

# **Attachment A**

## **Local Approvals Policy for Hoardings and Scaffolding**

# Local Approvals Policy for Hoardings and Scaffolding

## Purpose

The purpose of this Policy is to provide the framework for regulating the design and approval of construction-related temporary structures (predominately hoardings and scaffolding) within the City of Sydney local government area.

This Policy supplements provisions of the Local Government Act 1993, the Local Government (General) Regulation 2021, the Roads Act 1993 and the Roads Regulation 2018.

The Policy is a Local Approvals Policy prepared and adopted by Council under s158 of the Local Government Act 1993.

The Policy addresses three aspects (parts) in accordance with the requirements of the Local Government Act 1993 and operates as follows:

- **Part 1** - specifies any exemptions from this Policy
- **Part 2** - specifies the criteria which Council must consider when determining whether to grant approval for a particular article or activity
- **Part 3** – specifies other matters relating to approvals.

## Objectives

The Policy aims to:

- a) control and regulate the design, approval, installation and use of temporary structures erected on or above roads
- b) minimise pedestrian, cycleway and vehicular obstructions and other impacts resulting from the placement of temporary structures in a public place
- c) provide safe public passage and high-quality amenity in public places in the vicinity of worksites
- d) screen and secure worksites from the public place
- e) minimise adverse visual impacts of temporary structures in the streetscape through the display of high-quality public art and graphics on hoardings and scaffolding.

## When will the Policy be revoked?

Under section 165(4) of the Local Government Act 1993, this Policy is automatically revoked 12 months after the NSW local government elections, unless the Council resolves to do so sooner.

## Scope

The Policy applies throughout the City of Sydney local government area. The purpose of the Policy is to give force to the Guidelines for Hoardings and Scaffolding (<https://www.cityofsydney.nsw.gov.au/hoardings-temporary-structure-approvals/get-approval-hoardings-scaffolding-public-road>), the technical standards applying to construction-related temporary structures which prescribe criteria to control the design, placement (installation) and

use of temporary structures on or above a public road. The Guidelines are also used to assess applications lodged by property owners, developers, builders, and contractors seeking approval to erect temporary structures on or above Council’s land (roads) to facilitate construction works or maintenance activities on existing buildings.

**How this Policy works**

**Part 1 - Exempt from approval**

There are no exempt activities available to allow the placement of temporary structures on or above a public road without the approval of Council under this Policy.

**Part 2 - Criteria that Council will take into consideration in determining whether to give or refuse an approval to an application**

The provisions set out in the Guidelines (<https://www.cityofsydney.nsw.gov.au/hoardings-temporary-structure-approvals/get-approval-hoardings-scaffolding-public-road>) will apply when seeking approval to install a temporary structure on or above a public road.

**Part 3 - Other matters relating to approvals**

The provisions of the Roads Act 1993 and Roads Regulation 2018 relating to the installation of temporary structures on or above a road will be considered in the assessment and determination of applications seeking approval to erect temporary structures.

The approval for the erection or installation of temporary structures on or above a road does not automatically permit the use of equipment (cranes and hoists) to swing or lift material across or over any part of a road. A separate approval for these activities is required under category E(1) of the table in s68 and s94 of the Local Government Act and s139 of the Roads Act 1993.

**Definitions**

Term	Meaning
approval	an approval in force under the Local Government Act 1993 and Roads Act 1993 which includes the term ‘permit’.
article	a temporary structure.
footway	the part of a road that is set aside or formed as a path or way for pedestrian traffic (whether or not it may also be used by bicycle traffic). (Roads Act 1993)
Guidelines	the ‘Guidelines for Hoardings and Scaffolding’ ( <a href="https://www.cityofsydney.nsw.gov.au/hoardings-temporary-structure-approvals/get-approval-hoardings-scaffolding-public-road">https://www.cityofsydney.nsw.gov.au/hoardings-temporary-structure-approvals/get-approval-hoardings-scaffolding-public-road</a> ) adopted as part of this Local Approvals Policy.
hoarding	a temporary structure placed on a road that separates a workplace from a public place and which may also provide an overhead protective barrier to protect the public place from objects that may fall from a work area.
public place	a road.

Term	Meaning
road	as defined in the Local Government Act 1993.
roadway (also known as 'carriageway')	an area of a road that is open to or used by the public and is developed for, or has as one of its main uses, the driving or riding of motor vehicles.
scaffolding (or scaffold)	a temporary structure specifically erected to allow and support access or work platforms.
temporary structure	any or all of the following installed on or above a public place: <ul style="list-style-type: none"> <li>- Type-A hoarding – a plywood sheet fence, with or without scaffolding used to enclose or isolate a work area from the public place</li> <li>- Type-B hoarding – an overhead protective structure constructed of a steel frame that provides a barrier from objects that may fall from a work area into the public place and where necessary, to also enclose a worksite by means of a plywood sheet fence</li> <li>- cantilevered work platforms</li> <li>- scaffolding.</li> </ul>

**Policy Statement**

Due to very high pedestrian and traffic volumes in the city there are special needs and requirements that must be considered and followed when undertaking work in public places including the erection of temporary structures. This is necessary to ensure the safe and convenient passage and movement of pedestrians.

Footway obstructions resulting from the placement of temporary structures are often a necessary part of construction and building maintenance activities. In allowing the installation of these structures in a public place it is essential that they have the least possible impact on residents, workers, visitors and the business community. To achieve these required outcomes the Guidelines (<https://www.cityofsydney.nsw.gov.au/hoardings-temporary-structure-approvals/get-approval-hoardings-scaffolding-public-road>) prescribe minimum acceptable standards that must be followed by persons undertaking works in public places.

There are also significant visual impacts that result from development activity therefore hoardings and scaffolding must have quality design features to minimise these impacts in the streetscape. Minimum design standards including the display of public art and graphics therefore apply to temporary structures.

**Legal status of this Policy**

The Policy is aimed at the development and construction sectors where approval is sought to install temporary structures on or over a road (an activity under category E(2) of the table in s68 of the Local Government Act and s138 of the Roads Act) in association with development sites or buildings undergoing maintenance.

**Enforcement of the Policy**

Unless specifically varied by a condition of approval or a direction of an authorised person, the relevant provisions set out in the Guidelines (<https://www.cityofsydney.nsw.gov.au/hoardings->

[temporary-structure-approvals/get-approval-hoardings-scaffolding-public-road](https://www.cityofsydney.nsw.gov.au/hoardings-temporary-structure-approvals/get-approval-hoardings-scaffolding-public-road)) must be satisfied when installing a temporary structure on or above a road.

### **What are the implications for non-compliance with this Policy?**

An authorised person of Council may issue penalty notices, give orders, initiate Court action for non-compliance with the Policy, Guidelines (<https://www.cityofsydney.nsw.gov.au/hoardings-temporary-structure-approvals/get-approval-hoardings-scaffolding-public-road>) and a determination (an approval) and for associated breaches of applicable legislation.

A person who is guilty of an offence under the various Acts administered by Council may be liable, on conviction, for a maximum penalty as prescribed by the applicable legislation.

Parties not acting in accordance with this Policy, Guidelines and an approval to place a temporary structure on or above a road may be given notice in writing to comply before an infringement is issued. Council, at all times, reserves the right to issue an immediate infringement notice depending on the seriousness of the circumstance and at the discretion of the authorised person and consideration of Council's Compliance Policy and Prosecution and Civil Enforcement Policy.

### **Granting an approval**

An approval for the installation of a temporary structure on or over a road (footway and/or roadway) is granted under s94 of the Local Government Act 1993 and s139 of the Roads Act 1993. An approval is issued subject to conditions imposed through s94 of the Local Government Act and s139(1)(d) of the Roads Act.

An approval is granted subject to a condition requiring permit-holders to ensure that temporary structures comply with minimum standards as prescribed in the Guidelines (<https://www.cityofsydney.nsw.gov.au/hoardings-temporary-structure-approvals/get-approval-hoardings-scaffolding-public-road>) and as set out in specific conditions forming part of an approval.

### **Amending an approval**

A person to whom an approval is granted may apply to amend an approval under s106 of the Local Government Act. The assessment for an amendment to an approval will include the following matters:

- a) whether the approval as amendment is substantially the same as the original approval; and
- b) whether any prejudice will be caused to any person who made a submission concerning the original proposal; and
- c) after consultation with any other person or authority whose concurrence to the original approval was required; and
- d) an amended determination will replace the original approval from the date endorsed on the approval.

### **Extending an approval**

Council may determine to extend an approval under s107 of the Local Government Act if it is satisfied there is good cause for doing so.

An approval may not be extended where a temporary structure:

- a) is structurally unsound
- b) is not being satisfactorily maintained in accordance with the Guidelines for Hoardings and Scaffolding (<https://www.cityofsydney.nsw.gov.au/hoardings-temporary-structure-approvals/get-approval-hoardings-scaffolding-public-road>)
- c) is non-compliant with an approval
- d) a public liability insurance policy for a structure/approval is not current or has been withdrawn by the insurer
- e) any other circumstance as determined by Council.

An approval to extend a determination must be obtained before the lapsing date (as specified in an approval).

### **Revoking an approval**

Council may revoke an approval under s108 of the Local Government Act for any circumstance set out in s109. An approval may also be revoked, for any reason, under s140 of the Roads Act 1993. Council may exercise its powers under these Acts where any of the following apply:

- a) the person holding an approval fails to act on directions to rectify a temporary structure particularly matters relating to inadequate structural adequacy or other public safety risk
- b) an approval has lapsed, and an application has not been lodged to extend an approval
- c) a public liability insurance policy for a structure/ approval is not current or has been withdrawn by the insurer.

In circumstances where an approval has been revoked, Council reserves the right to take action to have the unauthorised structure/s removed and recover all associated costs.

### **Responsibilities**

Council is responsible for developing this Policy in accordance with the provisions of the Local Government Act 1993 and ensuring good governance including open and transparent consultation during its development and review. Authorised officers of Council will issue approvals to allow the installation and use of temporary structures, enforce conditions of approval and monitor/regulate non-compliances with this Policy, the Guidelines for Hoardings and Scaffolding (<https://www.cityofsydney.nsw.gov.au/hoardings-temporary-structure-approvals/get-approval-hoardings-scaffolding-public-road>) and relevant legislation.

A holder of an approval is responsible for ensuring that a temporary structure is erected in accordance with an approval and is appropriately maintained. A person holding an approval must also comply with the Guidelines.

### **Consultation**

In accordance with section 160 of the Local Government Act 1993 this Policy has undergone a public consultation process and formal consideration of comments prior to adoption.

## References

Laws and Standards
• Local Government Act 1993
• Local Government (General) Regulation 2021
• Roads Act 1993
• Roads Regulation 2018
• Road Rules 2014
• Environmental Planning and Assessment Act 1979
• Environmental Planning and Assessment Regulation 2021
Policies and Procedures
• Guidelines for Hoardings and Scaffolding
• SafeWork NSW Code of Practice for Overhead Protective Structures

## Review period

This Policy will be reviewed at least every 4 years from the date of Policy adoption.

## Approval Status

Council approved this Policy on [DD MONTH YYYY].

## Approval History

Stage	Date	Comment	TRIM Reference
Original Policy (version 01)	8 December 2014	Approved by Council	20XX/XXXXXX
Version 02 (amendment)	21 November 2016	Approved by Council	20XX/XXXXXX
Reviewed	July 2022	No changes to the Policy (LAP converted to the standard template format)	20XX/XXXXXX (Governance to populate)
Commence Review Date			
Approval Due Date			

**Ownership and approval**

Responsibility	Role
Author	Standards & Policy Specialist, Construction & Building Certification
Owner	Manager Construction & Building Certification Services.
Endorser	City of Sydney Executive
Approver	City of Sydney Council