

8.3. Corporate Policy Manual Review - Direction 2

AUTHOR: Jenny Gleeson, Manager Corporate Planning and Engagement

ENDORSED BY: Duncan Mitchell, Director Engineering and Property Services

ATTACHMENTS:

1. Banner Hire Policy [8.3.1 - 3 pages]
2. Car Share Policy [8.3.2 - 6 pages]
3. Encroachment Management Policy [8.3.3 - 16 pages]
4. Graffiti Management Policy [8.3.4 - 2 pages]
5. Restoration Works on Public Land Policy [8.3.5 - 7 pages]
6. Rights of Way over Drainage Reserves and Community Land Policy [8.3.6 - 7 pages]
7. Road and Place Naming Policy [8.3.7 - 7 pages]
8. Street and Under Awning Lighting Policy [8.3.8 - 6 pages]
9. Telecommunications and Electrical Network Infrastructure Policy [8.3.9 - 26 pages]
10. Trailer Parking Policy [8.3.10 - 6 pages]

PURPOSE:

This report presents the corporate policies under Direction 2. Our Built Infrastructure for re-adoption.

EXECUTIVE SUMMARY:

As previously advised, Council's corporate Policy Manual is being progressively presented to the Council for re-adoption between August and November 2022, with Direction 1 reported to Council on 22 August 2022. This long-standing practice occurs in line with Council's commitment to open government and ensures each term of Council is aware of the policies in operation.

Corporate policies are grouped by the five Strategic Directions of the *North Sydney Community Strategic Plan*, demonstrating alignment between Council services and programs and the community vision.

Most of the Direction 2 policies have been reviewed and required only correction of administrative or typographical errors and/or updating of legislative changes/Act references. Exceptions are as follows:

- the *Asset Management Policy* was recently re-adopted as part of Council's *Resourcing Strategy 2022-2032*
- review of the *Outdoor Dining and Goods Display Policy and Guidelines* is pending
- review of the *Resident Parking Permit Policy* is pending
- minor amendment to the *Car Share Policy*; and
- minor amendment to the *Encroachments Management Policy*.

A minor amendment is proposed to the *Car Share Policy* to reference the long-standing notification practice regarding proposed new car share spaces aligning to the notification period for Development Applications. This Policy is categorised 'strategic'; the amendment is not considered significant and therefore it is recommended that public exhibition is not required.

Minor amendments have also been made to the *Encroachments Management Policy*. This policy is categorised 'operational' and accordingly, the amendments were approved by the General Manager on 25 August 2022. The reason for the amendment is that the policy previously required two valuations in all circumstances when this does not reflect the procurement guidelines. In addition, legal costs have increased since the policy was last reviewed, hence the increase in the bond amount is required to cover the costs of the required valuations and is based on actual costs incurred in recent years. Consultation on the increase to the bond is not required as is distinct from fees and charges.

For ease of reference, the amendments to the *Car Share Policy* and *Encroachments Management Policy* are marked up in the respective attachments, with strikethrough indicating deletion and red font/italics indicating new text.

FINANCIAL IMPLICATIONS:

There are no financial implications arising from the review of Direction 2 corporate policies.

RECOMMENDATION:

1. THAT Council readopt the Direction 2 corporate policies as attached to this report being the following:

- a) Banner Hire Policy
- b) Encroachment Management Policy
- c) Graffiti Management Policy
- d) Restoration Works on Public Land Policy
- e) Rights of Way over Drainage Reserves and Community Land Policy
- f) Road and Place Remaining Policy
- g) Street Lighting and Under Awning Policy
- h) Telecommunications and Electrical Network Infrastructure Policy
- i) Trailer Parking Policy

2. THAT the minor amendments to the Car Share Policy be adopted.

LINK TO COMMUNITY STRATEGIC PLAN

The relationship with the Community Strategic Plan is as follows:

5. Our Civic Leadership

5.1 Lead North Sydney's strategic direction

5.2 Strong civic leadership and customer focussed services

BACKGROUND

Council's corporate Policy Manual will be presented to the Council for re-adoption between August and November 2022, with Direction 1 reported to the Council on 22 August 2022. This long-standing practice occurs in line with Council's commitment to open government and ensures each term of Council is aware of the policies in operation.

The Corporate Policy Framework (categorisation system), as reported to Council in May 2022, indicates whether a policy requires Council endorsement or not.

Category	Approval Authority
Statutory Policy - is a policy that Council is required to have due to law, or regulation.	<ul style="list-style-type: none">• Unless provided otherwise under the relevant legislation, these policies are required to be approved by Council.• Any significant amendments to these policies must be approved by Council.• These policies must be placed on public exhibition when created or significantly amended, either for a period of 42 days or as required by the relevant legislation.
Strategic Policy - is a policy that sets a strategic direction and identifies long-term or overall aims and interests for Council. It guides decision making.	<ul style="list-style-type: none">• These policies are required to be approved by Council.• Any significant amendments to these policies must be approved by Council.• These policies must be placed on public exhibition when created or significantly amended, for a minimum of 42 days.
Operational Policy - a policy that relates predominately to Council's operations; or a policy that Council is not mandated to have in place but represents best practice.	<ul style="list-style-type: none">• These policies may be approved by the General Manager. In some instances, the General Manager may determine to report the policy to Council.• Any amendments to these policies may be approved by the General Manager. In some instances, the General Manager may determine to report the amendment to the policy to Council.• These policies may or may not be required to be placed on public exhibition when created or amended - the Policy Owner will be responsible for making that recommendation to the General Manager.

CONSULTATION REQUIREMENTS

Community engagement is not required.

DETAIL

Corporate policies are grouped by the five Strategic Directions of the *North Sydney Community Strategic Plan*, demonstrating alignment between Council services and programs and the community vision.

Most of the Direction 2 policies have been reviewed, except for the *Asset Management Policy* was readopted on 27 June 2022 as part of Council's *Resourcing Strategy 2022-2032* (the policy is a mandatory component of the *Asset Management Strategy*) and the *Outdoor Dining and Goods Display Policy and Guidelines* and *Resident Parking Permit Policy* of which reviews are pending. These reviews are expected to be completed by 30 June 2023 and will be reported to Council accordingly.

This report presents the Direction 2 (Our Built Infrastructure) policies which have been reviewed and are recommended for re-adoption:

Policy	Category	Last Reviewed
Banner Hire	Operational	25 Jun 2018
Car Share	Strategic	25 Jun 2018
Encroachment Management	Operational	28 Oct 2019
Graffiti Management	Operational	6 Apr 2020
Restoration Works on Public Land	Operational	30 Nov 2020
Rights of Way over Drainage Reserves and Community Land	Operational	25 Jun 2018
Road and Place Naming	Operational	25 Jun 2018
Street Lighting and Under Awning Lighting	Operational	25 Jun 2018
Telecommunication and Electrical Network Infrastructure	Operational	24 Sep 2018
Trailer Parking	Strategic	28 Sep 2020

Amendments are only proposed to the *Car Share Policy* and *Encroachments Management Policy*. For all others, only correction of administrative or typographical errors and/or updating of legislative changes/Act references were required.

Amended Car Share Policy

A minor amendment is proposed to the *Car Share Policy* to reference the long-standing notification practice/notice period regarding proposed new car share spaces is a minimum of 14 days under Section 4:

Once the application fee is received, Council notifies the community of the proposed location. The period for providing feedback on the proposed location is a minimum of two (2) weeks i.e. no less than 14 days.

'Notification' is distinct from 'consultation'. Consultation requires a minimum of 42 days as the standard exhibition period. The notification duration aligns with the notification period for Development Applications as outlined in Council's *Community Engagement Protocol* (incorporating the *Community Participation Plan*).

The amendment is marked-up in the attached with red font/italics indicating the addition. This Policy is categorised 'strategic'; the amendment is not considered significant and therefore it is recommended that public exhibition is not required. It is recommended that the amended policy be adopted.

Amended Encroachments Management Policy

Minor amendments have also been made to the *Encroachments Management Policy*. This policy is categorised 'operational' and accordingly, the amendments were approved by the General Manager on 25 August 2022. For reference the amendments are indicated in italics font in the attachment. In summary, they were in section 4.2.4.4:

If the encroachment is regarded as major, Council will obtain ~~two (2)~~ independent market valuations in accordance with the requirements under the procurement procedures, if necessary, using the "before" and "after" valuation approach. A bond of \$7,500 \$10,000 must be lodged with Council for this approach to proceed. Any difference remaining on the bond will be refunded to the applicant.

The reason for the amendment is that:

- two valuations are not required in all circumstances, and
- legal costs have increased since the policy was last reviewed, hence increase in the bond amount is required to cover the costs of required valuations and is based on actual costs incurred in recent years.

A bond is distinct from fees and charges, and as such consultation regarding the increase was not required as part of the recently adopted *Fees & Charges Schedule 2022/23*.

It is recommended that the *Encroachment Management Policy*, together with the remaining Direction 2 policies, be readopted.

Post Adoption Administration

Following readoption, the attached policies will be finalised inclusive of renumbering alphabetically, the version control and footers updated, and the final versions registered in Council's records system and replaced on the Council website.

Should policies require amendment during the Council term, the review will occur in accordance with the Corporate Policy Framework. Significant amendments to Statutory and Strategic policies must be approved by Council, where this occurs the proposed amendments will be reported to Council seeking endorsement to publicly exhibit. Policies categorised as Operational may be approved by the General Manager, who will determine whether to report

the amendments to Council, including whether public exhibition (depending on their significance) is recommended.



BANNER HIRE POLICY

D2-02

Page 1 of 3

Policy Owner: Director Engineering and Property Services

Category: Operational

Direction: 2. Our Built Infrastructure

1. STATEMENT OF INTENT

1.1 North Sydney Council's Banner Hire Policy is designed to add vitality to the North Sydney CBD and surrounding village precincts by:

- a) visually enhancing the North Sydney local government area (LGA) streetscape;
- b) creating a sense of community and a sense of place within the North Sydney CBD and its key village precincts;
- c) promoting major arts, cultural activities and sporting events of public interest; and
- d) promoting local economic activity through corporate sponsorship of special community related events.

1.2 Banners are to be used to promote arts and cultural activities including events, festivals, tourism or civic programs, as well as major sporting events of public interest.

1.3 Banners cannot be used as an advertising medium for commercial products and services however commercial sponsorship logos will be permitted.

2. ELIGIBILITY

2.1 This Policy applies to Council Staff, Not for Profit Organisations and Commercial Hirers in the North Sydney LGA.

2.2 Council owned event publicity will take priority over all other hirers.

3. DEFINITIONS

3.1 Council Banner Poles - Council Poles with banner arms used to display public interest information.

3.2 Pole Banner - refers to Banners that are attached to Council's multi-purpose poles, light poles, flag poles or other types of poles that are the property of Council. Banners to be manufactured from a uniform material and designed to

Re-adopted by Council [insert date]

BANNER HIRE POLICY

Page 2 of 3

meet Council Specifications as per the Council's Banner Hire Terms and Conditions.

- 3.3 Display Banner - refers to banners that are attached to Council's property such as buildings, fences, trees and other infrastructure that is the property of Council.
- 3.4 Banner Hire Terms and Conditions - this document sets out Council's requirements for the graphic design content and fees associated with the of the banner hire program. Refer to *Banner Hire Application Form*.
- 3.5 Hire Costs - the fees charged to hirers for the purpose of banner hire including banner installation and removal.

4. PROVISIONS

This Policy controls the following activities:

- 4.1 Installation and hire of banners located in the North Sydney LGA.
- 4.2 Application process - Council will use this Policy and the terms and conditions of hire to assess all applications for banner hire. Before applying applicants must read the Banner Hire Terms and Conditions.
- 4.3 All fees for the purpose of the use of the Banner Hire Program are to be paid in advance of the hire term - refer to the Banner Hire Terms and Conditions.
- 4.4 All banners must conform to the specifications outlined in the Banner Hire Terms and Conditions. Banner design must be approved by Council.
- 4.5 Council reserves the right to refuse permission to display a banner on any grounds but particularly banners which promote or are associated with alcohol, cigarettes, election related material (electioneering) religious, racist or offensive material.

5. RESPONSIBILITY/ACCOUNTABILITY

- 5.1 Council's Engineering and Property Services Division is responsible for the provision and management of the Banner Hire Program.
- 5.2 Council's Open Space and Environmental Services Division is responsible for the management of other banner locations throughout the North Sydney LGA.
- 5.3 The Hirer is responsible for the production of all banners to the specifications outlined in the Banner Hire Terms and Conditions.

Re-adopted by Council [insert date]

BANNER HIRE POLICY

Page 3 of 3

- 5.4 All costs for the production, installation and removal of banners will be borne by the Hirer.

6. RELATED POLICIES/DOCUMENTS/LEGISLATION

The Policy should be read in conjunction with the following Council policies and documents:

- Asset Management Policy
- Corporate Sponsorship Policy
- Exempt Development Schedule - within the Local Environmental Plan
- Public Domain Style Manual and Design Codes
- Sustainable Public Events Policy

The Policy should be read in conjunction with the following documents/legislation:

- NSW Government Exempt and Compiling Development Codes

Version	Date Approved	Approved by	Resolution No.	Review Due
1	3 June 2013	Council	337	2016/17
2	25 June 2018	Council	214	2020/21
3	[insert date]	Council	[insert no.]	2024/25

Re-adopted by Council [insert date]



CAR SHARE POLICY (AMENDED)

D2-03

Page 1 of 6

Policy Owner: Director Engineering and Property Services

Category: Strategic

Direction: 2. Our Built Infrastructure

1. STATEMENT OF INTENT

- 1.1 To provide on-street and off-street parking opportunities for Car Share groups, in balance with competing parking demands in the North Sydney local government area.
- 1.2 To support the regional transport objectives and strategies that are aimed at encouraging the use of public transport, and reducing private motor vehicle ownership, which will in turn decrease parking demands, congestion, fuel consumption, greenhouse gas emissions and air pollutants.

2. ELIGIBILITY

- 2.1 Only Car Share groups that meet the following criteria will be eligible for Car Share Parking and Car Share Parking Permits in North Sydney:
 - a) seventy percent (70%) of Car Share group members accessing vehicles from Car Share Pods in North Sydney local government area must be residents (not businesses) of North Sydney local government area.
 - b) each vehicle in the Car Share Pods must have a minimum of 10 residents (not businesses) nominating that particular Car Share Pod as their preferred Pod (members are only allowed to nominate one preferred Pod).
 - c) a group member must not use the vehicles in a Car Share Pod for more than twenty percent (20%) of the operational time (i.e. does not include time when the vehicles are not being used).
 - d) all vehicles must be registered in NSW.
 - e) the vehicle cannot be a caravan, box trailer or boat trailer and must not exceed three tonnes.
 - f) Car Share groups must meet the Basic Level of Service:
 - i. access to vehicles by members of the program 24 hours, seven days a week;
 - ii. car bookings available via phone and the internet, 24 hours, seven days a week;
 - iii. access to customer support during business hours; and

Re-adopted by Council [insert date]

- iv. ability to extend the booking on the car whilst using the car (subject to availability of the car).

- 2.2 Exception - Car Share groups that meet 50% of the warrant in condition 2.1b) will be eligible to apply for Car Share Parking and Car Share Parking Permits, on the condition that they are able to demonstrate that they meet 100% of the warrant in condition 2.1b) within six months of practical commencement.

3. DEFINITIONS

- 3.1 Car sharing - is a system set up such that a group collectively owns one or more vehicles, which are available to the members on a shared basis. The vehicles are located locally and are available on demand, on a pay-as-you-go basis. Fees which may be applicable include a membership fee, a refundable bond for the duration of membership, an hourly fee and a per kilometre charge for use of the vehicle.
- 3.2 Car Share systems - may be set up and managed by the following groups; commercial companies, not-for-profit organisations, neighbourhood/ community groups and groups of residents.
- 3.3 Car Share Parking Area - is parking that is controlled by parking control signs that include the following text "Permit Holders Excepted" and is numbered from 100 onwards. A Car Share Parking Area is provided exclusively for a particular Car Share group.
- 3.4 Car Share Parking Permit:
 - a) exempts the vehicle noted on the permit, from the time limit shown on the parking control signs in the Car Share Parking Area written on the permit, where parking is sign posted "Permit Holders Excepted"; and
 - b) exempts the vehicle noted on the permit, from the time limit shown on the parking control signs in un-metered Resident Parking Areas 1 to 33 where parking is signposted "Permit Holders Excepted". (Note: The Car Share Parking Permit does not apply to metered parking areas, where the parking control signs state "Meter", even if signposted "Permit Holders Excepted").
- 3.5 Car Share Pod - is a specific Council approved location within the North Sydney local government area, where Car Share vehicles are kept when not in use by Car Share group members. Car Share Pods are located in a number of strategic locations to increase the potential catchment of members, rather than traditional large depots that are favoured by car rental companies.

Re-adopted by Council [insert date]

- 3.6 Resident Parking Area - is one of the 33 parking areas, numbered 1 to 33, which cover the North Sydney local government area.

4. PROVISIONS

- 4.1 Car Share Parking - a maximum of 20 Car Share Parking spaces will be provided in any one Resident Parking Area. These 20 Car Share Parking spaces are to be allocated throughout the Resident Parking Area, in balance with competing parking demands i.e. all 20 spaces will not be provided in the one street or location.

Car Share Parking spaces will be allocated to Car Share groups on a first come, first served basis. If an approved Car Share Parking Space is not utilised within six months of approval, the approval will lapse, and the Car Share group will need to reapply for the parking space.

Any request for Car Share Parking spaces above the 20 space maximum, will be referred to a Council meeting for consideration.

- 4.2 Car Share Parking Permits - specifying a particular parking area, numbered from 100 onwards, will be provided to the Car Share groups who have approved Car Share Parking.

- 4.3 Renewal:

4.3.1 Car Share Parking will be approved for a maximum of three years. After this time, the Car Share group will need to re-apply for Car Share Parking. The intention of this rule is only to ensure that parking is not reserved for Car Share groups where it is not needed. Preference for Car Share Parking will be given to existing Car Share groups with an established membership base.

4.3.2 Car Share Parking Permits must be renewed annually (March to March).

- 4.4 Transferral of Car Share Parking - is not permitted. Car Share Parking cannot be transferred to a different location. A new application may be made to Council for consideration.

- 4.5 Cancellation - Council may in its absolute discretion, suspend, relocate, amend and/or cancel Car Share Parking and Car Share Permits on such terms and for such reasons as the Council considers appropriate. A minimum of two (2) weeks' notice will be given to the Car Share group. Where Council suspends, relocates, amends and/or cancels these items neither the Car Share group or

Re-adopted by Council [insert date]

any other person shall be entitled to any payment, compensation or damages of any kind whatsoever from the Council.

4.6 Application Requirements

4.6.1 Parking - Applicants for Car Share Parking and Permits are to provide the following information:

- a) information that demonstrates, to the satisfaction of Council, that the eligibility requirements listed above in Section 2 have been met;
- b) identify the proposed location for parking spaces, and provide reasons for this choice of location;
- c) car registration information;
- d) public liability insurance, providing a minimum cover of \$10 million;
- e) demonstrated maintenance and vehicle replacement management plan (including cleaning);
- f) secure vehicle locking system;
- g) demonstrated system to check member's drivers licences, and conduct an investigation into member driving history;
- h) a report detailing Car Sharing experience, capability and past performance, including any applicable referees;
- i) a copy of all promotional/advertising signage which will be placed on the vehicles;
- j) information on the type and amount of marketing being undertaken, and any promotional arrangements; and
- k) acknowledgement from the Car Share group that while Council will endeavour to enforce relevant parking restrictions to the best of its ability, no warranty is given as to the availability of allocated Car Share Parking spaces.

When considering applications for Car Share, preference will be given to the following:

- a) firstly, not-for-profit organisations and community/neighbourhood groups. Secondly, Car Share companies (making a profit) that have demonstrated partnerships with the local community and non-government organisations based within the North Sydney local government area;
- b) smaller, low impact vehicles (Green Vehicle Guide rating of 3.5 stars or more) such as hybrid vehicles or Smart Cars;
- c) integration with the public transport and active transport networks and development of movement mobility plans, to improve access to these

Re-adopted by Council [insert date]

-
- services and ensure that the shared car is generally used only to fill a mobility gap;
- d) car sharing rates weighted more heavily towards kilometres travelled than time usage, since kilometres travelled has greater impact on the road network and environment; and
 - e) Car Share groups that place the refundable bond paid by Car Share members when they join the group into a trust account and be accessible only when pre-determined events require the use of the funds, OR if this bond is being used to fund operator expenses, then this is to be disclosed to members.
- 4.7 Car Share Parking Permits are subject to the same fees as resident parking permits, as per Council's *Fees and Charges Schedule*, payable by the Car Share group.
 - 4.8 Car Share parking is subject to a fee for the installation of appropriate signs, as per Council's *Fees and Charges Schedule*, payable by the Car Share group.
 - 4.9 Car Share parking is subject to an application fee payable per application per pod, as per Council's *Fees and Charges Schedule*, payable by the Car Share group on application of new car share pods.
 - 4.10 Residents who are able to demonstrate that they have joined a Car Share group, and return their Resident Parking Permit to Council will be eligible to receive a pro rata refund on their Resident Parking Permit.
 - 4.11 *Once the application fee is received, Council notifies the community of the proposed location. The period for providing feedback on the proposed location is a minimum of two (2) weeks i.e. no less than 14 days.*

5. RESPONSIBILITY/ACCOUNTABILITY

- 5.1 Council's Traffic and Transport Operations Department is responsible for the provision, determination of eligibility and management of Car Share parking schemes.
- 5.2 Council's Customer Service and Records Department is responsible for the issuing of Car Share Parking Permits.
- 5.3 Council's Ranger and Parking Services Department are responsible for the enforcement of parking controls in the Car Share Scheme.
- 5.4 The Car Share Review Panel is responsible for reviewing applications, which do not meet the eligibility criteria.

Re-adopted by Council [insert date]

6. RELATED POLICIES/DOCUMENTS/LEGISLATION

The Policy should be read in conjunction with the following Council policies and documents:

- Community Strategic Plan
- Compliance and Enforcement Policy
- Parking Management and Enforcement Policy
- Resident Parking Permit Policy

Version	Date Approved	Approved by	Resolution No.	Review Date
1	1 August 2005	Council	703	2008/09
2	16 February 2009	Council	61	2012/13
3	14 March 2011	Council	155	2011/12
4	14 November 2011	Council	804	2011/12
5	30 January 2012	Council	24	2012/13
6	18 February 2013	Council	61	2016/17
7	25 June 2018	Council	214	2020/21
8	[insert date]	Council	[insert date]	2024/25

Re-adopted by Council [insert date]



ENCROACHMENT MANAGEMENT POLICY

D2-04

Page 1 of 16

Policy Owner: Director Engineering and Property Services

Category: Operational

Direction: 2. Our Built Infrastructure

1. STATEMENT OF INTENT

1.1 The purpose of this Policy is to:

- a) ensure that all encroachments on land owned or controlled by North Sydney Council are effectively managed under a consistent set of guidelines which safeguards Council's legal obligations and liability;
- b) ensure encroachments from private property onto public property are safe for pedestrians and vehicular traffic, are designed and constructed to Council's expectations and conserves the desirable characteristics of an area;
- c) enter into Agreements with private property owners for encroachments where the encroachment/s are greater than 5m² or 1m³, and which has been approved as part of a development consent, or in exceptional circumstances;
- d) formalise existing encroachments which are unable to be removed; and
- e) formulate a consistent method of calculating rental or compensation payable to Council for approved encroachments.

2. ELIGIBILITY

2.1 This Policy applies to all Councillors and employees of Council as well as external consultants employed as representatives of Council.

2.2 This Policy applies to all private landowners and residents, with specific reference to adjoining landowners who create encroachments onto or over land owned or controlled by Council.

3. DEFINITIONS

3.1 The Act - refers to the *Local Government Act 1993*.

3.2 Adjacent owner - means the owner of land over which an encroachment extends.

3.3 Agreement - means a legal contractual obligation to which two parties have entered into negotiations and have agreed to.

Re-adopted by Council [insert date]

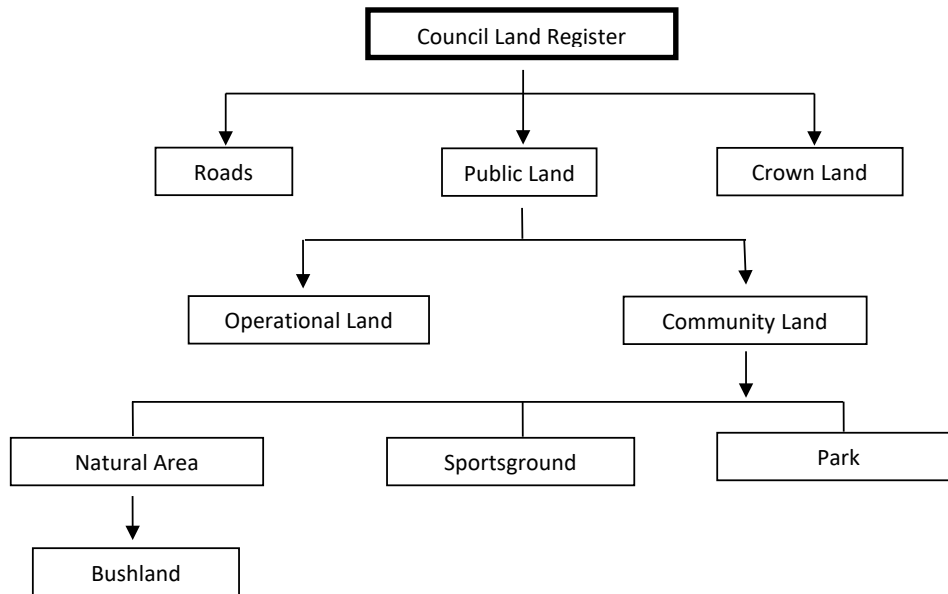
ENCROACHMENT MANAGEMENT POLICY

-
- 3.4 Bond - a formal transaction wherein an applicant deposits an amount of money into the Council bond account to allow Council to draw on and pay costs associated with the transaction.
- 3.5 Boundary - the boundary line between contiguous parcels of land.
- 3.6 Community Land - one type of Council's Public Land which:
- a) is reserved for community use;
 - b) is of importance to the community because of its use or special features and must be managed according to special guidelines in accordance with the Act;
 - c) Council has no power to sell, exchange or otherwise dispose of, unless it is re-classified as Operational Land;
 - d) Council can grant a lease, licence or other estate over it, but only for the purposes pursuant to Section 46 of the Act, some of which may be expressly authorised by a Plan of Management, and not for more than 21 years; and
 - e) must have a Plan of Management prepared for it or applying to it.
- 3.7 Council Land - all land owned or controlled by Council which is provided for in Council's Land Register, including public road.
- 3.8 Crown Lease - a lease on Crown land which enables exclusive use over a particular piece of land for a specified term and purpose, governed by the *Crown Land Management Act 2016*.
- 3.9 Crown Licence - a Licence on Crown land which is a contractual agreement that grants the licensee a personal right to occupy and use Crown land for a particular purpose in accordance with the *Crown Land Management Act 2016*. It does not grant exclusive possession of the land as is the case of a lease, and may permit the land to be used by other persons.
- 3.10 Crown Reserve - a parcel of Crown land retained or acquired by the State and set aside for specific public purposes.
- 3.11 Easement - a right, attached to land (the dominant tenement), to use other land (the servient tenement) for a specified purpose known to the law.
- 3.12 Encroaching owner - means the owner of land contiguous to the boundary beyond which an encroachment extends.
- 3.13 Encroachment - the intrusion of a structure or other object onto or over land owned or controlled by Council.
- 3.14 Exceptional circumstances - are those circumstances wholly within the discretion of the Council and may include a consideration of the public benefit or superior planning outcome which may benefit the public as a whole.

ENCROACHMENT MANAGEMENT POLICY

3.15 Instrument - a formal document which records and evidences proprietary rights.

3.16 Land Register - comprises all land that is owned or controlled by Council which is categorised as follows:



3.17 Major Encroachments - all encroachments which are greater than 5m². Applications which are commercial in nature may also attract two (2) valuations.

3.18 Minor Encroachments - an encroachment of a structure/s that are less than 5m² or 1m³, and are unlikely to result in a significant risk to Council.

Such encroachments may include structures such as hosecocks (taps); letterboxes; protrusion of parking garages, sheds; balconies, protruding into Council's airspace, structures, eaves and gutter overhangs, CCTV cameras, sewer and other drainage pipes, stairs; water meters; boundary line built elements such as fences, walls or other landscaping and architectural detail encroachments as determined solely at the discretion of Council, but does not include encroachments which currently benefit the encroaching property such as rock anchors, solar panels/structures and other structures which generate an income.

3.19 Operational Land - comprises land which:

- a) is held as a temporary asset or as an investment;
- b) facilitates the carrying out by Council its functions or operational activities, such as the provisions of public car parks;
- c) may not be open to the general public, such as a Works Depot or Council garage; and
- d) is not required to be managed on behalf of present and future communities, or kept for general public use.

ENCROACHMENT MANAGEMENT POLICY

The range of controls which apply to Community Land do not apply to the use and management of Operational Land.

- 3.20 Other Estates - as defined in accordance with Section 21 of the *Interpretation Act 1987*, which includes interest, charge, right, title, claim, demand, lien and encumbrance whether at law or in equity. A common example in local government is the granting of easements.
- 3.21 Parcel - a parcel of land defined by measurement as a lot in a Deposited Plan or allotment lawfully registered pursuant to the provisions of the *Conveyancing Act 1919* and the *Conveyancing (Sale of Land) Regulation 2010*.
- 3.22 Plan of Management - a plan adopted by Council under Division 2 of Part 2, Chapter 6 of the *Local Government Act 1993*, to manage an area of public land.
- 3.23 Positive Covenants or Restrictions for Maintenance and Repair - a dealing created on title for the maintenance and upkeep of the burdened land in accordance with Section 88BA(1) of the *Conveyancing Act 1919*.
- 3.24 Public Land - has the same meaning as under the *Local Government Act 1993* and is defined as follows:

public land means any land (including a public reserve) vested in or under the control of the Council, but does not include:

- a) a public road, or
 - b) land to which the *Crown Land Management Act 2016* applies, or
 - c) a common, or
 - d) land subject to the *Trustees of Schools of Arts Enabling Act 1902*, or
 - e) a regional park under the *National Parks and Wildlife Act 1974*.
- 3.25 Public Road Reserve - a public road reserve is a strip of public land that abuts property boundaries and which forms part of the public road accessible to the public.
- 3.26 Regular Awnings - the following table represents a "Regular Awning". All other awning will be subject to Clause 4.2.3.5.

Awnings (in accordance with Council's DCP)			
Requirement		Zone	
		B3 - Commercial Core B4 - Mixed Use	B1 - Neighbourhood Centre
Minimum width		2m (min)	2m (min)
Setback from kerb	General	1.1m (or 600mm where walkway is not of sufficient width)	600mm

Re-adopted by Council [insert date]

ENCROACHMENT MANAGEMENT POLICY

	To accommodate street trees	1.5m	2.0m
Height above footpath level		3.2m - 4.2m	3.0m - 3.6m

3.27 Reserve - a reserve trust is a corporation established under the then *Crown Lands Act 1989* to manage a Crown reserve on behalf of the people of NSW. It is not a branch of a department of Government, however, it responsible under the oversight of the Minister - for care, control and management of a specific reserve and is not for private profit.

3.28 Road - in accordance with the *Roads Act 1993*, a road includes:

- a) the airspace above the surface of the road;
- b) the soil beneath the surface of the road; and
- c) any bridge, tunnel, causeway, road-ferry, ford or other work or structure forming part of the road.

For the purposes of this Policy roads include footpaths. It does not include roads under the control of Transport for NSW.

3.29 Section 10.7 Planning Certificates - outlines the relevant planning information that applies to a particular parcel of land on the date that the Certificate was signed. These Certificates are required to accompany the contract of sale of any registered parcel of land pursuant to the provisions of the *Conveyancing Act 1919* and the *Conveyancing (Sale of Land) Regulation 2010*.

There are two types of Planning Certificates which include:

- a) Section 10.7(2) Planning Certificate - basic information to satisfy the requirements identified under the *Environmental Planning & Assessment Regulation 2000*, such as applicable planning instruments, permissible uses and legislative constraints such as building height and heritage status).
- b) Section 10.7(5) Planning Certificate - all information contained within a Section 10.7(2) Planning Certificate and any other information of relevance that Council sees fit, such as encroachments, previous subdivisions, easements and other Council advice.

3.30 Security Deposit - a sum of money equivalent to six month's rental (or a negotiated amount, determined at the discretion of Council's Property Assets Department), and paid to the landlord to be used to recover any arrears or other lease related costs (e.g. paying for damage caused by the tenant). The money is refunded once the tenant has vacated the property and there are no outstanding matters.

3.31 Subject land - that part of the land over which an encroachment extends.

4. PROVISIONS

4.1 Risk

- 4.1.1 This Policy applies to all Council Land.
- 4.1.2 It focuses on the management of all encroachments which impact Council land.
- 4.1.3 Encroachments onto Council's public land may present a potential risk of safety to the public as well as a potential risk of legal claims to Council if left unmanaged.
- 4.1.4 Council has a duty to manage the risk and this is done by ensuring that the private property owner who encroaches onto Council land remains responsible for identifying the risks, assessing the extent of the risks and for undertaking all measures necessary to mitigate the risk to an acceptable level.

4.2 Guiding Principles

4.2.1 Classification

4.2.1.1 Road:

- a) Management of encroachments on public roads shall be in accordance with the principles pursuant to the *Roads Act 1993*.
- b) Encroachments on public roads are not permitted unless in 'exceptional circumstances' and if approved by Council.

4.2.1.2 Operational Land:

- a) Management of encroachments on Operational Land shall be in accordance with the principles pursuant to the Act.
- b) Encroachments on Operational Land are not permitted unless in 'exceptional circumstances' and if approved by Council.

4.2.1.3 Community Land:

- a) Management of encroachments on Community Land shall be in accordance with the principles pursuant to the Act.
- b) Encroachments over Community Land are prohibited.

4.2.1.4 Crown Land:

- a) Management of encroachments on Crown Land shall be in accordance with the *Crown Land Management Act 2016*.
- b) Where Council is the Crown Land Manager, upon notification

Re-adopted by Council [insert date]

- of an existing encroachment Council will inspect the reserve to determine the public impact and to determine whether the encroachment is consistent with the purpose of the reserve.
- c) If the encroachment meets these conditions, a lease may be granted but only in 'exceptional circumstances', otherwise the encroachment must be removed.
 - d) Council cannot sell or otherwise dispose of Crown Land without the authorisation of the Minister.

4.2.2 Minor Encroachments

- 4.2.2.1 Minor encroachments over Council land are generally not permitted.
- 4.2.2.2 Where minor encroachments occur, they will be notated on a Section 10.7(5) Planning Certificate. This is to ensure that property owners are aware of any encroachment that Council has identified in relation to their land.
- 4.2.2.3 A minor encroachment is to be regularised by a Deed of Agreement between Council and the property owner. This is to ensure that Council is indemnified against any potential public liability claim which may arise as a result of the encroachment.

However, Council reserves the right to determine whether the minor encroachment warrants a lease or easement to be entered into.

- 4.2.2.4 The Deed is to be accompanied by a Plan of Survey, prepared by a Registered Surveyor. The Plan must reflect the dimensions and size of the encroachment in m² or m³ occupied by the encroachment.

4.2.3 New Encroachments

- 4.2.3.1 New Encroachments over Council land is generally not permitted.
- 4.2.3.2 Council shall only grant permission for an encroachment as part of a development consent or otherwise only in 'exceptional circumstances'.
- 4.2.3.3 If owner's consent is required as part of a development application, the applicant is required to submit a plan of survey, prepared by a Registered Surveyor, with the encroachment/s calculated in m² (area) or m³ (volume), depending on the nature of the encroachment.
- 4.2.3.4 If an encroachment appears over various levels, then the volume of the encroachment over each level must be taken into consideration to determine the total volume.

Re-adopted by Council [insert date]

4.2.3.5 If the encroachment/s are greater than 5m² or 1m³ the encroaching land owner will be requested to secure either one of the following:

- (a) Lease or Licence
- (b) Easement

(i) Execution of the Lease Agreement

- (a) If the determined option is a lease as per Item 4.2.3.5(a), then the encroaching owner is required to enter into a lease agreement which must be executed before a Construction Certificate can be issued.
- (b) If the determined option is a lease as per Clause 4.2.3.5(a) with respect to an airbridge encroachment for vehicular access over Council's footpath and/or other public land, the encroaching owner must enter, into and execute the lease agreement at the same time their driveway crossing application with Council as per Council's Section 138 application requirements, is lodged.
- (c) The commencement date of the lease shall be the Date of Practical completion.

(ii) Easement

- (a) If an easement is approved for the encroached area, a draft plan of easement, together with the terms and conditions must be provided to Council with the recommended bond before a Construction certificate can be issued.
- (b) All documentation relating to the easement must be executed by both parties and lodged for registration at the NSW Land Registry Services immediately after a Certificate of Practical Completion is issued and before a Strata/Subdivision or Occupation Certificate, whichever is earlier of, can be issued.

4.2.4 Rental

The agreed rental will be reviewed at the date of Practical Completion, using the same approach applied at the time the lease was initially executed, or CPI may be applied to compensate the time lapse.

How is Rental determined

ENCROACHMENT MANAGEMENT POLICY

-
- 4.2.4.1 Council will assess the rental or compensation payable for any encroachment before Development Consent or a formal instrument of Agreement is granted and/or entered into, to enable the encroaching property owner to decide whether or not to proceed with the encroachment.
- 4.2.4.2 A bond of \$5,000 to cover the costs must be lodged in the event the property owner decides not to proceed with any formal instrument of agreement. Any difference remaining on the bond will be refunded to the applicant.
- 4.2.4.3 The assessment of the rental/compensation payable including all the requirements in accordance with this Policy is to be provided in writing to the encroaching property owner as per Clause 4.2.9.4.
- 4.2.4.4 If the encroachment is regarded as major, Council will obtain ~~two (2)~~ independent market valuations *in accordance with the requirements under the procurement procedures*, if necessary, using the “before” and “after” valuation approach. A bond of ~~\$7,500~~ *10,000* must be lodged with Council for this approach to proceed. Any difference remaining on the bond will be refunded to the applicant.
- 4.2.4.5 If the property owner disputes the rent or compensation, the owner is entitled to obtain at their own cost, their own market valuation and each party and their respective valuers can review their valuation approaches to reach a satisfactory agreement.

4.2.5 Existing Encroachments

- 4.2.5.1. If Council becomes aware of an existing encroachment on its land, and it is not in the public interest or is otherwise unacceptable, Council may:
- (a) direct the encroaching owner to remove the encroachment;
 - (b) remove the encroachment at the owner’s expense and recover such expense as a debt under the provisions of the Act or as a liquidated claim in court; or
 - (c) issue infringement notices or commence enforcement action until the matter is resolved.
- 4.2.5.2. If Council concludes that the encroachment cannot be removed, then Clause 4.2.3.5 will be applied if the encroachment/s are greater than 5m² in area or 1m³ in volume. If the encroachment/s are less than 5m² in area or 1m³ in volume, it will be regarded as a minor encroachment.
- 4.2.5.3. Zonings and classifications of some land may prevent Council from formalising Agreements with property owners, and the encroaching

owner would be responsible for the cost of the reclassification process if approval to formalise the encroachment is granted by Council. Reclassification is at the discretion of Council and may be refused.

- 4.2.5.4. If the land occupied by the encroachment is classified as Community Land, it can only be leased/licenced if the purpose for which the lease/licence is issued is consistent with the core objectives for the area of Community Land in question.
- 4.2.5.5. If the land occupied by the encroachment is Crown land, Council will only permit the encroachment to remain (by entering into a lease or licence) if the use is consistent with the purpose of the reserve (i.e. public recreation), and is in the public interest.
- 4.2.5.6. If an existing encroachment is identified by Council and it cannot be removed, (Refer to Clause 4.2.4.2, the encroachment will be notated on a Section 10.7(5) Planning Certificate. This is to ensure that property owners are aware of any encroachment that Council has identified in relation to their land.

4.2.6 General Principles

- 4.2.6.1. The following principles relate to the various categories for the management of encroachments on Council Land.
- 4.2.6.2. Only regular awnings that have public benefit over Council land will be permitted.
- 4.2.6.3. Council shall only grant permission for an awning as part of a development consent or otherwise only in 'exceptional circumstances'.
- 4.2.6.4. Encroachment/s must not hinder pedestrian/vehicle access safety.

4.2.6.5. Category

- (a) **Leases and Licenses** as per Item 4.2.3.5 may be categorised as follows:
 - (i) Use of small areas of land for driveways, garages or parking areas;
 - (ii) Use of small areas of adjoining land for beautification of a resident's holding;
 - (iii) Airspace encroachments such as balcony encroachments, pedestrian footbridges, vehicular airbridges, building cladding, decorative awnings,

Re-adopted by Council [insert date]

- protruding structures and any other related encroachments; and
- (iv) Commercial use.

(b) **Easements/Positive Covenants:**

- (i) The nature of the encroachment will determine whether an easement is required.
- (ii) Council shall only grant permission for an easement as part of a Development Application or in 'exceptional circumstances'.

Council reserves the right to determine whether a Lease or Easement is to be registered to secure its interests.

4.2.6.6. No Sale/Transfer/Land Disposal

- (i) The sale/transfer and land disposal of Council's public land is not permitted.
- (ii) However, if Council believes the subject property is no longer required, only then will Council consider disposing of the property but this will only occur in circumstances where the encroachment is over Operational Land or land classified as a public road in accordance with the *Roads Act 1993*, and only if the encroaching owner is a government authority.
- (iii) Any sale, transfer or other disposal of Council Land will be subject to Council approval by way of resolution.

4.2.7 Maintenance and Insurance

- 4.2.7.1. If an easement is approved, positive covenants or restrictions may be imposed onto the encroaching owner in accordance with Section 88BA(1) of the *Conveyancing Act 1919*.
- 4.2.7.2. All agreements will comprise Council's standard terms and conditions relating to insurance purposes.
- 4.2.7.3. The encroaching owner is the only person with the entitlement benefiting from the interest and has the obligation to repair and maintain the infrastructure, or any damages caused to Council property, which are consistent with Council's standards and requirements, unless otherwise determined by Council.
- 4.2.7.4. Council may occasionally monitor the encroached area to ensure that the public interest is maintained.

- 4.2.7.5. The encroaching owner is required to maintain public liability insurance of \$20 million, noting Council's interest on the Certificate of Currency.
- 4.2.7.6. If the encroaching owner neglects to fulfil their obligations, Council may terminate the agreement at any time and the landowner will not be compensated for any losses.
- 4.2.7.7. The landowner is also responsible for providing Council with a copy of the Certificate of Insurance on an annual basis. This is to ensure that the landowner holds adequate public liability insurance in relation to the development that encroaches onto Council land.

4.2.8 Rent and Compensation: Method for calculating Rental and Compensation payable to Council

- 4.2.8.1 Leases and Licences that apply to Roads and Operational Land - the rental payable to Council for the granting of Leases and Licences over an approved Encroachment will be calculated as follows:
- a) use of small areas of land for driveways, garages or parking areas, the annual cost of the rent will be 10% of the Value of Council Land (VCL).
 - b) use of small areas of adjoining land for incorporation or beautification of a residents' holding, the annual cost of the rental will be 1% of the VCL.
 - c) commercial use - Council's registered valuer will determine the appropriate market rent or compensation payable to Council.
 - d) in air spaces and other related encroachments, Council's registered valuer will determine the appropriate market rent or compensation payable to Council.
 - e) rental increases - An annual CPI increase will apply to all leases until the date of renewal. Upon renewal, a market valuation will be undertaken to determine the new rental.

4.2.8.2 Easements

The compensation payable will be determined by a registered Valuer.

Example of Calculation in relation to Leases and Licences as per Items 4.2.7.1 (a) and (b)		
Acronyms	Description	Illustration
ACL	Area of Council land	5 sqm
AARL	Area of Adjoining Resident's land	500 sqm
VARL	Valuation of Adjoining Resident's land	\$1,000,000

Re-adopted by Council [insert date]

VCL	Value of Council's Land (Rental Payable by lessee):	\$10,000
VCL Rent	(As per 4.2.7.1 (a)) Use of small areas of land for driveways, garages or parking areas (10%)	\$1,000 per annum plus GST
	(As per 4.2.7.1 (b)) Use of small areas of adjoining land for incorporation or beautification of a residents holding (1%)	\$100 per annum plus GST
VARL/AARL	Equates to \$ rate per sqm of ACL	\$2,000 per sqm

Illustration as per 4.2.7.1(a):

$(\text{VARL/AARL}) \times (\text{ACL}) = \text{VCL} \times 10\% \Rightarrow \text{Rental payable}$
 $(\$1,000,000/500 \text{ sqm}) \times (5 \text{ sqm}) = \$10,000 \times 10\% \Rightarrow \$1,000 \text{ per annum plus GST}$

Illustration as per 4.2.7.1(b):

$(\text{VARL/AARL}) \times (\text{ACL}) = \text{VCL} \times 1\% \Rightarrow \text{Rental payable}$
 $(\$1,000,000/500 \text{ sqm}) \times (5 \text{ sqm}) = \$10,000 \times 1\% \Rightarrow \$100 \text{ per annum plus GST}$

4.2.9 Title Application and Costs

- 4.2.9.1. It may be required that Title be created for any encroached parcel of land for which Council has granted approval.
- 4.2.9.2. All costs associated with any transaction as per Clause 4.2.3.5 will be borne by the applicant or the encroaching property owner.
- 4.2.9.3. Council will bear the costs of any valuation if required. The valuation is for the purposes of Council only and it will not be released to any party, however, if the applicant decides not to proceed in regularising any formal instrument of agreement, then the applicant will be responsible for reimbursing Council for the costs of the valuation. This will be deducted from the bond lodged with Council. (Refer to Clauses 4.2.4.2 and 4.2.4.4.) Any difference remaining will be refunded to the applicant.
- 4.2.9.4. If an encroachment is approved by Council, the encroaching owner will be required to enter into a Heads of Agreement with Council. A Heads of Agreement is a pre-requisite to the Lease Agreement which comprises the key elements to the Lease. By executing the Heads of Agreement, the property owner confirms that he is willing to enter into a Lease Agreement with Council.

Re-adopted by Council [insert date]

-
- 4.2.9.5. The executed Heads of Agreement is to be returned to Council with a bond of \$10,000, or a lower amount as determined at the discretion of the Property Assets Department.
 - 4.2.9.6. If the application requires the permanent closure of the road, the creation of a sub-stratum lot or any other reason for a subdivision as per the requirements by the NSW Land Registry Services, the applicant or the encroaching owner is required to lodge a bond of \$20,000, or a lower amount as determined at the discretion of the Property Assets Department.
 - 4.2.9.7. This bond is required to cover legal, advertising, surveying or any other likely costs arising from a transaction approved as per Clause 4.2.3.5 and must be submitted with a written authorisation to draw on the bond to recover expenditure being incurred. A further amount may be requested if the amount of bond lodged is insufficient.
 - 4.2.9.8. If a lease is approved as per Clause 4.2.3.5, the encroaching property owner is required to lodge a Security Deposit with Council. The payment of the security deposit is to be received together with the executed lease.
 - 4.2.9.9. The lease would be subject to all other Council's standard terms and conditions.

4.2.10 Removal or Release of Encroachments (as per Appendix A):

- 4.2.10.1 Appendix A (flowchart) outlines the process followed by Council after Council has been made aware of an unauthorised encroachment.
- 4.2.10.2 It focuses on the legal obligations delegated to Council in accordance with the appropriate Acts applicable to land either owned or controlled by Council as comprised in the Council's Land Register.

5. RESPONSIBILITY/ACCOUNTABILITY

- 5.1 Council's Director Engineering and Property Services, Director City Strategy and Director Open Space and Environmental Services are accountable for the implementation of this Policy.
- 5.2 Council's Property Assets Department is responsible for actioning tasks associated with the implementation of this Policy.
- 5.3 Council's Property Officer will review this Policy every four years or as required by Council or senior management.

6. RELATED POLICIES/DOCUMENTS/LEGISLATION

The Policy should be read in conjunction with the following Council policies and documents:

- Local Environmental Plan
- Development Control Plan

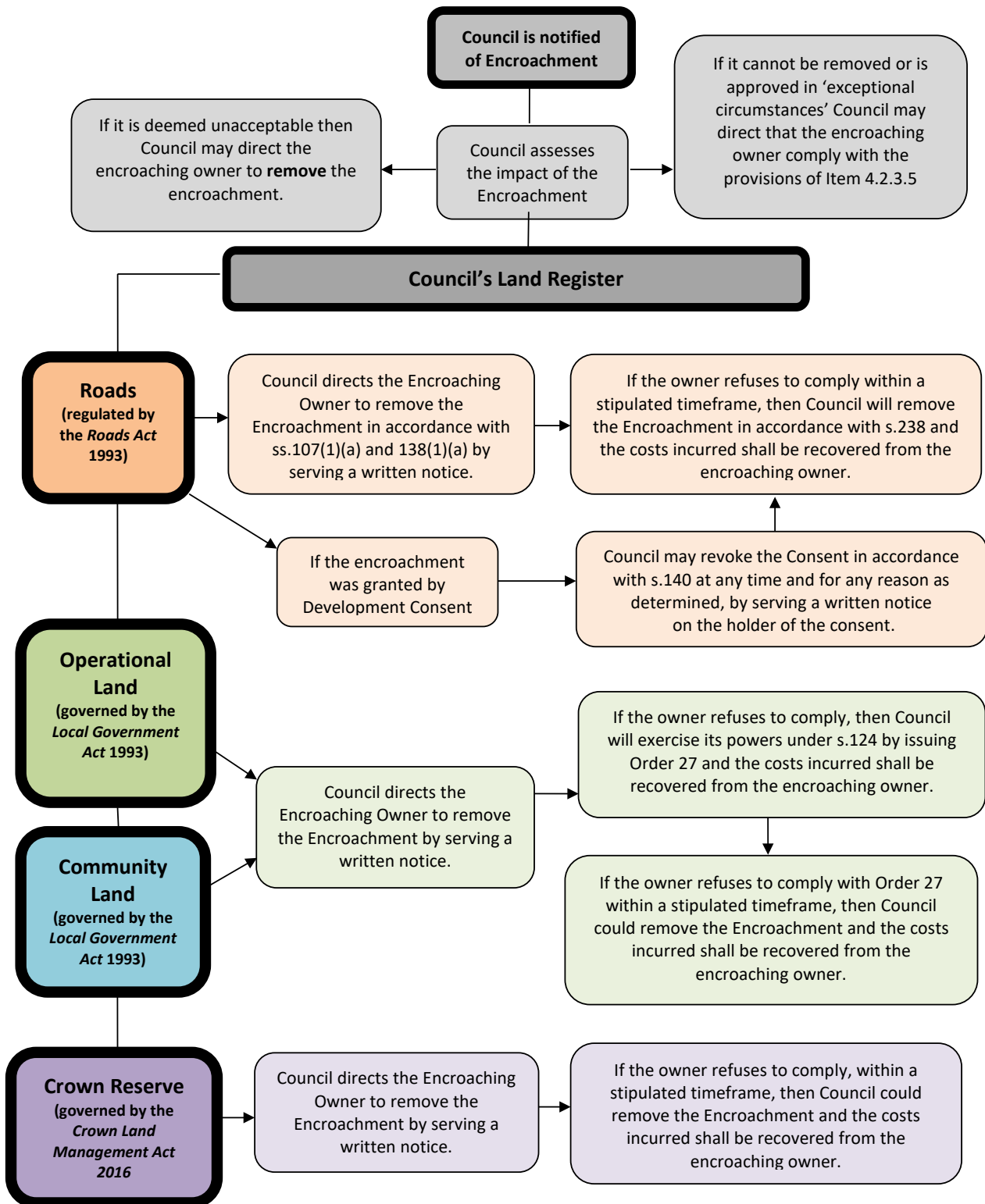
The Policy should be read in conjunction with the following documents/legislation:

- Conveyancing Act 1919
- Conveyancing (Sale of Land) Regulation 2010
- Crown Land Management Act 2016
- Department of Lands Fact Sheets
- Encroachment Act 1922
- Environmental Planning and Assessment Act 1979
- Local Government Act 1993
- Local Government Amendment (Community Land Management) 1998
- Local Government Manual 1993
- Local Government Practice Note May 2000 - Division of Local Government
- Real Property Act 1900
- Registrar General's Directions
- Roads Act 1993

Version	Date Approved	Approved by	Resolution No.	Review Date
1	18 February 2013	Council	61	2016/17
2	13 May 2013	Council	279	2016/17
3	18 May 2015	Council	155	2016/17
4	27 August 2018	Council	311	2020/21
5	28 October 2019	Council	308	2020/21
6	25 August 2022	A/General Manager	-	2024/25
7	[insert date]	Council	[insert no.]	2024/25

Re-adopted by Council [insert date]

APPENDIX A: REMOVAL OR RELEASE OF ENCROACHMENTS FLOWCHART



Re-adopted by Council [insert date]



GRAFFITI MANAGEMENT POLICY

D2-05

Page 1 of 2

Policy Owner: Director Engineering and Property Services

Category: Operational

Direction: 2. Our Built Infrastructure

1. STATEMENT OF INTENT

- 1.1 The aim of this Policy is to create and maintain better neighbourhoods for residents, businesses and visitors by effectively preventing and managing graffiti and bill posters. Illegal graffiti is a concern to both North Sydney Council and the community. Graffiti incurs substantial social and economic costs to the community.
- 1.2 This Policy provides guidance to the implementation of Council's free graffiti removal program. With the active cooperation of property owners Council endeavours to quickly remove any graffiti from Council and privately owned properties.

2. ELIGIBILITY

- 2.1 All property owners within the North Sydney local government area are eligible to enter into an agreement with Council to participate in the free graffiti removal service.

3. DEFINITION

- 3.1 Graffiti - defined as illegally applied markings and/or graphics in multiple forms including designs, words and images using chalk, paint, marking pens, acid etching, partially wiped dirty surfaces (e.g. dusty surfaces) or other material such as adhesive stickers and posters defacing private and public property without the owner's consent.

4. PROVISIONS

- 4.1 Removal of graffiti from surfaces on the subject property will be undertaken by Council at no cost to the property owner, under certain conditions.
- 4.2 Council's free graffiti removal service is an 'opt-in' program. Property owners must enter into an agreement with Council to allow Council to remove graffiti from their property. Under the agreement the property owner gives Council authority to remove any graffiti from surfaces on the property at the sole

Re-adopted by Council [insert date]

GRAFFITI MANAGEMENT POLICY

Page 2 of 2

discretion of Council and without prior consent from the property owner on each occasion. On each occasion Council's contractor will make reasonable attempts to inform the property owner of its intention to remove graffiti from the property prior to commencing any graffiti removal works.

- 4.3 This agreement excludes the removal of engraving or glass etching graffiti.
- 4.4 Under Council's free graffiti removal program, graffiti will only be removed by Council if:
- a) it can be seen from a public road, park or other land the general public is allowed to use;
 - b) its removal can safely be undertaken by the two-person crew without the aid of scaffolding or other specialised lifting equipment; and
 - c) its removal can safely be undertaken with limited traffic control equipment that can be reasonably carried in the vehicle being used by the two-person crew.

5. RESPONSIBILITY/ACCOUNTABILITY

- 5.1 Council's Engineering and Property Services Division is responsible for administering the graffiti removal service, including raising community awareness of the program and managing all communication with Council's graffiti removal contractor.

6. RELATED POLICIES/DOCUMENTS/LEGISLATION

The Policy should be read in conjunction with the following Council policies and documents:

- Community Strategic Plan
- Graffiti Clean Up - website guidelines and information
- Graffiti Solutions - brochure

The Policy should be read in conjunction with the following documents/legislation:

- Graffiti Control Act 2008
- Summary Offences Act 1988
- Summary Offences Amendment Act 2006

Version	Date Approved	Approved by	Resolution No.	Review Date
1	18 February 2013	Council	61	2016/17
2	25 June 2018	Council	214	2020/21
3	6 April 2020	Council	68	2021/22
4	[insert date]	Council	[insert no.]	2024/25

Re-adopted by Council [insert date]



RESTORATION WORKS ON PUBLIC LAND POLICY

D2-14

Page 1 of 7

Policy Owner: Director Engineering & Property Services

Category: Operational

Direction: Our Built Infrastructure

1. STATEMENT OF INTENT

1.1 The purpose of this Policy is to:

- a) to provide a standard procedure for the management of work activities undertaken on public land within the North Sydney Local Government Area (LGA), affecting areas such as roads, footpaths, parks, plazas, and reserves, under the provisions of the *Local Government Act 1993* and Regulations, sections of the *Roads Act 1993* as amended, the *Environmental Planning and Assessment Act 1979*, and *Work Health and Safety Act 2011* and Regulations.
- b) specifically address the process of controlling work activities to standards on Council public land areas, and to provide a system for ensuring that Council and community interests are protected as far as possible, for safety, amenity, and financial repair responsibilities.
- c) provide guidance to the implementation of Council's objectives by specifying the manner and standards to which authorised entities who are entitled to work on public land, such as utility authorities placing or maintaining services in, on or over public land can undertake.

1.2 The objectives of this Policy are:

- a) to ensure the protection and proper repair of Council's public infrastructure and natural assets, providing ongoing community accessibility and safety with long term sustainable public infrastructure, and natural amenity - roads, footpaths, drainage, plazas, parks and open space areas.
- b) to promote an integrated framework with all parties dealing with works and activities affecting public land areas.
- c) to minimise Council's risk exposure and limit damage to Council's assets, whilst preserving and maximising the remaining life of our existing assets.
- d) to ensure consistency and fairness in the manner in which Council deals with works and activities affecting public areas.
- e) to make Council's requirements for works and activities affecting public areas readily accessible and understandable to the public.

Re-adopted by Council [insert date]

RESTORATION WORKS ON PUBLIC LAND POLICY

Page 2 of 7

2. ELIGIBILITY

- 2.1 This Policy applies to all works including non-destructive works (e.g. investigations), done anywhere on public land in the North Sydney LGA, by public utility authorities, developers and their contractors, land owners engaging their contractors such as plumbers, electricians etc, and to any other entity involved in similar work.

3. DEFINITIONS

- 3.1 Street Opening - an opening or any works done on a road pavement, footpath, nature strip, park or open space for new installations, connection, repair or access to a public utility (gas, electricity, telecommunications, sewerage, water installation), or repair of property stormwater drainage, investigations or other similar work.
- 3.2 Notification of Work - The announcement and description of works, duration and times, provided with the required warning period. Usually in the form of a letter and other customer service liaison methods. Also involves updating those effected along the duration of the works.
- 3.3 Condition of Street Opening Permit and Restoration Works on Public Land Guidelines - General conditions and guidelines which are connected and needs to be read with each street/footpath/public land opening permit application.
- 3.4 Permit Holder - An individual or company who is the applicant of the street/footpath/public land opening permit, who accepts full responsibility for all requirements and payments. The permit holders name will appear on any receipts issued by Council and will also be the only entity to receive restoration invoices and/or refunds associated with these works. Permit holder must be either the developer or their head contractor, the landowner or the authorised service utility representative.
- 3.5 DA - Development Application.
- 3.6 VPA - Voluntary Planning Agreement due to development.
- 3.7 CC - Construction Certificate.
- 3.8 OC - Occupancy Certificate.
- 3.9 Development Associated Work - work that is incidental and related to the adjustment of services and/or utilities required to provide for development under construction that requires work in the road reserve.

Re-adopted by Council [insert date]

4. PROVISIONS

- 4.1 Council has a responsibility to the community to ensure that it provides and maintains Council's assets such as roads, pathways and public reserves to an appropriate approved standard within the limits of the available budget.
- 4.2 Council also has a responsibility to ensure that when others wish to carry out works or activities on public land, the works are not to detract from the condition or function of Council's assets, such as to reduce the life of the asset or create additional risks and limit accessibility for Council and the community.
- 4.3 Under the provisions of *Local Government Act 1993* and Regulations, sections of the *Roads Act 1993* as amended, the *Environmental Planning and Assessment Act 1979*, and *Work Health and Safety Act 2011* and Regulations, Council is the road authority responsible for managing street openings undertaken within the North Sydney LGA.
- 4.4 Other than emergency works, the *Street/Footpath/Public Land Opening Application Form* must be used to apply for a permit from Council to carry out any works whether destructive or non-destructive on public land within the LGA.
- 4.5 Service utilities, developers, head contractors or the street opening permit holder must undertake to reimburse Council for the cost of repair of any damage caused to public land as a result of the work activities associated with street opening approvals and or developments, unless another arrangement is approved by Council.
- 4.6 Council is entitled to recover the costs incurred in rectifying or repairing any work which does not fully satisfy the standard conditions of approval for street/footpath/public land opening works.
- 4.7 Service utilities, developers, head contractor or the street opening permit holder is responsible for the proper placement of the temporary restorations and for the regular checking and maintenance in a manner that always ensures safety of the site for pedestrian and vehicular traffic until the final restoration is undertaken.
- 4.8 The holder of this approval shall indemnify and keep Council indemnified against all claims, demands, suits, action damages and costs incurred by or charges made against Council in respect to death or injury to any person or damage in any way arising from this approval.
- 4.9 The Utility or Permit Holder undertaking the work is responsible for coordinating with Council for determining the final restoration scope as soon as practicable,

Re-adopted by Council [insert date]

RESTORATION WORKS ON PUBLIC LAND POLICY

Page 4 of 7

within 21 calendar days from completion date of works, including the temporary restoration.

5. RESPONSIBILITY/ACCOUNTABILITY

- 5.1 Council's Traffic and Transport Operations Department is responsible for administering and processing the street/footpath/land opening permit applications.
- 5.2 Council's Works Engineering Department is responsible for the follow up and management of final restoration with the Permit Holder, including inspections to ensure compliance to standards for those entities who are approved to do their own final permanent restorations.
- 5.3 Council's Ranger and Parking Services Department is responsible for enforcement of permits, including issuing penalty notices if contractors are found doing works on public land without utility accreditation evidence or holding a valid Council Permit.
- 5.4 Council's Development Services Department is responsible for managing infrastructure work on public land associated with DA's, VPA's and Section 138 permits issued under the *Roads Act 1993* that is associated with development applications.

Such works include the creation of public spaces in accordance with Council's *Public Domain Style Manual* and connections to Council's stormwater system.

Development consents also provide for 'Development Associated Work' which includes the adjustment of utilities including water, sewer, gas, electricity and communications, which often require separate road opening permit to be issued by Council and restoration on public land due to the development.

- 5.5 In case of a major development, it is the Developer's Lead Contractor's responsibility to co-ordinate with Council the required final restoration of Council's infrastructure on public land, and it cannot be transferred onto their subcontractors undertaking the works on behalf of the Lead Contractor with or without a Street Opening Permit.
- 5.6 Development requiring work to be done on public land, will likely also require needing a Street Opening Permit from Council for development associated works including service extensions. The Developer's Lead Contractor as the applicant takes on full responsibility for ensuring compliance and the required payments to Council in accordance with Council's *Fees and Charges Schedule*.

Re-adopted by Council [insert date]

RESTORATION WORKS ON PUBLIC LAND POLICY

Page 5 of 7

Council's Development Engineers are responsible for ensuring that public domain work, road works and drainage work is carried out in accordance with Council specifications. This work is generally limited to the area of the public domain located immediately adjacent to the site frontage within the road reserve, with some extension into the road reserve. The area of work is subject to the discretion of the development engineers and the particular design requirements of the development. Some provision is made for works in kind where such work is appropriate, and Council has made such arrangement prior to the commencement of work.

- 5.7 Those developments without Street Opening Permits in place, will be limited to restore public property to the building footpath frontage from kerb to building boundary. All other restorations required from dilapidation reports and on-site inspections will be through payment to Council via the Street Opening Permit process. Final complying restorations needed on public land due to development works, can be done by the developer or their contractors, only with prior Council approval or with DA conditions in place. Final restorations needed on public land due to development works are to be fully funded by the developer or their Lead Contractor and cannot be transferred onto their sub-contractors.

In accordance with DA Standard Condition of Consent G1, Council's Development Services Department shall ensure that developers complete all restoration or other arrangements made with Council, including:

- a) cross checking quality and scope of works completed on public land, including a handover site meeting with key stakeholders from Council's Engineering and Property Services Division, prior to the issue of development compliance and or occupation certificates;
- b) cross checking with developer's dilapidation reports and ensure that full payment has been received to make good any development induced defects on public land prior to issuing the occupancy certificate; and
- c) checking in with Council's Works Engineering Department to confirm that any final restorations done by the developers' head contractor has been compliant to Council standards during and at completion of works, prior to the issue of the occupation certificate.

5.8 **Bonds**

Council's Development Services Department is responsible for managing bonds associated with development applications.

Council standard development consent conditions require payment of a security deposit or bank guarantee which must be provided and held by Council for the payment of cost for any or all of the following:

Re-adopted by Council [insert date]

RESTORATION WORKS ON PUBLIC LAND POLICY

Page 6 of 7

- a) making good any damage caused to any property of the Council as a consequence of the doing of anything to which this consent relates;
- b) completing any public work (such as road work, kerbing and guttering, footway construction, stormwater drainage and environmental controls) required in connection with this consent; or
- c) remedying any defects in any such public work that arise within 6 months after the work is completed.

The security required must be provided by way of a deposit with the Council; or other such guarantee that is satisfactory to Council (such as a bank guarantee). Any guarantee provided as security must name North Sydney Council as the nominated beneficiary and must not be subject to an expiry date.

The security will be refundable following the expiration of 6 months from the issue of any final Occupation Certificate or completion of public domain work required to be completed (whichever is the latest) but only upon inspection and release by Council's Development Engineers or Manager Development Services.

5.9 In accordance with Council conditions, Council has the authority to make use of the bond for such restoration works as deemed necessary by Council in circumstances including the following:

- a) where the damage constitutes a hazard in which case Council may make use of the security immediately;
- b) the applicant has not repaired or commenced repairing damage within 48 hours of the issue by Council in writing of instructions to undertake such repairs or works;
- c) works in the public road associated with the development are to an unacceptable quality; and
- d) the Certifying Authority must ensure that security is provided to Council prior to issue of any Construction Certificate.

6 RELATED POLICIES/DOCUMENTS/LEGISLATION

The Policy should be read in conjunction with the following Council policies and documents:

- City Strategy Standard Development Conditions
- Compliance and Enforcement Policy
- Development Control Plan
- Infrastructure Specification for Roadworks, Drainage and Miscellaneous Works
- Public Domain Style Manual
- Restoration Works on Public Land Guidelines
- Street/Footpath/Land Opening Permit Application Form

Re-adopted by Council [insert date]

RESTORATION WORKS ON PUBLIC LAND POLICY

Page 7 of 7

The Policy must be read in conjunction with the following documents/legislation:

- AUSPEC Specifications for Road Openings and Restorations; Service Conduits, and Trenchless Conduit Installations
- Australian Standard 1742 Part 3
- Environmental Planning and Assessment Act 1979
- Local Government Act 1993
- Road Act 1993
- SOOC Guide to Codes & Practices for Street Opening 2018
- SOOC Model Agreement for Local Councils and Utility Service Providers
- Traffic Control at Work Sites - Technical Manual 2022
- TfNSW Specification M209 - Road Openings and Restoration
- Work Health and Safety Act 2011

Version	Date Approved	Approved by	Resolution No.	Review Date
1	30 November 2020	Council	203	2021/22
2	[insert date]	Council	[insert no.]	2024/25

Re-adopted by Council [insert date]



RIGHTS OF WAY OVER DRAINAGE RESERVES AND COMMUNITY LAND POLICY

D2-08

Page 1 of 7

Policy Owner: Director Engineering and Property Services

Category: Operational

Direction: 2. Our Built Infrastructure

1. STATEMENT OF INTENT

- 1.1 The intent of this Policy is to establish guidelines which cover requests from adjoining landowners for the granting of drainage easements over Community Land, with particular reference to Leases, Licences and Estates in respect of private vehicular access ways and drainage reserves, and to outline the core elements with regard to Community Land.
- 1.2 Each request for a grant of a drainage easement over Community Land, pursuant to the *Local Government Act 1993*, is unique and must be assessed as to whether it is the most appropriate course of action that may be considered.
- 1.3 Land that Council owns must be classified under the *Local Government Act 1993*, as either 'community' or 'operational' land.

2. ELIGIBILITY

- 2.1 This Policy applies to all Statutory Authorities, property owners and residents of North Sydney local government area, as well as to external entities having any involvement in Council owned Community Land.
- 2.2 This Policy applies to all of the above attempting to secure an easement or lease/licence over a drainage reserve on Council owned Community Land.

3. DEFINITIONS

- 3.1 Operational Land - would ordinarily comprise the following:
 - a) land held as a temporary asset or an investment;
 - b) land which facilitates the carrying out by a Council of its functions or operational activities, such as the provisions of public car parks;
 - c) land which may not be open to the general public, such as a Works depot or a Council garage;
 - d) land which is not required to be managed on behalf of present and future communities, or kept for general public use.

Re-adopted by Council [insert date]

RIGHTS OF WAY OVER DRAINAGE RESERVES AND COMMUNITY LAND POLICY

Page 2 of 7

Operational land has no special management restrictions other than those that may apply to any piece of land. The restrictions applying to 'community land' do not apply to 'operational land'.

- 3.2 Community Land - is one type of Council Public Land which:
- a) is reserved for Community use;
 - b) is of importance to the community because of its use or special features and must be managed according to special guidelines in terms of the *Local Government Act of 1993*;
 - c) a council has no power to sell, exchange or otherwise dispose of unless it is re-classified as operational land;
 - d) Council can grant a lease or licence over, but only for the purposes, pursuant to Section 46 of the *Local Government Act of 1993*, some of which may be expressly authorised by a Plan of Management for the land, and not for more than 21 years;
 - e) must have a Plan of Management prepared for it, or applying to it.
- 3.3 Estate - is defined under Section 21(1) of the *Interpretation Act 1987* to include interest, charge, right, title, claim demand, lien and encumbrance, whether at law or in equity.

4. PROVISIONS

- 4.1 Community Land may be categorised as:
- a) Natural Area - a natural area is further categorised as Bushland, Wetland, Watercourse, Escarpment or Foreshore
 - b) Park
 - c) Sportsground
 - d) General Community use
 - e) An area of Cultural Significance
- 4.2 Lease/Licences and Other Estates - Section 46 of the *Local Government Act 1993* requires that any lease or licence of community land should be authorised by a Plan of Management.

The Act provides that a lease, licence or other estate in respect of community land may be granted:

- a) for the provision of public utilities and associated works;
- b) for the purpose of providing pipes, conduits or other connections under the surface of the ground, for the connection of premises adjoining the community land to a facility of the council or other public utility

Re-adopted by Council [insert date]

**RIGHTS OF WAY OVER DRAINAGE RESERVES
AND COMMUNITY LAND POLICY**

Page 3 of 7

- provider;
- c) for a filming project;
- d) in accordance with an express authorization in the plan of management for the purposes set out in Section 46(1)(b) of the Act.

but may not otherwise be granted.

- 4.3 Residential - the only allowable residential purpose is contained in Section 46(1)(b)(iv), which allows for a lease or licence to be entered into concerning residential housing owned by Council.
- 4.4 Landscaping - the *Local Government Act 1993* does not make provisions for land to be leased or licensed for Landscaping purposes, to private individuals, however, Council may approve such Lease or Licence if it conforms to the Plan of Management. Consent from the Minister must be granted if this does not conform to the Plan of Management. (Refer to Section 47A of the Act).
- 4.5 Dedication of Community Land as Public Road - in terms of Section 47F(1)(c) of the *Local Government Act 1993*, Community Land may not be dedicated as a public road under Section 10 of the *Roads Act 2008*, unless: "there is a Plan of Management applying only to the land concerned and the provision of the public road is expressly authorised in the plan of management."
- 4.6 Conditions
 - 4.6.1 Section 47 of the *Local Government Act 1993* - terms greater than five years (to be read in conjunction with Section 46 of the Act). If the status of the land is "Community" and the lease/licence will exceed five years (including any period for which the lease, licence or other estate could be renewed by the exercise of an option) but not more than 21 years, the following must be actioned:
 - a) give Public Notice of the proposal by advertising in the local press;
 - b) exhibit notice of the proposal on the land to which the proposal relates;
 - c) give notice of the proposal to such persons as appear to own or occupy the land adjoining the community land;
 - d) prepare a report including the submissions and comments received and submit to Council for consideration and approval;
 - e) where objections have been received, submit a proposal, including the Plan of Management, to the Minister for Local Government for approval and in accordance with the provisions of Section 47 (5) and (6) of the *Local Government Act 1993*.

Re-adopted by Council [insert date]

**RIGHTS OF WAY OVER DRAINAGE RESERVES
AND COMMUNITY LAND POLICY**

Page 4 of 7

- 4.6.2 Section 47A of the *Local Government Act 1993* - terms of five years or less (to be read in conjunction with Section 46 of the Act). If the status of the land is "Community" and the lease/licence does not exceed five years, Council may approve any lease or licence of such land subject to the following:
- a) the request must conform to the Plan of Management for the Land;
 - b) if the lease/licence conforms to the Plan of Management prepare a report for Council approval;
 - c) leases for five years or less do not require advertising or the grant of the consent of the Minister for Local Government, if they conform to the provisions of Section 46 of the *Local Government Act 1993*;
 - d) if no Plan of Management has been adopted by Council, submit a proposal to the Minister for Consent.
- 4.7 Right of Way over Community Land for Private Residential Vehicular Access ways with particular reference to Drainage Reserves:
- 4.7.1 Section 47D prohibits the "exclusive use" of community land by any person without a lease or licence obtained in accordance with Sections 47 or 47A of the *Local Government Act 1993*. Council is to determine whether the applicant's use for access purposes will be "exclusive" or not.
- 4.7.2 Use for access purposes is not a permissible use for purposes under Section 46(1) of the *Local Government Act 1993*. Use for access purposes must be a permissible use having regard to both the 'use' provision relating to drainage reserves and community land.
- 4.7.3 A lease, licence or estate over community land for residential vehicular access to a non-council owned property is contrary to the uses identified in Section 46(1) of the *Local Government Act 1993*.
- 4.7.4 The purposes set out in Section 46(1)(b), (which refers to the Plan of Management), do not make provision for private vehicular access ways by adjoining owners.
- 4.7.5 The right to use the land for access purposes may be an 'estate' for the purposes of the *Local Government Act 1993*. If the right to use the land for access purposes is an 'estate' under the Act, pursuant to Section 45(3), Council may grant an 'estate' in community land but only to the extent permitted in accordance with Chapter 6 Part 2 Division 2 of the Act (that is, "the Use and Management of Community Land).

 Re-adopted by Council [insert date]

**RIGHTS OF WAY OVER DRAINAGE RESERVES
AND COMMUNITY LAND POLICY**

Page 5 of 7

4.7.6 In view of the above:

- a) assuming that the right to use the subject property for access purposes is an 'estate' but is inconsistent with the applicable Plan of Management, such use is not a permissible use under the *Local Government Act 1993* by reason of its classification as community land;
- b) a reclassification of the subject property from community land to operational land, made by the local environmental plan, is required; and
- c) if the right to use the subject property for access purposes is not an 'estate' and is authorized by the Plan of Management, then such use is permissible, subject to Council being satisfied that the subject property is capable of supporting the increased traffic.

4.7.7 Under the *Local Government Act 1993*, Council does not have the power to grant a lease over community land for the purpose of private vehicular access ways.

4.7.8 Section 51 of the *Local Government Act 1993* relates to the use of drainage reserves. Land that is a drainage reserve may be used for any other purpose that is not inconsistent with its use for drainage purposes:

- a) use for access purposes may be permissible if it is consistent with the use of the drainage reserve;
- b) if the use is inconsistent with its use as a drainage reserve, Council may conclude that certain applications are not supported due to reasons such as increased traffic and heavy vehicle loads on the reserve; and
- c) if inconsistent with its use for drainage purposes, use for access purposes is not permitted, regardless of the land's classification as community or operational land.

4.8 Situations which may deem Section 46 of the *Local Government Act 1993* to be Ineffective:

- a) a reclassification from community land to operational land may be made via the *Local Environmental Plan* or by Council Resolution. However, a Council may only resolve that the land be classified as operational land within three months after Council acquires the land, thereafter it must be classified under a *Local Environmental Plan*;
- b) if the subject property is not an 'estate', but is authorized by the Plan of Management, then such use is permissible, subject to Council being satisfied that the subject property is capable of supporting the increased traffic;

Re-adopted by Council [insert date]

RIGHTS OF WAY OVER DRAINAGE RESERVES AND COMMUNITY LAND POLICY

Page 6 of 7

- c) the Supreme Court could impose an easement over community land, in terms of Section 88K of the *Conveyancing Act 1919*, however, it is unlikely if the community land is actively used by the public;
- d) compensation would be payable to Council for the creation of the easement. The compensation is based upon the loss to Council, as well as the increase in land value afforded to the land owner benefiting from the vehicular access. The services of a valuer will be required to assess the compensation payable to Council;
- e) even if Council is unable to grant consent because use for access purposes is not a permissible use under the *Local Government Act 1993*, the Court may exercise its discretion to grant an easement under Section 40 of the *Land and Environment Court Act 1979* on application by the applicant. Under Section 40 the Court may grant any easement where the Court has determined to grant the development consent on a Class 1 appeal and is of the opinion that the easement is reasonably necessary for the development to have effect in accordance with the consent; and
- f) the court has jurisdiction notwithstanding the provisions of Community Land under the *Local Government Act 1993*.

4.9 Responsibility for the Maintenance of Infrastructure over Drainage Reserves - the benefited owners are the only persons with the entitlement to the use of the Right of Way. They have an obligation to repair and maintain the infrastructure delivering the service to Council's standard.

5. RESPONSIBILITY/ACCOUNTABILITY

5.1 Council's Engineering and Property Services Division is responsible for administration of this Policy.

6. RELATED POLICIES/DOCUMENTS/LEGISLATION

The Policy should be read in conjunction with the following Council policies and documents:

- Encroachments Management Policy
- Plans of Management - various

The Policy should be read in conjunction with the following documents/legislation:

- Conveyancing Act 1919
- Interpretation Act 1987
- Land and Environment Court Act 1979
- Local Government Act 1993
- Roads Act 1993

Re-adopted by Council [insert date]

**RIGHTS OF WAY OVER DRAINAGE RESERVES
AND COMMUNITY LAND POLICY**

Page 7 of 7

- Roads Regulation 2008

Version	Date Approved	Approved by	Resolution No.	Review Date
1	16 February 2009	Council	61	2012/13
2	6 July 2009	Council	441	2012/13
3	18 February 2013	Council	61	2016/17
4	25 June 2018	Council	214	2020/21
5	[insert date]	Council	[insert no.]	2024/25

 Re-adopted by Council [insert date]



ROAD AND PLACE NAMING POLICY

D2-09

Page 1 of 7

Policy Owner: Director Engineering and Property Services

Category: Operational

Direction: 2. Our Built Infrastructure

1. STATEMENT OF INTENT

1.1 The objectives of this Policy are to:

- a) provide a consistent procedure for the naming of local roads and places within the North Sydney local government area;
- b) ensure that road, street and place names comply with the relevant legislation and locality requirements;
- c) promote the use of names within the local government area which have a locally relevant historical, botanical and/or aboriginal context and where the name proposed is the name of a person, consideration has been given to that person's:
 - positive contribution to the community;
 - how the contribution was made e.g. volunteer, office holder etc.;
 - the length of time over which the contribution was made; and
- d) provide staff, the local community and future developers with clear information on Council's requirements for the naming of roads, streets and places.

2. ELIGIBILITY

- 2.1 This policy applies to all Council staff, Councillors and contractors working on behalf of Council.
- 2.2 The naming process of private roads and roads within community subdivisions is the responsibility of the landowner; however the name must be consistent with GNB naming guidelines on naming.

3. DEFINITIONS

- 3.1 Feature - includes a road, place, park, reserve or facility. Excludes memorials, plaques, public art, statues or items of heritage significance.
- 3.2 Place - includes open space such as dedicated reserves, road closures or parks

Re-adopted by Council [insert date]

and, in rare instances, the naming of a locality or place of local significance.

3.3 Public Road - is any road that is opened, dedicated or declared to be a public road, whether under the *Roads Act 1993* or any other Act. A public road can be created by:

- a) the registration of a plan at the Office of the Registrar General;
- b) the dedication by way of notice in the NSW Government or Minister; and
- c) by the publication of a proclamation by the Governor.

3.4 Private Road - is any road that is not a public road. Private roads can include:

- a) some roads or driveways to battleaxe blocks;
- b) roads indicated on community subdivision plans;
- c) roads in various cluster developments;
- d) roads on private property, for example, roads in caravan parks; and
- e) other forms or 'rights of way'.

4. PROVISIONS

In accordance with the Geographical Names Board (GNB) 'Guidelines for Naming of Roads':

4.1 Naming Convention - when naming or renaming roads and places the following guidelines should be observed.

4.1.1 General

- a) Council is the authority responsible for the naming or re-naming of public roads and places.
- b) This includes any road or place under the control of Council including public roads, road closures or a road that is to be dedicated to Council by way of a subdivision of land and excludes Crown public roads, private roads and roads under the control of any State Government Authority.
- c) All naming proposals will be submitted to the GNB for approval before it is exhibited.
- d) Council may be requested to name areas which are not directly under its control e.g. owned by Transport for NSW or State Rail. This Policy will apply in those instances.
- e) Changing of long-established names is not generally encouraged.
- f) Names should be easy to read, spell and pronounce. Names should, where possible be phonetically spelt (spelt how they are pronounced).

Re-adopted by Council [insert date]

- g) Names should be appropriate to the physical, historical or cultural character of the area.
- h) Names should be as short and simple as possible and preferably consisting of only one word plus the street type.
- i) Road and Place names should not contain abbreviations, e.g. Smith Creek Road not to be abbreviated to Smith Ck Road. There is however one exception "St" should always be used in place of "Saint".
- j) The apostrophe mark must be omitted e.g. Smith's Road should be Smiths Road.
- k) Road and Place names will not contain hyphens.
- l) Road and Place names will not use compass directions as prefix or suffix e.g. Upper, Lower, Old, New, East, West, North, South, etc.

4.1.2 Source - preferred sources for road and place names in North Sydney include:

- a) local history, including significant persons and events;
- b) thematic names derived from sources such as local flora and fauna and or geographical features;
- c) landmarks; and
- d) Aboriginal names

4.1.3 Uniqueness

- a) Name duplication within a local government area should be avoided. If possible, duplication of names in proximity to adjacent local government areas should also be avoided. Similarity in road names within these areas is also discouraged (e.g. White Street and Whyte Street). Roads crossing council boundaries should have a single and unique name.
- b) However, Roads crossing council boundaries should have a single and unique name.

4.1.4 Road Type

- a) Proposal for road names should include an appropriate road type suffix.
- b) Road type suffixes are grouped into three categories:
 - i. cul-de-sac, e.g. 'Court', 'Place';
 - ii. open ended e.g. 'Street', 'Boulevard' or 'Avenue'; or
 - iii. either e.g. 'Laneway'.
- c) Road types should not be abbreviated when being proposed, advertised and gazetted. It is acceptable to use Road Type Codes

Re-adopted by Council [insert date]

on mail, road signs and maps.

4.1.5 Propriety

- a) Names of living persons should not be used, except in the case of structures such as boardwalks, special places with a defined area, and buildings.
- b) Naming often commemorates an event, person or place. The names of people who are still alive shall not be used because community attitudes and opinions can change over time.
- c) It is a requirement that a person is to have been deceased for at least 12 months before an application to commemoratively name a road after them is deemed acceptable.
- d) Names which are characterised as follows are to be avoided:
 - i. offensive or likely to give offence
 - ii. incongruous - out of place
 - iii. commercial or company

4.2 Process for considering road and place name change applications - Appendix A (flowchart) outlines the process followed by Council after receiving a request to name/rename a road or place. Council has developed an Application Form to facilitate the implementation of this Policy. Application Forms are available from Council's website. For reasons of confidentiality in the early stages, Councillors wishing to propose a naming or change of name will initiate the process by forwarding a completed Application Form to the General Manager, who will refer it to Council's Property Officer to commence the assessment process as set out in Appendix A.

4.3 Public Exhibition - Part 2, Division 2, Section 7 of the *Roads Regulation 2008*, provides that a Roads Authority that proposes to name/rename a road must:

- a) publish notice of its proposal in a local newspaper; and
- b) serve notice of its proposal to the statutory authorities outlined in the Regulation.

Appendix B (flowchart) outlines Council's public exhibition process in accordance with Council's *Community Engagement Policy*, which comes into effect after the GNB has approved the name change.

4.4 Post Gazettal Process

Council is required to:

- a) update the signage - Council arranges for the manufacture and installation for street signs other than those in new subdivision areas,

Re-adopted by Council [insert date]

ROAD AND PLACE NAMING POLICY

Page 5 of 7

and private roads. In the event of a new subdivision, the developer is required to supply the road signs until Council accepts the responsibility of the maintenance of the road as a public road;

- b) update the GIS mapping system;
- c) advise Statutory Authorities e.g. GNB, Ausgrid, NSW Police, Ambulance and other Emergency Services of the new name in order that the GPS navigation system and the residents mailing addresses have been updated;
- d) advise local residents of the name change through a letter drop;
- e) advise North Sydney Precinct Committees; and
- f) update Council's Gazette Register.

5. RESPONSIBILITY/ACCOUNTABILITY

- 5.1 Council's Property Assets Department is responsible for actioning applications received for any proposed road or place name changes, the details of which are outlined in Section 4.2.

6. RELATED POLICIES/DOCUMENTS/LEGISLATION

The Policy should be read in conjunction with the following Council policies and documents:

- Community Engagement Policy
- Property Addressing Policy

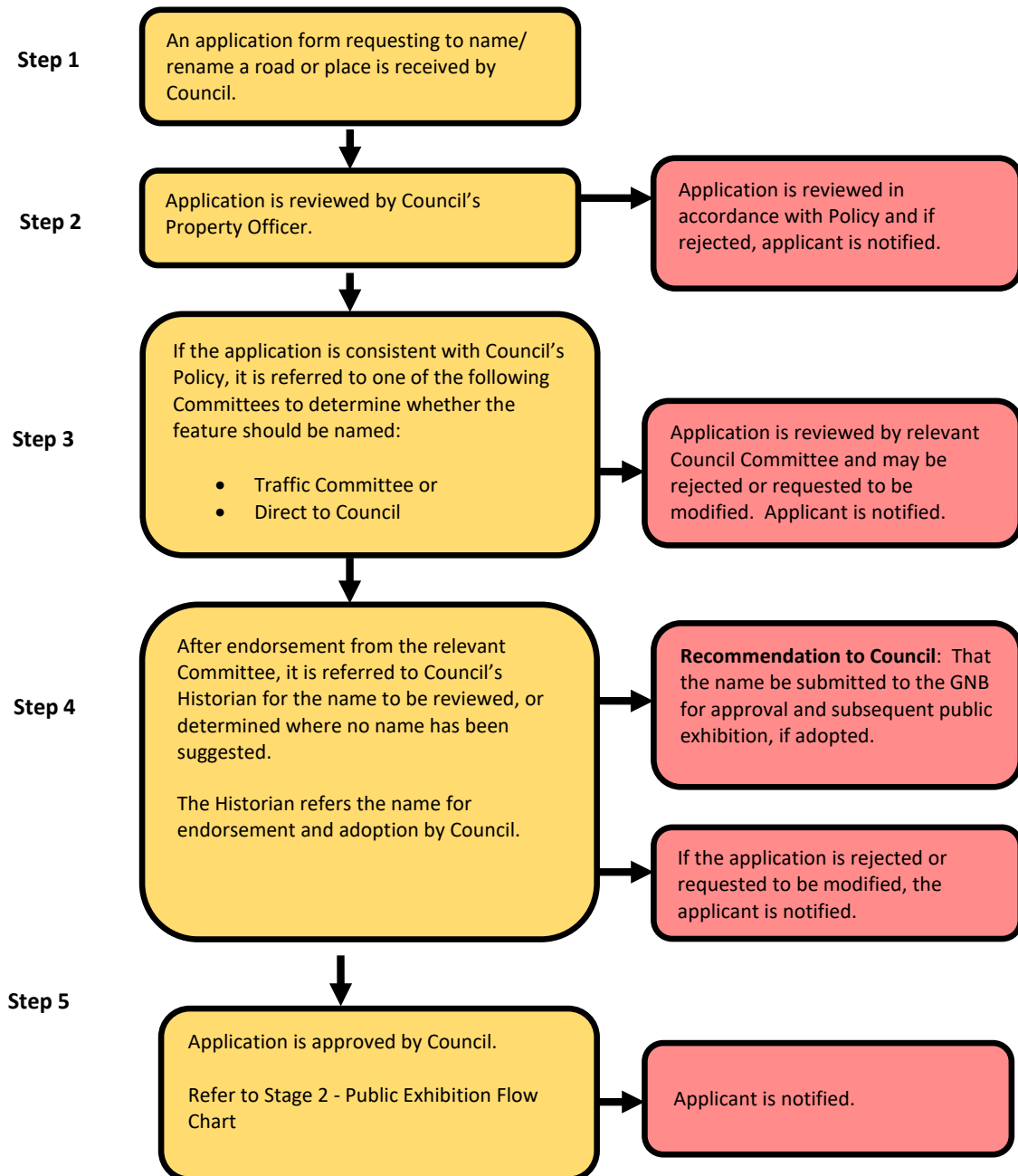
The Policy should be read in conjunction with the following documents/legislation:

- AS/NZS 4819:2003 Geographic Information - Rural and urban addressing
- AS1742.5-1997 Manual of uniform traffic control devices - Part 5 Street name and community facility name signs
- Geographical Names Act 1966
- Guidelines for the Determination of Place Names, October 2009
- NSW Address Policy and User Manual
- NSW Place Name Policy
- Roads Act 1993
- Roads Regulation 2008

Version	Date Approved	Approved by	Resolution No.	Review Date
1	27 November 2012	Council	726	2012/13
2	18 February 2013	Council	61	2016/17
3	24 July 2017	Council	290	2017/18
4	25 June 2018	Council	214	2020/21
5	[insert date]	Council	[insert no.]	2024/25

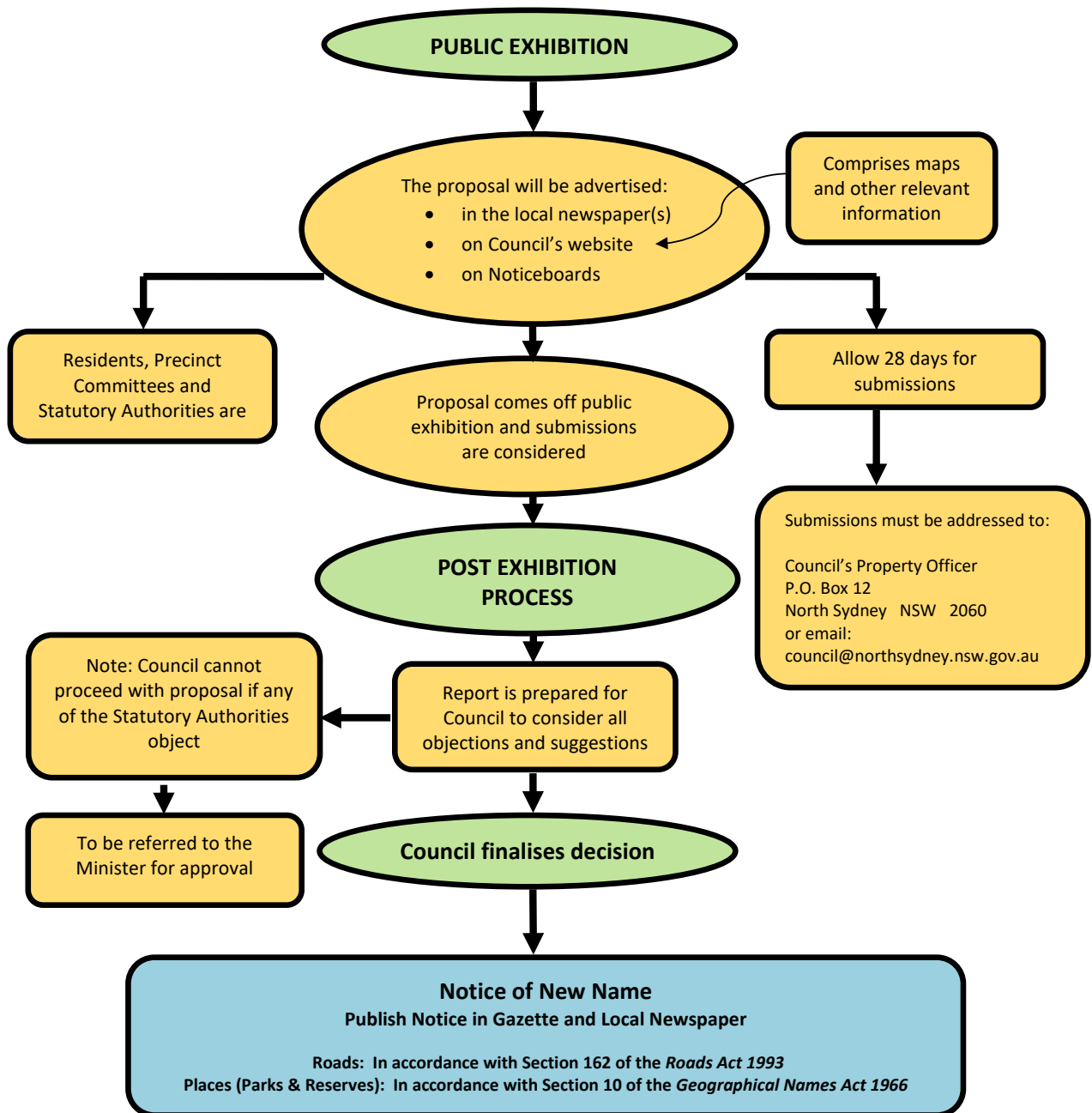
Re-adopted by Council [insert date]

APPENDIX A: FLOWCHART FOR CONSIDERING AN APPLICATION (STAGE 1)



Re-adopted by Council [insert date]

APPENDIX B: FLOWCHART - PUBLIC EXHIBITION PROCESS (STAGE 2)



Re-adopted by Council [insert date]



STREET AND UNDER AWNING LIGHTING POLICY

D2-10

Page 1 of 6

Policy Owner: Director Engineering and Property Services

Category: Operational

Direction: 2. Our Built Infrastructure

1. STATEMENT OF INTENT

- 1.1 To provide improved public domain lighting in instances where the current public lighting is insufficient. In particular, improvements are sought under awnings that obscure illumination from streetlights.
- 1.2 To ensure that the costs for any public domain lighting improvements, which benefit only the individual applicant are borne by the applicant and not by North Sydney Council.
- 1.3 To ensure that public domain lighting improvements associated with new developments are borne by the applicant and not by North Sydney Council.
- 1.4 To ensure that under awning street lighting improvements associated with major streetscape and public domain upgrades are undertaken.
- 1.5 To ensure all public domain lighting takes into consideration the Environment and Council's energy efficiency objectives as outlined in the *North Sydney Community Strategic Plan*.
- 1.6 To ensure that all public domain lighting takes into consideration new industry developments such as LED technology.
- 1.7 To ensure that North Sydney Council can meet its obligations for both present and future Street and Under Awning Lighting Service Level Agreements with service providers such as Ausgrid.
- 1.8 To ensure appropriate legal agreements are in place to allow street lighting installed within private property to be managed effectively.
- 1.9 To ensure appropriate lighting is provided at the underside of overhead bridges or suspended driveways over Council's footpath.

Re-adopted by Council [insert date]

2. ELIGIBILITY

- 2.1 This Policy applies to:
- a) all requests for street lighting improvements from individual residents or businesses where the improvement will benefit only the individual applicant or a small group of residents or businesses, rather than the community as a whole;
 - b) all developments in areas zoned Neighbourhood Business D, Mixed Use, Commercial and Special Use where the development includes an awning;
 - c) Council works involving major streetscape and public domain upgrades;
 - d) all residential developments with 10 dwellings or more.

3. DEFINITIONS

- 3.1 Applicant - refers to any person, resident, business or body requesting the street lighting improvements.
- 3.2 Public Domain - is defined as all areas under the care and control of Council that are accessible to the public which generally include streetscapes, roadways, laneways, public thoroughfares, carparks, footpaths, parks/open spaces, playgrounds, plazas and publicly accessible marine structures.
- 3.3 Street lighting improvements - includes investigation, design, installation, shielding or alterations to the pole, light, power, fixtures, fittings or excavation associated with street lighting; and any sign relocation associated with the works.
- 3.4 Under awning street lighting improvements - includes investigation, design, installation, shielding or alterations to the light, power, fixtures, fittings or excavation associated with under awning street lighting.
- 3.5 All other improvements to lighting in the public domain that are under the care and control of Council and that are accessible to the public generally include, roadways, laneways, public thoroughfares, carparks, footpaths, parks/open spaces, playgrounds, plazas, and publicly accessible marine structures.

4. PROVISIONS

- 4.1 Street Lighting Requests - Applicants requesting street lighting improvements are to provide the following to Council:
- a) Payment of Ausgrid current investigation fee;
 - b) The pole number of the relevant streetlight.

Re-adopted by Council [insert date]

STREET AND UNDER AWNING LIGHTING POLICY

Page 3 of 6

Council will then raise an order for Ausgrid to undertake an investigation and prepare a design for the street lighting improvements.

Once the design is received, it is approved under delegation by the appropriate delegated officer as outlined in the Delegations Manual. If the design requires modifications outside of the officer delegations, a report is forwarded to Council.

If there are alteration charges associated with the street lighting improvement design then the applicant is asked to pay these costs.

Once the applicant has paid the alteration charges, Council will then raise an order with Ausgrid to undertake the works.

- 4.2 Public consultation - Residents or occupants of premises that may be affected by the proposed street lighting change will be consulted in accordance with Council's *Community Engagement Policy*.

Council may refuse to make street lighting changes if there is general community opposition to the proposal or request.

- 4.3 Under Awning Street Lighting Requests - Any new development in areas zoned Neighbourhood Business D, Mixed Use, Commercial and Special Use which includes an awning is to provide under awning street lighting in accordance with the current *Australian Standard 1158.3.1 2005 Pedestrian (P2)*. This is to form a condition of the Development Application.
- 4.4 Any significant modifications to existing developments in areas zoned Neighbourhood Business D, Mixed Use, Commercial and Special Use which includes an awning is to provide under awning street lighting in accordance with the current *Australian Standard 1158.3.1 2005 Pedestrian (P2)*. This is to form a condition of the Development Application.
- 4.5 All new major developments in areas zoned Neighbourhood Business D, Mixed Use, Commercial, Special Use and residential developments over 10 units is to upgrade the existing street lighting levels, along the sections of streets adjacent to the site, in accordance with the relevant Australian Standard, guidelines and codes of practice. This is to form a condition of the Development Application.
- 4.6 Any Council works involving major streetscape and public domain upgrades is to incorporate under awning and or street lighting in accordance with the current *Australian Standard 1158.3.1 2005 Pedestrian (P2)*, following consultation with the relevant Streetscape Committee, Mainstreet Committee and/or relevant shop keepers.

Re-adopted by Council [insert date]

STREET AND UNDER AWNING LIGHTING POLICY

Page 4 of 6

- 4.7 Standards - Under awning and street lighting should incorporate the following features as a minimum standard:
- a) luminaires shall be weatherproof and vandal proof and of a type approved by appropriate delegated officer;
 - b) luminaires shall incorporate LED lights for both under awning and street lighting;
 - c) cabling shall comprise PVC insulated cables enclosed in rigid PVC conduit concealed wherever possible and sized to ensure voltage drop is maintained within the limits set down in *Australian Standard AS/NZS:3000.2007 Electrical Installations*;
 - d) all public lighting and Luminaires must meet the illumination requirements of *AS/NZS 1158*;
 - e) all circuits shall be designed to allow the future increase of 25 percent in the number of connected luminaries;
 - f) all circuits shall be protected by residual current devices as set down in *AS3000*;
 - g) the lighting is to be controlled by a photoelectric switch complete with a manual override switch installed in a secure position;
 - h) lighting must be capable of being connected to Council's power grid;
 - i) all public domain lighting must take into consideration the environment and Council's energy efficiency objectives;
 - j) all public domain lighting must take into consideration new industry developments such as LED technology;
 - k) provision in the design and selection of fittings and fixtures that support public domain lighting must be made for new technologies;
 - l) in general the selection of all public domain lighting furniture and fixtures should complement the local character of the streetscape or public area where it is proposed and should be in accordance with Council's *Public Domain Style Manual and Design Codes and Infrastructure Specification Manual for Road Works, Drainage and Miscellaneous Works*.
- 4.8 Safety - All works are to be carried out by Ausgrid or an Accredited Service Provider (ASP) in accordance with the current street lighting standards.

Council has absolute discretion to refuse any street lighting changes should it create a public safety issue.

5. RESPONSIBILITY/ACCOUNTABILITY

- 5.1 Council's Traffic and Transport Operations Department is responsible for the administration and processing of street lighting improvement requests, including liaison with Ausgrid and any reports to Council as appropriate.

Re-adopted by Council [insert date]

STREET AND UNDER AWNING LIGHTING POLICY

Page 5 of 6

- 5.2 Council's Director Engineering and Property Services or the appropriate delegated officer is responsible for the approval of modifications to the maximum quantity specified in Council's *Delegation Manual*.
- 5.3 Council's Development Services Department is responsible for:
- a) imposing the appropriate under awning street lighting condition on Development Applications for new developments in areas zoned Neighbourhood Business D, Mixed Use, Commercial and Special Use;
 - b) imposing the appropriate under awning street lighting condition on Development Applications for significant modifications to existing developments in areas zoned Neighbourhood Business D, Mixed Use, Commercial and Special Use;
 - c) imposing the appropriate street lighting condition on Development Applications for upgrades to the existing street lighting levels in areas zoned Neighbourhood Business D, Mixed Use, Commercial, Special Use and residential developments over 10 units.
- 5.4 The relevant Project Manager within Council's Engineering and Property Services Division is responsible for incorporating under awning street lighting into Council works involving major streetscape and public domain upgrades following consultation with residents, and relevant stakeholders including Streetscape Committee, Mainstreet Committee and/or relevant shop keepers/businesses.
- 5.5 Council's Director Engineering and Property Services or the appropriate delegated officer is responsible for the approval of the type of luminaire to be installed in both under awning and streetscape/public domain lighting.

6. RELATED POLICIES/DOCUMENTS/LEGISLATION

The Policy should be read in conjunction with the following Council policies and documents:

- Community Engagement Policy
- Community Strategic Plan
- Delegations Manual
- Environmental Sustainability Strategy
- Infrastructure Specification Manual for Road Works, Drainage and Miscellaneous Works
- Public Domain Style Manual and Design Codes

The Policy should be read in conjunction with the following documents/legislation:

- Australian Standard 1158.3.1 2005 Pedestrian (P)

Re-adopted by Council [insert date]

STREET AND UNDER AWNING LIGHTING POLICY

Page 6 of 6

-
- Australian Standard AS/NZS:3000.2007 Electrical Installations

Version	Date Approved	Approved by	Resolution No.	Review Date
1	16 February 2009	Council	61	2012/13
2	18 February 2013	Council	61	2016/17
3	25 June 2018	Council	214	2020/21
4	[insert date]	Council	[insert no.]	2024/25

 Re-adopted by Council [insert date]



TELECOMMUNICATIONS AND ELECTRICAL NETWORK INFRASTRUCTURE POLICY

D2-11

Page 1 of 26

Policy Owner: Director Engineering and Property Services

Category: Operational

Direction: 2. Our Built Infrastructure

1. STATEMENT OF INTENT

1.1 Works on the Telecommunications and Electrical Network infrastructure provide essential services to the local community and businesses both in and beyond the boundaries of the North Sydney local government area (LGA). Council discourages the installation of full macro telecommunication facilities and encourages the use of low impact telecommunication facilities.

1.2 The intent of this Policy is to:

- a) provide a set of guidelines for the installation of full macro and low impact telecommunication infrastructure and facilities within the North Sydney LGA;
- b) ensure a licence agreement is entered into between Council and the carrier when the location of telecommunication facilities is on Council owned or managed land or infrastructure where consent is granted;
- c) ensure a licence agreement is entered into between Council and the carrier when the location of the telecommunication facilities is on private infrastructure within a public space owned or managed by Council;
- d) ensure the visual quality of North Sydney's public domain, open space, heritage/conservation and sensitive environmental areas are preserved through the appropriate design, and location of telecommunications facilities and electrical network infrastructure taking into account visual amenity, local neighbourhood character, aesthetic qualities and standards within the public domain of North Sydney, health, access, social, cultural and environmental impacts;
- e) ensure effective communication and notification to all stakeholders affected by any aspects of works associated with the upgrading or installation of telecommunication facilities and electrical network infrastructure in the North Sydney LGA;
- f) maintain the visual appearance of the North Sydney's public domain, open space, heritage/conservation and sensitive environmental areas where it is not possible to put telecommunication or electrical network infrastructure underground;

Re-adopted by Council [inset date]

- g) provide controls for carriers and non-carriers during installation of telecommunications facilities and electrical network infrastructure; including full macro and low impact facilities; and
- h) ensure all restoration works required to be carried out as a result of Telecommunications and Electrical Network infrastructure works are done so in accordance with Council's *Public Domain Style Manual and Design Codes*.

1.3 This Policy has been prepared in consideration of the *Mobile Phone Base Station Deployment Industry Code 2018* which fits within an existing regulatory scheme that comprises:

- a) the *Radiocommunications Act 1992*;
- b) the *Telecommunications Act 1997*, particularly Schedule 3 of the Act; the *Telecommunications Code of Practice 2018*;
- c) the *Telecommunications (Low Impact Facilities) Determination 2018*;
- d) laws and regulations at State, Territory and Local Government level; and
- e) the right to access to land to inspect, install or maintain low impact facilities.

The objectives of this Code are to:

- a) encourage collaborative and transparent approach between carriers, local councils and the community for any proposed deployment of new mobile phone base stations or telecommunication related infrastructure;
- b) enhance the level of information supplied to local councils and the community with respect to mobile phone base stations and or telecommunication related infrastructure;
- c) specify and improve standards, in particular relating to consultation, accessibility and availability of information;
- d) identify at an early stage, community sensitive locations and to apply a Precautionary Approach towards the deployment of mobile phone base stations and or telecommunication related infrastructure; and
- e) ensure appropriate levels of notification and consultation are undertaken by the carriers to local councils and communities.

The Code supplements the requirements already imposed on carriers under the existing legislative scheme by requiring them to consult with local communities and to adopt a Precautionary Principle in planning, installing and operating mobile phone base stations.

This Policy has been prepared in consideration of the *Electricity Supply Act 1995* and regulations made under the Act, *State Environmental Planning Policy (Infrastructure) 2007 (ISEPP)*, *Industry Code for the Deployment of Mobile*

Re-adopted by Council [inset date]

Phone Network Infrastructure as well as *Australian Road Rules* and *RMS Technical Directions* that relate to pedestrian safety and sight lines for motorists.

1.4 *Telecommunications Code of Practice 2018*

Carriers exercising their powers under Schedule 3 of the *Telecommunications Act 1997* must do so in accordance with obligations set out in the *Telecommunication Code*. The *Telecommunication Code* details the notification and objection procedures for carriers using Schedule 3 powers and immunities. It also sets out further obligations on carriers when inspecting land and installing and maintaining facilities using their Schedule 3 powers under the Act. Compliance with the *Telecommunications Code* is a carrier licence condition.

The *Telecommunications Act* and *Telecommunications Code* require carriers to notify land owners and occupiers of intended activities, which is in the form of a Land Access and Activity Notice (LAAN). Land owners and occupiers may object to proposed activities under certain circumstances. The *Telecommunications Code* requires carriers to make reasonable efforts to resolve valid objections from land owners or occupiers. If the land owner or occupier is not satisfied with the carrier's proposed resolution or response to the objection, and/or no agreement can be reached, they may ask the carrier in writing to refer the objection to the Telecommunications Industry Ombudsman (TIO) for resolution if the carrier wishes to continue with the proposed activity. The carrier must comply with the request to refer the matter to the TIO. Carriers must comply with any direction made by the TIO.

2. ELIGIBILITY

- 2.1 This Policy applies to the installation and or upgrading of all telecommunications facilities and electrical network infrastructure on Council owned or managed land or infrastructure, including but not limited to, buildings, community centres, footpaths, roadways, street light poles and signs, parks and reserves, including where the project activities are described as "low impact" facilities.
- 2.2 This Policy applies to all telecommunications facilities and electrical network infrastructure for which either consent is required or for which the Council is to be notified. It applies to facilities and hardware to be installed by carriers who are licensed under the *Telecommunications Act 1997* and or the *Electricity Supply Act 1995* and regulations made under the Act. It also applies to telecommunications facilities and electrical network infrastructure installed by or on behalf of non-carriers.

Re-adopted by Council [inset date]

3. DEFINITIONS

- 3.1 Public Domain - is defined as all areas under the care and control of Council that are accessible to the public which generally include streetscapes, roadways, laneways, public thoroughfares, carparks, footpaths, parks/open spaces, playgrounds, plazas, bus shelters, multipurpose street light poles, way finding, street furniture, way-finding, marine structures and publicly accessible natural areas.
- 3.2 Telecommunications facilities - facilities or infrastructure to be installed by carriers who are licensed under the *Telecommunications Act 1997*, such as:
- a) the siting of micro cells for mobile phones serving a small area, as part of a telecommunications network operated by the carrier;
 - b) the siting of macro cells for mobile phones serving a large area, as part of a telecommunications network operate by the carrier;
 - c) all ancillary equipment required for the normal functioning and operation of a macro or micro cell; and
 - d) a satellite dish installed on a residential building or a commercial building for use by the occupants of that building, work that would normally be considered as ancillary to the primary use of the building.
- 3.3 Electrical Network Infrastructure - facilities to be installed by carriers or contractors who are licensed under the *Telecommunications Act 1997* and the *Electricity Supply Act 1995* and regulations made under the Act, such as the erection of towers, poles, structures and associated hardware including the installation and maintenance of conductors, cables, pillar boxes, substations and other associated hardware.
- Note: the installation of traffic signals, red light/speed cameras, signal boxes and other associated traffic control devices and structures are not covered by this policy. These items are notified and referred to Council's Traffic Committee.
- 3.4 Exempt Development under the *ISEPP (State Environmental Planning Policy (Infrastructure) 2007)* - refers to any telecommunication facility that is deemed to be of low impact and therefore exempt development by virtue of clause 116 (ISEPP).
- 3.5 Macro Telecommunication Facilities - include building structures, free standing towers, monopoles, HV Towers and any other structure not meeting low-impact conditions. These facilities must be authorised through relevant state and territory planning laws, which typically require a development application.

Re-adopted by Council [inset date]

Certain facilities that cannot be low impact facilities and by default are deemed macro facilities include:

- a) designated overhead lines
- b) a tower that is not attached to a building
- c) a tower attached to a building and more than 5m high
- d) an extension to a tower that has previously been extended
- e) an extension to a tower, if the extension is more than 5m high.

- 3.6 Low-Impact Telecommunication Facilities - include, but not limited to, rooftops, street poles, utility poles, bridges, road signs, bus shelters, clock towers and any other physical structure that meets low-impact requirements and conditions. Underground and above-ground housing, underground and some aerial cables, public payphones, emergency and co-located facilities are also designated as being part of a low impact facility.

For a facility to be considered low impact under the Low Impact Facility Determination (LIFD) the land area must be considered. The area types include:

- a) areas of environmental significance
- b) residential areas
- c) commercial areas
- d) industrial areas
- e) rural areas

In this context, certain low-impact facilities/equipment may only be installed in rural or industrial areas, whereas other low-impact facilities may be installed in all areas - depending on size, height and other considerations.

Facilities cannot be low impact facilities if they are to be installed in areas of environmental significance - including those listed under Commonwealth, State or Territory heritage registers. Such facilities are subject to other Commonwealth, State or Territory approval processes. Telecommunications facilities in these areas remain subject to other Commonwealth laws which would ordinarily apply, such as the *Environment Protection and Biodiversity Conservation Act 1999 (Cth)*.

4. PROVISIONS

This Policy has been prepared in consideration of the *Telecommunications Act 1997*, *Electricity Supply Act 1995* and regulations made under the Act, *State Environmental Planning Policy (Infrastructure) 2007 (ISEPP)*, *Industry Code for the Deployment of Mobile Phone Network Infrastructure* as well as *Australian Road Rules* and *RMS Technical Directions* that relate to pedestrian safety and sight lines for motorists.

Re-adopted by Council [inset date]

-
- 4.1 The *Roads Act 1993* (s.97) enables Council to specify the manner and standards to which any person who is entitled to place utility services in, on or over a road can undertake work. It also clearly states that an Act that authorises the provision of services in, on or over a road does not authorise the provision of the services in contravention of this section.
- 4.2 Telecommunications facilities and or electrical network infrastructure works should be carried out in accordance with Council's *Public Utility Authority Works Conditions*.
- 4.3 Where telecommunications or electrical network infrastructure facilities are required to be located in the in the public domain it is preferable to have these facilities located where they have the least impact on the visual quality of the local environment including the character of the local neighbourhood and urban environment including the local streetscapes, buildings, cultural attractions, community facilities, memorials and public art. It is also important to have these facilities and any associated infrastructure located where they have the least impact on the natural environment including natural habitat areas, harbour foreshore areas, community gardens, heritage conservation areas, view corridors or places of special interest.
- 4.4 Where telecommunications or electrical network infrastructure facilities are required to be located all restoration works to the public domain are to be carried out in accordance with Council's *Public Domain Style Manual and Design Codes*.

Other important impacts to be considered include health, public/road safety, access, social and cultural impacts. Refer to Appendix B.

- 4.5 Design considerations for low impact facilities
- 4.5.1 Radio Frequency (RF)
- a) proposed antennas are panel antennas, yagi antenna and the like that are no larger than 2.8m, protrude from the structure not more than 3m and/or is flush mounted to the structure.
 - b) omnidirectional antenna or an array of omnidirectional antennas not more than 4.5m long; and not more than 5m apart; and if the array is attached to a structure - not protruding from the structure by not more than 2m.
 - c) radiocommunications dish are not more than 1.2m in diameter. If the radiocommunications dish is attached to a supporting structure, the total protrusion from the structure is not more than 2m.
 - d) colour matching of antennas and dishes to suit its background or as agreed in writing between the carrier and Council.

Re-adopted by Council [inset date]

- e) the radio facility (site) has a cabinet of not more than one cubic metre in volume and a separate antenna not more than 1.2m long.
- f) the radio facility (site) has a transmitter unit of not more than 0.03m³ in volume and a separate antenna not more than 1.2m long.
- g) equipment installed inside an existing structure including the radiocommunications antennas concealed inside existing structures. This applies to commercial, industrial and rural areas only.

4.5.2 Tower Extensions

- a) tower height extensions not exceeding 5m and no previous extension has taken place. This applies in rural and industrial areas.
- b) equipment cabinets/housing to be kept to a minimum and hidden/obscured from view as much as possible.

4.5.3 Equipment Housing

- a) Option 1 (preferred): Underground pits with surface area of not more than 2m²
 - pits shall be located within the footpath;
 - all underground services shall be avoided;
 - pit lids shall be paver infill lids with a class D rating if the site is located within the North Sydney CBD, Village areas, or Special areas as defined in Council's *Public Domain Style Manual and Design Codes*. If the site is located within a residential area, the pit lid shall be a concrete infill lid;
 - pits shall be structurally sound to withstand a 4 tonne sweeper driving over it; and
 - infill material shall match surrounding footpath paving.
- b) Option 2: Roadside cabinet
 - not more than 2m high; and
 - with a base area of not more than 2m²
- c) Option 3: (least preferred): Equipment shelter
 - not more than 2.5m high; and
 - with a base area of not more than 5 m²; and

4.6 Volume restrictions on co-located facilities

- a) current volume restriction on adding facilities to an existing facility (e.g. a tower) or public utility structure (e.g. a road sign, street light pole, water tank) in commercial or residential areas is 25% (refer to 4.11.9 below for further detail).

4.7 Radio Facility Site Access, Signage and Notifications

Re-adopted by Council [inset date]

- a) appropriate and distinct signage is required for any/all radio telecommunications facilities;
- b) direct access by the public must be restricted in certain exclusion zone areas caused by electromagnetic exposure (EME) e.g. no ladders, locked doors, fencing, barricades etc.

4.8 Radio Frequency Equipment Interference

- a) carriers are to ensure all telecommunication radio facilities are operating in their appropriate licence spectrum and have the appropriate levels of protection to ensure interference to equipment outside their designated bands.
- b) in the event of interference, suspected or detected, an appropriate management and resolution plan regarding the carrier's radio spectrum interference with Council's existing hardwired or wireless equipment (e.g. metering, lighting or signage etc.) shall be actioned in a timely manner.

4.9 Visual Design

- a) ensure all designs are in keeping with the areas character and look/feel at all times;
- b) not to become an eye soar;
- c) not to physically obstruct views of the public; and/or
- d) residential/commercial/office workers.

4.10 Radiofrequency electromagnetic energy (RF EME) Considerations

- a) a radiocommunications facility transmit RF EME to provide users with wireless services.
- b) the Australian Radiation Protection and Nuclear Safety Agency (ARPANSA) is the government agency responsible for setting the exposure standard for RF EME. The ARPANSA exposure limits are set well below the level at which adverse health effects are known to occur and include a wide safety margin to protect the public.
- c) the Australian Communications and Media Authority (ACMA) regulates EME from radiocommunications transmitters by imposing conditions on the radiocommunications licences it issues to telecommunications carriers. The ACMA imposes licence conditions through the *Radiocommunications Licence Conditions (Apparatus Licence) Determination 2015*. Under the conditions, telecommunications carriers must ensure that RF EME exposure from a transmitter does not exceed the levels set in the ARPANSA Standard;
- d) macro sites (e.g. large towers) - especially collocated sites with multiple carriers - transmit and radiate the most amount of radio power and hence the produce the greatest EME. Care in design needs to be

Re-adopted by Council [inset date]

considered to nearby buildings, roadways, homes, elevated grounds, bridges and walkways. The duration of stay within the affected EME zones also needs to be taken into account e.g. an office worker sitting for 8 hours vs a pedestrian or vehicular access path crossing for 10 seconds) may impact EME assessment differently.

- e) low impact facilities may or may not expel the same amount of power and EME. However, more care in design is needed due to the generally lower placement of such radio equipment and antennas (for them to be deemed Low impact or for their smaller coverage footprint objectives). Street poles, road signs, bus shelter are of a significant design challenge due to their greater proximity to the public and risk of EME exposure;
- f) EME is a challenging field and requires experienced knowledge and understanding of antennas, RF power and modelling; Hence carriers are required to make assessments and, if determined by the engineer of the day, that there is a potential EME risk, then further assessment or modelling predictions is to be undertaken.
- g) an independent audit and/or a secondary EME assessment will be commissioned by Council if initial assessments are a cause for concern.
- h) an EME assessment is highly recommended on all proposed sites.
- i) an EME assessment must be undertaken when the proposed structure is in close proximity to 'sensitive' sites such as nursing homes, childcares, playgrounds etc.

4.11 Build and Installation Considerations

4.11.1 Planned installation strategy

Ensure all works are managed appropriately with Council to minimise down time and outages through proper coordination.

4.11.2 Structural adequacy of Council assets

A structural assessment of each Council's asset shall be undertaken by the carrier and shall comprise:

- a) structural loading and assessment of poles, steel structures, utilities etc. taking into account current equipment proposals and future upgrades.
- b) structural foundation assessment (current equipment proposal and future upgrades).
- c) ensure enough spare capacity for asset owner services and future upgrades is considered.
- d) wind loading calculations.
- e) all proposed ancillary equipment on structure shall be clearly outlined and defined if they will run internal or external to the structure.

Re-adopted by Council [inset date]

4.11.3 Power

- a) the provision of power for the safe and efficient operation of the LIF shall be clearly identified.
- b) all power shall be underground, no overhead wiring shall be permitted.
- c) it is preferable for a carrier to source independent power.
- d) sharing of Council's power may be considered subject to the following conditions:
 - o a full audit of Council's private electrical grid shall be undertaken to identify if there is sufficient power, load and capacity.
 - o the cost of any approved upgrade to Council's electricity grid shall be borne by the carrier.
 - o use of Council's electricity shall be subject to a service level agreement and metered separately where possible.
 - o power usage for any LIF shall be at the carrier's expense.
 - o power shall run internal to the structure fitted with the carrier's RF equipment.
 - o a kill switch shall be installed for servicing and maintenance purposes (refer to 4.14 below).

4.11.4 Transmission Equipment

The Carrier shall identify the following provisions:

- a) will optical underground cabling be used or an alternative nominated?
- b) will existing fibre services be used or will new trenching be required?
- c) is transmission to be run internal to the structure or external (latter will be refused)?
- d) is a transmission dish proposed?

4.11.5 Make-ready works

- a) any disruption, changes or damage caused as part of the installation of any telecommunication facility shall be reinstated to original or better condition (e.g. footpath paving) in accordance with Council's *Public Domain Style Manual and Design Codes* and manufacturer's specifications.
- b) carrier shall be liable for all costs of reinstatement works.
- c) any damage to Council infrastructure (e.g. street pole) or equipment (e.g. meter sensors) shall be reported to Council as soon as possible - all damage shall be repaired by Council only and costs passed on to the carrier.
- d) a full dilapidation report of each Council infrastructure shall be undertaken prior to any telecommunication facility being deployed - a copy of the report shall be submitted to Council.

Re-adopted by Council [inset date]

4.11.6 Space reservation

Approval to install LIF on Council owned street light poles shall be subject to availability of space inside the pole. Generally, space inside the pole is reserved for Council. Short term use of the space to a carrier may be considered where monetary compensation is mutually agreed to under a licence agreement. Where additional space is available beyond the immediate and future needs of Council, Council may consider entering into a long term licence agreement.

4.11.7 Removal and decommission

At the end of the licence agreement or any time earlier as agreed to, the carrier is responsible to remove all equipment and undertake make-ready works. Any equipment not removed in the agreed timeframes will be removed by Council's nominated contractors and cost passed onto the carrier.

4.11.8 Ancillary Equipment

As per Part 3.1.4 of the *Telecommunications (Low-impact Facilities) Determination 2018* - a facility that is ancillary to a facility covered by subsection (1) is also a low impact facility only if it is:

- a) necessary for the operation or proper functioning of the low impact facility; or
- b) a shroud installed over a low-impact facility, where the shroud is intended to minimise the visual amenity impact of the low-impact facility and is colour-matched to its background; or
- c) installed, or to be installed, solely to ensure the protection or safety of:
 - the low impact facility; or
 - a facility covered by paragraph a); or
 - persons or property in close proximity to the low impact facility.
- d) special shrouds which are aesthetically pleasing shall be designed and fitted to LIFs especially in areas defined by Council as having important heritage significance and where the visual impact is of community importance.
- e) dishes up to 1.2m in diameter is included as part of definition for low impact facilities. Any proposal to use dishes shall be made available upfront in any design proposal.
- f) any proposal to use solar panels shall be made available upfront in any design proposal; and
- g) the use of cable trays running up/down be used to support radio frequency (RF) cables, transmission equipment (TX) and power cables

Re-adopted by Council [inset date]

or to connect such cabling between the structure and the equipment housing shall be made available upfront in any design proposal.

4.11.9 Co-location

Council will generally support co-location subject to meeting the following conditions and considerations:

- a) the volumetric expansion of the existing LIF footprint is limited to a maximum of 25% by the new LIF.
- b) visual impact is minimised (preferably the new LIF to be housed within the existing LIF where possible).
- c) structural loading and capacity reservations for Council shall be assessed and weighed by the new carrier in consultation with Council.
- d) co-locations agreements (licencing/leasing) shall be directly with Council and no subleased/sub-licenced between carriers is permitted (refer to leasing requirements under 4.12 below).
- e) an EME assessment of co-located sites shall be undertaken due to the increased EME as a result of the increased power emanating from a single location, hence the exposure/radiation transmission will be greater.
- f) an assessment shall be undertaken to determine if there is sufficient power/transmission space for a new carrier co-location or even single carrier future upgrade plans.

4.12 Leasing/Licencing/Sub-leasing/Costings

Council will require a Carrier to enter into a licence/lease agreement prior to the deployment and installation of any telecommunication facilities on any Council infrastructure or asset, or a private structure located within a public space owned or managed by Council. The licence will generally incorporate the following provisions:

- a) at the discretion of Council, an individual licence agreement per site or Master Level Agreement (MLA) shall be nominated by Council.
- b) any individual carrier/service agreement shall clearly stipulate the nominated spectrum for the provision of the carrier's mobile service. For example, agreement is for LTE on 2600MHz or 1800MHz. Any other future licence/spectrum changes shall be assessed against the current licence agreement.
- c) an independent lease rate assessment shall be commissioned by Council to determine the market value - either per pole or across the network of telecommunication facilities or infrastructure that is proposed to be rolled out.
- d) an annual adjustment of 5% shall be applied over the licence period or as varied by Council.

Re-adopted by Council [inset date]

- e) co-location arrangements - no sub-licencing/leasing to other carriers will be permitted without prior approval from Council.
- f) compensation for loss of further use of the Council infrastructure (e.g. light poles or other asset) if Council wishes to not reserve capacity for itself.
- g) construction/demolition/relocation clauses shall be negotiated for the affected Council assets.
- h) breakout clauses shall be negotiated (e.g. 5/5/5/5-year terms).
- i) Council's external legal costs shall be covered by carrier.
- j) the cost associated with undertaking independent design/EME assessments made at the request of Council shall be covered by the carrier.
- k) the cost associated with undertaking an independent structural assessment of the Council asset made at the request of Council shall be borne by the carrier.
- l) the carrier shall indemnify (and compensate) Council for any death, injury, loss or damage caused to any person or property (including the Council Infrastructure) by or in connection with the carrier's equipment and/or their contractors.
- m) the carrier must have appropriate public liability and product liability insurance in place for the full duration of the licence agreed and shall nominate Council as an interested party on the insurance certificate.
- n) clauses to indemnify Council from the carrier's financial loss caused by asset failure/power failure or any other seen/unforeseen event shall be incorporated into the licence agreement.
- o) equipment upgrade and/or swap out clauses shall be incorporated in the licence agreement.

4.13 Visual Considerations

Telecommunication facilities shall meet the following parameters:

- a) facilities shall match the colour of the Council asset (e.g. street light pole).
- b) shrouding shall match the colour of the Council asset (e.g. street light pole).
- c) any future carrier upgrades and or swap outs to bigger/newer technologies shall not be undertaken without the explicit approval of Council.

4.14 Servicing/maintenance considerations

A service and maintenance agreement shall be agreed to and incorporated into any agreed licence agreement. The service and maintenance agreement shall incorporate model clauses to cover areas such as:

Re-adopted by Council [inset date]

-
- a) carrier shall liaise and work closely with Council to coordinate maintenance of any LIF on Council infrastructure.
 - b) carrier shall schedule all maintenance of LIF around Council's own work timeframes/schedules and maintenance protocols. Due consideration shall be given to any road closures and notice timeframes.
 - c) Council shall have priority access and shut down of its infrastructure for maintenance purposes.
 - d) service intervals and timeframes shall be negotiated with the carrier to cover proactive and reactive maintenance.
 - e) a power 'kill' switch shall be installed on all assets (or) on assets with Council equipment or services (e.g. lights, flags, wireless communication etc.).

4.15 Consultation Process and Documentation

- a) the carrier shall adhere to *the Mobile Phone Base Station Deployment Code* regarding all consultation processes (timelines and activities) to the public, asset owners and any identified interested party.
- b) the carrier shall comply with Council's notification policies about sites and schedule of works and any other pertinent information.
- c) the carrier shall collate all consultation process documents, certification documents, assessment documents, statements of conformity, design documents, as-built documents, CAD drawings etc required throughout the pre-installation stage, the installation stage and the post installation stage and provide copies to Council as part of the handover documentation package.
- d) the carrier shall put in place a database repository (or system) which captures a full list of the all the equipment installed on Council asset(s), power radiating from the equipment that is onsite and active at any given time - a copy of this information shall be provided to Council on a regular basis.
- e) a carrier shall put in place a system to allow Council to be notified and approve of any changes to a LIF.
- f) when Council is served a Land Access Activity Statement under the *Telecommunications Act 1997*, the carrier will receive a standard response from Council depending on the asset classification (i.e. whether it is a Council asset or private asset which is located within the public space which designated under the care and control of Council. The carrier shall comply with the letter issued by Council. Refer to Appendix D for copies of the standard letters.

5. RESPONSIBILITY/ACCOUNTABILITY

- 5.1 Council's Engineering and Property Services Division is responsible for administration of this Policy.

6. RELATED POLICIES/DOCUMENTS/LEGISLATION

The Policy should be read in conjunction with the following Council policies and documents:

- Community Engagement Policy
- Complaints Handling Policy
- Development Control Plan
- Public Domain Style Manual and Design Codes
- Public Utility Authority Works Conditions

The Policy should be read in conjunction with the following documents/legislation:

- Australian Road Rules and RMS Technical Directions
- Electricity Supply Act 1995
- Environment Protection and Biodiversity Conservation Act 1999
- Mobile Phone Base Station Deployment Industry Code 2018
- Radiocommunications Act 1992
- Radiocommunications Licence Conditions (Apparatus Licence) Determination 2015
- State Environmental Planning Policy (Infrastructure) 2007 (ISEPP)
- Telecommunications Act 1997
- Telecommunications (Low-Impact Facilities) Determination 2018
- Telecommunications Code of Practice 2018

Version	Date Approved	Approved by	Resolution No.	Review Date
1	18 February 2013	Council	61	2016/17
2	25 June 2018	Council	214	2020/21
3	24 September 2018	Council	352	2020/21
4	[insert date]	Council	[insert no.]	2024/25

Re-adopted by Council [inset date]

APPENDIX A: INSTALLATION OF PUBLIC TELEPHONE GUIDELINES**1. Traffic and Pedestrian Safety**

- 1.1 Telephones are not to be located on kerb blisters. Kerb blisters have generally been installed on intersections, roundabouts or near driveways to improve sight distance for motorists.
- 1.2 Telephones are not to be located within 10 metres of an unsignalised intersection or 20 metres of a signalised intersection (measured from the intersecting kerb line). This reflects the current *Australian Road Rules* for parking at intersections. These rules have been developed to improve sight distance for motorists and pedestrians at intersections.
- 1.3 Telephones are not to be located within 20 metres of the approach to a marked pedestrian crossing or pedestrian refuge or 10 metres from the departure side of a marked pedestrian crossing or pedestrian refuge. This reflects the current Australian Road Rules for parking at pedestrian facilities. These rules have been developed to improve sight distance for motorists and pedestrians at pedestrian facilities.
- 1.4 Telephones are to be located so as not to become an impediment to passengers waiting at the bus stop and also to other pedestrians trying to walk through the bus stop.
- 1.5 Telephones are to be located a minimum 20 metres away from the entrance to a train station. This is to ensure that the telephone does not become an impediment to passengers entering and exiting the train station, but also other pedestrians trying to walk past the train station entrance.
- 1.6 Telephones are not to be located in a location that may cause distraction to motorists, create a safety hazard for motorists, or cause a motorist to concentrate on the telephone signage rather than traffic, directional or road safety signage. For example, a telephone is not to be located on the approach to a busy intersection where a motorist may be expected to give consideration to numerous pieces of information.
- 1.7 Telephones are not to be located in a location where there has been more than one reported pedestrian accident in a five-year period within 20 metres of the proposed location. This is to ensure that there is sufficient sight distance for motorists and pedestrians at this location.
- 1.8 Telephones must be located a minimum 600 mm off the face of the kerb (to the outer extremity of the telephone). This is to minimise the risk of a car or car door causing damage to the telephone. It is also to minimise the risk of a non-frangible telephone becoming a hazard to motorists.
- 1.9 Where possible, telephones should not be located near to the kerb on main roads with clearways.
- 1.10 Telephones must provide a minimum clearance between obstacles, boundaries and kerb lines. This is to ensure that fire safety conditions are always met and to enable the convenient movement of people through the public domain, including people who have mobility impairment. Any application must address the following issues in order to define the available area:

Re-adopted by Council [inset date]

- a) Pedestrian way clearance
- b) Clearance from objects

2. Pedestrian Way Clearance

- 2.1 The minimum clearance allowed for pedestrian movements varies for safety reasons and risk management purposes. The following table outlines the minimum pedestrian clearance required between the telephone and any obstacle, boundary or kerb line:

	High Traffic Risk	Medium Traffic Risk	Low Traffic Risk
High Pedestrian Traffic	3.0 m	2.5 m	2.5 m
Medium Pedestrian Traffic	2.5 m	2.0 m	2.0 m
Low Pedestrian Traffic	2.0 m	1.5 m	1.2 m

- 2.2 High traffic risk may encompass one or more of these factors:

- a) High volumes of vehicles;
- b) High speed of vehicles;
- c) Travel lane adjacent to the kerb (during any part of the day, including Clearways and No Stopping restrictions).

- 2.3 Medium traffic risk may encompass one or more of these factors:

- a) Medium volume of vehicles;
- b) Medium speed of vehicles;
- c) Parking adjacent to the kerb.

- 2.4 Low traffic risk may encompass one or more of these factors:

- a) Low volume of vehicles;
- b) Low speed of vehicles;
- c) Parking adjacent to the kerb.

3. Clearance from objects

- 3.1 Council is trying to reduce the amount of “clutter” found on footpaths. This is to create an attractive and accessible environment for pedestrians, particularly those with mobility issues. It is also to ensure that appropriate maintenance can be undertaken on these various objects. A minimum 900mm clearance is to be provided between the telephone and the following objects:

- a) Trees and garden plots
- b) Public seating
- c) Rubbish bins
- d) Bicycle hoops
- e) Parking signs
- f) Parking meters
- g) Power poles
- h) Essential services:
 - Fire hydrants

- Hose reel cupboards
 - Fire exit doors
 - Fire equipment stores
 - Substations
 - Switchboards
 - Communication pole
- i) Adjacent to Outdoor Dining Areas

4. Streetscape design and proximity to adjacent businesses

- 4.1 Telephones are not to be located in close proximity to any public artwork, major landscape element or historic feature.
- 4.2 Telephones are not to be located in a visually prominent position; they should not dominate the visual landscape.
- 4.3 Telephones are not to be located directly in front of a retail shop store front.
- 4.4 Heritage; telephone booths in the vicinity of heritage items require development consent from Council.
- 4.5 Advertising; any proposal for advertising signs on telephone booths requires development consent from Council.
- 4.6 Where a telephone booth is replaced and the new booth is moved more than two metres it is considered to be a new telephone booth.

APPENDIX B: TELECOMMUNICATION AND ELECTRICAL INFRASTRUCTURE FACILITIES

1. Impacts of telecommunications facilities

Telecommunications or electrical network infrastructure facilities can have a substantial impact on the physical environment as well as the health and wellbeing of the community. A sensitive approach to the location and design of these facilities can reduce these impacts to some extent.

The controls in this section (taken from Section 18 of the *North Sydney Development Control Plan*) aim to reduce the likelihood of harm associated with Telecommunications or electrical network infrastructure facilities to the community and to regulate their presence in the built environment. These facilities can have significant impacts on the public domain through visual clutter.

This Appendix generally covers the installation of telecommunication facilities on non-Council owned or managed land or infrastructure. For installation of telecommunication facilities on Council owned or managed land or infrastructure, refer to the Policy.

1.1 Community health and amenity

- a) Reduction and minimisation of human exposure to emissions:
- i. Locate telecommunications or electrical network infrastructure facilities away from sensitive activities such as schools and child care centres;
 - ii. Install telecommunications or electrical network infrastructure facilities as far as possible utilising:
 - undergrounding;
 - camouflage and concealment (shrouding);
 - colour consistency with background;
 - contrast in scale (significance); and
 - co-location.
 - iii. Locate telecommunications or electrical network infrastructure facilities in commercial/mixed use zones in preference to residential areas;
 - iv. Site telecommunications to meet the Australian Standards on electromagnetic radiation emissions;
 - v. Avoid interruption to views; and
 - vi. Avoid interruption to pedestrian and vehicle movement.

1.2 Visual or physical impacts

- a) Telecommunications or electrical network infrastructure facilities should be concealed from public view where ever possible:
- i. Locate telecommunications or electrical network infrastructure facilities underground or concealed within buildings wherever possible;
 - ii. Match surface opening and access covers, with existing pavement, either Council's specified pavers or concrete;
 - iii. Locate air vents for underground facilities so that they are not visually intrusive.

Re-adopted by Council [inset date]

-
- iv. Use overhead cabling and support structures that are grey, or a subdued colour that blends with background;
 - v. Use building features such as false panels, clock towers, disused chimneys to conceal telecommunications facilities, but avoid use of fake vegetation and other novelty effects.
- b) Visual impact of equipment boxes is minimised:
- i. Locate equipment boxes underground where possible, avoiding rooftops and power poles;
 - ii. Set back equipment boxes on roof tops from the edge of the roof and where possible build into an existing structure;
 - iii. Where equipment boxes are located on rooftops do not increase the overall height of the building, or increase shadowing of open spaces around that building or adjoining properties;
 - iv. Place equipment boxes on the ground so that they are not visible from a public place, such as the street or parks, or adjoining properties.
- c) Surface mounted facilities are integrated with building or structure:
- i. Match colour with background material;
 - ii. Provide non-reflective surface materials and finishes;
 - iii. Mount flush with wall, with minimal horizontal or vertical protrusion from the surface; and
 - iv. Position high on the wall or structure to which facilities are attached.

1.3 Sensitive environments

- a) Minimise impact on sensitive environments, flora and fauna habitats, areas of heritage significance or archaeological sites:
- i. Avoid suspending cables in front of heritage items on the same side of the street;
 - ii. Where power poles are only on the same side of the street as heritage items, then underground cabling or place against the heritage building in an unobtrusive manner e.g. behind parapets or against the buildings above awnings or verandah roofs;
 - iii. Group and run together subscriber cables wherever possible e.g. behind parapets, under verandahs or along rear lanes;
 - iv. Take all reasonable steps to protect the environment;
 - v. Protect significant landscape elements and vegetation.

1.4 Co-location

- a) Telecommunications or electrical network infrastructure is co-located to minimise disturbance and visual impact:
- i. Utilise existing underground conduits or towers; and
 - ii. Consider adverse visual impacts of co-location, for example clustering of poles.

1.5 Short term and long term impacts of works

Re-adopted by Council [inset date]

- a) Damage and inconvenience caused by telecommunications or electrical network infrastructure facilities or activities is minimised:
- i. Restore land and buildings as close as possible to conditions found on site prior to installation;
 - ii. Protect the safety of persons and property;
 - iii. Minimise interference with the operation of public utilities, traffic, roads and paths, traffic, and the use of land; and
 - iv. Restore any vegetation that is disturbed or destroyed during construction immediately after construction.

1.6 Clearances

- a) Telecommunications or electrical network infrastructure works and facilities must provide a minimum clearance between obstacles, boundaries and kerb lines. This is to ensure that fire safety conditions are always met and to enable the convenient movement of people through the public domain, including people who have mobility impairment. Any application must address the following issues in order to define the available area:

- Pedestrian way clearance; and
- Clearance from objects.

- b) Pedestrian Way Clearance - The minimum clearance allowed for pedestrian movements varies for safety reasons and risk management purposes. The following table outlines the minimum pedestrian clearance required between the electricity works and any obstacle, boundary or kerb line:

	High Traffic Risk	Medium Traffic Risk	Low Traffic Risk
High Pedestrian Traffic	3.0 m	2.5 m	2.5 m
Medium Pedestrian Traffic	2.5 m	2.0 m	2.0 m
Low Pedestrian Traffic	2.0 m	1.5 m	1.2 m

- c) High traffic risk may encompass one or more of these factors:
- High volumes of vehicles, cyclists and pedestrians;
 - High speed of vehicles; or
 - Travel lane adjacent to the kerb (during any part of the day, including Clearways and No Stopping restrictions).
- d) Medium traffic risk may encompass one or more of these factors:
- Medium volume of vehicles, cyclists and pedestrians;
 - Medium speed of vehicles; or
 - Parking adjacent to the kerb.
- e) Low traffic risk may encompass one or more of these factors:
- Low volume of vehicles, cyclists and pedestrians;
 - Low speed of vehicles; or
 - Parking adjacent to the kerb.

Re-adopted by Council [inset date]

-
- f) Council's aim is to reduce the amount of visual and physical "clutter" in the Public Domain. This is to create an attractive and accessible environment for pedestrians and residents, particularly those with mobility issues. It is also to ensure that appropriate maintenance can be undertaken on these various objects. A minimum 900mm clearance is to be provided between telecommunication facilities and electricity works and the following objects:
- Trees and garden plots;
 - Other streetscape furniture elements such as bins, bollards, bubblers, bicycle hoops, seats, fences, parking signs, parking meters, Power poles
 - Essential services;
 - Fire hydrants;
 - Hose reel cupboards;
 - Fire exit doors;
 - Fire equipment stores;
 - Substations;
 - Switchboards;
 - Communication pole;
 - Adjacent to Outdoor Dining Areas
- g) In areas that have a specific or unique purpose such as playgrounds, cultural attractions, community facilities, memorials, public art, natural habitat areas, community gardens, heritage conservation areas, view corridors or places of special interest - particular consideration needs to be given to the placement of telecommunications or electrical network infrastructure facilities. These considerations must satisfy the requirements of the *ISEPP (State Environmental Planning Policy (Infrastructure) 2007)* and if the works are deemed not "Exempt" they must satisfy Council's own Planning Controls.
- h) Pedestrian Trip Hazards - this section applies to those telecommunications or electrical network infrastructure works which are less than 0.5m above the footpath. Electricity works which are less than 0.5m high may create a trip hazard for pedestrians if they are not suitably marked or shielded from through pedestrian traffic.
- Telecommunications or electrical network infrastructure works less than 0.5m high must be located adjacent, along the line of through pedestrian travel, to an existing object which is more than 1.0m high. For example, the electricity works may be located adjacent to a garbage bin or a public seat.
- i) Traffic and Pedestrian Safety - this section applies to those telecommunications or electrical network infrastructure works which are more than 0.8m above the footpath. Works which are more than 0.8m high may block sight distance to pedestrians, motorists or both.
- i. Telecommunications or electrical network infrastructure facilities are not to be located on kerb blisters. Kerb blisters have generally been installed on intersections, roundabouts or near driveways to improve sight distance for motorists;
 - ii. Telecommunications or electrical network infrastructure facilities, located at the kerb, are not to be located within 10 metres of an unsignalised intersection or 20 metres of a signalised intersection (measured from the intersecting kerb line). This reflects the current *Australian Road Rules* for parking at intersections. These rules have been developed to improve sight distance for motorists and pedestrians at intersections; and

Re-adopted by Council [inset date]

-
- iii. Telecommunications or electrical network infrastructure facilities should be located a minimum 600 mm off the face of kerb (to the outer extremity of the object). This is to minimise the risk of a car or car door causing damage to the object. It is also to minimise the risk of a non-frangible object becoming a hazard to motorists.

 - j) Public telephone booths are to be installed in accordance with Appendix A.

 - k) Telecommunications facilities and Electrical Network Infrastructure that are not “exempt development” are to be sited and installed in accordance with Appendix B, i.e. the relevant provisions of the *North Sydney Development Control Plan*.

 - l) Council’s consultation requirements are consistent with the Communication Alliance Ltd. *Industry Code C564.2011 Mobile Phone Base Station Deployment*. Carriers must notify both Council and the public of intent to install telecommunication facilities in accordance with Appendix C.

Re-adopted by Council [inset date]

APPENDIX C: CONSULTATION REQUIREMENTS

The following information is extracted from the Communication Alliance Ltd. *Mobile Phone Base Station Deployment Industry Code 2018*. For more information, refer to http://www.commsalliance.com.au/data/assets/pdf_file/0018/32634/C564_2011.pdf

Note: The consultation requirements of the Industry Code do not apply to telecommunications facilities that require Development Approval. In such cases public consultation will occur through Council's Development Application process.

1. Installation at an existing site without Development Application

Applicable if:

- a) a carrier proposes to carry out any work at premises in relation to the installation of telecommunications facilities that is not Low Power RF telecommunications facilities;
- b) there is already telecommunications facilities at the premises, other than Low Power RF telecommunications facilities or Exempt telecommunications facilities and;
- c) the work does not require Development Approval.

1.1 Council Notification

The carrier must give Council notice of the proposed work which must include:

- a) the proposed location;
- b) a written description of the proposed work;
- c) a statement setting out whether the carrier regards the infrastructure as a Low Impact Facility under the *Telecommunications (Low-impact Facilities) Determination 1997* and the reasons for that conclusion;
- d) a statement that the proposed infrastructure will be in compliance with the Australian Communications and Media Authority (ACMA) electromagnetic radiation (EMR) regulatory arrangements;
- e) a statement of estimated EMR exposure levels; and
- f) a statement that Council may obtain further information on the proposed work, including contact details for the carrier's representative from whom the information may be obtained.

1.2 Newspaper Notification

The carrier must publish a notice in a newspaper circulating the location surrounding the proposed work as prescribed in Section 7.3 of the *Industry Code C564.2011 Mobile Phone Base Station Deployment*.

1.3 Council and Public Submissions

Before commencing the work, the carrier must have regard to any submissions received from the public and Council.

Re-adopted by Council [inset date]

2. Installation at a new site without Development Application

Applicable if:

- a) a carrier proposes to carry out any work at premises in relation to the installation of telecommunications facilities that is not Low Power RF telecommunications facilities;
- b) there are no telecommunications facilities at the premises, other than Low Power RF Infrastructure; and
- c) the work does not require Development Approval.

The consultation process must involve the development of the consultation plan and its delivery, implementation, analysis and responses.

In developing a consultation plan for a site the carrier must endeavour to meet the objectives of:

- a) identifying and informing interested and affected parties (refer to Industry Code of definition) of the proposed project;
- b) maximising the level of accurate and accessible information about the project to interested and affected parties;
- c) using its reasonable endeavours to identify community sensitive locations (refer to Industry Code of definition); and
- d) meeting the reasonable needs and expectations of the community.

2.1 Council Notification

2.1.1 The carrier must invite Council to comment on:

- a) the suitability of the draft consultation plan for this community;
- b) whether there are there any additional key stakeholders who should be included as interested and affected parties; and
- c) whether there are any significant events within the community that the carrier should be aware of in developing the draft consultation plan.

2.1.2 The information provided to Council and interested and affected parties must include:

- a) the proposed location;
- b) a written description of the proposal;
- c) a statement setting out whether the carrier regards the infrastructure as a Low Impact Facility under the *Telecommunications (Low-impact Facilities) Determination 1997* and the reasons for that conclusion;
- d) a statement that the proposed infrastructure will be in compliance with the ACMA EMR regulatory arrangements;
- e) an Australia Radiation Protection and Nuclear Safety Agency (ARPANSA) electromagnetic energy (EME) report for the proposal;
- f) the contact details of the Carrier's representative;
- g) an invitation to make submissions; and
- h) the timeframe to make the submission.

Re-adopted by Council [inset date]

2.1.3 Information on the carrier's website must include:

- a) the address of the proposed site;
- b) a description of the proposal;
- c) the rationale for the proposal;
- d) whether or not the Carrier considers the proposal is low impact;
- e) alternate options and opportunities for co-location considered;
- f) any key dates (e.g. submission dates, construction dates);
- g) an ARPANSA EME report for the proposal;
- h) a link to the Communications Alliance information portal; and
- i) phone and email address for more information or making a submission.

2.1.4 On-site signage - the carrier must place a sign about the proposal at the site proposed in a manner that ensures that it is clearly visible and legible from a public road or footpath, unless Council approval is required for the sign, Council instructs otherwise, or it is not practical to do so.

- a) the sign must comply with the format in Appendix E3.
- b) the sign must be weatherproof if installed externally.
- c) the sign must not be removed by the carrier until construction is complete.

2.2 Council and Public Submissions

2.2.1 The minimum submission period for Council must be 20 working days and for interested and affected parties (i.e. the public) must be at least 15 working days.

2.2.2 The carrier must allow interested and affected parties an extension period of an additional five working days to provide comment if requested in writing.

2.2.3 Assessing submissions received - at the end of the consultation process the carrier must assess all submissions:

2.2.3.1 The carrier must respond to interested and affected parties who provided it with individual submissions in the consultation process.

2.2.3.2 The carrier must prepare a report which is sent to Council and published on its website. The report must include:

- a) summary of submissions received during the consultation process;
- b) the carrier's consideration and assessment of these submissions;
- c) a statement about the carrier's intended actions regarding the proposed work; and
- d) where construction is intended, the carrier must include a range of likely dates for commencement of construction.



TRAILER PARKING POLICY

D2-13

Page 1 of 6

Policy Owner: Director Engineering and Property Services

Category: Strategic

Direction: 2. Our Built Infrastructure

1. STATEMENT OF INTENT

- 1.1 To outline Council's objectives in managing and restricting trailer parking on local streets and to provide a consistent set of guidelines for staff when actioning requests for trailer parking restrictions.
- 1.2 To ensure that access to on-street parking is effectively managed and maximum parking occupancy targets are achieved.
- 1.3 To enhance residential amenity by reducing opportunities for long term parking of trailers in high demand unrestricted parking areas.
- 1.4 To ensure that appropriate community engagement is undertaken where trailer parking restrictions are proposed, and prevent consultation fatigue.
- 1.5 To ensure the effective management of Council's resources.

2. ELIGIBILITY

- 2.1 This Policy applies to all Councillors and employees of Council, involved in the management of trailer parking restriction requests and enforcement.
- 2.2 This Policy applies to all persons who park trailers within the North Sydney local government area.
- 2.3 Any person who resides, works or owns a property within the North Sydney local government area may request trailer parking restrictions for their street.

3. DEFINITIONS

- 3.1 Advertising trailer - a trailer displaying an advertisement but does not include an advertisement that is ancillary to the dominant purpose of the trailer, or an advertisement on a trailer parked by or on behalf of a public authority in the exercise of its functions.

Adopted by Council [insert date]

TRAILER PARKING POLICY

Page 2 of 6

-
- 3.2 Boat Trailer - means a trailer constructed for, or used for, the conveyance of a boat
 - 3.3 Motor Vehicle - as defined in the *NSW Road Rules 2014* means a vehicle that is built to be propelled by a motor that forms part of the vehicle.
 - 3.4 On-street parking - all public streets, roads and road related areas within the North Sydney local government area.
 - 3.5 Trailer - as defined in the *Road Transport Act 2013*, means a vehicle that:
 - a) is built to be towed, or is towed, by a motor vehicle, and
 - b) is not capable of being propelled in the course of normal use on roads or road related areas without being towed by a motor vehicle.

Common examples of trailers include boat trailers, box trailers, and caravans.

- 3.6 Trailer parking restrictions - regulatory on-street parking restrictions that apply to a section of road sign-posted with "No Parking Motor Vehicles Excepted" signs.

4. PROVISIONS

- 4.1 Requests for trailer parking restrictions will be managed in accordance with the provisions in Section 4 of this Policy, including provisions for specific types of trailers in Clauses 4.8 and 4.9.
- 4.2 Where resident parking consultation (timed or trailer parking restrictions) has been undertaken in the street in the past 24 months prior to the receipt of a trailer parking restriction request, the request will not be supported. This is to prevent consultation fatigue of any sector of the community.
- 4.3 Community consultation will be undertaken in accordance with Council's *Trailer Parking Community Engagement Strategy*.
- 4.4 The outcomes of the community consultation will be reported to the next available Traffic Committee meeting at the conclusion of the community consultation period.
- 4.5 In assessing a request for trailer parking restrictions consideration may be given to parking conditions for the whole street or part of the street. For short streets (shorter than 150 metres), the whole street should be taken into consideration. For long streets (longer than 150 metres) it may be appropriate to only consider part of the street, depending on the nature of the request and existing parking

Adopted by Council [insert date]

TRAILER PARKING POLICY

Page 3 of 6

controls in the street, in which case the part of the street should consist of no less than 20 parking spaces and consist of a block or series of blocks between two (2) adjoining roads.

- 4.6 Notwithstanding all other provisions of this Policy, if a trailer of any type is considered by Council's Traffic Engineer to cause a hazardous sight obstruction to pedestrians and/or vehicles, such as on a bend, or near an intersection, the matter shall be referred to the next available North Sydney Traffic Committee to determine whether to pursue the community engagement with regard to the installation of "No Parking Motor Vehicles Excepted" in the location of the sight obstruction. Consideration should also be given to motorbike parking if parking of any vehicle larger than a motorbike at the location would cause similar hazardous sight obstructions.
- 4.7 Where requests for trailer parking restrictions do not meet the criteria outlined in this policy, Council will respond to the customer(s) that the request is not supported and outline the reasons in accordance with this policy.
- 4.8 **Advertising Trailers**
- 4.8.1 The placement of advertising trailers is regulated under *State Environmental Planning Policy (Industry and Employment) 2021*.
- 4.8.2 A person must not display an advertisement on a trailer parked on a road or road related area.
- 4.8.3 A person must not display an advertisement on a trailer parked on land other than a road or road related area, but visible from a road or road related area, except with the consent of the consent authority
- 4.8.4 Council will enforce placement of advertising trailers in accordance with the *State Environmental Planning Policy (Industry and Employment) 2021*.
- 4.9 **All other types of trailers**
- 4.9.5 The whole of the North Sydney local government area is a declared area for the purposes of the *Impounding Act 1993 (Unattended Boat Trailers)*.
- 4.9.6 Council will undertake community consultation with regard to community preference for the introduction of "**No Parking Motor Vehicles Excepted**" for streets (or parts thereof) which meet the following criteria:
- 4.9.6.1 In any 60-day period, Council receives requests (or a petition) for trailer parking restrictions to be installed in a section of a

Adopted by Council [insert date]

street and the requests are from at least 30% of the households adjoining the same section of the street, or where the number of adjoining households is less than 10, 30% of households overlapping a 50 metre buffer of the section of the street;

- 4.9.6.2 A minimum of two site observations by Council staff, at between 28 and-60 day intervals, confirm on each occasion there are two (2) or more trailers (of any type) parked; or trailers occupy 10% or more of the unrestricted parking in the street, whichever is greater;
- 4.9.6.3 The average occupancy of the unrestricted parking and any existing “No Parking Motor Vehicle Excepted’ spaces in the street (or part thereof) is **85% or greater**;
- 4.9.6.4 Where there is a combination of restricted and unrestricted parking in the street (or part thereof), the average parking occupancy is **between 65% to 85%**; and
- 4.9.6.5 Where criteria 4.9.6.1 to 4.9.6.3 are met, but the average parking occupancy for the street (or part thereof) is **85% or greater** and no resident parking consultation has been undertaken in that street in the 24 months prior to criteria 4.9.6.1 being met, Council will undertake community consultation in the street, or Resident Parking Area that includes the street, with regard to the community preference for options including:
 - a) timed parking restrictions with exemptions for resident parking permit holders, and
 - b) “No Parking Motor Vehicles Excepted”.

5. RESPONSIBILITY/ACCOUNTABILITY

- 5.1 Council’s Traffic and Transport Operations Department is responsible for the provision and management of trailer parking restrictions.
- 5.2 Council’s Ranger and Parking Services Department is responsible for the enforcement of parking controls and relevant legislation.
- 5.3 The North Sydney Traffic Committee is responsible for making recommendations to Council on the regulation of traffic on Council roads, including implementation of parking controls.

Adopted by Council [insert date]

6. RELATED POLICIES/DOCUMENTS/LEGISLATION

The Policy should be read in conjunction with the following Council policies and documents:

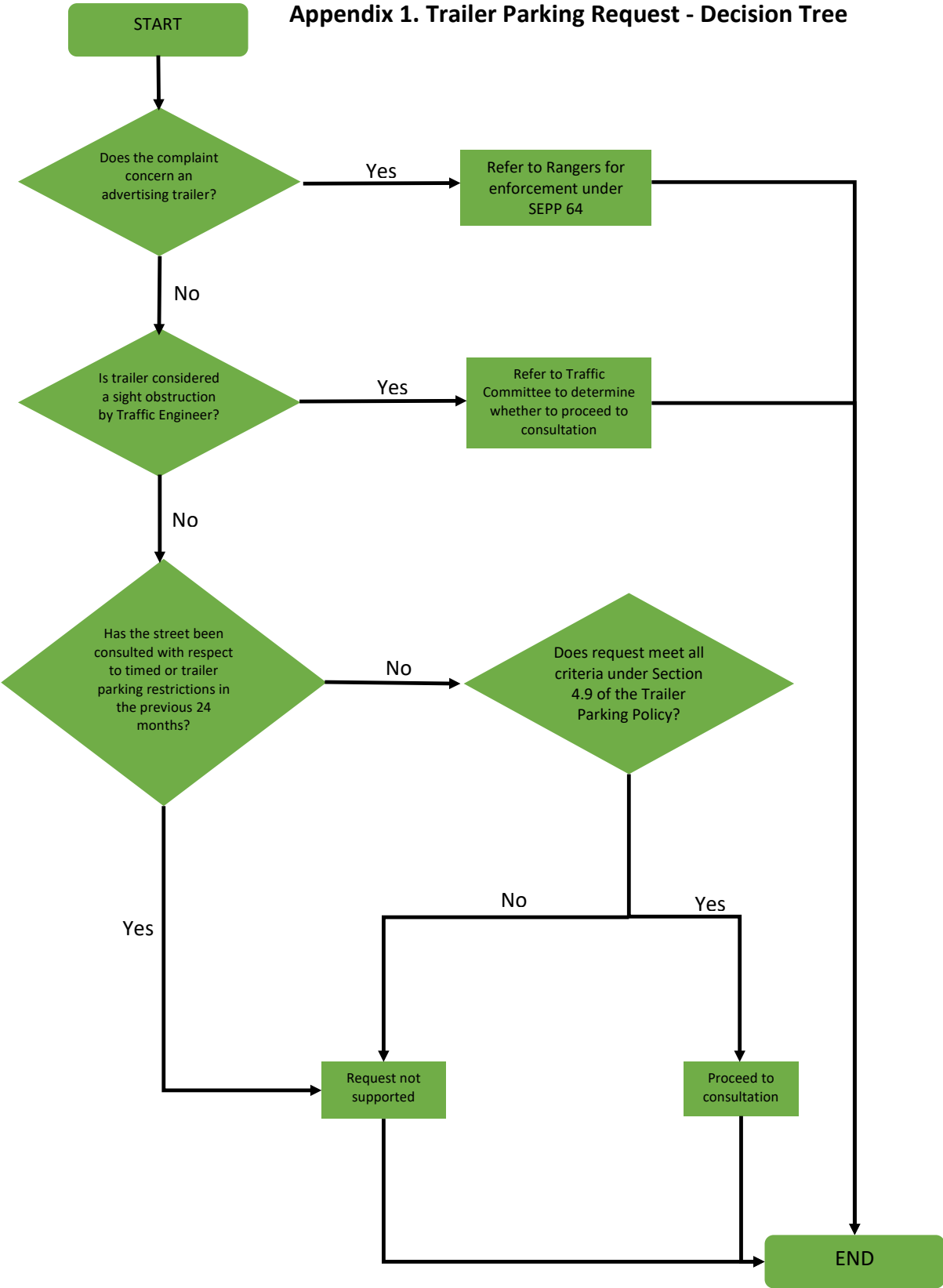
- Local Area Traffic Management Action Plans (LATMs)
- North Sydney Integrated Traffic & Parking Strategy
- North Sydney Transport Strategy
- Parking Management and Enforcement Policy
- Resident Parking Permit Policy
- Trailer Parking Community Engagement Strategy

The Policy should be read in conjunction with the following documents/legislation:

- Impounding Act 1993 (Unattended Boat Trailers)
- NSW Road Rules 2014
- Road Transport Act 2013
- State Environmental Planning Policy (Industry and Employment) 2021

Version	Date Approved	Approved by	Resolution No.	Review Date
1	28 September 2020	Council	140	2024/25
2	[insert date]	Council	[insert no.]	2024/25

Adopted by Council [insert date]



Adopted by Council [insert date]