|  |
| --- |
| 23/08/2018 |
| APPLICATION TO UNDERTAKE WORKS WITHIN ROAD RESERVE  |
|  |

This Application Form is to be completed in accordance with the “Procedure to Seek Approval to Undertake Works within the Road Reserve” which is available from Main Roads’ website [**http://www.mainroads.wa.gov.au**](http://www.mainroads.wa.gov.au)**.**

* **Applicants for work undertaken by, or on behalf of Utility Service Providers & Local Government should complete sections B, C, D, E, F (Complex Only) and G**
* **All other applicants should complete sections A, C, D, E, F (Complex Only) and G**

**Section A - Works by Organisations or Individuals - Complex or Low Complexity Works**

**Applicant – Proponent of Works**

**Name of Organisation and Address (For subcontractor information see page 3.)**

|  |
| --- |
|  |

**Existing Agreements**

Reference of any relevant existing Agreements with Main Roads WA for undertaking works within the Road Reserve. (e.g. Memorandum of Understanding, DA number, JDAP number).

|  |
| --- |
|  |

**Name and Position of Applicant**

|  |
| --- |
|  |

**Applicant’s Contact Details**

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| **Email** |  | **Phone** |  | **Fax** |
|  |  |  |  |  |

**Project Manager’s Contact Details:**

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| **Email** |  | **Phone** |  | **Fax** |
|  |  |  |  |  |

**\*** **For subcontractor information see page 3.**

**Note: If insufficient space on this form please include attachments.**

**Location of Proposed Works**

*Provide the exact location (include road names, distance to nearest cross street)*

|  |
| --- |
|  |

**Please attach a map of the works location to this application.**

|  |  |  |
| --- | --- | --- |
| **Local Government**  |  | **Suburb/Town**  |
|  |  |  |

**Description of Proposed Works**

|  |
| --- |
|  |

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| **Proposed Start Date** |  | **Proposed End Date**  |  | **Proposed Hours of Work** |
|  |  |  |  |  |

**Method for Proposed Works**

(Including trenching, line boring, installation casing, filling with grout, remove/replace, install new, add to service, remove redundant, position/alignment, depth of service, storage of machinery, location of spoil etc.)

|  |
| --- |
|  |

**Details of the Applicant’s Contractor**

 Fill in this section if the works are to be undertaken by someone other than the Applicant (a contractor or sub-contractor).

**Contractors Name and Address:**

|  |
| --- |
|  |

*(Company undertaking actual work)*

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| **Phone:** |  | **Fax:**  |  | **Mobile:** |
|  |  |  |  |  |

|  |  |  |
| --- | --- | --- |
| **Project Manager:**  |  | **Phone/E-mail:** |
|  |  |  |

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| **Field Representative:**  |  | **Phone:**  |  | **Fax:** |
|  |  |  |  |  |

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| **After Hours Contact:**  |  | **Phone 1:**  |  | **Phone 2:** |
|  |  |  |  |  |

**Endorsement**

**Please endorse below and forward to appropriate Main Roads Office.**

|  |  |  |  |
| --- | --- | --- | --- |
|  |  |  |  |
|  | **I hereby certify that this application contains a true and accurate description of the proposed works. All works will be carried out in accordance with the information contained in this application, legislative & statutory requirements and to any other conditions or specifications imposed by Main Roads.**  |  |
|  | **Signed:** |  |  **Date:** |  |  |
|  |  | (Applicant) |  |
|  | **Name of Applicant:** |  |  |
|  | **Position / Title:** |  |  |
|  | **Name of Witness:** |  |  |
|  |  |  |  |

**Please note that incomplete applications may cause delays.**

**Main Roads will advise you in writing of any other requirements to be met (please refer all enquiries to relevant Main Roads Office).**

**Section B - Works by Utility Service Providers & Local Government Only**

**Details of Applicant - Utility Service Provider (Principal Agency) or Local Government**

(Principal Agencies are Western Power, Water Corporation, Telstra, ATCO Gas etc. and not their contractor, subcontractor or other organisation undertaking works on behalf of the Principal Agency).

**Name and Address of Utility Service Provider or Local Government**

|  |
| --- |
|  |

**Principal Contact Details**

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| **Name** |  | **Phone** |  | **Fax** |
|  |  |  |  |  |
| **Mobile** |  | **Email** |
|  |  |  |

**Existing Agreements**

Reference of any relevant existing Agreements with Main Roads WA for undertaking works within the Road Reserve. (e.g. Memorandum of Understanding).

|  |
| --- |
|  |

**Authorised Agent on behalf of the Utility Service Provider**

(Refer to “Utility Service Provider (Principal Agency) Declaration” Page 9 below)

**Company Name and Address:**

|  |
| --- |
|  |

**Contact Details**

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| **Name** |  | **Phone** |  | **Fax** |
|  |  |  |  |  |
|  |  |  |
| **Mobile** |  | **Email** |
|  |  |  |

**Details of the Applicant’s Contractor**

*Fill in this section if the works are to be undertaken by someone other than the Applicant (a contractor or sub-contractor).*

**Contractors Name and Address:**

|  |
| --- |
|  |

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| **Phone:** |  | **Fax:**  |  | **Mobile:** |
|  |  |  |  |  |

|  |  |  |
| --- | --- | --- |
| **Project Manager:**  |  | **Phone/E-mail:** |
|  |  |  |

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| **Field Representative:**  |  | **Phone:**  |  | **Fax:** |
|  |  |  |  |  |

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| **After Hours Contact:**  |  | **Phone 1:**  |  | **Phone 2:** |
|  |  |  |  |  |

**Details of Proposed Works**

|  |
| --- |
| **Your Reference Number**  |
|  |

|  |
| --- |
| **Location of Proposed Works -** *Provide the exact location (include road names, distance to nearest cross street)*  |
|  |
| **Local Government**  |  | **Proposed Start Date** |  | **Duration** |
|  |  |  |  |  |
| **Suburb/Town** |  | **Proposed Hours of Work** |
|  |  |  |

|  |
| --- |
| **Description of Proposed Works***(e.g. type of utility service; size of pipe/conduit; depth of service below ground level; location of service from fence line; location of work with reference to a road feature such as a road intersection, bridge, culvert, etc.; and attach a sketch/drawing if necessary).* |
|  |

|  |
| --- |
| **Method for Proposed Works***(including trenching, line boring, installation casing, filling with grout, remove/replace, install new, add to service, remove redundant, position/alignment, depth of service, storage of machinery, location of spoil etc.)* |
|  |

**Utility Service Provider (Principal Agency) Declaration**

* Utility Service Providers are familiar with Main Roads WA Policy and associated Guidelines regarding Utility Services in Road Reserves;
* Installation, maintenance and management of utility services conform with the current edition of the Utility Providers Code of Practice for Western Australia (UPCOP);
* The Utility Service Provider acknowledges that all necessary environmental and other statutory approvals have been obtained, particularly related to clearing;
* For roads other than declared Control of Access, the Utility Service Provider agrees to meet the costs of installation and any future maintenance, repair or modification of the utility service; and Main Roads will consider the merits of seeking a contribution from the utility service provider towards the cost of a future relocation, should this be required due to road works, on a case by case basis. In the case of declared Control of Access road reserves, refer to Note 2, page 9 below;
* The Utility Service Provider undertakes to accept all liability associated with the installation, repair, maintenance and ongoing operation of the service;
* Any damage to Main Roads’ road reserves and assets attributed to the works shall be immediately restored by the Utility Service Provider to their pre-construction/disturbance condition, to the satisfaction of Main Roads. The worksite will be left in a clean and tidy pre-construction condition, including revegetation of all the areas that have been cleared;
* The Utility Service Provider agrees to indemnify and keep indemnified the Commissioner of Main Roads for all damage to any Main Roads’ assets / road furniture arising from the installation of, or as a result of the presence of, the utility service;
* The Utility Service Provider agrees to indemnify, and keep indemnified, Main Roads WA, its employees, contractors and agents (but excluding the Utility Service Provider, its employees, contractors, sub-contractors or agents):
1. from and against all actions, suits, claims and demands taken, made or brought by any person against Main Roads WA in respect of:
	1. the death or injury of any person; and
	2. the loss or damage to property (whether real or personal);
2. for the loss of, or any damage to, any property of Main Roads WA, its employees, contractors, sub-contractors or agents;
3. in the course of, arising out of, or caused directly by, the works the Utility Service Provider undertakes under this Application, except to the extent the relevant loss, damage, injury or death is caused by the negligence of those indemnified; and
* All work will be carried out in accordance with the requirements and information contained in this Application and relevant legislative and statutory requirements.

**Endorsement**

**Please endorse below and forward to appropriate Main Roads Office.**

|  |  |  |  |
| --- | --- | --- | --- |
|  |  |  |  |
|  | **I hereby certify that this application contains a true and accurate description of the proposed works. All works will be carried out in accordance with the information contained in this application, legislative & statutory requirements and to any other conditions or specifications imposed by Main Roads.**  |  |
|  | **Signed:** |  |  **Date:** |  |  |
|  |  | Duly authorised Officer of the Applicant (refer Note 1 below) |  |
|  | **Name of Signatory:** |  |  |
|  | **Position / Title:** |  |  |
|  | **On behalf of:** |  |  |
|  |  |  |  |

**Please note that incomplete applications may cause delays.**

**Main Roads will advise you in writing of any other requirements to be met (please refer all enquiries to Main Roads Office).**

**Note 1:** Where the endorsement is made on behalf of the Utility Service Provider (Principal Agency) a letter from the Principal Agency must be attached to this Application as confirmation that the Authorised Agent is acting directly on behalf of the Principal Agency.

**Note 2:** For road reservations declared Control of Access under section 28A of the Main Roads Act (1930), a Utility Service Management Agreement will be required to be prepared and submitted by the Utility Service Provider as an attachment to this Application.

**Section C – ENVIRONMENTAL AND HERITAGE CHECKLIST**

 **(All Applicants)**

Applicants are required to complete the following Environmental and Heritage Checklist (see Table 1 below) relating to the proposed works. To minimise delays in the application process, applicants are required to submit additional supporting information in relation to the checklist (for example, Clearing Permit Number, licences or other approvals granted). Evidence of this additional documentation should be provided with this application.

The Fact Sheet - Guide to completing the environmental and heritage checklist is available to assist the applicant in completing the environmental checklist and is available on the Main Roads website (Our Roads > Conducting Works on Roads)

**Table 1. Environmental and Heritage Checklist**

| **Item No.** | **Environmental and Heritage Topic** | **Yes / No / NA** | **Provide Evidence of Permit / Approval / Licence** |
| --- | --- | --- | --- |
| **If the proposed works require the clearing of vegetation (native and/or non-native) complete all Items. If no vegetation clearing is proposed, proceed straight to Item. 3. If unsure of any item, please refer to the Factsheet for further guidance and standard requirements for working in the Main Roads road reserve.**  |
| **1.** | What is the amount of vegetation to be cleared (in hectares or m2)? |  |  |
| **2.** | **a.** Do the proposed works require the clearing of native vegetation?* *If yes, attach photos of this vegetation.*
* *If no, attach photos of non-native vegetation.*
 |  |  |
| **b.** Has a native vegetation clearing permit been obtained to clear native vegetation? If yes, what is the clearing permit number for the proposed works? |  | *e.g. Clearing permit CPS 323/1* |
| **c.** Are you using an existing clearing exemption? If yes, which one?* *Refer to* *the Factsheet and* *DWER’s* [*A Guide to the Exemptions and Regulations for Clearing Native Vegetation*](https://www.der.wa.gov.au/images/documents/your-environment/native-vegetation/Guidelines/Guide_1_-_Exemptions_and_regulations_for_clearing_native_vegetation-1.pdf) *to determine this*
 |  |  |
| **d.** Is the clearing located within an Environmentally Sensitive Area (ESA)?* *Refer to the Factsheet and* [*DWER’s factsheet on ESAs*](https://www.der.wa.gov.au/images/documents/your-environment/native-vegetation/Fact_sheets/fs24-clearing-regs_ESAs.pdf) *to determine this*
* *If yes, an exemption cannot be used and a* clearing *permit is required.*
 |  |  |
| **e.** Does the clearing involve the removal of trees with suitable hollows for cockatoo nesting or a Diameter at Breast Height of 300mm or greater? * *If yes, attach photos of these trees.*
 |  |  |
| **f.** Is the clearing within an area bounded by yellow hockey sticks (associated with Declared Rare Flora)? |  |  |
| **g.** Have all necessary approvals been obtained to clear native vegetation, including pre-clearing requirements and revegetation plans?* *Refer to the Factsheet and* [*DWER’s website*](https://www.der.wa.gov.au/our-work/clearing-permits) *for further information on clearing native vegetation.*
 |  |  |
| **3.** | Will any grass verges or landscaping (including ungrassed/sparsely grassed surfaces, grassed/lawn areas and established lawns) be disturbed as part of the works? * *If yes, grassed verges and landscaping is to be re-instated accordance with the* [*Local Government Authorities' Restoration and Reinstatement Specification*](https://www.mainroads.wa.gov.au/Archive/Documents/local_restoration_spec.RCN-D08%5E23177131.PDF) *as directed by Main Roads*
 |  |  |
| **4.** | Do the proposed works occur within an area that receives more than 400 mm of annual rainfall?* *To determine this, use the* [*Bureau of Meteorology*](http://www.bom.gov.au/climate/data/index.shtml?bookmark=200&view=map) *statistics*
* *If yes, works are to occur in dry soil conditions to reduce the chance of vehicles and equipment transporting infected mud/soil and conducted in accordance with Main Roads Standard Requirements (refer to the Factsheet).*
 |  |  |
| **5.** | Will the proposed works impact contaminated sites located within the area?* *Use* [*DWER’s database*](https://secure.dec.wa.gov.au/idelve/css/) *to determine this*
 |  |  |
| **6.** | **a.** Will the proposed works impact any wetlands/watercourses?* *Refer to the Factsheet and* *use* [*DWER's database*](http://atlases.water.wa.gov.au/idelve/dowdataext/) *to determine this*
 |  |  |
| **b.** If yes, have all necessary approvals been obtained to disturb wetland/watercourses?* *Refer to the Factsheet and* [*DWER’s website*](http://water.wa.gov.au/licensing/water-licensing) *for further information on disturbance of wetlands/watercourses*
 |  |  |
| **7.** | **a.** Will the proposed works impact surface water and/or groundwater?* *Refer to the Factsheet and* *use* [*DWER’s database*](http://atlases.water.wa.gov.au/idelve/dowdataext/) *to determine this*
 |  |  |
| **b.** If yes, have all necessary approvals been obtained to impact surface water/groundwater? |  |  |
| **c.** Will the proposed works involve dewatering? |  |  |
| **d.** If yes, have all necessary approvals been obtained to undertake dewatering?* *Refer to the Factsheet for further information on dewatering and approvals required*
 |  |  |
| **8.** | **a.** Will the proposed works impact acid sulfate soils (ASS)?* *Refer to the Factsheet and* *use* [*CSIRO’s Australian Soil Resource Information System database*](http://www.asris.csiro.au/disclaimer.html) *to determine this*
 |  |  |
| **b.** If yes, has an ASS Management Plan been prepared and approved? |  |  |
| **9.** | **a.** Will the proposed works occur in an area prone to erosion?* *If yes, comply with the standard requirements, particularly under Land Management, found in the Factsheet.*
 |  |  |
| **b.** Will the proposed works increase the likelihood of soil erosion, flooding or salinity within the area?* *Consider the amount of annual rainfall the area receive, soil type (gravel, sand, loam or clay), topography (i.e. low flat terrain), distance to the nearest watercourse*
* *Refer to the Factsheet and Department of Primary Industries and Regional Development’s* [*MySoil*](https://www.agric.wa.gov.au/mysoil) *to determine the soil type or attach a photo of the soil in your area*
 |  |  |
| **10.** | Will the proposed works generate excessive dust?* *Refer to the Factsheet and* *contact your Local Government Authority if you think dust will be a potential hazard to workers, road users or nearby residents or businesses*
 |  |  |
| **11.** | Will the proposed works generate noise/vibration?* *Refer to the Factsheet and* *contact your Local Government Authority*
 |  | *e.g. Contacted LGA and correspondence is attached* |
| **12.** | **a.** Does the proposed works area contain Aboriginal Heritage Sites?* *Refer to the Factsheet and* *contact* [*Department of Department of Planning, Lands and Heritage*](http://www.daa.wa.gov.au/) *(DPLH) to determine this*
 |  | *e.g. The is based on the DPLH’s Cultural Heritage Due Diligence Guideline* |
| **b.** If yes, have all necessary approvals been obtained from *DPLH* to disturb an Aboriginal heritage site? |  | *e.g. Section 18 Application No.* |
| **13.** | **a.** Does the proposed works area contain European Heritage sites or regionally significant trees?* *Refer to the Factsheet and* *Contact your Local Government Authority or search for a site using Heritage Council and the State Heritage Office’s* [*inHerit Database*](http://inherit.stateheritage.wa.gov.au/public)
 |  | *e.g. Contacted LGA and correspondence is attached* |
| **b.** If yes, have all necessary approvals been obtained to impact European Heritage sites?  |  |  |

**Section D – InsuraNCe (All Applicants)**

Refer to section 10 of Main Roads’ “Procedure for Seeking Approval to Undertake Works within the Main Roads Reserve” for guidance on requirements

**Section E – FORM OF INDEMNITY AND UNDERTAKING (All Applicants)**

Refer to section 11 of Main Roads’ “Procedure for Seeking Approval to Undertake Works within the Main Roads Reserve” for guidance on requirements

I,[**Insert name**], indemnify Main Roads and Main Roads personnel against any liability, loss, damage, costs, demands, claims or expenses incurred or suffered by Main Roads or Main Roads personnel or any claims made against Main Roads or Main Roads personnel, which Main Roads may suffer or incur as a result of, in respect of, in connection with or in relation to the works contemplated by this application (the Indemnity).

The liability to indemnify Main Roads and Main Roads personnel will be reduced proportionately to the extent that that any wilful or negligent act or omission of Main Roads or Main Roads personnel caused the liability, loss, damage, cost, demand, claim or expense.

The Indemnity does not lessen or otherwise affect other obligations arising out of its application to undertake works within the road reserve.

For roads other than declared Control of Access, the owner of the property agrees to meet the costs of installation and any future maintenance, repair or modification of the Works; and Main Roads will consider the merits of seeking a contribution from the owner of the property of the towards the cost of a future relocation, should this be required.

|  |  |  |  |
| --- | --- | --- | --- |
|  |  |  |  |
|  | **Signed:** |  |  |
|  |  |  |  |
|  | **Name of Signatory:** |  |  |
|  | **Date:** |  |  |
|  | **Witness:** |  |  |
|  | **Name of Witness:** |  |  |
|  |  |  |  |

**Note**: A representative of a company providing only traffic control will not be accepted by Main Roads Western Australia as a Duly Authorised Officer of the Applicant for the purposes of signing this indemnity.

**Section F – Performance Security (Complex Works only)**

1. **PROJECT FILE NUMBER :**
2. **APPROVED FORM OF PERFORMANCE BOND**

**THIS DEED** is made on ***[insert date]*** by ***[insert name of Financial Institution]*** of ***[insert WA address of Financial Institution]*** (the **Financial Institution**).

***BACKGROUND***

1. [***Insert name of applicant*** ] (“Applicant”) intends to carry out works in accordance with the information provided in the Works by Others application dated [***Insert date***] at/between [***Insert location including grid location or SLK***].
2. **COMMISSIONER OF MAIN ROADS (“Main Roads”)** requires a performance bond as part of its Application to Undertake Works in the Road Reserve, at/between ***[insert location, including grid location or SLK]*** which the Applicant intends to undertake (the “**Works”**).
3. Main Roads agrees to accept this performance bond from the Financial Institution contained in this deed.

**IT IS DECLARED AS FOLLOWS**

* 1. The Financial Institution unconditionally agrees to pay to Main Roads on demand any sum or sums demanded by Main Roads from time to time to a maximum aggregate sum of [***insert amount*** ] ($ ) (the **Security Sum**).
	2. Payment of the Security Sum (or any part of it) must be made:
1. by the Financial Institution to Main Roads immediately on delivery to the Financial Institution of a written demand signed by a representative of Main Roads;
2. without prior notice or reference to the Applicant and:

(i) despite any notice by the Applicant to the Financial Institution not to pay;

(ii) without regard to the performance or non-performance by the Applicant or Main Roads of the terms of the Works by Others Application, any variation of it or of any contract substituted for it.

* 1. The liability of the Financial Institution under this deed is not impaired or discharged by:
1. any alteration or variation to the Works by Others application, including any change to the scope of works;
2. any other forbearance on the part of either Main Roads or the Applicant to the other; or
3. Main Roads waiving any breach of the Works by Others application by the Applicant.
	1. This undertaking continues until:
4. Main Roads returns this deed to the Financial Institution or gives written notice to the Financial Institution that the undertaking is no longer required by Main Roads; or
5. payment to Main Roads by the Financial Institution of the whole of the Security Sum or the balance of it remaining after any part payment or payments, whichever first occurs.
	1. All notices and demands given by Main Roads under this deed are deemed to be properly given if:
6. given in writing, signed by a representative of Main Roads; and
7. delivered by hand to the office of the Financial Institution at the above address.
	1. The law of this deed is the law in force in Western Australia.
	2. The Financial Institution intends this instrument to operate as a deed.

**THE COMMON SEAL of *[insert name of Financial Institution****],* the fixing of which was witnessed by:

|  |  |  |  |
| --- | --- | --- | --- |
|  |  |  |  |
| **Signature of Director** |  |  | **Signature of Director/Secretary** |

|  |  |  |  |
| --- | --- | --- | --- |
|  |  |  |  |
| **Name of Director** |  |  | **Name of Director/Secretary** |

**Section G – Attachment Checklist (All Applicants)**

|  |  |  |  |
| --- | --- | --- | --- |
| **Yes** | **N/A** | **Description** | **Comments** |
|  |  | INSURANCE (Certificate of Currency)  | * All Applicants
* See Section D
 |
|  |  | FORM OF INDEMNITY AND UNDERTAKING | * All Applicants
* See Section E
 |
|  |  | APPROVED FORM OF PERFORMANCE BOND | * Complex Works only
* See Section F
 |
|  |  | TRAFFIC MANAGEMENT PLAN (TMP)  | * Where works will affect traffic
* See section 18 of “Procedure to Seek Approval to Undertake Works within the Road Reserve”
 |
|  |  | QUALITY PLAN | * Complex, Utility and LG Works only
* See section 19 of “Procedure to Seek Approval to Undertake Works within the Road Reserve”
 |

|  |  |  |  |
| --- | --- | --- | --- |
|  |  |  |  |
|  | **I confirm that all required information, as detailed above, has been included with this application.** |  |
|  | **Signed:** |  |  **Date:** |  |  |
|  |  |  |  |
|  | **Name of Signatory:** |  |  |
|  | **Position / Title:** |  |  |
|  | **On behalf of:** |  |  |
|  |  |  |  |