

# Traffic and Transport

## Memorandum of Authorisation

### Terms and Conditions



The Memorandum of Authorisation (MoA) applies to the temporary use of Minor Traffic Control Devices (as per the authorised traffic management plans accompanying the MoA) as defined in the *Road Safety (Traffic Management) Regulations 2009* on roads and road related areas (as defined in the *Road Safety Rules 2009*) for which Mornington Peninsula Shire (“Shire”) is the responsible road authority.

By submitting a MoA to the Shire, the organisation named on the MoA (“the applicant”) and the nominated traffic management company agree to comply with these Terms and Conditions.

**The MoA is not a consent for works permit authorising works within the road reserve or an event permit.**

For consent for works permits, please visit <http://www.mornpen.vic.gov.au/Building-Planning/Engineering>.

For event permits, please contact [Event.Festivals@mornpen.vic.gov.au](mailto:Event.Festivals@mornpen.vic.gov.au).

**It is an offence under the *Road Management Act 2004* to undertake works without having first obtained the consent of the coordinating road authority or otherwise being exempt from the requirement to obtain consent.**

**It is an offence under the *Road Safety (Traffic Management) Regulations 2009* to erect, install or interfere with any traffic control devices without the authority of the coordinating road authority (ie without a valid Shire MoA) or otherwise having authorisation under a relevant Act or Regulation.**

- 1) The MoA is issued to the applicant and the nominated traffic management company. The MoA is not transferable. Only the applicant and the nominated traffic management company is permitted to undertake the traffic management at the location specified on the MoA and associated traffic management plans, without written permission from the Shire.
- 2) Traffic management as authorised by the MoA may only be undertaken during the period(s) prescribed therein. Normal traffic flow must be restored immediately thereafter.
- 3) The MoA does not constitute approval of the traffic management plan(s) (TMP(s)).
- 4) The applicant is fully responsible for site safety during traffic management and/or works.
- 5) Any traffic management and/or works involving an arterial road or freeway, including its reserve requires consent of VicRoads. Consent from other statutory authorities may also be required and must be obtained before the traffic management and/or works is undertaken.
- 6) The applicant is responsible for making all reasonable enquires to determine any consent that may be required in relation to the MoA.
- 7) All emergency services are to be notified of the impact to traffic due to the traffic management and/or works no later than 72 hours prior to commencement of traffic management and/or works.
- 8) Public transport authorities that may be affected need to be notified at least 72 hours prior to the commencement of the traffic management and/or works.
- 9) Written notification detailing the traffic management and/or works must be sent to all property occupiers affected by the traffic management and/or works at least 72 hours prior to commencement. Access shall be always maintained to all properties, unless alternative arrangements acceptable to the property occupiers are made.
- 10) Any lawful direction/s of Victoria Police, the Shire and/or VicRoads must be always complied with.
- 11) TMP's are to be prepared and implemented in accordance with all relevant standards, including but not limited to the *Road Management Act 2004*, the *Road Management Act: Code of Practice - Worksite Safety - Traffic Management* (“the Code”) and *Australian Standard AS1742.32009: Manual*

# Traffic and Transport

## Memorandum of Authorisation

### Terms and Conditions



- of Uniform Traffic Control Devices: Part 3 - Traffic Control for Works on Roads.* The set out of the traffic management and/or works on site may be adjusted to consider site conditions but must still meet the minimum requirements of the standards and codes. For events, the event organiser is the 'works manager' and 'infrastructure manager' and the event area is the 'worksite'.
- 12) Traffic management and/or works must comply with all laws and EPA's standards and compliance guidelines, particularly in regard to road work noise and major infrastructure projects (Refer to the EPA website: <http://www.epa.vic.gov.au>).
  - 13) Only VicRoads accepted safety barriers can be used for traffic management and/or works. Safety barriers must be installed and used in accordance with VicRoads requirements and the manufacturer's product manual and installation instructions.
  - 14) The traffic management and/or works at the site must be conducted in a manner that avoids or where necessary minimises, inconvenience to other road users. If traffic congestion becomes excessive at any time, the applicant must undertake all lawful measures to ease congestion.
  - 15) The applicant must ensure that there is no conflict between the existing regulatory signs and installed temporary signs during the traffic management and/or works.
  - 16) After the traffic management plan has been implemented, a review should be undertaken to ensure that it is operating as expected. This review should take place before work commences on site. At all times during the traffic management and/or works all signage must be visible to oncoming traffic and at no time be blocked by vehicles, equipment or vegetation.
  - 17) The traffic management must be audited by the works manager (the person or body that is responsible for the conduct of works in, on, over or under a road) to achieve worksite safety and compliance with the authorised TMP(s) as per the Code and any other relevant Acts, Regulations or Codes.
  - 18) Any support vehicle, delivery, equipment or materials engaged in the traffic management and/or works must not occupy, restrict or otherwise affect the usable traffic lanes and traffic flow unless authorised by the MoA or another relevant Shire permit, and must not compromise safety of members of the public or workers at any time.
  - 19) The applicant at their own cost is responsible for replacing, repairing or reinstating any Shire assets removed, modified or damaged as part of the traffic management and/or works to the satisfaction of the Shire.
  - 20) At the conclusion of the traffic management and/or works, all displays, traffic management signage and equipment, promotional material, rubbish and any other article associated with the traffic management and/or works must be removed by the applicant and the area must be reinstated to its previous condition to the satisfaction of the Shire.
  - 21) The applicant must have current Public Liability insurance cover of not less than AUD10M. A copy of the Certificate of Currency must be provided to the Shire at least 10 days prior to the traffic management and/or works.
  - 22) The applicant agrees to indemnify and keep indemnified the Shire and its officers, employees, contractors and agents against all actions claims and demands (including the cost of defending or settling any action) which may be made against the Shire and its officers, employees, contractors and as a result of or in connection with the traffic management and/or works.
  - 23) A copy of these Terms and Conditions and the relevant MoA(s) and TMP(s) must be available onsite for the viewing of any government authority.
  - 24) Application for extensions to the MoA must be submitted to [traffic.management@mornpen.vic.gov.au](mailto:traffic.management@mornpen.vic.gov.au) at least 5 working days before expiry and include a copy of the of the previously authorised MoA, an updated MoA application and relevant TMP(s).
  - 25) All persons associated with the traffic management and/or works are to obey all Road Rules unless an exemption to the Road Rules applies from an Act or Regulation, or an exemption has been

# Traffic and Transport

## Memorandum of Authorisation

### Terms and Conditions

- granted by the Minister and published in the Government Gazette prior to the event. Where there is an inconsistency between Road Rules or the Codes of Practice and the MoA, the Road Rules or Codes of Practice shall prevail.
- 26) The applicant must prepare and comply with a safety management plan appropriate for the traffic management and/or works.
  - 27) Personnel involved in traffic management and traffic control should possess a certificate (and attend an appropriate refresher training course every 3 years), issued by a Registered Training Organisation accredited under the Australian Qualifications Framework to deliver the relevant training courses and competencies, evidencing completion of training:
    - Traffic Control – as a minimum requirement, only a person who has undertaken a course in traffic control (including the use of a stop/slow bat to control traffic) should act as a traffic controller
    - Implementing a Traffic Guidance Scheme – as a minimum requirement, only a person who has undertaken a course in implementing traffic management plans should set out, implement, monitor and/or make minor modifications to a traffic guidance scheme as required by the traffic management plan
    - Preparing Traffic Management Plans – as a minimum requirement, only an experienced Traffic Engineer or works manager who has either undertaken a course in traffic management planning, should prepare, approve, review and/or make modifications to traffic management plans.
  - 28) Traffic management and/or works will be subject to random audits by the Shire.
  - 29) The MoA is automatically revoked if the responsible fire authority declares the event day to have a Fire Danger Rating of CODE RED.
  - 30) The Shire reserves the right to request an amendment to a TMP or to amend, impose additional conditions upon or revoke the MoA at any time at its discretion without having to give reasons.
  - 31) By applying for an MoA the applicant consents to the Shire distributing its contact details to any government authority or to the general public, in connection with the proposed traffic management and/or works.
  - 32) The applicant must maintain up to date emergency information onsite during the duration of the traffic management and/or works. Emergency information is available from organisations including Country Fire Authority, State Emergency Service and VicRoads.
  - 33) Personal information provided by the applicant will be treated in accordance with the Shire's Privacy Policy found on the Shire's website (<http://www.mornpen.vic.gov.au/System-pages/Privacy-Statement>).

#### Privacy Statement

The Mornington Peninsula Shire is committed to compliance with its obligations under the Privacy and Data Protection Act 2014 and the Health Records Act 2001. All personal information and health information collected by the Shire will only be used for the purposes outlined within its Privacy Policy. The Shire will only disclose personal or health information when it is reasonably and lawfully required to. You may access information you have provided to the Shire at any time and make corrections if you believe that information is incorrect.