

Item 4.

Public Exhibition – Draft Local Approvals Policy for Hoisting and Construction Activities On and Above Roads

File No: S129097

Summary

The purpose of the Local Approvals Policy for Hoisting and Construction Activities on and above Roads is to provide the framework for regulating and approving the carrying out of hoisting operations and construction-related activities on and over public roads.

The Policy aims to:

- (a) control, regulate and approve hoisting activities on and/or above roads;
- (b) control, regulate and approve the installation of minor temporary construction-related structures placed on roads;
- (c) minimise pedestrian, cycleway and vehicular obstructions and other impacts resulting from temporary structures and activities being placed and carried out in, on and/or above public roads; and
- (d) provide safe and accessible public passage and quality amenity in the vicinity of worksites.

The City's Local Approvals Policy for Hoisting and Construction Activities in Public Places (the Policy) and supporting technical controls titled Code of Practice - Hoisting and Construction Activities in Public Places (the Code) were adopted by Council at its meeting on 19 August 2019.

The Local Government Act 1993 requires councils to readopt a local approvals policy within 12 months of an election and the Local Approvals Policy is being reported to Council to meet this requirement.

The proposed amendments to the 2019 Policy and Code will complement the provisions of a proposed new Local Approvals Policy and Code of Practice for Construction-Related Temporary Structures on and above Roads (subject to a separate report to Council) to ensure construction-related activities undertaken on and above roads and footways maintain safe, accessible and high amenity public spaces.

This report recommends that Council approve the public exhibition of the draft Local Approvals Policy for Hoisting and Construction Activities on and above Roads as shown at Attachment A to the subject report. The supporting Code of Practice will be available for public comment during the exhibition period.

Recommendation

It is resolved that:

- (A) Council approve the draft Local Approvals Policy for Hoisting and Construction Activities on and above Roads 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) Council note that the supporting technical controls, the draft Code of Practice for Hoisting and Construction Activities on and above Roads will be available for public comment together with the Local Approvals Policy;
- (C) Council note that the Local Approvals Policy for Hoisting and Construction Activities on and above Roads, 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 amendments for clarity or correction of drafting errors prior to the exhibition of the draft Local Approvals Policy for Hoisting and Construction Activities on and above Roads

Attachments

- Attachment A.** Draft Local Approvals Policy for Hoisting and Construction Activities on and above Roads

Background

1. The purpose of the draft Local Approvals Policy for Hoisting and Construction Activities on and above Roads is to provide the framework for regulating and approving the carrying out of hoisting operations and construction-related activities on and over public roads.
2. The Policy aims to:
 - (a) control, regulate and approve hoisting activities on and/or above roads;
 - (b) control, regulate and approve the installation of minor temporary construction-related structures placed on roads;
 - (c) minimise pedestrian, cycleway and vehicular obstructions and other impacts resulting from temporary structures and activities being placed and carried out in, on and/or above public roads; and
 - (d) provide safe and accessible public passage and quality amenity in the vicinity of worksites.
3. On 19 August 2019, Council adopted a Local Approvals Policy and accompanying technical controls (Code of Practice) to regulate hoisting and construction activities in roads as defined in the Local Government Act 1993 which includes footpaths.
4. The Local Government Act 1993 requires councils to readopt a local approvals policy within 12 months of an election and the Local Approvals Policy for Hoisting and Construction Activities on and above Roads is being reported to council with a recommendation for exhibition to meet this requirement. The Policy has been updated with minor amendments to address changes to technical requirements and to be consistent with an updated Policy template.
5. Undertaking works in roads and footways places has some risks to the general public including cyclists, motor vehicle drivers and pedestrians.
6. The aims of the draft Policy 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. This includes setting out detailed information and regulatory controls for industry to follow and apply as a means to minimise adverse impacts and outcomes in roads and footways; and preventing or mitigating impacts on the City's infrastructure and assets including maintaining safe footway and cycling surfaces past worksites.

Key Implications

Strategic Alignment - Sustainable Sydney 2030-2050 Continuing the Vision

7. 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 5 - A city for walking, cycling and public transport - Mandatory provisions are stipulated in the draft Code to mitigate impacts on the safe, accessible and convenient movement of people and cyclists including people with disability. 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 cyclists when moving past worksites.

Social / Cultural / Community

8. The draft Policy and Code aim 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.
9. Older persons and people 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

10. The Policy and Code contain 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

11. The draft Policy and Code do not impact (increase) operational costs for the construction sector when undertaking works and other activities in roads and footways. 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 roads and footways.

Relevant Legislation

12. There are several key statutes that apply when using roads for hoisting and other construction-related purposes. The draft 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 the draft Code.

13. The following Acts and Regulations are particularly relevant:
- (a) Local Government Act 1993
 - (b) Local Government (General) Regulation 2021
 - (c) Roads Act 1993
 - (d) Roads Regulation 2018
 - (e) Road Rules 2014
 - (f) Work Health and Safety Act 2011
 - (g) Work Health and Safety Regulation 2017
 - (h) Environmental Planning and Assessment Act 1979
 - (i) Environmental Planning and Assessment Regulation 2021
 - (j) Protection of the Environment Operations Act 1997.

Critical Dates / Time Frames

14. The Local Government Act 1993 requires councils to readopt a local approvals policy within 12 months of an election.

Public Consultation

15. Subject to Council approval the draft Policy will be placed on public exhibition for at least 42 days in accordance with Section 160(3) of the Local Government Act 1993.
16. A further report will be presented to Council following conclusion of the public exhibition processes.

GRAHAM JAHN AM

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