

# Submitting an Application under Section 125 of the Roads Act



## Applicant

You can now submit your application for approval under Section 125 of the Roads Act (Section 125) online via the NSW Planning Portal from participating councils.

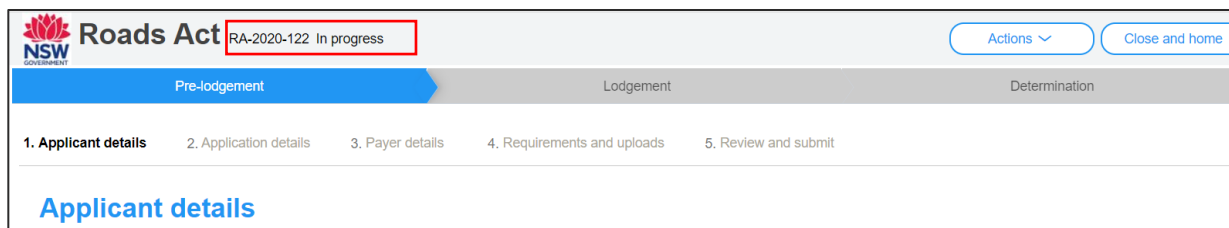
In order to access the NSW Planning Portal, you must have a NSW Planning Portal account. Refer to our *Register for a Planning Portal Account* quick reference guide for instructions on creating an account.

## 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.

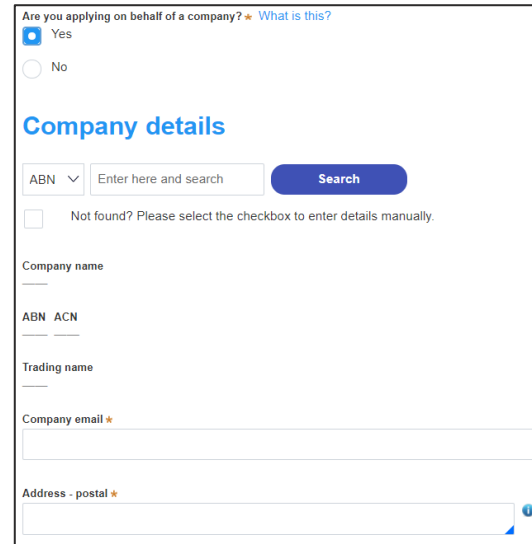
# Submitting an Application under Section 125 of the Roads Act

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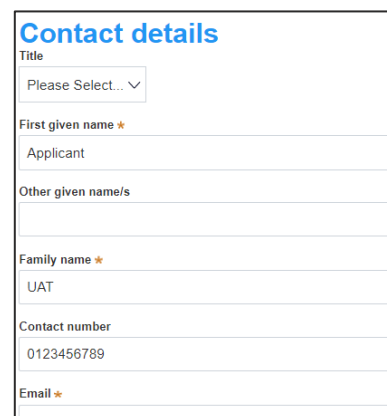
If you answered Yes;

- **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

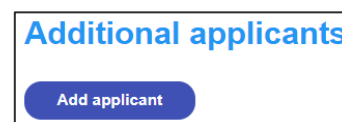
**Note:** If you cannot locate an appropriate result you may select the checkbox to enter the details manually.



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

**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 125 – Approval to use footway for restaurant purposes as the approval type.

Section 125 – Approval to use footway for restaurant purposes

Section 138 – Works and structures

**9. Indicate** if the section 125 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/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"/>

Local government area CESSNOCK



**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/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 Buildings	N/A

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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 125 details

NSW Roads Act RA-2020-122 In progress

Pre-lodgement Lodgement Determination

1. Applicant details 2. Application details 3. Section 125 details 4. Payer details 5. Requirements and uploads 6. Review and submit

Use of footway for restaurant purposes

**15. Enter** the shop number and name of the restaurant/premises.

**Note:** This information is not mandatory though it may be helpful if the restaurant is located inside a shopping centre or similar premises.

What is the shop number? [What is this?](#)

What is the name of the restaurant/premises?

**16. Indicate** the use of the land the proposed outdoor dining is associated with.

What land use is the proposed outdoor dining associated with? \*

Artisan food and drink industry

Kiosk

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**17. Indicate** if the proposed outdoor dining is located directly in front of the premises.

Is the proposed outdoor dining located directly in front of the associated

Yes

No

**18. Indicate** if the location and width is consistent with other outdoor dining areas in the street.

Is the location and width of the outdoor dining area consistent with other outdoor dining areas in the street?

Yes

No

Not applicable

**19. Enter** the size of the proposed dining area in square meters.

What is the size of the proposed outdoor dining area, in square meters? \*

**20. Enter** the proposed capacity of the outdoor dining area.

What is the proposed patron capacity of the outdoor dining area? \*

**21. 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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**22. Select** the furniture or structure types to be placed on public land and enter the number of items in the space provided.

Type of furniture and structures to be placed on public land ? \*

Chairs

Dining tables

**23. Indicate** if the above fixings and furniture will be removed outside of operating hours.

Are all fittings and furniture to be removed outside of operating hours? \*

Yes

No

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

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

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

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

**25. Enter** the proposed hours of operation and further details on the operating hours for the outdoor dining area.

**Hours of operation**  
Provide the proposed hours of operation

<b>Monday</b> <input type="checkbox"/> Proposed to operate 24 hours per day 09:00 AM - 5:00 PM	<b>Tuesday</b> <input type="checkbox"/> Proposed to operate 24 hours per day 09:00 AM - 5:00 PM	<b>Wednesday</b> <input type="checkbox"/> Proposed to operate 24 hours per day 09:00 AM - 5:00 PM
<b>Thursday</b> <input type="checkbox"/> Proposed to operate 24 hours per day 09:00 AM - 5:00 PM	<b>Friday</b> <input type="checkbox"/> Proposed to operate 24 hours per day 09:00 AM - 5:00 PM	<b>Saturday</b> <input type="checkbox"/> Proposed to operate 24 hours per day 09:00 AM - 5:00 PM
<b>Sunday</b> <input type="checkbox"/> Proposed to operate 24 hours per day 09:00 AM - 5:00 PM		

Please provide details

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

Save and continue

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Applicant

## 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.

The screenshot shows the NSW Roads Act application form interface. At the top, it says 'NSW Roads Act RA-2020-122 In progress' with 'Actions' and 'Close and home' buttons. Below is a progress bar with three stages: 'Pre-lodgement', 'Lodgement', and 'Determination'. Under 'Pre-lodgement', there are six steps: 1. Applicant details, 2. Application details, 3. Section 125 details, 4. Payer details (highlighted with a red box), 5. Requirements and uploads, and 6. Review and submit. Below the progress bar, the 'Payer details' section is visible.

**27. 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

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  Enter here and search

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



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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	Please Select... ▾
First given name *	Applicant
Other given name/s	
Family name *	UAT
Contact number *	0123456789
Email *	applicant_uat_k@mailinator.com
Billing address *	2 BONNEFIN ROAD HUNTERS HILL 2110

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

Save and continue

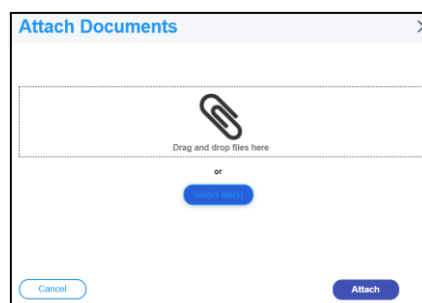
## Requirements and Uploads

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.

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

Upload

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



Attach Documents

Drag and drop files here

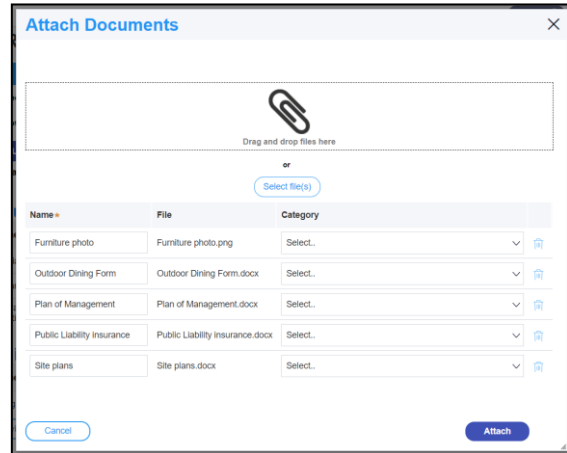
or

Cancel Attach

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31. 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.

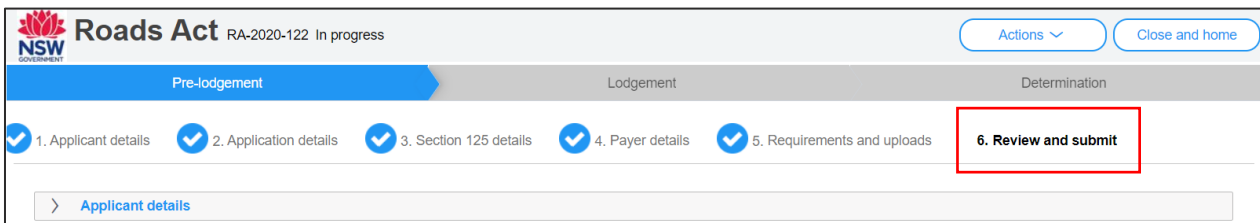
32. Click Attach.



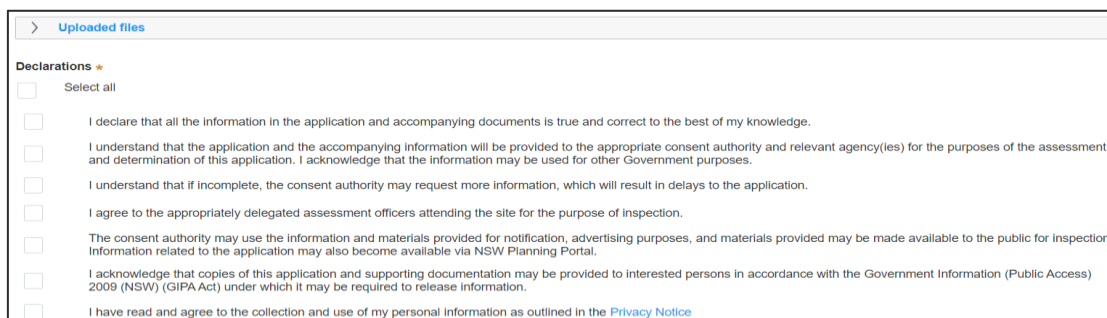
33. Click Save and continue to progress to the next step.



## Reviewing and submitting



34. **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.



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

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

Submit

## 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 125 application.
- Copy to new application – start a new section 125 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.

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.

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