# 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 for queries or application submission at council@cowra.nsw.gov.au.

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

1. A Diagram/Drawings 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 will be provided to you by council.
3. A copy of Public Liability insurance/Certificate of Currency - min $20 million.

**As per Revenue Policy 2021-2022**

The costs for the Section 138 permit are:

| | | |
|---|---|---|
| Non-standard works (Form B, applicant provides TCP) | $170* | ☐ |
| Non-standard works (Form B, Council prepares TCP) | $467* | ☐ |
| Additional fee for urgent processing if permit required within 2 days | $106 | |
| Re- inspection fee | $74 | |
| Retrospective approval fee | $540 | |
| Compliance Certificate Fees for Access (Including Subdivisions) | $79 | |

#Fees are to be made either over the counter at council or via phone (02) 6340 2000
*Please choose whether you provide TCP or have one prepared by Council

Cowra Shire Council
Private Bag 342
Cowra NSW 2794

Phone: 02 6340 2040
Fax: 02 6340 2011
council@cowra.nsw.gov.au
www.cowracouncil.com.au

# Section 138 Permit – Application Form B
# Non Standard Works

## 1. Applicant Details

| | | |
|---|---|---|
| Mr ☐ Miss ☐ Ms ☐ Mrs ☐ | Other: | |
| Name | | |
| Postal Address | | |
| Daytime Telephone | Fax | Mobile |
| E-mail | | |
| Applicant(s) signature | | |

## 2. Lodgement

| | |
|---|---|
| Copy of public liability insurance cover/Certificate of Currency provided | ☐ |
| Diagram/ Drawing of works to be done | ☐ |

## 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 | | | |
| ☐ Part Footpath | ☐ Full Footpath | ☐ Part Road | ☐ Full Road |
| Purpose of Closure | | | |
| | | | |
| | | | |
| | | | |
| Proposed Days of Activity | Proposed Start Date | Proposed Start Time | |
| | Proposed Finish Date | Proposed Finish Time | |

**5. 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. |
|---|
| Owner(s) Name |
| Owner(s) Address |
| Owner(s) Signature |
| Date:<br>/ / |

## 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 forms must be accompanied by two (2) copies of site plan showing:-
   a. the location of the proposed area;
   b. showing location, 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. A Traffic Control Plan (TCP) for the proposed work on road. The TCP is to be designed by a qualified person who holds a current Design and Audit Control Plan Certificate (RMS) or Workzone Traffic Control Management Plan Certificate.
4. 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.
5. 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.
6. Council will acknowledge receipt of valid applications in accordance with Section 84 of the Local Government Act 1993.
7. 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 |
| Receipt Link (A/C): | Fee: |
| Receipt: | Date: |