

# Application For Consent For Works & Structures In/On A Public Road (Section 138, The Roads Act 1993)

Assets & Works

City Administrative Centre Bridge Road, Nowra, NSW, Australia, 2541

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## APPLICANTS SHOULD ALLOW UP TO 14 WORKING DAYS FOR DETERMINATION

### 1 Applicant

Name/Company Name: .....

Postal Address: .....

Locality: ..... Postcode: .....

Phone: ..... Mobile: .....

Fax: .....

Email: .....

Applicant's Reference: .....

The applicant is also the owner: Yes  No

If No, state owner's name: .....

The applicant is also the contractor for the work: Yes  No

### 2 Contractor Details (if not the applicant)

Name: .....

Business or Company Name: .....

ABN: .....

Postal Address: .....

Suburb: ..... Postcode: .....

Phone: ..... Fax: .....

Mobile: .....

### 3 Location Details (Please attach a location diagram)

Premises No: ..... Lot No: .....

Street: .....

Locality: .....

Nearest Cross Street: .....

### OFFICE USE ONLY

Fee: ..... Receipt: .....

Date: ..... File No: .....

DA SF: ..... / .....

*Privacy Notification: The information will be used solely by Council staff for the purpose mentioned or a directly related purpose. The applicant understands that this information is provided on voluntary basis and they may apply to Council for access or amendment of the information at any time.*

**This form may be published on Council's website in accordance with Government Information ( Public Access) Act 2009**

### OFFICE USE ONLY

Form Number: 536	Issue Date: 7/2018
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### 4 Nature of Work

Associated with a DA / Subdivision: Yes  No

If Yes state DA / SF Number ..... / .....  
tick all appropriate types:

- Water related work  Sewer related work  
 Driveway construction  Stormwater connection  
 Pavement work, including K & G  
 Service connection (gas, phone, electricity)

Description of work: .....

Duration of work: .....

Other: .....

### 5 Public Liability Insurance

Insurance Policy Company .....

Policy No: .....

Value: ..... Expiry Date: .....

Please attach copy of your Certificate of Currency.

### 6 Declaration

- Copy of Approved Design Plans (eg. development consent) attached  
 Copy of Insurance Certificate attached  
 Copy of Traffic & Pedestrian Control Plan is attached  
 Date of work commencement is .....

I / We hereby apply for Road Opening Permit to carry out the identified work.

..... (Date) ..... / ..... / .....

(Signature of Applicant)

### 7 Fees

- |                                                              |          |
|--------------------------------------------------------------|----------|
| <input type="checkbox"/> DA application Section 138          | \$239.00 |
| <input type="checkbox"/> Non DA application                  | \$239.00 |
| <input type="checkbox"/> Additional Site                     | \$97.00  |
| <input type="checkbox"/> Inspection fee associated with s138 | \$135.00 |



## What works and structures require consent:

The road reserve includes the footpath and road formation between opposite property boundaries:

Section 138 works and structures that require consent

“138 (1) A person must not:

- (a) erect a structure or carry out a work in, on or over a public road, or
- (b) dig up or disturb the surface of a public road, or
- (c) remove or interfere with a structure, work or tree on a public road, or
- (d) pump water into a public road from any land adjoining the road, or
- (e) connect a road (whether public or private) to a classified road otherwise than with the consent of the appropriate roads authority”

## Advice to applicants for a Road Opening Permit

The following information is provided to assist the applicant:

1. Payment of the application fee is required at the time of lodgement.
2. A Traffic Management Plan (TMP) showing proposed traffic signposting around the construction site in accordance with AS 1742.3 and the RMS manual for Traffic Control at Worksites current at the time of construction is to be submitted to Council at the time of lodgement and prior to approval being granted. The plan must be prepared and certified by a person holding the appropriate RMS accreditation. No work is to commence until the signage is erected in accordance with this TMP. Note that the plan is to address both motor vehicle traffic and pedestrian traffic.

Note: A Speed Zone Reduction (SZR) may need to be obtained from the Responsible Traffic Authority (Ph 4221 2460) for RMS roads or for Council roads (Ph 4429 3111) in order to reduce the existing speed limits to a specified speed limit, adjacent to a construction work site. A minimum of ten (10) working days should be allowed for obtaining a SZR. No works are to be commenced until a copy of the SZR is forwarded to Council.

All traffic control including the setup and removal of traffic control devices and/or regulation of traffic is to be carried out by persons suitably accredited by the Roads and Maritime Services to Australian Standard AS1742.3 and the RMS Traffic Control at Work Sites. The contractor must produce upon request evidence that all staff involved in the above have such accreditation.

3. Public Liability insurance in an amount of \$20 million is to be maintained for the construction period. Written evidence of a current policy is to be provided at the time of lodgement and prior to approval being granted.
4. Upon request, the contractor must be able to produce evidence that all plant is registered and the subject of third party insurance.
5. The contractor shall meet all obligations under the Work Health and Safety Act 2011 or current equivalent legislation and relevant Work Cover requirements including appropriate traffic controls.
6. The disturbed area is to be restored to at least its original condition at the applicant's cost, and any damage caused to the road or drainage system is to be brought to the notice of Council.
7. The applicant will be responsible for the disposal of any excess material and restoring table drains, shoulder seal and culverts blocked or damaged as a result of the works
8. The works proceed to completion without undue delay.
9. Provision is made for service vehicles, residents etc. to gain access to properties at all times.
10. Affected residents are to be notified in writing indicating, at least seven days in advance of any full road closure, the reason for the road closure, the period of the road closure and a company contact name and a 24 hour contact phone number.
11. Work to be carried out as per Council's Engineering Design Specification and Development Construction Specifications current at the time of Construction, otherwise works will be restored by Council at the applicant's cost.
12. Council's area Maintenance Engineer or Development Inspector is to be notified of works before execution.
13. Council is indemnified against all actions, suits, claims, demands, proceedings, losses, damages, compensation, costs (including legal costs), charges and other expenses which may be brought, made or awarded against, incurred or suffered by the Council for or in respect of any claim, loss, damage, accident or injury of whatsoever nature or kind occasioned or done at any time (whether before or after the date of execution hereof and whether to property or persons) by or in connection with the use of the road being occupied by the construction works or howsoever otherwise sustained by anything done or purporting to be done under this approval by or on behalf of relevant contractor, its servants, agents, invitees contractors and subcontractors.

## Important Information

- 1 Access to information

The Government Information (Public Access) (GIPA) Act 2009 provides that persons are entitled to open access information about a Development Application. However, this does not extend to:

- (a) the plans and specifications for any residential parts of a proposed building, other than plans that merely show its height and its external configuration in relation to the site on which it is proposed to be erected, or
- (b) commercial information, if the information would be likely to prejudice the commercial position of the person who supplied it or to reveal a trade secret.