Use of a Portion of a Road Reserve Application 2026/2027

(Applicable to addresses - Manly to Seaforth)

Sections 138 & 139 Roads Act, 1993
ABN 57 284 295 198

Northern Beaches Council

If you need help lodging your form, contact us			
Email	council@northernbeaches.nsw.gov.au		
Phone	1300 434 434		
Customer Service Centres	**Manly** Town Hall, 1 Belgrave Street, Manly NSW 2095	**Dee Why** 7 Civic Drive, Dee Why NSW 2099	**Mona Vale** 1 Park Street, Mona Vale NSW 2103

Office use only	
Form ID	4047
TRIM Ref.	
Last updated	June 2026
Business unit	Property
Application no.	
Receipt No.	

Privacy Protection Notice	
Purpose of collection	For Council to provide services to the community
Intended recipients	Northern Beaches Council staff
Supply	If you choose not to supply your personal information, it may result in Council being unable to provide the services you seek
Access/correction	Please contact Customer Service on 1300 434 434 to access or correct your personal information

Lodgement options	
Online	Northern Beaches Council accepts applications and secure payments online for this service. Please visit northernbeaches.nsw.gov.au/council/forms/digital-forms
In person	Visit one of our Customer Service Centres (listed above) to apply and pay over the counter
Via post	Send the completed application form and cheque payment to: Northern Beaches Council, PO Box 82, Manly NSW 1655. Please allow extra time for this option
Payment options	
Payment	Following application/permit approval, an invoice for payment will be issued with the various payment options available.
Note: 0.5% payment card surcharge applies to both credit/debit card payments until 1 October 2026.	

PLEASE COMPLETE PARTS 1 + 2

Part 1: Contact details

Title	◯ Mr ◯ Mrs ◯ Ms ◯ Other:		
First name			
Last name			
Company name (attach business card if relevant)			
Postal address			
		Postcode	
Phone		Mobile	
Email			
Address of property adjoining the road			
		Postcode	

Part 1: Contact details continued

Address of property adjoining the road			
		Postcode	
Name of property owner(s)			
Phone		Alternate no.	
Postal address			
		Postcode	
Purpose of consent (garage, driveway, enclosed garden area etc)			
Area to be occupied (square metres)			

Part 2: Attachments to the form/applicant signature

A location plan is to be attached to this application form
The Plan is to show the side and front boundaries of your property, the area required for occupation and distance to kerb. Measurements are to be shown on the location plan for all the above matters.
Note: The occupied area must physically adjoin the property and should be within a prolongation of the side property boundaries.

- An application fee applies (refer Council's Fees & Charges) and is to be invoiced.
- NB: Renewal application - refer Council's Fees & Charges.

The application fee covers the cost of advertising and preparation of the consent document.
A Certificate of Currency for public liability insurance to the value of at least $10 million is to be attached to the consent agreement upon execution. The Certificate of Currency must have noted on it that the occupied area is covered by the public liability policy. Alternatively, the Certificate of Currency must be accompanied with a letter of confirmation from the insurance company stating that the occupied area is covered by the public liability policy. The Certificate of Currency must be provided in each subsequent year on the anniversary of the policy being renewed. Failure to provide such documentation will result in the termination of the consent agreement.

The provision of any carparking requirements required as a condition of a Development Consent can not be met by the use a road reserve consent as such consents may be terminated at any time and for any reason.

I hereby apply under Sections 138 & 139 of the Roads Act, 1993 for consent to use a portion of road reserve fronting the property listed above for the purpose stated.

Signature		Date	

Part 3: Process involved in granting consent for use of a road reserve

- When the completed application form and application fee have been received:
- The proposal is advertised on Council's website
- A notification letter is sent to your immediate neighbours for any comments
- The proposal is also referred to other Divisions of Council for comments
- At the completion of the notification period the application is assessed further. If necessary, the proposal may have to be presented to Council, in the form of a report, for their approval/refusal
- If approved, either under delegated authority or by resolution of Council, a consent document is drawn up and sent to the applicant with a covering advice
- The process is ordinarily completed to approval stage within two to three months, depending on the advertising time limit, etc and whether any objections need to be addressed.

Part 4: Road reserve consents

Formula for determination of annual rental/ occupation payment (the "fee")

1. The formula for charging for annual fee for use of Council's Road Reserve to be based on the "Precinct Valuation";
2. The "Precinct Valuation" is to be calculated based on the average value per square metre of the land valuations for all residential rated assessments within each Precinct;
3. The basis for the Precinct Valuations will be the current July base date land valuations as provided by the NSW Valuer General;
4. The formula for calculating the road reserve consents annual fee adopted by Council on 20 July 1993, be amended as follows:

(PV x A x L) + GST

Where:

PV	=	Precinct valuation (average valuation per square metre for each Precinct determined as follows): $\frac{\text{Valuation of all residential rated property within the Precinct}}{\text{Total land area of all residential rated property within the Precinct}}$
A	=	area of road reserve consent
L	=	land use according to the following table
GST	=	Goods and Services Tax

- The annual fee shall be varied on each anniversary of the commencement of the consent as follows:
  a. The percentage by which the Precinct Valuation shall be increased on each anniversary of the commencement of the Consent shall be the same percentage as the percentage increase in the Valuer General's valuation of the Precinct(s) where a general revaluation has occurred for the area;
  b. In the event that there is no variation in the Valuer General's valuation for the area, then the percentage by which the annual fee shall increase on that anniversary shall be the same percentage as the Consumer Price Index (all groups) Sydney current as at the review date has increased over and above the Consumer price Index figure current on the previous review date or the commencement of the Consent whichever last occurred.

The following valuations to apply to each Precinct for 2026/2027:

Precinct	**Total area (square metres)**	**Total LV (base date July 2005)**	**Precinct valuation (per square metre)**
Balgowlah	306,186	727,981,394	$2,377.58
Balgowlah Heights	886,054	2,218,577,692	$2,503.89
Clontarf	446,315	1,278,927,474	$2,865.53
Fairlight	508,278	1,563,226,188	$3,075.53
Fairy Bower	167,878	908,454,926	$5,411.40
Ivanhoe Park	445,863	1,491,148,487	$3,344.41
Little Manly	257,866	1,274,769,941	$4,943.54
North Harbour	354,706	883,568,829	$2,490.99
Ocean Beach	237,013	1,239,680,305	$5,230.43
Seaforth	1,174,243	2,246,785,333	$1,913.39
Seaforth North	432,420	654,339,371	$1,513.20
The Corso	133,564	423,034,588	$3,167.28

Part 5: Northern Beaches Council - example of conditions

ROADS ACT 1993 (NSW) PART 9, DIVISION 3, SECTIONS 138 AND 139
INSTRUMENT OF CONSENT FOR STRUCTURE TO OCCUPY ROAD RESERVE

The Council, being the appropriate roads authority in respect of the public road referred to in Item 1a of the Schedule hereto (Public Road), grants consent pursuant to the terms herein and sections 138 and 139 of the Roads Act 1993 (NSW) (Act) to the Applicant being the registered proprietor of the land described in Item 1 of the Schedule (Subject Property), for the structures described in Item 3 the Schedule (Improvements) to occupy the road reserve of the Public Road and for the purpose described in Item 7 of the Schedule (Authorised Purpose).
This consent is granted SUBJECT TO THE FOLLOWING CONDITIONS:

1. The Applicant must comply, and must cause its agent, contractor, employee or servant and any occupant or visitor of the Subject Property to comply, with all of the conditions on which this consent is granted and such direction or notice given by Council pursuant to the conditions of this consent.
2. The Applicant must not erect any structure or carry out any work on or over the Public Road otherwise than in accordance with this consent.
3. The Applicant must not occupy or permit anyone else to occupy, the Public Road otherwise than in accordance with this consent.
4. The Applicant must not use or permit anyone else to use, the Improvements for any purpose other than the Authorised Purpose.
5. The Applicant must not use or permit anyone else to use the Improvements in a manner that causes annoyance, nuisance, grievance, damage or disturbance to the occupiers or owners of the properties in the vicinity of the Subject Property.
6. Council may at any time and for any reason to revoke this consent by notice in writing to the Applicant, and the Applicant shall not be entitled to any compensation for revocation of the consent.
7. The Applicant must sign this Deed before the consent will come into effect. The consent is for the period referred to in this Deed.
8. This consent will come into effect on the date specified in Item 6 of the Schedule until (unless sooner revoked or surrendered) the earlier of:
   a. the Improvements are -
      i. removed,
      ii. destroyed,
      iii. adversely affected to a substantial degree by reason of the carrying out of any work by a public utility or any other authority having legal authority to carry out work in, on, over or under the Public Road, or
      iv. rendered otherwise unusable for the Authorised Purpose;
   b. the Applicant ceases to be the registered proprietor of the Subject Property and a new consent is issued to the new registered proprietor of the Subject Property; or
   c. the Applicant failing to comply with condition 7.
   d. revocation by Council in accordance with clause 6
9. The Applicant must maintain public liability insurance in respect of the Subject Property for a sum of not less than the amount specified in Item 5 of the Schedule for each single event and otherwise sufficient to provide cover in respect of any and all liability to the public (including to Council) in respect of any real or personal property which is damaged and any person who is injured or killed in the event of any claim that may arise in relation to the Improvements or the use of any part of the Public Road on which the Improvements are situated. Such insurance must at all times be on the terms and conditions (including exclusions and excesses) reasonably required by Council.
10. The Applicant must, if requested by Council, produce evidence satisfactory to Council of the insurance required by this consent.
11. The Applicant must comply with condition 9 (even if this consent has been lapsed, revoked or surrendered) until:
    a. the Improvements are removed or destroyed, and the Public Road has been restored to its condition prior to the erection of the Improvements; or
    b. the Applicant ceases to be the registered proprietor of the Subject Property and the new registered proprietor obtains a new consent.
12. The Applicant must not bring any claim against Council for any losses, damages, costs, expenses or other liabilities arising from or incurred in connection with:
    a. damage, loss, injury or death unless it is caused by Council's act, negligence or default; and
    b. anything Council is permitted or required to do under this consent.
13. The Applicant is liable for, and must indemnify Council against all losses, damages, costs, expenses and other liabilities arising from or incurred in connection with:
    a. damage, loss, injury or death caused or contributes to be the act, negligence or default of the Applicants or of the Applicant's employees and agents or by faulty fittings or fixtures brought upon or affixed to the land by the Applicants; and
    b. the Council doing anything which the Applicant/s must do under this consent but has not done or has not done properly.
14. Each indemnity is independent from the Applicant's other obligations and continues during the consent and after the consent is revoked, transferred, lapsed, or surrendered. Council may enforce an indemnity before incurring an expense after giving the Applicant written notice of the expense incurred.
15. The Applicant shall pay an annual occupation fee under Section 139 of the Act consisting of an annual fee calculated in accordance with EITHER the formula set out below as otherwise varied on each anniversary of the commencement of the Consent in accordance with this condition OR such formula or basis of calculation as may be determined by Council as in force from time to time (in either case, in the absolute discretion of Council), such annual Occupation Payment being otherwise calculated, determined and varied as and when required in accordance with and pursuant to Council's adopted policy with respect to the Occupation of Council Road Reserve as in force from time to time.
    a. Unless and until altered, varied or substituted by Council from time to time, the annual fee component of the annual occupation payment shall be calculated in accordance with the following formula:

EXAMPLE

Where:		
PV	=	Precinct Valuation (average valuation per square metre for each Precinct determined as follows): $\frac{\text{Valuation of all residential rated property within the Precinct}}{\text{Total land area of all residential rated property within the Precinct}}$
A	=	area of road reserve consent
L	=	land use according to the following table:
GST	=	Goods and Services Tax

Excusive use	
Car parking	(Carports/slabs/garage) 1% (or as otherwise determined as per Council's annual adopted fees & charges)
Gardens/landscaping	(Enclosed land) 1% (or as otherwise determined as per Council's annual adopted fees & charges)
Access use only	Elevated driveways/stairs/structures 0.5% (or as otherwise determined as per Council's annual adopted fees & charges)
Minimum charge	As per adopted Council's Fees and Charges, as updated from year to year on the Council's website.

b. Unless and until altered, varied or substituted by Council from time to time, the annual fee shall be varied on each anniversary of the commencement of the Consent as follows:
   - The percentages by which the Precinct Valuation shall be increased on each anniversary of the commencement of the Consent shall be the same percentage as the percentage increase in the Valuer General's valuation of the Precinct(s) where a general revaluation has occurred in the area;
   - In the event that there is no variation in the Valuer General's valuation for the area, then the percentage by which the annual fee shall increase on the anniversary shall be the same percentage as the Consumer Price Index (all Groups) Sydney current as at the review date has increased over and above the Consumer Price Index figure current on the previous review date or the commencement of the Consent whichever last occurred.

The annual occupation payment must be paid to Council within 30 days of it first becoming due and payable.

16. In addition to the annual Occupation Payment as set out in Item 4 of the Schedule, the Applicant will pay the proper authorities all rates and charges, such as water rates, council rates, and land tax should the Public Road occupied by the Improvements become rateable or taxable. If the Applicant fails to make these payments, Council may make the payments and recover the sum from the Applicant.
17. If a payment made pursuant to this consent is considered taxable supply and the consideration for such supply is not expressed to be inclusive of GST, then the party to whom the taxable supply is provided must pay to the supplier of such supply in addition to any other consideration for such supply the amount of any GST payable by such supplier in relation to such supply. The supplier of such supply must provide a tax invoice to the recipient of such supply upon payment of any amount of GST provided for in this paragraph or otherwise in this consent.
    In this condition "GST Legislation" means A New Tax System (Goods and Services Tax) 1999 of the Commonwealth of Australia and words and expressions in this condition have the same meaning as set out in the GST Legislation.
18. The Applicant must at all times during the duration of this consent maintain the Improvements in good order and condition and to the reasonable satisfaction of Council.
19. Before carrying out any work on the Improvements and/or on the Public Road, the Applicant must provide the plans and specifications for the work to Council and obtain Council's written approval.
20. Any necessary excavation to be carried out by the Applicant shall be carried out under the supervision of, and to the satisfaction of, Council, and any alterations to services or utilities shall not be carried out or undertaken by the Applicant until permission has been obtained from the appropriate authorities.
21. The Applicant shall ensure the Improvements will conform with any clearance, approval or consent requested or granted by any public utility or any other authority having legal authority to carry out work in, on, over or under the Public Road, with respect to services located in, on, over or under or adjacent to the occupied area.
22. If there is any alteration or restoration to Public Road necessitated by the work carried out by the Applicant (whether or not necessitated by reason of some omission or neglect on the part of the Applicant), Council may carry out restoration or rectification works at the reasonable expense of the Applicant, and the amount owing shall be a debt due and payable by the Applicant to Council that must be paid within 14 days of request by Council.
23. Council may at any time in its discretion give to the Applicant any direction or notice requiring the Applicant to carry out works by way of maintenance or repair or any other work with respect to the Improvements. Upon receipt of such notice or direction, the Applicant must promptly at its own cost and expense and in a proper and workmanlike manner carry out all repairs or works required by that direction or notice, failing which Council may take such action as may be necessary to effect all of the same and may recover the costs of so doing from the Applicant

EXAMPLE

24. The Applicant shall, if and when required by Council by notice in writing, and otherwise at and in accordance with the direction of Council and within such time period as specified by Council, take whatever action is deemed necessary by Council including but not limited to making structural changes or alterations to the Improvements:
    a. to ensuring that the owners of any adjoining or adjacent land (Affected Persons) have access to their land in such form and manner, and place and position, as Council thinks is necessary in all the circumstances, and/or;
    b. for the purpose of enabling the Affected Persons to carry out development in accordance with an environmental planning instrument or in accordance with a development consent granted under the Environmental Planning and Assessment Act 1979 (NSW).
25. Council may enter and inspect the Improvements when and so often as the Council may require and without previous notice but thereafter advise the Applicants.
26. If Council carries out any work for any reason in connection with this consent, Council may recover the costs of that work from the Applicant, and a certificate from an engineer for Council duly served on the Applicant shall be final and conclusive proof as to the costs of that work.
27. In the event of this consent is revoked, surrendered, lapsed or otherwise becomes inoperable for any reason, the Applicant will, unless a notice has been given pursuant to condition 28, promptly and at its own cost and expense and in a proper and workmanlike manner remove the Improvements from the Public Road and reinstate the Public Road to its condition which existed prior to erection of the Improvements. If the Applicant fails to comply with this condition, Council may take such action as may be necessary to effect all of the same and may recover the costs of so doing from the Applicant.
28. In the event of this consent is revoked, surrendered, lapsed or otherwise becomes inoperable for any reason, Council may give to the Applicant notice in writing requiring it to leave the Improvements in place on the Public Road. If such a notice has been served on the Applicant, the Applicant shall leave the Improvements intact and is not entitled to any compensation in respect of those Improvements.
29. This deed of consent cannot be transferred in any way by the Applicant without Council's approval. If Council approves an application to transfer this consent, the Applicant must do all things necessary to affect the transfer of this consent to the transferee which includes procuring that the assignee signs a similar deed with Council and ensure that all fees and amounts owing are paid to date.
30. If the Applicant ceases to be the registered proprietor of the Subject Property before the consent is transferred to another person, the Applicant must inform Council in writing of the change in the ownership of the Subject Property within 14 days of the change of ownership. The Applicant shall still continue to be liable and obligated as per the terms of the of this Deed until the transfer is completed.

The schedule

1	Subject property details	Property legally described as Lot DP and known as NSW
1a	Name of road	
2	Applicant(s) name	
3	The Improvements	Area totalling square metres (refer: attached plan)
4	Occupation Payment	$ per annum and inclusive of GST in the first year and such amount as determined by Council in writing in any subsequesnt year.
5	Insurance	Ten million dollars AUD with Northenr Beaches Council noted as an interested party on the policy
6	Date of commencement of consent:	
7	Authorised purpose	

Part 6: Roads Act 1993 (Part 9, Division 3, Sections 138 & 139)

138 Works and structures:

1. A person must not:
   a. erect a structure or carry out a work in, on or over a public road, or
   b. dig up or disturb the surface of a public road, or
   c. remove or interfere with a structure, work or tree on a public road, or
   d. pump water into a public road from any land adjoining the road, or
   e. connect a road (whether public or private) to a classified road, otherwise than with the consent of the appropriate roads authority.

Maximum penalty: 10 penalty units.

2. A consent may not be given with respect to a classified road except with the concurrence of the TfNSW.
3. If the applicant is a public authority, the roads authority and, in the case of a classified road, the TfNSW must consult with the applicant before deciding whether or not to grant consent or concurrence.
4. This section applies to a roads authority and to any employee of a roads authority in the same ways as it applies to any other person.
5. This section applies despite the provisions of any other Act or law to the contrary, but does not apply to anything done under the provisions of the Pipelines Act 1967 or under any other provision of an Act that expressly excludes the operation of this section.

139 Nature of consent

1. A consent under this Division:
   a. may be granted on the roads authority's initiative or on the application of any person, and
   b. may be granted generally or for a particular case, and
   c. may relate to a specific structure, work or tree or to structures, works or trees of a specified class, and
   d. c1) in relation to integrated development within the meaning of section 91 of the Environmental Planning and Assessment Act 1979, is subject to Division 5 of Part 4 of that Act, and
   e. may be granted on such conditions as the appropriate roads authority thinks fit.
2. In particular, a consent under this Division with respect to the construction of a utility service in, on or over a public road may require the service to be located:
   a. in such position as may be indicated in that regard in a plan of subdivision or other plan registered in the office of the Registrar – General with respect to the road, or
   b. in such other position as the roads authority may direct.
3. In particular, a consent under this Division with respect to the erection of a structure may be granted subject to a condition that permits or prohibits the use of the structure for a specified purpose or purposes.