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Introduction

A **Works Authorisation Deed (WAD)** is a common law agreement between TfNSW and a Developer. 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.

There are three types of agreements.

- A Minor WAD is for works deemed low risk by TfNSW.
- A Major WAD is for works deemed high risk or involves the installation or modification of traffic control signals.
- A Deed of Indemnity is used as deemed necessary by TfNSW.

Capital works carried out under a Deed must meet stringent terms and conditions imposed by TfNSW. TfNSW retains a statutory responsibility within NSW for roads and has the right to undertake the works or authorise the works to be carried out. Thus, a Developer entering into a WAD must accept the same technical standards for design, construction and materials determined by TfNSW for projects of its own.

Note:

- The Developer will be responsible for the finance, design and construction of the road/traffic infrastructure works.
- The Developer will be responsible for the dedication and acquisition of land if required to accommodate the road infrastructure including, but not limited to, footways, structures, stormwater drainage, batters, maintenance access and utilities, to the satisfaction of TfNSW.
- The works shall be at no cost to TfNSW. TfNSW costs for design review, project management, surveillance and legal costs must be paid by the Developer.
- The Developer is responsible for the design and delivery of all project elements, but the design, the delivered works and contractors/sub-contractors/consultants/auditors involved must be accepted by TfNSW.
- TfNSW recommends Developer's engage a suitably qualified and responsible representative to manage the project on their behalf and to engage directly with TfNSW.

There are seven key stages in the WAD process. This manual details actions Developers need to take and the required documentation.

1. Development consent

When a Development Application (DA) is lodged, the consent authority must refer the application to TfNSW if there is a likely traffic impact to the classified road network and/or if TfNSW has a statutory interest.

- A TfNSW Development Services Case Officer is assigned to consider the likely traffic impacts of the development and determine the extent of any infrastructure works required to mitigate the impacts.
- The Developer is normally required to submit a Traffic Report (that includes traffic counts, modelling and mitigation options) prepared by a qualified traffic consultant, as part of the formal Development Application to the consent authority.

- The Developer provides a strategic design for the road infrastructure upgrades as part of their DA submission (refer: Strategic design requirements for DAs).
- It is the Developer's responsibility to ensure that the environmental assessment for the development adequately covers the works proposed within or in the vicinity of the state / classified road.
- If the environmental assessment is required under Part 5 EP&A Act 1979 (NSW), the Developer will be advised by the TfNSW Case Officer.
- TfNSW will issue a letter of concurrence to the consent authority detailing TfNSW's requirements.
- Note: An Agreement in Principle (AIP) is required for ALL Traffic Control Signals (TCS) new or modified. The AIP will be issued by TfNSW during the development consent phase when all design requirements have been met.
- DA consent granted by consent authority.

2. WAD administration

The WAD administration process commences when DA consent has been granted and the Developer has met TfNSW conditions, including a compliant concept design.

- Development Services Case Officer sends WAD initiation letter (including link to Developer Details Form), and Notes for Developers document to Developer.
- Developer completes Developer Details Form (Developer will be required to provide contact details, works details and an estimated cost of works).
- A TfNSW Developer Works Project Officer/ Engineer is assigned to the project the Project Officer/Engineer will be the primary point of contact at TfNSW for all matters related to the development moving forward.
- TfNSW Project Officer organises project introduction meeting with Developer to discuss project details and confirm information required for the WAD (meeting is usually held via Teams).
- Electronic copy of the WAD is sent to Developer for signature, along with a notice of TfNSW fees and Bank Guarantee for the project. Developer signs an electronic copy of the WAD and returns it to the TfNSW Project Officer.
- The WAD is executed and an electronic copy is sent to the Developer / Developer's authorised representative with an invoice for the TfNSW fees.
- Developer pays TfNSW fees and Bank Guarantee as outlined in the WAD.

3. Design review

The design review usually consists of two phases, **concept design** review and **detailed design** review. In some instances, the concept design review is undertaken during the DA consent process.

3.1 Concept design

The Developer must send all required design review documentation to the TfNSW Project Officer, even if the concept design review has already taken place.

3.1.1 Concept design documentation

- Concept plans – refer to [Design Plan Requirements](#) for further information
- HSiD Risk Register (template available from TfNSW Project Officer)
- Details of land acquisition / dedication

3.1.2 Concept design review

- The TfNSW Project Officer will arrange the review of concept design by TfNSW Subject Matter Experts (SMEs) and provide comments to the Developer.
- The review process may take one or more iterations.
- After each iteration of review, the Developer must amend concept design documentation, and resubmit to the TfNSW Project Office until the design satisfies TfNSW requirements.

3.1.3 Concept design acceptance

- Once the design meets TfNSW requirements, a Concept Design Acceptance letter will be issued by the TfNSW Project Officer.

3.1.4 Insurances

- Certificates of Professional Indemnity Insurance are to be provided to the TfNSW Project Officer prior to detailed design review.

Refer: Minor WAD Clause 8 and Attachment B
Major WAD Clause 15 and Attachment C

3.2 Detailed design

TfNSW fees must be paid before the detailed design review will commence.

The Developer must send all required design review documentation to the TfNSW Project Officer.

3.2.1 Detailed design documentation

- Detailed design plans (civil) – refer to [Design Plan Requirements](#) for further information
- Drainage report
- Geotechnical report
- Pavement design
- Stage 3 detailed design Road Safety Audit (RSA 3) – must be carried out by an independent accredited road safety auditor at the Developer’s cost
- Design Report (Major WAD only)
- Preservation of Survey Infrastructure (POSI) Plan (if required)
- Land dedication plan (if applicable)
- Utility plans
- Traffic Modelling
- Turning Paths
- Current survey of the site
- Response to review comments

3.2.2 Additional design documentation for TCS projects

- TCS plan (pdf and CADD)
- Agreement in Principle
- Completed [Traffic Signal Design Appendix A Checklist](#)

3.2.3 Detailed design review

- If amendments are required to the detailed design documentation, the Developer will be notified by the TfNSW Project Officer.
- If required, the Developer must amend design documentation, and resubmit to the TfNSW Project Officer.
- Final design documentation must be endorsed with a certificate, by a suitably qualified independent Project Verifier (must be a Chartered Engineer), stating that the design is in accordance with the project requirements, complies with all approvals, legislative requirements, and requirements of the Works Authorisation Deed.

3.2.4 Detailed design acceptance

- When all amendments have been accepted, a Detailed Design Acceptance letter will be issued by the TfNSW Project Officer, including drawings signed and stamped with “Accepted for Construction”.

Note: Detailed design acceptance is NOT an approval to commence construction.

4. Pre-construction

4.1 Dedication of land

Any land required to accommodate road infrastructure facilities and utilities will need to be acquired and dedicated by the Developer at no cost to TfNSW. The extent of land to be dedicated is to be identified by the Developer at the earliest opportunity and will need to be approved by both Council and TfNSW.

A requirement for land to be dedicated may become apparent at any stage during design and construction. The dedication of land may require a considerable amount of time, particularly if land acquisition from a third party is required.

- If land dedication is required, the Developer must commence the process as soon as possible.

Refer: Major WAD Clause 11.9

4.2 Appointment of contractor and subcontractors

- The Developer must submit a written request to the TfNSW Project Officer for the use of contractors and subcontractors. Contractors must meet TfNSW prequalification criteria.
- The TfNSW Project Officer will notify the Developer of the acceptability of proposed contractors and subcontractors.

Refer: Minor WAD Clause 3.3 (d)
Major WAD Clause 8.2 (e)

List of TfNSW [pre-qualified contractors](#)

- Certificates of currency for all insurances must be provided to the TfNSW Project Officer.

Refer: Minor WAD Clause 8 and Attachment B
Major WAD Clause 15 and Attachment C

4.3 Project Management Plans (PMP)

- Developers are required to submit all project management plans to the TfNSW Project Officer for review.
- The Developer must have the PMPs reviewed and certified by a qualified independent engineer (with appropriate PI insurance), that the plans comply with the WAD and are suitable for their intended purpose.

4.3.1 List of Project Management Plans

- Verification and Monitoring Plan
- Quality Plan (including Inspection and Testing Plan)
- Detailed Construction Program showing critical path
- Construction Environmental Management Plan, including an Erosion & Sediment Control Plan and any safeguards or requirements identified in any environmental approvals
- Traffic Management (including Traffic Control Plans)
- Site Safety Management Plan
- Community Management Plan

Refer: Major WAD Clause 8.1 (c) and Schedule 2

4.4 Security

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 (with no end date) of equal value, totalling the amount stated in Item 9 of the Schedule.

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

- Developer forwards security as two separate bank guarantees, for the nominated amount to the TfNSW Project Officer. One bank guarantee will be released at Practical Completion and the other will be released at Final Completion.
- The TfNSW Project Officer will lodge the security and send the Developer a Receipt of Security letter.

Refer: Minor WAD Clause 4.1 (e) and Schedule Item 9
Major WAD Clause 4 and Schedule Item 9

4.5 Community consultation

Liaison with the community concerning the project is the responsibility of the Developer. Any requirement for community consultation will be highly dependent on the scope of the project. If the completed works or the construction activities are likely to be perceived as having an adverse impact on the amenity of road users or pedestrians, some form of consultation should be considered.

- If required, the Developer must arrange community consultation.
- The Developer must submit any media releases, including letterbox drops for start of works, to the TfNSW Project Officer for approval.
- If the media release is approved, the TfNSW Project Officer will provide written approval to the Developer.

Refer: Minor and Major WAD Attachment A

4.6 Road Occupancy Licence (ROL)

A Road Occupancy Licence (ROL) is required for all Works, including any approved maintenance period. The Road Occupancy Licence is separate and additional to the approval for the traffic management plan and the traffic control plans.

- The Developer or contractors must apply for the ROL at least 10 days prior to the intended commencement of construction via the Online Planned Incident System (OPLINC). Note: it is recommended that Developer's apply when concept design has been accepted.
- Developer must send the approved ROL to the TfNSW Project Officer.

Refer: Minor WAD Clause 4.1 (c)
Major WAD Clause 8.1 (a)
[Road Occupancy Manual 2018](#)

4.7 Notice of intention to commence construction

- The Developer must notify the TfNSW Project Officer, in writing, of their intention to commence construction at least 10 days prior to the proposed date of commencement.
- Developer organises a pre-construction start-up meeting with key stakeholders (Developer's IPV, Contractors, Council, TfNSW Project Officer and TfNSW Surveillance Officer).
- Communication and reporting protocols for WAD administration purposes will be advised by the TfNSW Project Officer.

4.8 Approval to commence construction

- When all required documentation has been provided and all conditions have been met, including any land dedication requirements, the TfNSW Project Officer will send the Developer an Approval to Commence Construction letter.

5. Construction

5.1 NCRs and RFIs

- Non-Conformance Reports (NCRs) and Requests for Information (RFIs) should be submitted for TfNSW acceptance, to the IPV for Major WADs or to the TfNSW Surveillance Officer for Minor WADs. Project Officer to be cc'd into all emails regarding NCRs and RFIs.

5.2 Anticipated practical completion

- The Developer must advise the TfNSW Project Officer at least 20 business days in advance of the anticipated date of practical completion.
- The TfNSW Project Officer will acknowledge receipt of the advice of anticipated date of practical completion and issue a Notice of Anticipated Date of Completion letter to the Developer.
- If applicable (e.g. for TCS projects), the TfNSW Project Officer will send an invoice for Capitalised Maintenance Costs to the Developer. The Developer must pay the Capitalised Maintenance Costs before Practical Completion can be issued.

Refer: Minor WAD Clause 6.1
Major WAD Clause 11.1

5.3 Road Safety Audit

- For all Major WAD projects and Minor WAD projects deemed as high risk by TfNSW, the Developer is required to arrange a Stage 4 Pre-opening Road Safety Audit.
- Developer must provide the TfNSW Project Officer with a copy of the RSA 4 report.
- TfNSW Project Officer to discuss issues raised with Developer and agree upon corrective actions (if applicable).
- The Developer is required to ensure all Corrective Action Requests (CARs) have been satisfactorily closed out and provide a sign-off of the road safety audit. Compliance with these actions should be advised to TfNSW in the Request for Practical Completion of Works.

5.4 Practical completion

- Prior to Practical Completion deposited plans of subdivision for any land to be dedicated as Public Road must be Registered at no cost to TfNSW or council.
- The Developer is required to formally request Practical Completion (PC) of Works from the TfNSW Project Officer:
 - Major WAD - **not less than 20 business days** before the anticipated date of practical completion, or;
 - Minor WAD - **not less than 10 business days** before the anticipated date of practical completion
- The request for PC from the Developer must include all details and documentation as required by the WAD.

Refer: Minor WAD Clause 6.1
Major WAD Clause 11.1

- The TfNSW Project Officer will organise a joint inspection of the completed works with the Developer and TfNSW Surveillance Officer no later than 5 business days after notice of PC.

Refer: Minor WAD Clause 6.2
Major WAD Clause 11.2(a)

- If TfNSW is not satisfied PC has been achieved, the TfNSW Project Officer will issue the Developer with a notice containing a comprehensive list of all items that TfNSW considers necessary to be completed to achieve PC.
- The Developer must rectify all items and give the TfNSW Project Officer written notice when complete.
- If TfNSW is satisfied PC has been achieved, the TfNSW Project Officer will issue the Developer with a Notice of Practical Completion letter stating the date upon which TfNSW determines PC was achieved and, if applicable, stating any minor defects and minor omissions and a timeframe within which those defects or omissions identified must be rectified.

6. Post-construction

6.1 Defect liability period

- The Defect Liability Period commences from the date of Practical Completion.
- If applicable, the Developer must correct all defects and omissions listed in the Notice of Practical Completion as soon as possible after the date of PC.

Refer: Minor WAD Clause 6.3
Major WAD Clause 11.4(b)

6.2 Take over upon practical completion

- Upon the issue of a Notice of Practical Completion, the Developer must hand over the Works to TfNSW or the relevant Authority as notified by TfNSW.

Refer: Major WAD Clause 11.4(a)

- The Developer must provide Works As Executed (WAE) drawings to the TfNSW Project Officer **within 20 business days** of Practical Completion.

Refer: Minor WAD Clause 6.1(c)
Major WAD Clause 11.6(a)
[Technical Direction – TD 00016:2021 \(p78\)](#)

6.3 Release of 50% security

- If all obligations under the WAD are completed, the Developer may request, in writing to the TfNSW Project Officer, the release of 50% of the security deposit held for the Works.
- The TfNSW Project Officer organises for 50% of the security to be released directly to the Developer.

7. Project completion

7.1 Joint inspection of works

- Prior to the end of the Defects Liability Period the TfNSW Project Officer will arrange for an inspection of the Works to identify any defects requiring rectification.
- The Developer (and any other stakeholders) must participate in the joint inspection of the works.

7.2 Final claim requirements

- After the joint inspection of the Works, the TfNSW Project Officer will issue a Final Claim Requirements letter to the Developer.
- The Developer must submit a Final Claim to TfNSW for the remaining security and any other amounts retained by TfNSW within 21 business days of the end of the Defects Liability Period. The letter must include notice of all liability, cost or expense which the Developer claims from TfNSW in any way in connection with the Deed which occurred during the Defects Liability Period for the Works.

Refer: Minor WAD Clause 6.4, 7 and Attachment C
Major WAD Clause 12.3 and Attachment D

7.3 Final certificate

- If all Developer obligations under the WAD are completed, the Developer will receive a Final Certificate letter from the TfNSW Project Officer, including, if appropriate, return of remaining security and any other amount owed by TfNSW.

Refer: Minor WAD Clause 6.4
Major WAD Clause 12.5

- If the Final Certificate shows money owing from the Developer to TfNSW, the Developer must pay the amount specified within 21 business days after the date of Final Certificate.

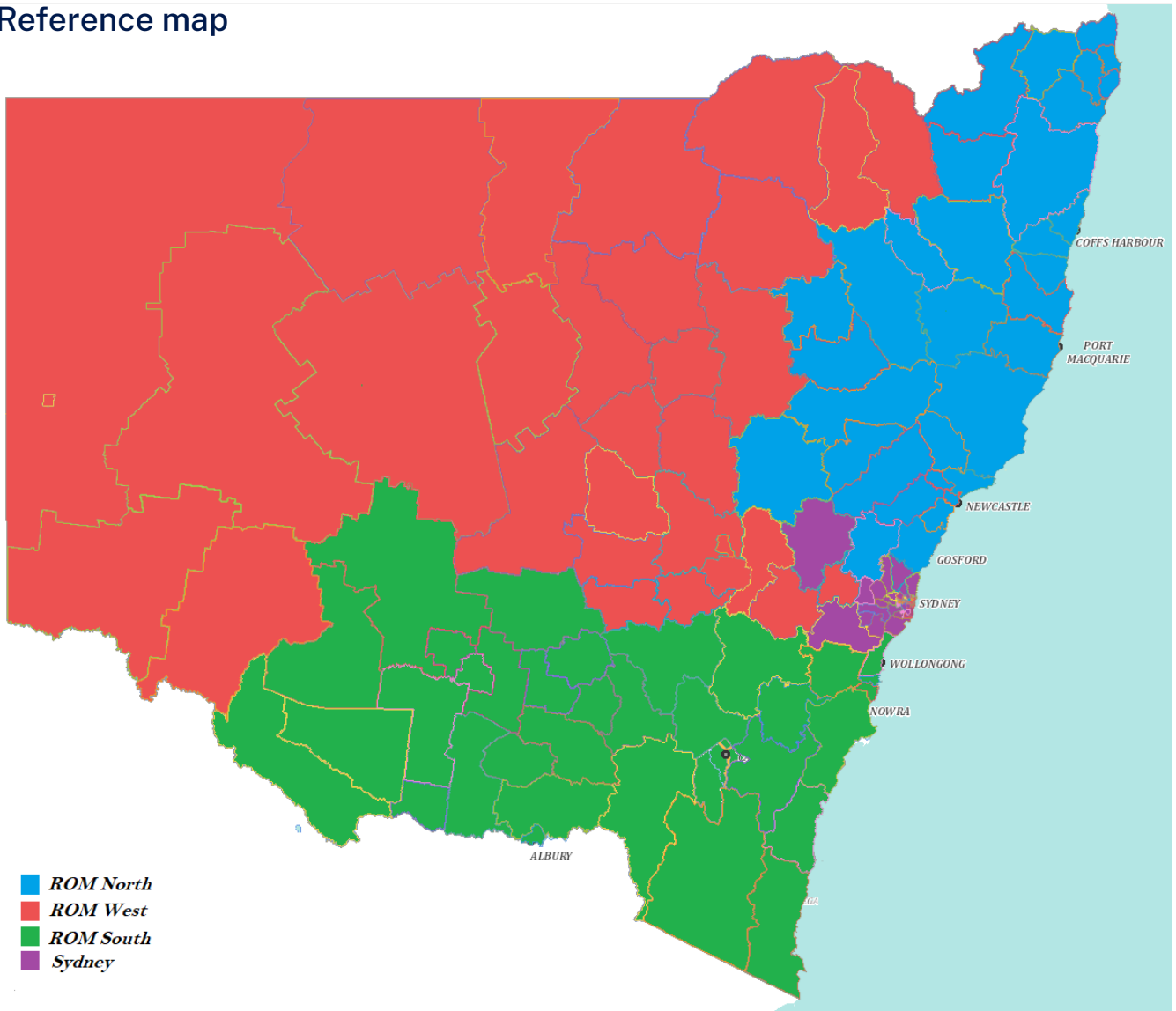
Refer: Minor WAD Clause 6.4(b)
Major WAD Clause 12.5(d)

Appendix

Abbreviations

Abbreviation	Definition
AIP	Agreement in Principle
CAR	Corrective Action Requests
HSID	Health and Safety in design
IPV	Independent Verifier
LUPDAP	TfNSW Project number
NCR	Non-Conformance Report
PC	Practical Completion
PMP	Project Management Plans
POSI Plan	Preservation of Survey Infrastructure Plan
REF	Review of Environmental Factors
RFI	Request for Information
ROM	Regional and Outer Metropolitan
RSA	Road Safety Audit
TCS	Traffic Control Signal
TfNSW	Transport for New South Wales
WAD	Works Authorisation Deed
WAE	Works as Executed

Reference map



NORTH LGAs		SOUTH LGAs		WEST LGAs	
Armidale Regional	Liverpool Plains	Albury	Kiama	Balranald	Lachlan
Ballina	Maitland	Bega Valley	Leeton	Bathurst Regional	Mid-Western Regional
Bellingen	Mid-Coast	Berrigan	Lockhart	Blayney	Moree Plains
Byron	Muswellbrook	Bland	Murray River	Blue Mountains	Narrabri
Central Coast	Nambucca	Carrathool	Murrumbidgee	Bogan	Narrandera
Cessnock	Newcastle	Coolamon	Queanbeyan-Palerang Regional	Bourke	Narromine
Clarence Valley	Port Macquarie-Hastings	Cootamundra-Gundagai Regional	Shellhabour	Brewarrina	Oberon
Coffs Harbour	Port Stephens	Edward River	Shoalhaven	Broken Hill	Orange
Dungog	Richmond Valley	Eurobodalla	Snowy Monaro Regional	Cabonne	Parkes
Glen Innes Severn	Singleton	Federation	Snowy Valleys	Central Darling	Walgett
Gunnedah	Tamworth Regional	Goulburn Mulwaree	Temora	Cobar	Warren
Gwydir	Tenterfield	Greater Hume	Upper Lachlan	Coonamble	Warrumbungle
Hawkesbury	Tweed	Griffith	Wagga Wagga	Cowra	Weddin
Inverell	Upper Hunter	Hay	Wingecarribee	Dubbo Regional	Wentworth
Kempsey	Uralla	Hilltops	Wollongong	Forbes	
Kyogle	Walcha	Juneë	Yass Valley	Gilgandra	
Lake Macquarie					
Lismore					

WAD process map

