



northern
beaches
council

MEMOS

NORTHERN BEACHES COUNCIL MEETING

TUESDAY 21 APRIL 2026

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Memo

Northern Beaches Council Meeting

Corporate Services

21 April 2026

To: Councillors
From: Executive Manager Governance & Risk
Date: 16 April 2026
Subject: Memo – Additional information in relation to agenda items
Record Number: 2026/214623
Attachments: 1 Road Reserve & Encroachments / Structures Guidelines

In accordance with clause 3.32 of the Model Code of Meeting Practice the following additional information was provided that was not publicly available.

13.2 Revocation of Policies - Road Reserves Leases, Road Reserve and Streetscape Management, and Encroachments/Constructions and Road Reserve Leases

A copy of the internal Guideline - Road Reserve & Encroachments / Structures is provided at Attachment 1 in relation to this report.



NB-G-38 Guideline Road Reserve & Encroachments / Structures Guidelines

Purpose

The Road Reserve & Encroachments / Structures Guidelines (“the Guidelines”) provide a consistent framework for managing the road reserve and regulating third-party encroachments and structures within it. They ensure that all designs, construction, and maintenance activities are carried out uniformly across the Northern Beaches Local Government Area, helping Council to protect public safety by minimising hazards, reduce environmental impacts and enhance community amenity and usability of the road reserve.

While these guidelines are relevant to driveways and vehicle crossings, more detailed and prescriptive requirements are outlined in NB-G-30 Driveway Access (Vehicle Crossing) Guidelines.

These Guidelines support Council’s Development Control Plans and Policies, reinforcing existing specifications and requirements. They serve as a reference for Development Assessment and Road Act Approvals, ensuring all encroachments align with the principles outlined in this document.

Principles

These guidelines aim to achieve the following principles:

Public Safety

The Road Reserve is to be managed, and encroachments and structures are to be designed, constructed and maintained, to prioritise public safety at all times. This includes but is not limited to the safety of footway users (e.g. pedestrians) and roadway users.

Environmental Impact

The Road Reserve is to be managed, and the design, construction and maintenance of encroachments and structures is to limit the negative impact on the local environment. This includes but is not limited to:

- Maximising soft landscaping and natural features in the road reserve.
- Minimising the impact on and removal of street trees and native vegetation.
- Management of stormwater.

Public Amenity

The Road Reserve is to be managed, and the design, construction and maintenance of encroachments is to minimise the impact to the free movement of pedestrians and neighbouring properties whilst maximising/preserving the enjoyment and visual appearance within the road reserve.

Services / Utilities

The Road Reserve is to be managed, and the design, construction and maintenance of encroachments and structures is to ensure that services/utilities (gas, electricity, water, comms, etc.) are not disturbed and are readily accessible to the service providers.

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Financial Impact

The Road Reserve is to be managed, and the design, construction and maintenance of encroachments and structures is to ensure that financial impacts to Council are minimised and/or financial benefits to Council are yielded where appropriate.

Guidelines

1. General Management of the Road Reserve

Council is the Roads Authority for all public roads within the local government area, other than:

- (a) any freeway or Crown road, and
- (b) any public road for which some other public authority is declared by the regulations to be the roads authority.

Council is the Roads Authority for all public road footpath areas within the Northern Beaches LGA. This refers to the section between the back of kerb (or edge of pavement where no kerb exists) and the front boundary of the adjacent property.

Council will perform the functions and have the powers of the Roads Authority as prescribed in the legislation (Roads Act 1993) in accordance with the Principles of these guidelines.

2. Driveways (Vehicle Crossings)

For guidelines associated with the design and construction of driveways/vehicle crossings, please refer to NB-G-30 Driveway Access (Vehicle Crossing) Guidelines.

3. Trees and vegetation in the Road Reserve

Our tree canopy and native vegetation is a key element of our natural and built environment that contributes to the health, amenity, biodiversity and character of the Northern Beaches.

Management of the road reserve and any works undertaken by Council or by other parties is to maximise the retention of trees and native vegetation.

4. Managing Complaints in the Road Reserve

Council receives many complaints and requests regarding potential unauthorised or inappropriate works and/or activities in the Road Reserve. Council will consider all complaints and requests and will action them having regard to the principles of these guidelines and the resources available at the time.

It should be noted that any actioning of complaints and requests that relate to matters that are of negligible to low risk will be subject to available resources to resolve the issue by Council, given the limited resources and finances available.

5. Encroachments / Structures in the Road Reserve

Encroachments / Structures in the Road Reserve relate to works undertaken in the road reserve primarily for the benefit of private property owners (typically adjacent to structures or works on their own property). This section does not relate to infrastructure works such as kerb and gutter, footpaths and stormwater infrastructure constructed on behalf of Council primarily for the benefit of the general public.

Encroachments / Structures in the Road Reserve vary in size, complexity, benefit and impact and as such are considered accordingly by Council staff. The encroachment or structure type

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determines the fees applicable and conditions of consent and is determined by the assessing officer at the time of application.

5.1. Typical Examples of Encroachments / Structures in the Road Reserve

The following is a list of works that would be considered an Encroachment / Structure in the Road Reserve. Note that this list is not exhaustive and inclusion in this list does not imply that consent will be granted.

- Landscaping / Gardens
- Letterboxes
- Access paths and steps to boundary
- Retaining structures required because of associated works for private benefit
- Shop awnings
- Incidental incursions post-construction.

Note that driveways (vehicle crossings) are not considered to be encroachments / structures in the Road Reserve and are subject to their own set of requirements. Refer to NB-G-30 Driveway Access (Vehicle Crossing) Guidelines.

5.2. Encroachments / Structures in the Road Reserve – Not approvable

The following is a list of works that would not typically be approvable:

- Large parcel letter boxes
- Sporting / Play Equipment
- Sculptures and decorative landscaping structures
- Security cameras
- Artificial turf
- Boulders and pickets near the road edge
- Vegetation and tree removal
- Access paths and steps (non primary access)

5.3. General Requirements for Encroachments / Structures

An Encroachment / Structure in the Road Reserve will only be granted consent in accordance with S138 and S139 of the Roads Act 1993 subject to satisfying the principles of these guidelines and the following general requirements.

5.3.1. Costs, Liability and Maintenance

All costs, liabilities and ongoing maintenance responsibilities are to be borne by the persons benefiting from the encroachment. Council will be indemnified by the persons benefitting from the encroachment / structure.

5.3.2. Impacts, Services & Hazards

An Encroachment / Structure in the Road Reserve:

- a) must not introduce a hazard into the road reserve

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- b) must not impede pedestrian movements or encroach onto a footpath
- c) must not impede on-street parking or the exiting of a vehicle
- d) must not significantly impact or restrict access to services / utilities or emergency services
- e) must not significantly reduce or negatively impact sight lines for vehicular movements

5.3.3. Planning Approval

All Encroachments / Structures in the Road Reserve must have planning approval/exemption by way of either:

- a) Development Consent
- b) Complying Development Certificate (subject to Council's land owners consent)
- c) Exempt Development under a relevant State Environmental Planning Policy

Council will review all applications to ensure that an appropriate approvals or exempt development pathway has been realised prior to issuing approval.

5.3.4. Conditions and Specifications

All Encroachments / Structures in the Road Reserve must comply with the conditions of approval attached to the consent and Council Standards and Specifications as applicable.

5.4. Encroachments / Structures in the Road Reserve (minor)

Encroachments / Structures in the Road Reserve (minor) is defined as:

- a) Letter boxes whereby it is not appropriate to locate the letter box on private property
- b) Minor landscaping works, including retaining walls less than 600mm high. Irrigation Systems may be considered on merit.
- c) Steps and pathways within the road reserve to necessitate primary safe pedestrian access to a dwelling.
- d) Low voltage lighting if required for pedestrian safety.

5.5. Encroachments / Structures in the Road Reserve (significant)

Encroachments / Structures in the Road Reserve (significant) refer to encroachments involving structures that are substantial in size, complexity and/or risk.

Examples include:

- Any structure that requires approval by way of Development Application
- Retaining walls and other support structures required for access provisions.
- Larger landscaping structures (not including small Verge Gardens – refer Section 5.6.)
- Overhead awnings

Encroachments of this type are typically only considered in the following circumstances:

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- a) as a last resort where there are no other options to provide access to private property
- b) to allow Council as the Roads Authority to manage the risk associated with structures on public roads
- c) to provide streetscape or economic improvements in keeping with the surrounding environment

5.5.1. Specific Conditions

Encroachments / Structures in the Road Reserve (significant) are likely to require specific conditions as part of any approval and are at the discretion of the assessing Council officer. Conditions may include but are not necessarily limited to:

- a) **Positive Covenant** – Council may require that a positive covenant with terms acceptable to Council be incorporated on the title of the benefiting owner pertaining to ongoing maintenance, liability and any other responsibilities as Council sees fit.
- b) **Deed** - Council may require a Deed of Agreement depending on the nature of the benefit received by the applicant.
- c) **Insurance** - Council may require the beneficiary to hold Public Liability Insurance in relation to the Encroachments / Structures in the Road Reserve.

5.6. Verge Gardens

Verge Gardens are a form of Encroachment / Structure in the Road Reserve. Council grants consent in accordance with S138 and S139 of the Roads Act 1993 for verge gardens without the need for an application or fee subject to satisfying the principles of these guidelines, the 5.3 General Requirements for Encroachments / Structures contained within this document and the criteria prescribed in sections 5.6.1, 5.6.2 and 5.6.3. Any verge gardens that cannot comply with those requirements will need a formal application in accordance with 5.7 Application Assessment and Approval.

5.6.1. Location and dimensions

- a) Must be located adjacent to the property boundary and not extend past the projection of the side boundaries.
- b) Must not extend more than 800mm beyond the front property boundary
- c) Must not extend within 2000mm of the back of the kerb or edge of bitumen in the case of no kerb and gutter.
- d) Must not include planting that grows more than 600mm in height.

5.6.2. Species

- a) Must not include plants considered to be weeds or other invasive species or be plants that may be hazardous to pedestrians or vehicles e.g. cacti, poisonous species or plants known to cause irritation or unsuitable plants for bush fire prone land, if applicable. Refer to Council's website for suitable species.

5.6.3. Materials & Structures

- a) Must not incorporate any structures such as retaining walls, concrete slabs, star pickets or stakes, letter boxes etc.

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- b) Edging is to be limited to small timber edging or other proprietary systems that do not introduce a hazard (steel edging not permitted).

5.7. Application Assessment and Approval

- 5.7.1. The appropriate and current Northern Beaches Council encroachment application type must be lodged to seek approval to undertake works within the road reserve, as required by s138 and s139 of the Roads Act 1993.
- 5.7.2. An appropriate fee is to be paid with the application in accordance with Council's Annual Fees and Charges.
- 5.7.3. The applicant must demonstrate that the person(s) benefitting from or being significantly impacted by the encroachment/structure, consents to the proposed works. Written consent from the property owner(s) must be provided if the applicant is not the property owner(s).
- 5.7.4. Council may require evidence of approvals from other agencies. These other approvals may include but are not limited to letter of concurrence from the State authority, letter of concurrence from relevant utility provider(s), letter of concurrence from other Council department(s), or other.
- 5.7.5. The design of encroachments/structures may require additional documentation and supporting information to be provided by the applicant. This additional information may include but is not limited to Geotechnical Report, Arborist Report, Flood Assessment Report, Civil Design Drawings, Structural Design Drawings, Complying Development Certificate (CDC) information, or other.
- 5.7.6. If the application is successful, Council will provide an approval with conditions relevant to the encroachment type having regard to all associated risks.
- 5.7.7. Note that submission of an application to construct an encroachment or structure does not guarantee that approval will be granted.

5.8. Amending a Consent

An applicant may make a minor amendment to the application or any matter accompanying the application.

5.9. Maintenance of Encroachments / Structures in the Road Reserve (all types)

5.9.1. Maintenance responsibility

Encroachments / Structures in the Road Reserve are to be maintained by the persons benefitting from them at all times. Failure to do so may result in Council utilising its powers as the Roads Authority under the Roads Act 1993 which may include but is not limited to:

- a) the issuing of Directions
- b) undertaking works and recovering costs
- c) demolishing the Encroachments / Structures in the Road Reserve

5.9.2. Consent to undertake maintenance

Minor Maintenance activities are included in a consent for Encroachments / Structures in the Road Reserve, in accordance with S138 and S139 of the Roads Act 1993, that do not

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involve substantial construction work relating to pre-existing Encroachments / Structures in the Road Reserve. This consent includes but is not limited to:

- a) Minor structural repairs
- b) Painting
- c) Cleaning

5.10. Enforcement of an approval

When a breach of an approval does occur, Council and/or authorised officers may, among other things, issue directions, issue penalty notices and undertake other compliance actions (as applicable).

Unauthorised works or works not constructed in accordance with these guidelines may require removal and rectification. All associated costs are to be paid for by the person(s) benefiting from and/or the person(s) carrying out the works.

5.11. Revoking an approval

An approval granted under the *Roads Act 1993* may be revoked under s140 for any reason.

6. Leases in the Road Reserve

Council will, where appropriate consider issuing a lease under section 153 of the *Roads Act 1993* for the occupation of a temporary structure on road reserve.

To be considered for leasing, Encroachments / Structures for lease must be assessed by Council as low risk and low maintenance.

Council will consider each case on its merits, considering the principles of these guidelines.

In addition to the assessment fee, a lease application and annual rental fees in accordance with Council's adopted Fees & Charges will be payable.

A temporary structure is considered as any structure that has an effective life of less than 5 years and that:

- a) Does not require significant structural works
- b) Is easily removed and the area can easily be reinstated.

7. Closure (sale) of the Road Reserve

In certain circumstances, Council may consider selling (closing) a portion of the Road Reserve to the adjacent property owner.

All Road Reserve closures and sales require a formal application from the interested party with an associated fee in accordance with Council's fees and charges. All closures and sales will require public notification, consideration of any public submissions, and endorsement of the elected Council prior to the transfer of land.

Closure and sale of the Road Reserve will only be considered by Council in the following circumstances:

- a) Closure and Sale of the Road Reserve must satisfy the principles of these guidelines.
- b) As section 38A(a) of the *Roads Act 1993* requires, the portion of Road Reserve proposed to be closed must not be reasonably required as a road for public use (whether for

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present or future needs). In other words, the portion must be deemed surplus to requirements of Council and have no immediate or future substantial public benefit. Future benefit includes but is not limited to utilisation for footpaths and other infrastructure works.

- c) Closure and sale of the Road Reserve will not create an irregular frontage that may negatively impact street character and appearance as well as contravene the principles of Crime Prevention Through Environmental Design.
- d) Closure and Sale of the Road Reserve will not result in Council infrastructure or other utilities being incorporated into private land.

8. Legacy Matters

It is acknowledged that previous consents, lease agreements and other arrangements may have been made prior to the creation of these guidelines. In those instances, Council will endeavour to work with the affected residents to bring those pre-existing arrangements in line with these guidelines to ensure that a consistent approach is utilised across the entire LGA where possible.

Scope and application

These guidelines apply to the Road Reserve managed by Northern Beaches Council in the Northern Beaches Local Government Area, and all Council officers, contractors, and volunteers.

References and related documents

- All current Development Control Plans
- Northern Beaches Public Domain Design Guidelines
- Local Government Act 1993
- Roads Act 1993
- Northern Beaches Tree Canopy Plan 2023
- Policy Framework NB-P-01
- Policy Implementation Guideline NB-G-28
- Driveway Access (Vehicle Crossing) Guidelines NB-G-30
- Council's Fees and Charges (as issued annually)
- RFS standard for APZs & Bush fire prone land map

Definitions

Road Reserve: The area located between property boundaries, reserved for public infrastructure. This area is owned and managed by Northern Beaches Council except where managed by a State Authority and typically includes the verge / footway and road carriageway. This is the land that is

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referred to as the “public road” within the NSW Roads Act 1993. It also refers to unmade or paper roads which can appear as public reserves, bushland and foreshore.

Encroachment / Structure: Works undertaken in the road reserve primarily for the benefit of private property owners.

Verge / Footway: The area of the road reserve which is reserved for public infrastructure which prioritises pedestrians. This area is typically located between the property boundary and the road kerb (or edge of road carriageway where no kerb exists).

Road Carriageway: The area of the road reserve which is reserved for public infrastructure which is intended for vehicles. This area is typically located between kerbs or road shoulders where no kerb exists.

Person(s) Benefitting: Owner(s) or lease holder(s) of properties that benefit from an encroachment / structure.

Council Standards & Specifications: The Northern Beaches Council standard drawings and construction specifications applicable at the time of application.

Responsible Officer

Executive Manager, Transport & Civil Infrastructure

Review Date

2030

Revision History

Guideline number	Date	Detail	TRIM #
NB-G-38	09/02/2026	Governance Review	
NB-G-38	16/02/2026	Legal Review	
	06/03/2026	Approved by Chief Operating Officer	2026/005489

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Memo

Northern Beaches Council Meeting

Corporate Services

21 April 2026

To: Councillors
From: Chief Financial Officer
Date: 20 April 2026
Subject: Memo – Item No 9.1 – Public exhibition - Draft Delivery Program 2026-2030, Operational Plan 2026/27, Long-term Financial Plan 2026-2036
Record Number: 2026/221976
Attachments: NIL

I write to advise on page 19 of the Council agenda there was an error printed in reference to rates income within the section 'Rating Structure 2026/27'. In the second paragraph of this section, the rates income was incorrectly stated as \$222 million, which reflects the 2025/26 rates income, rather than the correct forecast amount of \$248 million for the 2026/27 year.