



# Application to carry out a Section 138 Roads Activity

10 Graham Place, CASINO  
 19-25 Woodburn Street, EVANS HEAD  
 Locked Bag 10, CASINO, NSW, 2470  
 Phone: 02 6660 030 Fax: 02 6660 1300  
[council@richmondvalley.nsw.gov.au](mailto:council@richmondvalley.nsw.gov.au)

Fees		Reference (office use only)	
Application/Approval Fee	\$ Nil	Approval Number:	
Inspection Fees	\$	<b>138 / 20 / /</b>	
Road Closure advertising	\$		
Receipt Number		Receipt Date	

APPLICANT DETAILS				
Name (s)				
Address				
Suburb		Post Code		
Phone No.		Mobile No.	Fax No.	
email address				

ACTIVITY			
Address			
Section of Road			
Reason			
Details			
Anticipated Dates		Anticipated Times	

AGREEMENT
<p>I agree to satisfy all the criteria listed in the following points</p> <ul style="list-style-type: none"> <li>Comply with all conditions and requirements of Work Cover NSW and satisfy all obligations under the Work Health and Safety Act 2011 and the Work Health and Safety Regulation 2011 for all aspects of the activity.</li> <li>Locate all relevant services prior to starting the activity. (e.g. Dial Before You Dig)</li> <li>Employ adequate site, traffic and pedestrian control/protection measures at all stages of the activity in accordance with relevant standards and RMS (formerly RTA) requirements.</li> <li>Comply with all environmental and other legislation, Council policies and any other Regulation applicable to the activity.</li> <li>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.</li> <li>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.</li> </ul> <p><b>NOTE:</b> Any damage caused to public infrastructure (roads, footpaths, K&amp;G, water mains and services, sewer mains and connections, storm water, power and telephone services etc) during the activity shall be repaired to the satisfaction of the owner of the infrastructure. The repairs shall be carried out in a time and manner as required by the owner of the infrastructure. Council must be notified in writing, <b>prior to commencement of the activity</b>, of any existing damage to roads, stormwater drainage, kerb and gutter or footpaths. Absence of notification signifies that no damage exists, and the applicant is, therefore, liable for the cost of reinstatement of any damage found at the completion of the works.</p>

## 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. Details to be provided include:

- A Site Plan.
- Traffic Control Plan(s) prepared by an accredited provider No. \_\_\_\_\_  
A Traffic Management Plan may be required to show overall management with various TCPs.
- Engineering plans (if applicable).
- A Certificate of currency as evidence of holding public liability insurance valued at a minimum of \$10m and suitable for the activity.

**Processing** Immediate processing of requests is not guaranteed and Council will not be responsible for the consequences caused by late applications (allow 3 - 5 working days for Council roads, and 3 weeks if RMS (formerly RTA) concurrence is required. A minimum of 2 weeks is required for road closures to allow advertising.

**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 authorized 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 following the signing of the application by Council's Authorising Officer and issue of an official receipt for payment of the prescribed fee (if applicable). A copy of the Council endorsed application and Council's receipt in respect of the consent must be held on-site and be available for inspection whilst 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.

## DECLARATION

I declare that I will conform with all the requirements of this agreement; that I carry current public liability insurance at least to the value of \$10 million and will arrange endorsement on the policy indemnifying Council in the event of any injury to any person or property consequential to the carrying 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 principal contractor in the effect of the activity.

Signature: \_\_\_\_\_

Date: \_\_\_\_\_

## OFFICE USE ONLY

### DETAILS SUBMITTED

additional comments

Site Plan	<input type="checkbox"/>
Traffic Management and/or Control Plan(s)	<input type="checkbox"/>
Engineering Plans (if applicable)	<input type="checkbox"/>
Certificate of Currency for Public Liability Insurance	<input type="checkbox"/>
All Fees paid (Approval, Inspections, Advertising, etc)	<input type="checkbox"/>

Other/Comments

## ROADS ACT 1993 - SECTION 138 APPROVAL

Signature of Authorising Officer \_\_\_\_\_

Date: \_\_\_\_\_

Name of Authorising Officer \_\_\_\_\_

Consent Number

**138 / 20 / /**

# Roads Act 1993

## Part 9 Regulation of works, structures and activities Division 3 Other works and structures

---

### 138 Works and Structures

---

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.

Maximum penalty: 10 penalty units.

2. A consent may not be given with respect to a classified road except with the concurrence of the RMS (formerly RTA).
3. If the applicant is a public authority, the roads authority and, in the case of a classified road, the RMS (formerly RTA) must consult with the applicant before deciding whether or not to grant consent or concurrence.
4. This section applies to a roads authority and to any employee of a roads authority in the same way as it applies to any other person.
5. This section applies despite the provisions of any other Act or law to the contrary, but does not apply to anything done under the provisions of the Pipelines Act 1967 or under any other provision of an Act that expressly excludes the operation of this section.

---

### 142 Maintenance of works and structures

---

1. A person who has a right to the control, use or benefit of a structure or work in, on or over a public road:
  - (a) must maintain the structure or work in a satisfactory state of repair, and
  - (b) in the case of a structure (such as a grating or inspection cover) located on the surface of the road, must ensure that the structure is kept flush with the surrounding road surface and that the structure and surrounding road surface are so maintained as to facilitate the smooth passage of traffic along the road,and the person is, by this section, empowered to do so accordingly.

Maximum penalty: 30 penalty units.

2. Subsection (1) applies to all structures and works in, on or over a public road, including structures and works for which there is no consent in force under this Division.
3. Subsection (1) does not apply to a person whose right to the control, use or benefit of a structure or work consists merely of a right of passage that the person has as a member of the public or a right of access that the person has as the owner of adjoining land.
4. If:
  - (a) a roads authority has granted a consent under this Division to the doing of anything, and
  - (b) that thing has been or is being done otherwise than in accordance with the consent,the roads authority may direct the holder of the consent to take specified action to remedy any damage arising from the doing of that thing otherwise than in accordance with the consent.