

Ku-ring-gai Council

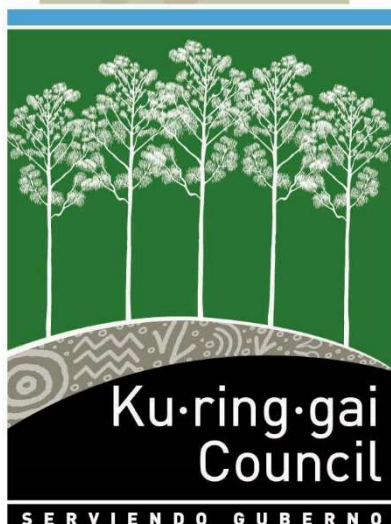
Policy

Local Approvals Policy

Version Number 5

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Local Approvals Policy

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Controlled Document Information

Authorisation Details

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Related Document Information, Standards & References

Related Legislation:	Local Government Act 1993 Local Government (General) Regulation 2021 National Construction Code Protection of the Environment Operations Act 1997 Protection of Environment Operations (Clean Air) Regulation 2021 Access to Neighbouring Lands Act, 2000 Impounding Act 1993 Work Health & Safety Regulation, 2017 Food Act 2003	Chapter 7, Part 1 Part 2 Whole Document Whole Document Whole Document Whole Document Whole Document Whole Document Whole Document
Related Policies (Council & Internal)	Ku-ring-gai Development Control Plan 2021 Ku-ring-gai Compliance Policy Traffic and Transport Policy 2015	
Related Documents - Procedures, Guidelines, Forms, WHS Modules/PCD's, Risk Assessments, Work Method Statements, etc	Prescribed permit application forms for individual activity and Council's annual fees and charges schedule.	

Version History

Version Number	Version Start Date	Version End Date	Author	Details and Comments
1	March 2010	24 November 2015	Manager Compliance & Regulation	First version - Inaugural Ku-ring-gai Local Approval Policy, adopted March 2010
2	25 November 2015	11 September 2018	Manager Compliance & Regulation	Additional areas include obtaining permits for: Tower cranes, charity bins and pile burns for bush fire hazard reduction.
3	12 September 2018	19 November 2019	Manager Compliance & Regulation	Readoption by Council within 12 months of election in accordance with legislation.
4	20 November 2019	20 September 2022	Manager Compliance & Regulation	
5	21 September 2022	TBA	Manager Compliance & Regulation	

Policy

Purpose and Objectives

This Policy has been developed to supplement and facilitate the approvals process by establishing the criteria for specific approvals prescribed under the Local Government Act and for other miscellaneous activities.

The document provides an outline of the matters relevant to obtaining an approval from the Council under the Local Government Act, setting the framework for types of activities and circumstances relevant for such applications. Similarly, the Local Approvals Policy provides the circumstances for exemptions from the need to gain an approval.

The Policy aims to;

- promote an integrated framework for dealing with applications for approval
- ensure consistency and fairness in the manner in which Council deals with applications for approval
- encourage and assist effective participation of local communities in decision making
- make Council 's policies and requirement for approvals readily accessible and intelligible to the public
- assist Council to fully pursue its charter under Section 8 of the Local Government Act
- apply common or consistent requirements and procedures to all types of approvals
- establish a system of community participation, which can effectively resolve disputes and conflicts as they arise

Scope

This policy applies to all land within the Ku-ring-gai local government area.

Note: Reference made to any act, regulation, planning instrument, standard or other document, or any authority, agency or the like shall be taken to be a reference to any subsequent or replacement document or authority.

Where there is an inconsistency between the Act or the Regulation and the Local Approvals Policy, the Act or the Regulation will prevail.

Responsibilities

The Director Development and Regulation is the principal person charged with implementation of this policy. Notwithstanding, the Policy covers activities across all service areas of Council.

All managers within Council charged with responsibility for administering individual activities mentioned within this document are to ensure compliance with Council's adopted position.

The types of activities to which this policy applies

The Policy applies to activities listed in the Table to Section 68 of the Local Government Act 1993 as well as other ancillary activities that Council is delegated to regulate.

Under Section 68, approval by Council is required for the following activities:

Part A - Structures or places of public entertainment	
1.	Install a manufactured home, moveable dwelling or associated structure on land
2.	(Repealed)
3.	(Repealed)
Part B - Water supply, sewerage and stormwater drainage work	
1.	Carry out water supply work
2.	Draw water from a council water supply or a standpipe or sell water so drawn
3.	Install, alter, disconnect or remove a meter connected to a service pipe
4.	Carry out sewerage work
5.	Carry out stormwater drainage work
6.	Connect a private drain or sewer with a public drain or sewer under the control of a council or with a drain or sewer which connects with such a public drain or sewer
Part C - Management of waste	
1.	For fee or reward, transport waste over or under a public place
2.	Place waste in a public place
3.	Place a waste storage container in a public place
4.	Dispose of waste into a sewer of the council
5.	Install, construct or alter a waste treatment device or a human waste storage facility or a drain connected to any such device or facility
6.	Operate a system of sewage management (within the meaning of Section 68A)
Part D - Community land	
1.	Engage in a trade or business
2.	Direct or procure a theatrical, musical or other entertainment for the public
3.	Construct a temporary enclosure for the purpose of entertainment
4.	For fee or reward, play a musical instrument or sing
5.	Set up, operate or use a loudspeaker or sound amplifying device
6.	Deliver a public address or hold a religious service or public meeting
Part E - Public roads	
1.	Swing or hoist goods across or over any part of a public road by means of a lift, hoist or tackle projecting over the footway
2.	Expose or allow to be exposed (whether for sale or otherwise) any article in or on or so as to overhang any part of the road or outside a shop window or doorway abutting the road, or hang an article beneath an awning over the road
3.	(Repealed)
Part F - Other activities	
1.	Operate a public car park
2.	Operate a caravan park or camping ground
3.	Operate a manufactured home estate
4.	Install a domestic oil or solid fuel heating appliance, other than a portable appliance
5.	Install or operate amusement devices
6.	(Repealed)

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7.	Use a standing vehicle or any article for the purpose of selling any article in a public place
8.	(Repealed)
9.	(Repealed)
10.	Carry out an activity prescribed by the regulations or an activity of a class or description prescribed by the regulations

The policy is in three parts

- Part 1:** Exemptions – outlines the circumstances in which a person is not required to obtain a particular approval.
- Part 2:** General criteria for individual permit activities is the criteria which must be considered when determining applications.
- Part 3:** Other matters relating to applications and approvals

Policy statement

Part 1 – Exemptions

The exemptions outlined in this document are given in the belief that those activities can function effectively without Council involvement if the operator complies with all appropriate guidelines. The exemptions apply to those activities which are of a minor or common nature, and which have minimal impact. This does not however prevent a person applying for approval to carry out an exempted activity specified in this part.

It is a condition of exemption that the person carrying out an activity specified in this part must comply with:

- i. the relevant exemption circumstances or requirements listed in the exemption table
- ii. the relevant performance standards prescribed in the National Construction Code, Building Code of Australia or relevant Australian Standard

The exemption provisions do not apply to buildings or structures proposed to be erected over an existing easement or sewer main.

In relation to exempted activities, a person must give due consideration to the following:

- the amenity of adjoining landowners
- the location of a structure related to site boundaries, sewers, easements, rights or ways, other structures, or the like
- the provision of adequate drainage
- any potential fire risks
- avoiding creating a harbourage for vermin
- structural stability
- external finishes

If subsequent activities involve an increase over and above the exemption circumstances shown in the Exemption Table, approval will be required for the further activity. For example, if a moveable dwelling is to be occupied for more than 60 days in one 12 months standard calendar period and an extension in time for occupation is sought, this would require approval, as the time period exceeds the limits of the exempted activities criteria.

EXEMPTIONS TABLE		
Type of activity	Exemption circumstances/requirements	Advisory note
Install a manufactured home, moveable dwelling or associated structure on land	<ul style="list-style-type: none"> • The structure is not located on public land except where the provisions of Section 74 of the Local Government Regulation 2005 takes precedence. • The structure is not occupied for more than 60 days in one 12-month period. • When occupied, all liquid waste shall be drained to a public sewer main or Council approved sewage treatment system. • When occupied the structure is located a minimum of 2 metres from any side or rear property boundary. • Storm waters shall be collected and diverted from any neighbouring property so as not to cause nuisance. 	Consideration should be given to location, having regard to the amenity of adjoining occupants.
Carry out water supply or sewage works	Prior to works commencing all work must be approved by Sydney Water or their nominee.	Sydney Water is the approval authority within the Ku-ring-gai area.
Carry out stormwater drainage work (This excludes works to existing water courses for which other legislation and policy applies)	<ul style="list-style-type: none"> • Repairs to existing systems. • Work required in association with development consent. 	Should repair work be required on Council land, consultation with Council officers to obtain necessary ground opening permits or similar should be undertaken prior to works commencing.
For fee or reward, transport waste over or under a public place	<p>The transporting of waste over or under a public place for fee or reward if:</p> <p>The activity is licensed under the Protection of the Environment Operations Act 1997, or</p> <p>(ii) the activity is being carried out in the Sydney metropolitan area as defined in Part 3 (Interpretative provisions) of Schedule 1 to that Act, or the waste is being transported through the area of the council and is not being collected or deposited in that area.</p> <p>Note. A person who transports waste for fee or reward in circumstances that do not require a pollution control licence issued by the Environment Protection Authority must comply with the relevant requirements of the Regulations made under the Protection of the Environment Operations Act 1997.</p>	Section 48 of the Local Government (General) Regulation 2005 provides this exemption for circumstances prescribed.

Place waste in a public place	If it is done in accordance with arrangements instituted by Council via service arrangements to individual properties for waste collection or by way of public litter control and deposits of litter or dog waste in specialty provided bins.	Section 48 of the Local Government (General) Regulation 2005 provides this exemption for circumstances prescribed. Protection of Environment Operations Act, 1997, regulatory and compliance provisions must be observed.
Install a clothing recycling bin	Bins are located only within a building and no interference with required exits, paths of travel and firefighting services.	This exemption does not apply to car park buildings.
Engage in a trade or business on community land	Activity is by a non-profit community- based organisation. The activity occurs in specially designated areas as determined by Council from time to time or in conjunction with a significant community event such as St Ives Show, Festival on the Green, Dog Day Out, Australia Day, Medieval Faire, and the like. The activity does not involve the sale of unpackaged and potentially hazardous food. Note: Seek advice from Council’s Environmental Health Officers.	The party undertaking the activity must maintain a current public liability insurance policy, with a minimum insured value of \$20,000,000 that covers the activities involved and the context in which they will be undertaken. Council accepts no liability for any injury or damage associated with any activity undertaken, or purportedly undertaken, under the provision of this exemption. If food is being sold the “food business “should notify Council of their details.
Direct or procure a theatrical, musical or other entertainment for the public on community land	If the entertainment is associated with a current development consent or existing use of public lands. The activity occurs in conjunction with a community event such as St Ives Show, Festival on the Green, Dog Day Out, Australia Day, Medieval Faire etc. Activity is by a non-profit community based organisation. The activity does not clash with any other previously booked event on the same land.	If the event contains fireworks, appropriate permission must be gained from Work Cover NSW, and local fire authority to be notified of the event by the organiser. The party undertaking the activity must maintain a current public liability insurance policy, with a minimum insured value of \$20,000,000 that covers the activities involved and the context in which they will be undertaken. Council accepts no liability for any injury or damage associated with any activity undertaken, or purportedly undertaken, under the provision of this exemption.
For fee or reward, play a musical instrument or sing on community land	Up to 12 separate performances by any one individual or group may be held in any 12-months period, before a permit is required.	The activity must be held only within pre-determined areas. Persons should consult with Council prior to the activity.

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		Regulatory staff to be alerted to schedule.
Operate a public car park	A public car park may be operated without the prior approval of Council if approval for its erection or operation has already been given by Council in connection with another approval or development consent and the car park complies with any applicable conditions of that approval or development consent.	Section 66 of the Local Government (General) Regulation 2005 provides this exemption for circumstances prescribed.
Construct a temporary enclosure for the purpose of entertainment on community land	If the enclosure is associated with a current development consent or existing use of public lands.	The party erecting the enclosure must maintain a current public liability insurance policy, with a minimum insured value of \$20,000,000 that covers the context in which the enclosure will be used. Council accepts no liability for any injury or damage associated with the enclosure under the provision of this exemption.
Set up, operate or use a loudspeaker or sound amplifying device on community land	Use must be associated with a current development consent, license or existing use rights for either land use or activity. The activity occurs in conjunction with a community event such as St Ives Show, Festival on the Green, Dog Day Out, Australia Day, Medieval Fair , or the like. Activity is by a non-profit community based organisation.	Protection of Environment Operations Act 1997 and regulatory and compliance provisions must be observed.
	A loudspeaker or sound amplifying device may be set up, operated or used on community land without the prior approval of Council if it is done in accordance with a notice erected on the land by Council or if it is done in the circumstances specified, in relation to the setting up, operation or use as the case may be.	Section 49 of the Local Government (General) Regulation 2005 provides this exemption for circumstances prescribed.
Deliver a public address or hold a religious service or public meeting	Use must be associated with a current development consent, or existing use rights for either land use or activity.	Protection of Environment Operations Act 1997 and regulatory and compliance provisions must be observed.
Install a domestic oil or solid fuel heating appliance, other than a portable appliance	A domestic oil or solid fuel heating appliance (other than a portable appliance) may be installed without the prior approval of Council;	Section 70 of the Local Government (General) Regulation 2005 provides this exemption for circumstances prescribed.

	<p>If details of the appliance are included in plans and specifications for the relevant building approved under Part 4A of the <u>Environmental Planning and Assessment Act 1979</u>, or;</p> <p>The domestic solid fuel heating device is installed to comply with the emission standards of Australian Standard AS4013:2014.</p> <p>The domestic solid fuel heating appliance is installed in accordance with the manufacturer’s specifications; the requirements of the Building Code of Australia and Australian Standard AS2918:2018.</p> <p>The appliance is operated in accordance with the requirements of the Protection of the Environment Operations Act 1997.</p> <p>Where the subject premises are located within a designated bushfire prone area, the discharge point of the flue shall be fitted with a copper gauze with openings of a size to prevent the possible discharge of air borne embers that may give rise to a fire external to the house.</p>	
<p>Install or operate a small amusement device</p>	<p>A small amusement device may be installed or operated without the prior approval of the council if:</p> <p>The ground or other surface on which the device is to be or has been erected is sufficiently firm to sustain the device while it is in operation and is not dangerous because of its slope or irregularity or for any other reason, and</p> <p>The device is not required to be registered under the <u>Work Health and Safety Regulation 2011</u>, and in the case of a device that is to be or is installed in a building, fire egress is not obstructed.</p>	<p>Section 75 of the Local Government (General) Regulation 2005 provides an exemption for small amusement devices. (Further detail included within definitions of this document.)</p> <p>The party undertaking the activity must maintain a current public liability insurance policy, with a minimum insured value of \$20,000,000 that covers the activities involved and the context in which they will be undertaken.</p>

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Use a standing vehicle or any article for the purpose of selling any article in a public place	<p>The activity is undertaken by non-profit community based organisations.</p> <p>The activity occurs in designated areas as determined by Council from time to time or in conjunction with a community event such as St Ives Show, Festival on the Green, Dog Day Out, Australia Day, Medieval Fair or the like.</p> <p>If food is being sold, then the “food business” must be registered with Council</p>	<p>The party undertaking the activity must maintain a current public liability insurance policy, with a minimum insured value of \$20,000,000 that covers the activities involved and the context in which they will be undertaken.</p> <p>Council accepts no liability for any injury or damage associated with any activity undertaken, or purportedly undertaken, under the provision of this exemption.</p> <p>If food is being sold, the “food business” should notify the Council of their details.</p>
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Part 2 – Criteria that Council must consider when determining applications

(a) General criteria for consideration under the regulations

The regulations to the Local Government Act 1993 prescribe a number of matters that must be considered by Council when dealing with an activity application, as detailed under the respective headings below.

Sewage and stormwater drainage activities

Section 13 of the Local Government (General) Regulation 2005 specifies that Council must not approve an application for an approval allowing sewage or stormwater drainage work to be carried out unless it is satisfied that the activity as proposed will comply with applicable standards as set out in the Regulation.

Section 15 of the Local Government (General) Regulation 2005 specifies that Council must consider the following matters when determining applications for sewage and stormwater drainage approvals:

- a) the protection and promotion of public health
- b) the protection of the environment
- c) the safety of its employees
- d) the safeguarding of its assets
- e) any other matter that it considers to be relevant in the circumstances

Part 2, Subdivision 1 of the Local Government (General) Regulation 2005 specifies mandatory standards, including that such works must comply with any other applicable standards set out or referred to in Part 2 of Schedule 1 and with any other applicable standards or requirements set out or referred to in the Regulation.

Discharge waste into sewers; concurrence required

Section 28 of the Local Government (General) Regulation 2005 specifies that Council must not grant an approval under Section 68 of the Act to discharge trade waste into a sewer unless the Secretary (or the Secretary's nominee) has concurred with the approval.

Place a building waste container on a road

Section 27 of the Local Government (General) Regulation 2021 specifies that Council, in determining an application for approval to place on a road a building waste storage container, must take into consideration any requirements or guidelines relating to the location, size and visibility of building waste storage containers that are notified to Council from time to time by Transport for New South Wales.

Applications relating to public roads

Section 50 of the Local Government (General) Regulation 2021 specifies that Council, in determining an application under Part E of the table to Section 68 of the Act, must take into account:

- 1) the provisions of the Roads Act 1993, and
- 2) any relevant standards and policies of public authorities applying to the use of the road, including Council's Traffic and Transport Policy

Operation of public car parks

Section 53 of the Local Government (General) Regulation 2005 specifies that Council, in determining an application for approval to operate a public car park, must take into consideration:

- a) the views of Transport for NSW about the application
- b) the effect of the car park on the movement of vehicular traffic and pedestrian traffic
- c) whether the number of vehicles proposed to be accommodated is appropriate having regard to the size of the car park and the need to provide off-street parking facilities within the car park for the temporary accommodation of vehicles
- d) whether the means of ingress and egress and means of movement provided or to be provided within the car park are satisfactory
- e) whether there will be adequate provision for pedestrian safety and access for people with disabilities
- f) whether the internal design of parking facilities and system of traffic management are satisfactory
- g) whether, in the case of a car park that is a building, adequate ventilation is provided or to be provided
- h) the Work Health and Safety Act 2011 and the regulations made under that Act as regards the safety of persons who will be employed at the proposed car park or of persons who will go there
- i) whether there will be adequate provision for the management of stormwater and the minimisation of stormwater pollution

Install or operate an amusement device

Section 72 of the Local Government (General) Regulation 2021 specifies that Council must not grant an application for an approval to install or operate an amusement device unless it is satisfied:

- a) that the ground or other surface on which the device is to be or has been erected is sufficiently firm to sustain the device while it is in operation and is not dangerous because of its slope or irregularity or for any other reason, and
- b) that the device is registered under the Work Health and Safety Regulation 2017, and
- c) that the device is to be or has been erected in accordance with all conditions (if any) relating to its erection set out in the current certificate of registration issued for the device under that Regulation, and
- d) that there exists for the device a current log book as referred to in that Regulation, Chapter 5, Part 5.2, Division 4, Subdivision 2, and
- e) that there is in force a contract of insurance or indemnity for the device that complies with Section 74 of the Regulation, which in turn requires a contract of insurance or indemnity that indemnifies to an unlimited extent (or up to an amount of not less than \$20,000,000 in respect of each accident) each person who would be liable for damages for death or personal injury arising out of the operation or use of the device and any total or partial failure or collapse of the device against that liability.

(b) Other applications having criteria not set under the Local Government (General) Regulation

Placement of used clothing collection bins in public places

A used clothing collection bin is a semi-portable metal bin of sturdy construction, generally with a weatherproof tilt chute at the top permitting clothing to be deposited, a locked door permitting the charity which owns the bin to empty it, and a graphic display in accordance with the provisions of the Charitable Fundraising Act 1991.

Charities provide valuable services to the local community. Used clothing bins are an important part of fundraising by many charities. The additional benefit of these bins is they encourage recycling of clothing.

Badly managed and poorly located clothing bins can cause problems, including illegal dumping, graffiti and obstruction to pedestrians and vehicles.

The granting of permits will be at the discretion of Council and will be considered on a merit basis.

Application for a permit to stand a used clothing collection bin upon Council land will only be considered after submission of the prescribed form and payment of the prescribed non-refundable application fee. A separate fee and application is applicable for each individual bin.

If approved, an annual placement rental fee will apply for each individual bin.

If a used clothing collection bin is placed on Council property without Council's prior approval, a direction will be given to have the bin removed within seven days. If the bin is not removed, Council will proceed to impound the bin in accordance with the provisions of the Impounding Act 1993.

- Permission may only be granted to bona fide charitable organisations and clothing collected must be sorted and distributed by the charity named on the bin. Each charitable organisation must provide proof of membership to the National Association of Charitable Recycling Organisation (NACRO) or proof that the organisation is a 100%

charitable organisation.

- Council approval to locate used clothing bins within Ku-ring-gai is restricted to those organisations that guarantee all clothing proceeds are for welfare services with the clothing collected and sorted and distributed by the charity named on the bin.
- Approval for the location of used clothing bins must be obtained prior to the placement of the bin. Applications for approval shall be made using the prescribed form and payment of the prescribed application fee. The approval will be valid for a period of three years, with a prescribed location annual lease fee applicable. The decision to renew or terminate a permit will take into account the performance of the operator in terms of their compliance obligations.
- No later than 60 days before expiration of the permit, a new application for continued use of the site of the used clothing bin must be made to Council. Council reserves the right to terminate designated used clothing bin locations at any time.
- Council will allow only one bin per charitable organisation at any one site. No more than two bins are to be located together. The number of bins permitted within each location will be determined on a site specific basis, as a general rule, there should only be 1 bin per 1000 m².
- Bin locations will be supported with adequate patron parking in close proximity, be open to public view and, where necessary, will be well illuminated to discourage vandalism and dumping.
- Council will not permit bins to be located on sites where there is an unreasonable impact on the amenity of the area or the streetscape. Consideration shall be given to the protection of any Council assets, including street trees, furniture, and pavements.
- Council will not allow bins to be located in curtilage areas of local or state listed heritage items, in dedicated car spaces, on top of any service pit or adjacent to fire hydrants, access doors serving electricity or other utility supplies nor in locations that may block sightlines and manoeuvrability for safe circulation of pedestrians, cyclists and motorists.
- Generally, bins will not be permitted on sites containing threatened species or under trees if root zone impacts are likely.

Conditions to be imposed on permit approvals will include:

1. *The party undertaking the activity must maintain a current public liability insurance policy, indemnifying Ku-ring-gai Council with a minimum insured value of \$20,000,000, or as prescribed, that covers the activities involved and the context in which they will be undertaken.*
2. *Council accepts no liability for any injury or damage associated with any activity undertaken or purportedly undertaken in connection with such action or activity.*
3. *Clothing bins must be sign written with the name, address and telephone number of the charity controlling the bin, together with any other information required to be displayed by Section 19 of the Charitable Fundraising Act 1991 or recommended by the Best Practice Guideline for Charitable Organisations prepared by the Department of Gaming & Racing.*
4. *Clothing bins must have a label issued by the National Association of Charitable Recycling Organisation (NACRO) identifying that the owner is a member of that organisation or clearly labelled that they are a 100% charitable organisation.*
5. *Clothing bins must be cleared regularly and the area around the bin to a distance of 3 metres must be maintained in a neat and tidy condition at all times. Failure to remove rubbish and dumped material from around a clothing bin will result in possible termination of occupation rights for the bin at the specific location. Council officers will regularly monitor compliance with all conditions and undertake performance reviews throughout the*

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period that the permit is valid and may terminate the agreement for failure to comply with conditions of the permit.

6. *The area around the bin shall be cleaned of any discarded clothing or other material at least weekly. Should Council need to clean the area around any bin, Council will seek reimbursement of costs incurred against the permit holder.*
7. *Clothing bins shall be maintained in a presentable state, with regular painting and repair work being undertaken as required. Any graffiti on a clothing bin is to be removed by the permit holder within 14 days of notification by Council.*
8. *Each bin is to have a maximum capacity of 2.2 cubic metres.*
9. *Council may direct the replacement or repair of a damaged clothing bin. Failure to comply with such directions will result in possible termination of occupation rights of the bin at the approved location.*
10. *Council reserves the right to remove any approved clothing bin following ongoing breaches of approval conditions or the location lease agreement. Formal written notification will be provided to the owner of the clothing bin prior to its removal.*
11. *Council may impound clothing bins that have been placed on Council controlled land without prior Council approval. The impounding fee will comprise of the commercial cost of having the bin transported to a pound plus an administration fee and daily storage charge. Council will dispose of the impounded article in accordance with the provisions of the Impounding Act 1993.*
12. *At no time shall a permit holder undertake works to nearby trees, including pruning, trimming, lopping or removal without the prior consent of Council.*

Placement of building materials on footways and nature strips

Landowners and occupiers from time to time seek permission to store building and landscaping materials on footways and nature strips immediately outside their properties as they stage construction on site. In such circumstances;

- Council will not permit the storage or placement of building materials and the like on a footway, nature strip, or mall where such materials can be located on the building site.
- Council will not permit the storage of building materials on footways, nature strip, or mall if such may endanger the safety of pedestrians or create a hazard to vehicular traffic.
- No building materials shall be placed on the footway or nature strip until a permit has been obtained from Council.
- Under no circumstances shall building materials or equipment be stored on road shoulders or the carriageway of any street or road.
- Regard is to be had for the protection of Council assets, including street trees, furniture and pavements.
- Generally, storage of materials will not be permitted on land containing threatened species or under trees if there is a likelihood of root zone impact. Where potential impact to trees is identified, regard is to be had for preservation measures, including imposition of suitable conditions on the permit.

Conditions to be imposed on permit approvals will include;

1. *A clear and unobstructed passage, to allow the free flow of pedestrian traffic, at least 1200mm in width shall be provided along the footway or nature strip.*
2. *All materials shall be neatly stacked and secured and all precautions shall be taken to*

safeguard the public from danger. Stockpiling of earthen materials shall not exceed 14 days and must be located outside of water courses and have appropriate water diversion measures installed up-slope. Council may require the placement of barriers and/or hazard warning lights to be set up and maintained around the materials at appropriate locations.

3. *Council may require that the height or width of accumulation or stacks of materials be reduced should it be considered that a danger to pedestrian or vehicular traffic exists.*
4. *The party undertaking the activity must maintain a current public liability insurance policy, with a minimum insured value of \$20,000,000, or as prescribed, that covers the activities involved and the context in which they will be undertaken.*
5. *Council accepts no liability for any injury or damage associated with any activity undertaken, or purportedly undertaken in connection with such action or activity.*
6. *At no time shall a permit holder undertake works on nearby trees, including pruning, trimming, lopping or removal without the prior approval from Council.*
7. *Appropriate tree protection measures shall be installed on any tree identified within the zone.*

Permanent storage of waste bins in a public place

Landowners and occupiers after seeking Council's permission to permanently store waste containers used for domestic or trade waste services on footways, nature strips and roads immediately outside their properties. This need arises due to specific difficulties in site topography that prevents bins being stored on site, a medical condition that prevents the resident from physically manoeuvring the bins or in the case of some commercial traders, their being insufficient or non-existent waste storage facilities on site. In such circumstances;

- Council will not permit the permanent storage of a waste container in a public place without the prior approval of Council.
- Council will not permit a waste container to be stored on public land where there is adequate space available on private property or no proof of the resident's physical incapacity is provided.
- Council will not permit the storage of waste containers on public land where such placement may endanger the safety of pedestrians or create a hazard to vehicular traffic.
- Consideration may be given to storage of a waste containers in a public place where there is a medical condition, supported by a doctor's certificate, that confirms the occupant is unable to physically move a waste container from their private land to the public place for collection.
- Consideration may be given to the storage of a waste container on public land where exceptional site conditions exist that prevent the storage of a waste container on private land.
- Bin type and size that may be considered for approval to place in a public place are 80 litres, 120 litres, 240 litres, 360 litres mobile waste containers and 660 litres, 1.1 cubic metre, 1.5 cubic metres and 3.0 cubic metres waste containers.

Conditions to be imposed on permit approvals will include;

1. *Bin storage is not to impede pedestrian or vehicle traffic.*
2. *The bin storage location is to be kept litter free and located within 3 metres of the residential or business premises.*
3. *Bins are to be regularly cleaned and are not to cause to any odour nuisance.*
4. *The bin's storage location is not to detract from the visual amenity of the streetscape or public place in Council's opinion.*
5. *Council accepts no liability for any injury or damage associated with any activity*

- undertaken, or purportedly undertaken in connection with such action or activity.*
6. *The landowner and/or occupier issued with an approval to store a waste container in a public place shall keep the waste container in a clean and serviceable condition that prevents spillage or discharge of waste from the waste container.*

Placement of bulk waste dumpsters, skip bins and waste trailers on footways, nature strips and roads

Landowners and occupiers from time to time seek permission to place bulk waste containers and skip bins on footways, nature strips and roads immediately outside their properties during renovation or building projects. In such circumstances;

- Council will not permit the storage of bulk waste containers or waste trailers on a footway, nature strip, mall, or road shoulder where waste containers or waste trailers can be located on private property.
- Council will not permit the storage of bulk waste containers and waste trailers on footways, or road shoulders etc. if such placement may endanger the safety of pedestrians or create a hazard to vehicular traffic.
- Regard shall be given for the protection of any Council assets, including street trees, furniture and pavements. Where potential issues are identified, consideration is to be given to the imposition of a suitable condition to ensure protection of the asset, including tree protection measures.
- Generally, bulk waste bins and trailers will not be permitted on land containing threatened species or under trees, if potential root zone impacts are identified.
- No bulk waste container or waste trailer shall be placed on the footway, nature strip, mall or road shoulder until a permit has been obtained.
- Acceptable dimensions for waste containers to be placed on road shoulders or footpaths, footways, nature strips or malls are as follows:

Location	Length	Width	Height
on road shoulders	3.0m to 5.4m	1.5m to 2.5m	1.0m to 2.0m
on footpaths, nature strips or malls	2.0m to 5.4m	1.5m to 2.5m	1.0m to 2.0m

Conditions to be imposed on permit approvals will include:

1. *The placement of a waste container or waste trailer on a road shoulder, footway, or mall, shall comply with the following requirements to facilitate the visibility factors:*
 - a. *Two rear marking plates, complying with the requirements which apply to heavy vehicles and trailers described in Paragraph 56A of Schedule F of the Motor Traffic Regulations shall be fitted to the rear panel of the waste container or waste trailer. Such plates shall be fitted as high as possible one on each side of the rear panel, to give approaching vehicles the earliest possible warning of a containers or trailers presence on the road or footpath.*
 - b. *The waste container or waste trailer shall be placed in such a position to ensure that marking plates are visible to oncoming traffic.*
 - c. *Reflecting tape shall be fixed and displayed on side panels and rear edges of the waste containers or waste trailers. Such reflecting tape shall be at least 15cm wide and extend*

the full height of the sections indicated.

- d. Waste containers or waste trailers shall be of bright colours (e.g. yellow, orange or white) to enable them to be easily discernible particularly during hours of darkness.*
 - e. The name, address, and phone number of the owner/supplier of the waste container shall be clearly and permanently marked on the container.*
 - f. Waste containers or waste trailers shall be in good condition and in a clean condition prior to placement.*
- 2. At no time shall a permit holder undertake works to nearby trees, including pruning, trimming, lopping or removal without the prior approval of Council.*
 - 3. The waste container or waste trailer shall be removed from the public place at the first available opportunity. Should a space on the building site become available to accommodate the waste container or waste trailer the applicant/user shall make immediate arrangements and have the container relocated to that space.*
 - 4. All waste stored in the waste container or waste trailer shall not protrude beyond the panels of the containers.*
 - 5. All waste containers or waste trailers shall be adequately covered to prevent spillage of contents or litter or debris being windblown from the container.*
 - 6. No pollutive, hazardous, volatile, or explosive materials shall be placed in the container.*
 - 7. Any spillages of debris or waste materials around the container or trailer shall be immediately swept up and placed in the container.*
 - 8. No liquid waste shall be placed in the container.*
 - 9. The party undertaking the activity must maintain a current public liability insurance policy, with a minimum insured value of \$20,000,000 or as prescribed, that covers the activities involved and the context in which they will be undertaken.*
 - 10. Council accepts no liability for any injury or damage associated with any activity undertaken, or purportedly undertaken in connection with such action or activity.*

Mobile food vans

A mobile food vending vehicle includes any vehicle from which food is sold. Regulation of mobile food vending vehicles is required to ensure the safety of road users and to minimise the impact to local established food business and any commercial impact that a mobile food vendor would have on such businesses.

Applications shall be made in writing annually for the licencing of a food vending vehicle to operate in the Ku-ring-gai Council local government area and presented at an agreed point and time for inspection by Council's Environmental Health Officer. The purpose of inspection being to determine compliance with the Food Act and Regulations (as amended) plus compliance with all applicable codes for operation and construction of Food Vending vehicles.

The operation of the food vending vehicle within a public reserve, park, oval or other Council controlled area is not generally permitted unless a separate permit is obtained from Council sports field administrators. The permit must be presented to the caretaker of the ground or other authorised officer upon demand. **Note:** Proposed entry to a ground may be denied by Council owing to the particular conditions of hire extended to the principal hirer of the ground or due to local ground conditions and weather events.

Conditions to be imposed on permit approvals include:

1. *Sales from mobile food vans are restricted to local roads only and are prohibited on state, regional and collector roads.*
2. *Vehicles must be designed and constructed so that selling only takes place from the kerbside of the vehicle.*
3. *No flashing or rotating lights will be permitted, except those required under road rules.*
4. *The vehicle is not permitted to use chimes or like devices to attract attention between the hours of 7pm and 7am any day. Chimes or like devices may not be used when the vehicle is stationary.*
5. *The vehicle must not stop on a hill or bend where sight distances is limited, stopping locations should not block driveway entrances to properties.*
6. *The vehicle is not permitted to trade in locations where motorists are forced to park on kerbside, where local parking restrictions apply.*
7. *The vehicle must not create a traffic hazard, obstruction or risk to any users or passer-by.*
8. *Tobacco and alcohol sales are not permitted.*
9. *The business must maintain public liability insurance to a minimum insured value of \$20,000,000.*
10. *The design, construction and operation of the mobile food vehicle shall comply with the NSW Food Authority guideline – “Guidelines for Mobile Food Vending Vehicles.*
11. *Food sold from mobile food vehicles is restricted to low-risk food products, such as hot and cold drinks, pre-packaged and pre-prepared food products.*
12. *The vehicle is not permitted to trade on main or arterial roads and are also restricted from trading on “through roads” with a speed limit greater than 50km/h.*
13. *The vehicle must not stop on a hill or bend where sight distance is limited.*
14. *The vehicle must no stop in a location to inhibit access or site lines of driveway entrances to properties.*
15. *The vehicle is not permitted to trade in locations where motorists are forced to park on kerbside land, where parking / standing restrictions apply.*
16. *The vehicle must not create a traffic hazard, obstruction or dangerous situation.*
17. *The party undertaking the activity must maintain a current public liability insurance policy, with a minimum insured value of \$20,000,000 or as prescribed, that covers the activities involved and the context in which they will be undertaken.*
18. *Council accepts no liability for any injury or damage associated with any activity undertaken, or purportedly undertaken in connection with such action or activity.*

Operating a temporary food stall

Temporary food stalls include tents, marquees and open-air stalls used for the sale of food. Care must be taken at temporary food stalls to keep food safe and protected from sunlight, dust, animals, insects and handling by customers.

Generally, the temporary food stall should be associated with an approved community event or use that is permissible on public land.

Conditions to be imposed on permit approvals will include;

1. *The permit relates only to the erection of a temporary food stall and operation of same stall for the period of the approval.*
2. *The food stall shall be erected in a stable and secure manner, capable of providing adequate ventilation and protection to the food.*
3. *The food stall shall have three sides and a roof made from plastic or vinyl type material. The entire floor of the stall shall be covered with a durable material such as rubber matting which is to be impervious to dust and moisture.*
4. *All counter surfaces shall be finished with a smooth durable surface. The use of plastic table clothes or plastic sheeting is acceptable.*
5. *Open flame BBQ, char grills and cookers using hot coals may be located externally but immediately adjacent to the enclosure must be barricaded to prevent access by the public.*
6. *A portable fire extinguisher of adequate size and appropriate to the purpose shall be located in a convenient, accessible location.*
7. *All food on display shall be either wrapped or packaged, completely enclosed in a suitable display cabinet, protected by a physical barrier, such as perspex sneeze guard or be located so as not to be openly accessible to the public.*
8. *All food shall be stored within the stall at a minimum height of 750mm above the ground and kept sealed, wrapped or in a container until used.*
9. *Any foods given away as samples must be distributed in a supervised manner by the stallholder so as to prevent cross contamination.*
10. *All cooked foods shall be kept at 60 degrees Celsius. All cold foods shall be kept below 5 degrees Celsius.*
11. *All frozen food shall be kept at 18 degrees Celsius.*
12. *An adequate supply of warm water, liquid soap and paper towels is to be available at each food stall. Communal hand washing is not permissible.*
13. *Single use eating, drinking utensils, straws etc. shall be prewrapped or adequately protected from contamination.*
14. *All condiments shall be in squeeze type dispensers or single use sachets.*
15. *The stall shall be provided with a garbage receptacle for the storage of waste generated by the stall. Separate storage of putrescible, paper and recyclables is encouraged.*
16. *Smoking is not permitted inside or at the rear of the stall.*
17. *The permit holder shall notify NSW Food Authority of their intentions of conducting the food stall.*
18. *The permit holder shall maintain a current public liability insurance policy, with a minimum insured value of \$20,000,000 or as prescribed, that covers the activities involved and the context in which they will be undertaken.*
19. *Council accepts no liability for any injury or damage associated with any activity undertaken, or purportedly undertaken in connection with such action or activity.*

Works zones

A works zone is often required at construction sites where there is no on-site space for the loading or unloading of material. A works zone must be used in accordance with

the Australian Road Rules. Vehicles stopping in the zone must be engaged in construction works in or near the zone and the zone must not be used for the storage of materials and the use of skip bins and/or standing plant.

Works zones are to be mandatory for all construction sites for any works greater than a single dwelling house or works within town centres.

- The establishment and use of work zones must not compromise existing street activities, through maintaining adequate clearances.
- The use of a work zone shall not interfere with or compromise the safety of pedestrians, cyclists or motorists.
- A traffic control plan is to be provided to Council that demonstrates how the proposed works zone will operate and its adequacy.
- In general, works zones will not be approved in No stopping or No parking zones.
- Concurrence and demonstration of a Transport for NSW approval must be obtained if the site is within 50 metres of traffic lights or a main road or if traffic on a State road may be affected.
- Appropriate regard is to be had for designated bus stops and other public utility installations.

Conditions to be imposed on permit approvals will include;

1. *Works zones are to comply with the provisions of the Australian Road Rules (Rule 181) and the Road Transport (Safety and Traffic Management) (Road Rules) Regulation 1999.*
2. *A traffic management plan (TMP) will be required, demonstrating effect of any traffic closures so as to allow vehicles to manoeuvre. The TMP must pay sufficient regard to ensure the continued safety of passing pedestrians, cyclists and motorists.*
3. *The applicant is responsible for installing and maintaining approved works zone signs and at the end of the building work, when, when the work zone is no longer required, for reinstating previous signs. Additional fees may be applicable if signs are reinstated by Council.*
4. *Works zones, of a minimum length of 18 metres are required for most sites, for a minimum period of 10 weeks. All applicable fees must be paid prior to approval being granted.*
5. *Adequate traffic control is to be employed during all stages if the work in accordance with Australian Standards and adopted traffic management plans and traffic control plans.*
6. *The party undertaking the activity must maintain a current public liability insurance policy, with a minimum insured value of \$20,000,000, indemnifying Council, that covers the activities involved and the context in which they will be undertaken.*
7. *Council accepts no liability for any injury or damage associated with any activity undertaken, or purportedly undertaken in connection with such action or activity.*
8. *The works zone must be maintained in a clean and tidy condition to the satisfaction of Council's Director Operations. Council reserves the right to levy a fee to reimburse any extraordinary cleaning costs.*

Temporary road closures

Temporary road closures, for occupying part of a road for work related activities, such as cranes and pumps, require approval. Under Section 115 of the Roads Act 1993. In such circumstances;

- A Traffic Management Plan (TMP) will be required to demonstrate how the closure or planned disruption to road users will operate safely and adequately.

- Residents within 50 metres of the proposed closure point must be consulted prior to any closures. Any reasonable concerns raised by residents must be resolved or accommodated by the permit holder. A copy of the consulting correspondence distributed, details of concerns received and how these concerns will be addressed must be forwarded to Council no later than 7 days prior to the road closure.
- The permit holder must obtain a concurrent approval from NSW Police and provide this to Council prior to the road closure.
- Transport for NSW approval must be obtained and provided to Council if the site is within 50 metres of traffic lights or a main road or if traffic on a State road may be affected.

Conditions to be imposed on permit approvals will include.

1. *The applicant must maintain a current public liability insurance policy for the amount of \$20,000,000, indemnifying Council in the event of injury to any member of the public.*
2. *Council accepts no liability for any injury or damage associated with any activity undertaken, or purportedly undertaken in connection with such action or activity.*

Erection of a hoarding or barricade on council owned land

All construction sites are to be made secure to prevent unauthorised entry, as a minimum, a securely fixed barricade or Type A hoarding is to be erected. In tis regard;

- All structures are to comply with Safe Work NSW guidelines and appropriate Australian Standards.
- With the exception of town centres, the hoarding may be of open cyclone mesh, a minimum of 2 metres in height, with dust prevention measures in place as appropriate.
- In commercial areas or town centres, the hoardings shall be constructed of solid timber panels, regular in size, a minimum of 16mm in thickness and 2.0metres in height, securely fixed with no protruding bolts and nails, the panelling fixed flush and evenly.
- Solid metal fencing utilised in Type A hoardings may be permitted only when it is new fencing, and it is constructed in a continuous form without open connection points or exposed sharp or jagged edges.
- The remaining footpath widths shall be 1500mm wide. Lesser distances may be permitted in some instances.
- A Type B, overhead protective hoarding shall be erected in the following circumstances:
 - Where the proposed building or demolition works are greater than one storey above footpath level, and less than 4 metres from the street alignment.
 - Where material is to be hoisted over a public way with a commercial or town centre area.
 - Where the height of the building, or the position of the site is such that danger is likely to occur from falling objects; or
 - Where officers of Council deem that a hoarding is necessary for the protection of the public.

Approved hoardings and barricades shall comply with the following conditions and requirements, as appropriate.

1. *A safe pedestrian circulation route, with a pavement free of trip hazards, must be maintained at all times on or adjacent to the footpaths fronting the construction site.*
2. *The use of the roadway for the storage of building materials is not permitted.*

3. *Where it is proposed to install a gate in the panels of the hoarding, the gates shall be constructed to swing inwards only.*
4. *Where any hoarding panel is temporarily removed, the panel must be placed within the boundary of the hoarding.*
5. *Hoardings shall be adequately secured to the site during demolition, excavation or construction work to ensure it does not collapse during adverse weather conditions or because of activities on site.*
6. *The existing footpath levels and gradients shall be maintained at the street alignment of the property.*
7. *Where the site falls towards the street, any sediment controls provided shall be installed independent of the hoarding structure.*
8. *The hoarding shall be installed in a manner that does not impede access to utility service pits or hydrants.*
9. *All existing street signs shall be retained. Should parking restrictions be required, a separate application shall be made to Council's Local Traffic Committee.*
10. *No advertising of any kind shall be affixed to the hoarding. The Builders name and contact details; Principal Certifiers details; and warnings such as "Danger Construction Site Do Not Enter", are acceptable.*
11. *Should a hoarding be erected over a manhole cover, provision shall be made for access to the manhole cover.*
12. *Uprights shall not be inserted into the roadway or footpath but shall be tenoned into sole plates and braced.*
13. *The permit holder shall be responsible to undertake repairs of damage occasioned to Council's infrastructure due to the placement of the hoarding.*
14. *Lighting connected to mains power supply is to be provided in Type B hoardings to ensure the enclosed passageway is well lit for pedestrians and equal to the levels and distribution pattern of the existing street lighting in the area. Where pedestrian hazards associated with the hoarding are present, significantly higher lighting levels are required. All lighting associated with hoardings must not impact on surrounding traffic.*
15. *In Type B hoardings, the underside of the deck is to be lined and be impenetrable to water. A suitable drainage system is to be provided discharging rainwaters to Council's drainage system or other approved discharge point. The roofs of sheds are to slope inwards to the site or be provided with appropriate drainage. No waters will be permitted to discharge onto a footpath so as to cause a nuisance to pedestrians or to unretained excavated materials.*
16. *All site offices and work sheds are to be located onsite. Where this is not possible, a Type B hoarding is to be erected to facilitate this requirement. Sheds placed above Type B hoardings are to be tied down to the deck by suitable structural fixings and certified by a structural engineer. The Type B hoarding is to be provided with a boarding material to conceal the office sheds from public vision.*
17. *Upon removal of all hoardings, Council's footpath, roadway and ancillary infrastructure assets such as litter bins, public seating and signage is to be restored fully to its original condition.*
18. *All trees situated on Council's reserve or adjacent to the proposed hoarding are to be identified upon the plans submitted for approval. The design of the hoarding, such as location of posts, counter weights, crossings, overhead decking etc is to ensure impact on these trees is avoided or minimised.*

19. *No tree cutting, lopping or removal to enable the construction of the hoarding is permitted without the consent of Council.*
20. *Where impact of trees is identified due to the hoarding, preservation measures will be required depending on the circumstances. Such measures may include the provision of irrigation; tree protection measures and increased natural light through a modified hoarding design.*
21. *Sheds situated above a Type B hoarding are to be provided with at least one stair exit to the ground. For hoardings greater than 30 metres in length, two exits are to be provided. The distance to alternative exits must not be greater than 80 metres. The width of the corridors, passageways or stairs must be at least 750mm. At least one easily accessible portable fire extinguisher must be provided in the site office.*
22. *The hoardings are to have all advertising material not associated with the development removed within 48 hours of detection or Council direction to remove. A notice “Bill posters will be prosecuted” is to be affixed to the hoarding structure at regular intervals. Advertising upon the hoarding is subject to a Development Application to Council. In the event of non-compliance with these requirements to remove advertising posters, Council reserves the right to remove or paint over the posters and invoice the applicant for actual costs incurred by Council.*
23. *Graffiti is to be removed or painted over on all hoarding structures within 48 hours of detection or Council notification. Hoardings must be provided with appropriate coverings to assist in graffiti removal or measures to reduce the occurrence of graffiti. In the event of non-compliance with these requirements, Council reserves the right to remove or paint over the graffiti and invoice the applicant for costs incurred by Council.*
24. *Erection of hoardings may only occur during Council’s normal adopted hours for building works and as contained in conditions of development consent.*
25. *Type B hoardings erected for longer than six months are to be re certified by the applicant’s inspecting structural engineer to ensure the structural integrity of the erected structure has been maintained. A certificate of structural integrity is to be forwarded to Council within one week of the six-month anniversary of the structure being erected.*
26. *The party undertaking the activity must maintain a current public liability insurance policy, with a minimum insured value of \$20,000,000, or as prescribed that covers the activities involved and the context in which they will be undertaken.*
27. *Council accepts no liability for any injury or damage associated with any activity undertaken, or purportedly undertaken in connection with such action or activity.*

Hoisting, swinging or pumping materials across footway or standing plant on a public roadway

Section 68 of the Local Government Act makes provision for a permit to be issued for hoisting goods and materials across a footway or standing plant on a public roadway. Generally, permits relate to mobile cranes and concrete pump trucks.

When considering an application, regard is to be had to:

- The location of the proposed plant.
- The potential effect on the amenity of neighbours.
- Whether approval from the local police, Transport for NSW or Local Traffic Committee is required if full or partial roadclosure is proposed.
- The traffic control plan.
- The method of providing protection / pedestrian access during the proposed works.
- The protection of any Council assets, including street trees, furniture and pavements. Where

potential issues are identified, consideration should be given to the imposition of a suitable condition to ensure protection of the asset, including tree protection measures

Conditions to be imposed on permit approvals will include;

- 1) *The permit holder shall be responsible and accept responsibility to undertake repairs of damage occasioned to Council's infrastructure as a direct result of the prescribed activity.*
- 2) *The section of the public thoroughfare over which materials are being hoisted is to be partially barricaded off and the area policed by responsible persons to monitor the movement of the equipment/materials and direct pedestrians in a safe manner.*
- 3) *Council assets, including street trees, furniture, pavements must be protected at all times. At no time shall a permit holder undertake works on nearby trees, including pruning, trimming, lopping or removal without the prior consent of Council.*
- 4) *Where concrete pump conduits or similar are proposed to be laid across a footpath, a ramped timber crossing free of trip hazards, is to be constructed over the entire width of the footpath to ensure safe pedestrian flow.*
- 5) *A safe pedestrian circulation route, with a pavement free of trip hazards, must be maintained at all times on or adjacent to the footpaths fronting the construction site.*
- 6) *Signboards with suitable wording shall be displayed at each end of the barriers, warning the public of the imminent danger.*
- 7) *The use of the roadway for the storage of building materials is not permitted.*
- 8) *Traffic control personnel and signage shall be in place at all times. This shall be in accordance with AS 1742.3-1996.*
- 9) *In the event the plant is required for a longer period than stated on the application form, the extended period will attract additional fees in accordance with Council's Schedule of Fees and Charges. The additional fees shall be paid to Council prior to the extended period commencing.*
- 10) *The party undertaking the activity must maintain a current public liability insurance policy, with a minimum insured value of \$20,000,000, or as prescribed that covers the activities involved and the context in which they will be undertaken.*
- 11) *Council accepts no liability for any injury or damage associated with any activity undertaken, or purportedly undertaken in connection with such action or activity.*

Swinging goods over public roadway or lands from private land – use of a tower crane

Tower cranes are typically erected on the land being the subject of development consent and have a long boom or jib which, when angled out from the cabin of the crane, is used to lift and deliver materials brought to the construction site from ground level to higher levels. Tower cranes generally have a counterweight, which may also extend horizontally to balance the boom.

The nature of operation of tower cranes means that, in some cases at certain times, the boom or counterweight may, due to the physical boundaries of the development site, need to extend over adjoining land in the course of construction.

Additionally, booms are not usually tethered when not in use, allowing their free movement in accord with prevailing wind conditions so as not to create a potential wind loading failure.

The projection of the boom or counterweight over the boundary line of an adjoining property gives rise to legal issues and practical problems for developers, builders and adjoining owners and residents.

In NSW, the Access to Neighbouring Land Act 2000 includes provision for a builder or developer to make application to a court to obtain an order facilitating the over sail of a crane onto neighbouring adjoining land should voluntary agreement not be reached.

It is expected that the majority of applications for tower cranes could be managed via this Local Approvals Policy, with developers completing the prescribed application form and paying the required rental fee.

When considering an application for the deployment of a tower crane, regard is to be had for:

- The swing arc of the proposed tower crane.
- The potential effect on the amenity of nearby neighbours and any permission gained from such landowners. (Note: the applicant should be advised to gain consent from affected landowners or seek an order from the local court under the provisions of the Access to Neighbouring Land Act, 2000).
- Whether approval is required from the local police, Transport for NSW or Local Traffic Committee if full or partial road closure is proposed at any time.
- The traffic control plan
- Concurrent Safe Work NSW approval.
- The method of providing protection / pedestrian access during the proposed works.
- The protection of any Council assets including street trees, furniture, pavements.

Conditions to be imposed on permit approvals will include;

1. *The permit holder must obtain consent from private property owners if the crane swings or hoists goods over private land. Such consent or order from Local Court must be obtained prior to this permit being relied upon.*
2. *Council is indemnified against all claims arising from any associated works. Public Liability insurance of a minimum \$20 Million is required.*
3. *The applicant and workers on site must obey any direction from the Police and/or Council Officers immediately in the event of an emergency.*
4. *The permit holder must submit to Council a restoration order for any damaged footway or roadway. Full costs must be borne by the permit holder.*
5. *Any proposed variations or extensions of time for the permit are subject to a fresh application with prior public consultation and payment of a further application fee.*
6. *The permit holder must obtain and hold any relevant approvals from Safe Work NSW.*
7. *The permit holder must obtain and hold any relevant approvals from NSW Police local area command.*
8. *The permit holder must develop and implement a Traffic Control Plan (TCP) to control pedestrian and traffic safety. Barriers are required to guide pedestrian and safe passage around the site. Yellow flashing lights are required on top of the barricade stands between sunset and sunrise.*
9. *The permit holder must obtain an approval from Transport for NSW if the site is within 75 metres of traffic lights or adjacent to a main road.*
10. *The permit holder must ensure that work being carried out does not pose any risks to passing pedestrians.*
11. *Prior to mobilisation and operation of heavy construction equipment on site, the permit holder must complete assessment by engaging a suitably qualified and registered engineer to certify that the operation and movement of the equipment will not cause any adverse structural impact or failure of adjoining structures, retaining walls or property.*
12. *The permit holder must carry out proper assessment of site to identify all utilities to ensure adequate clearance prior to installation and operation of the tower crane. The permit holder*

shall co-ordinate with all relevant utility providers as necessary.

Out of hours work

From time to time, work on construction sites is required to be undertaken outside the hours prescribed by development consent conditions. This includes but is not limited to delivery of large plant and equipment on vehicles having specific Transport for NSW restrictions regarding permissible hours of transport, pouring and finishing of large concrete slabs and works required to be undertaken due to extreme safety risks or extenuating circumstances.

Out of hours works permits are not designed to assist in accelerated work programs, demolition and excavation works, with the exception of the delivery of large plant to assist in such process.

When considering an application for out of hours work, regard is to be had to;

- The location of the site.
- The potential effect on the amenity of near neighbours.
- Any potential traffic problem that may arise due to a lane or road closure, particularly in peak traffic times.
- The specific reason why the work cannot be undertaken during normal working hours, such should generally relate to public amenity or safety reasons, engineering constraints such as size of concrete slab, Transport for NSW requirements regarding size of delivery vehicles and times they may travel on roadways.
- The consideration that has been given to minimise the impact and inconvenience on near dwellings, churches and businesses within 100 metres of the site.

Conditions to be imposed on permit approvals will include;

- 1) *Activity on site shall proceed only after sufficient measures have been taken to ensure that no unreasonable impact on near neighbours is caused by way of noise, vibration, or light spill.*
- 2) *This permit will be immediately cancelled without notice should public or residential amenity be detrimentally affected.*
- 3) *A copy of the permit approval must be maintained on site and produced as requested by the Police or Council officers.*
- 4) *The permit holder shall inform all residences, institutions and businesses with a 200 metres radius of the development site of the times the works will be conducted by way of a letterbox drop at least five days prior to the works taking place.*
- 5) *In the event the works are urgent due to mechanical failure, the residents, institutes and businesses with a 200 metres radius of the development site shall be informed by the permit holder of the times the works will be conducted by way of personal service of the notification immediately following receipt of the permit approval.*
- 6) *The permit holder must not carry out notification to surrounding residents or occupants unless Council has first granted a permit.*
- 7) *All effort shall be taken by the responsible person organising the activity to ensure all works are undertaken within the approved extended hours. Any works undertaken outside the approved extended hours window will be considered unauthorised and may be subject to penalty infringement notice/s*

Burning of material on private property

The burning of any material in the open or in an incinerator within the Ku-ring-gai Council Area is generally prohibited under Part 3 of the *Protection of the Environment Operations (Clean Air) Regulation 2021* except in accordance with a specialty approval that can be gained for the burning of vegetation material that has grown on the property for which the permit relates, under the provisions of Part 2 of Schedule 1 of the *Protection of the Environment Operations (Clean Air) Regulation 2021*. Some exceptions apply, for example small cooking fires on private property .

Permit applications for open or incinerator burns will generally only be considered for the purpose of bush fire hazard reduction if done under the authority of a Bush Fire Hazard Reduction Certificate (HRC) issued by NSW Rural Fire Service.

- Applications to Council for an open burning permit will only be considered for land which exhibits extreme access difficulty due to its location or topography.
- An approval will only extend to the burning of dead, dry, piled vegetation matter. Piles must be constructed in accordance with NSW Rural Fire Service Standards for Pile Burning.
- Approvals will not be valid or issued during the statutory bush fire danger period (generally 1 October to 31 March).
- Approvals will be automatically suspended on days when the Air Quality Index (AQI) of the Sydney metropolitan area is greater than 100 or if a “no burn day” is declared by the EPA.
- A permit application will only be considered after submission of the prescribed form.
- Applicants will acknowledge that an officer of Council will attend the site for purpose of evaluation if such evaluation is warranted. The site may be re-inspected at any time.
- Any approval will be valid for a period of 1 calendar month and will be non-transferrable.
- Successful applicants must also obtain a Fire Permit (free of charge) from Fire and Rescue NSW prior to the commencement of burning.

Approval will not be given for

- The burning of vegetation that was cleared in association with a Development Consent or Complying Development Certificate.
- The burning of any standing vegetation.
- The burning of general garden waste, such as grass clippings, leaves, other compostable garden debris, soft green weeds or green wood.
- The burning of logs over 150 mm in diameter.

Standard conditions to be imposed on open burning approval will include;

1. *The approval is valid only for the burning of dead, dry vegetation material that has originated on the property. No further material can be added to the approved burn.*
2. *The pile must be constructed in accordance with the NSW Rural Fire Service Standards for Pile Burning.*
3. *The following material must not be burnt:*
 - a. *plastics*
 - b. *rubber*
 - c. *tyres*
 - d. *coated wire*
 - e. *paint containers and residues*
 - f. *solvent containers and residues*
 - g. *treated timber*

4. *The permit holder, after having received an open burning approval, must also obtain a Fire Permit (free of charge) from Fire and Rescue NSW prior to the commencement of burning. Contact Gordon Fire Station (Ph. 9449 9834).*
5. *The permit holder must ensure that burning is conducted with the intent of preventing or minimising air pollution at all times. Prior to burning, the permit holder must determine the Air Quality Index (AQI) for the Sydney Region either by contacting the NSW Environment Protection Authority (Ph. 131 555) or checking online at <http://www.environment.nsw.gov.au/AQMS/aqi.htm>*
6. *The approval will be automatically suspended if:*
 - the AQI is greater than 100
 - a total fire ban or “no burn day” is declared
 - the associated Fire Permit is suspended for any reason
 - the Fire Danger Index (FDI) is greater than 24 for the area that is covered by the Hazard Reduction Certificate.
7. *The permit holder must be present at the site of the fire from the time it is lit until such time as it is extinguished.*
8. *The permit holder must ensure that sufficient water is available to extinguish the fire at any time.*
9. *The approval is not valid during the statutory Bush Fire Danger Period for the Ku-ring-gai Local Government Area (generally 1 October to 31 March but may be varied by declaration from NSW RFS).*
10. *All burning activities must be conducted between the hours of 11am to 3pm.*
11. *The approval holder must notify the occupiers and or owners of all properties within 50 metres at least 24 hours prior to commencing the burn. This includes vacant land, public land (e.g. roads, Council or NPWS reserves) and properties separated by roads and/or waterways. The notice may be either written or verbal and must include details of the location, purpose and time of fire proposed to be lit.*
12. *The permit holder must contact the NSW Rural Fire Service (ph: 9883 2000) and Fire and Rescue NSW State Communications Centre (ph: 9319 7000) at least 15 minutes prior to the commencement of burning.*
13. *Burning of a pile outside the dates of approval validity or of material not complying with the specified criteria will be the subject of an infringement notice.*
14. *Any residual waste from the burning is to be disposed of in an environmentally acceptable manner. On completion of the burn, the area should be maintained in a condition that minimises the emission of ash and prevents sediment or ash being washed into downstream waters.*

Part 3 Other matters relating to approvals

Refund of fees

In certain circumstances where an application is not fully processed by Council, an applicant may be eligible for refund of fees. Refund requests must be made by the applicant in writing. Such requests will be determined in accordance with the table below.

Full refund

- Applications withdrawn by the applicant immediately after lodgement, prior to any administrative processing taking place (other than receipting of fees).

50% Refund

- Applications withdrawn by the applicant prior to their determination by Council.

Standard conditions

The Local Government (General) Regulation 2021 prescribes standard conditions for activity approvals involving public entertainment, sewage and stormwater drainage. The Local Government (Manufactured Home Estate, Caravan parks, Camping Grounds and Moveable Dwellings) Regulation 2021 prescribes standard conditions for approvals for caravan parks and camping grounds.

The standard conditions prescribed by the Regulation are quite detailed and they have not been reproduced within this document. Copies of the Regulation are available at <http://www.legislation.nsw.gov.au/>

When an approval or exemption lapses

An approval under Section 68 of the Local Government Act 1993 or Section 4.53 of the Environmental Planning and Assessment Act 1979 lapses five years after the date from which the approval operates, unless:

- 1) The approval states otherwise; or
- 2) The activity has been physically substantially commenced within the meaning of the applicable act.

An extension of an approval may be granted if:

- 1) A request is received by Council in writing prior to the date on which the approval would have lapsed; and
- 2) Council determines that the approval should be extended.

Exemptions

Any exemption under this Local Approvals Policy or the Regulations has no effect unless all the specified conditions of the exemption are met. Any breach of the conditions would mean that the exemption provisions no longer apply to the activity or activities involved.

Exemption provisions within the Local Approvals Policy cease to have effect once the Policy lapses.

Application forms

Copies of Ku-ring-gai's Local Approval Application forms may be found at <http://www.krg.nsw.gov.au>

Definitions

amusement device means an amusement device that is high risk plant within the meaning of clause 6 of Schedule 1 to the *Work Health and Safety Act 2011*, and includes any other device that is declared by the regulations to be an amusement device for the purposes of referenced within the Local Government Act

Small amusement device means an amusement device that is designed primarily for the use of children 12 years of age or under and includes such amusement devices as mini ferris wheels, battery operated cars and miniature railways but, in the case of rotating amusement devices, includes only those devices that have a maximum rotation of 14 revolutions per minute.

approval means an approval that is in force under for purposes referenced in the Local Government Act.

building code of Australia means the document, published by or on behalf of the Australian Building Codes Board, that is prescribed for purposes of this definition by the regulations, together with—

- (a) the amendments made by the Board and prescribed by the regulations, and
- (b) the variations approved by the Board in relation to New South Wales and prescribed by the regulations, and
- (c) the variations prescribed by the regulations.

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Council has the same meaning as it has in the [Local Government Act 1993](#).

development consent means consent under Part 4 of the Environmental Planning & Assessment Act, 1979, to carry out development and includes, unless expressly excluded, a complying development certificate.

occupier includes a tenant or other lawful occupant of premises, not being the owner.

owner has the same meaning as in the [Local Government Act 1993](#).

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) a regional park under the [National Parks and Wildlife Act 1974](#).

public road means a road which the public are entitled to use.

sewerage work means the construction, alteration, extension, disconnection, removal, ventilation, flushing, cleansing, maintenance, repair, renewal or clearing of any sewerage service pipes or fittings or fixtures communicating or intended to communicate, directly or indirectly, with (a) a septic tank, an effluent or a sullage disposal system

stormwater drainage work means the construction, alteration, extension, disconnection, removal, maintenance, repair, renewal, flushing, cleansing or clearing of any stormwater drain communicating or intended to communicate, directly or indirectly, with any stormwater channel of a council.

waste means—

- (a) effluent, being any matter or thing, whether solid or liquid or a combination of solids and liquids, which is of a kind that may be removed from a human waste storage facility, sullage pit or grease trap, or from any holding tank or other container forming part of or used in connection with a human waste storage facility, sullage pit or grease trap, or
- (b) trade waste, being any matter or thing, whether solid, gaseous or liquid or a combination of solids, gases and liquids (or any of them), which is of a kind that comprises refuse from any industrial, chemical, trade or business process or operation, including any building or demolition work, or
- (c) garbage, being all refuse other than trade waste and effluent,

and includes any other substance defined as waste for the purposes of the [Protection of the Environment Operations Act 1997](#), and a substance is not precluded from being waste merely because it is capable of being refined or recycled