

Submitting a Section 138 Application

This guide provides steps on how to submit a Section 138 of the Roads Act (Section 138) application online to participating roads authorities via the NSW Planning Portal (the Portal).

To submit a Section 138 application via the Portal, you will need an NSW Planning Portal account. If you do not already have an account, please refer to our *Registering for the NSW Planning Portal* quick reference guide.

Overview

- A roads authority is the consent authority that assesses and determines Roads Act applications. The roads authority is most commonly a council, but it can also include State agencies.
- Applicants can apply under one or more sections (Sections 125, 138, and 144) of the Roads Act in one application.
- Applicants can apply for a new approval or renew an existing one.
- The roads authority will assess and determine each section of the Roads Act separately.

Throughout the online application form, there are four commonly used symbols and links.

Symbol	Description
*	A red asterisk indicates a mandatory field.
	A blue triangle in the bottom right-hand corner of a field indicates predictive text. As you begin to type, this feature makes suggestions based on what you have typed so far. Select the correct option from the list.
	An Information icon indicates a tooltip. When you hover your mouse over the icon, helpful information will display.
What is this?	This is a hyperlink. When you click on this link, additional information will display. Click on the  in the top right-hand corner of the field to close it.

Creating a new application

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



The Roads Act screen displays.

Roads Act

Applications under the NSW Roads Act 1993 are assessed and determined by either a local council or the NSW Government. To ensure that your application is submitted to the correct Roads Authority, please provide the following information:

Select the site of the development *

Enter address

OR

Enter Lot/Section number/Plan

Address did not display ? 

What type of application are you applying for? *

☐ I am seeking a new approval

☐ I am seeking renewal of existing valid Roads Act approval

2. **Enter** the site address or Lot/Section number/Plan of the works or activities being proposed.

As you type, the system will auto-suggest addresses or the lot/section number/plan based on the information entered. **Select** the correct address or lot/section number/plan from the list.

You may enter additional site addresses, if applicable.

Select the site of the development *

Enter address

85 VINCENT STREET CESSNOCK 2325

1 85 VINCENT ROAD LAKE ALBERT 2650

3 85 VINCENT ROAD LAKE ALBERT 2650

4 85 VINCENT ROAD LAKE ALBERT 2650

The site address will direct your application to the appropriate roads authority for assessment.

Select the site of the development *

Enter address OR Enter Lot/Section number/Plan

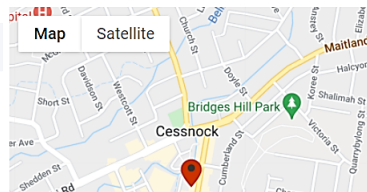
e.g. 66 Harrington Street, Sydney NSW 2000 e.g. 4/-/DP1044304

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	LGA	Land adjacent to selected lot	Lot/Section/Plan	Primary address
85 VINCENT STREET CESSNOCK 2325	CESSNOCK	☐	7/-/DP214069 ☐	☐

Map Satellite



Note: If the site address is registered, a map will appear on the right-hand side of the screen, and planning controls affecting the property will appear below the address.

3. **Indicate** the primary address for this application, the lot/section/plan number and whether any work and structures are proposed in the land adjacent to the lot(s). It is mandatory to select a Primary address and the Lot/Section/Plan.

You can delete the address by **clicking** on the bin icon . The bin icon will only display if the primary address tick-box is not selected.

Street address	LGA	Land adjacent to selected lot	Lot/Section/Plan	Primary address
85 VINCENT STREET CESSNOCK 2325	CESSNOCK	☒	7/-/DP214069 ☒	☒

Note: If your address is not registered, **select** the 'Address did not display?' tick-box and **enter** the address manually in the added text field, Enter address.

This will disable the predictive text feature and map functionality.

Identify the primary address and **enter** and **select** the relevant local government area or State agency from the list.

Select the site of the development *

Enter address OR

e.g. 66 Harrington Street, Sydney NSW 2000

Address did not display? ☒ 

Enter address Primary address Select local government area or state agency

e.g. 66 Harrington Street, Sydney NSW 2000 ☐ Council name

Note: If the site address is registered, you can view the planning controls affecting the property by **clicking** on the arrow next to the property address.

Planning controls affecting property

✓ 85 VINCENT STREET CESSNOCK 2325

Summary of planning controls

Land Application LEP	Cessnock Local Environmental Plan 2011
Land Zoning	B3: Commercial Core
Height of Building	12 m
Floor Space Ratio (n:1)	1.5:1

4. **Indicate** the type of application you are seeking.

What type of application are you applying for? *

- ☐ I am seeking a new approval
- ☐ I am seeking renewal of existing valid Roads Act approval

Note: If you are applying to renew an existing valid Roads Act approval, you will be prompted to enter details regarding your current Roads Act application.

5. **Select** Section 138 – Works and structures as the approval type.

What section of the Roads Act is approval being sought under? * [What is this?](#)

- ☐ Roads Act – Outdoor dining (Section 125)
- ☒ Roads Act – Works and structures (Section 138)
- ☐ Roads Act – Road events (Section 144)

Note: You can apply for one or more sections (Sections 125, 138, and 144) of the Roads Act in one application.

In cases where the appropriate roads authority is not currently receiving Roads Act applications through the Portal, an information message will display after you click Next instructing you to contact that authority.

What type of application are you applying for? *

- ☒ I am seeking a new approval
- ☐ I am seeking renewal of existing valid Roads Act approval

What section of the Roads Act is approval being sought under? * [What is this?](#)

The address you have entered is within a Local Government Area that is not currently receiving Roads Act applications via the NSW Planning Portal. You will need to contact the roads authority directly to complete this application.

A message will also display if the roads authority is only receiving some of the Roads Act approvals through the Portal. If you wish to apply for an approval that is not listed, please contact the roads authority.

What type of application are you applying for? *

- ☒ I am seeking a new approval
- ☐ I am seeking renewal of existing valid Roads Act approval

What section of the Roads Act is approval being sought under? * [What is this?](#)

- ☐ Roads Act – Road events (Section 144)

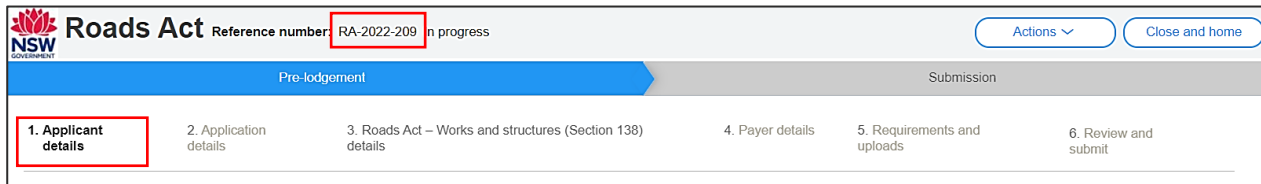
The address you have entered is within a Local Government Area that is currently receiving applications only for the above Roads Act approvals. You will need to contact council directly for any other Roads Act approvals.

6. **Click Next** to continue to the next step.

Next

Note: You cannot return to this screen after clicking Next.

The Applicant details screen displays. The system assigns a unique reference number with an RA prefix that displays at the top of the screen.



For a Roads Act application, you will need to complete six steps for a Section 138 and another step for each additional section requiring approval, if any, as follows:

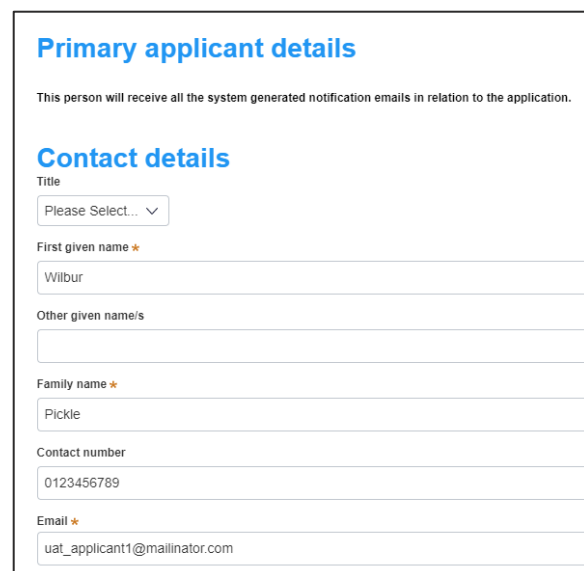
1. Applicant details
2. Application details
3. *Roads Act – Outdoor dining (Section 125) details*
4. Roads Act – Works and structures (Section 138) details
5. *Roads Act – Road events (Section 144) details*
6. Payer details
7. Requirements and uploads
8. Review and Submit.

Capturing Applicant details

Some Contact details fields are populated automatically based on your registration profile, but you can change them as needed.

7. **Verify** (and edit, if needed) the primary applicant's contact details including first and family name, contact number and a valid email address.

The email address provided should be the same email address the primary applicant uses to log in to the Portal. This email address will receive all correspondence sent via the Portal.



8. **Enter** your postal address. As you type, the system will auto-suggest addresses based on the information entered. **Select** the correct address from the list.

Address - postal ★

Note: If you would like to enter a Post Office Box address, you will need to enter it manually as the system does not offer an auto-suggest feature.

9. **Indicate** if the applicant is a business / company.

If Yes:

- Search for the company by selecting ACN, ABN, or Name from the drop-down options
- Enter the ACN, ABN, or company name in the search field
- Click Search
- Select the business from the list provided
- Enter the Company email and postal address.

Is the applicant a business / company? ★ [What is this?](#)

- ☐ Yes
☐ No

Is the applicant a business / company? ★ [What is this?](#)

- ☒ Yes
☐ No

Company details

ACN ▼

Enter here and search

Search

Name

ABN ACN

Trading name

Company email ★

Address - postal ★

10. **Select** Add applicant to add an applicant.

Add applicant

Note: If you are adding more than one applicant to this application, follow the prompts to enter the additional applicant's information.

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

If Yes, please provide details in the added text box.

Are there any security or site conditions which may impact the person?

- ☒ Yes
☐ No

Please provide details ★

Section 138 of the Roads Act 1993

Applicant



12. **Enter** details of the person that will provide access to the site, if they are different to the primary applicant.

Insert the details of the person that will provide access to the site, if different to the primary applicant

Title
Please Select...
First given name
Other given name/s
Family name
Contact number
Email
Mobile phone number preferred. Format: xxxxxxxxxx

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

Save and continue

Note: You can also click Cancel to exit, or Save and exit to save all information entered to date, and return to your Dashboard. Save and exit will work only if you have completed all mandatory fields.

The Application details screen displays. Your selections made on the first screen will display here in a read-only format, including the type of application, the section(s) of the Roads Act and the site(s) of the works and structures.

Roads Act Reference number: RA-2022-209 In progress

Actions Close and home

Pre-lodgement Submission

1. Applicant details 2. **Application details** 3. Roads Act – Works and structures (Section 138) details 4. Payer details 5. Requirements and uploads 6. Review and submit

Application details

What type of application are you applying for?
I am seeking a new approval

What section of the Roads Act is approval being sought under? [What is this?](#)

☐ Roads Act – Outdoor dining (Section 125)

☒ Roads Act – Works and structures (Section 138)

☐ Roads Act – Road events (Section 144)

14. **Indicate** if the Section 138 application relates to an existing Complying Development Certificate (CDC) or Development Application (DA) or **select** No related application.

Is this Roads Act application related to a development application (DA) or Complying Development Certificate (CDC)?

☐ Complying Development Certificate (CDC)

☐ Development Application (DA)

☐ No related application

Note: In the case of an existing CDC or DA, you will be prompted to enter the reference number. If you submitted the CDC or DA via the Portal, the reference number links this application to the CDC or DA.

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

If Yes, please provide a description in the added text box.

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) *

16. Indicate whether the applicant or owner has a relationship with any staff or councillor of the council assessing the application. If Yes, please provide a description in the added text box.	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) *
17. Click Save and continue to progress to the next step. Note: If you need to go back to the previous screen to make changes, click Previous in the bottom left-hand corner of the screen.	Save and continue Previous

Capturing Section 138 details

 Roads Act Reference number: RA-2022-209 In progress Actions Close and home Pre-lodgement Submission ☒ 1. Applicant details ☒ 2. Application details ☒ 3. Roads Act – Works and structures (Section 138) details ☐ 4. Payer details ☐ 5. Requirements and uploads ☐ 6. Review and submit Works and structures within the road reserve	
18. Select from the list the type(s) of work you are proposing. You may select as many types of work as required.	What type of work are you proposing? * ☐ Water related work ☐ Sewer related work ☐ Driveway construction ☐ Stormwater connection
19. Enter a description of the proposed works.	Please provide a description of works * Please provide a description of works

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

Please provide work start date

Please provide work completion date

Please provide work start date

Please provide work completion date

Duration of work in days

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

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

Please provide the estimated cost of the works [What is this?](#)

Enter a numerical value including decimal places. Please d

Step **22** and Step **23** are optional, though if known, the information may be helpful to the roads authority.

22. **Indicate** if the principal contractor is a company.

If Yes:

- **Search** for the company by **selecting** ACN, ABN, or Name from the drop-down
- **Enter** the ACN, ABN or company name in the search field
- **Click** Search
- **Select** the business from the list provided.

Principal contractor

Details of the principal contractor needs to be provided for any proposal to conduct work

Is the principal contractor a company?

☒ Yes
 ☐ No

Company details

ACN ▾

Enter here and search

Search

Name

23. **Enter** the contact details for the principal contractor.

Contact details

Title

Please Select... ▾

First given name

Other given name/s

Family Name

Contact number

Mobile number preferred

Email

Address - postal

License no

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

If Yes, **enter** the policy details. A copy of your public liability insurance policy will be a required upload at the end of this application.

Public liability insurance

Do you have a current public liability insurance? ★

☐ Yes

☐ No

Early provision of public liability insurance will accelerate the process

Insurance policy company

Policy number

Value

\$ Enter a numerical value including decimal places. Please do not

Expiry date

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

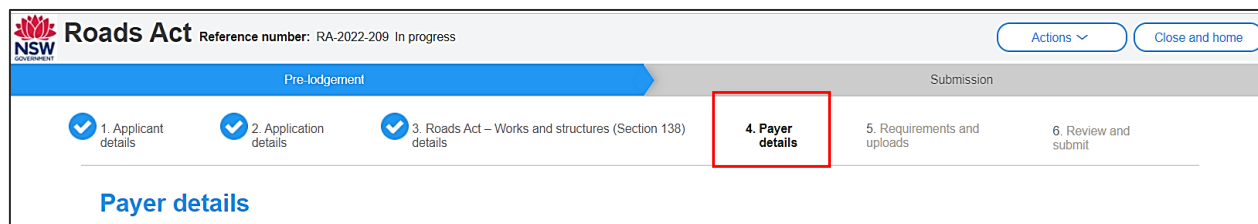
Save and continue

Capturing Payer details

The fees are calculated according to the roads authority's policy.

After you submit your Section 138 application, the roads authority will review it for completeness of information, calculate the fees payable, and then contact you to arrange payment. Fee payment will take place outside the Portal

Note: If the fees are not paid, the application may be returned.



Roads Act Reference number: RA-2022-209 In progress

Actions Close and home

Pre-lodgement Submission

1. Applicant details 2. Application details 3. Roads Act – Works and structures (Section 138) 4. Payer details 5. Requirements and uploads 6. Review and submit

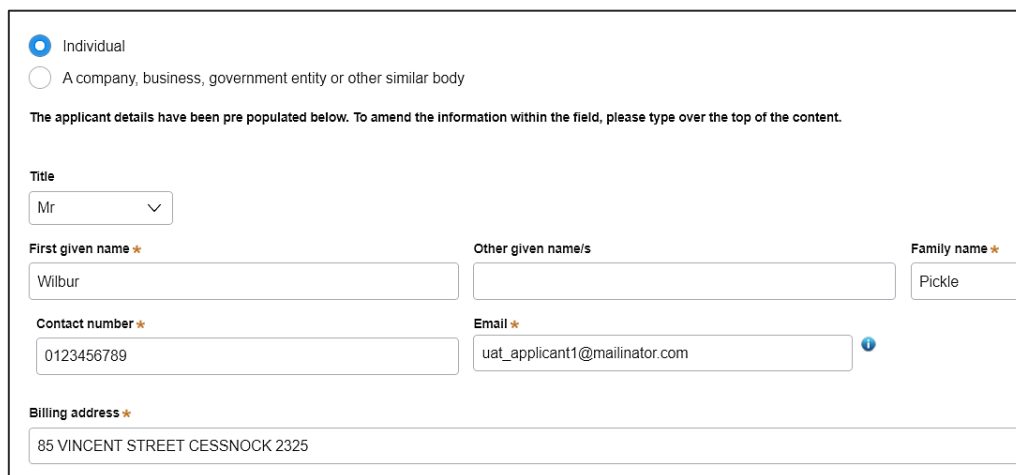
Payer details

26. **Indicate** if the fee payment will be made by an individual or a company, business, government entity, or other similar body.

Fee payment will be made by (select the option that is applicable):

- ☐ Individual
- ☐ A company, business, government entity or other similar body

If you select Individual, the payer details will automatically populate based on your applicant details. However, you may nominate another payer by editing the existing content.



☒ Individual
☐ A company, business, government entity or other similar body

The applicant details have been pre populated below. To amend the information within the field, please type over the top of the content.

Title
 Mr

First given name * Wilbur
 Other given name/s
 Family name * Pickle

Contact number * 0123456789
 Email * uat_applicant1@mailinator.com

Billing address *
 85 VINCENT STREET CESSNOCK 2325

If you select a company, business, government entity or other similar body:

- **Search** for the company by **selecting**, ACN, ABN, or Name from the drop-down options
- **Enter** the ACN, ABN or name in the search field
- **Click** Search
- **Select** your business from the list provided
- **Enter** the Company email and billing address.

Name ▾

Enter here and search

Search

Name

ABN ACN

Trading name

Company email ★

Billing address ★

e.g. 66 Harrington Street, Sydney NSW 2000

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

Save and continue

Requirements and Uploads

Listed under Required documents, the Portal identifies which documents you must upload as part of your Section 138 application and any other section approvals that may be required. However, the applicable roads authority may require additional documents, in which case you should contact them or visit their website to find out what they need you to include in your application submission.


Roads Act Reference number: RA-2022-209 In progress

Actions ▾

Close and home

Pre-lodgement

Submission

1. Applicant details

2. Application details

3. Roads Act – Works and structures (Section 138)

4. Payer details

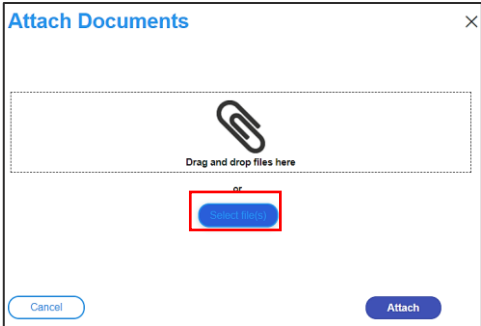
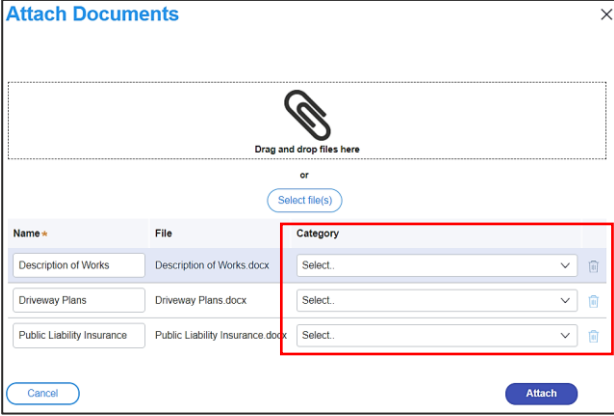
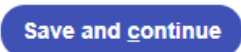
5. Requirements and uploads

6. Review and submit

Requirements and uploads

The maximum file size is 300MB.

To amend attachments, please delete the original and upload a replacement document.

28.To upload your document(s), click Upload.	
29.Click Select files to navigate to the file(s) saved to your computer. Alternatively, you can drag and drop files directly in the space provided.	
30.After selecting the relevant file(s) to upload, the file(s) will appear in a list as indicated. Click the Category drop-down menu and select the appropriate category to correspond to each file.	
Notes: 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. When applying for more than one section of the Roads Act, please label your documents accordingly.	
31. Click Attach.	
32.Click Save and continue to progress to the next step.	

Reviewing and submitting


Roads Act Reference number: RA-2022-209 In progress

Actions
 Close and home

Pre-Judgement
 Submission

1. Applicant details
 2. Application details
 3. Roads Act – Works and structures (Section 138) details
 4. Payer details
 5. Requirements and uploads
 6. Review and submit

33. Review the information entered on your application by expanding each of the sections. This information is read-only.

If changes are needed, **click** the Previous button (bottom left of screen) to navigate to the previous screens.

> Applicant details
 > Application details
 > Roads Act – Works and structures (Section 138) details
 > Payer details
 > Uploaded files

34. Once you have reviewed the information entered, complete the Declarations at the bottom of the page by **selecting** each tick-box or **clicking** Select all.

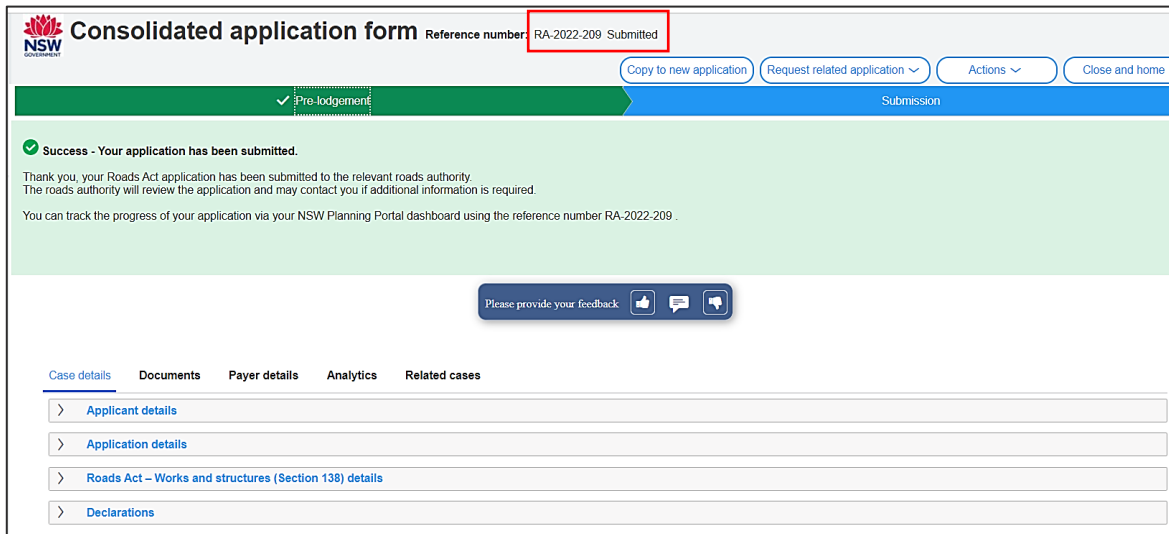
Declarations *
 Select all

☐ 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 appropriately delegated assessment officers attending the site for the purpose of inspection.
 ☐ The consent authority may use the information and materials provided for notification and 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.
 ☐ By using the NSW Planning Portal, you agree that the Department may copy, communicate to the public and otherwise use any material (e.g. documents, drawings, plans) intellectual property that you upload to the NSW Planning Portal for: (a) the purpose for which it was uploaded (e.g. to refer to the relevant consent authority if a planning application is submitted); and (b) more generally for any purposes that are consistent with the EP&A Act. You warrant that you have the permission of all third parties who own copyright, moral rights or other intellectual property rights in material that you upload to the NSW Planning Portal: - to upload the material to the NSW Planning Portal; and - for the Department to copy, communicate to the public and otherwise use that material for the purpose for which it was uploaded and more generally for any purposes that are consistent with the EP&A Act. In exercising the above rights, the Department may not be able to observe all moral rights but will do so where it is reasonably able to do so.
 ☐ I have read the Privacy Notice and agree to the collection and use of my personal information, as outlined in that Notice. [Privacy Notice](#)

35. Click Submit to send your application to the appropriate roads authority.

Submit

The Consolidated application form displays. This completes the Pre-lodgement stage.



The screenshot shows the 'Consolidated application form' interface. At the top, the reference number 'RA-2022-209 Submitted' is highlighted with a red box. Below the header, there are buttons for 'Copy to new application', 'Request related application', 'Actions', and 'Close and home'. A progress bar indicates the 'Pre-lodgement' stage is complete. A green success message states: 'Success - Your application has been submitted. Thank you, your Roads Act application has been submitted to the relevant roads authority. The roads authority will review the application and may contact you if additional information is required. You can track the progress of your application via your NSW Planning Portal dashboard using the reference number RA-2022-209.' Below this is a feedback button. At the bottom, there are tabs for 'Case details', 'Documents', 'Payer details', 'Analytics', and 'Related cases'. Under 'Case details', there are expandable sections for 'Applicant details', 'Application details', 'Roads Act - Works and structures (Section 138) details', and 'Declarations'.

When you click Submit:

- The system creates a Consolidated application form that has a unique identifying number with the prefix 'RA' (RA-YYYY-XXX).
- The Consolidated application form, a **read-only** application, allows you to apply for one or more sections of the Road Act in one application. Please note that you cannot perform any actions from the Consolidated application form.
- The system also creates a **separate** application for **each section** of the Roads Act that requires approval. Links to these section applications are available in the Related Cases tab.
- Each section application is also assigned a unique RA identifying number.

As an example, if you apply for one section of the Roads Act, say a Section 138, then the system will assign two unique RA identifying numbers, one for the Section 138 application and one for the Consolidated application form.

Alternatively, if you apply for two sections of the Roads Act at the same time (say Section 125 and Section 138), then the system will assign three unique RA identifying numbers, one each for Sections 125 and 138, as well as one for the Consolidated application form.

- The system generates a Roads Act (RA) application form, which includes details of all sections of the Roads Act that require approval.
- You can find your Section 138 application in Active work on your Dashboard and the Consolidated application form in Completed work also on your Dashboard.

- Five tabs will display:
 - Case details – contains information entered by you during the pre-lodgement stage.
 - Documents – will include links to all documents uploaded by you, the roads authority and any system-generated documents.
 - Payer details
 - Analytics – this is a high-level milestone marker.
 - Related cases – includes links to the Consolidated application form, the Section 138 application and any related section applications that require approval. As the section application(s) progress, this tab will also include links to any child/sub cases created such as requests for information and referrals to agencies.

The information contained in the tabs is read-only and for the Section 138 application will grow as the application progresses. These tabs can also be viewed by the roads authority.

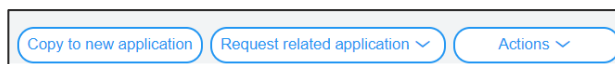
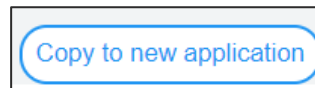
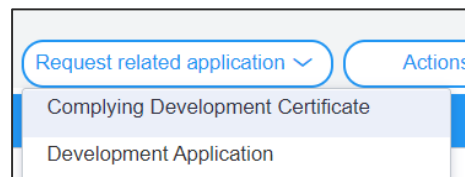
1. To review the information entered, **click** the Case details tab and **click**

Expand  to display the details.

Case details	Documents	Payer details	Analytics	Related cases
> Applicant details > Application details > Roads Act – Outdoor dining (Section 125) details > Declarations				

2. As soon as you submit your application, you can perform any of the following actions:

- Copy to new application – start a new Roads Act application. The system will copy the details from this application to a new one.
- Request related application – start a Complying Development Certificate or a Development Application related to your Roads Act application.

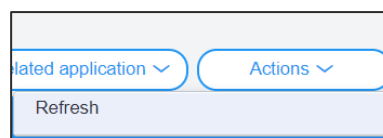




c. Actions menu:

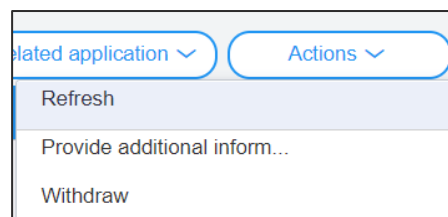
From the Consolidated application form, your only option is to Refresh your screen.

From the Section 138 application, which you can open from the Related cases tab or from Active work on your Dashboard, you can provide additional information to the roads authority or withdraw the Section 138 application.

Actions menu in the Consolidated application form



Actions menu in the Section 138 application

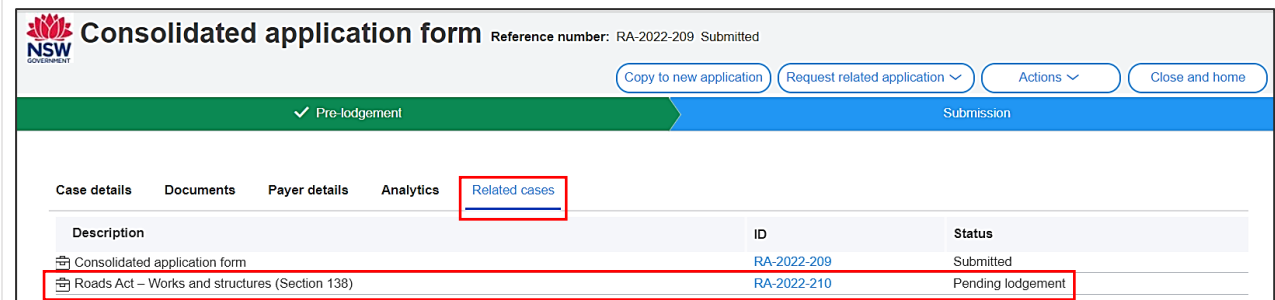


Viewing Documents

You can find all documents in the Documents tab of both the Section 138 application and the Consolidated application form.

The Consolidated application form includes all documents you uploaded during the pre-lodgement stage. The system-generated Roads Act (RA) application form is also included.

1. To open your Section 138 application from the Consolidated application form, **click** on the Section 138 ID link in the Related cases tab.



Consolidated application form Reference number: RA-2022-209 Submitted

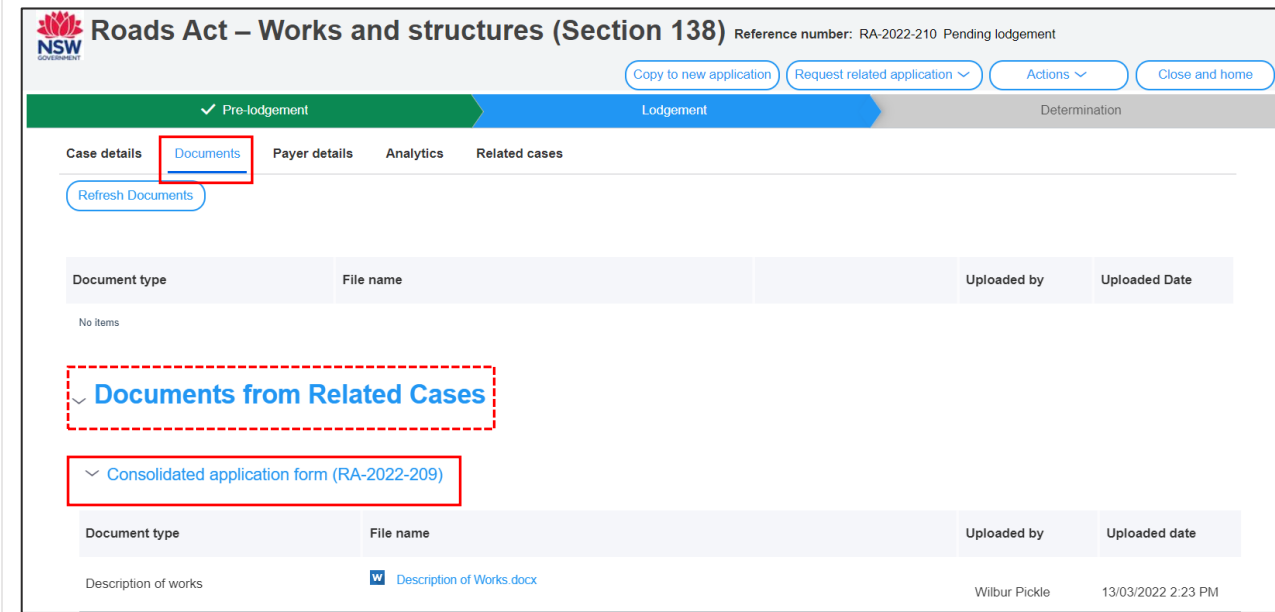
Copy to new application Request related application Actions Close and home

Pre-lodgement Submission

Case details Documents Payer details Analytics **Related cases**

Description	ID	Status
Consolidated application form	RA-2022-209	Submitted
Roads Act – Works and structures (Section 138)	RA-2022-210	Pending lodgement

2. To view the documents uploaded with your application, **click** the Documents tab of your Section 138 application and then, **click**  to expand the subsection – 'Documents from Related Cases'.



Roads Act – Works and structures (Section 138) Reference number: RA-2022-210 Pending lodgement

Copy to new application Request related application Actions Close and home

Pre-lodgement Lodgement Determination

Case details **Documents** Payer details Analytics Related cases

Refresh Documents

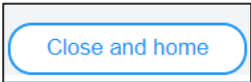
Document type	File name	Uploaded by	Uploaded Date
No items			

Documents from Related Cases

Consolidated application form (RA-2022-209)

Document type	File name	Uploaded by	Uploaded date
Description of works	 Description of Works.docx	Wilbur Pickle	13/03/2022 2:23 PM

3. **Click** Close and home (top right of screen) to return to your Dashboard and Active work.



What happens Next?

- Your Section 138 application will workflow to the appropriate roads authority.
- The system generates two email notifications for the Section 138 application, one to the applicant and any additional contacts and the second to the appropriate roads authority.
- In cases where you have requested approval for more than one section of the Roads Act, the roads authority will assess and determine each section separately.
- To respond to any requests for information made by the roads authority regarding your Section 138 application, you must do so via your Section 138 application and **not** the Consolidated application form.
- Should your Section 138 application be accepted for assessment, you will be notified by email. In addition, the system will generate an RA lodgement form, which includes information relevant to your Section 138 application.

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.