

## Public Exhibition – Draft Local Approvals Policy for Construction-Related Temporary Structures On and Above Roads

File No: X102443

### Summary

The purpose of the Local Approvals Policy for Construction-Related Temporary Structures On and Above Roads is to provide the framework for regulating the design, approval and installation of construction-related temporary structures on and above public roads within the City of Sydney local government area.

The Policy aims to:

- (a) control, regulate, approve installation and the use of temporary structures erected on and/or above roads;
- (b) minimise pedestrian, cycleway and vehicular obstructions and other impacts resulting from the placement of temporary structures;
- (c) provide safe and accessible public passage including high-quality amenity in public places in the vicinity of worksites
- (d) screen and secure worksites to enhance public safety and amenity; and
- (e) minimise adverse visual impacts of temporary structures in the streetscape through the display of high-quality graphics (artwork and historic images) on several types of temporary structures.

The City's Local Approvals Policy for Hoardings and Scaffolding and supporting technical controls titled 'Guidelines for Hoardings and Scaffolding' (the Guidelines) have been operating effectively for more than 10 years in regulating hoardings and scaffolding installations on and/or above roads. It is, however, necessary to review and expand the Policy (and the technical controls) to capture additional forms of construction-related temporary structures that need to be regulated in a proposed new Code of Practice for Construction-Related Temporary Structures On and Above Roads (the Code).

It is proposed to introduce a new local approvals policy and supporting technical controls to address the additional forms of temporary structures and to review and update the current provisions regulating hoardings and scaffolding. The adjustments, including the additional provisions and change of title, necessitate the adoption of a new Local Approvals Policy and supporting proposed technical controls - the Code of Practice for Construction-Related Temporary Structures on and above Roads

This report recommends that Council approve the public exhibition of the draft Local Approvals Policy for Construction-Related Temporary Structures 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 Construction-Related Temporary Structures 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 Construction-Related Temporary Structures On and Above Roads will be available for comment during the exhibition period;
- (C) Council note that the Draft Local Approvals Policy, including any recommended changes, will be reported to Council to seek 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 Construction-Related Temporary Structures On and Above Roads

## **Attachments**

- Attachment A.** Draft Local Approvals Policy for Construction-Related Temporary Structures On and Above Roads

## Background

1. The purpose of the Local Approvals Policy for Construction-Related Temporary Structures On and Above Roads is to provide the framework for regulating the design, approval and installation of construction-related temporary structures on and above public roads within the City of Sydney local government area.
2. The Policy aims to:
  - (a) control, regulate, approve installation and the use of temporary structures erected on and/or above roads;
  - (b) minimise pedestrian, cycleway and vehicular obstructions and other impacts resulting from the placement of temporary structures;
  - (c) provide safe and accessible public passage including high-quality amenity in public places in the vicinity of worksites
  - (d) screen and secure worksites to enhance public safety and amenity; and
  - (e) minimise adverse visual impacts of temporary structures in the streetscape through the display of high-quality graphics (artwork and historic images) on several types of temporary structures.
3. In 2014 the City adopted a Local Approvals Policy for the regulation of hoardings and scaffolding erected in roads, and these controls have been operating effectively over this period. The Local Approvals Policy and supporting Guidelines have substantially improved the quality and appearance of temporary structures including the presentation of construction sites within streetscapes. The Policy and Guidelines presently focus on hoardings and scaffolding. Other types of temporary structures associated with construction sites and existing buildings undergoing maintenance works are not currently subject to specific requirements set out in adopted technical controls.
4. Applications for temporary structures not listed in the Guidelines are being assessed and approved on a site-specific basis using the objectives, principles and relevant provisions in the adopted Guidelines. To address this matter and to set minimum design and other controls for the construction sector, the inclusion of additional forms of temporary structures is proposed in the draft Policy and Code. This will be beneficial for the City as a part of its regulating functions and assist the construction sector when designing and seeking approval for temporary structures.
5. It is therefore proposed to establish a new Policy and accompanying technical controls (Code of Practice) to include additional content and update the content in the current Guidelines (for inclusion in the proposed new Code). It is also proposed to change the title of the Policy and Guidelines to a more generic term to reflect the proposed inclusion of other forms of temporary structures. These changes necessitate the adoption of a new Policy and supporting proposed technical controls (the Code).
6. It is therefore proposed to publicly exhibit the draft Policy as required under the Local Government Act 1993.

7. The Local Approvals Policy will give effect to the draft Code of Practice. It contains detailed criteria to address and minimise public risks by prescribing clear design, installation and maintenance controls, regular inspections and clear certification requirements that proponents must satisfy. The key aims and requirements of the draft Policy and the draft Code include the following:
  - (a) provide and maintain public safety through meeting minimum design controls and procedures including ensuring safe, accessible and convenient public passage past worksites
  - (b) effectively isolate and secure sites from roads in a manner that addresses the Work Health and Safety legislation and the design controls in the draft Code
  - (c) sets out detailed information and regulatory controls for industry to follow and apply as a means to minimise adverse impacts including amenity impacts, to achieve quality outcomes in roads and surrounding buildings
  - (d) prevent or mitigate 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

8. 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 draft Policy and the draft Code to meet prescribed minimum design standards to achieve a high-quality appearance of temporary structures. This includes the continuation of the current requirements in the new Policy and Code to display of graphics (artwork and historic images – predominately on hoardings and scaffolding) which will continue to enliven public places with colour, creativity and history of the city. The draft Code also has provisions to continue to minimise impacts on safe and convenient movement of pedestrians and cyclists past worksites.
  - (b) Direction 5 - A city for walking, cycling and public transport - Objectives and mandatory provisions are stipulated in the draft Code to mitigate impacts on the safe, accessible and convenient movement of pedestrians and cyclists including people with disability. The draft Policy and Code ensure that walking routes are interesting (display of graphics on some types of temporary structures and public viewing windows in hoarding site fences), accessible pathways (minimum clear widths and safe surfaces) and comfortable environs when passing a worksite. Worksites and construction activities will be isolated by well-designed and finished hoarding surfaces, requirements for ongoing maintenance and effective site fencing and overhead protective steel decks provided for public safety protection.

- (c) Direction 8 - A thriving cultural and creative life - The draft Policy and Code require and encourage the display of creative artworks and historic image treatments on hoardings and scaffolding in prescribed circumstances. The draft Code also allows the display 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 (currently under review). Temporary public art is a feature of public spaces across the city for both small and large-scale works and hoardings/scaffolding.

## **Risks**

9. Construction-related temporary structures are used by builders and contractors to facilitate the effective and safe undertaking of works on buildings and sites adjoining roads.

## **Social / Cultural / Community**

10. The general public, visitors and the business community will benefit through high quality design controls for temporary structures. Clear criteria setting out minimum standards will ensure that impacts on footways, cycleways and roadways resulting from these structures are minimised.
11. The current requirements and provisions for the display of graphics on hoardings and scaffolding in the current Guidelines will continue in the proposed (new) draft Policy and Code. This aligns with the initiatives of Council's Creative City Cultural Policy and Action Plan and Sustainable Sydney 2030-2050 Continuing the Vision strategic alignment.
12. Property owners and businesses will also benefit through provisions that set minimum requirements for maintaining acceptable access and visibility to buildings and retail premises including allowing the display of wayfinding signage and temporary business signage on temporary structures (hoardings) in circumstances where existing operational premises are impacted.

## **Environmental**

13. Provisions regulating litter, wastewater, noise and dust impacts are also included. Builders must regularly clean and maintain the roads on which temporary structures are installed to provide high quality public amenity and to prevent construction-related debris and litter entering the stormwater drainage system.

## Economic

14. The current Policy and Guidelines have been in operation for more than 10 years without any significant issues or concerns being raised by the development and construction sectors. The Guidelines align with the standards set out in the SafeWork NSW 'Code of Practice for Overhead Protective Structures' (hoardings). The inclusion of other forms of temporary structures will also formally regulate such structures and assist the construction sector through the inclusion of minimum design, maintenance and certification provisions in the proposed draft Code.
15. The current Guidelines and draft technical controls align with the SafeWork NSW 'Code of Practice for Overhead Protective Structures'. Builders and contractors are required to comply with the NSW Code. The City's proposed draft Code has enhanced provisions for hoardings to address public amenity, access and safety in public places that exceed the Code requirements in several areas but are not in conflict with the SafeWork NSW Code. This variance 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 its high density built-form and significant pedestrian, cyclist and road surface vehicle movements require special consideration and design controls.

## Relevant Legislation

16. There are several key statutes that apply when using the public place for the installation and use of temporary structures associated with construction and building maintenance activities. 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.
17. 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

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

18. There are no critical dates or timeframes to finalise the draft Policy and supporting draft Code.

### **Public Consultation**

19. 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.
20. A further report will be presented to Council following conclusion of the public exhibition processes.

### **GRAHAM JAHN AM**

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