

Item 5.

Public Exhibition - Local Approvals Policy for Hoardings and Scaffolding

File No: X086769

Summary

At its meeting on 21 November 2016, Council adopted an amended Local Approvals Policy (the "Policy") and supporting technical controls 'Guidelines for Hoardings and Scaffolding' (the "Guidelines") to regulate the design, approval, installation, use and maintenance of hoardings and scaffolding placed on or above roads (footways and roadways). In addition to the Policy, Guidelines were developed to support the effective implementation of the Policy and include detailed technical guidance for applicants and controls for Council to enforce.

In accordance with section 165(4) of the Local Government Act 1993, the Policy is automatically revoked at the expiration of 12 months after the declaration of the poll for that election, unless Council revokes it sooner. It is therefore necessary to have the proposed amended Policy approved within 12 months of the election to continue to have an operative Policy in place.

The Policy and Guidelines have been operating effectively in regulating construction-related temporary structures (hoardings and scaffolding), however, some minor updates such as format changes and references have been incorporated in the Policy recommended for approval. The Guidelines are unchanged except a title update.

This report recommends that Council approve the public exhibition of the amended Policy at Attachment A and approve the public exhibition of the Guidelines for Hoardings and Scaffolding at Attachment B.

Recommendation

It is resolved that Council:

- (A) approve the draft Local Approvals Policy for Hoardings and Scaffolding as shown at Attachment A to the subject report for public exhibition for a period of 42 days in accordance with the requirements of the Local Government Act 1993;
- (B) approve the supporting Guidelines for Hoardings and Scaffolding shown at Attachment B to the subject report for public exhibition;
- (C) Council note that the draft Local Approvals Policy for Hoardings and Scaffolding, including any recommended changes, will be reported to Council for adoption following the exhibition period; and
- (D) authority be delegated to the Chief Executive Officer to undertake minor editorial corrections prior to the exhibition of the draft Local Approvals Policy for Hoardings and Scaffolding.

Attachments

Attachment A. Local Approvals Policy for Hoardings and Scaffolding

Attachment B. Guidelines for Hoardings and Scaffolding

Background

1. At its meeting on 21 November 2016, Council adopted an amended Local Approvals Policy (the “Policy”) and supporting technical controls ‘Guidelines for Hoardings and Scaffolding’ (the “Guidelines”) to regulate the design, approval, installation, use and maintenance of hoardings and scaffolding placed on or above roads (footways and roadways)). In addition to the Policy, Guidelines were developed to support the effective implementation of the Policy and include detailed technical guidance for applicants and controls for Council to enforce in the assessment process when dealing with applications and on buildings sites.
2. In accordance with section 165(4) of the Local Government Act 1993, the Policy is automatically revoked at the expiration of 12 months after the declaration of the poll for that election, unless Council revokes it sooner. It is therefore necessary to have the proposed amended Policy approved within 12 months of the election to continue to have an operative Policy in place.
3. The Policy and Guidelines have been operating effectively in regulating construction-related temporary structures (hoardings and scaffolding), however, some minor updates such as format changes and references have been incorporated in the Policy recommended for approval. The Guidelines are unchanged except for a revised date when they come into force.

Key Implications

Strategic Alignment - Sustainable Sydney 2030-2050 Continuing the Vision

4. Sustainable Sydney 2030-2050 Continuing the Vision renews the communities' vision for the sustainable development of the city to 2050. It includes 10 strategic directions to guide the future of the City, as well as 10 targets against which to measure progress. This report is aligned with the following strategic directions and objectives:
 - (a) Direction 3 - Public places for all - There are mandatory provisions in the amended Policy including the current adopted Guidelines that require hoardings and scaffolding to meet prescribed minimum design standards. This includes the display of artwork and graphics (historic images) on various surfaces which enlivens public places with colour, creativity and history of the city.
 - (b) Direction 5 - A city for walking, cycling and public transport - Objectives and mandatory provisions are stipulated in the Guidelines to minimise impacts on the safe and convenient movement of people and bicycle-riders including persons with disability. The policy ensures that walking routes are interesting (artwork and historic image displays on hoardings), accessible pathways (minimum clear widths and safe surfaces) and comfortable environs when passing a worksite/hoarding (worksites are isolated by appropriately designed and maintained fencing and overhead protective decks).

- (c) Direction 8 - A thriving cultural and creative life - The Policy and Guidelines require and encourage the display of creative works and historic image treatments on hoardings and scaffolding. The Guidelines also allow the use of bespoke artwork on surfaces. Where bespoke artwork is proposed it must be by way of paid commission or licence fee using an Australian artist. Bespoke historic image graphics for heritage-listed sites are also encouraged which promotes and supports the graphics design sector. These initiatives are objectives of the City's Creative City Cultural Policy and Action Plan. Temporary public art is a feature of public spaces across the city for both small and large-scale works and hoardings.

Risks

5. Hoardings and scaffolding are used by builders and contractors to facilitate the effective and safe undertaking of works on buildings and sites adjoining public places. This includes satisfying their statutory obligations under the NSW Work Health and Safety Act 2011 to provide a safe work environment for both workers at a worksite and the general public in vicinity of a worksite.
6. The Policy gives effect to the Guidelines which contain detailed criteria to address and minimise public risks by prescribing clear design and maintenance controls, regular inspection and certification requirements that proponents must satisfy. The aims and requirements of the amended Policy and the Guidelines in relation to public safety when installing and using hoardings and scaffolding include the following:
 - provide and maintain public safety through minimum design controls and procedures including ensuring safe and convenient passage past worksites;
 - effectively isolate and secure sites from public places in a manner that satisfies the Work Health and Safety legislation and the design controls in the Guidelines;
 - set out detailed information and regulatory controls for industry to follow and apply as a means to minimise adverse impacts and outcomes; and
 - prevent or minimise impacts on the City's infrastructure and assets including maintaining safe footway surfaces past worksites.

Social / Cultural / Community

7. There are no envisaged adverse impacts associated with adopting the proposed draft amended Policy and supporting Guidelines. Both have been in operation since 2014 and have provided effective design and public safety controls to minimise impacts and potential risks to the community and visitors.
8. The general public and the business community will also benefit through high quality design controls for hoardings and scaffolding. Clear criteria setting out minimum standards will ensure that impacts on footways, cycleways and roadways caused by these structures are minimised.
9. Requirements and provisions for the display of artwork and graphics on hoardings and scaffolding are also included. This aligns with the initiatives of Council's Creative City Cultural Policy and Action Plan and Sustainable Sydney 2030-2050 Continuing the Vision.

10. Property owners and businesses will also benefit through provisions that set minimum requirements for maintaining acceptable access to buildings and retail premises when structures are installed in public places.

Environmental

11. The environment, in relation to visual pollution and other impacts, will be improved through the requirements for hoardings and scaffolding to meet specified colour treatments including the display of artwork and graphics, in prescribed circumstances.
12. Provisions regulating litter, wastewater, noise and dust impacts are also included. Builders must also regularly clean and maintain the public places on which hoardings and scaffolding are erected.

Economic

13. The current Policy and Guidelines have been in operation without any significant issues or concerns being raised by the development and construction sectors. The current adopted Guidelines align with the standards set out in the SafeWork NSW 'Code of Practice for Overhead Protective Structures' (hoardings). This Code is a mandatory state-wide document that builders and contractors must comply with. Costs associated in providing a hoarding is associated with state-legislated requirements that industry must meet.
14. The Guidelines align with the SafeWork NSW Code of Practice, however, the Guidelines do exceed the Code requirements in several areas. This is necessary to address the special circumstances and needs of the City that a state-based code is not able to deal with in sufficient detail. Specific aspects of the city including a high density built-form and significant pedestrian, bicycle-rider and road surface vehicle movements, requires special consideration and design controls.

Relevant Legislation

15. There are several key statutes that apply to hoardings and scaffolding and their placement in a public place. The draft amended Policy has been prepared in accordance with the Local Government Act 1993 and the Local Government (General) Regulation 2021. Other applicable legislation is set out in the draft Policy and in Parts 01 and 02 of the current adopted Guidelines. A summary of several key Acts and Regulations that apply is provided below:
 - (a) Local Government Act 1993
 - (b) Local Government (General) Regulation 2021
 - (c) Roads Act 1993
 - (d) Roads Regulation 2018
 - (e) Work Health and Safety Act 2011
 - (f) Work Health and Safety Regulation 2017
 - (g) Environmental Planning and Assessment Act 1979 and
 - (h) Environmental Planning and Assessment Regulation 2021.

Critical Dates / Time Frames

16. Due to the provisions of Section 165(4) of the Local Government Act 1993, a local approvals policy is automatically revoked 12 months after the declaration of the poll of the election.
17. It is therefore critical that the draft amended Policy be adopted before 23 December 2022 to ensure the City continues to have an operative Policy to regulate hoarding and scaffolding installations in an effective manner.

Public Consultation

18. Subject to Council approval the amended Policy and Guidelines will be placed on public exhibition for at least 42 days.

GRAHAM JAHN AM

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