Minor works in Road Reserve Permit Application

MidCoast Council

Under Section 138 Roads Act 1993

About this Form

You can use this form for:

- works requiring excavation and restoration of a public road or footpath
- digging trenches or holes within a footpath or road
- installing a structure such as a sign, public seating or artwork
- minor construction including road or footpath, kerb and gutter, drainage to a value less than $25,000. These works will typically be associated with a development consent.

Work Location Details

Lot Number

Deposited/Strata Plan Number

Development Application Number

Number/Street Address

Details of Work

Start Date

Applicant Details

Applicant(s) Surname/Company

ABN

Postal Address

Suburb/Town

State

Postcode

Telephone Number

Mobile Number

Email Address

Contractor/Builder Details

Contractor Company Name*

Contractor Name*

Postal Address*

State*

Postcode*

Phone

Mobile*

Email*

Dept Fair Trading Licence Number*

Public Liability Policy Details (Insurer & Number, Expiry Date & Amount)*

Office Use Only

☐ TCP ☐ Eng Plans ☐ Site Plan

MW Application Number

Total Fees Paid

Receipt No

Date

General

a) The application must include all information necessary to allow assessment of the application.
b) Engineering plans for the required work within the public road reserve designed by suitably qualified professional must be accompany this application.
c) A current copy of the certificate of currency of the contractors public liability insurance policy must be attached to this application (minimum $20 mill).
d) The applicant must provide a site plan showing the location of the construction site, adjacent street, existing kerbside parking restriction sign posting, driveways and the preferred location of the Work Zone.
e) A Traffic Control Plan (TCP) developed by an RMS accredited person must be submitted with this application where traffic control is required.

Note: Any damage caused to public infrastructure (roads, footpaths, 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 Council's Engineering Inspector. Council must be notified in writing, prior to commencement of the activity, of any existing damage to roads, stormwater drainage, kerb and gutter or footpaths. Absence of notification signified 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.

Terms & Conditions of Permit

I agree to satisfy all the criteria listed in the following points

- Comply with all conditions and requirements of Work Cover NSW and satisfy all obligations under the Work Health & Safety Act 2011 and the Work Health & Safety Regulation 2011 for all aspects of the activity.
- Locate all relevant services prior to starting the activity. (eg Dial Before You Dig).
- 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.
- Comply with all requirements and conditions contained within the references and conditions as set out within the request for consent to carry out the activity.

Declarations

☐ Contractor's Declaration

I acknowledge that I have read, understood and accept the conditions in relation to this application. I accept that all relevant standard conditions and standard drawing requirements must be complied with. I declare that all the information given is true and correct and Public Liability insurance is relevant and current.

Name* _____ Signature* _____ Date* _____

How to lodge this form

Completed form can be:

- Emailed to tareecouncil@gtcc.nsw.gov.au with attached supporting documents as required. Payment by credit card or EFT can be arranged; or
- Forwarded by post with payment; or
- Lodged at our Customer Service Counter between 8:30am & 4:30pm Monday to Friday (excluding Public Holidays).

Privacy Notice: Under Privacy laws, you have the right to find out why we are collecting this information, if it is compulsory and what we are going to do with it. You also have rights to access and correct any information held about you. If you need an interpreter, call 131 450

Information for Applicants

ROADS ACT 1993 - SECT 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 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 or 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.

Maintenance of works and structures

1 A <u>person who has a right to the control, use or benefit of a structure or work</u> in, on or over a public road:
   (a) <u>Must maintain the structure or work in a satisfactory state of repair</u>, 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.