

## Item 8.

### Post Exhibition - Local Approvals Policy for Hoardings and Scaffolding

File No: X08769

#### Summary

Council has adopted a Local Approvals Policy for Hoardings and Scaffolding (Policy) and supporting technical controls 'Guidelines for Hoardings and Scaffolding' (Guidelines) to regulate the design, approval, installation, use and maintenance of hoardings and scaffolding placed on or above roads (footways and roadways).

In accordance with section 165(4) of the Local Government Act 1993, the current adopted Local Approvals Policy for Hoardings and Scaffolding is automatically revoked at the expiration of 12 months after the declaration of the poll for that election. It is necessary therefore that a new Policy be adopted prior to this date.

At its meeting on 22 August 2022, Council approved the public exhibition of a draft Policy to replace the existing Local Approvals Policy and supporting technical controls 'Guidelines for Hoardings and Scaffolding'.

This report details the results of the public exhibition process and recommends that Council approve the adoption of the Local Approvals Policy for Hoardings and Scaffolding and approve the continuation of the supporting Guidelines for Hoardings and Scaffolding.

#### Recommendation

It is resolved that:

- (A) Council adopt the Local Approvals Policy for Hoardings and Scaffolding as shown at Attachment A to the subject report;
- (B) Council approve the supporting Guidelines for Hoardings and Scaffolding as shown at Attachment B to the subject report; and
- (C) authority be delegated to the Chief Executive Officer to make minor amendments to the Local Approvals Policy for Hoardings and Scaffolding and Guidelines for Hoardings and Scaffolding to correct any drafting errors and finalise design, artwork and accessible formats for publication.

#### Attachments

**Attachment A.** Local Approvals Policy for Hoardings and Scaffolding

**Attachment B.** Guidelines for Hoardings and Scaffolding

## Background

1. Council has adopted a Local Approvals Policy for Hoardings and Scaffolding (Policy) and supporting technical controls 'Guidelines for Hoardings and Scaffolding' (Guidelines) to regulate the design, approval, installation, use and maintenance of hoardings and scaffolding placed on or above roads (footways and roadways).
2. In accordance with section 165(4) of the Local Government Act 1993, the current adopted Policy is automatically revoked at the expiration of 12 months after the declaration of the poll for that election. It is necessary therefore to have the proposed 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 the inclusion of definitions were incorporated in the Policy prior to exhibition. The Guidelines are unchanged except for a revised date when they come into force to align with the proposed Policy.
4. At its meeting on 22 August 2022, Council approved the public exhibition of the proposed Policy and the supporting Guidelines. These Guidelines regulate the design, approval, installation, use and maintenance of hoardings and scaffolding placed on or above roads (footways and roadways).

## Post Exhibition

5. In accordance with Section 160 of the Local Government Act and the Local Government (General) Regulation 2021, the draft Policy and supporting Guidelines were placed on public exhibition from 23 August 2022 to 10 October 2022, a period of 49 days.
6. The exhibition was notified through the City's website with links to the Sydney Your Say webpage. Electronic copies of the documents were made available through the City's Sydney Your Say website, which had 76 unique page views and 9 document downloads.
7. Notification of the public exhibition was also included in the City's September edition of Your Say eNews and forwarded to 7,107 subscribers.
8. No submissions were received.

## Key Implications

### Strategic Alignment - Sustainable Sydney 2030-2050 Continuing the Vision

9. 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 [choose an item] is aligned with the following strategic directions and objectives:
  - (a) Direction 3 - Public places for all - There are mandatory provisions in the proposed Policy and 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 - 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 proposed 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 proposed 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 largescale works and hoardings.

### Risks

10. 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 the vicinity of a worksite.
11. The proposed Policy gives effect to the Guidelines which contain detailed criteria to address and minimise public risks by prescribing clear design and maintenance controls, provisions for regular inspection and certification requirements that proponents must satisfy. The aims and requirements of the proposed 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

12. The Policy and the Guidelines 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.

13. 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 resulting from these structures are minimised.
14. 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'.
15. Property owners and businesses will also benefit through provisions that set minimum requirements for providing and maintaining acceptable access to buildings including retail premises when structures are installed in public places.

### **Environmental**

16. 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.
17. 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**

18. The 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 temporary protective structures is associated with state-legislated requirements that industry must meet.
19. 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 unique 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 more detailed consideration and design controls.

### **Relevant Legislation**

20. There are several key statutes that apply to hoardings and scaffolding and their installation in public places. The proposed 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 proposed Policy and in Parts 01 and 02 of the current adopted Guidelines.
21. Several key Acts and Regulations that apply are:
  - Roads Act 1993
  - Roads Regulation 2018

- Local Government Act 1993
- Local Government (General) Regulation 2021
- Work Health and Safety Act 2011
- Work Health and Safety Regulation 2017
- Environmental Planning and Assessment Act 1979 and
- Environmental Planning and Assessment Regulation 2021.

### **Critical Dates / Time Frames**

22. 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. It is therefore critical that the proposed Policy be adopted to ensure the City continues to have an operative Policy to regulate hoardings and scaffolding installations in an effective manner.

### **GRAHAM JAHN AM**

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