



Section 138 Applications

Information relating to Driveway Crossings and work within Council road reserves.

Where works are proposed within the road reserve, formal approval must be obtained from Council as the Roads Authority as required under Section 138 of the Roads Act 1993. The road reserve includes the footpath – any area outside the property boundary.

Works within the road reserve may include activities like erecting a structure, constructing a driveway, installing stormwater drains, removing or interfering with a structure, or any other activities as defined within the Roads Act 1993.

For further information or application forms, please contact Infrastructure & Operations on (02) 6340 2085 or email council@cowra.nsw.gov.au.

The Lodgement requirements for the Section 138 permit application form A are as follows:

1. You require to provide a diagram of work to be done.
2. A TCP - Traffic Control Plan \ Any modifications on the TCP need to be signed by a registered person. One has been provided for you by CSC.
3. A copy of Liability insurance - min \$20 million.

For the Lodgement requirements for the Section 138 permit application form B contact Council's Technical Officer- Compliance, Sam Hayes on 02 6340 2085.

As per Revenue Policy 2021-2022

The costs for the Section 138 permit are:

Minor works (Form A and standard TCP)	\$59
Non-standard works (Form B, applicant provides TCP)	\$165
Non-standard works (Form B, Council prepares TCP)	\$453
Additional fee for urgent processing if permit required within 2 days	\$103
Re- inspection fee	\$72
Retrospective approval fee	\$525
Compliance Certificate Fees for Access (Including Subdivisions)	\$76

Section 138 Permit – Application Form A Minor Footpath Works

I. Applicant Details

Mr <input type="checkbox"/> Miss <input type="checkbox"/> Ms <input type="checkbox"/> Mrs <input type="checkbox"/>			Other: _____		
Name/s					
Organisation					
Postal Address					
Daytime Telephone		Fax		Mobile	
E-mail					
I/we agree to ensure that traffic control plan/s provided by Cowra Council for use with the below mentioned works are complied with, implemented by a competent person, and kept on the work site at all times.					
Applicant/s signature					

2. Lodgement

Copy of public liability insurance cover provided	<input type="checkbox"/> Yes <input type="checkbox"/> No
If No, is this application associated with a Complying Development Consent application	<input type="checkbox"/> Yes <input type="checkbox"/> No
If No the application will not be accepted. If yes, a copy of insurance will be required prior to commencement of work.	

3. Site Details

Premises Name		
Street/Rural Address No	Street/Road Name	
Suburb or Town		
Lot No	Section No	DP No

4. Details of Activity

Closure of <input type="checkbox"/> Part footpath only (other works – refer to Application Form B)		
Purpose of Closure		
Proposed Days of Activity	Start Date	Start Time
	Finish Date	Finish Time

4. Owners Consent

I/we as owner of the above described land hereby grant consent for the above applicant to make application for the proposed works as detailed.	
Name/s	
Address	
Signature/s	Date: / /

NOTES:

Definition of Owner – Local Government Act 1993 – Dictionary:

- a) In relation to Crown land, means the Crown and includes:
 - i) a lessee of land from the Crown; and
 - ii) a person whom the Crown has lawfully contracted to sell the land but in respect of which the purchase price or other consideration for the sale has not been received by the Crown; and
- b) In relation to land other than Crown land, includes:
 - i) every person who jointly or severally, whether at law or in equity, is entitled to the land for any estate of freehold in possession; and
 - ii) every such person who is entitled to receive, or is in receipt of, or if the land were let to a tenant would be entitled to receive, the rents and profits of the land, whether as beneficial owner, trustee, mortgagee in possession, or otherwise; and
 - iii) in the case of the land that is the subject of a strata scheme under the Strata Titles Act, 1973 or a leasehold strata scheme under the Strata Titles (Leasehold) Act 1986, the body corporate under the scheme; and
 - iv) in the case of land that is a community, precinct or neighbourhood parcel within the meaning of the Community Land Development Act, 1989, the association for the parcel; and
 - v) every person who by this Act is taken to be the owner; and
- c) In Part 2 of Chapter 6, in relation to a building, means the owner of the building or the owner of the land on which the building is erected.

Lodgement Requirements:

- 1. Application **Form A must be accompanied by a site plan** showing:-
 - a. the location of the proposed work area; and
 - b. types and dimensions of all things to be located on the footpath
- 2. For activities carried out on Council owned or controlled land, a copy of current public liability insurance cover for a minimum of \$20 million indemnifying applicant organisations against claims for injury to person or damage to property. (Exceptions maybe made for Complying Development Consent applications)
- 3. Council may within twenty one (21) days of receipt of the application request an applicant to provide it with more information that is reasonably necessary to enable the proper determination of the application in accordance with Section 86 of the Local Government Act 1993.
- 4. The application must be accompanied by the appropriate fee paid in accordance with Section 80 of the Local Government Act 1993 and Council’s Operational Plan.
- 5. Council will acknowledge receipt of valid applications in accordance with Section 84 of the Local Government Act 1993.
- 6. Unclear or illegible applications will be rejected in accordance with Section 85 of the Local Government Act 1993.

Office Use Only

Application No:	Register: 115	<p><u>PUBLIC LIABILITY INSURANCE</u></p> <p>Date Received:</p> <p>PLP Expiry Date:</p> <p>Approved by:</p>
Receipt Link (A/C):	Fee:	
Receipt:	Date:	
Use TCP No:		
Comments:		