

Public Exhibition - Draft Local Approvals Policy and Draft Code of Practice for Hoisting and Construction Activities in Public Places

File No: S129097

Summary

This report recommends that Council give approval to the public exhibition of the draft Local Approvals Policy for Hoisting and Construction Activities in Public Places (the 'Policy') and the draft Code of Practice for Hoisting and Construction Activities in Public Places (the 'Code').

The draft Policy and Code are new regulatory documents. The draft Policy is a statutory document under section 161 of the Local Government Act 1993 which gives legal empowerment to the Code.

The draft Code sets out the City's technical requirements when undertaking various forms of hoisting operations and other activities associated with works carried out in public places. The Code also contains information relating to lodging applications and seeking various approvals.

Recommendation

It is resolved that:

- (A) the draft Local Approvals Policy for Hoisting and Construction Activities in Public Places and the draft Code of Practice for Hoisting and Construction Activities in Public Places be endorsed for public exhibition purposes for a period of not less than 42 days in accordance with Section 160(3) of the Local Government Act 1993; and
- (B) key industry groups, major construction companies and relevant government agencies be notified of the draft Local Approvals Policy and draft Code of Practice and be invited to review and provide feedback on the draft documents.

Attachments

Attachment A. Draft Local Approvals Policy: Hoisting and Construction Activities in Public Places 2019

Attachment B. Draft Code of Practice: Hoisting and Construction Activities in Public Places 2019

Background

1. A significant volume of construction related work and other activities take place in, on and/or above public places (roads). These works and activities require the approval of Council under the provisions of the Local Government Act 1993 and the Roads Act 1993.
2. Various construction related activities are regulated and monitored by several units of Council including the issuing of statutory approvals.
3. The types of activities that require approval and the information that must be provided when lodging applications are currently set out on the City's website. However, due to the variable nature of work that can take place and the associated potential impacts, the website information is limited in detail to deal effectively and comprehensively with these aspects. The website information is also dispersed over numerous webpages making it difficult for builders and contractors to easily locate all relevant information and requirements.
4. The draft Code brings together the web-based information, various approval processes, regulatory controls and responsibilities into a single document with enhanced detailed content. The Code will make the approvals process more streamlined and functional. The Code content is also key-word searchable making it user friendly when the public seek information about specific activities and the requirements that apply. The Code will therefore provide more effective and user friendly information to various stakeholders.
5. The draft Code will also be used internally as part of the application assessment process and for use in the field when inspecting and monitoring various activities in public places. This will assist officers in taking corrective actions including the issuing of formal directions and imposing penalties, where necessary.

Key Implications

Strategic Alignment - Sustainable Sydney 2030 Vision

6. Sustainable Sydney 2030 is a vision for the sustainable development of the City to 2030 and beyond. It includes 10 strategic directions to guide the future of the City, as well as 10 targets against which to measure progress. This policy is aligned with the following strategic direction and objective:
 - (a) Direction 4 - A City for Walking and Cycling - The draft Code contains provisions to regulate work and other activities on and/or above footways and cycleways. This includes requirements to minimise obstructions, isolate work areas, maintain safe and accessible surfaces and provide safe alternative pathways where necessary for the passage of pedestrians and bicycle riders when moving past worksites.

Organisational Impact

7. The draft Policy and Code will have substantial benefits for customers and the construction sector, including associated sub-contractors. The Code will also be beneficial for internal use by various business units and teams that approve and regulate construction-related activities, including City of Sydney projects.

Risks

8. Undertaking works in public places has some risks to the general public including bicycle riders, motor vehicle drivers and pedestrians. Persons undertaking works (typically principal contractors) have statutory obligations under the Work Health and Safety Act 2011 to provide and maintain the health and safety of persons in vicinity of a worksite. This includes the general public when passing a site.
9. The aims of the draft Policy and Code are to enhance public safety and convenience through setting out the statutory requirements for obtaining approval to undertake works, the standards that apply and to highlight other statutory provisions such as the Work Health and Safety Act 2011 that persons in control of a worksite must satisfy.

Social / Cultural / Community

10. The Code aims to minimise public risks and inconvenience in the vicinity of worksites through controls that builders and contractors must follow and implement to provide safe, convenient and accessible public pathways and passage past worksites.
11. Older persons and persons with disabilities will benefit through clear and detailed requirements to maintain accessible pathways including minimum clear widths, acceptable temporary ramp design, establishing exclusion zones and appropriately designed barriers to isolate and define worksite boundaries.

Environmental

12. The Code contains provisions for managing works to minimise environmental impacts such as noise, water, air quality and light-spill when working at night. There are also requirements for keeping public place worksites clean and tidy to enhance public place amenity.

Economic

13. The draft Policy and Code do not impact (increase) operational costs for the construction sectors when undertaking works and other activities in public places. The Code simply sets out existing City requirements in a logical and easy to use document that includes extensive cross-referencing of provisions to ensure that all aspects of public safety, amenity, access and convenience are appropriately addressed when working in public places.

Budget Implications

14. There are no budgetary implications.

Relevant Legislation

15. Local Government Act 1993.
16. Local Government (General) Regulation 2005.
17. Roads Act 1993.
18. Roads Regulation 2018.

19. Work Health and Safety Act 2011.
20. Work Health and Safety Regulation 2017.
21. Environmental Planning and Assessment Act 1979.
22. Environmental Planning and Assessment Regulation 2000.
23. Protection of the Environment Operations Act 1997.

Critical Dates / Time Frames

24. Timeframes for the commencement of the proposed Policy and Code are not specified, as many of the various requirements when undertaking works in public places are currently being applied through approval permits to ensure adequate public safety and convenience.
25. The introduction of the proposed draft Code will, however, enhance and improve the availability of information and the processes that apply which will be beneficial to the development and construction sectors. The introduction of these two documents should therefore be implemented as soon as possible to enhance management practices in public places.
26. It is proposed that, subject to endorsement of the recommendations, the public exhibition process will commence in late March 2019.

Public Consultation

27. It is recommended the draft Local Approvals Policy and the draft Code of Practice be placed on public exhibition for a period of not less than 42 days in accordance with Section 160(3) of the Local Government Act 1993.
28. A further report will be presented to Council following conclusion of the public exhibition process.

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