

Ref: RA2300263

21 February 2023

GOOLAWAH CO-OPERATIVE LIMITED  
200 ILLA LANGI ROAD  
CRESCENT HEAD 2440

Attention: Wayne Skinner

Dear Sir,

**SECTION 138 APPLICATION RA2300263**  
**Lot 1 DP1191860 - 200 ILLA LANGI ROAD CRESCENT HEAD**  
**STAGE 1 - RECONSTRUCT PAVEMENT AND SEAL NEVERTIRE RD**  
**STAGE 2 – DESIGN APPROVAL ONLY**

Thank you for lodging a request for consent to carry out Section 138 Roads Act Activity.

Please find appended a Notice of Determination of a Request for consent to carry out a Section 138 Roads Act Activity (Stage 1 only).

Yours faithfully



GEOFF METCALFE  
DEVELOPMENT ENGINEER

Civic Centre  
22 Tozer Street  
PO Box 3078  
West Kempsey  
NSW 2440

Customer Services  
P. 02 6566 3200  
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**APPROVAL**  
**SECTION 138 ROADS ACT 1993**

**APPLICATION DETAILS**

Further to your application for an approval under Section 138 of the *Roads Act 1993*, I advise that approval is granted for Stage 1 construction in respect to the following:

**Location** Lot 1 DP1191860  
200 ILLA LANGI ROAD,  
CRESCENT HEAD 2440

**Determination:** Approved

**Date of Determination:** 20 February 2023

**Reference List Plan Number(s) and Specification Reference**

1. **PROJECT No. GEM-001 (Revision K) DESIGN PLANS DRAWN BY KEVIN HALL CIVIL ENGINEERING DESIGN SERVICES DATED 26/11/2022 – 5 SHEETS (GOOLAWAH-001 (Rev K)\_V1\_RA-2022-9380.pdf).**
2. **ATTACHMENT A - 2020-0899-11G - TYPICAL ROADBASE CROSS-SECTIONS AND PLAN - 22.08.22\_RA-2022-9380.PDF**
3. **ATTACHMENT B - 2020-0899-12B - TYPICAL ROADBASE CROSS SECTION B (ROAD CORNER) - 22.08.22\_RA-2022-9380.PDF**
4. **GOOLAWAH CO-OPERATIVE LIMITED V KEMPSEY SHIRE COUNCIL [2022] NSWLEC 1498\_RA-2022-9380.PDF**
5. **ANNEXURE B (MODIFIED CONSENT) - 02.09.22\_RA-2022-9380.PDF (GOOLAWAH CO-OPERATIVE LTD V KEMPSEY SHIRE COUNCIL LEC NO: 2021/111192)**
6. **REPORT No. RGS20841.1 -AD BY REGIONAL GEOTECHNICAL SOLUTIONS DATED 27 MARCH 2020.**

**CONDITIONS**

**The following conditions have been imposed in accordance with Section 139(1)(d) of the *Roads Act 1993*:**

1. All work within Stage 1 is to be carried out in accordance with Council's Kempsey Development Control Plan 2013 (*Engineering Guidelines for Subdivision and Development*) and the plans and documents referenced in this approval.
2. All Stage 1 works must be completed to the satisfaction of Council within twelve(12) months of this approval.

**3. The following information is to be lodged and approved by Council prior to commencing the work at the site: -**

- a) Prior to commencing the work confirmation of the *commencement date and works schedule* for the proposed works is to be forwarded to Council in writing.

- b) Confirmation of the *identity and qualification of the nominated contractor* and/or sub-contractors to undertake the identified work.
- c) A copy of the nominated contractors and/or subcontractors *Certificate of Currency for Public Liability Insurance* cover shall be forwarded to Council. The public liability cover shall be equal to but not less than \$20 million dollars and indemnify Kempsey Shire Council against loss.
- d) Lodge a copy of the confirmation sheet from the *Dial before you Dig* service and confirm each of the identified authorities have provided the applicant with details of existing underground services and or arranged for their location.
- e) Lodgement of a Traffic Control Plan for the work site in accordance with *Traffic Control at Work Sites (current version) NSW RMS Publication*. The plans and specifications are to include the measures to be employed to control traffic (inclusive of construction vehicles) during construction of the development. The plan must incorporate measures to ensure that motorists using the road adjacent to the development, residents and pedestrians in the vicinity of the development are subjected to minimal time delays due to construction on the site or adjacent to the site.
- f) Confirmation of the *identity and qualification of the nominated Supervising Engineer* for this project. Supervision is to be undertaken in accordance with Council's Engineering Guidelines for Subdivision and Development.
4. Runoff and soil erosion controls shall be installed where appropriate prior to work commencing on the site. Erosion control devices shall be required in accordance with Council's Development Construction Specification C211 – Control of Erosion and Sedimentation.
  5. The applicant is responsible for locating and where necessary adjusting any public utility services at full cost to the development.
  6. The applicant shall meet all obligations under the Work Health and Safety Act 2011 and associated Regulation with respect to the proposed activity.
  7. All existing driveways to adjoining properties that are affected by this construction are to be always kept fully operational.
  8. Works on public property or works to be accepted by Council are not to proceed past the following hold points without inspection and approval by Council. Notice of required inspection must be given 48 hours prior to inspection, by contacting Council's Customer Service Centre on (02) 6566 3200 and payment of inspection fee in accordance with Council's fees and charges. You must quote your S138 number and property description to ensure your inspection is confirmed

Inspections required:

- a) Once the Traffic Control Plan arrangements and pedestrian controls are in place but prior to work commencing on site.
- b) When erosion control measures have been completed.
- c) When stormwater drainage trenches are opened and pipes are laid and jointed. Trenches are not to be backfilled until approval has been obtained.


- d) When each pavement course is ready for inspection and compaction test results have been lodged with Council.
- e) Each subsequent course is not to be commenced until the previous layer is tested and inspected.
- f) Upon completion of the work
9. Restore to the satisfaction of Kempsey Shire Council all existing disturbed/damaged surfaces within Nevertire Road, road reserve or other surrounding infrastructure as stated in condition 12 of modified consent T6-02-09 (rev 04) at no cost to Council.
10. The appointed Contractor is to obtain a Certificate of Practical Completion from Council following completion of the project. Submission by the appointed Supervising Engineer of a Work as Executed Plan to be lodged prior to Council accepting the works contained in this project as "Practically Complete".
11. The owners of Lot 1 DP1191860 must carry out all necessary road maintenance works (including grading and pot-hole repairs) in accordance with Condition 4 of the referenced modified consent T6-02-09 (rev 04).
12. Council will assume maintenance responsibilities for each bitumen sealed Stage of Nevertire Road, upon completion of each Stage to Council's satisfaction and at the expiration of the six (6) month post-construction maintenance period.
13. The appointed Supervising Engineer is to organise with the Council and the appointed Contractor one month prior to the expiry of the maintenance period a final inspection. All outstanding work identified by Council at that inspection is to be rectified by the appointed Contractor prior to the expiry of the maintenance period.

#### **ADVICE**

With respect to the provisions of the *Roads Act 1993* you are advised as follows:

- a) A separate Section 138 application for the approved final Stage 2 works must be submitted to Council by 1 September 2027 in accordance with modified consent T6-02-09 (rev 04) condition 4(b)(ii)a as determined by LEC September 2022.
- b) Section 140 allows a Roads Authority (Council) at any time and for any reason to revoke a consent issued under Division 3 by notice in writing to the applicant.
- c) Your attention is drawn to the agreement contained in the application including the need to be adequately insured.

**Signature**



GEOFF METCALFE  
Development Engineer

**Date:** 20 February 2023  
**Consent Number:** RA2300263  
**Roads Authority:** Kempsey Shire Council