

# Submitting an Application under Section 138 of the Roads Act



## Applicant

You can submit your application for approval under Section 138 of the Roads Act (Section 138) online via the NSW Planning Portal from participating councils.

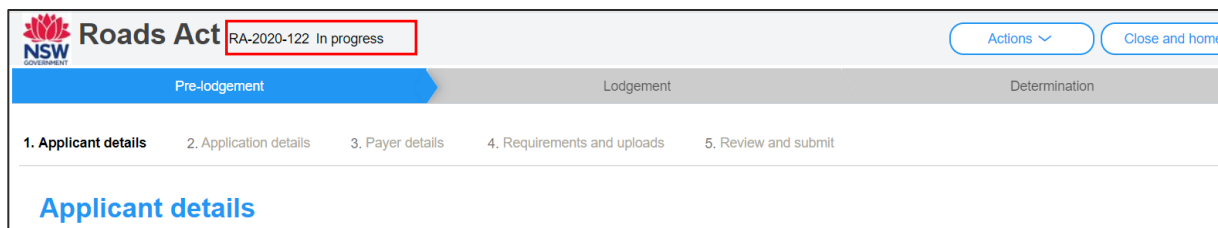
In order to access the NSW Planning Portal, you must have a NSW Planning Portal account. Refer to our *Register for a Planning Portal Account* quick reference guide for instructions on creating an account.

## Getting Started

1. Log in to the NSW Planning Portal and **select** Roads Act from the New dropdown menu.



2. When you create a new application, the system will automatically generate a unique reference number that is visible at the top of the application. This reference number will begin with RA.



**Note:** At this point the Applicant Details screen will display. Some of the fields will be pre-populated based on your registration profile, however you are able to make amendments where necessary.

Throughout the online form, mandatory fields are indicated with an asterisk (\*), and predictive functionality is indicated by a blue triangle on the bottom right-hand corner of the field box.

## Capturing Applicant details

3. **Indicate** if the applicant is a company.

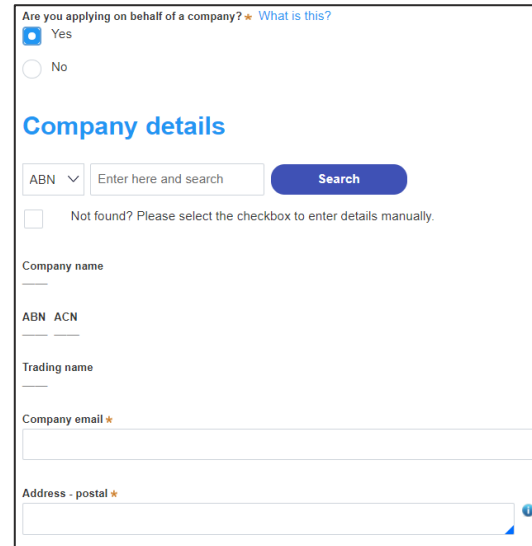
# Submitting an Application under Section 138 of the Roads Act

## Applicant

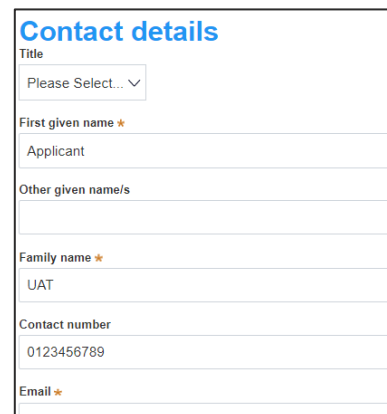
If you answered Yes;

- **Search** for the company by **choosing** an operator, ACN, ABN, or Name
- **Enter** the search term in the search field
- **Click** the search icon
- **Select** a result from the list provided
- **Enter** the Company email and postal address

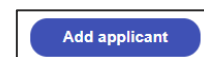
**Note:** If you cannot locate an appropriate result you may select the checkbox to enter the details manually.



4. **Verify** (and adjust if needed) the application contact details including first and family name, contact number and a valid email address. **Enter** your postal address and the system will provide suggestions based on the information entered. **Select** an option from the list to proceed.

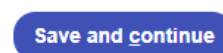


5. **Select** Add applicant to enter further applicant details.



**Note:** If you are adding more than one applicant to this application, follow the prompts to nominate the additional applicants information.

6. **Click** Save and continue to progress to the next step.



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**Note:** You can also click Cancel to exit, or Save and exit to save all the information input to date, and return to your dashboard. Save and exit will only work if all mandatory fields have been completed.

## Capturing Application details

The screenshot shows the NSW Roads Act application interface. At the top, it says 'NSW Roads Act RA-2020-122 In progress'. There are two buttons: 'Actions' and 'Close and home'. Below this is a progress bar with three stages: 'Pre-Judgement', 'Lodgement', and 'Determination'. Under 'Pre-Judgement', there are five steps: '1. Applicant details', '2. Application details' (highlighted with a red box), '3. Payer details', '4. Requirements and uploads', and '5. Review and submit'. Below the progress bar, the text 'Application details' is displayed.

7. **Indicate** the approval type being sought on this application.

What type of approval are you asking for: \*

I am seeking a new approval

I am seeking renewal of existing valid Roads Act approval

**Note:** If you indicate that you are seeking a renewal of an existing valid Roads Act approval as the application type you will be prompted to capture details of the related consent application.

8. **Select** section 138 – Works and structures as the approval type.

Section 125 – Approval to use footway for restaurant purposes

Section 138 – Works and structures

9. **Indicate** if the section 138 application relates to a DA or CDC or select No related application.

Is this Roads Act application related to a development application (DA) or

Complying Development Certificate (CDC)

Development Application (DA)

No related application

**Note:** If you indicate there is a relationship to a DA or CDC application you will be prompted to enter the related application number.

If the DA or CDC applications were applied for through the NSW Planning Portal, entering the portal application number in the corresponding field will automatically populate the site(s) of development.

10. **Enter** the property details using the Address or Lot /Section number/Plan search functionality unless already included.

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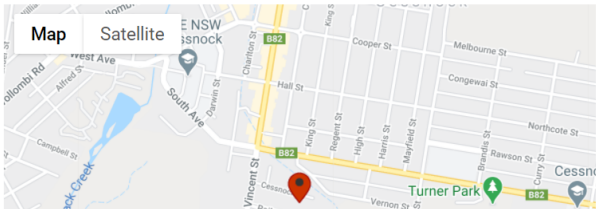
**Select the site of the development** \*

Enter address  OR Enter Lot/Section Number/Plan

Address did not display?  ⓘ

Please select "Land adjacent to selected lot?" checkbox if there is proposed work to be located on land adjacent to the selected lot(s) e.g. a driveway crossing of the footpath.

Street address	Land adjacent to selected lot?	Lot/Section/Plan	Primary address?
19 CESSNOCK STREET CESSNOCK 2325	<input type="checkbox"/>	10 / — / DP259523	<input type="checkbox"/>



**Note:** If the address is registered, a map will display on the right-hand side of the screen with site information including the relevant local government area (LGA) on the left.

You may enter further development sites if applicable.

**11. Identify** the primary address for this application and whether any work is proposed in the land adjacent to the lot(s). You can delete the address by **clicking** on the trash icon.

- For unregistered addresses, there is no auto-populate feature. You need to **select** the Address did not display box and enter the address manually.

This will disable the predictive text feature and map functionality. You will also need to enter and select the relevant local government area name from the list.

Street address	Land adjacent to selected lot?	Lot/Section/Plan	Primary address?
19 CESSNOCK STREET CESSNOCK 2325	<input checked="" type="checkbox"/>	10 / — / DP259523	<input checked="" type="checkbox"/>

**Select the site of the development** \*

Enter address  OR Enter Lot/Section Number/Plan

Address did not display?  ⓘ

Enter address  Primary address?  Local Government area name

**Note:** The Planning controls affecting the property can be viewed by clicking on the arrow next to the property address.

**Planning controls affecting property**

✓ 19 CESSNOCK STREET CESSNOCK 2325

**Summary of planning controls**

Land Application LEP	Cessnock Local Environmental Plan 2011
Land Zoning	B4: Mixed Use
Height of Building	NA

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**12. Indicate** if the applicant or owner is a staff member or councillor of the council assessing the application.

If Yes, you must provide a description in the space provided.

Is the applicant or owner a staff member or councillor of the council

Yes

No

Please provide a description (name of person, role in council) \*

**13. Indicate** if the applicant or owner has a relationship with any staff or councillor of the council assessing the application.

If Yes, you must provide a description in the space provided.

Does the applicant or owner have a relationship with any staff or councillor of the council

Yes

No

Please provide a description (name of person, role in council, relationship to the person) \*

**14. Click** Save and continue to progress to the next step.

Save and continue

## Capturing Section 138 details

NSW Roads Act RA-2020-33 In progress

Pre-Judgement Lodgement Determination

1. Applicant details 2. Application details 3. Section 138 details 4. Payer details 5. Requirements and uploads 6. Review and submit

Works and structures within the road reserve

**15. Select** the type(s) of work being proposed from the list.

What type of work are you proposing? \*

Water related work

Sewer related work

**16. Enter** a description of the proposed works.

Please provide a description of works \*

Please provide a description of works (

**17. If known, enter** a work start and completion date or select dates by clicking on the calendar icon.

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Please provide work start date	29/01/2021
Please provide work completion date	3/02/2021
Duration of work in days	5

**Note:** The duration of work days will calculate once both start and completion dates are entered.

**18. Enter** the estimated cost of works in numerical value.

Please provide the estimated cost of the works <a href="#">What is this?</a>
Enter a numerical value including decimal places. Please c

**19. Indicate** if there are any security or site conditions which may impact the inspection (e.g. locked gates or animals).

If yes you will be prompted to provide further details.

Are there any security or site conditions which may impact on the perso
<input checked="" type="radio"/> Yes
<input type="radio"/> No
Please provide details <a href="#">*</a>

**20. Identify** if the principal contractor is a company.

If Yes, the company details fields will open.  
**Search** for the company by either;

- ACN
- ABN
- Name

For example, if you wish to search by company name, **select** Name from the drop-down list, then **enter** the company name in the space and **click** the search icon.

<b>Principal Contractor</b>
Details of the principal contractor needs to be provided for any proposal to condu
Is the principal contractor a company?
<input checked="" type="radio"/> Yes
<input type="radio"/> No
<b>Company details</b>
ACN <input type="text" value="Enter here and search"/> <input type="button" value="Search"/>
<input type="checkbox"/> Not found? Please select the checkbox to enter details manually.

**Note:** If you cannot locate the company details using the search feature you may select the 'Not found?' Checkbox and enter the details manually.

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## Applicant

**21. Enter** the details of the principal contractor contact.

### Contact details

Title  
Please Select... ▾

First given name  
\_\_\_\_\_

Other given name/s  
\_\_\_\_\_

Family Name  
\_\_\_\_\_

Contact number  
Mobile number preferred  
\_\_\_\_\_

Email  
\_\_\_\_\_

Address - postal  
\_\_\_\_\_

License no  
\_\_\_\_\_

**22. Indicate** if you intend to operate the outdoor dining area as a licensed premise.

If yes, **indicate** if you hold a current liquor licence for the venue and if yes again, you must **enter** your liquor licence number.

Are you intending to operate the outdoor dining area as a licensed premises? \*

Yes

No

Do you currently hold a liquor Licence? \*

Yes

No

Provide the liquor Licence number (begins with LIQ) \*

\_\_\_\_\_

**Note:** In order to sell liquor for consumption in an outdoor dining area, you will need to apply for and obtain a liquor licence with Liquor & Gaming NSW. You may click on the link provided to find out more and apply.

If you hold a current liquor licence you must download the temporary change of liquor licence boundaries application form from the link provided and upload the completed form with your other documentation to this application.

In order to sell liquor for consumption in an outdoor dining area, you will need to apply for and obtain a liquor licence with Liquor & Gaming NSW. To find the best licence for your business, please follow this [link](#) and apply. (Note: 60 day average turnaround times apply to new liquor licence applications).

To operate the outdoor dining area as a Licensed premises using your existing Licence, download the temporary change of liquor Licence boundaries application form from this [link](#). You will be asked to upload this under the "Requirements and uploads" section at the end of this application.

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**23. Indicate** if you have a current public liability insurance policy.

If Yes you must **enter** the policy details.

**Note:** You will be required to upload a copy of the insurance to this application later if applicable.

Do you have a current Public liability insurance? \*

Yes

No

Early provision of Public liability insurance will accept

Insurance policy company

Policy No:

Value

Enter a numerical value including decimal places

Expiry date

**24. Click** Save and continue to progress to the next step.



## Capturing Payer details

The Environmental Planning and Assessment Regulation 2000 and council's adopted fees and charges documents establish how fees are calculated for this application. Once this application form is submitted to the relevant council for lodgement the fees will be calculated by the council. The council will contact the nominated payer to obtain payment. Note that the application may be rejected if the fees are not paid.

**Roads Act** RA-2020-33 In progress Actions Close and home

Pre-lodgement | Lodgement | Determination

1. Applicant details  2. Application details  3. Section 138 details  **4. Payer details**  5. Requirements and uploads  6. Review and submit

[Payer details](#)

**25. Indicate** if the payer is a Company, Business, Government entity or other similar body.

Is payer a Company, Business, Government entity or other similar body ? \*

Yes

No

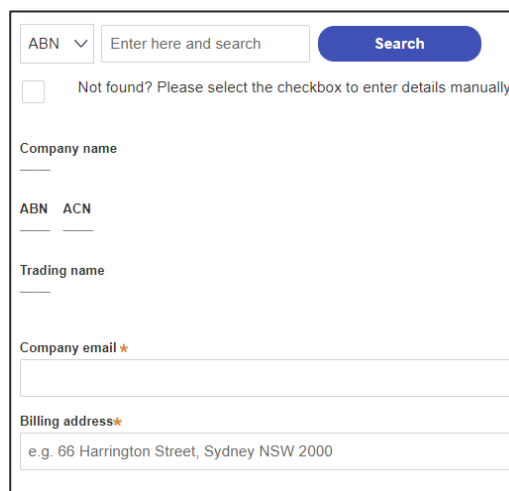


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If you answered Yes,

- **Search** for the company by **choosing** an operator, ACN, ABN, or Name
- **Enter** the search term in the search field
- **Click** the search icon
- **Select** a result from the list provided
- **Enter** the Company email and postal address



ABN

Not found? Please select the checkbox to enter details manually.

Company name

ABN  ACN

Trading name

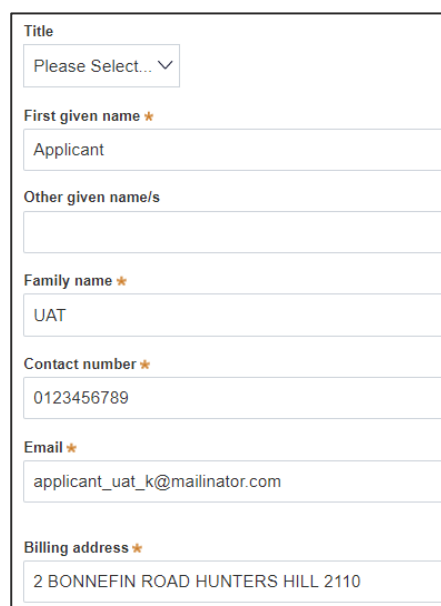
Company email \*

Billing address \*  
e.g. 66 Harrington Street, Sydney NSW 2000

If you answered No, **enter** the following details of the person making the payment unless already completed correctly:

- First name
- Other given name(s)
- Family name
- Contact number
- Email address
- Billing address

**Note:** The applicant's details will pre-populate or you may nominate another payer.



Title

First given name \*

Other given name/s

Family name \*

Contact number \*

Email \*

Billing address \*

**26. Click** Save and continue to progress to the next step.

## Requirements and Uploads

The NSW Planning Portal will define certain required documents that must be uploaded to the application. There may however be additional documents required by council that you can also upload to your application. Contact your local council or visit their website to find out the required information you must include with your application.

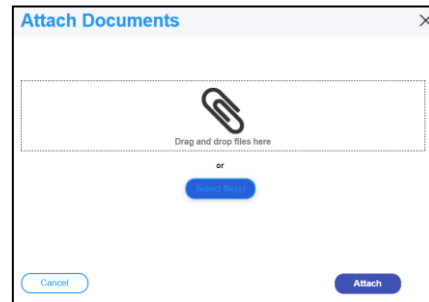
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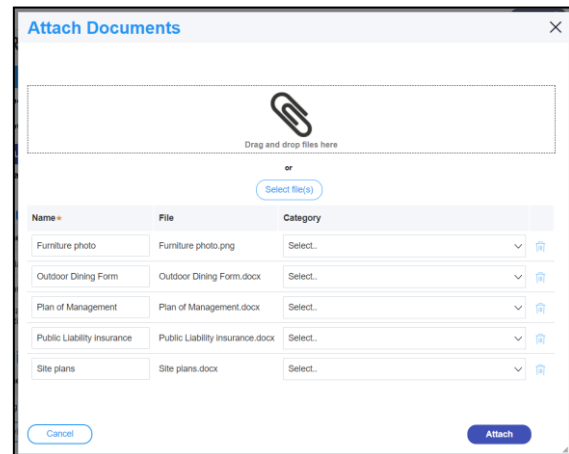
27. To upload documents, **click** Upload.



28. **Click** select files to search for files saved to your computer. Alternatively, you can **drag and drop** files directly in the space provided.



29. After selecting the relevant files to upload, the files will appear in a list as indicated. You will need to categorise each document by **selecting** a category from the drop-down menu corresponding to each file.

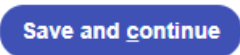


**Note:** The name of the document has a maximum of 150 characters. If the name of your file exceeds this limit, you can change the document name to bring it within the 150-character limit.

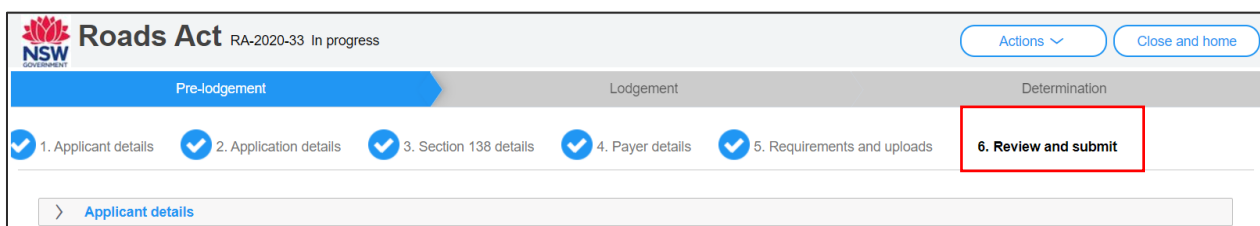
30. **Click** Attach.



31. **Click** Save and continue to progress to the next step.



## Reviewing and submitting



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**32. Review** all of the information entered on your application by expanding each of the sections. Once you have reviewed all of the information, you will be required to complete the Declarations at the bottom of the page.

**Declarations \***

Select all

I declare that all the information in the application and accompanying documents is true and correct to the best of my knowledge.

I understand that the application and the accompanying information will be provided to the appropriate consent authority and relevant agency(ies) for the purposes of the assessment and determination of this application. I acknowledge that the information may be used for other Government purposes.

I understand that if incomplete, the consent authority may request more information, which will result in delays to the application.

I agree to the appropriately delegated assessment officers attending the site for the purpose of inspection.

The consent authority may use the information and materials provided for notification, advertising purposes, and materials provided may be made available to the public for inspection. Information related to the application may also become available via NSW Planning Portal.

I acknowledge that copies of this application and supporting documentation may be provided to interested persons in accordance with the Government Information (Public Access) 2009 (NSW) (GIPA Act) under which it may be required to release information.

I have read and agree to the collection and use of my personal information as outlined in the [Privacy Notice](#)

**Note:** To return to a previous section and adjust the information entered, click the 'Previous' button.

**33. Click** Submit to send your application to the participating council.



## What happens Next?

Once the application is submitted, the following actions are available to you for this application;

- Request related application – start a development consent application related to your section 138 application.
- Copy to new application – start a new section 138 application by copying the details from this application to a new one.
- Actions – provide additional information to the council or withdraw the application.
- Close and home – will take you to your Active Work.

**Roads Act - S.138** RA-2020-33 Pending lodgement

[Copy to new application](#) [Request related application](#) [Actions](#) [Close and home](#)

✓ Pre-lodgement      Lodgement      Determination

Thank you. Your request has now been submitted.

Next, your application will be sent to the respective council to review and you will receive email notifications advising you of the progress of the application and if further action is required.

End of steps

## If you need more information

- Click the Help link at the top of the screen to access the NSW Planning Portal help pages and articles.
- Review the Frequently Asked Questions - <https://www.planningportal.nsw.gov.au/help/frequently-asked-questions> and / or contact ServiceNSW on 1300 305 695.