

Hoardings & Scaffolding Policy

2016

DRAFT



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City of Sydney Council
Town Hall House
456 Kent Street
PO Box 1591 Sydney NSW 2001
www.cityofsydney.nsw.gov.au

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Introduction



PART 01



The city attracts around 615,000 visitors each day and more than 437,000 work in the local area. It is therefore imperative that temporary structures have the least possible impact on the movement of people and allow for safe and convenient pedestrian passage past work sites.

1.1 The purpose and title of this Policy

This *Policy* ("the *Policy*") is called the '**Hoardings and Scaffolding Policy**'.

The *Policy* applies throughout the City of Sydney local government area. The primary purpose of the *Policy* is to give force to *Guidelines for Hoardings and Scaffolding* that prescribe design and installation criteria to control the placement 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 a temporary structure on or above Council's land (footways and roadways) to enable construction or maintenance activity on buildings to be undertaken.

1.2 The aims of the Policy

The aims of the *Policy* are to:

- a) minimise pedestrian, cycleway and vehicular obstructions and inconvenience resulting from the placement of temporary structures in a public place;
- b) maintain safe passage and high amenity including safe surfaces past work sites;
- c) maintain visual openness of footways;
- d) screen and secure work areas from the public place;
- e) minimise impacts by providing appropriately designed and finished hoarding deck protection;

- f) provide fascias to conceal site sheds on hoarding decks;
- g) minimise adverse visual impacts through providing high quality public art and graphics, innovative designs and other visually interesting temporary structures;
- h) maintain a colour standard for consistency across the city;
- i) control truck and worker access points in hoardings to enhance public safety;
- j) provide effective lighting under hoardings for public safety and to illuminate graphics on site fences; and
- k) minimise adverse impacts on street trees.

The *Policy* was adopted by the City of Sydney Council on << insert date >>.

A reference in this *Policy* to the "*Guidelines*" refers to the '*Guidelines for Hoardings and Scaffolding*'. A reference to 'temporary structures' means: hoardings, scaffolding and cantilevered work platforms as defined in the *City of Sydney Guidelines for Hoardings and Scaffolding*.

The approval of hoardings to isolate a work site and provide overhead protection does not include the operation of equipment to hoist or swing material or equipment over a public road. A separate approval must be obtained for these activities.

1.3 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.

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

The provisions prescribed in the *Guidelines* will apply when seeking approval to erect 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 2008 relating to the placement 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 and placement of temporary structures on or above a public road does not automatically permit the use of equipment (cranes and hoists) to swing or lift material across or over any part of a public road. A separate approval 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.



Guidelines



PART 02

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One of the principal aims of the Policy and Guidelines is to ensure that temporary structures have minimal impact on the safe and convenient passage of pedestrians, bicycle riders and vehicles past work sites.

The city, due to very high pedestrian and traffic volumes, has special needs in terms of providing safe and convenient pedestrian access and movement. Footway obstructions resulting from hoardings and scaffolding are often a necessary part of construction and building maintenance activity. 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.

There are also significant visual impacts that result from development activity therefore hoardings must have quality design features to minimise these impacts. The City therefore requires hoardings to meet prescribed minimum design standards including the display of public art and graphics.

The use of public art, graphics, colour and images on hoardings and scaffolding is a means of minimising visual impacts and adding visual interest and the presence of creativity in the streetscape. The installation of artwork on temporary structures aligns



with the City's Creative City Cultural Policy and Action Plan and discourages graffiti and bill poster attack by eliminating blank spaces. Innovative hoarding design features are also encouraged through this *Policy* and *Guidelines*.

The *Guidelines for Hoardings and Scaffolding* adopted through this policy are structured around performance 'objectives' and 'deemed-to-comply' provisions. It is expected that in the majority of cases proposals for temporary structures will be capable of complying with the prescriptive deemed-to-comply criteria.

Where it is not possible to meet the deemed-to-comply provisions and there are clearly demonstrated construction and/or site constraints consideration will be given to alternative designs that meet the objectives of the *Guidelines* or a combination of both the objectives and deemed-to-comply provisions.

Compliance with the deemed-to-comply provisions of the Guidelines will automatically satisfy the performance objectives.



The Policy

PART 03



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3.1 Legal status of this Policy

The *Hoardings and Scaffolding Policy* ("the Policy") is a local approvals policy under s158 of the Local Government Act 1993. The policy is aimed at the development and construction sectors where approval is sought to erect temporary structures on or over a public road (an activity under category E(2) of the table in s68 of the Act) in association with development sites or buildings undergoing maintenance.

3.1.1 When did the Policy commence?

The *Policy* commenced on << insert date >> and was advertised on << insert date >>.

3.1.2 Have amendments been made to the Policy?

This is a new policy and replaces a previous *Policy* titled '*Hoardings and Scaffolding Policy 2014*' adopted by Council on 8 December 2014.

3.1.3 When will the Policy be revoked?

Under s165(4) of the Act a policy is automatically revoked 12 months after the NSW local government elections unless the Council resolves to revoke it sooner (s164(3)).

3.1.4 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 must be satisfied when placing a temporary structure on or above a public road.

3.1.5 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* 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 public 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.



3.1.6 Granting an approval

An approval (Permit) for the placement of a temporary structure on or over a public road (footway and/or roadway) is granted under s94 of the Local Government Act 1993 and s139 of the Roads Act 1993. Where required, an approval under s115 of the Roads Act may also be granted. 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 to allow a temporary structure to be installed and used in a specified way as prescribed in the *Guidelines* and as set out in the conditions forming part of an approval (Permit).

3.1.7 Amending an approval

A person to whom an approval is granted may apply to amend an approval (Permit) under s87 of the Local Government Act if the amendments are minor only. The assessment for an amendment to an approval will include, but will not be limited to, the following matters:

- a) whether the proposed amendment is substantially the same as that originally approved; and
- b) whether any prejudice will be caused to any person who made a submission concerning the original proposal; and



Persons not acting in accordance with this Policy, the Guidelines and an approval may be given notice to comply.

The City reserves the right to issue an immediate infringement notice at the discretion of an authorised officer.

3.1.9 Revoking an approval (Permit)

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 (Permit) 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;
- d) any other circumstance as determined by Council.

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.

- c) whether consultation with another authority such as NSW Roads and Maritime Services is required; and
- d) an amended determination replaces the original approval from the date endorsed on the notice of determination (Permit).

3.1.8 Extending an approval

The City 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*;
- 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; and
- e) any other circumstance as determined by Council.

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



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