



**Contact Details:**

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Updated: July 2020 Our Ref: 13816/2012

## SECTION 138 APPLICATION - DRIVEWAY CROSSOVER/GENERAL WORKS

For the approval of general works to a property or any construction or modification works within a public road made under Section 138 of the Roads Act 1993 – This form must be completed for all:

- YES - Complying Developments by a Principal Certifying Authority (PCA) when Council is **NOT** the PCA
- YES - Development Applications / Complying Developments lodged prior to **16 August 2017 / DA2017/189** if required
- YES - All driveway crossovers and/or general works outside of the DA/CD process

<b>1 Details of the applicant <i>** Applicant is the Company or Person doing the work**</i></b>		
Mr <input type="checkbox"/> Ms <input type="checkbox"/> Mrs <input type="checkbox"/> First Name _____ Surname _____		
Company: _____		ABN: _____
Postal address _____		
Suburb _____	State _____	Postcode _____
Phone: _____		Email: _____
<b>2 Driveway Crossover and or General Works Application to construct / install the following :</b>		
<input type="checkbox"/> Reinforced Concrete Driveway	<input type="checkbox"/> Private Stormwater Drainage Pipeline	<input type="checkbox"/> Under Road Boring
<input type="checkbox"/> Kerb Layback	<input type="checkbox"/> Awning Repairs	<input type="checkbox"/> Subdivision works
<input type="checkbox"/> Dish Crossing	<input type="checkbox"/> Tree Pruning/Removal	<input type="checkbox"/> Loading/Unloading
<input type="checkbox"/> Driveway - Pipe Culvert	<input type="checkbox"/> Drainage	
<input type="checkbox"/> Construction Zone _____ m _____ days	<input type="checkbox"/> Footpath Occupancy _____ how many m <sup>2</sup>	
<input type="checkbox"/> Car Park Occupancy _____ spaces _____ days	<input type="checkbox"/> Other (specify) _____	
<b>3 Works location - Please provide full details</b>		
Lot _____	DP _____	Property ID _____
Street address _____		
Suburb _____	State _____	Postcode _____
Proposed Start Date _____		Proposed End Date _____
<b>4 Application Base Fee \$130.00 – GST Exempt <i>plus the following as required:</i></b>		
<b>Driveway Crossover Construction additional fees</b> Inspections : \$ 120.00 (includes pre, reo and final inspections) <b>General Works additional fees</b> Construction Zone: \$ 2.00 m/per day then \$0.50 m/per day over \$1,000 Footpath Occupancy: \$ 2.00 m <sup>2</sup> /per day then \$0.50 m <sup>2</sup> /per day over \$1,000 Car Park Space Occupation: \$ 60.00 per space/per day	Date:	
	File No.	
	Total Fees:	
	Authority No:	
	Receipt No.:	
<b>OFFICE USE ONLY      JOB NO. 1270.0130.0111 ALL APPLICATION FEES MUST BE PAID BEFORE INSPECTION CAN GO AHEAD</b>		

**5 Documentation**

The following documentation must be attached:

- Site Plan
- Certificate of Currency for Public Liability \$20M
- Engineering Plans (if applicable)
- OR**  Approved with Council’s contractor management web based accreditation system VAULT CONTRACTOR

**6 I agree to satisfy all the criteria listed in the following points:**

- Satisfy all obligations under the Work Health and Safety Act 2011 and the Work Health & Safety Regulation 2011 for all aspects of the activity.
- Comply with all conditions and requirements of Work Cover NSW and locate all relevant services via good industry practice prior to starting the activity.
- Employ adequate site, traffic and pedestrian control/protection measures at all stages of the activity in accordance with relevant standards and RMS requirements.
- Comply with all environmental and other legislation, Council policies and any other Regulation applicable to the activity.
- Restore the areas affected by the activity to pre-activity condition or better than pre-activity condition if required to satisfy the relevant Australian Standards for each type of infrastructure involved.
- Pay additional restoration charges if Council determines that additional costs to repair any damage is required.
- Comply with all requirements and conditions contained within the references and conditions as set out within the request (both sides of the form) for consent to carry out the activity.
- Effect all notifications and secure all other consents necessary to carry out the activity.

**7 Conditions**

**Acceptance**

Council’s acceptance of the application does not imply that a consent will necessarily be granted in respect of the activity. Consent may not be issued if insufficient information or details are provided as relevant to the type and scale of activity or for any reason. Immediate processing of requests is not guaranteed and Council will not be responsible for the consequences caused by the time taken to issue consent.

**Responsibility**

The applicant is, by way of signature to the application, responsible for compliance with all of the agreements, declarations and consent conditions and is likewise responsible for compliance in respect of all agents, sub-contractors and anyone else carrying out part or all of the activity authorised under the consent as if they were the applicant. The applicant must not request consent for an activity which is known to be contrary to a consent, requirement or condition applied under any other authority or jurisdiction. A consent issued under these circumstances will become null and void.

**Consent**

Consent for the activity is granted, in writing, by Council’s Authorising Officer. A copy of the consent must be held on site and be available for inspection while the activity is being carried out. Multiple requests and consents will be required for activities reasonably separable in terms of timing, administration, liability, conditions or other factors deemed relevant by the Authorising Officer.

**Validity**

Consent is valid for the dates and times nominated on the Application and for any amended dates and times authorised by Council. Any extension of time may incur additional fees.

**8 Definitions:**

- Construction Zone** is an area within a public road reserve, excluding any constructed footpath or marked car parking space, which is required to be fenced off to facilitate a construction or maintenance activity.
- Footpath** is a pedestrian walkway area constructed of concrete, bitumen or other imported material.
- Car Park Space** is an area defined by line marking to identify individual car parking spaces.
- Loading/Unloading** may include short term occupation of a roadway to facilitate the loading or unloading of construction materials where one or more traffic lanes are interrupted.

**9 Applicant’s Signature/s**

I declare that I have read the Conditions of Agreement (*Item 8 above*) and will conform with all the requirements of this Agreement, that I carry current Public Liability Insurance for at least \$20M indemnifying Council in the event of any injury to any person or property consequential to the carryout out of the activity on the road; that I carry all the relevant credentials required to carry out the specified activity and all parts thereof and accept the role of the principal contractor in the effect of the activity.

I declare to the best of my knowledge all particulars supplied by me are correct and completed. I understand that inaccurate or false statements may cause my application to be delayed or rescinded.

**Signature/s:** .....

**Date:** ...../...../.....

Please return this form with payment to the Administration Centre

# FREQUENTLY ASKED QUESTIONS ABOUT DRIVEWAY OR GENERAL WORKS SECTION 138 APPLICATIONS

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The following information is as a result of frequently asked questions concerning Applications for Consent to Carry out a Section 138 Roads Act Activity (Works in Council's Road Reserve) and is provided to assist you in this process.

Should you have any further queries, please do not hesitate to contact Nambucca Valley Council's Engineering Services Department on (02) 6568 0230 or (02) 6568 0263.

## **When and why is a Section 138 Agreement required?**

Section 138 of the Roads Act requires that all work undertaken within Council's road reserve be approved by Council prior to the work being undertaken, as Council is the *appropriate roads authority* required to implement the provisions of the Roads Act. This includes the roadsides of the Pacific Highway. Work on the Pacific Highway itself requires a Road Occupancy Permit issued by the Roads and Maritime Services.

In addition to the Roads Act, the Work Health and Safety Act (2011) and the WH&S Regulation (2011), place specific requirements in relation to working in or near vehicular or pedestrian traffic.

Any persons undertaking works within the road reserve have a Duty of Care to ensure the safety of all persons including motorists, pedestrians and the general public whilst in, on, or around Council's road reserve. If you (the Contractor or person doing the work) do not have adequate safety systems, documentation and insurance in place, you may be at risk should someone be injured or property damaged.

It is Council's responsibility to advise Contractors of their obligations to minimise the risk to themselves, the general public and Council. An essential part of the process is the need to have a fully compliant Traffic Management Plan for every job in the road reserve. The days of putting up a couple of signs and a few bollards here and there is not only illegal, but may carry substantial fines.

## **Complete this form for all:**

- Complying Developments by a Principal Certifying Authority (PCA) when Council is **NOT** the PCA
- All Development Applications/Complying Developments lodged prior to 16 August 2017 and preceding DA2017/189 if required.
- All driveway crossovers and/or general works outside of the DA/CD process

## **Who is the Applicant and what Public Liability insurance is required?**

The **Applicant** is the company/person doing the work and the Certificate of Currency for Public Liability Insurance must also be in the same name, be applicable for construction work in the road reserve and be for a minimum of **\$20M**.

The Applicant **must** ensure all required documentation is attached to the Application or delays will occur whilst this information is being obtained.

**Please note:** If the Applicant (ie the person/company doing the work) is unknown at the time of lodgement, Council must be notified of the Applicants details and receive a Certificate of Currency for Public Liability Insurance prior to any works commencing.

## **How do I address traffic management?**

Traffic Management involves the preparation/selection of a Traffic Control Plan (TCP) followed by the onsite implementation of the requirements of the adopted Plan.

**Traffic Control Plan (TCP):** Selection or design and implementation of TCP's **must only** be undertaken by person/persons who are qualified, authorised and have passed RMS approved training courses. The TCP must include the name and certificate number of the accredited person.

**Options for Traffic Control:** Certified Traffic Control providers can be located by using the Telstra Yellow Pages or the web. In house trained personnel. (Note: There are 4 levels of traffic control accreditation and you should contact the RMS 6640 1300 to obtain a list of accredited training providers).

## **When is a Section 138 Works In Road Agreement not required?**

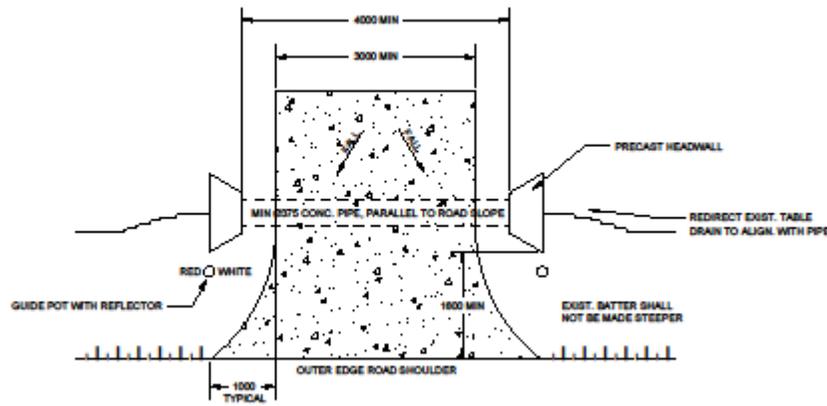
The **only** time this is not required is when all works (including all loading and unloading using machinery, eg., backhoes, cranes, concrete trucks etc,) being undertaken, are carried out within the boundaries of private property.

Should this be the case, Council requires written notification to this effect.

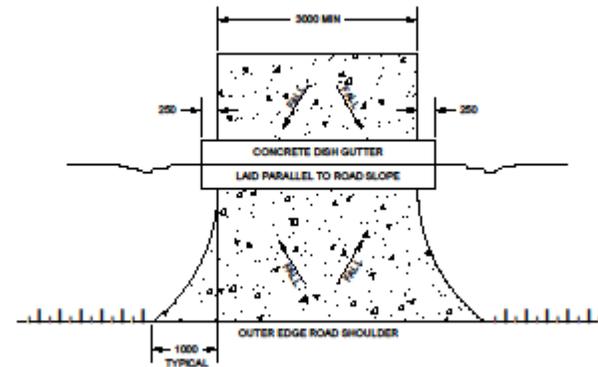
## **What are Council's standard requirements for urban and rural driveway crossover constructions?**

Please see the Standard Drawings included with this application.

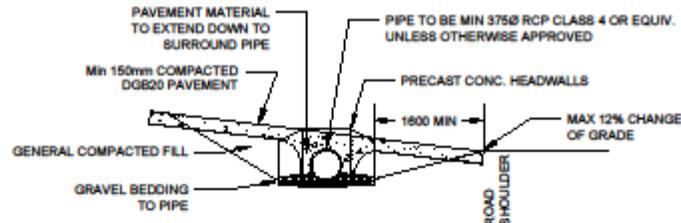




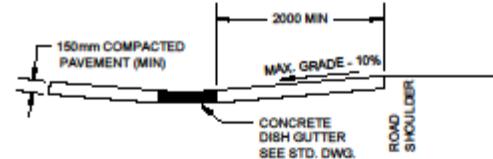
PIPED CROSSING



DISH CROSSING



PIPED CROSSING



DISH CROSSING

NOTES

1. WHERE EXISTING SERVICE ROAD IS SEALED, THE DRIVEWAY SHALL BE SEALED FROM THE EDGE OF THE ROAD TO A POINT 3000 INSIDE THE PROPERTY BOUNDARY. HOWEVER, ANY DRIVEWAY GREATER THEN 12% SHALL BE SEALED.
  2. MAX CHANGE OF GRADE TO BE 12%, INCLUDING TRANSITION FROM ROAD. MAX GRADE OF DRIVEWAY TO BE 25%
  3. GATES SHALL BE SET BACK A MIN OF 5.5m FROM THE ROAD SHOULDER & SHALL OPEN INWARDS
- NOT TO SCALE

VARIAIONS TO THIS DESIGN WILL REQUIRE THE CONSENT OF ENGINEERING SERVICES

N A M B U C C A V A L L E Y C O U N C I L			STANDARD DRAWING NO.	REQUIREMENTS FOR RURAL DRIVEWAY CONSTRUCTION	SERVICES TECHNICAL SERVICES
			F. 007.1	W:\DATA\ACAD\STD DWG\NEW F.D07 RURAL DRIVEWAY.dwg	SCALE AS SHOWN
4	ORIGINAL ISSUE	11/05/2011			
	REVIEWS	DATE			

