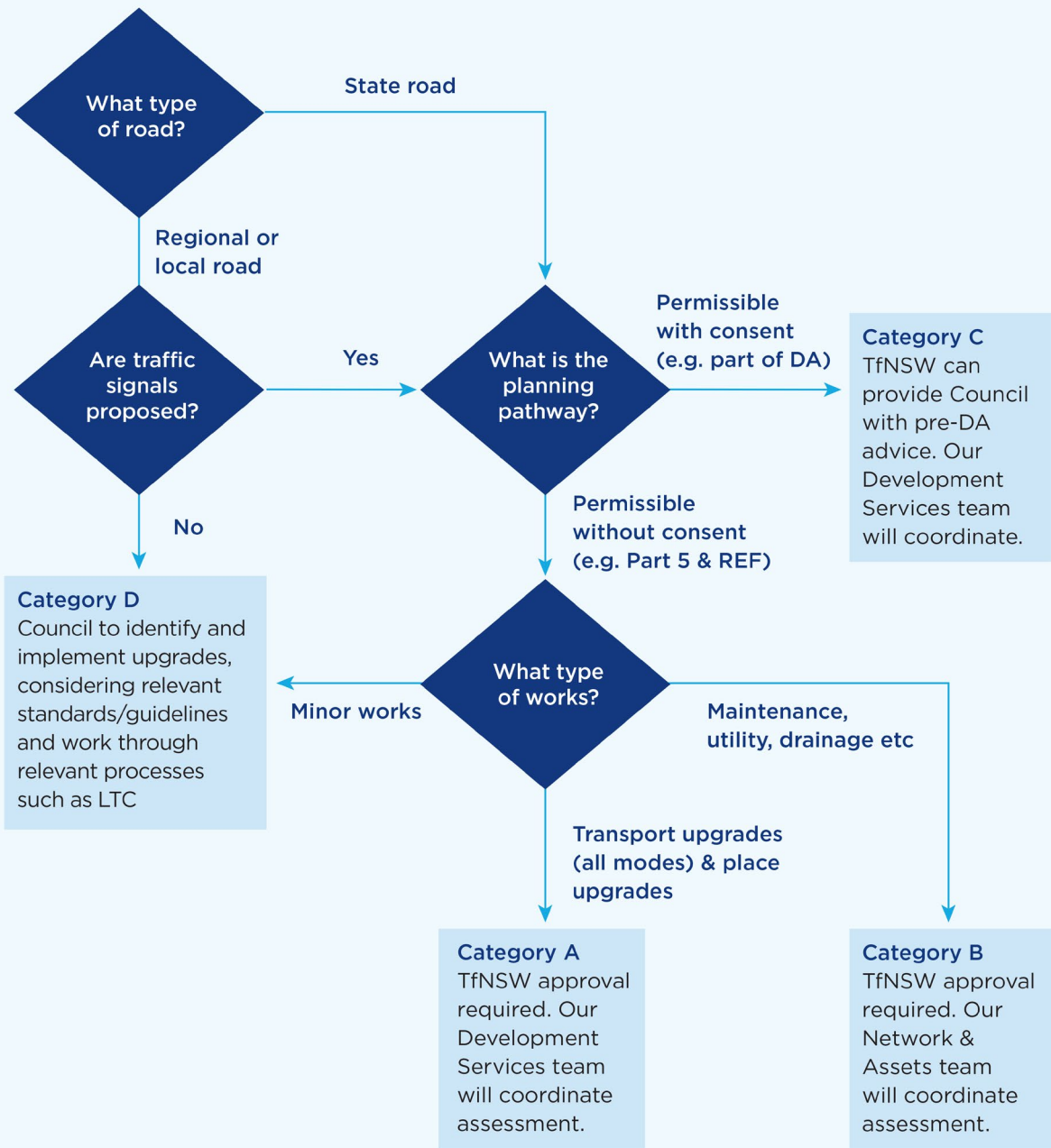
To determine the appropriate category and associated process:

1. Work through the **flow chart** on page 2
2. Read the supporting **descriptions** on pages 3 to 5.

### What if Council is not sure?

If Council is any doubt, simply email your local TfNSW Development Services team to clarify which category applies.

# Which category applies?



**Exclusions**  
Regulatory & directional signage; RMCC works; roadside tributes. See page 4 for more details.

# Descriptions for each category

## Category A

### Transport Upgrades and Place Upgrades

This category applies to Council proposed works that change the road environment for the road users be that a driver, pedestrian or cyclist and do not require a development application (DA). That is, they are permissible without consent or exempt, be that under Council's local environmental plan or a state environmental planning policy.

These include:

- a) Traffic signals on any road (new or modifications)
- b) Works on **State roads** including:
  - Transport Upgrades
    - intersection upgrades
    - changes to lane configurations, new kerb & gutter, bus bays etc.
    - new pedestrian crossings, cycleways, shared paths and footpaths etc.
  - Place upgrades which change the environment for road users
    - streetscaping, town revitalisation plans
    - town entry signs etc.

These proposals are to be sent to your local Development Services Team. The team will coordinate the assessment to consider the proposed upgrades and determine if they are acceptable.

The process and information required is described in Appendix A.

## Category B

### Maintenance works, utility works, drainage works etc

This category applies to Council proposed works that do not change the road environment for the roads users and do not require a DA. That is, they are permissible without consent or exempt, be that under Council's local environmental plan or a state environmental planning policy.

These include:

- maintenance works on State roads such as pavement rehabilitation, kerb and gutter replacement, median replacements etc
- drainage works on State roads
- utility works on State roads.

These proposals are to be sent to your local Network & Assets team. The Network & Assets team will coordinate the assessment and provide the response.

## Category C

### Works which form part of a development

This category applies when Council is proposing a development which requires DA consent under the Environmental Planning and Assessment Act, 1979 and the development includes or requires *road work, traffic control facilities or works and structures* on State roads or traffic signals on any road.

For example, a development application (DA) for:

- a new library which includes a driveway connection to a State road
- a major Council car park which includes a new set of traffic signals at a nearby intersection of two local roads to cater for increased traffic.

While standard DA processes apply, including those associated with the Planning Portal, Council is encouraged to seek and obtain pre DA advice from TfNSW to help streamline the formal DA process and avoid any complications post consent.

Pre DA advice can be obtained by emailing your local Development Services team. The Development Services team will coordinate the assessment and provide the response.

## Category D

### Works for Council to manage

This category applies when Council is proposing *road work, traffic control facilities* and *works and structures* in the following circumstances:

- works on regional classified roads (excluding traffic signals)
- works on regional unclassified roads (excluding traffic signals)
- works on local roads (excluding traffic signals)
- minor works in State road reserves where the works will **not** impact a TfNSW asset or the operation of the road environment for drivers, pedestrians or cyclists. These include:
  - replacement of footpath
  - replacement of Council maintained structures
  - drainage or utility works on the footpath only.

TfNSW entrusts Council to identify and implement appropriate upgrades, considering relevant standards/guidelines and work through relevant processes such as local traffic committee.

Notwithstanding the above, if Council would like advice on matters on regional classified roads (or another road), please email your local Development Services team.

## Frequently asked questions

### Does a Road Occupancy Licence represent approval to commence works?

No. A Road Occupancy Licence (ROL) is a separate approval that will need to be obtained for all projects where the delivery of the work impacts travel lanes on a State road or the operation of traffic signals on any road. The ROL is a licence to occupy the road and does not represent an approval under the Roads Act, 1993 to deliver the works.

### What if TfNSW is funding or partly funding?

Council is encouraged to obtain TfNSW's position on proposed State road upgrades and traffic signals on any road through this process before applying for State Government funding, such as Safer Roads or Active Transport.

TfNSW does recognise this will not always be possible. In such cases, Council would need to work through this process post funding approval. While TfNSW will work with you to find an acceptable solution, 'in-principle acceptance' cannot not be guaranteed.

### What if we are engaging TfNSW as service provider (as a consultant or contractor)?

Council is welcome to approach TfNSW as a consultant to design works or as a contractor to build works. In such circumstances, Council should contact the relevant service provider directly.

For works on State roads and traffic signals on any road, the processes and approvals detailed in this process will still apply. For instance, if TfNSW is engaged as a consultant to prepare a strategic design, the design will still need to be submitted by Council to the local Development Services team to obtain in-principle acceptance.

### Exclusions

This guide and the associated processes do not apply to the following matters:

- regulatory and directional signage on State roads.
- works carried out for TfNSW under a Road Maintenance Council Contract (RMCC).
- erection of roadside tributes at fatal crash sites. Refer to the TfNSW Roadside Tribute Factsheet: <https://roads-waterways.transport.nsw.gov.au/documents/roads/using-roads/roadside-tributes-factsheet.pdf>

Existing processes are to be maintained for all of these.

## APPENDIX A

### Detailed process for Category A

### Transport Upgrades and Place Upgrades

#### Phase 1 - In-Principle Acceptance

1. Council send package of information to TfNSW's local Development Services team requesting TfNSW "in-principle acceptance" of the upgrade and, if desired, a pre lodgement discussion or meeting.

For major works, the package needs to include:

- a) A justification report which addresses the need for the upgrade, considers alternative options and demonstrates the proposed upgrade is the most appropriate option. Where applicable, details of any prior approvals need to be provided (such as Safer Roads funding approval).

For intersection upgrades including signals:

- the report needs to include traffic analysis and traffic modelling (generally AM, PM peaks and a future growth scenario, 10 years for most cases, longer for sensitive sites such as around interchanges or major roads).
- electronic copies of the modelling need to be provided.

For signals:

- the report needs to address RMS signal warrants and proposed phasing
- TfNSW will generally require a two lane approach on all legs and pedestrian crossings on all legs
- for local and regional roads (i.e. not involving State Roads), while TfNSW will continue to maintain the signals post upgrade, Council need to be aware that any ongoing capacity issues and/or complaints associated with signals will be a matter for Council to deal with and/or address with Council funded upgrades. TfNSW will not be providing any upgrades in the future to address capacity issues.

- b) A strategic design for the upgrade to clarify the scope of works and demonstrate a compliant design can be constructed within the road reserve.

For minor works with clear benefits, such as shoulder widening, cycleways, shared paths, footpaths, a justification report is unlikely to be required.

2. TfNSW Development Services team will coordinate an assessment of the proposed upgrade with internal stakeholders (i.e. Regional Planning, Network & Assets, Design, Community Partnering, Network Operations etc).

3. If TfNSW is satisfied that the upgrade is acceptable, TfNSW Development Services team will either:

a) Issue an In-Principle Acceptance letter

This will apply for intersection upgrades, works which impact through lane pavement and other such works. TfNSW will oversee the detailed and design and delivery of the works. Refer to the comments below under the heading TfNSW Phase 2.

b) Issue a Letter of consent/concurrence (under the relevant section/s of the Roads Act, 1993)

This will apply for minor and low risk works. TfNSW will not oversee delivery. TfNSW will entrust Council to design and deliver the works in accordance with relevant standards. The letter will issue the necessary Roads Act consent/concurrence and Phase 2 will not apply. Council will need to obtain a road occupancy licence if construction is likely to impact on a travel lane or the operation of traffic signals.

In both cases, Council will be responsible for considering and addressing any environment impacts of the upgrade via a Part 5 assessment under the Environmental Planning and Assessment Act, 1979 (i.e. a REF). This includes consideration and mitigation of issues such as noise, biodiversity, heritage, parking, accessibility etc both during construction and post construction.

## Phase 2 – Detailed design and delivery

This phase applies where Council receives an ‘In-Principle Acceptance’ letter in Phase 1. TfNSW will oversee the detailed design and delivery of the upgrade.

1. When Council is ready to proceed to detailed design and construction, send an email to the local Development Services team requesting to commence the delivery of the upgrade. Please include a copy of TfNSW ‘In-Principle Acceptance’ letter and associated design.

Note: In the event Council is ready to commence the works immediately, Council should simply respond to the ‘In-Principle Acceptance’ letter email consistent with the above. This is to ensure our project managers are focussing on projects ready to be progressed.

2. TfNSW Development Services team will then liaise with TfNSW Developer Works teams to hand the project over to the appointed project manager. TfNSW will provide Council with the contact details of the appointed project manager.

3. Council work with the TfNSW project manager through detailed design and construction via a Works Authorisation Deed (or other suitable agreement). Council’s role will be to design and construct, TfNSW role will be to oversee/approve. Part of preconstruction requirements will include Council providing a copy of the determined REF for the upgrade. Council must also obtain a road occupancy licence (ROL) prior to commencing works which impact travel lanes on a State road or the operation of traffic signals on any road.

## APPENDIX B

### TfNSW Development Service team contacts

<b>Sydney Region</b>	development.sydney@transport.nsw.gov.au
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<b>North Region</b>	development.north@transport.nsw.gov.au
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### TfNSW Network & Assets team contacts

<b>Network &amp; Assets South</b>	roadaccess.south@transport.nsw.gov.au
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<b>Network &amp; Assets North</b>	roadaccess.north@transport.nsw.gov.au