

Section 138 Roads Act Approval lodgement checklist

Use this guide to documents required when applying for a Section 138 Roads Act Approval through the NSW Planning Portal



<input checked="" type="checkbox"/>	Estimated cost of works
<input type="checkbox"/>	Erosion and Sediment Control Plan
<input type="checkbox"/>	Landscape Plan
<input type="checkbox"/>	Retaining Wall details (and associated earthworks)
<input type="checkbox"/>	Driveway Plan
<input type="checkbox"/>	Construction Management Plan
<input checked="" type="checkbox"/>	Civil Construction Plan (roads, sewer, stormwater, water supply, etc)
<input type="checkbox"/>	Acid Sulfate Soils Preliminary Assessment/Management Plan
<input type="checkbox"/>	Geotechnical Report
<input type="checkbox"/>	Traffic/Parking Report
<input type="checkbox"/>	Stormwater Management Plan
<input type="checkbox"/>	WAE Drawings (works as executed drawings required at completion of works)
<input type="checkbox"/>	Asset Files

DOCUMENTS TO ACCOMPANY APPLICATION

- Document required
- Document may be required

Where works are required in a road reserve, Roads Act (s138) approval must be obtained prior to the commencement of works.

Document Definitions

ACID SULFATE SOILS PRELIMINARY ASSESSMENT/ MANAGEMENT PLAN

Acid sulfate soils (ASS) are naturally occurring sediments and soils containing iron sulfides (principally pyrite) and/or their precursors or oxidation products. The exposure of the sulfides to oxygen by drainage lowering the groundwater or excavation disturbing soils leads to the generation of sulfuric acid.

ASS are found in both coastal areas and inland regions. The NSW State Government has prepared a series of maps indicating the likelihood of the presence of these types of soils in NSW and has identified these by Class (1 to 5). These maps may be accessed at Council's online mapping and will need to be consulted to determine if your development needs to consider the presence of ASS soils.

The Ballina LEP 2012 (Clause 7.1) and BLEP 1987 (Clause 36) tables the objectives and management principles associated with ASS. Depending on the class of soil and the proposed works, you may need to prepare a preliminary ASS assessment report*. The purpose of the preliminary assessment is:

1. To establish whether ASS are present on the site and if they are in such concentrations so as to warrant the preparation of an ASS Management Plan (ASSMP)
2. To establish the characteristics of the proposed works and whether they are likely to disturb ASS
3. To provide information to assist in designing a soil and water assessment program
4. To provide information to assist in decision making.

» If you have any questions please contact:
Council's Civil Services Division, ph 1300 864 444.

ballina.nsw.gov.au

ACID SULFATE SOILS PRELIMINARY ASSESSMENT/ MANAGEMENT PLAN (CONT)

The ASS report (and any subsequent management plan should it reveal the presence of ASS) must be prepared by a suitably qualified person experienced in the assessment and management of ASS and must be prepared in accordance with the Acid Sulfate Soil Manual (ASSMAC 1998).

*Where it is considered that works are of a minor nature, that is works which disturb less than 10 tonnes of soil, and the applicant and Council agree that ASS are present then you may choose to adopt BSC ASSMP for Minor Works available on Council's website.

Further Resources

NSW Acid Sulfate Soil Manual
NSW Waste Classification Guidelines

ASSET FILES

In connection with the Works-as Executed (WAE) drawings the proponent shall submit an electronic listing of all road, stormwater, water and sewer assets generated by the development. Copies of the Asset spreadsheet are available from [Council's website](#).

Note: Council will require all asset data to be ADAC compliant from late 2021.

CIVIL CONSTRUCTION PLANS

These plans are required for the construction of infrastructure as part of the development. The plans may need to show designs for roads, sewer, stormwater, water supply, electrical supply, open spaces and any other civil works required as part of the development.

The plans are to be prepared in accordance with the current Northern Rivers Local Government Development Design and Construction Manuals and/or in accordance with other design requirements from Austroads, Australian Standards and/or Transport for NSW where specified.

- AUS-SPEC#1 Development Specification Series Development and Design Manual contents:
 - Guidelines - Guidelines for Development and Subdivision of Land:
 - DQS - Quality Assurance Requirements for Design
 - D1 - Geometric Road Design (Urban and Rural)
 - D2 - Pavement Design
 - D3 - Structures/Bridge Design
 - D4 - Subsurface Drainage Design
 - D5 - Stormwater Drainage Design
 - D6 - Site Regrading
 - D7 - Erosion Control and Stormwater Management
 - D8 - Waterfront Development
 - D9 - Cycleway and Pathway Design
 - D11 - Water Supply
 - D12 - Sewerage System
 - Handbook of Stormwater Drainage Design (refer D5)
 - Driveway Handbook (refer D1.37 and D1.38)

CONSTRUCTION MANAGEMENT PLAN (CMP)

A Construction Management Plan (CMP) identifies the required steps in the development and splits these into defined activities. Each activity will require specific materials, workforce and equipment along with safety, worksite and traffic implications.

A typical CMP will include:

- project description
- site risks, constraints and scope
- traffic, parking and deliveries
- impact on adjoining lands and neighbours (including noise, dust etc.)
- communications and incident reporting
- waste management.

DRIVEWAY PLAN

Required for development where the construction of a driveway requires works within the road reserve.

The design of driveways must comply with the requirements of AS 2890 – Parking Facilities and Northern Rivers Local Government Standard Drawings:

- R-05D Residential Driveway Layouts and Layback Vehicular Crossing for Kerbed Roads
- R-06D Residential Driveway Longitudinal Grading Details
- R-14C Driveways and Vehicular Crossings Non Kerb and Gutter
- R-15D Rural Driveway Longitudinal Grading Details for Non Kerbed Roads

and relevant authorities (such as the Transport for NSW, Australian Road Rules (Part 18-Division 1-289), Austroads documentation and Council.

EROSION AND SEDIMENT CONTROL PLAN

Required where development proposes clearing or excavation of existing soil surface (including demolition, alterations/additions, new development, including subdivision, drainage works), stockpiling or landfill.

The plan is to be prepared in accordance with Council's Engineering Requirements for Development and Landcom's The Blue Book – Managing Urban Stormwater; Soils and Construction/Planning for Erosion and Sediment Control on Single Residential Allotments.

The plan must detail proposed methods of controlling erosion during work, excavation and construction, site access, division of water, sediment basins, pump-outs, sediment fences, gutter protection, stockpiles and dust control.

The plan must include:

- basic site information
- construction details
- stormwater management.

ESTIMATED COST OF WORKS

For Subdivision Works Certificates or Section 138 approvals, the cost of works is determined by submitting an asset listing via Council's [Development Asset Spreadsheet](#).

GEOTECHNICAL REPORT

Where there is potential for a development to result in impacts on or be impacted by the stability of the subject site or surrounding locality, a geotechnical report prepared by a suitably qualified, practicing and experienced geotechnical engineer will be required to accompany the development application.

The geotechnical engineer shall develop and prepare a report stipulating site specific requirements to ensure that:

- the site is geotechnically stable
- the site is suitable for the proposed development
- both property and life will be protected.

The report must include recommendations to ensure that the existing rock formations and substrate on the site are capable of withstanding:

- the proposed loads to be imposed
- the extent of the proposed excavation, including any recommendations for shoring works that may be required to ensure the stability of the excavation
- pile construction vibration emissions.

The report must also include details:

- of the protection of adjoining properties (including recommendations or measures to prevent/minimise structural damage to nearby premises)
- of the provision of appropriate subsoil drainage to prevent impact on the existing subsurface flow conditions demonstrating the development will conform to relevant Australian Standards and best Engineering Practice.

LANDSCAPE PLAN

A Landscape Plan may be required for new development works. The plan is to include:

- site details
- proposed works
- maintenance program.

For larger developments, a Landscape Design Statement may be required to demonstrate the impact of the proposal on streetscape amenity, how the landscape design integrates with the existing streetscape, the impact of the proposal on the neighbouring properties, and how the landscape design considers and addresses this.

RETAINING WALL DETAILS

Required where any application for minor work proposes cut/fill and/or retaining walls.

Design plans are to meet the following requirements:

- Retaining walls to be designed in accordance with AS 4678-2002.
- Designs are to consider all the applicable limit states defined in Section 3 of AS 4678-2002. Design loads are to be in accordance with Section 4 of the standard. Earthquake loads are to be provided for in accordance with Appendix I of the standard.
- Combined Height in this condition is defined as the sum of the heights of retaining walls individually horizontally staggered by less than 3m between top of lower wall and bottom of higher wall.
- Structure Classification AS 4678-2002, Table 1.1 - Retaining walls with combined height of:
 - >1.5m and < 2.5m are, as a minimum, to be designed as Class B;
 - >1.0m and < 1.5m that support services are, as a minimum, to be designed as Class B;
 - equal to or >2.5m are, as a minimum, to be designed as Class C.
- Site investigation is to be in accordance with Section 2 of AS 4678-2002.

RETAINING WALL DETAILS (CONT)

- The retaining wall design is to have regard to the informative Appendix G Drainage of Earth-Retaining Structures of AS 4678-2002.
- Specify maximum loads (at specified distance from walls) that may be placed on land supported by the retaining walls and/or whether there need to be restrictions on loads that would preclude placement of swimming pools or other structures in the vicinity.
- Specify the limits of future excavation forward (i.e. on the low side) of retaining wall footings that could compromise the structural integrity of the retaining walls.
- Fully detailed (position, levels, dimensions, alignment, drainage) and notated drawings are to be provided for each individual retaining wall and retaining wall group. Drawing details are also to comply with Section 6.3 of AS 4678. A specification is to be provided with the Subdivision Works Certificate application for materials to be used and construction details (including foundation preparation, backfilling, drainage etc.) of the retaining walls.
- Retaining wall design report must accompany a Subdivision Works Certificate Application. The design report is to address AS 4678-2002 and the matters referred to in this condition.
- Certification is required with the s138 Roads Act application, from a registered certified practicing engineer, competent in the field of retaining wall design and familiar with the geotechnical aspects of the project; that the retaining walls depicted in the s138 Roads Act application drawings and the associated Design Report, comply with the requirements of AS 4678-2002 and the design requirements of this condition.

STORMWATER MANAGEMENT PLAN

Required for all development proposals (unless exempted by 2.5.3.4 of the Ballina Shire Council Stormwater Management Standards for Development – single dwellings on an allotment and secondary dwellings and dual occupancies) and shall comprise the following elements:

Conveyance:

- plan of contributing catchments, conveyance system (location/network, sizing and grades) and proposed lawful point of discharge
- detention, Retention and Treatment Systems (including erosion and sediment control): Demonstrated compliance with standards, design calculations and plans of devices. Operation, cleaning, performance monitoring and maintenance schedules.

Stormwater management plans submitted with development applications are to be of concept standard only, but must be sufficiently detailed to identify feasibility and sizing of area/footprint requirements.

Stormwater management plans submitted with construction certificate applications must be of detailed design standard and include all necessary drawings and specifications for construction. Completed operation, cleaning, performance monitoring and maintenance schedules for all stormwater management devices must be completed and included with the construction certificate application. Where deemed to comply solutions are submitted they must be accompanied by completed and signed copies of Tables 3.2 and 3.4 within the Ballina Shire Council Stormwater Management Standards for Development.

Additional requirements for stormwater management plans are contained within the Ballina Shire DCP 2012 and the Ballina Shire Council Stormwater Management Standards for Development document.

TRAFFIC/PARKING REPORT

A Traffic/Parking Report, prepared by a suitably qualified traffic consultant, is required for all applications that generate significant additional traffic and/or parking requirements, or seek to reduce existing parking provisions or propose a variation to the controls contained within the Ballina Shire DCP 2012, excluding applications associated with individual dwellings.

The report must address all traffic and parking related issues including potential conflicts with vehicles, pedestrians and cyclists (all road users), consider impacts at adjacent or connecting intersections or roads, and demonstrate compliance with relevant Traffic for NSW Guidelines, Austroads and Australian Standards.

For constrained sites where access is difficult or for large projects that generate large volumes of construction traffic, a construction traffic management plan is to be prepared. The plan is to also include the impacts the proposal will have on the local road network. The plan must provide a description of the construction works, the traffic impacts on the local area and how these impacts will be addressed.

WORKS AS EXECUTED PLANS (WAE)

Plans are to be provided to Council which show the constructed infrastructure. An electronic file of the WAE information in AutoCAD and PDF format is required. All AutoCAD data is to be on MGA 2020 (zone 56) coordinates and AHD for levels with separate layouts within the drawing for roads, water, sewer and stormwater drainage. Separate PDF drawings shall be provided for roads, water, sewer and stormwater drainage.

Asset Designed as Constructed (ADAC) files are to be provided directly to Council (i.e. xml, CAD). ADAC pdf files can be lodged via the NSW Planning Portal. Note: Council will require all WAE data to be ADAC compliant from late 2021.