



## **SECTION 20 PUBLIC INFRASTRUCTURE**

### **20.1 INTRODUCTION**

The integration of engineering considerations with planning, architecture and landscaping is important for the purpose of servicing the future infrastructure needs of the North Sydney local government area.

This section provides information for property owners and developers about Council's objectives and provisions when required to create and/or rehabilitate the following types of infrastructure:

- Roads
- Vehicle crossings and driveways
- Footpaths
- Permitted encroachments
- Boundary alignment levels

Council may require developers to contribute to the renewal and or maintenance of public infrastructure by placing appropriate consent conditions on development applications. These consent conditions are for works on public property as a consequence of the impact of a development.

#### **20.1.1 General Objectives**

The general objectives of this Section of the DCP are:

- O1 To ensure that an appropriate level of public infrastructure is provided to service the future growth expectations of Council and the North Sydney community.
- O2 To ensure that public infrastructure achieves a high level of compliance with Council's design and construction standards.
- O3 To ensure that existing public infrastructure, damaged by construction works is reinstated to an acceptable condition.
- O4 To ensure minimal risk of injury to people and damage to private property and existing public infrastructure and utility services.

#### **20.1.2 When does this section of the DCP apply?**

This section of the DCP applies to all developments that have a direct impact upon the public domain.

#### **20.1.3 Relationships to Other Sections**

Where relevant, this Section of the DCP should be read in conjunction with the following Sections of the DCP:

- (a) Part A: Section 3 – Submitting an Application;
- (b) Part B: Section 1 – Residential Development;
- (c) Part B: Section 2 – Commercial and Mixed Use Development;
- (d) Part B: Section 3 – Non-Residential Development in Residential Zones;
- (e) Part B: Section 4 – Boarding Houses;
- (f) Part B: Section 5 – Child Care Centres;
- (g) Part B: Section 8 – Outdoor Dining and display of Goods on the Footpath;

- (h) Part B: Section 13 – Heritage and Conservation;
- (i) Part B: Section 9 – Advertising and Signage;
- (j) Part B: Section 15 – Bushland;
- (k) Part B: Section 16 – Tress and Vegetation Management;
- (l) Part B: Section 17 – Erosion and Sediment Control;
- (m) Part B: Section 18 – Stormwater Drainage; and
- (n) Part B: Section 21 – Telecommunication Facilities.

#### 20.1.4 How to use this section of the DCP

When submitting a development application or construction certificate, for the type of works outlined in this section of the DCP:

- (a) Be aware of how to meet the objectives, controls, maintenance and monitoring requirements.
- (b) Follow the prescribed procedures and refer to the additional information sources recommended.
- (c) Use the *Matrix table* - The Matrix Table is located on the North Sydney Council website and provides summary information regarding the issues, processes, pre-requisites, statutory law and compliance requirements associated with lodging a development application or construction certificate.
- (d) Refer to sub-section 20.2 for additional information on:
  - (i) Reference documents
  - (ii) Permits and approvals required
  - (iii) Deed and lease agreements
  - (iv) Bonds and securities
  - (v) Works in association
  - (vi) Defects liability period
  - (vii) Dilapidation reports

## 20.2 ADDITIONAL INFORMATION

### 20.2.1 Reference Documents

This section of the DCP is to be used in conjunction with a range of other documents including:

**(a) [State Environmental Planning Policy \(Transport and Infrastructure\) 2021](#)**

The Transport and Infrastructure SEPP provides the basic planning objectives and development controls for works in and adjacent to road reserves and states whether development consent is required for particular kinds of development.

**(b) [North Sydney Local Environmental Plan 2013](#)**

NSLEP 2013 provides the basic planning objectives and development controls for new buildings and other developments and states whether development consent is required for particular kinds of development.

**(c) [North Sydney Council Performance Guide](#)**

The Performance Guide is a separate infrastructure guideline providing more information about Council's performance expectations and other relevant information. The Performance Guide also provides a matrix of key relationships and typical drawing(s) where applicable. The Performance Guide is not intended to be a design

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and construction guide but directs the reader to other references to fulfil this objective. Copies of the performance Guide are available over the counter at Council's Customer Service Centre and from the web via [www.northsydney.nsw.gov.au](http://www.northsydney.nsw.gov.au).

**(d) North Sydney Council Infrastructure Specification Manual for Roadworks, Drainage and Miscellaneous Works**

Contains detailed infrastructure specifications for the works described within this section of the DCP. Copies are available over the counter at Council's Customer Service Centre and from the web via [www.northsydney.nsw.gov.au](http://www.northsydney.nsw.gov.au).

**(e) Transport for NSW's Technical Direction GTD 2020/001**

Contains detailed directions to consider where excavation is undertaken on land adjacent to a public road. A copy of the Technical Direction is available on the Transport for NSW's website via <https://standards.transport.nsw.gov.au/entity/annotation/87baec59-b535-ed11-9db1-000d3ae011f9>

### 20.2.2 Permits and Approvals

To carry out works on public property the applicant, owner or builder must apply for specific permits available from Council's Customer Service Centre.

Permits issued by Council relate to works associated with:

- Hoardings;
- Standing plant;
- Storing building materials;
- Containers for building waste (skips);
- Work zones;
- Working out-of-hours;
- Street Opening;
- Approvals under Section 138 of the [Roads Act 1993](#);
- Approvals under Section 68 of the [Local Government Act 1993](#);

Work must not be carried out in a public road or footpath unless consent has been granted by Council (or other relevant roads authority) under s.138 of the [Roads Act 1993](#) and s.68 of the [Local Government Act 1993](#). These are separate approvals to development consent or a complying development certificate. Consult with Council to determine if a permit is required.

Permits are issued for a specific time period requested by the developer in the application. Fees and charges are levied based on the agreed time period of the permit. Permit times may be extended subject to Council approval and payment of additional fees and charges. Extension of time may not be possible in some cases.

Refer to the Council's Performance Guide and consult with Council for specific details regarding permits, fees and charges.

### 20.2.3 Deed of Agreement and Leases

Council may also require an applicant to enter into a *deed of agreement* or *lease* for temporary occupation of public property with the payment of rent and holding insurances to indemnify Council against all risks associated with the proposed Work.

### 20.2.4 Bonds and Security

Where a developer is required to construct works on public property as part of an overall development, Council may require bonds to be paid as a security against any damage caused

to road infrastructure or the environment arising from construction. After completion of development, bond moneys may be returned subject to satisfactory completion of the work.

### 20.2.5 Works in Association

*Works in association* are Council funded construction works on public property that may be joined with Developer funded works for the purpose of integrating the streetscape. **Council may contribute money to the Developer** to build works in association with the developer's works subject to it being in the public interest.

Where two or more adjoining developments are under construction simultaneously, Council may offer to build infrastructure works for all developments in the interests of achieving an integrated and coordinated streetscape, subject to the **developer contributing money to Council** to build these works. This is seen as adding value to the community dollars spent. Proposals will be considered based on individual merit.

### 20.2.6 Defects Liability Period

The *defects liability period* refers to a period of generally 12 months after *practical completion* of the development whereby the repair of any defects arising from construction in public property is the responsibility of the developer/owner. Practical completion is the date when the works have reached the stage of being able to function in an operational manner.

A defects liability period is particularly relevant wherever any defects of construction are not easily detectable at the time that the construction work is practically completed. Typical work meeting these criteria is underground drainage construction and the structural stability of road pavements.

Where Council holds a bond or security for work that is subject to a defects liability period, the bond or security may be returned on completion of the defects liability period subject to all defects being repaired or evidence based on the dilapidation report confirming that no damage has been caused to public infrastructure.

### 20.2.7 Dilapidation Report

A dilapidation report is a written statement prepared by an appropriately qualified engineer giving an opinion of the pre-development condition of public infrastructure that may be at risk of damage as a consequence of works associated with a private development.

A dilapidation report may be required, as a condition of development consent, to be lodged with an application for a construction certificate. The applicant should seek Council's approval-in-principle regarding the adequacy of the dilapidation report prior to the applicant lodging it with the application for a construction certificate.

The findings of the report should be based on visual and structural condition of public infrastructure and supported by photographic and structural testing data. For example, the pre-development condition of stormwater drainage systems should be inspected by video, and the strength of road pavements may need to be confirmed by structural testing.

### 20.2.8 Engineering Assessment Process

Below is a useful guide of the development process to be followed when intending to undertake the type of works outlined in this section of the DCP.

#### For a Development Consent

- Conceptual engineering documentation is prepared (including designs).
- Applicant lodges a DA with conceptual documents and pays the fees.
- Development Engineer inspects site, prepares engineering conditions, determines amount of bonds and security payable.
- Council issues Development Consent.



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**For a Construction Certificate**

- Applicant pays Council all fees, contributions, bonds or security owing, applies for any permits required for construction and obtains receipts.
- Applicant applies for a Construction Certificate from a Principal Certifier. A Construction Certificate must be obtained before starting Construction.
- Before issuing a Construction Certificate, the Principal Certifier must sight certified detailed design/construction drawings, copies of receipts for payments of contributions, bonds and permits and any other documents required by the DA.
- Principal Certifying Authority issues a Construction Certificate.

**For an Occupation Certificate**

- Construction work commences.
- On completion of construction, "as built drawings" are certified by an accredited engineer and referred to the Principal Certifier for an Occupation Certificate.
- Before issuing an Occupation Certificate, Principal Certifier seeks Council's approval for any works constructed on public property.
- Developer applies to Council for release of any bonds & security held.
- Council inspects the work and if satisfactory, returns bonds or security at the appropriate time. Any bond & security that is subject to a defects liability period is released after 12 months subject to relevant construction work being satisfactory to Council.
- If work is unsatisfactory, Council either requests work to be rectified or uses the bond money to rectify the work. On satisfactory completion of the work, Council advises the Principal Certifier & returns balance of outstanding bonds.
- Principal Certifying Authority issues the Occupation Certificate.



## 20.3 ROADS

North Sydney Council's role is to provide a level of road infrastructure capable of servicing the future growth expectations of a thriving commercial and diverse multi-cultural residential community.

Road infrastructure refers to kerb and gutter, road pavements for traffic lanes and car-parks, medians, retaining walls where supporting the road, easements for road stability, line-marking, street-signs, street-lighting and the like. For the purpose of sub-section 20.3, road infrastructure does not include road drainage, footpaths and vehicular crossings as these are covered elsewhere in Section 20 to this Part of the DCP.

Existing road infrastructure in most cases is old and the condition poor due to wear over time, from growth in vehicle and pedestrian traffic as a consequence of increased development. Existing infrastructure in some cases will not sustain future development, hence new road infrastructure may need to be provided with new development at no cost to the Council.

North Sydney has many areas of heritage and conservation significance. Construction of new road infrastructure should not cause damage to items of heritage and conservation significance. If such damage occurs, this must be reconstructed as near to original condition as possible

This sub-section of the DCP provides the objectives and provisions to be addressed when designing and constructing appropriate road infrastructure in front of developments. It also identifies matters that should be considered where excavation is undertaken on land adjacent to a public road. Refer to these when intending to prepare information for lodging a development application or construction certificate.

### 20.3.1 Objectives

- O1 To ensure that an appropriate level of road infrastructure is provided to service the future growth expectations of Council and the North Sydney community.
- O2 To improve and maintain road infrastructure by achieving a high level of compliance with Council's design and construction standards.
- O3 To ensure that existing road infrastructure, damaged by the construction of buildings, is re-instated to an acceptable condition.
- O4 To ensure minimal risk of injury to people and damage to vehicles, existing road infrastructure and public utility services resulting from new development.

### 20.3.2 Provisions

#### General

- P1 New and reconstructed road/s should be designed and constructed to a minimum standard that complies with the technical requirements of the North Sydney Council *Performance Guide* and *Infrastructure Specification Manual*.
- P2 New road infrastructure should have a design service life of 25 years before requiring replacement and 8 years before first requiring maintenance.
- P3 New road infrastructure should be safe for pedestrians, cyclists and vehicles. Council supports the concept of shared zones where appropriate (Special design criteria and RMS approval applies in these cases).
- P4 Existing public utility services should be protected during construction of road infrastructure. The location of all public utility services is to be shown on design plans that are to be submitted with the application for the construction certificate.
- P5 Kerb and gutter should be constructed with an absolute minimum longitudinal slope of 1% (1 vertical unit : 100 horizontal units).
- P6 Road line markings should be visible at night by using reflective paint.



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P7 Sandstone kerb and gutter with heritage significance is to be retained and not replaced with concrete.

**Excavation adjoining active road reserves**

P8 Where excavation is proposed on land with a frontage to an active road reserve, consideration must be given to the Directions contained within the Transport for NSW's Technical Direction GTD 2020/001.

**20.3.3 Monitoring and Maintenance**

- P1 Construction work on private and public property is checked for compliance by an accredited engineer. Certifications are issued if all works meet Council requirements. If work is deficient, defects orders are issued accordingly.
- P2 Construction work on public property that is to revert to Council's ownership must be checked by Council for compliance with its standards.
- P3 Council is authorised to use bonds and security to rectify any defective work not undertaken in a reasonable time. The developer is responsible for work carried out on public property by a building contractor.

**20.3.4 Procedures**

- P1 Prior to road construction the applicant should provide:
  - (a) Conceptual road design plans with the development application where applicable. Conceptual design plans must address the requirements of this DCP and Council's *Performance Guide* to enable satisfactory works to be constructed.
  - (b) A statement detailing the environmental impacts of the roadworks when lodging the development application.
  - (c) Detailed road design plans (where applicable) with the application for a construction certificate together with any certification by an accredited engineer.
  - (d) Final design plans for approval of construction certificate with sufficient specifications to ensure that the construction works can be built according to Council's requirements.
  - (e) Payment of bonds and securities where applicable.

On completion *As Built Drawings* of completed construction work should be lodged to verify that construction works have been built in accordance with the development consent. *As Built Drawings* should be certified by an accredited engineer. Council approval is required of all construction work completed on public property.

Work must not be carried out in a public road or footpath unless consent has been granted by Council (or other relevant roads authority) under s.138 of the [Roads Act 1993](#) and s.68 of the [Local Government Act 1993](#). These are separate approvals to development consent or a complying development certificate. Consult with Council to determine if a permit is required.

Where developer funded roadworks require substantial adjustments of Council's road infrastructure, Council may consider carrying out *works in association* with works required by the developer.

Council may require a *dilapidation report* to identify any defects present prior to development commencing and may also impose a bond on road work as a security against damage occurring to Council infrastructure. Any breach of consent conditions may result in Council revoking the consent and using the bond and security to restore the works and make the site safe.



### **20.3.5 Further information**

For more information about design and construction of road infrastructure and associated details regarding permits, fees and charges consult with Council and refer to:

- (a) North Sydney Council *Performance Guide*;
- (b) North Sydney Council *Infrastructure Specification Manual*

### **20.3.6 Road Infrastructure Matrix**

Table B-20.1 comprises a Road Infrastructure Matrix which describes the process, pre-requisites and references relating to the provision of road infrastructure.





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TABLE B-20.1: Road Infrastructure Matrix						
This is About	Main activities	The Process	Pre-requisite	Compliance with	References	Comments
Road infrastructure works that are to revert to Council's ownership	<ul style="list-style-type: none"> <li>Work required to construct a private development such as kerb and gutter, road pavement, car-parks, retaining walls, line marking, street signs, street lighting, and the like located on public property</li> <li>Does not include road drainage, footpaths and vehicular crossings or heritage items</li> </ul>	1. Lodge a Development Application	<ul style="list-style-type: none"> <li>Survey details</li> <li>Concept stormwater proposed works</li> <li>Erosion Control Plan</li> <li>Dilapidation Report</li> </ul>	<ul style="list-style-type: none"> <li>This section of the DCP</li> <li>Development Application Guides</li> </ul>	<ul style="list-style-type: none"> <li>NSC Performance Guide</li> <li>NSC Infrastructure Specification Manual</li> </ul>	<ul style="list-style-type: none"> <li>Provide enough information to allow Council to assess the merit of the proposal</li> <li>The Statement of Environmental Impact must address the issues raised in the checklist within the EP&amp;A Act</li> </ul>
		2. Obtain development consent	<ul style="list-style-type: none"> <li>Council considers impact of road works from new development on capacity of existing infrastructure and adjoining property</li> </ul>	<ul style="list-style-type: none"> <li>EP&amp;A Act 1979</li> </ul>		<ul style="list-style-type: none"> <li>In order to minimise delay the applicant should ensure that the information provided in the application is relevant, accurate and fit-for-purpose</li> </ul>
		3. Lodge a Construction Certificate Application	<ul style="list-style-type: none"> <li>Detailed design of road infrastructure</li> <li>Erosion Control Plan</li> <li>Section 138 Permit</li> <li>Pay all fees and bonds</li> <li>Certifications as required</li> </ul>	<ul style="list-style-type: none"> <li>This section of the DCP</li> <li>Development consent s.138 of Roads Act 1993 (if Applicable)</li> </ul>	<ul style="list-style-type: none"> <li>NSC Performance Guide</li> <li>NSC Infrastructure Specification Manual</li> </ul>	<ul style="list-style-type: none"> <li>Provide enough detailed design information to show that work can be built as per development consent conditions</li> <li>No work is permitted on public property without a 138 Permit</li> <li>Bonds are a security against damage to Council Infrastructure</li> </ul>
		4. Obtain a Construction Certificate	<ul style="list-style-type: none"> <li>PCA ensures that all consent conditions are met before Issuing Construction Certificate</li> </ul>	<ul style="list-style-type: none"> <li>Development Consent</li> </ul>		
		5. Start Construction	<ul style="list-style-type: none"> <li>Give Council Notice</li> <li>Install erosion and sedimentation control measures</li> </ul>	<ul style="list-style-type: none"> <li>This section of the DCP</li> <li>Construction Certificate</li> </ul>	<ul style="list-style-type: none"> <li>NSC Performance Guide</li> <li>NSC Infrastructure Specification Manual</li> </ul>	<ul style="list-style-type: none"> <li>A Construction Certificate must be obtained before construction may commence.</li> </ul>
		6. Lodge an Occupation Certificate Application	<ul style="list-style-type: none"> <li>As built drawings</li> <li>Certifications as required</li> <li>Council approval of works on public property</li> </ul>	<ul style="list-style-type: none"> <li>BCA</li> <li>This section of the DCP</li> <li>Construction Certificate</li> </ul>		<ul style="list-style-type: none"> <li>Council must first approve any work on public property before certificate provided</li> </ul>

## 20.4 VEHICULAR ACCESS

### 20.4.1 Introduction

Vehicular access consists of both the crossing (as known as the *layback*) and driveway. The Vehicular crossing is the section adjoining the driveway located on the kerb-line whilst the driveway is the section of access between the kerb-line and the property boundary. This section refers to the provision and maintenance of vehicle access from public roads into private property.

A *Vehicular Access Application* must be made prior to the provision of any crossing and driveway in association with a development approval, or prior to the replacement or improvement of an existing vehicular crossing. Similar application must be made prior to the opening of any road, footpath, grass verge or the like. Attached to the application are Council's *Vehicular Access Guidelines and Specifications*, which provide further information to applicants of requirements in connection with the provision of vehicular access.

It is the responsibility of the developer of property to establish suitable access facilities taking into account road levels, drainage requirements and current vehicle access requirements, at no cost to Council.

### 20.4.2 How this subsection is used

This sub-section of the DCP provides the objectives and provisions to be addressed when providing vehicular access to and from development. Use this sub-section in conjunction with Council's *Vehicular Access Guidelines and Specifications* when intending to prepare information for lodging a vehicular access application, development application or construction certificate.

### 20.4.3 Objectives

- O1 To ensure that vehicular access to and from development is simple, safe, direct and enhances visual amenity.
- O2 To ensure that vehicular access is designed and constructed in accordance with Council standards.
- O3 To ensure minimal impact on existing street parking.
- O4 To ensure minimal disturbance to existing road infrastructure, public utility services and adjoining property.

### 20.4.4 Provisions

- P1 Vehicular access provision (design and construction) should conform to the requirements of Council's *Vehicular Access Guidelines and Specifications*.
- P2 All existing gutter bridges are removed. Council may consider the retention of a gutter bridge, but only if the following criteria are met:
  - (a) The value of the proposed works does not exceed \$200,000; or
  - (b) The proposed development does not result in any increase in vehicular traffic across the gutter bridge; or
  - (c) The proposed development involves the demolition of or alteration and addition to more than 50% of the existing building on the site.
- P3 For the purpose of P2, an increase in vehicular traffic refers to any:
  - (a) increase to the number of parking spaces on the site,
  - (b) increase in the number of bedrooms within a residential dwelling by 2 or more bedrooms, but only where additional cars can be accommodate on the site under its current or proposed form, or

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- (c) any other development in the opinion of Council that may result in an increase in vehicular traffic crossing the gutter bridge.

**20.4.5 Monitoring and Maintenance**

- P1 The applicant should give Council 24 hours notice to inspect the formwork before constructing the access.
- P2 Erosion and sedimentation controls should be in place before starting any excavation works. These devices should be maintained regularly. Failure to install and maintain these devices may result in a fine and/or legal action.
- P3 If a bond applies, Council inspects the completed work for any damage to Council's infrastructure before returning the bond.
- P4 Roadworks should be completed as soon as possible after constructing the vehicle crossing and driveway to minimise disruption to traffic.

**20.4.6 Procedures**

- P1 Prior to commencement of footpath construction applicant should:
  - (a) Apply to Council for boundary alignment levels.
  - (b) Lodge a *Vehicle Access Application* and refer to the accompanying *Vehicular Access Guidelines and Specifications* for further information.
  - (c) Obtain a *Street Opening Permit* before starting work if required.
  - (d) Pay a *bond* if applicable.
  - (e) Obtain a construction certificate before constructing the works if the footpath is part of an application for a larger development.
- P2 Work must not be carried out in a public road or footpath unless consent has been granted by Council (or other relevant roads authority) under s.138 of the [Roads Act 1993](#) and s.68 of the [Local Government Act 1993](#). These are separate approvals to development consent or a complying development certificate. Consult with Council to determine if a permit is required.
- P3 In special cases where the vehicular access requires substantial adjustments of Councils road infrastructure, Council may consider carrying out *works in association* with works required by the developer.
- P4 Council may require a *dilapidation report* to identify any defects present prior to development commencing and may also impose a bond on drainage work as a security against damage occurring to Council infrastructure. Any breach of consent conditions may result in Council revoking the consent and using the bond and security to restore the works and make the site safe.

**20.4.7 Further Information**

For more information about design and construction of vehicular access and associated details regarding permits, fees and charges consult with Council and refer to:

- (a) North Sydney Council *Vehicle Access Application* and accompanying *Vehicular Access Guidelines and Specifications*.
- (b) North Sydney Council *Performance Guide*.
- (c) North Sydney Council *Infrastructure Specification Manual*.

**20.4.8 Vehicular Crossings Matrix**

Table B-20.2 comprises a Vehicular Crossings Matrix which describes the process, pre-requisites and references relating to the provision of vehicular crossings.

**TABLE B-20.2: Vehicular Crossings Matrix**

This is About	Main activities	The Process	Pre-requisite	Compliance with	References	Comments
Vehicular Crossings and Driveways	<ul style="list-style-type: none"> <li>Vehicular access between the public road and private property</li> <li>Also includes any adjustments to public infrastructure required to provide suitable access</li> </ul>	1. Lodge a Vehicular Access Application	<ul style="list-style-type: none"> <li>Provide information as required by the application such as design information, indemnity, Certificate of Insurance</li> <li>Payment of application fees</li> <li>Approval to adjust existing infrastructure</li> </ul>	<ul style="list-style-type: none"> <li>This Section of the DCP</li> <li>NSC Performance Guide</li> </ul>	<ul style="list-style-type: none"> <li>NSC Infrastructure Specification Manual</li> </ul>	<ul style="list-style-type: none"> <li>The vehicular access application must relate to the provision of vehicular access to an approved car stand within private property</li> <li>Adjustment of existing infrastructure must be approved by council before submitting design plans</li> </ul>
		2. Obtain approval of Vehicular Access Application	<ul style="list-style-type: none"> <li>Council assesses application based on the reliability of the information provided</li> </ul>	<ul style="list-style-type: none"> <li>s.138 of Roads Act 1993 (if applicable)</li> <li>s.68 Local Government Act (if applicable)</li> </ul>		
		3. Constructing the vehicular access	<ul style="list-style-type: none"> <li>Approval of Vehicular Access Application</li> <li>Street Opening Permit</li> <li>48 hrs notice for inspecting formwork by Council</li> </ul>	<ul style="list-style-type: none"> <li>Development consent (if applicable)</li> <li>Plans approved by Council</li> <li>NSC Performance Guide</li> <li>NSC Infrastructure Specification Manual</li> </ul>		<ul style="list-style-type: none"> <li>Any adjustment required to existing infrastructure such as footpaths, kerb and gutter or road levels must be approved by Council</li> </ul>
		4. Return of the Bond	<ul style="list-style-type: none"> <li>Final approval of the completed vehicular crossing by Council</li> </ul>			<ul style="list-style-type: none"> <li>Ensure that no damage has been caused to Council's infrastructure</li> </ul>

## 20.5 FOOTPATHS

### 20.5.1 Introduction

Footpath infrastructure includes surface materials, landscaping, drainage, and provisions for the disabled. This section applies to the provision and maintenance of footpaths throughout North Sydney. Footpaths separate pedestrians from vehicular traffic and provide suitable all weather surface, safe and convenient for public use. Like Council's road network, footpaths provide a slightly varying function depending upon the location, the abutting development, location of shops, schools, community and service areas, as well as having a relationship with vehicular traffic volume.

New development generally creates the need to upgrade the standard of the footpath. Although Council maintains footpaths that have reverted to Council's ownership, new developments are responsible for constructing the footpath according to Council's specifications and at no cost to Council. Council has adopted a policy specifying types of footpaths for selected areas of North Sydney. Maps are available at Council showing these details.

### 20.5.2 How is this section used

This sub-section of the DCP provides the objectives and provisions to be addressed when constructing or reconstructing footpaths. Use this sub-section in conjunction with Council's *Infrastructure Specification Manual* when lodging a development application or construction certificate.

### 20.5.3 Objectives

- O1 To ensure that footpaths are designed and constructed in accordance with Council standards, compliments surrounding streetscape and reflects heritage and conservation values.
- O2 Ensure that footpaths provide a safe walking environment for all pedestrians and enhance visual amenity.
- O3 Provide equal access opportunity that does not discriminate against the disabled.
- O4 Minimise disturbance to existing road infrastructure, public utility services and adjoining property from provision of footpath.

### 20.5.4 Provisions

- P1 Where appropriate, new and reconstructed footpaths should be designed and constructed to a minimum standard that complies with the technical requirements of the North Sydney Council *Infrastructure Specification Manual*.
- P2 Footpath work adjoining areas of heritage and conservation significance should be designed and constructed to complement the heritage and conservation character. Damaged heritage elements should be reinstated as near as possible to original condition at no cost to Council.
- P3 Footpath design should:
  - (a) Show suitable profiles between kerb and floor levels at all doorways to a development.
  - (b) Allow for the planting of street trees in accordance with the *North Sydney Street Tree Strategy* and Part B: Section 16 – *Tree and Vegetation Management* of the DCP.
  - (c) Cater for the disposal of roof water piped beneath the footpath to the kerb (particularly for paved footpaths).
  - (d) Not contain steps where these did not previously exist.



- (e) Not have obviously visible dips and humps adjoining driveways or doorways.
- P4 Disabled access is to be accommodated within private property where footpaths have longitudinal slope at doorways.

### 20.5.5 Monitoring and Maintenance

- P1 The applicant should give Council 24 hours notice to inspect the prepared base of the footpath.
- P2 Erosion and sedimentation controls must be in place before starting any excavation works. These devices must be maintained regularly. Failure to install and maintain these devices may result in a fine and/or legal action.
- P3 If a bond applies, Council will inspect the completed work for damage to Council infrastructure before returning the bond.

### 20.5.6 Procedures

- P1 Prior to commencement of footpath construction applicant should:
  - (a) Apply to Council for alignment levels (prior to undertaking design).
  - (b) Lodge footpath design for approval with an application for Construction Certificate.
  - (c) Lodge footpath design to the Principal Certifying Authority (PCA) for the issue of a Construction Certificate.
  - (d) Obtain approval of public utility authorities where relevant services affected.
  - (e) Obtain a *Street Opening Permit* from Council.
  - (f) Pay bond if applicable.
  - (g) Submit to Council a work *as executed plan*, prepared by a surveyor or civil engineer if required.
  - (h) Obtain a construction certificate before constructing the works if the footpath is part of an application for a larger development.
- P2 Work must not be carried out in a public road or footpath unless consent has been granted by Council (or other relevant roads authority) under s.138 of the [Roads Act 1993](#) and s.68 of the [Local Government Act 1993](#). These are separate approvals to development consent or a complying development certificate. Consult with Council to determine if a permit is required.
- P3 Where a development's footpath works require substantial adjustments of Councils infrastructure, Council may consider carrying out *works in association* with works required by the developer, subject to conditions.
- P4 Council may require a *dilapidation report* to identify any defects present prior to development commencing and may also impose a bond on drainage work as a security against damage occurring to Council infrastructure. Any breach of consent conditions may result in Council revoking the consent and using the bond and security to restore the works and make the site safe.

### 20.5.7 Further Information

For more information about design and construction of vehicular access and associated details regarding permits, fees and charges consult with Council and refer to:

- (a) North Sydney Council *Performance Guide*.
- (b) North Sydney Council *Infrastructure Specification Manual*.



### 20.5.8 Matrix

Table B-20.3 comprises a Footpath Matrix which describes the process, pre-requisites and references relating to the provision of footpaths.

TABLE B-20.3: Footpaths Matrix

This is About	Main activities	The Process	Pre-requisite	Compliance with	References	Comments
Public Footpaths in commercial, mixed use and residential areas	<ul style="list-style-type: none"> <li>Pedestrian access between the kerb and the boundary</li> <li>Applies also to footpaths in pedestrian malls built on public property and the like</li> </ul>	<ol style="list-style-type: none"> <li>Lodge a Development Application showing footpath details as part of the larger development proposal</li> <li>Obtain development consent</li> <li>Obtain Construction Certificate</li> <li>Construct footpath as part of the main project</li> <li>Apply for release of bond</li> <li>Obtain Occupation Certificate</li> </ol>	<ul style="list-style-type: none"> <li>Prepare survey details</li> <li>Refer to Council's footpath standards regarding surface finish, planters etc</li> <li>Prepare detailed design of footpath</li> <li>Council assesses DA based on details of the footpath designs submitted</li> <li>Lodge final designs of the footpath with the s.138 Permit and pay contributions, fees, bonds</li> <li>Obtain the Construction Certificate</li> <li>Demonstrate by "As built drawings" that all work has been built in accordance with Council's requirements</li> <li>Obtain Council approval of DA.</li> <li>Satisfy all requirements for construction</li> </ul>	<ul style="list-style-type: none"> <li>Development Consent</li> <li>NSC Performance guide</li> <li>EP&amp;A Act 1979</li> <li>Street Opening Permit</li> <li>Guide for applying for Construction Certificate</li> <li>Development Consent Council's corporate standards</li> <li>NSC Infrastructure Specification manual</li> <li>Development consent conditions</li> <li>Development consent Construction Certificate</li> </ul>	<ul style="list-style-type: none"> <li>Guidelines for Vehicular Access Application</li> <li>NSC Performance Guide</li> <li>NSC Infrastructure Specification Manual</li> <li>NSC Infrastructure Specification Manual</li> <li>Plans approved in accordance with Construction Certificate</li> </ul>	<ul style="list-style-type: none"> <li>Provide enough concept design details to demonstrate that the footpath concept complies with Council's standards and is fit-for-purpose.</li> <li>Application is lodged with the Principal Certifying Authority who approves work for construction</li> <li>Council is authorised to issue a stop work order, if the work is not in accordance with approvals or is considered unsafe.</li> <li>Since the footpath work will revert to Council's ownership, Council requires all works to be constructed to Council's specifications.</li> <li>Bonds may be held until expiry of defects period.</li> </ul>



## **20.6 PERMITTED ENCROACHMENTS**

### **20.6.1 Introduction**

Permitted encroachments refer to structures that are permitted to encroach from private property onto the public property such as, but not limited to;

- Awnings
- Balconies
- Sunblinds
- Building signs
- Decorative structures
- Private security lighting
- CCTV cameras
- Special drainage structures

Elements encroaching within the public road reserve from private property may present a potential risk of safety to the public and therefore a potential risk of legal claims to Council if left unmanaged. Council has a duty to manage the risk and this is done by ensuring that the applicant, proposing the encroachments, remains responsible for identifying the risks, assessing the extent of the risks and undertakes to carry out all measures necessary to mitigate the risk to an acceptable level as determined by a Risk Management Study.

### **20.6.2 How this sub-section is used**

This sub-section of the DCP provides objectives and provisions to be applied when proposing to apply for approval to install encroachments within public property. Refer to these when intending to prepare information for lodging a development application or construction certificate.

### **20.6.3 Objectives**

- O5 The objectives of this sub-section are to ensure encroachments from private property onto the public property are safe for pedestrians and vehicular traffic, designed and constructed to Council's expectations and conserve the desirable characteristics of an area.

### **20.6.4 Provisions**

- P1 Encroachments from private property onto the public property should not:
- (a) Intrude into the amenity of the area by blocking access (both pedestrian and vehicular).
  - (b) Visually intrude or pollute a public area.
  - (c) Be positioned dangerously.
  - (d) Negatively impact on accessibility for disabled and visually impaired persons.
  - (e) Compromise local character, conservation and heritage values of an area.
- P2 Design, location and construction encroachments should be to Councils expectations.

### **20.6.5 Monitoring and Maintenance**

- P1 Council may monitor encroachments to ensure that the public interest is maintained.
- P2 It is the responsibility of the private property owner to maintain the encroachments in a fit-for-purpose condition.



P3 The private property owner may be required to hold and maintain professional indemnity and public liability insurance noting Council's interest, for the service-life of objects encroaching on public property.

P4 Approvals for encroachments may be for a specific time period.

### 20.6.6 Procedures

#### Specific Requirements

P1 Approval to install encroachments on public property shall be by development consent. Circumstances regarding encroachment from private property onto the public property are site specific. Enquire with Council prior to making an application to determine specific requirements.

#### General Requirements

P1 Council may require a *dilapidation report* to identify any defects present prior to development commencing. Any defects found to exist on completion of development that have not been identified in the dilapidation report, will be deemed to have occurred as a consequence of development work and therefore, will be the liability of the developer to re-instate at no cost to Council.

P2 Any breach of consent conditions may result in Council revoking the consent and use any developer bond and security to restore the works and make the site safe.

P3 Private property owners should be aware of the possible need to enter a *Deed of Agreement* or *Lease* with Council including indemnifying Council against relevant risks.

P4 Work must not be carried out in a public road or footpath unless consent has been granted by Council (or other relevant roads authority) under section 138 of the [Roads Act 1993](#) and section 68 of the [Local Government Act 1993](#). These are separate approvals to development consent or a complying development certificate. Consult with Council to determine if a permit is required.

### 20.6.7 Further Information

Contact Council's Planning and Development Advisor for more information on 9936 8100.

### 20.6.8 Matrix

Table B-20.4 comprises a Permitted Encroachments Matrix which describes the process, pre-requisites and references relating to permitted encroachments.



TABLE B-20.4: Permitted Encroachments Matrix						
This is About	Main activities	The Process	Pre-requisite	Compliance with	References	Comments
Permitted encroachments	<ul style="list-style-type: none"> <li>• Awnings</li> <li>• Balconies</li> <li>• Sunblinds</li> <li>• Building signs</li> <li>• Decorative structures</li> <li>• Private security lighting</li> <li>• CCTV cameras</li> <li>• Special drainage structures</li> <li>• Installation of electrical fittings within private property walls for public use</li> <li>• Installation of electrical fittings within public walls for private property use</li> </ul>	1. Lodge a Development Application	<ul style="list-style-type: none"> <li>• Survey details</li> <li>• Concept Design</li> <li>• Statement of Impact of Stormwater</li> </ul>	<ul style="list-style-type: none"> <li>• This section of the DCP</li> <li>• Development Application Guides</li> </ul>	<ul style="list-style-type: none"> <li>• NSC Performance Guide</li> <li>• NSC Infrastructure Specification Manual</li> <li>• Industry Codes for design and construction</li> </ul>	<ul style="list-style-type: none"> <li>• Provide enough information to allow Council to assess the merit of the proposal</li> <li>• The Statement of Environmental Impact must address the issues raised in the checklist within the EP&amp;A Act</li> </ul>
		2. Obtain development consent	<ul style="list-style-type: none"> <li>• Council assesses DA based on details of the encroachment submitted</li> </ul>	<ul style="list-style-type: none"> <li>• EP&amp;A Act 1979</li> <li>• Conditions of any Deed of Agreement</li> </ul>		<ul style="list-style-type: none"> <li>• In order to minimise delay the applicant should ensure that the Information provided in the application is relevant, accurate and fit-for-purpose and meets Council's performance expectations</li> </ul>
		3. Lodge a Construction Certificate application	<ul style="list-style-type: none"> <li>• Detailed design</li> <li>• S.138 approval</li> <li>• Pay all fees and bonds</li> <li>• Certification as required</li> </ul>	<ul style="list-style-type: none"> <li>• This section of the DCP</li> <li>• Development consent s.138 of Roads Act 1993 (if Applicable)</li> <li>• BCA</li> </ul>	<ul style="list-style-type: none"> <li>• NSC Performance Guide</li> <li>• NSC Infrastructure Specification Manual</li> <li>• Conditions of any Deed of Agreement</li> </ul>	<ul style="list-style-type: none"> <li>• In order to minimise delay, ensure that design information provided in the application complies with the development consent.</li> <li>• No work is permitted on public property without a s.138 Permit</li> <li>• Bonds are a security against damage to Council Infrastructure</li> </ul>
		4. Obtain Construction Certificate	<ul style="list-style-type: none"> <li>• PCA Ensures all conditions of consent are met</li> </ul>	<ul style="list-style-type: none"> <li>• Development Consent</li> <li>• BCA</li> </ul>		
		5. Start construction	<ul style="list-style-type: none"> <li>• Give Council Notice</li> </ul>	<ul style="list-style-type: none"> <li>• This section of the DCP</li> <li>• Construction Certificate</li> </ul>	<ul style="list-style-type: none"> <li>• NSC Performance Guide</li> <li>• NSC Infrastructure Specification Manual</li> </ul>	<ul style="list-style-type: none"> <li>• A Construction Certificate must be obtained before construction may commence.</li> </ul>

## 20.7 BOUNDARY ALIGNMENT LEVELS

### 20.7.1 Introduction

Boundary alignment level (called alignment level) refers to the finished surface level at the frontage of private property to a public road. Council provides alignment levels and the applicant must include alignment levels with the information presented to Council in a Development Application.

Council sets alignment levels to assist the property owner (developer) to establish:

- Suitable vehicle access from a public road into private property.
- Appropriate floor levels for a garage, carport or car-stand area.
- Foundations for a front fence to development.
- Service installation requirements.
- Appropriate matching footpath levels.
- Suitable roof water disposal from private development.
- To suit access for the disabled and visually impaired.

Failing to comply with Council's alignment levels may result in:

- Unsatisfactory vehicle access to private property.
- Floor level of car-stand area in private property being unsatisfactory.
- Services to a development being laid at a level that may result in damage.
- Level of boundary fences not complying with Council's requirements.
- Difficulty in providing access for the disabled and visually impaired.
- Difficulty in draining roof water from a development.
- Stormwater from the street or footpath entering private property.
- Council issuing an order to rectify any unauthorised works, or in the case of emergency works, to carry out rectification works at no cost to Council.

Conditions of the development consent and the approved construction certificate plans establish the construction requirements of works associated with alignment levels. Non-compliance with the consent or the construction certificate may result in difficulty in obtaining an occupation certificate. Rectification works required to gain compliance may be expensive.

Where difficulty is experienced in providing vehicle access to private property, the designer should arrange a meeting with Council to discuss the preferred design strategy.

On roads having a steep longitudinal fall along the footpath, difficulty may be encountered in designing floor levels at doorways and entrances to car parks. This may particularly apply to disabled access. If unsure of how to interpret alignment levels to meet Council's objectives, consult with Council before proceeding with design.

Council is not responsible for any damage caused to utility services that may be damaged by the applicant or its workers in meeting Council's alignment levels objectives. The applicant should obtain approval from the relevant utility service authority before doing any work likely to damage the service.

Council may require a *Dilapidation Report* to identify any defects present prior to development commencing. Any defects found to exist on completion of development that have not been identified in the Dilapidation Report, will be deemed to have occurred as a consequence of development work and therefore, will be the liability of the developer to re-instate at no cost to Council.



### 20.7.2 How this sub-section is used

This sub-section of the DCP provides objectives and provisions to be applied when intending to use alignment levels for a proposed development. Refer to these when intending to prepare information for lodging a development application or construction certificate.

### 20.7.3 Objectives

- O1 To provide safe and fit-for-purpose finished surface levels at any boundary of private development, which have a road with kerb and gutter, able to meet Council's objectives by specifying a consistent standard of design.
- O2 To ensure minimal risk of injury to people and damage to property.
- O3 To provide a uniform standard of construction for vehicular access to private property.
- O4 To provide an awareness of alignment levels when determining appropriate floor levels for car-stand areas within private property.
- O5 To protect public utility services by providing appropriate alignment levels.
- O6 To protect property located on the low side of roads from the effects of stormwater run-off.

### 20.7.4 Provisions

- P1 Alignment levels are based on Council's standard footpath gradients, vehicle access limitations and footpath levels at adjoining properties.
- P2 Residential floor levels and car-stand floor levels within buildings and private property should be designed to alignment levels provided by Council.
- P3 Alignment levels should:
  - (a) Determine footpath shape.
  - (b) Govern floor level at door entrances.
  - (c) Provide access for vehicles and pedestrians without the risk of damage to vehicles and property and injury to people.
  - (d) Provide suitable access for disabled and visually impaired pedestrians.
  - (e) Enable roof water from private property to be piped under the footpath to the street.
  - (f) Be uniform with front boundary levels of existing adjoining properties and with existing footpath levels in the public road (where applicable).
- P4 Property located on the corner of two intersecting public roads may require alignment levels for both frontages of the property.
- P5 Council is authorised to fix the levels of a public road or vary the existing levels of a public road (including at the alignment with the boundary of private property) subject to meeting particular requirements. Council is also authorised to regulate the levels within private property for the purpose of meeting the above described objectives.

### 20.7.5 Monitoring and Maintenance

- P1 Applicant is required to give Council 48 hours notice prior to carrying out works that are impacted by alignment levels.
- P2 If a bond applies, Council must inspect the completed work for compliance with the alignment levels before returning any bond.
- P3 Construction work in private and public property is checked for compliance by an accredited engineer. Compliance is issued subject to all works meeting the conditions of consent and the construction certificate. Any defective work must be made good before for compliance is issued.



- P4 Council or its agent is authorised under the provisions of the [Local Government Act 1993](#), after giving reasonable notice (or without notice in the case of an emergency), to inspect the work for the purpose of compliance and rectify any work found to pose a risk of injury to persons(s) or damage to property.
- P5 The owner of the subject property is responsible for any inconvenience or damage caused to any other property or injury to people resulting from a failure to observe the alignment level requirements.

### 20.7.6 Procedures

- P1 Council issues alignment levels. An application for alignment levels can be made at Council's Customer Service Centre.
- P2 Council issues a development consent subject to information contained in the application complying with the requirements of the alignment levels.
- P3 The principal certifying authority (PCA) issues a construction certificate subject to the information contained in the application complying with the requirements of the development consent.
- P4 Prior to issuing a construction certificate all fees, bonds, securities must be paid and a Street Opening Permit obtained (if applicable).
- P5 On completion of construction, the applicant may apply for a refund of any outstanding bond (if applicable).
- P6 An occupation certificate is issued after completion of construction subject to the applicant demonstrating by survey that all work relevant to alignment levels has been completed in accordance with the development consent. An "as built drawing" may be required to be supplied by the applicant to confirm the adequacy of relevant work.
- P7 Work must not be carried out in a public road or footpath unless consent has been granted by Council (or other relevant roads authority) under s.138 of the [Roads Act 1993](#) and s.68 of the [Local Government Act 1993](#). These are separate approvals to development consent or a complying development certificate. Consult with Council to determine if a permit is required.

### 20.7.7 Further Information

For more information about design and construction of vehicular access and associated details regarding permits, fees and charges consult with Council and refer to:

- (a) North Sydney Council *Performance Guide*.
- (b) North Sydney Council *Infrastructure Specification Manual*.

### 20.7.8 Matrix

Table B-20.5 comprises a Boundary Alignment Levels Matrix which describes the process, pre-requisites and references relating to boundary alignment levels.



TABLE B-20.5: Boundary Alignment Levels Matrix

This is About	Main activities	The Process	Pre-requisite	Compliance with	References	Comments
Boundary alignment levels	<ul style="list-style-type: none"> <li>Boundary alignment levels are used to establish:                             <ul style="list-style-type: none"> <li>Vehicular access</li> <li>Floor level for a garage, carport, or car-stand area</li> <li>Boundary fence</li> <li>Footpath levels</li> <li>Roof water disposal under footpath</li> <li>Disabled access</li> </ul> </li> </ul>	1. Lodge a Development Application	<ul style="list-style-type: none"> <li>Application for alignment levels</li> <li>Survey details</li> <li>Consider boundary alignment levels when preparing the concept design</li> </ul>	<ul style="list-style-type: none"> <li>This section of the DCP</li> <li>Development Application Guides</li> </ul>	<ul style="list-style-type: none"> <li>NSC Performance Guide</li> <li>NSC Infrastructure Specification Manual</li> <li>Industry Codes for design and construction</li> </ul>	<ul style="list-style-type: none"> <li>Provide enough information to allow Council to assess the merit of the proposal</li> <li>The Statement of Environmental Impact must address the issues raised in the checklist within the EP&amp;A Act</li> </ul>
		2. Obtain development consent	<ul style="list-style-type: none"> <li>Council assesses DA based on details of the alignment levels</li> </ul>	<ul style="list-style-type: none"> <li>EP&amp;A Act 1979</li> </ul>		<ul style="list-style-type: none"> <li>In order to minimise delay the applicant should ensure that the information provided in the application is relevant, accurate and fit-for-purpose and meets Council's DCP objectives and controls</li> </ul>
		3. Lodge a Construction Certificate application	<ul style="list-style-type: none"> <li>Detailed design</li> <li>S.138 approval</li> <li>Pay all fees and bonds</li> <li>Certification as required</li> </ul>	<ul style="list-style-type: none"> <li>This section of the DCP</li> <li>Development consent s.138 of Roads Act 1993</li> <li>BCA</li> </ul>	<ul style="list-style-type: none"> <li>NSC Performance Guide</li> <li>NSC Infrastructure Specification Manual</li> </ul>	<ul style="list-style-type: none"> <li>Provide enough detailed design information to show that work can be built as per development consent conditions</li> <li>No work is permitted on public property without a 138 Permit</li> <li>Bonds are a security against damage to Council Infrastructure</li> </ul>
		4. Obtain Construction Certificate	<ul style="list-style-type: none"> <li>Submit information required by the development consent</li> </ul>	<ul style="list-style-type: none"> <li>Development Consent</li> <li>BCA</li> </ul>		<ul style="list-style-type: none"> <li>PCA ensures that all consent conditions are met</li> </ul>
		5. Start construction	<ul style="list-style-type: none"> <li>Give Council Notice</li> </ul>	<ul style="list-style-type: none"> <li>This section of the DCP</li> <li>Construction Certificate</li> </ul>	<ul style="list-style-type: none"> <li>NSC Performance Guide</li> <li>NSC Infrastructure Specification Manual</li> </ul>	<ul style="list-style-type: none"> <li>A Construction Certificate must be obtained before construction may commence.</li> </ul>



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