

Section 138 Road Act 1993 Application

Office Use Only

Application Number

Date Received

About this Form

You can use this form for:

- Construction or re-constructing a road or footpath;
- Construction works in the road reserve associated with a Development Consent

Works typically include road or footpath construction, kerb & gutter, drainage, lighting and traffic control devices.

Development Consent Reference

Lot No

Section No

DP No

Street No

Street Name

Town

Postcode

Development Application Number

DA

Applicant Details

Applicant(s) Name

Postal Address

Town

Postcode

Telephone Number

Fax Number

ABN

Email Address

FURTHER INFORMATION

Narrabri Shire Council
46-48 Maitland Street
PO Box 261
NARRABRI NSW 2390
Tel: 02 6799 6866
Fax: 02 6799 6888
council@narrabri.nsw.gov.au

General

- a) The application must include all information necessary to allow assessment of the application.
- b) This application must be made in respect of a current Development Consent specifically requiring consent to the proposed works. Where an application is lodged for staged works, the definition of the extent of works and all requirements relevant to those works must be agreed with Council and requirements met.
- c) Any approval under the Roads Act shall be subject to the conditions stated in the Roads Act approval correspondence.

Plans, documents & information to be included with the application

- a) Engineering plans (electronic PDF format) for the required work within a public road designed by a suitably qualified professional.
- b) Pavement Report where required by the conditions of the Development Consent.

This form is not to be used

For vehicular access crossings for single dwellings/garages not involving structures or other applications with no current development consent. In those circumstances use "Driveway Application Form". For works in a road reserve not associated with current development consent. In those circumstances use "Road /Footpath Opening Permit".

Declaration

Applicant's Declaration

I hereby make application to Council for permission to develop as per plans and specifications submitted. I understand that if the information submitted is incomplete, the application maybe delayed, rejected or more information may be requested. I understand to develop in conformity with such approval and Acts and Codes, INDEMNIFY the Moree Plains Shire Council against all claims which may arise whether from negligence or otherwise as a result of my carrying out or instructing a third party to carry out work within the road reserve at the above address.

Applicant Name

Applicant Signature

Date

FURTHER INFORMATION

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Information for Applicants

ROADS ACT 1993 - SECTION 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 points.

2. A consent may not be given with respect to a classified road except with the concurrence of the RMS.
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 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 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 that 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 that in accordance with the consent.

FURTHER INFORMATION