

18 August 2025

At the conclusion of the Equity and Housing Committee

## **Transport, Heritage and Planning Committee**

**Agenda**

- 1. Confirmation of Minutes**
- 2. Statement of Ethical Obligations and Disclosures of Interest**
- 3. Public Exhibition - Planning Proposal - Heritage Floor Space Amendment - Sydney Local Environmental Plan 2012**
- 4. Post Exhibition - Planning Proposal - Conservation Areas Review - Sydney Local Environmental Plan 2012 and Sydney Development Control Plan 2012 Amendment**
- 5. Post Exhibition – Local Approvals Policy for Construction-Related Temporary Structures On and Above Roads and Code of Practice**
- 6. Post Exhibition – Local Approvals Policy for Hoisting and Construction Activities On and Above Roads and Code of Practice**
- 7. Post Exhibition - Mobile Food Vending Vehicles Local Approvals Policy**
- 8. Fire Safety Reports**



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2. Check the recommendation in the Committee report before speaking, as it may address your concerns so that you just need to indicate your support for the recommendation.
3. Note that there is a three minute time limit for each speaker (with a warning bell at two minutes) and prepare your presentation to cover your major points within that time.
4. Avoid repeating what previous speakers have said and focus on issues and information that the Committee may not already know.
5. If there is a large number of people interested in the same item as you, try to nominate three representatives to speak on your behalf and to indicate how many people they are representing.

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**Item 1.**

**Confirmation of Minutes**

Minutes of the following meetings of the Transport, Heritage and Planning Committee are submitted for confirmation:

Meeting of 16 June 2025

## **Item 2.**

### **Statement of Ethical Obligations**

In accordance with section 233A of the Local Government Act 1993, the Lord Mayor and Councillors are bound by the Oath or Affirmation of Office made at the start of the Council term to undertake their civic duties in the best interests of the people of the City of Sydney and the City of Sydney Council and to faithfully and impartially carry out the functions, powers, authorities and discretions vested in them under the Local Government Act 1993 or any other Act, to the best of their ability and judgement.

### **Disclosures of Interest**

Pursuant to the provisions of the Local Government Act 1993, the City of Sydney Code of Meeting Practice and the City of Sydney Code of Conduct, Councillors are required to disclose and manage both pecuniary and non-pecuniary interests in any matter on the agenda for this meeting.

In both cases, the nature of the interest must be disclosed.

This includes receipt of reportable political donations over the previous four years.

### Item 3.

#### **Public Exhibition - Planning Proposal - Heritage Floor Space Amendment - Sydney Local Environmental Plan 2012**

**File No: X122035**

#### **Summary**

The Heritage Floor Space Scheme was established by the City of Sydney (the City) and provides an incentive for the conservation and ongoing maintenance of heritage listed buildings within Central Sydney.

Sydney Local Environmental Plan 2012 (SLEP 2012) sets the legal framework for the scheme where owners of heritage buildings in Central Sydney may be awarded heritage floor space after completing approved conservation works to the building. The heritage floor space can then be sold to developers who, as a condition of using bonus or accommodation floor space, are required to allocate heritage floor space to their development.

The Alternative Heritage Floor Space Allocation Scheme commenced on 15 July 2016 to address the temporary shortage of available heritage floor space in the market. This scheme enables developers to defer the purchase of heritage floor space until a later stage in the development process, enabling them to proceed with approved development. Developers enter into a planning agreement with the City for the allocation of heritage floor space to be deferred or, in the event that heritage floor space cannot be obtained at all, replaced with a monetary amount payable to the City to be used for heritage conservation that has a clear public benefit.

Originally scheduled to end on 1 January 2019, the scheme has been extended in 2018, 2020 and 2022 as the heritage floor space market continued to experience an imbalance between supply and demand. Although the market has improved since 2021, with more awards being approved and registered, it is not certain that the supply of heritage floor space will continue to meet demand following the expiry of the Alternate Heritage Floor Space Scheme.

The Planning Proposal at Attachment A seeks to extend the existing alternative arrangements for the allocation of heritage floor space for 5 more years to ensure development can proceed even if there are instances where the supply of heritage floor space does not meet demand. This can be a result of variations in the economic cycle, or other circumstances where the pace of development outstrips the supply of heritage floor space. In addition to extending the scheme, a minor amendment is proposed to the policy. This will require more detailed reporting to demonstrate that genuine attempts to purchase heritage floor space in the market have been made.

This report recommends Council approve the Planning Proposal for Gateway Determination from the Minister for Planning and Public Spaces and public exhibition.

## Recommendation

It is resolved that:

- (A) Council approve the Planning Proposal - Heritage Floor Space Amendment, shown at Attachment A to the subject report, for submission to the Minister for Planning and Public Spaces with a request for a Gateway Determination;
- (B) Council approve the Planning Proposal - Heritage Floor Space Amendment for public authority consultation and public exhibition in accordance with any conditions imposed under the Gateway Determination;
- (C) Council seek confirmation from the Minister for Planning and Public Spaces that it has the authority to exercise the plan-making functions of the Minister under section 3.36 of the Environmental Planning and Assessment Act 1979;
- (D) authority be delegated to the Chief Executive Officer to make any minor variations to the Planning Proposal - Heritage Floor Space Amendment following receipt of the Gateway Determination; and
- (E) Council approve the draft amendments to the Alternative Heritage Floor Space Allocation Scheme, shown at Attachment B to the subject report, for public exhibition to be undertaken currently with the Planning Proposal - Heritage Floor Space Amendment.

## Attachments

**Attachment A.** Planning Proposal - Heritage Floor Space Amendment

**Attachment B.** Alternative Heritage Floor Space Allocation Scheme - as amended

## Background

1. The Heritage Floor Space Scheme has existed in Central Sydney for more than 40 years and has supported the on-going conservation of more than 85 heritage buildings. The current scheme is established under clauses 6.10 and 6.11 of Sydney Local Environmental Plan 2012 (Sydney LEP 2012). Clause 6.10 offers an incentive for owners of heritage buildings to conserve and maintain their property by enabling them to receive an award of heritage floor space after conservation works on the building are undertaken and relevant covenants are imposed. Clause 6.11 stipulates that a developer may only utilise certain types of additional floor space if it allocates an amount of heritage floor space to its development site.
2. These provisions establish a framework for a heritage floor space market in which vendors and purchasers negotiate directly with one another, while the City maintains the heritage floor space register to track awards, transactions and allocations.

### **The Alternative Heritage Floor Space Allocation Scheme has operated since 2016 to respond to insufficient supply of heritage floor space awards**

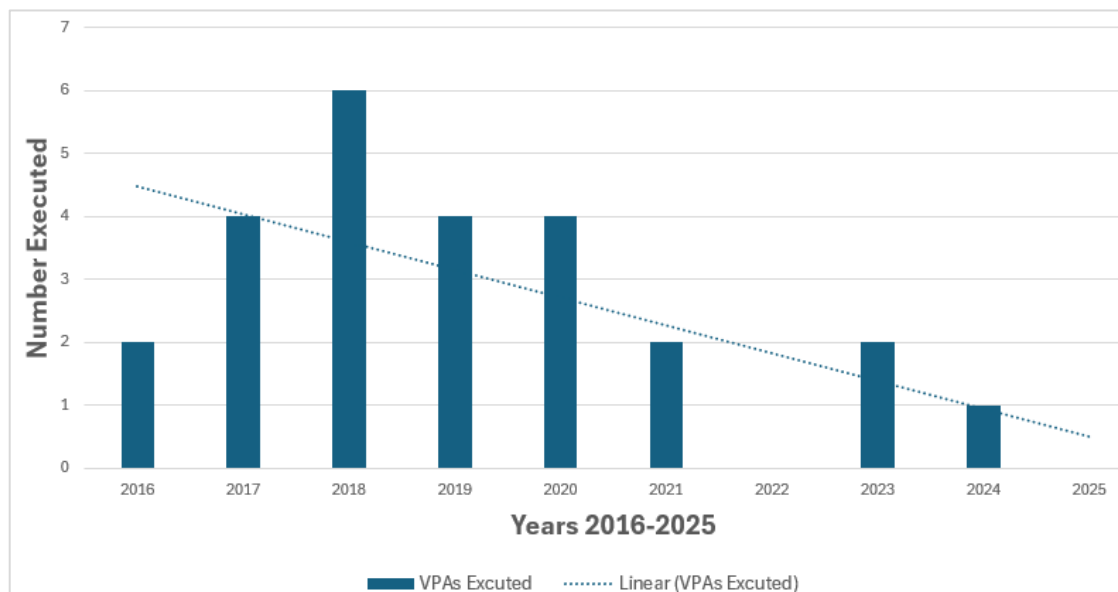
3. Around 2014, a significant level of development activity in Central Sydney absorbed a large amount of the available heritage floor space in a relatively short period of time. In addition, some of the remaining heritage floor space had been held as a long-term asset, such as to fund future conservation works, or held by developers for future projects not genuinely available for purchase.
4. In response, the City made a number of changes to support the operation of the Heritage Floor Space Scheme, including the Alternative Heritage Floor Space Allocation Scheme, first adopted by Council March 2016, which allows developers to enter into a voluntary planning agreement (VPA) with the City to defer the timing of the allocation of heritage floor space while they continue to make genuine efforts to purchase it on the market. If despite those genuine efforts the developer is not able to purchase heritage floor space, then a monetary amount is payable to the City.
5. The Alternative Heritage Floor Space Allocation Scheme restricts how the City can spend any money received through the alternative arrangements to the following:
  - (a) the preparation of conservation management plans for heritage buildings in Central Sydney
  - (b) heritage conservation works undertaken by the City in Central Sydney including, but not limited to:
    - (i) maintenance of heritage buildings in accordance with a conservation management plan
    - (ii) works to conserve the heritage significance of heritage items that are not buildings, for example open space and elements of the public domain
    - (iii) the improvement of the operation of the Heritage Floor Space Scheme including any associated studies

6. To date the City has received \$79.17 million in funding through the Alternative Heritage Floor Space Scheme. This funding has been allocated to the conservation of heritage items in the public domain and heritage listed open spaces. Projects funded from the scheme include the restoration of the heritage-listed Archibald Fountain and the heritage-listed Chinatown Gates as well as the current work on lighting upgrades in heritage-listed Hyde Park.
7. To allow time for that additional supply of heritage floor space to be delivered to market, at its meeting in March 2016 Council approved an amendment to the Sydney LEP 2012 to provide an alternative to the allocation of heritage floor space. Further extensions were also approved in 2018, 2020 and 2022.

### **Supply of heritage floor space has been improving**

8. To improve the operation of the Heritage Floor Space Scheme and support the functioning of the heritage floor space market, the City has made a number of changes to the scheme over time. These changes and improvements have included:
  - 2012: Sydney LEP 2012 commenced including the heritage floor space provisions aligning with the previous Central Sydney LEP.
  - 2015: the heritage floor space scheme was expanded to include government buildings that were not subject to a 50+ year lease. Changes were also made to provide clarity on retrospective awards where conservation works to heritage buildings had already been completed and a development application was not required for approval of a heritage floor space award.
  - 2016: the Alternative Heritage Floor Space Allocation Scheme was first introduced. Changes were also introduced for buildings to be awarded heritage floor space 25 years after their first award registration. Plus, developments under 55m in height no longer required heritage floor space to be allocated to the development.
  - 2017: amendments provided an exemption for allocations to developments which added less than 50 square metres to a building.
  - 2018: the first award heritage floor space to a State government owned building, at Hyde Park Barracks, was approved, plus the Alternative Heritage Floor Space Scheme was extended for the first time.
  - 2019: the first award for a local government building was approved for Former Haymarket Library building followed by awards approved for QVB, Capitol Theatre, and Corporation Building, which has delivered approximately 34,300 sqm of heritage floor space and increased the supply of HFS to the market.
  - 2020: the Alternative Heritage Floor Space Scheme was extended to provide more time for the changes made to the Heritage Floor Space Scheme to take effect.
  - 2022: the Alternative Heritage Floor Space Scheme was further extended to provide more time for supply of new awards to increase. Amendments were also made removing the non-rateable formula for calculating heritage floor space awards. This created greater opportunity for heritage listed churches or other places of public worship.

- 2023: as part of the LEP/DCP housekeeping amendments, changes were proposed to provide some limited flexibility for additional building floor space for award sites where there are restrictive covenants preventing any additional floor space. An example is Qantas House looking to change car parking in the basement to provide end of journey facilities which can't currently be considered. This should provide more flexibility for those who have been looking to enter into the Heritage Floor Space Scheme.
  - 2024: a new staff member to work with heritage owners, explaining heritage floor space and guiding applicants regarding the Scheme.
9. Since the alternative arrangements came into force, a total of 25 developments entered into a planning agreement with the City, with the total heritage floor space sought through the alternative arrangements at around 63,000sqm. Of those, 18 developments were unable to purchase all the heritage floor space needed prior to the finalisation of their development and entered the alternative scheme.
  10. As a result of the changes that have been made to improve the operation of the scheme, the number of planning agreements executed under the alternative scheme has reduced since the peak in 2018, when 6 were executed that year, as shown in Figure 1 below:



**Figure 1:** Number of planning agreements for the Alternative Heritage Floor Space Allocation scheme

11. Further evidence that the changes to the scheme have been increasing the supply of heritage floor space is that the 3 developments which have entered into a planning agreement since 2022 have either been able to purchase their required heritage floor space or are in negotiations to purchase the required heritage floor space, before the call date in their VPAs.
12. Current supply of heritage floor space, including registered awards with contact details available, or interim awards that have been approved but not yet registered, is currently around 49,000sqm.



13. Current demand for heritage floor space by developments is currently around 41,000sqm, based on development applications approved but not yet commenced, or they have entered into the Alternative Scheme but can still purchase heritage floor space in the market.
14. We forecast another potential 130,000sqm of supply to 2030 as applications for new awards are lodged based on current discussions with owners and re-award opportunities arising after 25 years. After 2030, we are forecasting on average around 15,000sqm a year based on long term averages.
15. Additional demand to 2030 is forecast to be around 100,000sqm based on planning proposals and development applications in the pipeline. After 2030, we are forecasting an average of around 15,000sqm per year based on long term averages.
16. Although the forecasts for supply exceed those for demand and suggest the market can function as intended, economic fluctuations over time can be unpredictable. Keeping the Alternative Scheme active for some additional time has merit, in case the market does not reflect the forecasts.
17. During the 5-year period we will assess whether the arrangements should be made permanent. The aim is to ensure projects are able to progress and will not be hindered by any shortage of heritage floor space that may occur in the market at a particular time.

**Extending the alternative Heritage Floor Space allocation scheme for another 5 years will ensure it is available if necessary for developments to proceed**

18. This report seeks to extend the alternative heritage floor space allocation arrangements for a further 5 years until 1 January 2031. This extension will ensure this scheme is available should the supply of heritage floor space awards not continue to meet demand for heritage floor space by developments.
19. The Sydney LEP 2012 refers to the consent authority having adopted and published a policy that makes alternative heritage arrangements to the allocation of Heritage Floor Space. In accordance with this requirement, Council's position has been adopted and published through the Alternative Heritage Floor Space Allocation Scheme. To ensure the scheme aligns with the Sydney LEP 2012 change, it is proposed that the end date referred to in that scheme is also updated to 1 January 2025.
20. To retain a focus on the market as the primary source of heritage floor space and ensure the alternative scheme is only used, when necessary, the following amendments are proposed to the alternative heritage floor space allocation policy:
  - (a) require a proponent to contact at least 50% or 6 owners of heritage floor space with an offer to purchase at genuine market rates. For example, this would be 6 owners based on there being 15 owners listed in the March 2025 Heritage Floor Space Update
  - (b) require proponents to provide a 6-monthly report of new offers being made where new heritage floor space is available for sale since the VPA process commences
21. The date change to the Alternative Heritage Floor Space Scheme is provided in Attachment A and the other changes to the Policy are at Attachment B.

## Key Implications

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

22. 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 policy is aligned with the following strategic directions and objectives:
  - (a) Direction 4 - Design excellence and sustainable development - by supporting the operation of the Heritage Floor Space Scheme to conserve important heritage buildings and contribution to celebrating the character of Central Sydney

### Risks

23. City staff have undertaken a thorough assessment of the planning proposal and found that it demonstrates strategic merit in accordance with NSW Government guidelines.
24. Progressing the planning proposal is within the City's risk tolerance and appetite.
25. The proposal will be capable of complying with relevant environmental and planning laws and regulations and is within the City's minimal appetite for non-compliance with environmental laws, regulations and industry standards.
26. Proceeding with the proposal will meet the City's minimal appetite for disruption to our regulatory functions as decisions will be within the timeframes set in the NSW Government's State of Expectations Order 2024.

## Financial Implications

27. If developers who make use of the Alternative Heritage Floor Space Allocation Scheme are unable to purchase heritage floor space within the required timeframe, then a monetary contribution is paid to the fund. Council's Alternative Heritage Floor Space Allocation Scheme identifies how the fund can be spent. City officers will identify projects that deliver a public heritage benefit that can be suitable for funding in line with the options endorsed by Council as funds become available.

## Relevant Legislation

28. Environmental Planning and Assessment Act 1979.
29. Environmental Planning and Assessment Regulation 2000.

## Critical Dates / Time Frames

30. The existing Alternative Heritage Floor Space Allocation Scheme arrangements expire on 1 January 2026. The timeframe for a simple amendment to the LEP to extend the scheme can be progressed within this time.

## Options

31. There is the option of not extending the arrangements for the Alternative Heritage Floor Space Allocation Scheme. Without an extension of the Scheme this has the potential to impede development in Central Sydney and affect construction activity. This approach is not supported at this time. During the 5-year period, the City will assess whether the alternative scheme should be made permanent or not renewed.

## Public Consultation

32. Public exhibition and public authority consultation for the Planning Proposal will be undertaken in accordance with any Gateway Determination issued by the Department of Planning Housing and Infrastructure. Due to the minor nature of the proposal, it is proposed that public exhibition should be for a minimum of 14 days. Public exhibition will be in accordance with the City's Community Participation Plan.

## GRAHAM JAHN AM

Chief Planner / Executive Director City Planning, Development and Transport

Michelle Cramsie, Specialist Planner

# **Attachment A**

|                                                                      |
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| <p><b>Planning Proposal – Heritage Floor Space<br/>Amendment</b></p> |
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# Planning Proposal: Heritage Floor Space amendment



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# Executive summary

The City of Sydney (the City) has prepared this planning proposal for amendments to the heritage floor space scheme.

This planning proposal explains the intent and justification for the proposed amendment to the Sydney Local Environmental Plan 2012 (LEP). This planning proposal has been prepared by the City in accordance with Clause 3.33 of the Environmental Planning and Assessment Act 1979 and the Department of Planning, Housing and Infrastructure's Environment's Local Environmental Plan Making Guideline.

This planning proposal proposes to extend the alternative heritage floor space allocation arrangements for a period of a further 5 years to 1 January 2031. This extension will ensure that development will be able progress in the event that the supply of heritage floor space does not continue to keep up with the demand for purchasing and allocating heritage floor space to a development to satisfy a condition of consent.

The planning proposal will enable development to proceed that will be consistent with the Central Sydney Planning Strategy and contribute to the vision and aims of the Strategy by providing additional employment space, protecting, enhancing and expanding Central Sydney's heritage and public places, and supporting design excellence.

# 1. Background

Heritage Floor Space (HFS) planning controls in the Sydney LEP are the legal framework for a scheme under which owners of heritage buildings in Central Sydney may be awarded HFS after completing conservation works to their building.

HFS may be sold to developers who, as a condition of using bonus or accommodation floor space, are required to allocate HFS to their development.

In July 2016, the planning controls were amended in response to the shortage of available HFS in the market and to increase long-term supply including:

- temporary alternative arrangements to allow development applications made before 1 January 2019 to defer HFS allocation requirements by entering into a planning agreement with Council
- enabling heritage buildings granted an award of HFS more than 25 years ago to be eligible for a new award of HFS
- extending the scope of the scheme to allow more government-owned properties to be eligible for the award of HFS

The alternative arrangement is a temporary scheme to address the ongoing but temporary shortage of available HFS in the market and allow additional time for an increase in long-term supply.

The alternative arrangement allows developers to enter into a planning agreement with Council to defer the allocation of HFS until after works have commenced while the developer makes ongoing attempts to purchase the HFS, allowing development to proceed. If after making ongoing and genuine attempts to purchase HFS the developer is still unable to do so, a monetary contribution can be made payable to Council which is to be used for heritage conservation works. This is set out in the Alternative Heritage Floor Space Allocation Scheme, adopted by Council in March 2016.

The supply of HFS has improved since 2021, with further HFS award applications continuing to be lodged, including applications for new awards of HFS 25 years after the first awards were registered. Although this upwards trend is continuing, it is not certain that HFS supply will continue to meet demand which is also projected to increase over the next 5 years.

To ensure the alternative arrangement does not end prematurely, this planning proposal proposes to extend the alternative heritage floor space allocation arrangements for a period of a further 5 years to 1 January 2031. This extension will ensure that development will be able to progress should the supply of heritage floor space not keep up with projected demand.



## 2. Objectives and intended outcomes

The objective of the planning proposal is to amend the Sydney Local Environmental Plan 2012 to extend the temporary period for alternative arrangements in relation to the allocation of HFS by 5 years.

### 3. Explanation of provisions

The proposal seeks to amend Clause 6.11A(4) of the Sydney LEP from:

- This clause applies only in relation to an application for development consent that is made before 1 January 2026,

to:

- This clause applies only in relation to an application for development consent that is made before 1 January 2031.

## 4. Justification of strategic merit

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### 4.1 Need for the planning proposal

**Is the planning proposal a result of an endorsed Local Strategic Planning Statement, strategic study or report?**

This planning proposal is the result of monitoring of the supply and demand of HFS through Council's register and forecasting future supply and demand. The supply of HFS has been improving since 2021 as more applications are being lodged, however extending the period for the temporary arrangement to apply overcomes any potential temporary shortage of HFS in the market that may occur and not hinder the delivery of development projects.

The current supply of HFS, including registered awards with contact details available, or interim awards that have been approved but not yet registered, is around 49,000sqm.

Current demand for HFS by developments is currently around 41,000sqm, based on development applications approved but not yet commenced, or they have entered into the Alternative Scheme but can still purchase HFS in the market.

We forecast another potential 130,000sqm of supply to 2030 as applications for new awards are lodged based on current discussions with owners and re-award opportunities arising after 25 years. After 2030, we are forecasting around 15,000sqm a year based on long term averages.

Additional demand to 2030 is forecast to be around 100,000sqm based on planning proposals and development applications in the pipeline. After 2030, we are forecasting an average of around 15,000sqm per year based on long term averages.

Although the forecasts of supply and demand are positive and suggest the market can function as intended, economic fluctuations over time can be unpredictable. Keeping the alternative scheme active for some additional time in case the market does not keep reflecting the forecasts has merit. This will ensure projects that are able to progress and will not be hindered by any shortage of heritage floor space that may occur in the market.

**Is the planning proposal the best means of achieving the objectives or intended outcomes, or is there a better way?**

The planning proposal is the best, most efficient and most time effective approach to delivering the desired outcome. Without an extension of time, proponents may not be able to use the alternative arrangement and development in Central Sydney may be delayed.

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### 4.2 Relationship to the strategic planning framework

**Will the planning proposal give effect to the objectives and actions of the applicable regional or district plan or strategy (including any exhibited draft plans or strategies)?**

*The Greater Sydney Region Plan*

A Metropolis of Three Cities – The Greater Sydney Region Plan is the NSW Government's overarching strategic plan for growth and change in Sydney. The 20 year plan provides a 40 year vision that seeks to transform Greater Sydney into a metropolis of three cities, being the Western Parkland City; the Central River City; and the Eastern Harbour City.

It identifies key challenges facing Greater Sydney, including a projected population increase of 1.7 million and the associated requirements to deliver 725,000 new homes and create 1 million new jobs by 2036.

The Plan outlines how Greater Sydney will manage growth and change and guide infrastructure delivery. The Plan is to be implemented at a local level by District Plans. This planning proposal is consistent with several relevant directions and objectives of the Plan, as follows:

- **Liveability** – the proposal will support the conservation and enhancement of environmental heritage by ensuring the HFS scheme will continue.
- **Productivity** – the proposal will enable the delivery of additional floor space in Central Sydney that contributes to the growth of Sydney's economy while also protecting important heritage buildings.

#### *Eastern City District Plan*

The Eastern City District Plan sets out the NSW Government's vision, priorities and actions for the Eastern District of the Greater Sydney area, which includes the City of Sydney. It establishes a 20 year vision for the Eastern District to be a global sustainability leader, managing growth while maintaining and enhancing liveability, productivity and attractiveness for residents, workers and visitors. Planning priorities and associated actions for productivity, liveability and sustainability seek to deliver on this vision.

This planning proposal is consistent with the following priorities from the Plan:

- **Planning Priority E6 – Creating and renewing great places and local centres and respecting the District's heritage**
- **Planning Priority E7 – Growing a stronger and more competitive Harbour CBD**
- **Planning Priority E11 – Growing investment, business opportunities and jobs in strategic centres**

This planning proposal is consistent with these priorities as it will enable conservation of heritage buildings while removing a potential barrier to efficient delivery of new development.

**Is the planning proposal consistent with a council Local Strategic Planning Statement that has been endorsed by the Planning Secretary, or another endorsed local strategy or strategic plan?**

#### *Sustainable Sydney 2030-2050: Continuing the vision*

Sustainable Sydney 2030-2050 is the vision for sustainable development of the City of Sydney to 2030 and beyond. The plan outlines the City's vision for a 'green', 'global' and 'connected' city and sets targets, objectives and actions to achieve this vision. It includes 10 strategic directions to guide the future of the local government area. This planning proposal is aligned with the following relevant strategic directions and objectives:

- **Direction 4 – Design excellence and sustainable development** – by supporting the operation of the heritage floor space scheme to conserve important heritage buildings, and contribution to celebrate the character of Central Sydney.

#### *Local Strategic Planning Statement – City Plan 2036*

City of Sydney's endorsed Local Strategic Planning Statement, City Plan 2036, sets the land use planning context, 20-year vision and planning priorities to positively guide change towards the City's vision for a green, global and connected city. The planning statement explains how the planning system will manage change to achieve the desired outcomes, and guides future changes to the City's controls, including those sought by proponents through planning proposals. This planning proposal gives effect to the following priorities of the Statement:

## Productivity

- **P1. Growing a stronger, more competitive Central Sydney** – This planning proposal supports growth in Central Sydney by removing any barriers to timely development in the city

### Central Sydney Planning Strategy

The Central Sydney Planning Strategy is a 20-year growth strategy that revises previous planning controls and delivers on the City's Sustainable Sydney 2030-2050 Continuing the Vision. As the economic heart of Australia's global city, Central Sydney plays a critical role in the continued growth and economic success of Greater Sydney and the national economy.

The Strategy includes opportunities for additional height and density in the right locations balanced with environmental sustainability and sets criteria for excellence in urban design. This planning proposal is aligned with the following relevant key moves of the Strategy:

- **1. Prioritise employment growth and increase capacity**
- **7. Protect, enhance and expand Central Sydney's heritage and public places**
- **9. Reaffirm commitment to design excellence**

The planning proposal is consistent with these three moves by supporting the operation of the heritage floor space scheme to conserve important heritage buildings, contribution to celebrate the character of Central Sydney.

### Is the planning proposal consistent with any other applicable State and regional studies or strategies?

There are no other applicable state or regional strategies.

### Is the planning proposal consistent with applicable State Environmental Planning Policies?

| State Environmental Planning Policy                | Comment    |
|----------------------------------------------------|------------|
| SEPP (Biodiversity and Conservation) 2021          | Consistent |
| SEPP (Exempt and Complying Development Codes) 2008 | Consistent |
| SEPP (Housing) 2021                                | Consistent |
| SEPP (Industry and Employment) 2021                | Consistent |
| SEPP (Planning Systems) 2021                       | Consistent |
| SEPP (Precincts–Eastern Harbour City) 2021         | Consistent |
| SEPP (Resilience and Hazards) 2021                 | Consistent |
| SEPP (Resources and Energy) 2021                   | Consistent |

| State Environmental Planning Policy                     | Comment                                                                                                                                                      |
|---------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------|
| SEPP (Sustainable Buildings) 2022                       | Consistent                                                                                                                                                   |
| SEPP (Transport and Infrastructure) 2021                | Consistent                                                                                                                                                   |
| SEPPs that are not applicable to this planning proposal | SEPP (Precincts – Central River City) 2021, SEPP (Precincts – Regional) 2021, SEPP (Precincts – Western Parkland City) 2021, SEPP (Primary Production) 2021. |

**Is the planning proposal consistent with applicable Ministerial Directions (section 9.1 Directions) or key government priority?**

**Table 4: Consistency with Ministerial Directions**

| Ministerial Direction                              | Comment                                                                                                                       |
|----------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------|
| <b>Focus area 1: Planning Systems</b>              |                                                                                                                               |
| 1.1 Implementation of Regional Plans               | Consistent. This proposal gives effect to the Greater Sydney Region Plan as detailed above.                                   |
| 1.3 Approval and Referral Requirements             | Consistent. No provision includes concurrence, consultation or referral provisions, or identifies any designated development. |
| <b>Focus area 3: Biodiversity and Conservation</b> |                                                                                                                               |
| 3.1 Conservation Zone                              | Consistent. No amendment in this proposal hinders the application of this Direction.                                          |
| 3.2 Heritage Conservation                          | Consistent. No amendment in this proposal hinders the application of this Direction.                                          |
| <b>Focus area 4: Resilience and Hazards</b>        |                                                                                                                               |
| 4.1 Flooding                                       | Consistent. No amendment in this proposal hinders the application of this Direction.                                          |
| 4.2 Coastal Management                             | Consistent. No amendment in this proposal hinders the application of this Direction.                                          |
| 4.4 Remediation of Contaminated Land               | Consistent. No amendment in this proposal hinders the application of this Direction.                                          |

| Ministerial Direction                                         | Comment                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |
|---------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 4.5 Acid Sulfate Soils                                        | Consistent. No amendment in this proposal hinders the application of this Direction.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |
| <b>Focus area 5: Transport and Infrastructure</b>             |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |
| 5.1 Integrating Land Use and Transport                        | Consistent. No amendment in this proposal hinders the application of this Direction.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |
| 5.3 Development near Regulated Airports and Defence Airfields | Consistent. No amendment in this proposal hinders the application of this Direction.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |
| <b>Focus area 6: Housing</b>                                  |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |
| 6.1 Residential Zones                                         | Consistent. No amendment in this proposal hinders the application of this Direction.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |
| 6.2 Caravan Parks and Manufactured Home Estates               | Consistent. No amendment in this proposal hinders the application of this Direction.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |
| <b>Focus area 7: Industry and Employment</b>                  |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |
| 7.1 Employment Zones                                          | Consistent. This planning proposal supports the delivery of employment growth in suitable locations.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |
| Ministerial Directions not applicable to this proposal        | 1.2 Development of Aboriginal Land Council land; 1.4 Site Specific Provisions; 1.4A Exclusion of Development Standards from Variation; Focus Area 1 Planning Systems – Placed-based; 3.3 Sydney Water Drinking Catchments; 3.4 Application of C2 and C3 Ones and Environmental Overlays in Far North Coast LEPs; 3.5 Recreation Vehicle Areas; 3.6 Strategic Conservation Planning; 3.7 Public Bushland; 3.8 Willandra Lakes Region; 3.9 Sydney Harbour Foreshores and Waterways Area; 3.10 Water Catchment Protection; 4.3 Planning for Bushfire Protection; 4.6 Mine Subsidence and Unstable Land; 5.2 Reserving Land for Public Purposes; 5.4 Shooting Ranges; 5.5 High Pressure Dangerous Goods Pipelines; 7.2 Reduction in Non-Hosted Short-Term Rental Accommodation Period; 7.3 Commercial and Retail Development along the Pacific Highway, North Coast; Focus Area 8 Resources and Energy; Focus Area 9 Primary Production |

## 4.3 Environmental, social and economic impact

**Is there any likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats, will be adversely affected because of the proposal?**

No. The Planning Proposal will not adversely affect any critical habitat or threatened species, populations or ecological communities or their habitat.

**Are there any other likely environmental effects of the planning proposal and how are they proposed to be managed?**

No. The Planning Proposal relates to the extension of time for an existing alternative arrangement and does not relate to physical works.

**Has the planning proposal adequately addressed any social and economic effects?**

Yes. While any change to the Heritage Floor Space planning controls will have an effect on the Heritage Floor Space market, the proposed change is likely to have a minor impact only. More significantly, it will remove a potential barrier to timely property development in Central Sydney by assisting to ease a temporary shortage of available stock in the Heritage Floor Space market.

---

## 4.4 Infrastructure (Local, State and Commonwealth)

**Is there adequate public infrastructure for the planning proposal?**

Yes. The proposed amendment does not increase the need for infrastructure.

---

## 4.5 State and Commonwealth interests

**What are the views of state and federal public authorities and government agencies consulted in order to inform the Gateway determination?**

Appropriate consultation will be conducted when the Gateway determination is issued. Formal consultation has not yet been undertaken.



## 5. Maps

This Planning Proposal does not amend any maps.

## 6. Community consultation

This Planning Proposal is to be exhibited in accordance with the Gateway determination once it is issued by the Department of Planning and Environment. It is anticipated the Gateway determination will require a public exhibition for a period of not less than 14 days in accordance with Schedule 1 Item 4 of the Environmental Planning and Assessment Act 1979, Local Environmental Plan Making Guideline, and the City of Sydney's Community Participation Plan.

Notification of the public exhibition will be via:

- the City of Sydney website; and
- key state agencies (Heritage NSW, Property NSW) industry bodies (including Property Council Australia NSW) and relevant community groups.

## 7. Project Timeline

The anticipated timeline for the completion of the Planning Proposal is as follows:

| Action                                                                                | Anticipated Date |
|---------------------------------------------------------------------------------------|------------------|
| Gateway determination                                                                 | September 2025   |
| Pre-exhibition government agency consultation                                         | October 2025     |
| Public exhibition                                                                     | October 2025     |
| Consideration of submissions                                                          | November 2025    |
| Post-exhibition consideration and reporting                                           | December 2025    |
| LEP drafting                                                                          | January 2026     |
| LEP made (if delegated)                                                               | January 2026     |
| Plan forwarded to Department of Planning, Housing and Infrastructure for notification | January 2026     |



## **Attachment B**

|                                                                                   |
|-----------------------------------------------------------------------------------|
| <p><b>Alternative Heritage Floor Space Allocation<br/>Scheme – as amended</b></p> |
|-----------------------------------------------------------------------------------|

# Alternative Heritage Floor Space Allocation Scheme



# Contents

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| Approval                                                                                        | <del>8887</del> |
| Schedule – form of planning agreement offer                                                     | <del>9998</del> |

# Alternative Heritage Floor Space Allocation Scheme

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## Purpose

Sydney Local Environmental Plan (SLEP) 2012 provides the legal framework for a scheme under which an owner of a heritage building in Central Sydney may be awarded Heritage Floor Space after completing conservation works on the building. That owner may sell that Heritage Floor Space to a developer who, as a condition of development consent for an application seeking additional floor space, is required to allocate Heritage Floor Space to its development site.

~~Owing to a~~ There have been times when there has been a shortage of available Heritage Floor Space on the market, such as 2013-2015, and resulting in developers ~~are currently having~~ haveing difficulty sourcing the Heritage Floor Space required to satisfy conditions of development consents, ~~and. This~~ threatenings to delay some major projects.

The Council, at a meeting on 14 September 2015, and the Central Sydney Planning Committee (CSPC), at a meeting on 10 September 2015, resolved to prepare a Planning Policy that will allow Council to enter into agreements which may lead to the allocation of Heritage Floor Space being deferred until after construction commences or, in the event that Heritage Floor Space cannot be obtained, replaced with an alternative arrangement that satisfies an Alternative Heritage Floor Space Allocation Scheme. The Council and CSPC resolutions established the key elements of the Scheme and delegated to the Chief Executive Officer the development of the details of the Scheme.

This document sets out the details of the Alternative Heritage Floor Space Allocation Scheme. It will ensure that there is a consistent approach and established procedures for allowing an alternative to Heritage Floor Space allocation under SLEP 2012.



## Scope

This scheme provides for the use of planning agreements and bank guarantees as an alternative to the allocation of Heritage Floor Space under clause 6.11 of Sydney Local Environmental Plan 2012.

The management of bank guarantees, and other performance bonds is set out in separate documents entitled Performance Bonds Policy and Performance Bonds Procedures. It should be noted that this scheme only allows a bank guarantee and no other form of performance bond to be provided as security of the developer's obligations under the planning agreement.

**This scheme will apply to development applications lodged before 1 January ~~2026~~2031 and has no effect after that date.**

## Definitions

| Term                          | Meaning                                                                                                                                                       |
|-------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Allocation                    | An entry in the Heritage Floor Space register to indicate that an amount of Heritage Floor Space has been allocated for use at a particular development site. |
| Bank Guarantee                | A documentary performance bond comprising an unconditional undertaking from a bank to make a payment upon presentation of a demand.                           |
| Heritage Conservation Fund    | A fund established and maintained by the City that is comprised of payments made under this scheme to be used in accordance with this document.               |
| Heritage Floor Space (HFS)    | Transferable floor space awarded to heritage-listed buildings and recorded in the Heritage Floor Space register.                                              |
| Heritage Floor Space Register | The register maintained by the Council for the purpose of clause 6.10 of Sydney Local Environmental Plan 2012.                                                |
| Heritage Floor Space Update   | A quarterly report on awards, sales and transfer of Heritage Floor Space which is prepared by the City of Sydney and published on its website.                |
| Planning Agreement            | The meaning set out in section 93F of the Environmental Planning and Assessment Act 1979.                                                                     |

## Scheme statement

This scheme establishes the circumstances under which the Council will accept an alternative arrangement to the allocation of Heritage Floor Space under clause 6.11 of Sydney Local Environmental Plan 2012.

The primary aim of this scheme is to enable projects in Central Sydney to proceed ~~during when there is an inadequate supply of the current lag in~~ heritage floor space ~~becoming~~ available for purchase in the market. The strong preference remains for developers to obtain heritage floor space upfront, though if unsuccessful due to ~~current~~ market shortages, this scheme provides an alternative. Additional time and cost associated with the planning agreement are likely to be experienced by the developer if they opt to enter into this scheme. Please contact City staff to discuss the timeframes and costs involved.

The principles of this scheme are:

1. the developer ~~is-needs~~ to demonstrate to the satisfaction of Council that it has made genuine and ongoing efforts to obtain Heritage Floor Space and has been unable to do so;
2. the developer agrees to obtain the Heritage Floor Space by a specified date following the commencement of construction or, alternatively, pay a monetary amount equal to the market value of the Heritage Floor Space plus an uplift amount towards a heritage conservation fund to be established by Council;
3. the developer is to provide a bank guarantee to Council for an amount equal to the amount of Heritage Floor Space required multiplied by the currently applicable unit rate.
4. the amount of the payment required if the Heritage Floor Space has not been allocated by the specified date will be set at a level intended to discourage the use of this option and the payment is only to be made if ongoing attempts to purchase Heritage Floor Space have not been successful; and
5. any funds obtained under the scheme will be directed towards heritage conservation works.

---

## The offer must be submitted to the City at the same time as the application to which it relates

If a developer ~~opts-needs to use this scheme and to~~ enter into a planning agreement in respect of HFS allocation, the offer to enter into a planning agreement must be in the form set out in Attachment A and attached to that offer must be the following documentation to the satisfaction of Council:

1. written evidence that the developer has submitted offers within the previous three months to purchase HFS to at least 50%, or a minimum of 6 (whichever is the lesser) owners of HFS who have contact details included in the Council's published Heritage Floor Space Update within the previous three months at the time the offers were made;
2. written evidence that the amount of each offer was not less than the average sales price of HFS reported in the ~~most recently published~~ Heritage Floor Space Update that was published at the time the offer was made; and
3. written evidence that the developer has not been able to purchase the amount of HFS required under the conditions of the applicable development consent.

- ~~— Reports are to be submitted every 6 months until the call date in the VPA, providing written evidence that the developer has submitted new offers within the previous 6 months to purchase HFS to at least xx% of any new owners of HFS where:~~
- ~~— who had the owners contact details provided in the are included in the have been added to the latest Council's published Heritage Floor Space Update; and~~
- ~~— at the time the offer within the previous 6 months, if no prior written evidence has been provided that to show that these owners had been contacted to meet (1) and (2) above, these owners have not been~~

~~The offer must be submitted to the City at the same time as an application not modify the development consent to which it relates, to enable the scheme to be used for the development.~~

---

## Terms of planning agreement in relation to Heritage Floor Space allocation

If Council accepts a developer's offer to enter into a planning agreement in relation to Heritage Floor Space allocation, the planning agreement will include the terms included in the offer accepted by Council, together with the following terms:

1. a requirement for the developer to continue to make all reasonable endeavours to procure the HFS until the specified date by which final HFS offers are to be made;
2. if the developer has not allocated the total amount of HFS required under the conditions of its consent by the date specified in the planning agreement, a right for Council to make a calculation to determine the amount payable to the Heritage Conservation Fund and make a claim on the bank guarantee amount in part or in full by reference to the amount of HFS that has been purchased by the developer; and
3. ~~an obligation for the developer to register any subsequent allocation of HFS (including disclosing the price paid for the HFS) within 30 days of purchase of that HFS; and~~
4. ~~reports are to be submitted every 6 months until the call-date in the VPA, providing written evidence that the developer has submitted new offers to purchase HFS to any new owners of HFS where:~~
  - ~~a. the owners contact details are have been added to the latest published Heritage Floor Space Update; and~~
  - ~~b. no prior written evidence has been provided to show that these owners had been contacted to meet (1) and (2) above.~~

---

## Determining the amount of any monetary payment

If the developer has allocated the total amount of HFS required under the conditions of its consent by the date specified in the planning agreement, the Council will return the bank guarantee and no monetary payment will be required.

If at the date specified in the planning agreement the developer has allocated only part or not allocated any of the amount of Heritage Floor Space required under the conditions of their consent, the Council will calculate the amount owing by the developer to the Heritage Conservation Fund using the following formula:

$$X = W(Y - Z)$$

## Alternative Heritage Floor Space Allocation Scheme

Where

X= the monetary amount required (in \$);

W = the unit rate of Heritage Floor Space specified in the planning agreement.

Y = the total amount of Heritage Floor Space (in square metres) required to be allocated under the conditions of consent for the development;

Z = the amount of Heritage Floor Space (in square metres) allocated to the development at the date specified in the planning agreement;

If at the date specified in the planning agreement the developer has allocated some but not all of the Heritage Floor Space required to be allocated to their development, the Council will claim a portion of the amount specified in the Bank Guarantee equivalent to the amount owing by the developer to the Heritage Conservation Fund.

### Staging of Bank Guarantees:-

~~For development consents that require an allocation of 10,000m<sup>2</sup> or more of HFS, Council may agree to the staging of Bank Guarantees where Construction Certificates for the development are to be staged.~~

## Use of Heritage Conservation Fund

The City will apply any moneys obtained under this scheme to:

- the preparation of conservation management plans for heritage buildings in Central Sydney;
- heritage conservation works undertaken by the Council in Central Sydney including, but not limited to:
  - maintenance of heritage buildings in accordance with a conservation management plan; and
  - works to conserve the heritage significance of heritage items that are not buildings e.g. open space and elements of the public domain; and
- the improvement of the operation of the Heritage Floor Space scheme including any associated studies.

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## References

### Laws and standards

- Environmental Planning and Assessment Act 1979
- Sydney Local Environmental Plan 2012
- Planning Agreements Guideline
- Performance Bonds Policy

~~Performance Bonds Procedure~~

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## Approval

The Council first approved this scheme on 21 March 2016, amended on 7 August 2017, and further amended on 10 December 2018, 23 December 2020 and 23 December 2022.

## Schedule – form of planning agreement offer

| Information                                                                                       | Details                                                                                                                                                                                                                                                                                       |
|---------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Landowner</b>                                                                                  | Name<br>ABN<br>Address<br>Contact Person<br>Telephone<br>Email                                                                                                                                                                                                                                |
| <b>Developer<br/>(if different from landowner)</b>                                                | Name<br>ABN<br>Address<br>Contact Person<br>Telephone<br>Email                                                                                                                                                                                                                                |
| <b>Property address</b>                                                                           |                                                                                                                                                                                                                                                                                               |
| <b>Title particulars</b>                                                                          |                                                                                                                                                                                                                                                                                               |
| <b>Development Consent number<br/>and HFS condition number</b>                                    |                                                                                                                                                                                                                                                                                               |
| <b>Details (including registration<br/>number) of any existing VPA<br/>affecting the Property</b> |                                                                                                                                                                                                                                                                                               |
| <b>Amount of HFS required (V)</b>                                                                 | [insert] square metres                                                                                                                                                                                                                                                                        |
| <b>Unit rate of HFS for the purpose<br/>of this agreement (W)</b>                                 | \$ [insert agreed amount] per sq.m                                                                                                                                                                                                                                                            |
| <b>Amount of bank guarantee</b>                                                                   | \$(to be calculated by inserting the amount reached by multiplying the amount of HFS remaining to be allocated to the development at the date of lodgement of the application which facilitates participation in the scheme (V) by the unit rate of HFS for the purpose of the agreement (W)) |
| <b>Date by which final HFS offers<br/>will be made</b>                                            | [To allow for registration of any allocation, this is to be 1 month before the date from which the City can claim on the bank guarantee]                                                                                                                                                      |

| Information                                                                                                                                 | Details                                                                                                                                                                                                                                                                                                                                    |
|---------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <p><b>Date from which City can claim on bank guarantee if the total amount of HFS required under the consent has not been allocated</b></p> | <p>The earlier of:</p> <ul style="list-style-type: none"> <li>• [insert fixed date (being the anticipated date of the first occupation certificate for the development at the time the planning agreement is entered into)]; and</li> <li>• the date of the first occupation certificate actually obtained for the development.</li> </ul> |





## Item 4.

### **Post Exhibition - Planning Proposal - Conservation Areas Review - Sydney Local Environmental Plan 2012 and Sydney Development Control Plan 2012 Amendment**

**File No: X031159**

#### **Summary**

This report follows the public exhibition of Planning Proposal - Conservation Areas Review (the planning proposal) and Draft Sydney Development Control Plan 2012 - Conservation Areas Review (the draft DCP).

In December 2023, Council resolved to approve the planning proposal for submission to the Department of Planning, Housing and Infrastructure (the Department) and with a request for a Gateway Determination.

The planning proposal included a 2-part amendment to Sydney Local Environmental Plan 2012 (the LEP):

- (a) for 'small scale buildings' in conservation areas, it proposed to replace the mapped height building control in the LEP with a written provision in the LEP that limited building height to the maximum existing height of the building on the site, or 7.5m, whichever is greater
- (b) amendments to conservation area boundaries

However, the Department issued a Gateway Determination on 23 January 2025. Condition 1 of the Gateway Determination deleted part (a) of the proposed amendment. Following this, the City was required to adjust the planning proposal to be consistent with the Gateway Determination and proceeded with the public exhibition of part (b) of the amendment.

The planning proposal included amendments to conservation areas boundaries. The draft DCP included amendments to the general heritage provisions of the City's DCP. The amendments aim to strengthen the integrity of our conservation areas by removing sites which do not contribute to their significance and to strengthen DCP controls relating to the conservation of significant heritage fabric in line with best practice.

The proposed planning controls were publicly exhibited from 4 June 2025 to 9 July 2025 and 9 submissions were received. There were 3 submissions in support, 4 in objection and 2 with some concerns. Each of the submissions are addressed in this report with one amendment proposed in response.

The draft DCP permits solar panels to be installed on buildings in conservation areas. It requires that where panels are proposed on the principal roof plane of a contributory building in a conservation area, that the panels are to be installed parallel to the pitch of roof. It also enables panels installation provided they make minimal intrusive change to significant roof fabric.

An additional note has been provided in the DCP that directs applicants to the City's Guideline for solar panels in heritage conservation areas, which provides additional installation guidance. This Guideline contains guidance on how to install solar panels in heritage settings, including encouraging panels of a visually recessive colour and pattern.

This report recommends Council approve the planning proposal and draft DCP. If approved, Council as the planning proposal authority is authorised to exercise the functions of the local plan making authority and proceed to finalisation. The amendment to the Sydney LEP 2012 will come into effect when it is published on the NSW Legislation website.

The amendment to the Sydney Development Control Plan 2012 will come into effect at the same time as the Sydney LEP 2012 amendment is published.

## Recommendation

It is resolved that:

- (A) Council note the matters raised in submissions to the public exhibition of the Planning Proposal - Conservation Areas Review and Draft Sydney Development Control Plan 2012 Amendment - Conservation Areas Review as shown at Attachment A to the subject report;
- (B) Council approve the Planning Proposal - Conservation Areas Review shown at Attachment B to the subject report, to be made as a Local Environmental Plan under Section 3.36 of the Environmental Planning and Assessment Act 1979;
- (C) Council approve Draft Sydney Development Control Plan 2012 Amendment - Conservation Areas Review shown at Attachment C to the subject report, noting the Development Control Plan will come into effect on the date of publication of the subject Local Environmental Plan; and
- (D) authority be delegated to the Chief Executive Officer to make minor variations to the Planning Proposal - Conservation Areas Review and Draft Sydney Development Control Plan 2012 Amendment - Conservation Areas Review to correct any minor errors prior to finalisation.

## Attachments

- |                      |                                                                                  |
|----------------------|----------------------------------------------------------------------------------|
| <b>Attachment A.</b> | Summary of Submissions and Responses                                             |
| <b>Attachment B.</b> | Planning Proposal - Conservation Areas Review                                    |
| <b>Attachment C.</b> | Draft Sydney Development Control Plan 2012 Amendment - Conservation Areas Review |
| <b>Attachment D.</b> | Council and Central Sydney Planning Committee Resolutions                        |
| <b>Attachment E.</b> | Gateway Determination and Report - dated 23 January 2025                         |

## Background

1. In December 2023, Council resolved (Attachment D) to approve the planning proposal for submission to the Department of Planning, Housing and Infrastructure (the Department) and with a request for a Gateway Determination.
2. The planning proposal included a 2-part amendment to Sydney Local Environmental Plan 2012 (the LEP):
  - (a) for 'small scale buildings' in conservation areas, it proposed to replace the mapped height building control in the LEP with a written provision in the LEP that limited building height to the maximum existing height of the building on the site, or 7.5m, whichever is greater
  - (b) amendments to conservation area boundaries
3. A fuller justification and description of the proposed amendments can be found in the City's December 2023 report to the Transport, Heritage, Environment and Planning Committee and the Central Sydney Planning Committee which can be accessed at: <https://meetings.cityofsydney.nsw.gov.au/ieListDocuments.aspx?CId=137&MId=4185&Ver=4> (see Item 6).
4. However, the Department issued a Gateway Determination on 23 January 2025 (Attachment E). Condition 1 of the Gateway Determination deleted part (a) of the proposed amendment. The reason provided in the Department's Gateway Determination report for not supporting the first amendment was:

The planning proposal seeks to remove mapping that clearly illustrates the maximum height of buildings in metres and replace this with a clause which specifies the maximum height based on the height of the existing building or adjoining buildings. In practice this means that a proponent or community member will need to know the height of the existing building and potentially the height of adjoining buildings to determine what is the maximum building height permitted as opposed to having this clearly stated on a publicly available map.

The proposed provision does not provide certainty and adds complexity as it would not be clear from reading the site specific clause or height of building maps what the maximum height of building is for small scale buildings in HCAs. As such the proposed provision does not achieve the objectives and intended outcomes of the planning proposal because it doesn't increase certainty and simplify planning controls.
5. Following this, the City was required to adjust the planning proposal to be consistent with the Gateway Determination and proceeded with the public exhibition of part (b) of the amendment.
6. This means that in a few locations in previous Business B4 zones that a degree of mismatch between height and existing contributory buildings remains.

## Public exhibition

### We received 9 submissions from the community in response to the public exhibition

7. The planning proposal and draft DCP were publicly exhibited for 26 working days from 4 June to 9 July 2025 in accordance with the Gateway Determination and the City's Community Participation Plan.
8. The City sent 943 notification letters to landowners and occupants. The exhibition was also advertised on the City's "Sydney Your Say" page. The Sydney Your Say page received 571 page views and 349 document downloads during the exhibition period. The project was included in the June edition of Sydney Your Say eNews sent on 11 June to 5,023 subscribers.
9. A total of 9 submissions were received during the public exhibition period. There were 3 submissions in support, 4 in objection and 2 with some concerns.

### Support was expressed for the proposed changes to conservation area boundaries

10. The support included:
  - that the reduced conservation area boundaries had the potential to support change and therefore potential to support more much needed housing
  - that the reduced conservation area boundaries would provide owners of currently identified detracting and neutral buildings with the ability to undertake essential maintenance work as exempt development, without the need to lodge a development application
  - the expansion of the Reservoir Street and Fosterville Conservation Area (C66) to include 11 Victorian and Federation terraces at 95-113A Commonwealth Street
  - the transfer of Paddington Town Hall and Paddington fire Station from Victoria Barracks Conservation Area (C49) to the Paddington South Conservation Area (C48)
  - the removal of 1-5 Rosebank Street, Darlinghurst from the Rosebank Conservation Area (C14)

### A general concern was expressed in relation to the proposed boundary changes

11. The concern included that these areas were set a long time ago, that they were put in place to conserve, that is, not to be changed. To review and recommend a change to something that in theory was not meant to be changed made a mockery of the initial and this process.

### Response

12. The City's conservation areas are extensive, rich and diverse in history and character. They are much more than a collection of individual heritage items. They are highly successful and sustainable urban environments that are home to over 100,000 people.
13. They are also not static. Their small, often narrow lot sizes, variety of building types and over two centuries of accumulated growth have produced dense urban environments that accommodate significant change every year.

14. The proposed conservation area boundary adjustments reflect the current state of our conservation areas. The amendments are proposed to ensure that sites are contained within the most suitable area to be conserved, to correct errors in conservation area boundaries, to remove detracting or neutral buildings on the edges of conservation areas, and to add additional contributory buildings to the conservation areas. They are sensible changes that will strengthen the significance of our conservation areas overall. The intactness of conservation areas should be reviewed from time to time to ensure their consistency and intent, particularly at the boundary edges.

**Objections were raised in regard to the boundary adjustment proposed for the Woolloomooloo Heritage Conservation Area (C71)**

15. There were 2 submissions that raised objection. Their concerns included that the justification for the proposed adjustment is unfounded as it includes the removal of 5 contributory buildings that continue to warrant heritage protection due to their contribution to the conservation area.

**Response**

16. These sites referred to are on the western edge of the Woolloomooloo conservation area. The sites are either detracting, neutral or considered isolated contributory buildings on the edge of the conservation area. Whilst contributory, 75 Crown Street, 55-61 Riley Street and, 41 Riley Street and 19-21 Riley Street are also listed heritage items, so their heritage significance is maintained via their individual heritage listings. The major Crown Gardens complex has continued the unsympathetic character of William Street into the conservation area, creating a disjointed conservation area. The review identified that these sites could accommodate sympathetic change in an area of high amenity with Cook and Phillip Park to the west, the local centre of William Street to the south and St James train station within walking distance.

**One objection was raised in regard to the boundary adjustment proposed for the Hereford and Forest Lodge Conservation Area (C33)**

17. Their concerns relate to the removal of 2A Pymont Bridge Road, Camperdown from the conservation area. Their reasons for objection are summarised below with a response provided:
  - **Objection:** Although the building is classified as a "neutral" building on the DCP Buildings Contributions Map, it does contain some elements that do make a contribution to this HCA given that the apartments have a "terrace" characteristic, particularly those fronting Foss Street, considered to be the primary frontage.
  - **Response:** Whilst the existing building is sympathetic to the conservation area in terms of scale and typology, it is not considered contributory.
  - **Objection:** 2A Pymont Bridge Road adjoins Orphan Creek Public Reserve, a locally listed heritage item under Sydney LEP 2012 (I38). The removal of 2A Pymont Bridge Road from the conservation area means that any future redevelopment of the site will not need to minimise negative impacts on the significance of the listed heritage item, to the same extent.

- **Response:** Clause 5.10(5) of Sydney LEP 2012 will continue to apply to the site. It requires that the consent authority may, before granting consent to any development on land that is within the vicinity of a heritage item, require the assessment of the proposed development and its potential impact the heritage significance of the heritage item.
- **Objection:** In the event of removal from the HCA, the requirement of any future development of the subject property will not necessarily be bound by the same extent by the heritage controls of the DCP in relation to the significance of the conservation area.
- **Response:** As the building does not contribute to the significance of the conservation area and sits on the edge of the conservation area, removing it from the conservation area will strengthen the significance and consistency of the conservation area. The proposed change will also align the conservation area boundaries with locality area boundaries within the City's DCP.

Removing it from the conservation area does mean that the site will not be subject to the extent of heritage DCP controls. This is considered acceptable sites that contribute to our conservation areas will continue to be protected by the DCP controls and the change reduces restrictions on sites that do not contribute.

**A concern was raised in regard to the boundary adjustment proposed for the Potts Point Conservation Area (C51)**

18. Their concerns relate to the removal of 82-94 Darlinghurst Road, Potts Point from the conservation area. The site contains a 34-storey concrete and aluminium mixed use detached apartment building. The Coca Cola billboard is fixed to the podium level of the building. Their concern related to the potential loss of the Coca Cola billboard.
19. 82-94 Darlinghurst Road, including the Coca Cola billboard, is identified as detracting from the significance of the conservation area as it is not from a significant historical period and is unsympathetic to the significant historical features and patterns of the conservation area. Adjusting the boundary will reflect the current built form of the conservation area and strengthen the heritage significance of the conservation area.

**A concern was raised that in some cases a Heritage Impact Statement might not be required**

20. The City's current DCP requires the submission of a Heritage Impact Statement (HIS) for development applications affecting heritage items or properties within conservation areas. The current DCP is discretionary in its requirement for a HIS to be prepared for buildings over 50 years old that are not either heritage items or within conservation areas.

21. This discretion for buildings over 50 years old is retained in the draft DCP for sites outside of conservation areas, with clarity provided around the process for when the City may require the preparation of a HIS. The draft DCP includes the following clarification:

A pre-development application consultation is required to determine whether a heritage impact statement is required for work proposed. If required, the heritage significance of a building and the impact the proposed development has on the building and its setting must accompany any subsequent application.
22. The submission raises concern about this discretion and would prefer certainty around when a HIS is required, and what criteria will be used on determining if a HIS is not required.
23. The existing and draft DCP already contains some criteria for when a HIS may be required as the existing and draft control only relate to substantial demolition or major alterations to a building older than 50 years. It is essential that the DCP provides flexibility in the requirement for the preparation of a HIS so as to avoid the burdening applicants with the unnecessary cost of preparing a HIS when it may not be warranted. It is best to determine if a HIS is warranted at pre-development application stage when the details of the proposal are known and the significance of the existing structure are known.
24. No changes are proposed to the draft control in response to the submission. A HIS will continue to be required for all development applications affecting heritage items and properties within conservation areas.

**A concern was raised in regard to the quality of Heritage Impact Statements**

25. The concern expressed related to who should prepare HIS and that when a HIS is not prepared by a suitably qualified person, that the application should be rejected.
26. Being more prescriptive in relation to who prepares a HIS is not considered warranted. The proposed controls already asks for the person to be suitably qualified and makes reference to NSW Guidelines in relation to the preparation of a HIS.
27. The City currently and will continue to monitor the quality of HISs being submitted. Where a HIS is considered deficient or inadequate by the City's Heritage Specialists, additional information or amended HIS are and will be requested.

**A request was made to investigate individually heritage listing a number of intact terraces rows and other buildings in Paddington**

28. The City undertook a preliminary review the suggested heritage items and deemed that the properties' existing Heritage Conservation Area listing was sufficient in relation to their future protection.

**A request was made for additional aesthetic controls in relation to the installation of solar panels on the principal roof plane of buildings in conservation areas**

29. The draft DCP permits solar panels to be installed on buildings in conservation areas. It requires that where panels are proposed on the principal roof plane of a contributory building in a conservation area, that the panels are to be installed parallel to the pitch of roof. It also requires that panels must make minimal intrusive change to significant roof fabric.
30. In response to the submission, a note has been proposed that directs applicants to the City's Guideline for solar panels in heritage conservation areas. This Guideline contains guidance on how to install solar panels in a heritage settings, including encouraging the use of panels visually recessive in colour and pattern. The additional note is shown in red text in Attachment C.

**A request was made for the DCP to include controls on party walls and the requirement for neighbours' consent**

31. It is the applicant's responsibility to clearly demonstrate all owners have consented to the application being lodged. The City will not accept an application without owner's consent.
32. The City has advice on its website in relation to party walls and the requirement for consent. The DCP is not considered the best place for this advice.
33. Where a development involves works on a party wall or works which rely on a party wall for lateral or vertical support, the City encourages applicants to obtain party wall consent from their neighbour. This consent is distinct from land owners' consent and is not a formal requirement for a development application.
34. All development applications must be made by the owner of the land to which the application relates, or by a person with the written consent of the owners of the land. Land owners' consent for the lodgement of a development application is only required from a neighbour where the development proposed straddles the property boundary.
35. Where it's unclear from the application how the development may impact on the party wall, the applicant will be asked to provide clarification and adjoining land owners' consent from the adjoining neighbour will be required where necessary.
36. Where development is proposed that involves works adjacent to or to a party wall, the City will typically impose conditions on any consent requiring that all works are carried out within the boundary of the land (unless express permission is given by the other party), that a dilapidation survey be carried out and that certification is provided by a structural engineer as to the structural stability of the party wall.

**A request was made for changes to Part 4 of the DCP and observations were made that the City sometimes doesn't enforce strict compliance with DCP controls**

37. Change to Part 4 of the DCP are not within the scope of the exhibited DCP amendment.



38. The Environmental Planning and Assessment Act 1979 (The Act) details that the principal purpose of a DCP is to provide guidance and that the controls within a DCP are not statutory requirements. The Act states that DCP controls are to be applied flexibly and in applying them flexibly allow for reasonable alternative solutions that achieve the objects of those controls.
39. As it must, the City applies DCPs in compliance with the Act, having regard to the specifics of development applications lodged and their variable context.

**An unrelated question was asked about mandatory requirements for building upgrades**

40. One submission was concerned that if a neighbouring site was to redevelop that Council may require adjoining heritage properties to be upgraded to comply with contemporary building standards.
41. Council can only require a building and new building works to comply with the National Construction Code where that building and new building works are the subject of a development application, or complying development certificate.

**Concerns were raised about an unrelated planning proposal for 47-51 Riley Street, Woolloomooloo**

42. There was one submission that raised concerns in relation to the bulk and scale of a separate site-specific planning proposal for 47-51 Riley Street. Planning Proposal: 47-51 Riley Street was approved by Council and the CSPC at the June round of meetings. The proposal was approved with a 7.1m reduction in height, to RL25.5m and a reduction in floor space to an FSR of 3.2:1, in response to public submissions.

**Key Implications**

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

43. 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. The proposed planning controls are aligned with the strategic directions and objectives.
44. The proposed planning controls give effect to the infrastructure, liveability, productivity and sustainability priorities in the Greater Sydney Commission's Greater Sydney Region Plan and Eastern City District Plan and the City's Local Strategic Planning Statement.

**Risks**

45. City staff have undertaken a thorough assessment of the proposal and found that with the recommended changes, it demonstrates strategic merit in accordance with NSW Government guidelines. The NSW Government also assessed and issued a Gateway Determination. The planning proposal is consistent with Sustainable Sydney 2030-2050 Continuing the Vision.

46. Progressing the proposal in its amended form, taking into account matters raised through the public consultation process, is within the City's risk tolerance and appetite. The amended proposal strikes the right balance between achieving our strategic objectives and preserving and promoting culture and heritage.

### **Relevant Legislation**

47. Environmental Planning and Assessment Act 1979
48. Environmental Planning and Assessment Regulation 2021
49. Environmental Planning and Assessment (Statement of Expectations) Order 2024

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

50. The Gateway Determination specified that the amendment to the Sydney LEP 2012 is to be completed by 7 November 2025.
51. The Gateway Determination authorises Council to exercise its delegation and liaise directly with Parliamentary Counsel to draft and make the local environmental plan. If the planning proposal is approved by the Central Sydney Planning Committee and Council, the City will commence this process. Once the process is complete and the plan is made, the amendment to the Sydney LEP 2012 will come into effect when published on the NSW Legislation website.
52. If approved by Council, the draft DCP will come into effect on the same day as the amendment to the Sydney LEP 2012.

### **GRAHAM JAHN AM**

Chief Planner / Executive Director City Planning, Development and Transport

Tim Wise, Manager Planning Policy

# **Attachment A**

## **Summary of Submissions and Responses**

## **Community submissions**

The planning proposal and draft DCP were publicly exhibited for 26 working days from 4 June to 9 July 2025 in accordance with the Gateway Determination and the City's Community Participation Plan.

The City sent 943 notification letters to landowners and occupants. The exhibition was also advertised on the City's "Sydney Your Say" page. The Sydney Your Say page received 571 page views and 349 document downloads during the exhibition period. The project was included in the June edition of Sydney Your Say eNews sent on 11 June to 5,023 subscribers.

A total of 9 submissions were received during the public exhibition period. There were 3 submissions in support, 4 in objection and 2 with some concerns.

| Summary of submissions                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          | Response      |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------|
| <p><b>Support was expressed for the proposed changes to conservation area boundaries</b></p> <p>The support included:</p> <ul style="list-style-type: none"> <li>• that the reduced conservation area boundaries had the potential to support change and therefore potential to support more much needed housing</li> <li>• that the reduced conservation area boundaries would provide owners of currently identified detracting and neutral buildings with the ability to undertake essential maintenance work as exempt development, without the need to lodge a development application</li> <li>• the expansion of the Reservoir Street and Fosterville Conservation Area (C66) to include 11 Victorian and Federation terraces at 95-113A Commonwealth Street</li> <li>• the transfer of Paddington Town Hall and Paddington fire Station from Victoria Barracks Conservation Area (C49) to the Paddington South Conservation Area (C48)</li> <li>• the removal of 1-5 Rosebank Street, Darlinghurst from the Rosebank Conservation Area (C14)</li> </ul> | <p>Noted.</p> |

|                                                                                                                                                                                                                                                                                                                                                                                                                                                  |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <p><b>A general concern was expressed in relation to the proposed boundary changes</b></p> <p>The concern included that these areas were set a long time ago, that they were put in place to conserve, that is, not to be changed. To propose a change to something that in theory was not meant to be changed made a mockery of the initial and this process.</p>                                                                               | <p>The City's conservation areas are extensive, rich and diverse in history and character. They are more than a collection of individual heritage items. They are highly successful and sustainable urban environments that are home to over 100,000 people.</p> <p>They are also not static. Their small lot sizes, variety of building types and over two centuries of accumulated growth have produced dense urban environments that accommodate significant change every year.</p> <p>The proposed conservation area boundary adjustments reflect the current state of our conservation areas. The amendments are proposed to ensure that sites are contained within the most suitable conservation area, to correct errors in conservation area boundaries, to remove detracting or neutral buildings on the edges of conservation areas, and to add additional contributory buildings to the conservation areas. They are sensible changes that will strengthen the significance of our conservation areas overall.</p> |
| <p><b>Objections were raised in regard to the boundary adjustment proposed for the Woolloomooloo Heritage Conservation Area (C71)</b></p> <p>There were 2 submissions that raised objection. Their concerns included that the justification for the proposed adjustment is unfounded as it includes the removal of 5 contributory buildings that continue to warrant heritage protection due to their contribution to the conservation area.</p> | <p>These sites referred to are on the western edge of the Woolloomooloo conservation area. The sites are either detracting, neutral or considered isolated contributory buildings on the edge of the conservation area. Whilst contributory, 75 Crown Street, 55-61 Riley Street and 41 Riley Street and 19-21 Riley Street are also listed heritage items, so their heritage significance is maintained via their individual heritage listings.</p> <p>The Crown Gardens complex has continued the unsympathetic character of William Street into the conservation area, creating a disjointed conservation area. The review identified that these sites could accommodate sympathetic change in an area of high amenity with Cook and Phillip Park to the west, the local centre of William Street to the south and St James train station within walking distance.</p>                                                                                                                                                     |

|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <p><b>One objection was raised in regard to the boundary adjustment proposed for the Hereford and Forest Lodge Conservation Area (C33)</b></p> <p>Their concerns relate to the removal of 2A Pymont Bridge Road, Camperdown from the conservation area. Their reasons for objection are summarised below with a response provided:</p> <p>Although the building is classified as a "neutral" building on the DCP Buildings Contributions Map, it does contain some elements that do make a contribution to this HCA given that the apartments have a "terrace" characteristic, particularly those fronting Foss Street, considered to be the primary frontage.</p> <p>2A Pymont Bridge Road adjoins Orphan Creek Public Reserve, a locally listed heritage item under Sydney LEP 2012 (I38). The removal of 2A Pymont Bridge Road from the conservation area means that any future redevelopment of the site will not need to minimise negative impacts on the significance of the listed heritage item, to the same extent.</p> <p>In the event of removal from the HCA, the requirement of any future development of the subject property will not necessarily be bound by the same extent by the heritage controls of the DCP in relation to the significance of the conservation area.</p> | <p>Whilst the existing building is sympathetic to the conservation area in terms of scale and typology, it is not considered contributory.</p> <p>Clause 5.10(5) of Sydney LEP 2012 will continue to apply to the site. It requires that the consent authority may, before granting consent to any development on land that is within the vicinity of a heritage item, require the assessment of the proposed development and its potential impact the heritage significance of the heritage item.</p> <p>As the building does not contribute to the significance of the conservation area and sits on the edge of the conservation area, removing it from the conservation area will strengthen the significance and consistency of the conservation area. The proposed change will also align the conservation area boundaries with locality area boundaries within the City's DCP.</p> <p>Removing it from the conservation area does mean that the site will not be subject to the extent of heritage DCP controls. This is considered acceptable sites that contribute to our conservation areas will continue to be protected by the DCP controls and the change reduces restrictions on sites that do not contribute.</p> |
| <p><b>A concern was raised in regard to the boundary adjustment proposed for the Potts Point Conservation Area (C51)</b></p> <p>Their concerns relate to the removal of 82-94 Darlinghurst Road, Potts Point from the conservation area. The site contains a 34-storey concrete and aluminium mixed use detached apartment building. The Coca Cola billboard is fixed to the podium level of the building. Their concern related to the potential loss of the Coca Cola billboard.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         | <p>82-94 Darlinghurst Road, including the Coca Cola billboard, is identified as detracting from the significance of the conservation area as it is not from a significant historical period and is unsympathetic to the significant historical features and patterns of the conservation area. Adjusting the boundary will reflect the current built form of the conservation area and strengthen the heritage significance of the conservation area.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |

**A concern was raised that in some cases a Heritage Impact Statement might not be required**

The City's current DCP requires the submission of a Heritage Impact Statement (HIS) for development applications affecting heritage items or properties within conservation areas. The current DCP is discretionary in its requirement for a HIS to be prepared for buildings over 50 years old that are not either heritage items or within conservation areas.

This discretion for buildings over 50 years old is retained in the draft DCP for sites outside of conservation areas, with clarity provided around the process for when the City may require the preparation of a HIS. The draft DCP includes the following clarification:

*A pre-development application consultation is required to determine whether a heritage impact statement is required for work proposed. If required, the heritage significance of a building and the impact the proposed development has on the building and its setting must accompany any subsequent application.*

The submission raises concern about this discretion and would prefer certainty around when a HIS is required, and what criteria will be used on determining if a HIS is not required.

The existing and draft DCP already contains some criteria for when a HIS may be required as the existing and draft control only relate to substantial demolition or major alterations to a building older than 50 years. It is essential that the DCP provides flexibility in the requirement for the preparation of a HIS so as to avoid the burdening applicants with the unnecessary cost of preparing a HIS when it may not be warranted. It is best to determine if a HIS is warranted at pre-development application stage when the details of the proposal are known and the significance of the existing structure are known.

No changes are proposed to the draft control in response to the submission. A HIS will continue to be required for all development applications affecting heritage items and properties within conservation areas.



|                                                                                                                                                                                                                                                                       |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <p><b>A concern was raised in regard to the quality of Heritage Impact Statements</b></p> <p>The concern expressed related to who should prepare HIS and that when a HIS is not prepared by a suitably qualified person, that the application should be rejected.</p> | <p>Being more prescriptive in relation to who prepares a HIS is not considered warranted. The proposed controls already asks for the person to be suitably qualified and makes reference to NSW Guidelines in relation to the preparation of a HIS.</p> <p>The City currently and will continue to monitor the quality of HISs being submitted. Where a HIS is considered deficient or inadequate by the City's Heritage Specialists, additional information or amended HIS are and will be requested.</p> |
| <p><b>A request was made to investigate individually heritage listing a number of intact terraces rows and other buildings in Paddington</b></p>                                                                                                                      | <p>The City undertook a preliminary review the suggested heritage items and deemed that the properties' existing Heritage Conservation Area listing was sufficient in relation to their future protection.</p>                                                                                                                                                                                                                                                                                             |
| <p><b>A request was made for additional aesthetic controls in relation to the installation of solar panels on the principal roof plane of buildings in conservation areas</b></p>                                                                                     | <p>In response to the submission, a note has been proposed that directs applicants to the City's Guideline for solar panels in heritage conservation areas. This Guideline contains guidance on how to sensitively install solar panels in a heritage settings, including encouraging the use of panels visually recessive in colour and pattern. The additional note is shown in red text in Attachment C.</p>                                                                                            |

**A request was made for the DCP to include controls on party walls and the requirement for neighbours' consent**

It is the applicant's responsibility to clearly demonstrate all owners have consented to the application being lodged. The City will not accept an application without the correct owner's consent.

The City has detailed advice on its website in relation to party walls and the requirement for consent. The DCP is not considered the best place for this advice.

Where a development involves works on a party wall or works which rely on a party wall for lateral or vertical support, the City encourages applicants to obtain party wall consent from their neighbour. This consent is distinct from land owners' consent and is not a formal requirement for a development application.

All development applications must be made by the owner of the land to which the application relates, or by a person with the written consent of the owners of the land. Land owners' consent for the lodgement of a development application is only required from a neighbour where the development proposed straddles the property boundary.

Where it's unclear from the application how the development may impact on the party wall, the applicant will be asked to provide clarification and adjoining land owners' consent from the adjoining neighbour will be required where necessary.

Where development is proposed that involves works adjacent to or to a party wall, the City will typically impose conditions on any consent requiring that all works are carried out within the boundary of the land, that a dilapidation survey be carried out and that certification is provided by a structural engineer as to the structural stability of the party wall.

|                                                                                                                                                                          |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <p><b>A request was made for changes to Part 4 of the DCP and observations were made that the City sometimes doesn't enforce strict compliance with DCP controls</b></p> | <p>Change to Part 4 of the DCP are not within the scope of the exhibited DCP amendment.</p> <p>The Environmental Planning and Assessment Act 1979 (The Act) details that the principal purpose of a DCP is to provide guidance and that the controls within a DCP are not statutory requirements. The Act states that DCP controls are to be applied flexibly and in applying them flexibly allow for reasonable alternative solutions that achieve the objects of those controls.</p> <p>The City applies its DCP in compliance with the Act, having regard to the specifics of development applications lodged and their variable context.</p> |
| <p><b>An unrelated question was asked about mandatory requirements for building upgrades</b></p>                                                                         | <p>One submission was concerned that if a neighbouring site was to redevelop that Council may require adjoining heritage properties to be upgraded to comply with contemporary building standards.</p> <p>Council can only require a building, and new building works to comply with the National Construction Code where that building and new building works are the subject of a development application or complying development certificate.</p>                                                                                                                                                                                            |
| <p><b>Concerns were raised about an unrelated planning proposal for 47-51 Riley Street, Woolloomooloo</b></p>                                                            | <p>There was one submission that raised concerns in relation to the bulk and scale of a separate site-specific planning proposal for 47-51 Riley Street. Planning Proposal: 47-51 Riley Street was approved by Council and the CSPC at the June round of meetings. The proposal was approved with a 7.1m reduction in height, to RL25.5m and a reduction in FSR to 3.2:1, in response to public submissions.</p>                                                                                                                                                                                                                                 |

# **Attachment B**

|                                                                 |
|-----------------------------------------------------------------|
| <p><b>Planning Proposal – Conservation Areas<br/>Review</b></p> |
|-----------------------------------------------------------------|

# Conservation areas review planning proposal



# Contents

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## Executive Summary

The City's heritage conservation areas (conservation areas) are rich and diverse in history and character. Conservation areas are more than a collection of individual heritage items. They are areas in which the urban origins and relationships between the various elements create a sense of place that is worth keeping and reveal part of our cultural history.

As per the City's 2022 Housing Audit and adjustments to the 2017 Floor Space and Employment Survey, conservation areas are the home for approximately 102,320 people and provide workplaces for almost 54,000 people. The small lot sizes, variety of building types and over two centuries of accumulated growth have produced successful urban environments that can accommodate change and warrant protection.

The City's planning controls enable genuine adaptation and sympathetic change to buildings in conservation areas to meet contemporary housing and workspace needs while also conserving the highly valued character of the area.

The City has carried out a review of the planning controls applying to conservation areas to ensure they continue to conserve the valued heritage character and meet contemporary spatial and household needs.

The proposed planning controls for conservation areas aim to:

- support the retention and adaptation of buildings that contribute to the heritage significance of an area;
- reduce complexity and increase certainty in the planning controls; and
- update heritage policy to reflect changes that have occurred within conservation areas.

The following amendments to the Sydney LEP are proposed:

1. minor amendments to conservation area boundaries to strengthen the integrity of the conservation areas by removing sites which do not contribute to their significance.

The draft DCP will strengthen controls relating to the conservation of significant fabric of heritage items and in conservation areas in line with best practice.

# 1. Background

---

## 1.1. Conservation area review

This planning proposal arises from a strategic review into planning controls for heritage conservation areas (conservation areas) in the Sydney Local Government Area (Sydney LGA).

Sydney's environmental heritage is conserved and managed through clause 5.10 Heritage conservation of the Sydney Local Environmental Plan 2012 (Sydney LEP), the mapping of listed heritage items and Heritage Conservation Areas (conservation areas) and through more detailed planning controls within Sydney Development Control Plan 2012 (Sydney DCP). These controls do not preclude change but aim to manage the heritage to ensure significance is conserved and respected by new development.

There are currently 75 conservation areas within the Sydney. There are more than 22,000 buildings in the conservation areas, including the majority of around 15,000 (70%) terrace houses, 1,500 freestanding houses, 1,200 apartment buildings, 1,200 shops, 700 warehouses and 200 church, community and public buildings.

The buildings within the conservation areas range in age from some early European structures to those of the 21st century. There are almost one hundred buildings dating from the colonial period (1788 – c. 1840), of which 83 are heritage items. The predominant period of development is the Victorian period (c. 1840 – c. 1890) with almost 13,000 buildings, followed by the Federation period (c. 1890 – 1915) with 5000 buildings. Together, the buildings from the Victorian and Federation periods account for nearly 90% of buildings within the conservation areas.

Amendments to the Sydney LEP and Sydney DCP are proposed by the City of Sydney (City) based on a review of the controls that apply in conservation areas.

The review was initiated to address concerns that the existing planning controls are not achieving appropriate development outcomes in some conservation areas and to update heritage policy to reflect changes that have occurred within the conservation areas. Key issues identified were:

- a) LEP conservation area map boundaries not reflecting the heritage significance or having logical groupings; and
- b) DCP heritage controls needing to be amended to better conserve heritage significance, give clearer development guidance for the different contributory grading in conservation areas, and reflect heritage best practice; and

---

## 1.2. The site

### Site identification

The planning proposal relates to the conservation areas within the Sydney Local Government Area (the City).

### Site location and context

The City has 75 heritage conservation areas. Conservation areas are rich and diverse in history and character. As per the City's 2022 Housing Audit and adjustments to the 2017 Floor Space and Employment Survey, they are the home for approximately 102,320 people and provide workplaces for around 54,000 people.



## Conservation areas review planning proposal

Conservation areas are more than a collection of individual heritage items. They are areas in which the urban origins and relationships between the various elements create a sense of place that is worth keeping and reveal part of our cultural history.

The City's conservation areas provide housing at some of the highest population densities in Australia. The small lot sizes, variety of accommodation types and over two centuries of accumulated growth have produced successful urban environments that accommodate change and warrant protection.

| Area                                      | Population density<br>Persons per square kilometre |
|-------------------------------------------|----------------------------------------------------|
| Haymarket                                 | 18,123                                             |
| Melbourne CBD (Vic)                       | 17,653                                             |
| Wolli Creek                               | 15,330                                             |
| Southbank (Vic)                           | 14,102                                             |
| Pymont and Ultimo                         | 13,379                                             |
| <b>Surry Hills</b>                        | <b>12,175</b>                                      |
| <b>Potts Point and Woolloomooloo</b>      | <b>12,125</b>                                      |
| <b>Darlinghurst</b>                       | <b>11,794</b>                                      |
| South Yarra (Victoria)                    | 11,022                                             |
| <b>Redfern and Chippendale</b>            | <b>9,760</b>                                       |
| Carlton (Vic)                             | 9,253                                              |
| <b>Glebe and Forest Lodge</b>             | <b>8,810</b>                                       |
| Bondi Beach and North Bondi               | 8,627                                              |
| Waterloo and Beaconsfield                 | 7,964                                              |
| Neutral Bay and Kirribilli                | 7,810                                              |
| Bondi, Tamarama and Bronte                | 7,622                                              |
| Lakemba and Wiley Park                    | 7,563                                              |
| Fitzroy (Vic)                             | 7,451                                              |
| Bondi Junction and Waverly                | 7,088                                              |
| <b>Newtown, Camperdown and Darlington</b> | <b>6,969</b>                                       |

**Table 1: Population density comparison by area, ABS 2021**

**Note: Conservation areas in the City of Sydney identified in bold text**

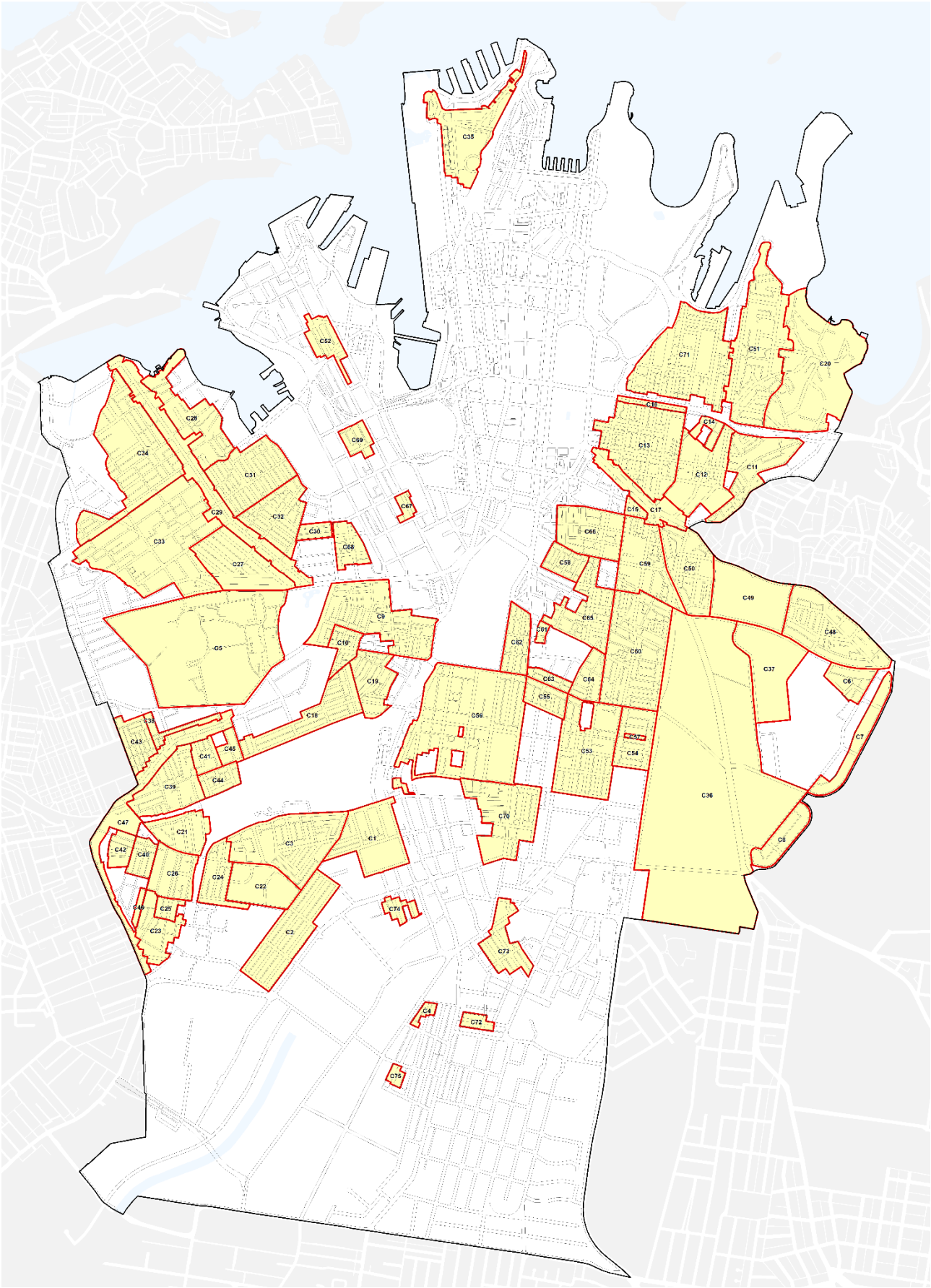
Genuine adaptation and sympathetic change to contributory buildings allows conservation areas to evolve for contemporary needs but conserve the highly valued character of the area.

Appropriate changes to existing buildings in conservation areas provide for diversity of housing choices and workplaces that are not provided in new developments (see Table 1 - Percentage of private residential unit mix in the City at 30 June 2022 by development status). This ensures space

for families and larger households that are not accommodated in the one or two-bedroom apartments expected to be developed across the City over the next 20 years.

| Development Status          | Studio | 1 Bedroom | 2 Bedroom | 3 Bedroom | 4+ Bedroom |
|-----------------------------|--------|-----------|-----------|-----------|------------|
| Lodged                      | 3%     | 33%       | 43%       | 19%       | 2%         |
| Approved                    | 4%     | 32%       | 53%       | 10%       | 1%         |
| Construction Commenced      | 4%     | 32%       | 43%       | 19%       | 2%         |
| Completed (last five years) | 6%     | 35%       | 46%       | 12%       | 1%         |

**Table 2: Private residential unit mix by pipeline stage, City of Sydney, Residential Monitor, June 2022**



**Figure 1: Map of existing conservation areas within the City**

Note: Millers Point is included in this statistical analysis of conservation areas but is not subject to the planning proposal

## 2. Objectives and intended outcomes

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### 2.1. Objective

To amend the Sydney LEP 2012 to conserve the significance of conservation areas and increase certainty.

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### 2.2. Intended outcomes

- support the retention and adaptation of buildings that contribute to the significance of an area
- reduce complexity and increase certainty in the planning controls, and
- update heritage policy to reflect changes that have occurred within conservation areas.

# 3. Explanation of provisions

---

## 3.1. Proposed amendment to Sydney LEP 2012

This planning proposal is to amend the planning controls that currently apply to conservation areas. The drafting instructions to amend the Sydney LEP are provided below. An example of how these provisions may be drafted subject to agreement with the NSW Department of Planning and Environment and Parliamentary Counsel is included in Appendix A1. A more detailed justification for the proposed planning controls and further explanation of the intended outcome is provided at Part 5 – Justification of this planning proposal.

### **Drafting instructions**

To achieve the intended outcomes this planning proposal seeks to amend the Sydney LEP 2012 as follows:

1. Amend the Heritage Map sheets to revise the boundaries of conservation areas shown at Appendix A1 of this planning proposal.

---

## 3.2. Draft DCP

The City has prepared a draft DCP to amend Sydney DCP 2012.

The draft DCP is to be publicly exhibited with this planning proposal.

# 4. Justification

## **Aims of the review**

The proposed changes intend to create greater certainty for heritage and housing outcomes. The review aims to address the issues outlined above by:

- strengthening provisions on retaining buildings and those parts of buildings that contribute to the heritage significance of conservation areas;
- improving community understanding of what can be done on their land and neighbouring sites;
- ensuring conservation area map boundaries reflect the heritage significance of the area to ensure conservation areas are robust and defensible.

These aims will be achieved through the proposed planning controls outlined in this planning proposal and through proposed amendments to the Sydney DCP.

## **The review has been informed by a field survey**

A field survey was conducted by heritage specialists who inspected every property externally from public places (streets, lanes and parks) in the conservation areas and selected properties bordering these areas.

The survey focused on establishing a comprehensive knowledge base to enable an understanding of the complexity and diversity of the building stock in the conservation areas.

The data collected includes: the type of buildings, their number of storeys, their original period of construction and the period of subsequent major change, the distribution of attics, basements, rear extensions, car parking, the number of frontages and a comprehensive photographic survey.

The field survey found that, in general, buildings are capable of maintaining a significant contribution to the conservation areas and accommodate appropriate alterations and additions to support contemporary and diverse housing needs.

## **Proposed approach to managing development in conservation areas**

The review seeks to reconcile Council and the community's support for both conservation and suitable homes and workplaces with a more effective set of planning controls.

Within conservation areas, there is a high level of consistency of building typologies but variability in site size and additions.

To improve clarity, certainty and confidence for landowners and neighbours, it is proposed to amend the Sydney LEP, as outlined in this planning proposal, and the Sydney DCP Amendment – Conservation Area Review (draft DCP).

## **LEP Amendments**

### **Amendments to heritage conservation area boundaries**

It is proposed to amend conservation area boundaries to reflect the current state of conservation areas and strengthen the conservation areas.

Under existing controls, each property in the conservation areas is identified as either contributory, neutral or detracting on the DCP 2012 Building Contributions map to indicate their overall contribution to the significance of the area.

Amendments to conservation area boundaries are proposed to ensure that sites are contained within the most suitable conservation area based on statement of significance, to correct errors in

conservation area boundaries, to remove detracting or neutral buildings on the edges of conservation areas, and to add additional contributory buildings to the conservation areas. The amendments result in two properties shifting from one conservation area to another, 12 properties being added to conservation areas and 23 removed from conservation areas.

The full list of proposed adjustments to conservation area boundaries is contained at Attachment B.

### **Amendments to the Sydney DCP support this planning proposal**

The draft DCP introduces a range of amendments to strengthen heritage conservation.

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## **4.1. Matters for consideration**

This section provides a response to the 'matters for consideration' described in Table 3 of the Local Environmental Plan Making Guideline, published by the Department of Planning, Industry and Environment in August 2023, that are to be taken into account when describing, evaluating and justifying a planning proposal.

### **Section A- Need for the planning proposal**

*Q1. Is the planning proposal a result of an endorsed LSPS, strategic study or report?*

Yes. This planning proposal is based on LSPS *Action L2.9 Conserve places of heritage significance*, as outlined below. The planning proposal is also based on a strategic review of the planning controls applying in the City's conservation areas which identified a range of issues with the current planning controls, as outlined above.

*Q2. Is the planning proposal the best means of achieving the objectives or intended outcomes, or is there a better way?*

Yes. This planning proposal is the best means of achieving the planning objectives and intended outcomes for conservation areas.

### **Section B - Relationship to the strategic planning framework**

*Q3. Will the planning proposal give effect to the objectives and actions of the applicable regional or district plan or strategy (including any exhibited draft plans or strategies)?*

#### Greater Sydney Region Plan

*A Metropolis of Three Cities, Plan for Growing Sydney* is the strategic plan for Greater Sydney region. It is a 20-year plan with a 40-year vision, seeking to transform Greater Sydney into a metropolis of three distinct but connected cities: the Eastern Harbour City, the Central River City and the Western Parkland City. The directions and objectives of the strategic regional plan relate to:

- Liveability;
- Productivity;
- Sustainability; and
- Infrastructure and collaboration.

This planning proposal is consistent with the following planning objectives of the Greater Sydney Region Plan:

*Objective 13 Environmental heritage is identified, conserved and enhanced*

- by updating planning controls while also conserving the highly valued character of the area.

Eastern City District Plan

The Eastern City District Plan is a statutory consideration under the provisions of Environmental Planning and Assessment Act 1979, which requires this planning proposal to give effect to the directions and priorities set out in the district plan, of which the City of Sydney is a part.

This planning proposal is consistent with the following planning priorities and actions of the Eastern City District Plan:

*Priority E6 Creating and renewing great places and local centres, and respecting the District's heritage*

- by identifying, conserving and enhancing environmental heritage through the planning process, reflecting the heritage values and character of local places and how they contribute to the significance of heritage conservation areas; and

*Q4. Is the planning proposal consistent with a council LSPS that has been endorsed by the Planning Secretary or GSC, or another endorsed local strategy or strategic plan?*



### Sustainable Sydney 2030-2050

*Sustainable Sydney 2030-50* is the vision for sustainable development of the City of Sydney to 2030 and beyond. The strategic plan builds on three key themes of Green, Global and Connected and includes 6 guiding principles for a sustainable city, 10 specific targets to measure progress, and 10 strategic directions to guide its future development.

This planning proposal gives effect to the following directions of Sustainable Sydney 2030-50:

Direction 4 Design excellence and sustainable development

### City Plan 2036 - Local Strategic Planning Statement

The *City of Sydney Local Strategic Planning Statement* (LSPS) sets out the City's 20-year vision for strategic land use and the planning priorities to guide development towards a green, global and connected city. The Sydney LSPS provides directions for infrastructure, liveability, productivity and sustainability to manage the change and growth.

This planning proposal gives effect to the Sydney LSPS by supporting the following priorities and actions:

Priority L2 Creating great places:

- to protect the character of distinctive heritage neighbourhoods and delivering design excellence and high amenity in the built environment.

Action L2.9 Conserve places of heritage significance:

- by reviewing LEP development standards to address inconsistencies with the conservation of heritage items and conservation areas; and
- by ensuring development of heritage items, contributory buildings in conservation areas, and new development in conservation areas conserve the heritage values of the place and is sympathetic to the built form, scale and fabric.

*Q5. Is the planning proposal consistent with any other applicable State and regional studies or strategies?*

No other State and regional studies or strategies have been identified as being applicable for this planning proposal.

*Q6. Is the planning proposal consistent with the applicable State Environmental Planning Policies?*

This planning proposal is consistent with all applicable State Environmental Planning Policies (SEPPs), as summarised in **Table 3**.

| State Environmental Planning Policy                            | Comment                                                                                    |
|----------------------------------------------------------------|--------------------------------------------------------------------------------------------|
| SEPP (Biodiversity and Conservation) 2021                      | Consistent. This planning proposal will not contradict or hinder application of this SEPP. |
| SEPP (Exempt and Complying Development Codes) 2008             | Consistent. This planning proposal will not contradict or hinder application of this SEPP. |
| SEPP (Housing) 2021                                            | Consistent. This planning proposal will not contradict or hinder application of this SEPP. |
| SEPP (Industry and Employment) 2021                            | Consistent. This planning proposal will not contradict or hinder application of this SEPP. |
| SEPP No 65—Design Quality of Residential Apartment Development | Consistent. This planning proposal will not contradict or hinder application of this SEPP. |

| State Environmental Planning Policy         | Comment                                                                                    |
|---------------------------------------------|--------------------------------------------------------------------------------------------|
| SEPP (Planning Systems) 2021                | Consistent. This planning proposal will not contradict or hinder application of this SEPP. |
| SEPP (Precincts—Central River City) 2021    | Not applicable                                                                             |
| SEPP (Precincts—Eastern Harbour City) 2021  | Not applicable                                                                             |
| SEPP (Precincts—Western Parkland City) 2021 | Not applicable                                                                             |
| SEPP (Primary Production) 2021              | Not applicable                                                                             |
| SEPP (Resilience and Hazards) 2021          | Consistent. This planning proposal will not contradict or hinder application of this SEPP. |
| SEPP (Resources and Energy) 2021            | Not applicable.                                                                            |
| SEPP (Sustainable Buildings) 2022           | Consistent. This planning proposal will not contradict or hinder application of this SEPP. |
| SEPP (Transport and Infrastructure) 2021    | Consistent. This planning proposal will not contradict or hinder application of this SEPP. |

**Table 3: Consistency with SEPPs**

*Q7. Is the planning proposal consistent with applicable Section 9.1 Ministerial Directions?*

This planning proposal is consistent with all Ministerial Directions issued under section 9.1 of the Environmental Planning and Assessment Act 1979, as summarised in [Table 4](#).

| Ministerial Direction                           | Comment                                                                                                                                                                  |
|-------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Focus area 1: Planning Systems</b>           |                                                                                                                                                                          |
| 1.1 Implementation of Regional Plans            | Consistent.<br><br>This planning proposal supports the Region Plan, as discussed in detail under Question 3 (above).                                                     |
| 1.2 Development of Aboriginal Land Council land | Not applicable                                                                                                                                                           |
| 1.3 Approval and Referral Requirements          | Consistent.<br><br>This planning proposal does not include concurrence, consultation or referral provisions or identify any developments as designated development       |
| 1.4 Site Specific Provisions                    | Consistent.<br><br>This planning proposal does not include site specific provisions for a particular development, but general provisions for land in conservation areas. |

| Ministerial Direction                                                                                                 | Comment                                                                                                                                                                                                                                                                                                      |
|-----------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Focus area 1: Planning Systems – Place-based</b>                                                                   |                                                                                                                                                                                                                                                                                                              |
| 1.5 Parramatta Road Corridor Urban Transformation Strategy                                                            | Not applicable                                                                                                                                                                                                                                                                                               |
| 1.6 Implementation of North West Priority Growth Area Land Use and Infrastructure Implementation Plan                 | Not applicable                                                                                                                                                                                                                                                                                               |
| 1.7 Implementation of Greater Parramatta Priority Growth Area Interim Land Use and Infrastructure Implementation Plan | Not applicable                                                                                                                                                                                                                                                                                               |
| 1.8 Implementation of Wilton Priority Growth Area Interim Land Use and Infrastructure Implementation Plan             | Not applicable                                                                                                                                                                                                                                                                                               |
| 1.9 Implementation of Glenfield to Macarthur Urban Renewal Corridor                                                   | Not applicable                                                                                                                                                                                                                                                                                               |
| 1.10 Implementation of the Western Sydney Aerotropolis Plan                                                           | Not applicable                                                                                                                                                                                                                                                                                               |
| 1.11 Implementation of Bayside West Precincts 2036 Plan                                                               | Not applicable                                                                                                                                                                                                                                                                                               |
| 1.12 Implementation of Planning Principles for the Cooks Cove Precinct                                                | Not applicable                                                                                                                                                                                                                                                                                               |
| 1.13 Implementation of St Leonards and Crows Nest 2036 Plan                                                           | Not applicable                                                                                                                                                                                                                                                                                               |
| 1.14 Implementation of Greater Macarthur 2040                                                                         | Not applicable                                                                                                                                                                                                                                                                                               |
| 1.15 Implementation of the Pyrmont Peninsula Place Strategy                                                           | Consistent.<br><br>This planning proposal supports conservation of the heritage significance of conservation areas to ensure Pyrmont Peninsula's heritage is protected while also allowing for a reasonable level of change within conservation areas, consistent with the Pyrmont Peninsula Place Strategy. |
| 1.16 North West Rail Link Corridor Strategy                                                                           | Not applicable                                                                                                                                                                                                                                                                                               |
| 1.17 Implementation of the Bays West Place Strategy                                                                   | Not applicable                                                                                                                                                                                                                                                                                               |
| 1.18 Implementation of the Macquarie Park Innovation Precinct                                                         | Not applicable                                                                                                                                                                                                                                                                                               |

| Ministerial Direction                                                                 | Comment                                                                                                                                                                                                                                                                                                                                                                                                     |
|---------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 1.19 Implementation of the Westmead Place Strategy                                    | Not applicable                                                                                                                                                                                                                                                                                                                                                                                              |
| 1.20 Implementation of the Camellia-Rosehill Place Strategy                           | Not applicable                                                                                                                                                                                                                                                                                                                                                                                              |
| <b>Focus area 2: Design and Place</b>                                                 |                                                                                                                                                                                                                                                                                                                                                                                                             |
| This Focus Area was blank when the Directions were made.                              | Not applicable                                                                                                                                                                                                                                                                                                                                                                                              |
| <b>Focus area 3: Biodiversity and Conservation</b>                                    |                                                                                                                                                                                                                                                                                                                                                                                                             |
| 3.1 Conservation Zones                                                                | Not applicable                                                                                                                                                                                                                                                                                                                                                                                              |
| 3.2 Heritage Conservation                                                             | <p>Consistent.</p> <p>The objective of this direction is to conserve items, areas, objects and places of environmental heritage significance and indigenous heritage significance.</p> <p>This planning proposal applies to land within existing conservation areas. It includes provisions that support conservation of the heritage significance of conservation areas, as discussed in detail above.</p> |
| 3.3 Sydney Drinking Water Catchments                                                  | Not applicable                                                                                                                                                                                                                                                                                                                                                                                              |
| 3.4 Application of C2 and C3 Zones and Environmental Overlays in Far North Coast LEPs | Not applicable                                                                                                                                                                                                                                                                                                                                                                                              |
| 3.5 Recreation Vehicle Areas                                                          | Not applicable                                                                                                                                                                                                                                                                                                                                                                                              |
| 3.6 Strategic Conservation Planning                                                   | Not applicable                                                                                                                                                                                                                                                                                                                                                                                              |
| 3.7 Public Bushland                                                                   | Not applicable                                                                                                                                                                                                                                                                                                                                                                                              |
| 3.8 Willandra Lakes Region                                                            | Not applicable                                                                                                                                                                                                                                                                                                                                                                                              |
| 3.9 Sydney Harbour Foreshores and Waterways Area                                      | <p>Consistent.</p> <p>This planning proposal is consistent with the principles for foreshore and waterways area. This planning proposal recognises and protects Sydney Harbor and its islands and foreshores by supporting the conservation of heritage conservation areas.</p>                                                                                                                             |
| 3.10 Water Catchment Protection                                                       | Not applicable                                                                                                                                                                                                                                                                                                                                                                                              |
| <b>Focus area 4: Resilience and Hazards</b>                                           |                                                                                                                                                                                                                                                                                                                                                                                                             |
| 4.1 Flooding                                                                          | Consistent.                                                                                                                                                                                                                                                                                                                                                                                                 |

| Ministerial Direction                                         | Comment                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |
|---------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|                                                               | This planning proposal does not include provisions for flood planning. Future development applications will continue to be required to address the potential flood risk of sites in accordance with the LEP.                                                                                                                                                                                                                                                                                                                                                             |
| 4.2 Coastal Management                                        | <p>Consistent.</p> <p>A small portion of the Glebe Point, Glebe Point Road and Toxteth conservation areas are located within the coastal environment area and coastal use area.</p> <p>This planning proposal is consistent with the objectives of the Coastal Management Act 2016 and the NSW Coastal Design Guidelines 2023. This planning proposal protects and enhances coastal environmental values, ensures the built environment is appropriate for the coast and local context and protects and enhances the social and cultural values of the coastal zone.</p> |
| 4.3 Planning for Bushfire Protection                          | Not applicable                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |
| 4.4 Remediation of Contaminated Land                          | Not applicable as there is no proposed change to permitted land uses.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |
| 4.5 Acid Sulfate Soils                                        | <p>Consistent.</p> <p>This planning proposal does not include provisions for managing acid sulfate soils. Future development applications will continue to be required to address the potential acid sulfate soils on sites in accordance with the LEP.</p>                                                                                                                                                                                                                                                                                                              |
| 4.6 Mine Subsidence and Unstable Land                         | Not applicable                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |
| <b>Focus area 5: Transport and Infrastructure</b>             |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |
| 5.1 Integrating Land Use and Transport                        | Consistent                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |
| 5.2 Reserving Land for Public Purposes                        | Consistent                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |
| 5.3 Development Near Regulated Airports and Defence Airfields | Consistent                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |
| 5.4 Shooting Ranges                                           | Not applicable                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |
| <b>Focus area 6: Housing</b>                                  |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |
| 6.1 Residential Zones                                         | Consistent.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |
| 6.2 Caravan Parks and Manufactured Home Estates               | Not applicable                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |

| Ministerial Direction                                                        | Comment        |
|------------------------------------------------------------------------------|----------------|
| <b>Focus area 7: Industry and Employment</b>                                 |                |
| 7.1 Business and Industrial Zones                                            | Consistent.    |
| 7.2 Reduction in non-hosted short-term rental accommodation period           | Not applicable |
| 7.3 Commercial and Retail Development along the Pacific Highway, North Coast | Not applicable |
| <b>Focus area 8: Resources and Energy</b>                                    |                |
| 8.1 Mining, Petroleum Production and Extractive Industries                   | Not applicable |
| <b>Focus area 9: Primary Production</b>                                      |                |
| 9.1 Rural Zones                                                              | Not applicable |
| 9.2 Rural Lands                                                              | Not applicable |
| 9.3 Oyster Aquaculture                                                       | Not applicable |
| 9.4 Farmland of State and Regional Significance on the NSW Far North Coast   | Not applicable |

**Table 4 Consistency with Section 9.1 Ministerial Directions****Section C - Environmental, social and economic impact**

*Q8. Is there any likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats, will be adversely affected because of the proposal?*

The conservation areas are part of an urban environment and do not contain critical habitat or threatened species, populations or ecological communities.

*Q9. Are there any other likely environmental effects of the planning proposal and how are they proposed to be managed?*

There are no other likely environmental effects of this planning proposal. The relevant management and mitigation measures are identified where appropriate in the draft DCP, and any development in conservation areas will be subject to further assessment at the detailed DA stage.

*Q9. Has the planning proposal adequately addressed any social and economic effects?*

A detailed discussion of the social and economic effects of this planning proposal is provided in Section 5 of this planning proposal. The density and zoning controls within the conservation areas effectively remain unchanged. The proposed changes to the building height controls enable development that is feasible, to meet housing and employment needs whilst conserving the heritage values of these areas.

**Section D - Infrastructure (Local, State and Commonwealth)**

*Q11. Is there adequate public infrastructure for the planning proposal?*

## Conservation areas review planning proposal

The conservation areas are already supported by adequate public infrastructure, including utilities, transport and a variety of services and facilities.

This planning proposal does not increase the development density within the conservation areas and therefore does not increase the demand for additional State or Commonwealth infrastructure. Demand for local infrastructure as result of the redevelopment of the site will be satisfied through development contributions under the City of Sydney Development Contributions Plan 2015.

*Q12. What are the views of state and federal public authorities and government agencies consulted in order to inform the Gateway determination?*

To be determined in further consultation with public authorities following Gateway determination.

# 5. Mapping

This planning proposal seeks to amend the following maps contained in Sydney LEP 2012:

- Heritage Map Sheets in regards to Heritage Conservation Area boundaries as shown at Appendix A1



## 6. Community consultation

Public consultation will be undertaken in accordance with the requirements of the Gateway determination.

Additional maps will be prepared and submitted to the Department together with this Planning Proposal to facilitate community understanding through the community consultation process.

It is proposed that, at a minimum, this will involve the notification of the public exhibition of this planning proposal on the City of Sydney website and in writing to the owners and occupiers of properties in conservation areas.

It is recommended by the City that this planning proposal be publicly exhibited for at least 20 working days.

It is proposed that exhibition material will be made available on the City of Sydney website.

Consultation with relevant NSW agencies and authorities and other relevant organisations will be undertaken in accordance with the Gateway determination.

# 7. Project timeline

The anticipated timeline for completion of this planning proposal is as follows:

| Stage                                                                                                           | Timeline              |
|-----------------------------------------------------------------------------------------------------------------|-----------------------|
| Gateway determination                                                                                           | January 2025          |
| Public exhibition and government agency consultation                                                            | May – June 2025       |
| Consideration of submissions                                                                                    | July – September 2025 |
| Post exhibition consideration of proposal by Council / CSPC                                                     | October 2025          |
| Drafting of LEP provisions                                                                                      | November 2025         |
| Finalisation of LEP and DCP and forwarding to Department of Planning, Industry and Environment for notification | December 2025         |

## Appendix A1

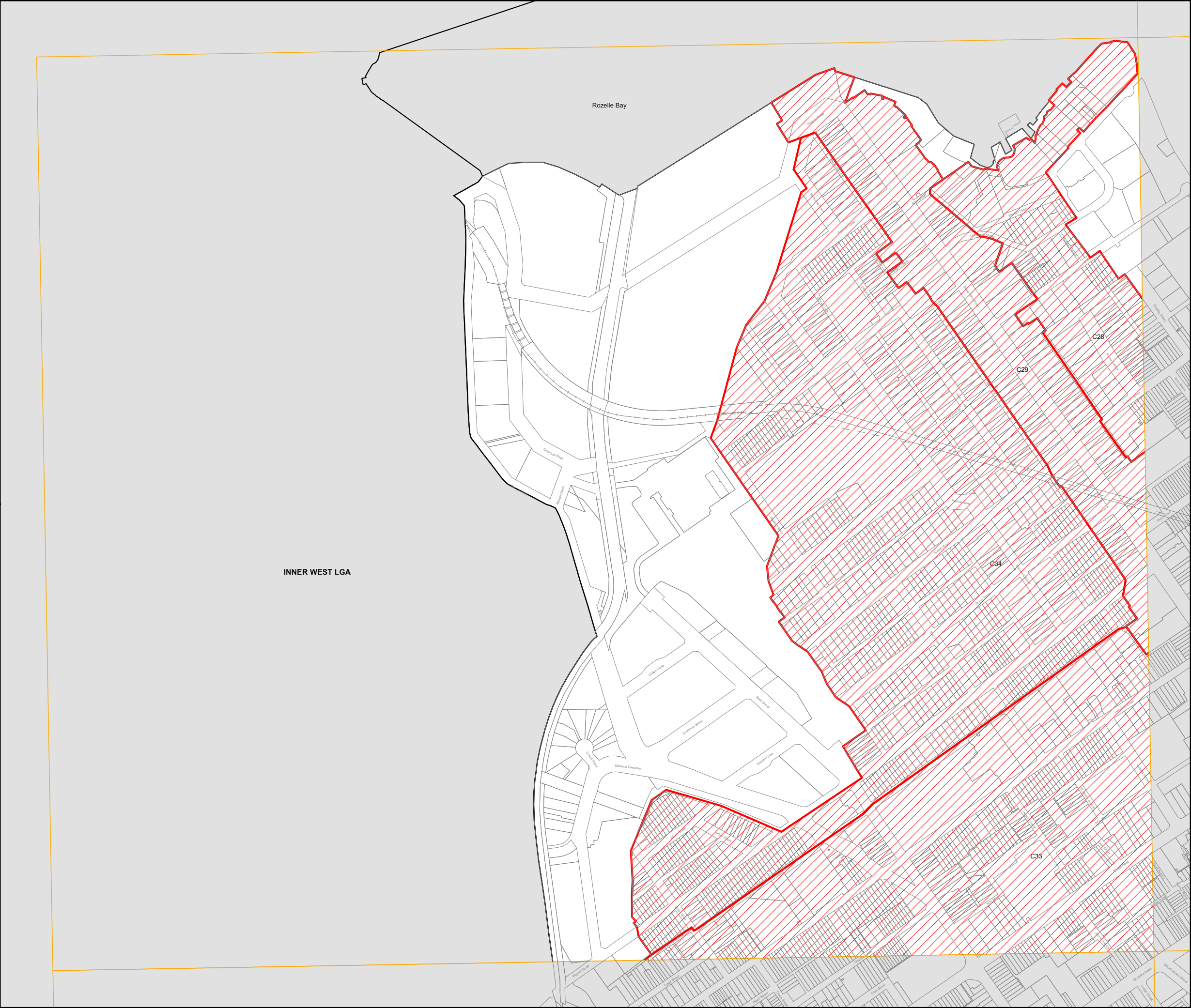
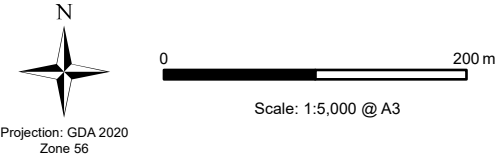
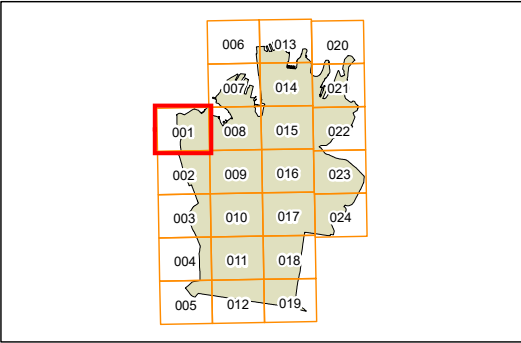
Proposed mapping amendments to Heritage in the Sydney LEP 2012

Heritage Conservation  
Map - Sheet HER\_001

**Heritage**  
 Conservation Area - General

**Cadastral**  
 Cadastral 04/08/2025 © City of Sydney

- Notes:
- 1. No changes are proposed to heritage items.
  - 2. Changes are proposed to the boundaries of the following Heritage Conservation Areas:
    - C12 Oxford Street and Victoria Street
    - C14 Rosebank
    - C20 Elizabeth and Rushcutters Bays
    - C33 Hereford and Forest Lodge
    - C36 Moore Park
    - C48 Paddington South
    - C49 Victoria Barracks
    - C51 Potts Point
    - C53 Baptist Street
    - C56 Redfern Estate
    - C59 Bourke Street North
    - C65 Little Riley Street
    - C66 Reservoir Street and Fosterville
    - C71 Woollahroomooloo

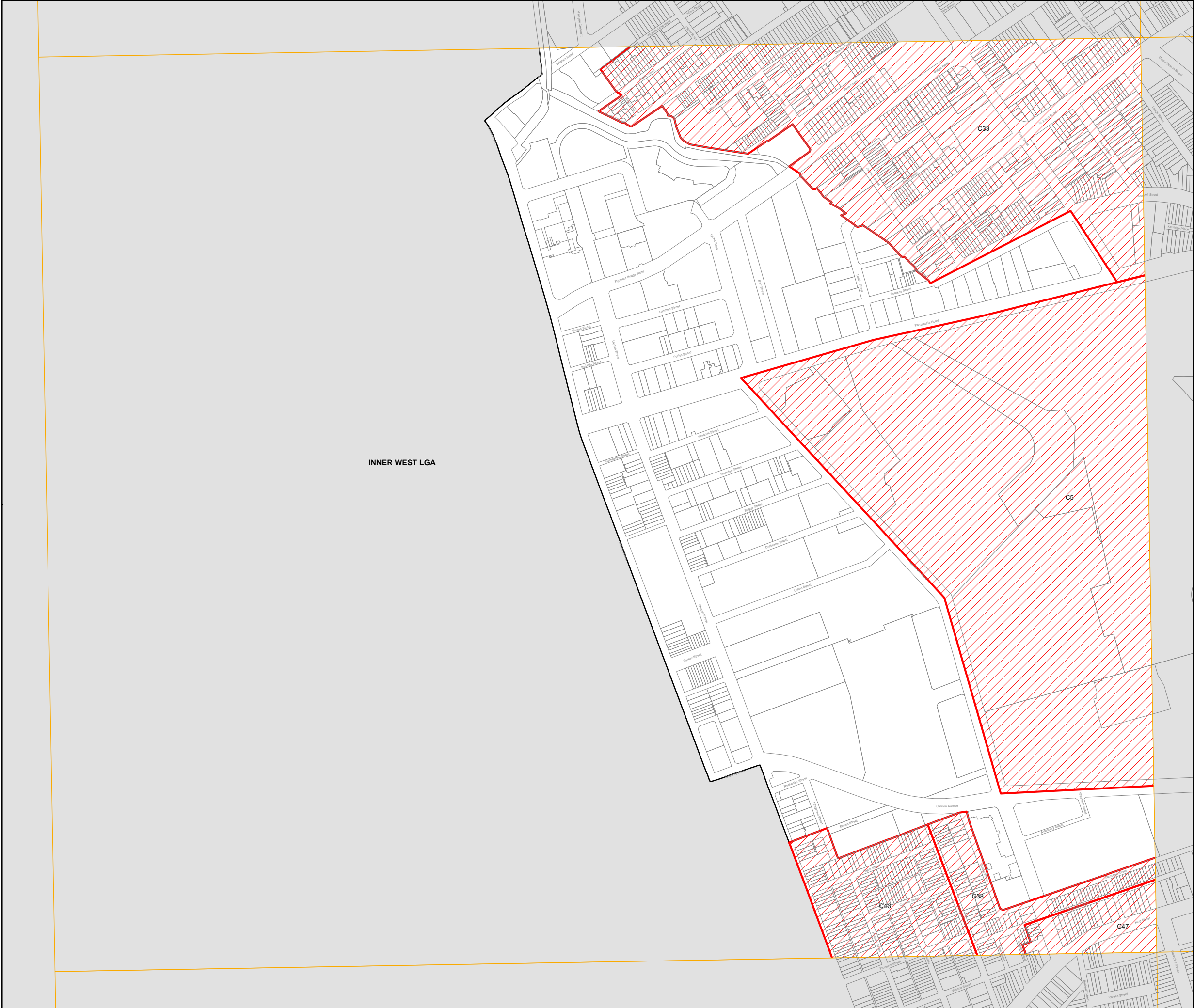
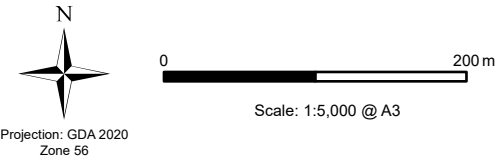
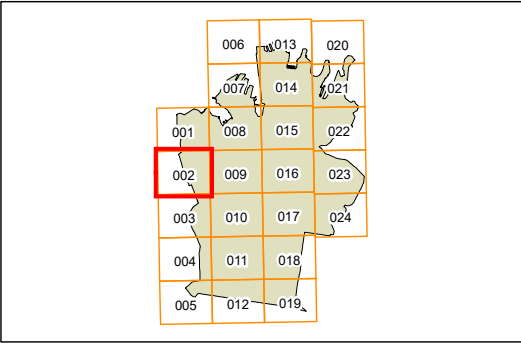


Heritage Conservation  
Map - Sheet HER\_002

**Heritage**  
 Conservation Area - General

**Cadastral**  
 Cadastral 04/08/2025 © City of Sydney

- Notes:
- 1. No changes are proposed to heritage items.
  - 2. Changes are proposed to the boundaries of the following Heritage Conservation Areas:
    - C12 Oxford Street and Victoria Street
    - C14 Rosebank
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    - C53 Baptist Street
    - C56 Redfern Estate
    - C59 Bourke Street North
    - C65 Little Riley Street
    - C66 Reservoir Street and Fosterville
    - C71 Woolloomooloo





Heritage Conservation  
Map - Sheet HER\_003

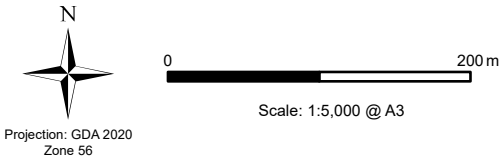
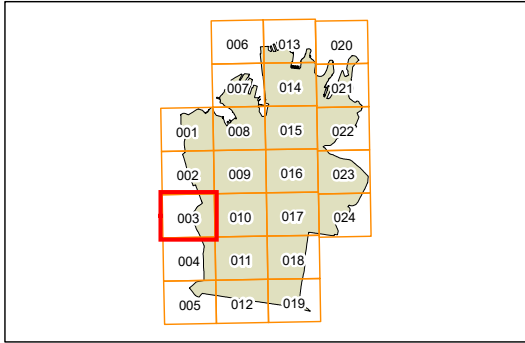
Heritage

 Conservation Area - General

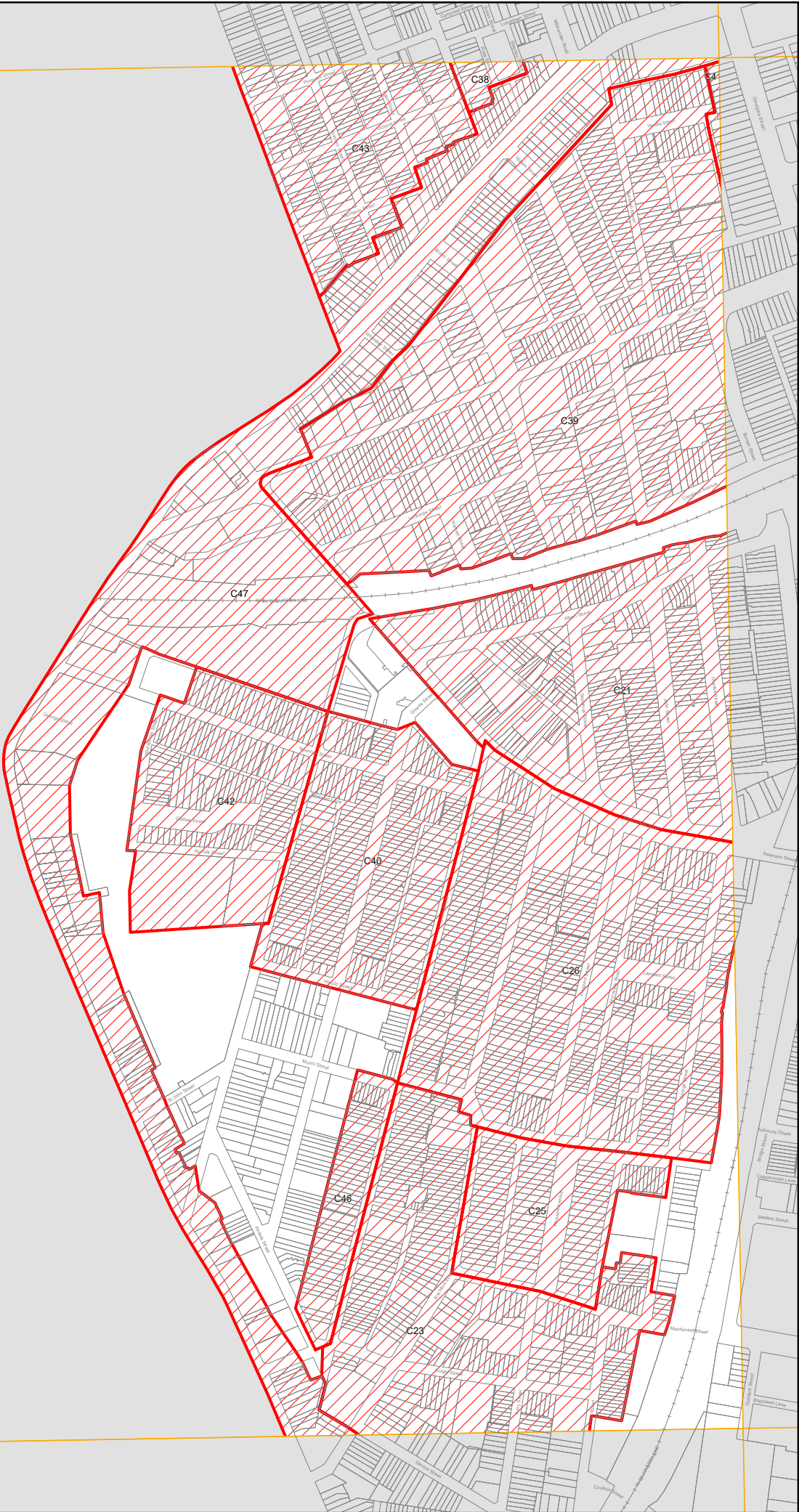
Cadastre

 Cadastre 04/08/2025 © City of Sydney

- Notes:
1. No changes are proposed to heritage items.
  2. Changes are proposed to the boundaries of the following Heritage Conservation Areas:  
C12 Oxford Street and Victoria Street  
C14 Rosebank  
C20 Elizabeth and Rushcutters Bays  
C33 Hereford and Forest Lodge  
C36 Moore Park  
C48 Paddington South  
C49 Victoria Barracks  
C51 Potts Point  
C53 Baptist Street  
C56 Redfern Estate  
C59 Bourke Street North  
C65 Little Riley Street  
C66 Reservoir Street and Fosterville  
C71 Woolloomooloo



INNER WEST LGA

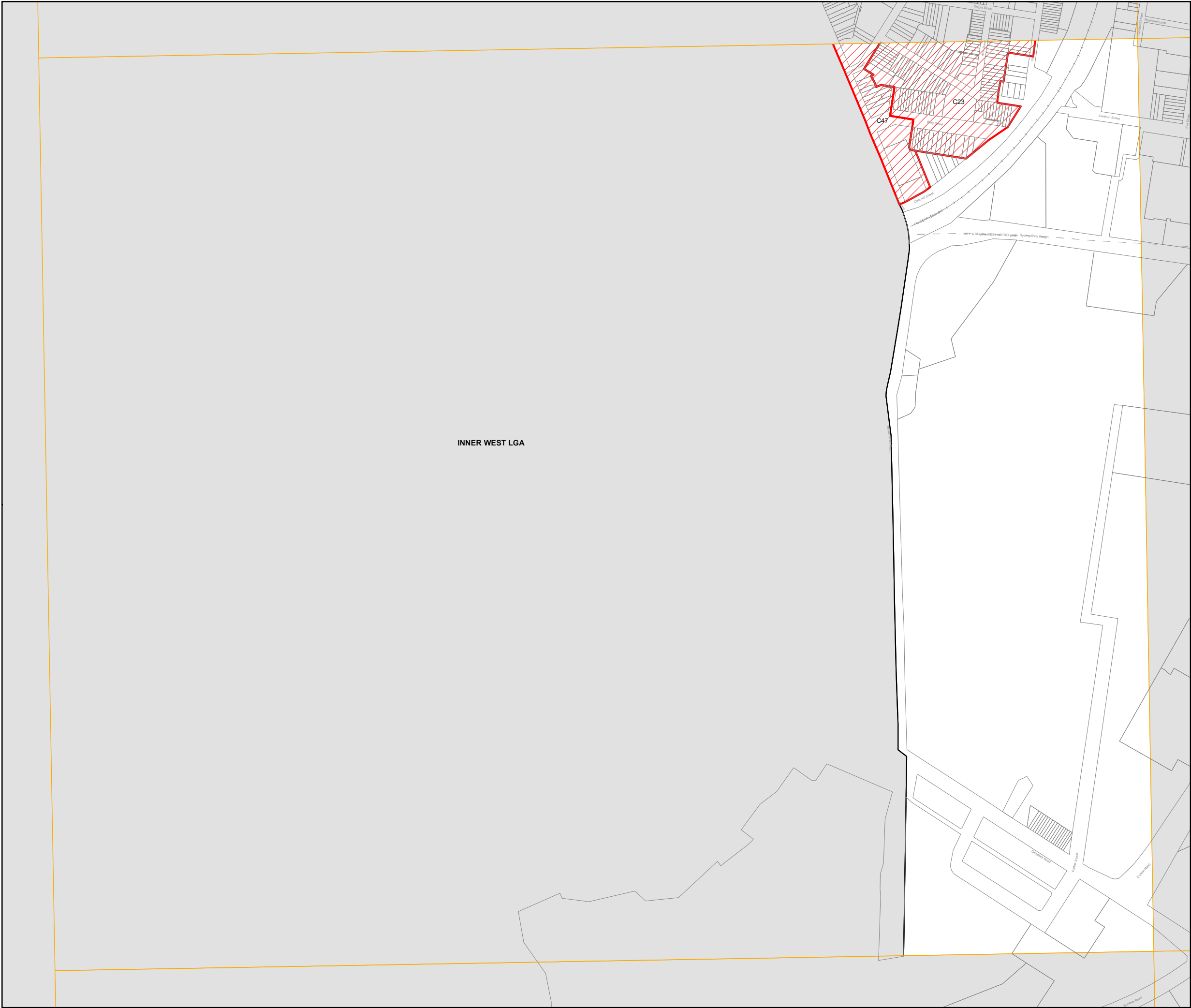
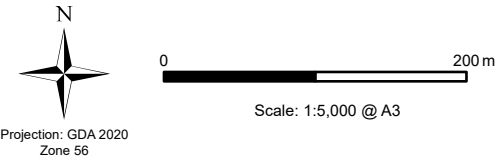
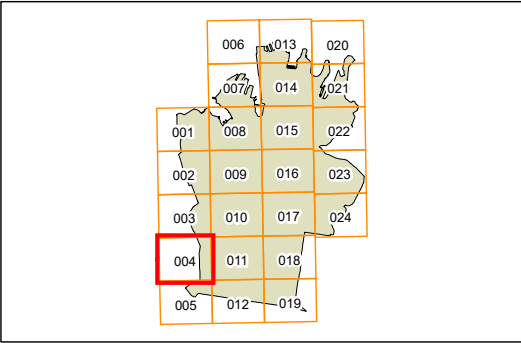


Heritage Conservation  
Map - Sheet HER\_004

**Heritage**  
 Conservation Area - General

**Cadastral**  
 Cadastral 04/08/2025 © City of Sydney

- Notes:
- 1. No changes are proposed to heritage items.
  - 2. Changes are proposed to the boundaries of the following Heritage Conservation Areas:
    - C12 Oxford Street and Victoria Street
    - C14 Rosebank
    - C20 Elizabeth and Rushcutters Bays
    - C33 Hereford and Forest Lodge
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    - C71 Woolloomooloo

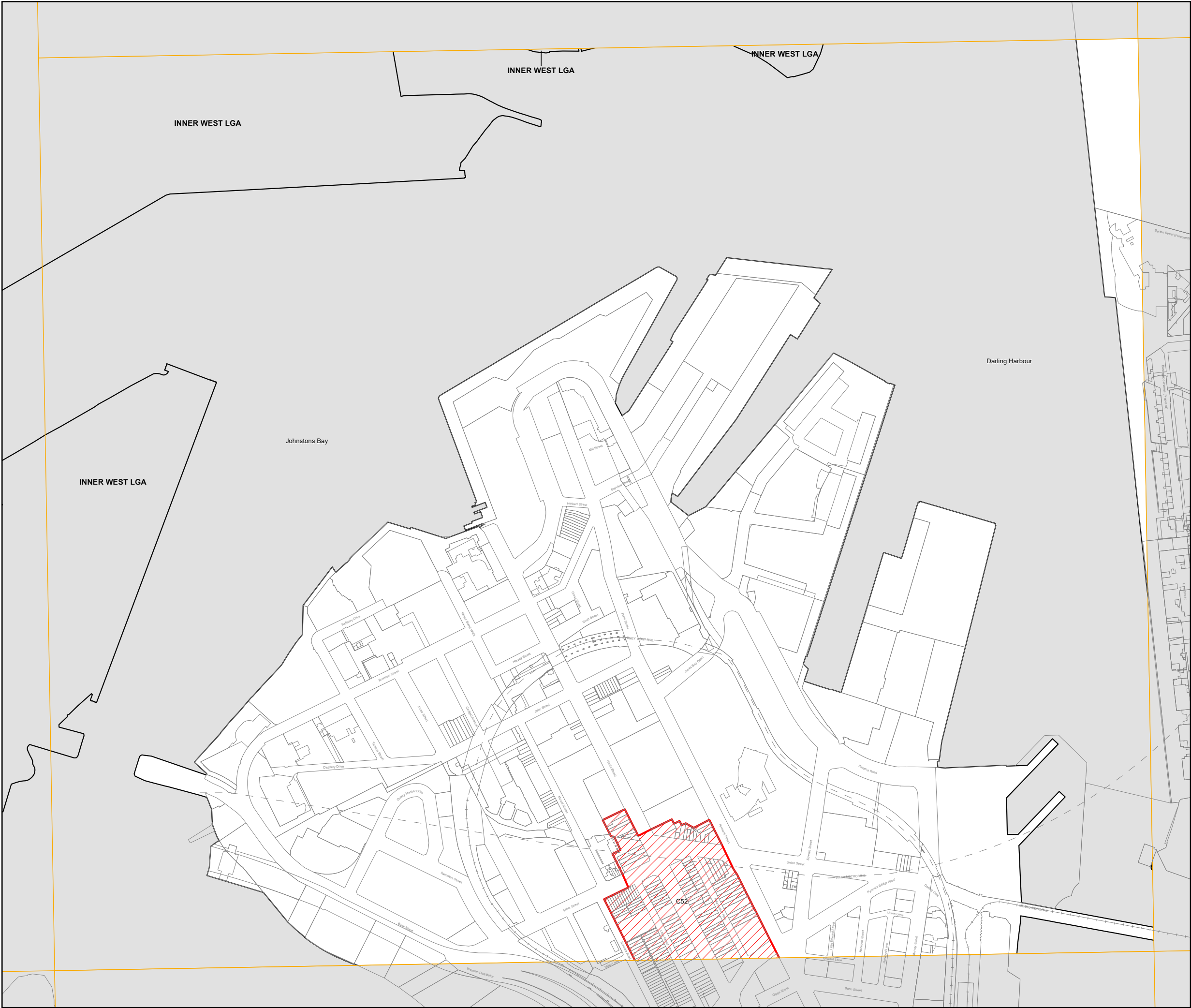
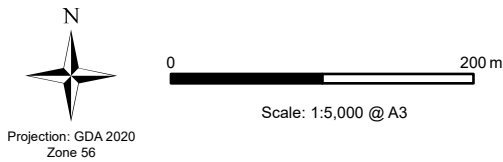
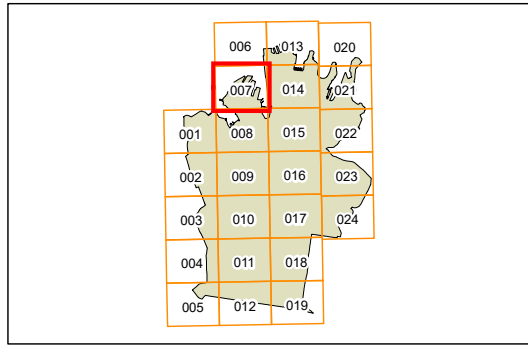


Heritage Conservation  
Map - Sheet HER\_007

**Heritage**  
 Conservation Area - General

**Cadastre**  
 Cadastre 04/08/2025 © City of Sydney

- Notes:
- 1. No changes are proposed to heritage items.
  - 2. Changes are proposed to the boundaries of the following Heritage Conservation Areas:
    - C12 Oxford Street and Victoria Street
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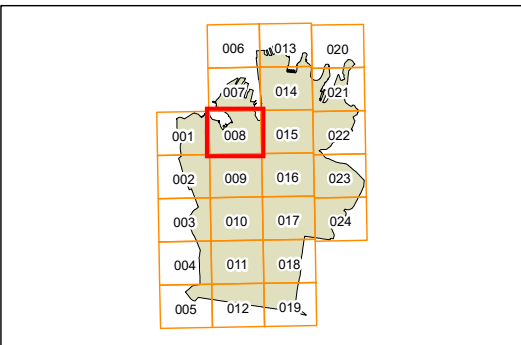


Heritage Conservation  
Map - Sheet HER\_008

**Heritage**  
 Conservation Area - General

**Cadastre**  
 Cadastre 04/08/2025 © City of Sydney

- Notes:
- 1. No changes are proposed to heritage items.
  - 2. Changes are proposed to the boundaries of the following Heritage Conservation Areas:
    - C12 Oxford Street and Victoria Street
    - C14 Rosebank
    - C20 Elizabeth and Rushcutters Bays
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    - C66 Reservoir Street and Fosterville
    - C71 Woolloomooloo

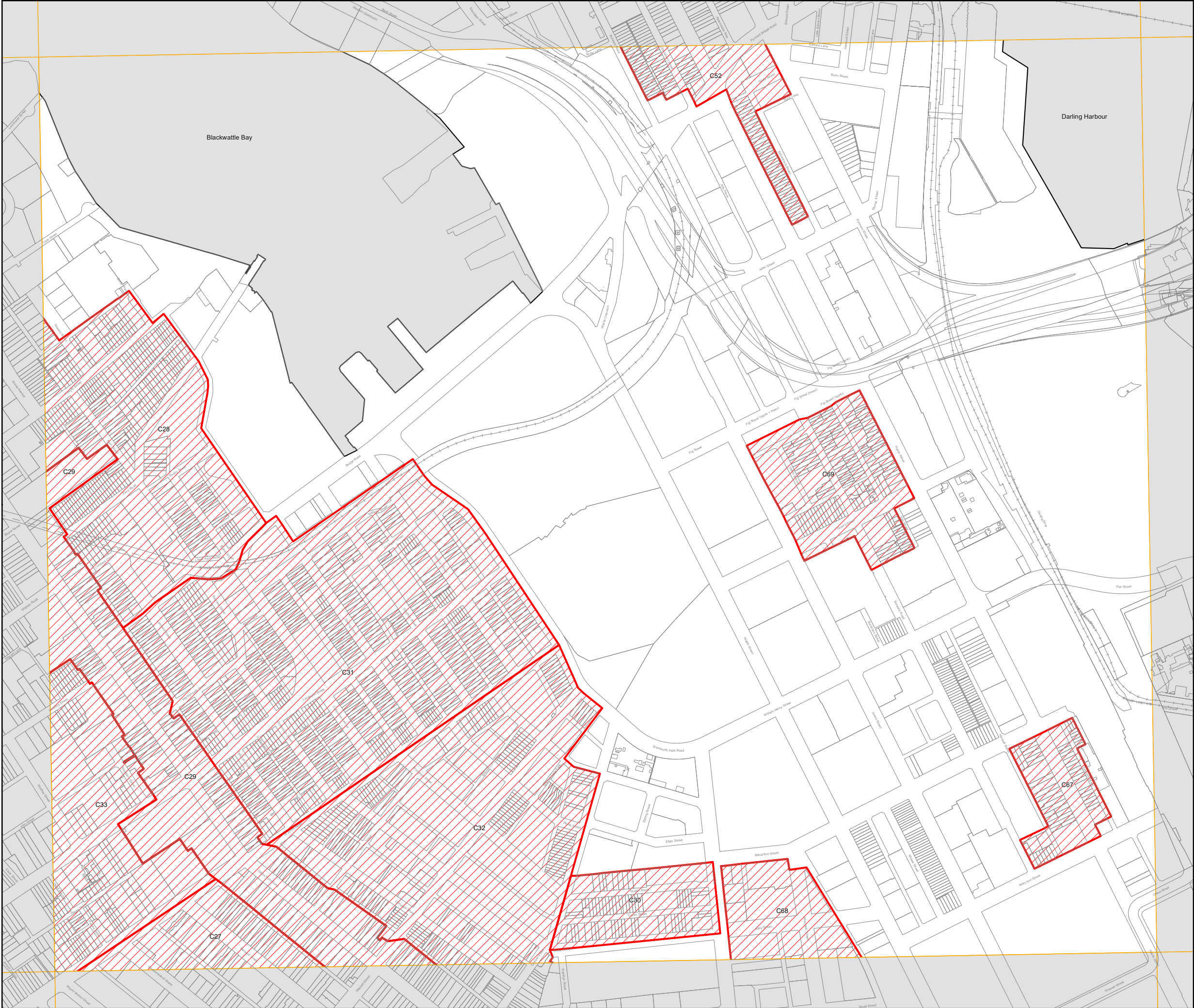


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Scale: 1:5,000 @ A3

Projection: GDA 2020  
Zone 56





Heritage Conservation  
Map - Sheet HER\_009

Heritage

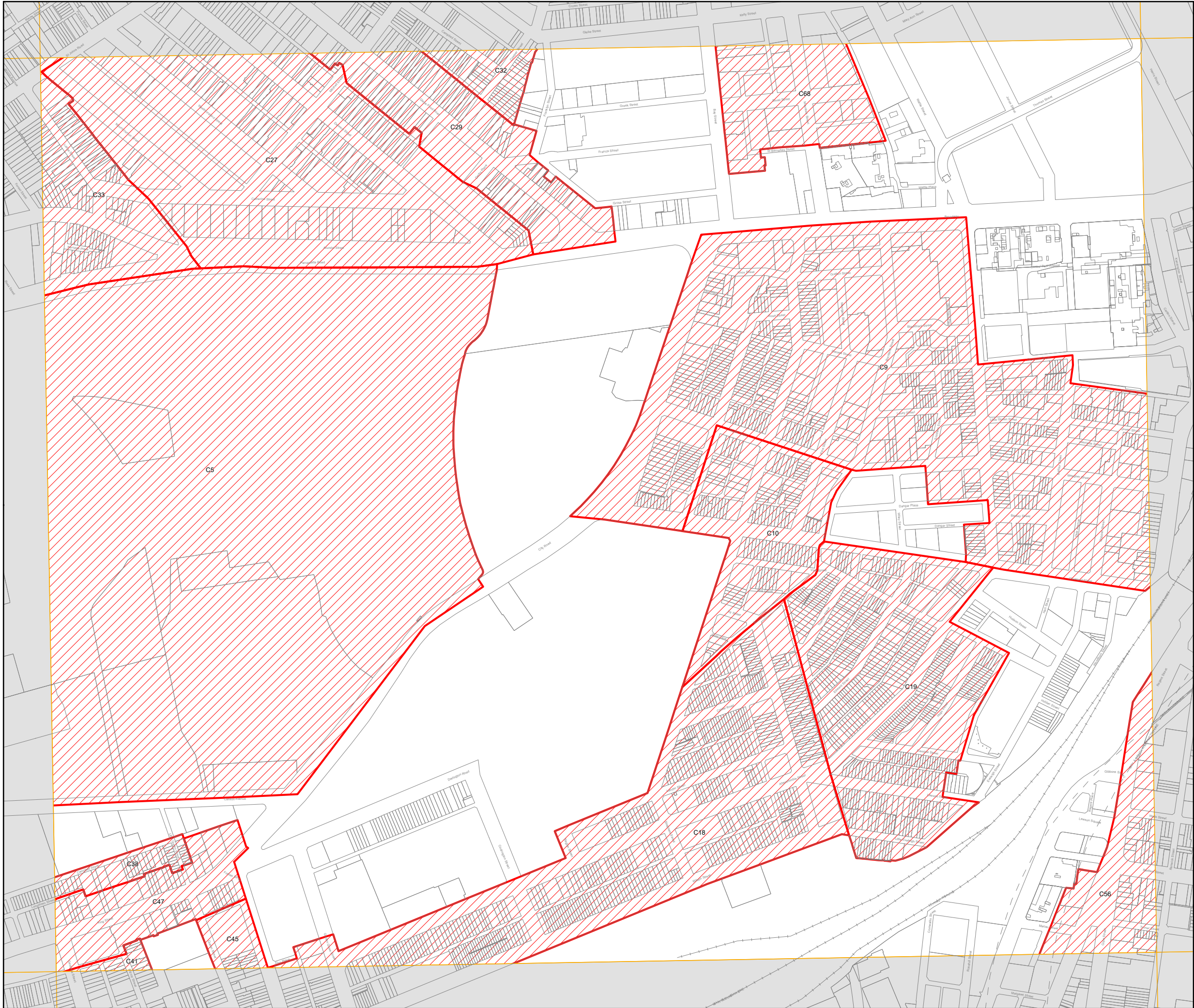
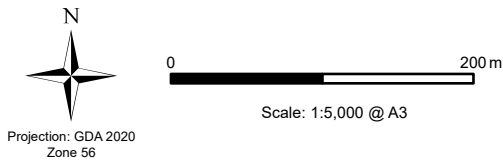
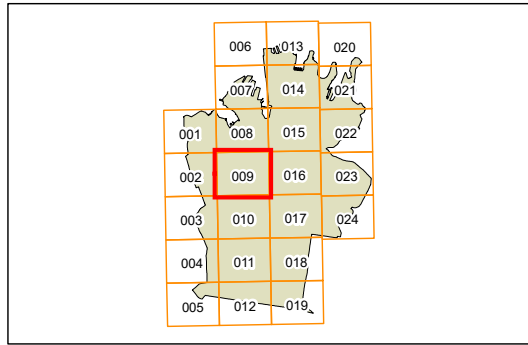
 Conservation Area - General

Cadastre

 Cadastre 04/08/2025 © City of Sydney

- Notes:
1. No changes are proposed to heritage items.
  2. Changes are proposed to the boundaries of the following Heritage Conservation Areas:  
C12 Oxford Street and Victoria Street  
C14 Rosebank  
C20 Elizabeth and Rushcutters Bays  
C33 Hereford and Forest Lodge  
C36 Moore Park  
C48 Paddington South  
C49 Victoria Barracks  
C51 Potts Point  
C53 Baptist Street  
C56 Redfern Estate  
C59 Bourke Street North  
C65 Little Riley Street  
C66 Reservoir Street and Fosterville  
C71 Woolloomooloo

50

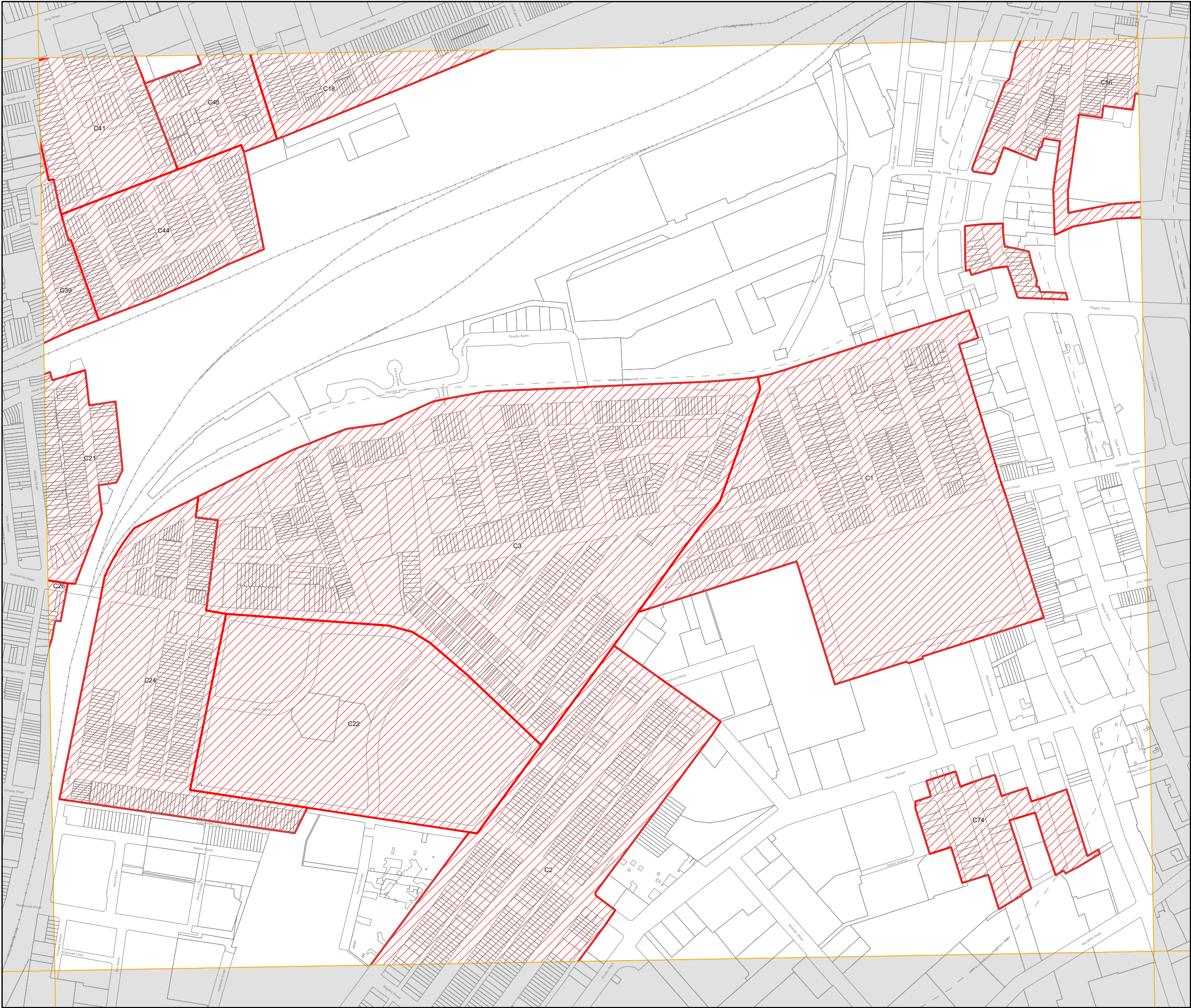
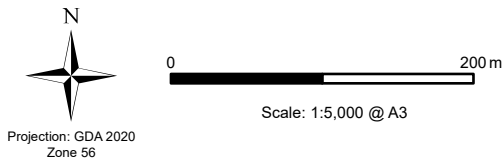
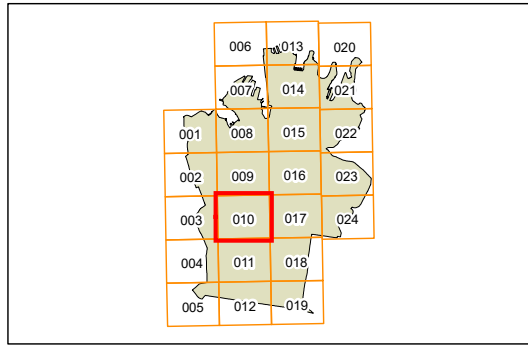




Heritage Conservation  
Map - Sheet HER\_010

- Heritage**
-  Conservation Area - General
- Cadastre**
-  Cadastre 04/08/2025 © City of Sydney

- Notes:
1. No changes are proposed to heritage items.
  2. Changes are proposed to the boundaries of the following Heritage Conservation Areas:  
C12 Oxford Street and Victoria Street  
C14 Rosebank  
C20 Elizabeth and Rushcutters Bays  
C33 Hereford and Forest Lodge  
C36 Moore Park  
C48 Paddington South  
C49 Victoria Barracks  
C51 Potts Point  
C53 Baptist Street  
C56 Redfern Estate  
C59 Bourke Street North  
C65 Little Riley Street  
C66 Reservoir Street and Fosterville  
C71 Woollloomooloo



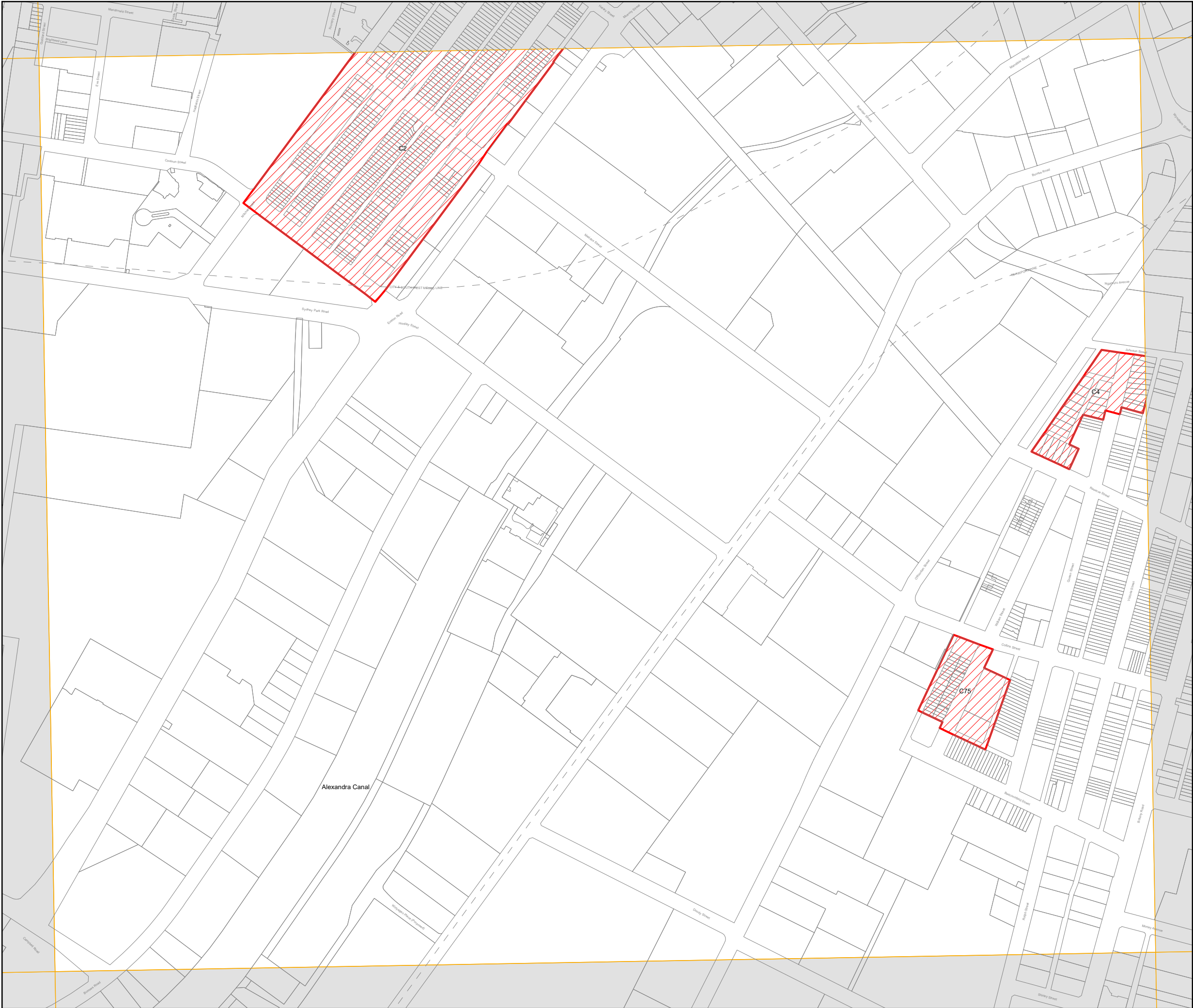
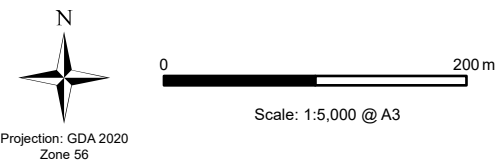
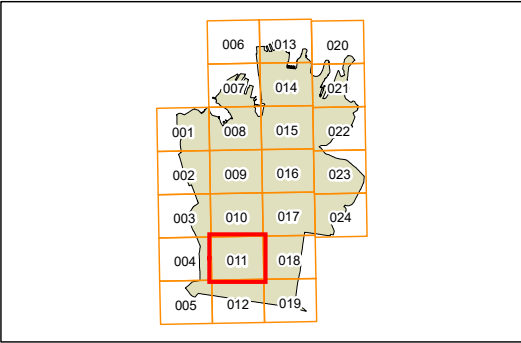


Heritage Conservation  
Map - Sheet HER\_011

**Heritage**  
 Conservation Area - General

**Cadastre**  
 Cadastre 04/08/2025 © City of Sydney

- Notes:
- 1. No changes are proposed to heritage items.
  - 2. Changes are proposed to the boundaries of the following Heritage Conservation Areas:
    - C12 Oxford Street and Victoria Street
    - C14 Rosebank
    - C20 Elizabeth and Rushcutters Bays
    - C33 Hereford and Forest Lodge
    - C36 Moore Park
    - C48 Paddington South
    - C49 Victoria Barracks
    - C51 Potts Point
    - C53 Baptist Street
    - C56 Redfern Estate
    - C59 Bourke Street North
    - C65 Little Riley Street
    - C66 Reservoir Street and Fosterville
    - C71 Woollahroomooloo



Heritage Conservation  
Map - Sheet HER\_013

Heritage

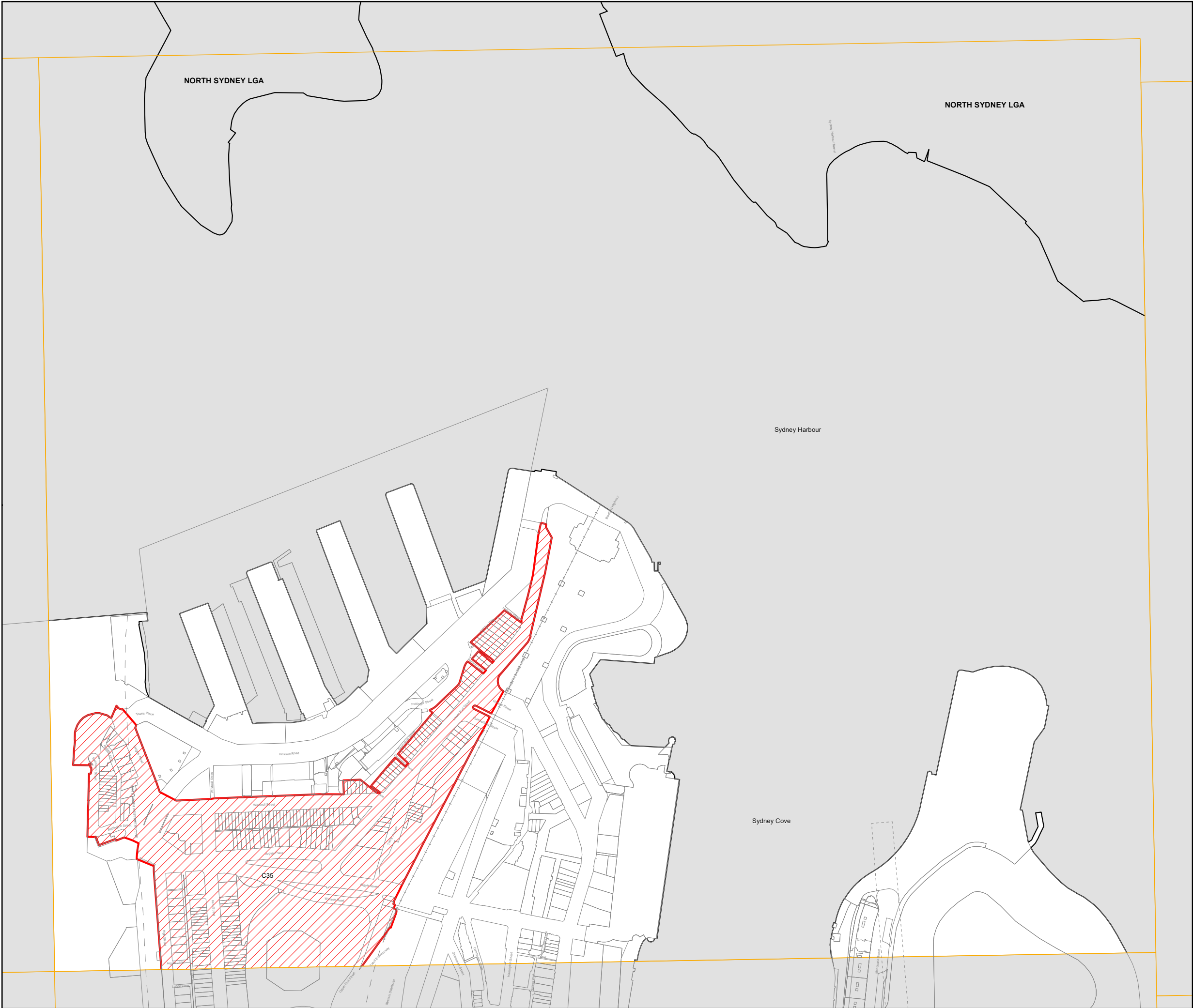
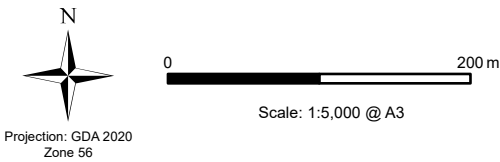
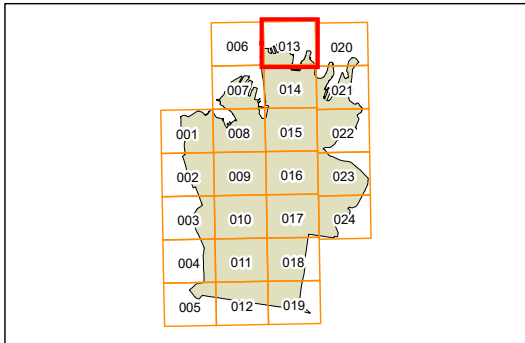
 Conservation Area - General

Cadastre

 Cadastre 04/08/2025 © City of Sydney

- Notes:
1. No changes are proposed to heritage items.
  2. Changes are proposed to the boundaries of the following Heritage Conservation Areas:
    - C12 Oxford Street and Victoria Street
    - C14 Rosebank
    - C20 Elizabeth and Rushcutters Bays
    - C33 Hereford and Forest Lodge
    - C36 Moore Park
    - C48 Paddington South
    - C49 Victoria Barracks
    - C51 Potts Point
    - C53 Baptist Street
    - C56 Redfern Estate
    - C59 Bourke Street North
    - C65 Little Riley Street
    - C66 Reservoir Street and Fosterville
    - C71 Woolloomooloo

53

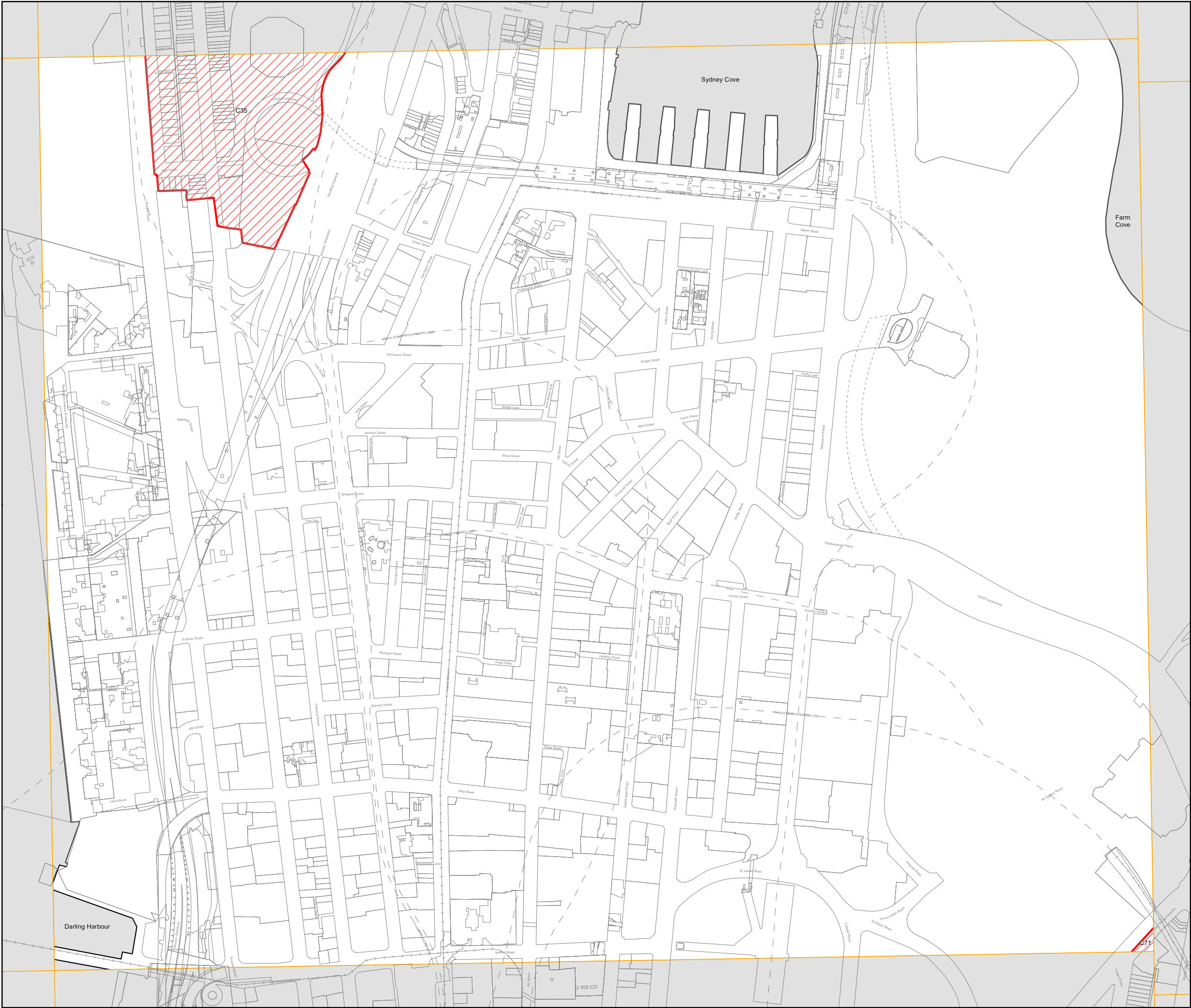
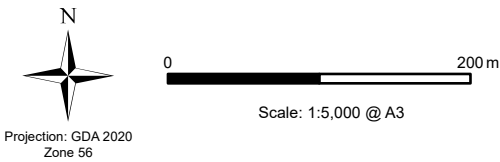
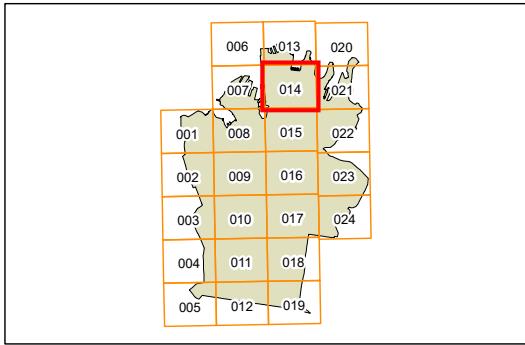


Heritage Conservation  
Map - Sheet HER\_014

**Heritage**  
 Conservation Area - General

**Cadastre**  
 Cadastre 04/08/2025 © City of Sydney

- Notes:
1. No changes are proposed to heritage items.
  2. Changes are proposed to the boundaries of the following Heritage Conservation Areas:
    - C12 Oxford Street and Victoria Street
    - C14 Rosebank
    - C20 Elizabeth and Rushcutters Bays
    - C33 Hereford and Forest Lodge
    - C36 Moore Park
    - C48 Paddington South
    - C49 Victoria Barracks
    - C51 Potts Point
    - C53 Baptist Street
    - C56 Redfern Estate
    - C59 Bourke Street North
    - C65 Little Riley Street
    - C66 Reservoir Street and Fosterville
    - C71 Woollloomooloo





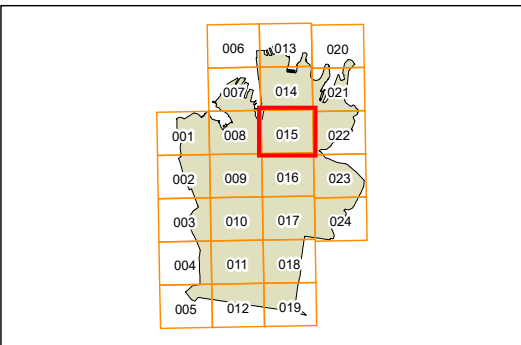
Heritage Conservation  
Map - Sheet HER\_015

**Heritage**  
 Conservation Area - General

**Cadastre**  
 Cadastre 04/08/2025 © City of Sydney

- Notes:
- 1. No changes are proposed to heritage items.
  - 2. Changes are proposed to the boundaries of the following Heritage Conservation Areas:
    - C12 Oxford Street and Victoria Street
    - C14 Rosebank
    - C20 Elizabeth and Rushcutters Bays
    - C33 Hereford and Forest Lodge
    - C36 Moore Park
    - C48 Paddington South
    - C49 Victoria Barracks
    - C51 Potts Point
    - C53 Baptist Street
    - C56 Redfern Estate
    - C59 Bourke Street North
    - C65 Little Riley Street
    - C66 Reservoir Street and Fosterville
    - C71 Woollloomooloo

55

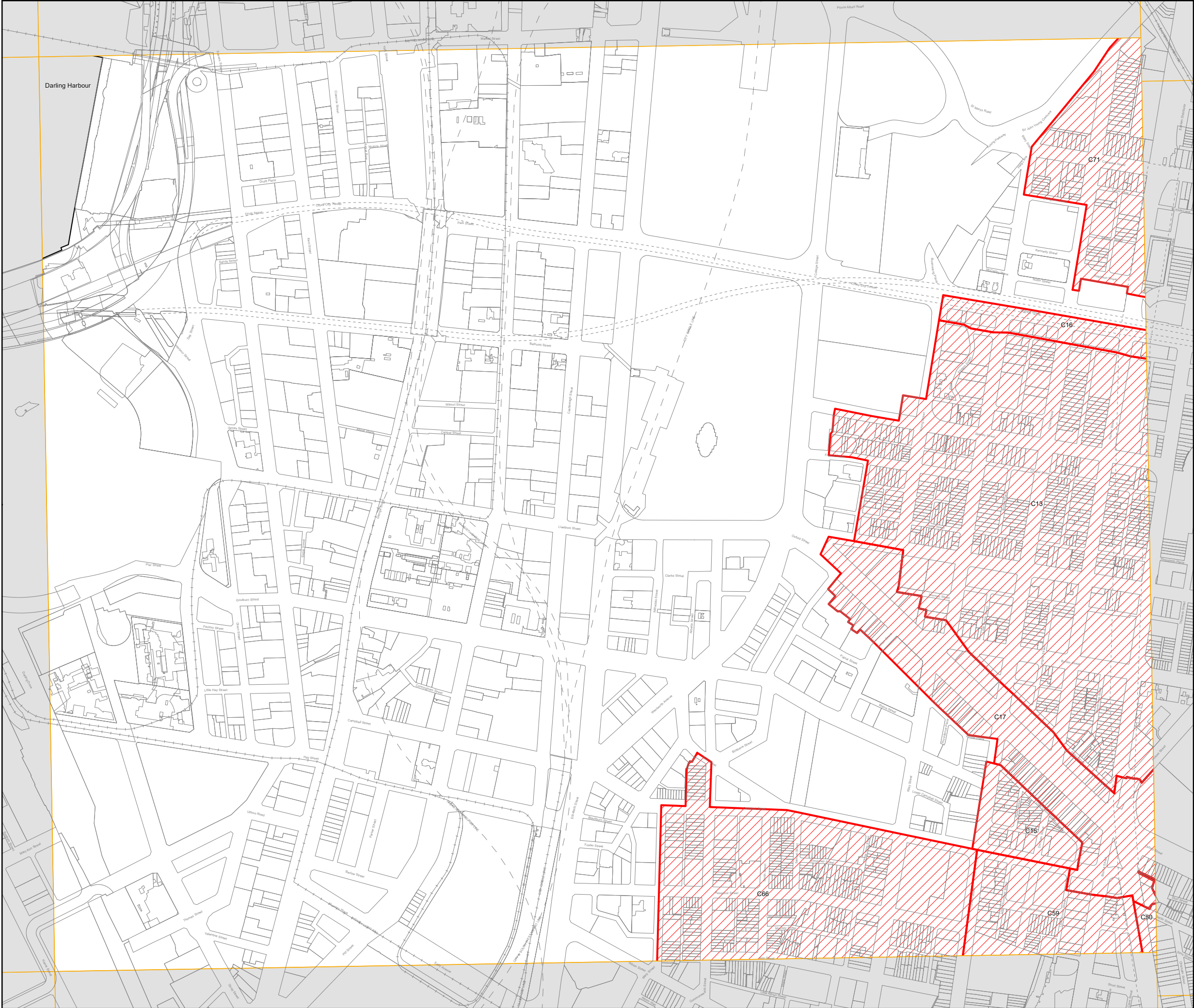


  
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Projection: GDA 2020  
Zone 56



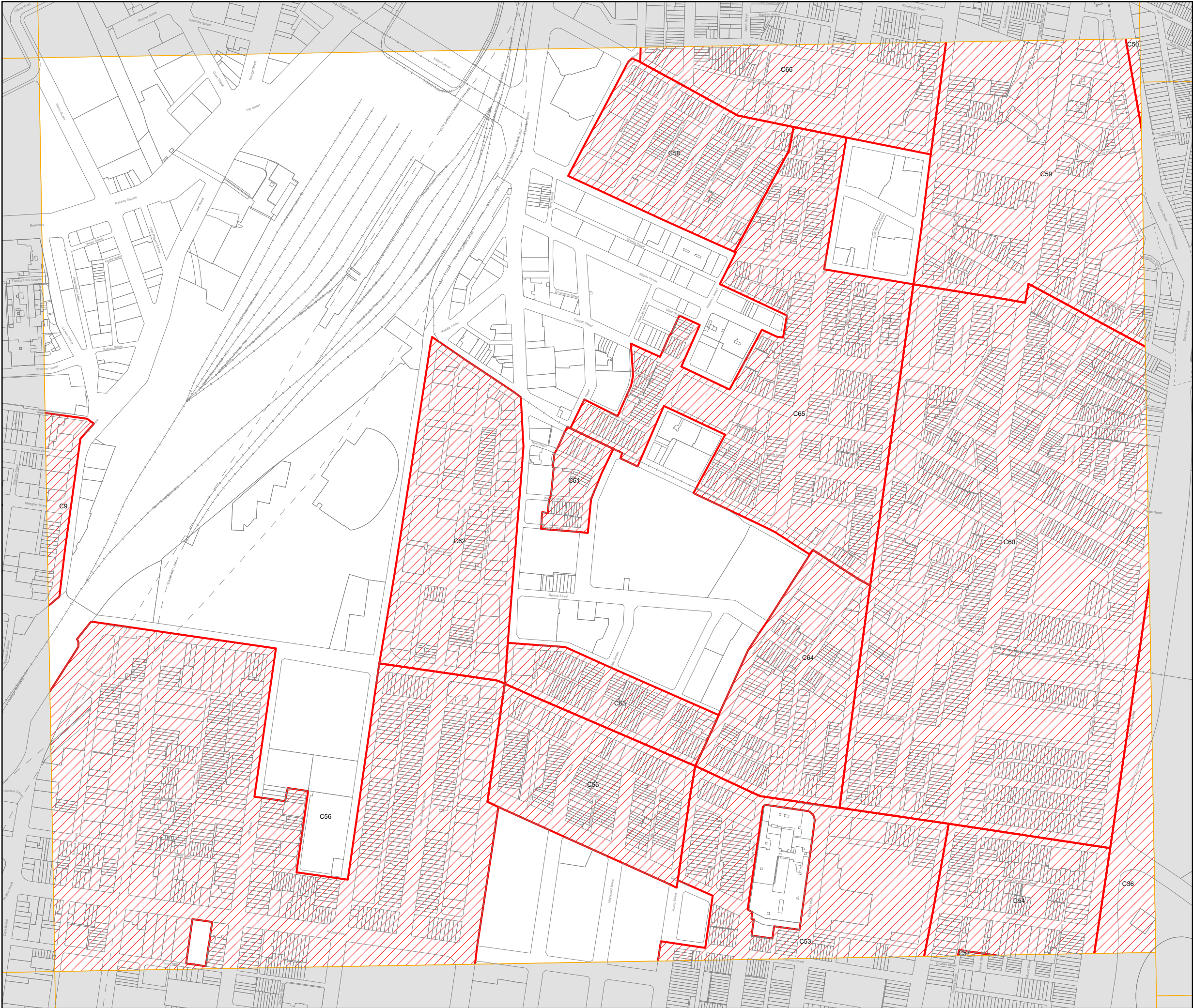
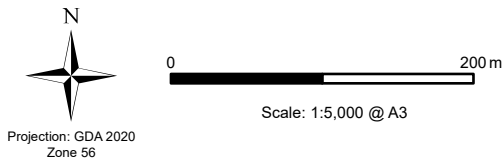
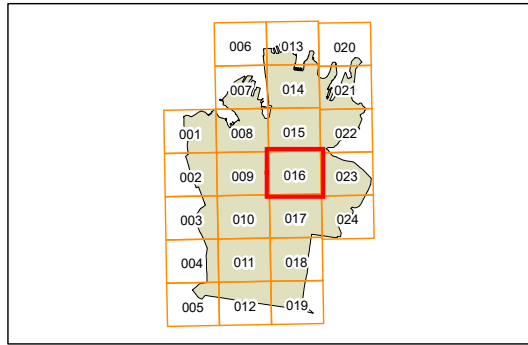


Heritage Conservation  
Map - Sheet HER\_016

- Heritage**
-  Conservation Area - General
- Cadastre**
-  Cadastre 04/08/2025 © City of Sydney

- Notes:
1. No changes are proposed to heritage items.
  2. Changes are proposed to the boundaries of the following Heritage Conservation Areas:  
C12 Oxford Street and Victoria Street  
C14 Rosebank  
C20 Elizabeth and Rushcutters Bays  
C33 Hereford and Forest Lodge  
C36 Moore Park  
C48 Paddington South  
C49 Victoria Barracks  
C51 Potts Point  
C53 Baptist Street  
C56 Redfern Estate  
C59 Bourke Street North  
C65 Little Riley Street  
C66 Reservoir Street and Fosterville  
C71 Woolloomooloo

56





Heritage Conservation  
Map - Sheet HER\_017

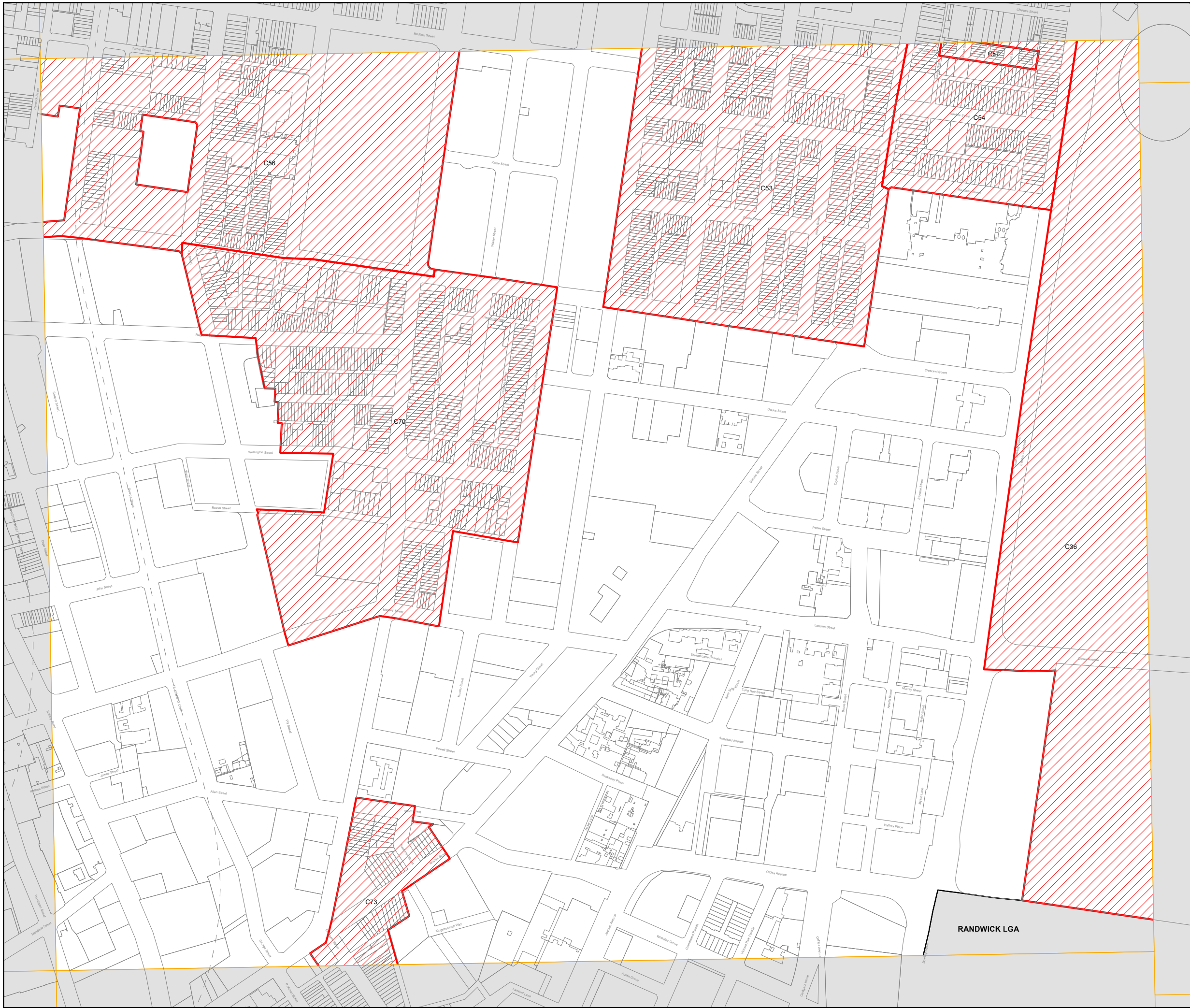
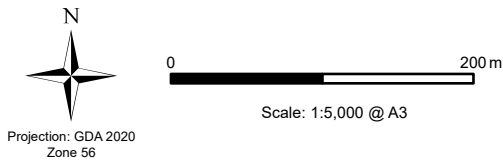
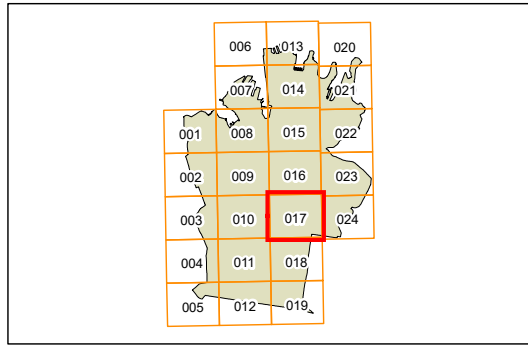
Heritage

 Conservation Area - General

Cadastre

 Cadastre 04/08/2025 © City of Sydney

- Notes:
1. No changes are proposed to heritage items.
  2. Changes are proposed to the boundaries of the following Heritage Conservation Areas:
    - C12 Oxford Street and Victoria Street
    - C14 Rosebank
    - C20 Elizabeth and Rushcutters Bays
    - C33 Hereford and Forest Lodge
    - C36 Moore Park
    - C48 Paddington South
    - C49 Victoria Barracks
    - C51 Potts Point
    - C53 Baptist Street
    - C56 Redfern Estate
    - C59 Bourke Street North
    - C65 Little Riley Street
    - C66 Reservoir Street and Fosterville
    - C71 Woollloomooloo



# Sydney Local Environmental Plan 2012

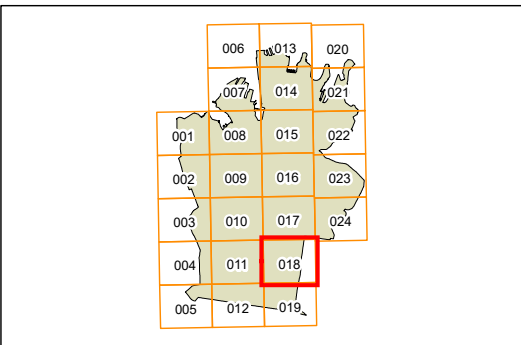
## Heritage Conservation Map - Sheet HER\_018

**Heritage**  
 Conservation Area - General

**Cadastre**  
 Cadastre 04/08/2025 © City of Sydney

- Notes:
- 1. No changes are proposed to heritage items.
  - 2. Changes are proposed to the boundaries of the following Heritage Conservation Areas:
    - C12 Oxford Street and Victoria Street
    - C14 Rosebank
    - C20 Elizabeth and Rushcutters Bays
    - C33 Hereford and Forest Lodge
    - C36 Moore Park
    - C48 Paddington South
    - C49 Victoria Barracks
    - C51 Potts Point
    - C53 Baptist Street
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    - C59 Bourke Street North
    - C65 Little Riley Street
    - C66 Reservoir Street and Fosterville
    - C71 Woolloomooloo

58



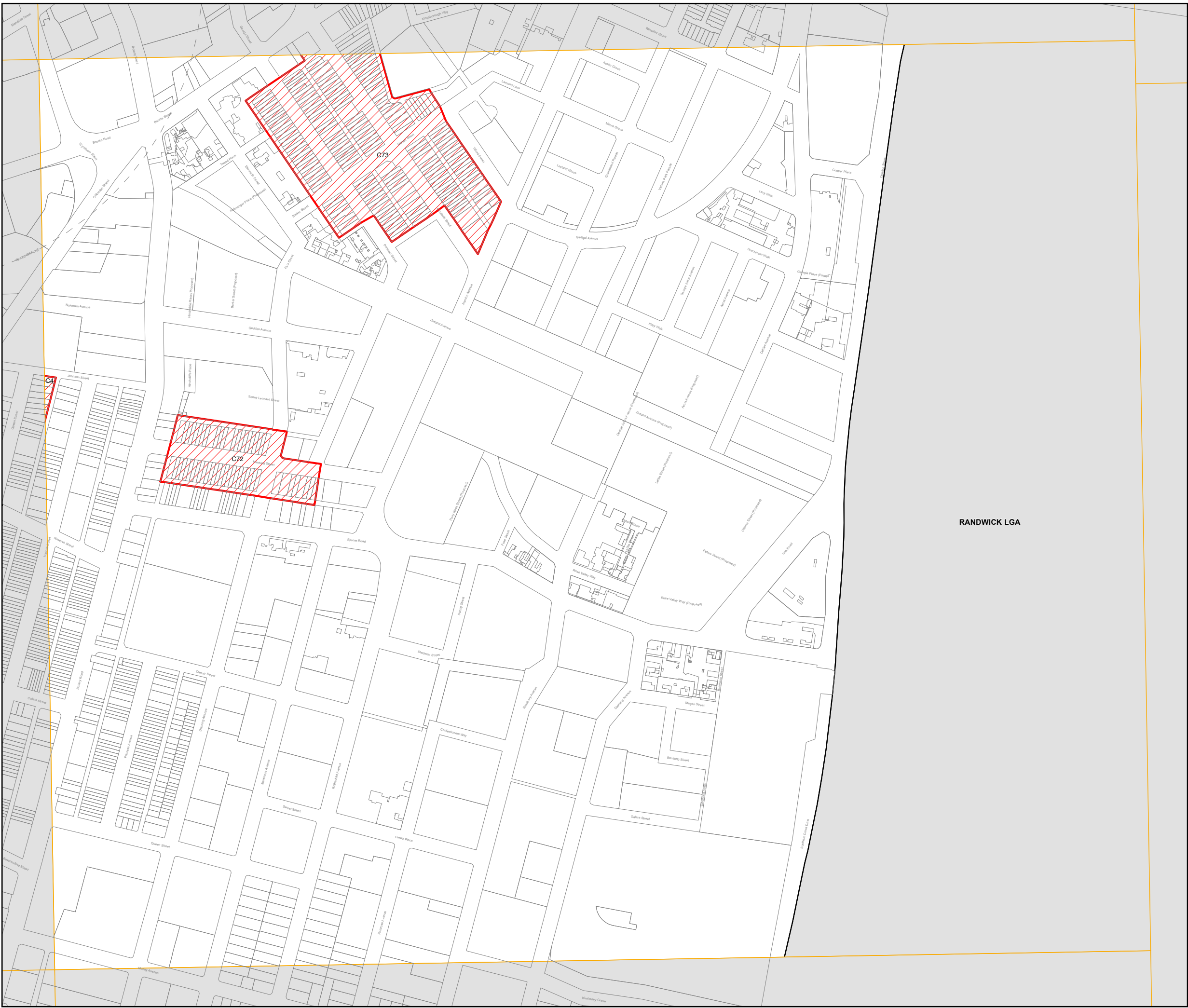
  
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Zone 56

Map identification number:  
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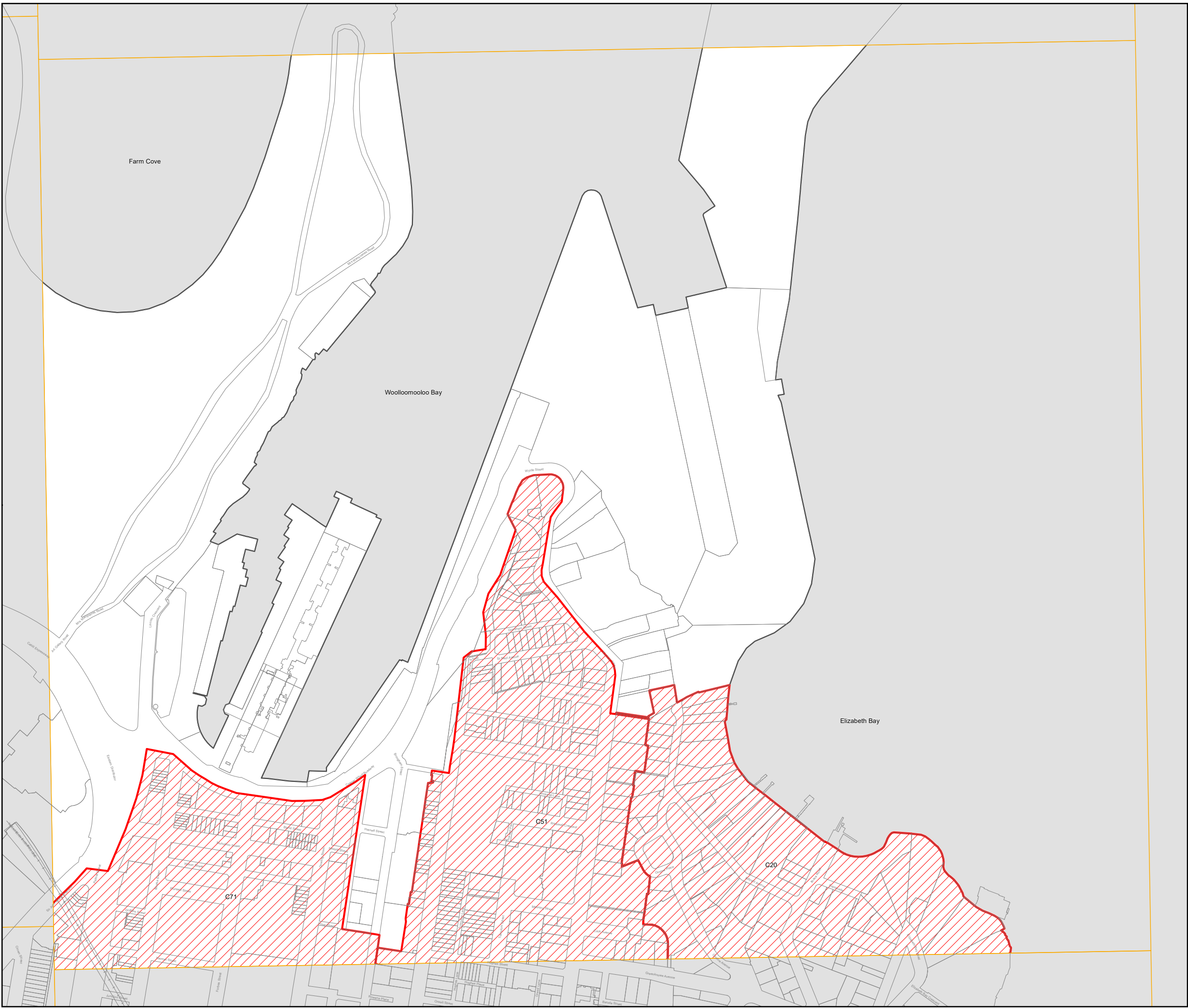
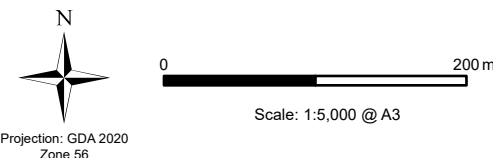
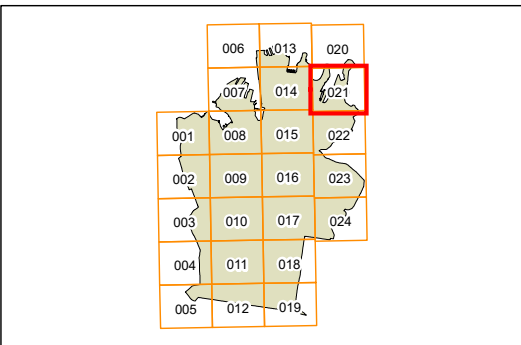


Heritage Conservation  
Map - Sheet HER\_021

**Heritage**  
 Conservation Area - General

**Cadastre**  
 Cadastre 04/08/2025 © City of Sydney

- Notes:
- 1. No changes are proposed to heritage items.
  - 2. Changes are proposed to the boundaries of the following Heritage Conservation Areas:
    - C12 Oxford Street and Victoria Street
    - C14 Rosebank
    - C20 Elizabeth and Rushcutters Bays
    - C33 Hereford and Forest Lodge
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    - C48 Paddington South
    - C49 Victoria Barracks
    - C51 Potts Point
    - C53 Baptist Street
    - C56 Redfern Estate
    - C59 Bourke Street North
    - C65 Little Riley Street
    - C66 Reservoir Street and Fosterville
    - C71 Woolloomooloo



Heritage Conservation  
Map - Sheet HER\_022

- Heritage**
-  Conservation Area - General
- Cadastre**
-  Cadastre 04/08/2025 © City of Sydney

Notes:

1. No changes are proposed to heritage items.

2. Changes are proposed to the boundaries of the following Heritage Conservation Areas:

C12 Oxford Street and Victoria Street

C14 Rosebank

C20 Elizabeth and Rushcutters Bays

C33 Hereford and Forest Lodge

C36 Moore Park

C48 Paddington South

C49 Victoria Barracks

C51 Potts Point

C53 Baptist Street

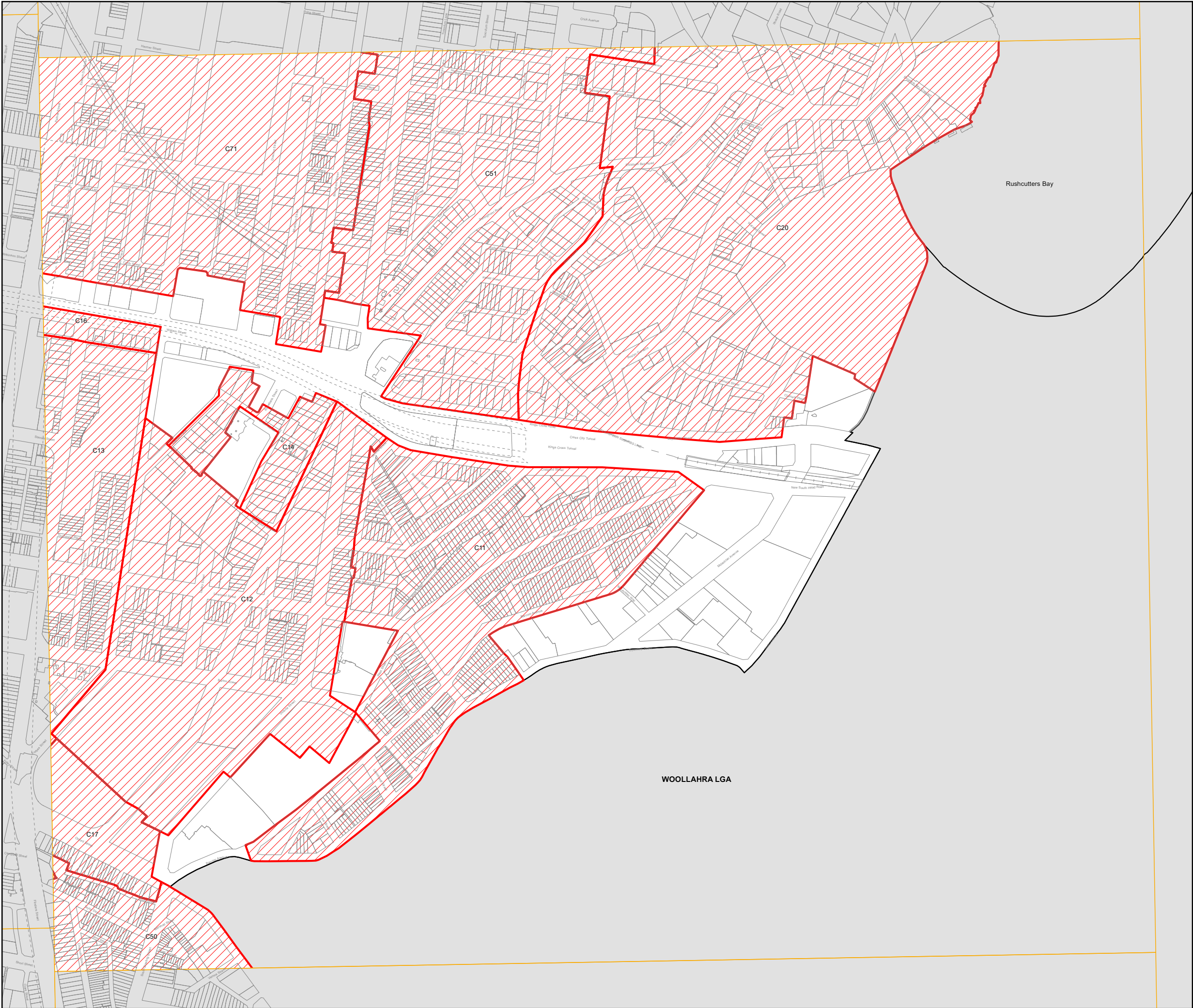
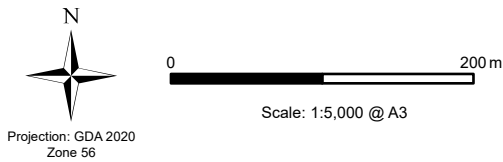
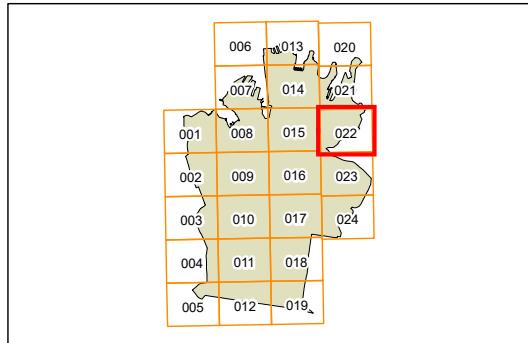
C56 Redfern Estate

C59 Bourke Street North

C65 Little Riley Street

C66 Reservoir Street and Fosterville

C71 Woollahra



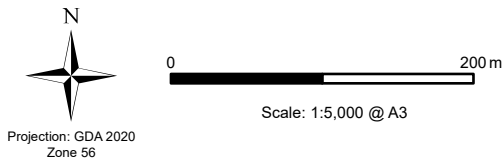
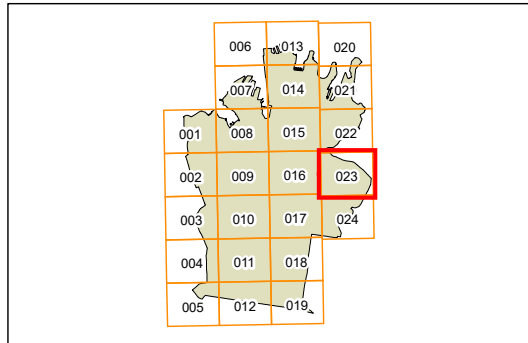


Heritage Conservation  
Map - Sheet HER\_023

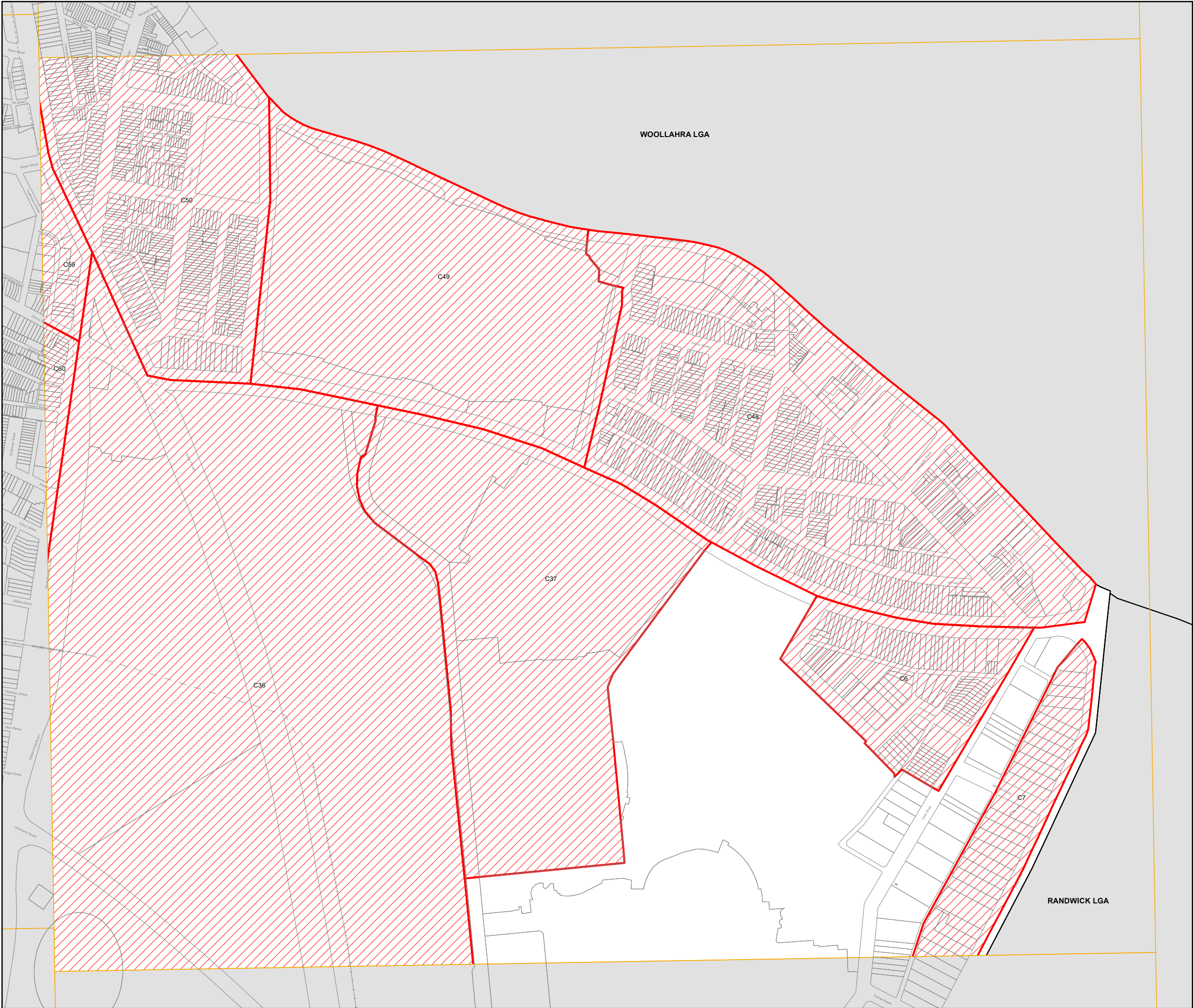
- Heritage**
- Conservation Area - General
- Cadastre**
- Cadastre 04/08/2025 © City of Sydney

- Notes:
- No changes are proposed to heritage items.
  - Changes are proposed to the boundaries of the following Heritage Conservation Areas:
    - C12 Oxford Street and Victoria Street
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    - C33 Hereford and Forest Lodge
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    - C49 Victoria Barracks
    - C51 Potts Point
    - C53 Baptist Street
    - C56 Redfern Estate
    - C59 Bourke Street North
    - C65 Little Riley Street
    - C66 Reservoir Street and Fosterville
    - C71 Woolloomooloo

61



Map identification number:  
7200\_COM\_HER\_023\_005\_20151015



Heritage Conservation  
Map - Sheet HER\_024

- Heritage**
-  Conservation Area - General
- Cadastral**
-  Cadastral 04/08/2025 © City of Sydney

Notes:

1. No changes are proposed to heritage items.

2. Changes are proposed to the boundaries of the following Heritage Conservation Areas:

C12 Oxford Street and Victoria Street

C14 Rosebank

C20 Elizabeth and Rushcutters Bays

C33 Hereford and Forest Lodge

C36 Moore Park

C48 Paddington South

C49 Victoria Barracks

C51 Potts Point

C53 Baptist Street

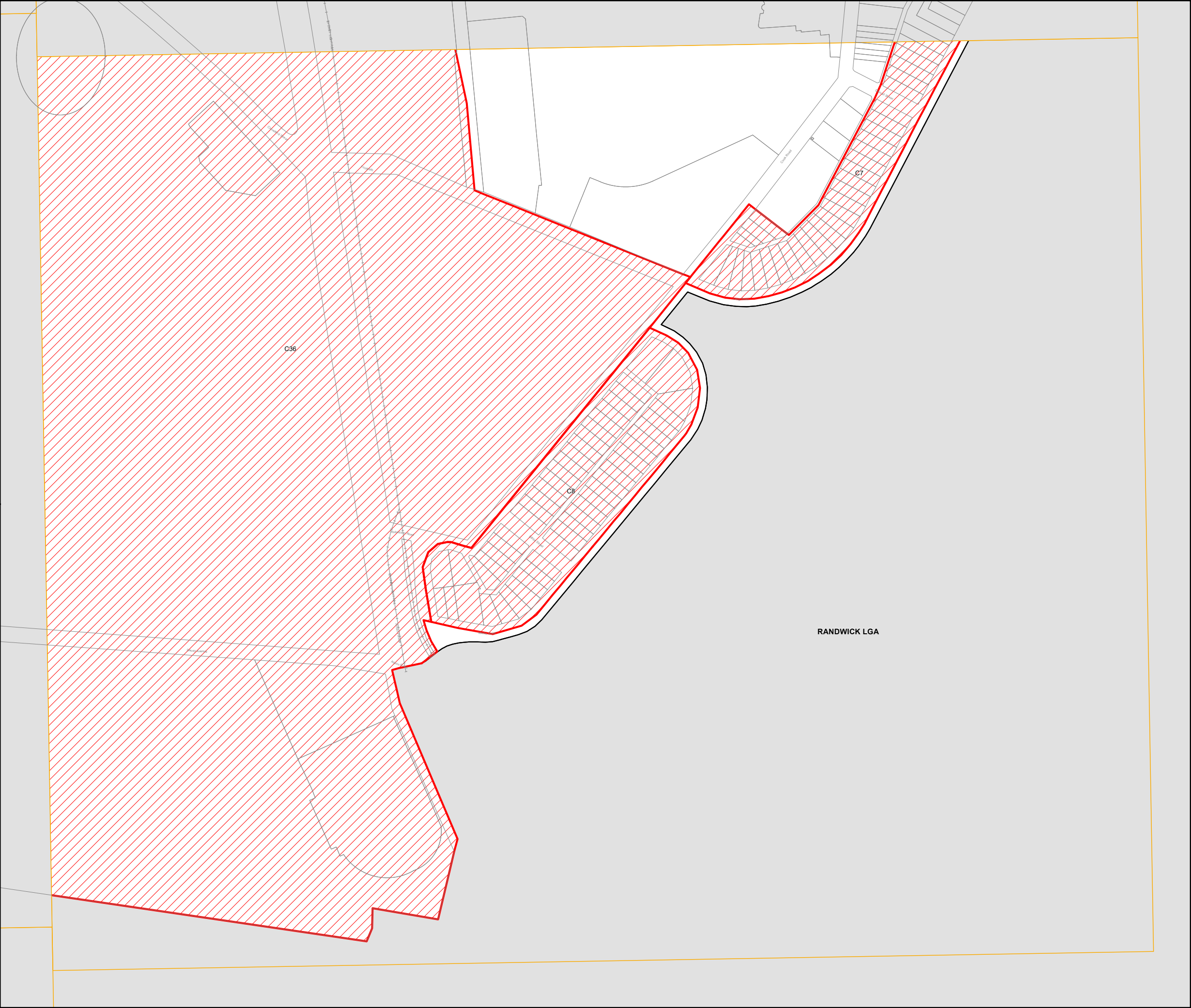
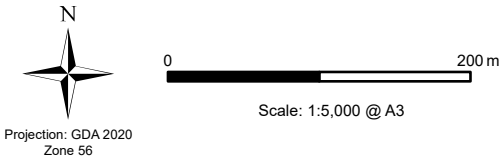
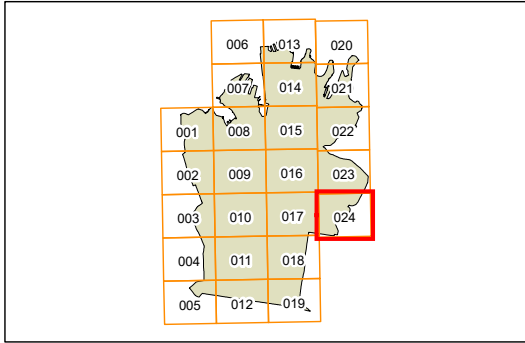
C56 Redfern Estate

C59 Bourke Street North

C65 Little Riley Street

C66 Reservoir Street and Fosterville

C71 Woolloomooloo







# **Attachment C**

|                                                                             |
|-----------------------------------------------------------------------------|
| <p><b>Draft Sydney DCP 2012 Amendment<br/>Conservation Areas Review</b></p> |
|-----------------------------------------------------------------------------|

# Draft Sydney Development Control Plan 2012: Conservation Areas Review





## Draft Sydney Development Control Plan 2012 Amendment Conservation Areas Review

---

### The purpose of the Development Control Plan

The purpose of this Development Control Plan (DCP) is to amend the Sydney Development Control Plan 2012, which was adopted by Council on 14 May 2012 and came into effect on 14 December 2012.

The provisions guide future development of all land to which this development control plan applies.

---

### Amendment to Sydney Development Control Plan 2012

1. Amend Glossary of Terms as shown in Appendix A
  2. Amend Section 3.9 – Heritage as shown in Appendix B
  3. Amend the relevant sections of the DCP including maps as described at Appendix C
- 

### Citation

This amendment may be referred to as Draft Sydney Development Control Plan 2012 Amendment Conservation Area Review

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### Land covered by this plan

This plan applies to all land within the City of Sydney.

## Appendix A - Amended Glossary of Terms

Amend the Glossary of Terms by inserting the following:

**Adaptation** means changing a place to suit the existing use or a proposed use, as defined by the Burra Charter.

**Alter** means structural changes to a heritage item or to a building or work within a heritage conservation area, or to make non-structural changes to the detail, fabric, finish or appearance of the heritage item, or building or work within a heritage conservation area, but not changes that involve the repair and maintenance of existing detail, fabric or finish or appearance of the outside of the heritage item, or building or work within a heritage conservation area.

**Burra Charter** means the best practice principles for managing heritage places in Australia, by Australia International Council of Monuments and Sites (Australia ICOMOS), used to guide conservation of heritage items and heritage conservation areas in the City of Sydney.

**Conservation** means all the processes of looking after a place so as to retain its heritage significance. These processes may include maintenance, preservation, repair, restoration, reconstruction or adaptation, as defined by the Burra Charter.

**Contributing building** means a building and/or site that contributes to the stated heritage significance of a heritage conservation area. Contributing buildings and sites are from a significant historical period and are either:

- substantially intact; or
- altered, yet recognisable from the development phase during the significant historical period.

**Detracting building** means a building and/or site that detracts from the stated heritage significance of a heritage conservation area. Detracting buildings are:

- not from a significant historical period; and
- unsympathetic to the significant historical features and patterns of the heritage conservation area.

**Fabric** means all the physical material of the place including elements, fixtures, contents and objects, as defined by the Burra Charter.

**Industrial building/site** means a building or site designed for, or used for the manufacturing, repair/ servicing of equipment/machinery, storage of goods for commercial purposes, and warehousing. It includes, but is not limited to, factories, electricity substations, tram and railway facilities, motor garages and service stations.

**Infill development** means a new building/s within a heritage conservation area or other historic context.

**Interpretation** means all the ways of presenting the heritage significance of a place. It may be through the treatment of the fabric, use of and activities at the place and/or the use of introduced explanatory material, as defined by the Burra Charter.

**Local or state heritage significance** has the same meaning as defined in section 4A of the Heritage Act 1977.

**Maintenance** means the continuous protective care of a place, and its setting. It is distinguished from repair which involves restoration or reconstruction, as defined by the Burra Charter.

**Neutral building** means a building and/or site that makes a neutral contribution to the stated heritage significance of a heritage conservation area. These buildings or sites may have some contributing or detracting elements. Neutral buildings or sites are either:

- substantially altered buildings or sites from a significant historical period, where alterations are substantial and detract from significance; or

- sympathetic buildings and sites from a non-significant historical period that do not detract from the heritage significance of the heritage conservation area.

**Place** means a geographically defined area. It may include elements, objects, spaces and views. Place may have tangible and intangible dimensions, as defined by the Burra Charter.

**Potential heritage item** means a place, building, work, relic or moveable object of assessed local or state heritage significance yet to be listed for the level of heritage significance.

**Preservation** means maintaining a place in its existing state and retarding deterioration, as defined by the Burra Charter.

**Reconstruction** means returning a place to a known earlier state and is distinguished from restoration by the introduction of new material, as defined by the Burra Charter.

**Repair** means restoration or reconstruction, as defined by the Burra Charter.

**Restoration** means returning a place to a known earlier state by removing accretions or by reassembling existing elements without the introduction of new material, as defined by the Burra Charter.

**Setting** means the immediate and extended environment of a place that is part of or contributes to its heritage significance.

**Significant historical period** means the key period/s of development that contribute to the heritage significance of a heritage conservation area. A heritage conservation area may have one or more significant historical period: Colonial, Victorian, Federation, Inter-War, Post-War and Post-1960. The conservation area inventories on the NSW online heritage database provide a summary of the significance and significant historical period(s) of heritage conservation areas.

**Vicinity or in the vicinity of heritage items or heritage conservation area** means land beyond the property boundary of the heritage item or conservation area, located within or affecting the setting or views to the heritage item or heritage conservation area, including but not limited to adjacent land, determined by the consent authority on a site by site basis.



## Appendix B - Amended Section 3.9 Heritage

Replace Section 3.9 with the following and re-number remaining sections as required:

### 3.9

#### Heritage

City of Sydney has a rich and diverse heritage from all periods of Australia's history, before and after European settlement, embodied in its buildings, places and precincts. These are listed as heritage items and heritage conservation areas under the Sydney Local Environmental Plan 2012. These heritage listings identify the buildings, places and precincts worth keeping because of their inherent value, known as heritage significance. Greater than the sum of their parts, heritage items and conservation areas enrich the identity and character of Sydney's local places in a way that cannot be authentically reproduced. Heritage items and conservation areas provide tangible links to the past. They also contribute to building diversity, liveability and sustainability, now and into the future.

Heritage conservation does not preclude change but carefully guides change to retain the heritage significance of historic places. Conservation processes include maintenance, preservation, repair, restoration, reconstruction or adaptation.

This DCP is consistent with the Australia International Council on Monuments and Sites (ICOMOS) Charter for Places of Cultural Significance (The Burra Charter). This DCP implements the conservation practice principle that decisions about heritage places are based on their heritage significance. It encourages development to recognise and enhance the significance of heritage places.

The following heritage provisions apply to properties identified as:

- a heritage item in Schedule 5 of Sydney LEP 2012;
- being within a heritage conservation area identified in the heritage map of Sydney LEP 2012, with buildings graded in the Sydney DCP 2012 maps;
- being located in the direct vicinity of heritage items and heritage conservation areas;
- a building older than 50 years, assessed to be of heritage significance;
- an Aboriginal place of heritage significance or containing Aboriginal objects; or
- sites containing or potentially containing Aboriginal or European archaeological relics.

Heritage inventories containing more information about Sydney's heritage items and conservation areas can be found on the website of Heritage NSW.

It is the responsibility of the applicant to assess potential heritage significance.

##### General objectives

- (a) Development respects and conserves the heritage significance of heritage items, heritage conservation areas, Aboriginal places and objects, archaeological sites, potential heritage items and buildings over 50 years that are assessed to be of heritage significance.
- (b) Prevent demolition of heritage items, contributing buildings, buildings over 50 years that are assessed to be of heritage significance, potential heritage items or contributing buildings.
- (c) Allow only sympathetic infill development, alterations and additions and compatible use of heritage items, buildings in conservation areas and buildings over 50 years that are assessed to be of heritage significance, that retain significant fabric, setting and public views.
- (d) Ensure development that affects heritage is supported by detailed heritage

management documents.

### **3.9.1 Heritage impact statements**

#### **Objectives**

- (a) Ensure the heritage significance of buildings and places is clearly documented and assessed.
- (b) Ensure proposed changes to buildings and places of heritage significance will retain this significance is clearly documented and assessed.

#### **Provisions**

- (1) A Heritage Impact Statement is to be submitted as part of the Statement of Environmental Effects for development applications affecting:
  - (a) heritage items identified in the Sydney LEP 2012; or
  - (b) properties within a Heritage Conservation Area identified in Sydney LEP 2012.
- (2) The consent authority may not grant consent to a development application that proposes substantial demolition or major alterations to a building older than 50 years until it has considered its heritage impact. A pre-development application consultation is required to determine whether a heritage impact statement is required for work proposed. If required, the heritage significance of a building and the impact the proposed development has on the building and its setting must accompany any subsequent application.
- (3) A Heritage Impact Statement is to be prepared by a suitably qualified person, such as a heritage consultant. Guidelines for the preparation of Statements of Heritage Impact are available on the website of the Heritage Branch, NSW Department of Planning at [www.heritage.nsw.gov.au](http://www.heritage.nsw.gov.au).
- (4) The Heritage Impact Statement is to address:
  - (a) the heritage significance of the heritage item or the contribution which the building makes to the heritage significance of the heritage conservation area;
  - (b) the options that were considered when arriving at a preferred development and the reasons for choosing the preferred option;
  - (c) the impact of the proposed development on the heritage significance of the heritage item, heritage items within the vicinity, or the heritage conservation area; and
  - (d) the compatibility of the development with conservation policies contained within an applicable Heritage Conservation Management Plan or Conservation Management Strategy, or conservation policies within the Sydney Heritage Inventory Report.
- (5) Where the site adjoins another local government area, the Heritage Impact Statement is to address the potential impact on adjoining or nearby heritage items or heritage conservation areas in the adjoining local government area.
- (6) Where the development application proposes the full or substantial demolition of a heritage item, or a contributory building within a heritage conservation area, the Heritage Impact Statement is to:
  - (a) demonstrate why the building is not capable of retention or re-use;
  - (b) include a statement from a quantity surveyor comparing the cost of demolition to the cost of retention if the demolition is recommended primarily on economic grounds;
  - (c) include a report by a suitably qualified structural engineer if the demolition is proposed on the basis of poor structural condition; and

- (d) include a pest inspection report if the building is a weatherboard building.
- (7) When giving consent to the full or partial demolition of a heritage item, a building in a heritage conservation area, or a building older than 50 years, Council may require photographic recording of the building as a condition of consent.

### **3.9.2 Conservation management plans**

#### **Objective**

- (a) Provide a document that includes a detailed assessment of heritage items and best practice guidance on change to conserve their heritage significance.

#### **Provisions**

- (1) A conservation management plan is a heritage management document required for the following:
  - (a) a change of use of a heritage item of state heritage significance;
  - (b) substantial alterations and/or additions to a heritage item for items of state heritage significance or when the consent authority (or other heritage authority) indicates the building is of potential state heritage significance;
  - (c) substantial development to a heritage item of local significance at the request of the consent authority;
  - (d) an award of heritage floor space under Sydney LEP 2012;
  - (e) a development application that relies on the conservation incentives in Sydney LEP 2012 to overcome a prohibition.
- (2) A conservation management plan is to be prepared:
  - (a) by a suitably qualified person with appropriate heritage experience and qualifications for the type of place; and
  - (b) in accordance with guidelines issued by the Heritage Council of NSW (including the 'NSW Heritage Manual'), the Australian ICOMOS 'Burra Charter' and 'The Conservation Plan' by J.S. Kerr.
- (3) The conservation management plan is to consider and describe compliance with recommended management policies contained in the heritage inventory for the property or heritage conservation area.
- (4) The conservation management plan is to include:
  - (a) investigation of physical and documentary evidence of the building or place;
  - (b) comparative analysis of its heritage significance with other buildings or places of similar types;
  - (c) curtilage assessment for the building or place, its landscape and setting;
  - (d) assessment of the significance of the heritage item and relative significance of component parts against the NSW heritage assessment criteria;
  - (e) investigation of the constraints and opportunities for management of the item including the owner's needs and resources, the item's physical condition and external constraints;
  - (f) conservation policies, which address but are not limited to the following:
    - (i) conservation of the significance of the heritage item
    - (ii) compatible uses of the heritage item;
    - (iii) conservation of the fabric and setting of the heritage item;
    - (iv) appropriate ways to interpret the significance of the heritage item;

- (v) schedule of conservation works and cyclical maintenance requirements; and
  - (vi) guidelines for appropriate changes and future development that will retain heritage significance; and
  - (g) priorities for implementation of conservation policies.
- (5) In certain cases, the consent authority may accept a conservation management strategy in place of a conservation management plan for heritage items of local heritage significance, prepared in accordance with the guidelines issued by Heritage NSW.

### **3.9.3 Archaeological assessments**

#### **Objective**

- (a) Ensure that sites that have or may have archaeological significance or that may contain items or features of archaeological significance, are appropriately assessed and managed prior to the sites being disturbed.

#### **Provisions**

- (1) An archaeological assessment is a heritage management document to be prepared by a suitably qualified archaeologist in accordance with the guidelines prepared by Heritage NSW.
- (2) An archaeological assessment is to be submitted as part of the statement of environmental effects for a development application affecting an archaeological site, a place of Aboriginal heritage significance or a potential archaeological site that is likely to have heritage significance.
- (3) For development proposals in Central Sydney, reference is to be made to the Central Sydney Archaeological Zoning Plan for archaeological potentials.
- (4) An archaeological assessment is to include:
- (a) an assessment of the archaeological potential of the archaeological site or place of Aboriginal heritage significance;
  - (b) the heritage significance of the archaeological site or place of Aboriginal heritage significance;
  - (c) the probable impact of the proposed development on the heritage significance of the archaeological site or place of Aboriginal heritage significance;
  - (d) the compatibility of the development with conservation policies contained within an applicable conservation management plan or conservation management strategy; and
  - (e) a management strategy to conserve the heritage significance of the archaeological site or place of Aboriginal heritage significance.
- (5) If there is any likelihood that the development will have an impact on significant archaeological relics, development is to ensure that the impact is managed according to the assessed level of heritage significance of those relics.

### **3.9.4 Development of state significant or multiple heritage items**

#### **Objective**

- (a) Ensure thorough heritage impact assessment is undertaken for proposed changes with potential for major impact.

#### **Provisions**

- (1) These provisions apply to development that will introduce major changes to a heritage item of state heritage significance or a development site containing more than one heritage item, if the development involves:
- (a) demolition that will result in a reduction of the building envelope of the

- heritage item by more than 35%;
  - (b) an increase in the size of the building envelope of the heritage item by more than 20%; or
  - (c) building over more than 20% of a heritage item's building footprint area above the item.
- (2) When considering an application for development to which these provisions apply, the Council may:
- (a) appoint a committee that includes heritage professionals to examine and advise on the merits of the proposal;
  - (b) be satisfied that that committee has followed an appropriate process for the purpose of that examination; and
  - (c) consider the advice of the committee, but is not bound by the advice of the committee.
- (3) 3.9.4(1) and 3.9.4(2) do not apply to heritage items of state heritage significance where they are no more than four storeys and have a building footprint less than 100 square metres.

### **3.9.5 Demolition**

These provisions apply when a development application proposes partial or full demolition of; a heritage item, draft heritage item; or contributing building; or a building older than 50 years considered to be of heritage significance.

#### **Objective**

- (a) Prevent erosion of significance of heritage items, draft heritage items, conservation areas, contributing buildings and buildings older than 50 years assessed to be of heritage significance through partial or full demolition of buildings.
- (b) Conserve the integrity of significant buildings and areas as a whole, including fabric, setting and views.
- (c) Ensure partial or full demolition of heritage items, draft heritage items, contributing buildings and buildings older than 50 years assessed to be of heritage significance, is only carried out where there is no other reasonable alternative.

#### **Provisions**

- (1) Applications for demolition must demonstrate that:
  - (a) the heritage significance of the building or the part of building proposed for demolition is insufficient to warrant its retention;
  - (b) the building is incapable of conservation, retention or re-use; or
  - (c) the building is structurally compromised to the point where demolition is the only alternative; or
- (2) An application for full demolition will only be supported where there is no other reasonable alternative and must be supported by appropriate evidence as follows:
  - (a) where the demolition is proposed on the basis of poor structural condition, a report by a suitably qualified structural engineer detailing the building's structural condition and the reasons the building is incapable of conservation; and/or
  - (b) where demolition is proposed on economic grounds a statement from a quantity surveyor comparing the cost of demolition to the cost of retention
  - (c) if the building is a weatherboard building, a pest inspection report or structural report detailing the reasons the building is incapable of conservation.
- (3) The Council may advise that these reports are unnecessary in the event of an

emergency or danger to the public.

- (4) Other than for demolition in the above exceptional circumstances, development is to conserve the significance and integrity of buildings as a whole - not limited to facades - including the:
  - (a) building form, massing and scale;
  - (b) other historic features and development patterns;
  - (c) building structure supporting the facades;
  - (d) heritage item interiors in line with the provisions in 3.9.6.
- (5) Any internal or partial demolition must retain the structural integrity of the building including elements such as party walls and significant original chimneys.
- (6) Where the consent authority approves demolition in the above exceptional circumstances, the following may be required as a condition of consent:
  - (a) a comprehensive documentation of the building; and
  - (b) salvaging and recycling of historic building elements and materials.

#### **3.9.6 Heritage items**

##### **Objective**

- (a) Development and change of use conserve the heritage significance of heritage items, including fabric, setting and views.

##### **Provisions**

- (1) Development including change of use of a heritage item is to minimise negative impacts on heritage significance by:
  - (a) not removing, altering, damaging or obscuring significant elements of the heritage item;
  - (b) minimising change to significant internal and external fabric and spaces;
  - (c) being reversible so new work can be removed with minimal damage or impact to significant building fabric;
  - (d) providing for compatible uses for the item and its significance;
  - (e) where upgrades are proposed, including any National Construction Code upgrade or the introduction of services, development is to ensure it has minimal impact on significant fabric, elements or spaces;
  - (f) locating contemporary functions and services that require irreversible or major change in less significant parts of the item, or in sympathetic additions to the item;
  - (g) ensuring internal changes do not compromise the external appearance of the building;
  - (h) retaining or minimising changes to significant internal space configurations and ensuring they are evident and can be interpreted;
  - (i) preserving the pattern, style and dimensions of original windows and doors;
  - (j) using traditional techniques and materials where possible for repair and reconstruction or alterations and additions of traditional construction, unless new techniques and materials can offer substantial conservation benefits; and
  - (k) interpreting the significant values and uses of the item through the treatment of the item's fabric, spaces and setting; and
  - (l) providing on-site interpretation, which may include the use of historic artefacts including the in-situ retention of movable heritage fabric, machinery and signs.



- (2) Development in the direct vicinity of a heritage item is to minimise the impact on the setting and integrity of the item by:
  - (a) not undermining the heritage structure including its footings;
  - (b) taking proper measures to protect the heritage building from damage during construction;
  - (c) providing an adequate area around the building to allow interpretation of the heritage item; and
  - (d) protecting significant views to the heritage building or place.

### **3.9.7 Heritage conservation areas**

Buildings and sites within heritage conservation areas (conservation areas) make differing contributions to the heritage significance of the area based on their period of construction, integrity and compatibility of alterations and additions. Significant historic periods for each conservation area include one or more periods of: Colonial, Victorian, Federation, Inter-War, Post-War and Post-1960. Buildings and sites are graded as contributing, neutral or detracting to indicate their overall contribution to the significance of the area, as shown on the *Building Contributions map*. Heritage items are not graded for their contribution to the conservation area.

Buildings and sites that make a positive contribution to the heritage significance of a heritage conservation area are described as contributing. Contributing buildings and sites are from a significant historical period and are either:

- substantially intact; or
- altered, yet recognisable from the development phase during the significant historical period.

Where the post-war (1945-1960) or late twentieth century (1960-) periods are significant for the area, the important examples from this period are described as contributing buildings.

Buildings and sites that neither contribute nor detract from the heritage significance of the conservation area are described as being neutral. These buildings or sites may have some contributing and/or detracting elements. Neutral buildings or sites are either:

- substantially altered buildings or sites from a significant historical period, where alterations are substantial and detract from significance; or
- sympathetic buildings and sites from a non-significant historical period that do not detract from the heritage significance of the heritage conservation area.

Buildings and sites that detract from the heritage significance of a heritage conservation area are described as detracting. Detracting buildings are:

- not from a significant historical period; and
- unsympathetic to the significant historical features and patterns of the heritage conservation area.

### **Objectives**

- (a) Development conserves the significance of heritage conservation areas including fabric, setting and views.
- (b) Development respects and conserves the heritage significance of contributing buildings and neutral buildings from significant historic periods.
- (c) Development does not increase the negative impact of detracting buildings and elements on the significance of heritage conservation areas.
- (d) Development reinforces historic features and patterns characteristic of the streetscape within heritage conservation areas.

### **Provisions**

- (1) All development, including alterations and additions and infill development, in a heritage conservation area is to:
  - (a) conserve contributing buildings and enhance their positive contribution to the heritage significance of the area;
  - (b) conserve neutral buildings from significant historic periods to maintain or enhance their contribution to the heritage significance of the conservation area;
  - (c) for neutral buildings, ensure the bulk and scale of the proposed development retains consistency with the surrounding contributing buildings when viewed from the primary street, as envisaged under the development controls;
  - (d) not increase the negative impact of detracting buildings and elements on the heritage significance of the conservation area; and
  - (e) respond sympathetically to its heritage context.
- (2) Development within a heritage conservation area is to be compatible with the surrounding built form and urban pattern by addressing the heritage conservation area statement of significance and responding sympathetically to:
  - (a) topography and landscape;
  - (b) views to and from the site;
  - (c) significant subdivision patterns and layout, and front and side setbacks;
  - (d) the type, siting, form, height, bulk, roofscape, scale, materials and details of adjoining or nearby contributory buildings;
  - (e) the interface between the public domain and building alignments and property boundaries; and
  - (f) colour schemes that have a hue and tonal relationship with traditional colour schemes.
- (3) New infill buildings and alterations and additions to existing buildings in a heritage conservation area are not to be designed as a copy or replica of other buildings in the area, but are to complement the character of the heritage conservation area by sympathetically responding to the matters identified in (2)(a) to (e) above at the primary street frontage.
- (4) Alterations and additions to a contributing building or neutral building from a significant historical period must not demolish or alter the appearance of significant facades, except:
  - (a) to remove detracting elements;
  - (b) to restore and/or reconstruct significant elements and details, including but not limited to, balconies and verandahs, fences, chimneys, joinery and shop front detailing;
  - (c) the addition of sympathetic dormer window(s); or
  - (d) the addition of sympathetic windows to the side elevation of a corner building;
- (5) Alterations and additions to a contributing building or neutral building from a significant historical period are to conserve significant historic features (where they exist) such as:
  - (a) structural integrity of the building, including elements such as party walls and chimneys;
  - (b) significant roof details, chimney details, metalwork and downpipes; and
  - (c) foyers and other significant interior features such as hallway detailing, panelling, fireplaces, staircases, and ceilings designed to be visible from a public place or in spaces intended to be accessible to the public.

- (6) Neutral buildings not from a significant historic period and detracting buildings are permitted to be demolished if the demolition will not damage any building or elements that are significant and required to be retained on adjoining properties.
- (7) Alterations and additions to neutral buildings not from a significant period and detracting buildings are to enhance the heritage significance of the area by:
  - (a) removing elements that detract from the significance of the conservation area;
  - (b) complementing and reinforcing significant historic features and patterns without imitating or replicating details.
- (8) New infill development, and alterations and additions to detracting buildings and neutral buildings that are not from a significant historic period and are visible from the primary frontage are to:
  - (a) complement and reinforce significant historic features without imitating or replicating details;
  - (b) employ architectural detail and materials at least equal in quality and level of detail to the highest quality found in neighbouring contributing buildings; and
  - (c) have a contemporary character; materials and design detailing must respond to (but not copy) elements and details observed in neighbouring contributing buildings, such as brickwork, decorative string courses, brick bonds, rendered/painted banding and other masonry work.
- (9) Development must not include garages and car access to the front of the development, where these are not characteristic of the heritage conservation area.
- (10) Existing face brickwork and stone walls are not to be coated, rendered or painted.
- (11) Original materials are to be retained, unless it can be demonstrated that significant deterioration has occurred and repair is not practical. Any replacement should be with similar materials.
- (12) Development along King Street, Newtown and certain properties adjacent is to be consistent with the King Street and Enmore Road Paint Scheme, available on the City's website, [www.cityofsydney.nsw.gov.au](http://www.cityofsydney.nsw.gov.au).
- (13) Solar water heater storage tanks, ventilators, wind generators, air conditioning units, satellite dishes and antennae and the like, are not to be located on the principal roof plane of heritage items or in heritage conservation areas.
- (14) Solar collector or photovoltaic panels may be located on buildings in a heritage conservation area. Where solar collector or photovoltaic panels are proposed on the principal roof plane of a contributory building in a heritage conservation area, the panels are to be installed parallel to the pitch of roof. The panels must make minimal intrusive change to significant roof fabric.

Note: see the City's Guideline for solar panels in heritage conservation areas on our website for installation guidance.
- (15) A structural engineering report from suitably qualified engineer is required if a proposed excavation within or adjacent to the development site may impact on structures to be retained. The reports must specify the retention design and mitigation measures to avoid or minimise the impact.

**Figure 3.XX and 3.XX**

Infill development in a  
heritage conservation area  
80-82 Windmill St Millers  
Point



**Figure 3XX**

Infill development in a  
heritage conservation area -  
52 Reservoir Street, Surry  
Hills



- 
- (16) Original public domain elements of streets, lanes, parks and other public places in heritage conservation areas are to be retained where they contribute to the heritage significance of the heritage conservation area, including but not limited to:
- (a) evidence of early road surfaces and associated features;
  - (b) stone kerbing, guttering and paving;
  - (c) sandstone steps and retaining walls;
  - (d) street furniture;
  - (e) cast iron letterboxes;
  - (f) fountains;
  - (g) signposts;
  - (h) light posts;
  - (i) original pavement lights (typically glass blocks set into the footpath);
  - (j) fences;
  - (k) railings;
  - (l) trachyte or sandstone; and
  - (m) milestones and ward markers.



**Figure 3.XX**

Significant public domain elements:  
Ward boundary marker, Cardigan Street and El Alamein fountain



- (17) The removal of significant features of public places will only be considered if:
- (a) their retention in place has been demonstrated not to be reasonably practical in a heritage impact statement; and
  - (b) they are to be replaced with either:
    - (i) details and materials that match the period and significant historical features and patterns of the street or park in which they are located; or
    - (ii) contemporary interpretation of the features.



## Appendix C

Insert the following provisions in the relevant part of the DCP

amend relevant DCP maps to align with LEP changes to existing heritage conservation area boundaries, including introduction of the following properties with the following contributory status to the DCP Building contribution maps:

| Changes to Contribution status as a result of changes to HCA boundaries |                                       |                           |
|-------------------------------------------------------------------------|---------------------------------------|---------------------------|
| TPK                                                                     | Address                               | DCP Building Contribution |
| Added to HCA C20 – Elizabeth and Rushcutters Bays                       |                                       |                           |
| 514669                                                                  | 8 Macleay Street, POTTS POINT, 2011   | Contributory              |
| Added to HCA C66 – Reservoir Street and Fosterville                     |                                       |                           |
| 518025                                                                  | 95 Commonwealth Street, SURRY HILLS   | Contributory              |
| 512606                                                                  | 97 Commonwealth Street, SURRY HILLS   | Contributory              |
| 512607                                                                  | 99 Commonwealth Street, SURRY HILLS   | Contributory              |
| 512608                                                                  | 101 Commonwealth Street, SURRY HILLS  | Contributory              |
| 512609                                                                  | 103 Commonwealth Street, SURRY HILLS  | Contributory              |
| 512610                                                                  | 105 Commonwealth Street, SURRY HILLS  | Contributory              |
| 512611                                                                  | 107 Commonwealth Street, SURRY HILLS  | Contributory              |
| 512612                                                                  | 109 Commonwealth Street, SURRY HILLS  | Contributory              |
| 512613                                                                  | 111 Commonwealth Street, SURRY HILLS  | Contributory              |
| 512614                                                                  | 113 Commonwealth Street, SURRY HILLS  | Contributory              |
| 512615                                                                  | 113A Commonwealth Street, SURRY HILLS | Contributory              |

and:

Remove the following text from the preamble to Section 3.10.1 – Warehouses and industrial buildings older than 50 years



# **Attachment D**

|                                                                             |
|-----------------------------------------------------------------------------|
| <p><b>Council and Central Sydney Planning<br/>Committee Resolutions</b></p> |
|-----------------------------------------------------------------------------|

## Resolution of Council

**11 December 2023**

**Item 9.6**

**Public Exhibition - Planning Proposal - Conservation Areas Review - Sydney Local Environmental Plan 2012 and Sydney Development Control Plan 2012 Amendment**

It is resolved that:

- (A) Council approve Planning Proposal – Conservation Areas Review, shown at Attachment A to the subject report, for submission to the Department of Planning and Environment with a request for a Gateway Determination;
- (B) Council approve Planning Proposal – Conservation Areas Review, shown at Attachment A to the subject report for public authority consultation and public exhibition in accordance with any conditions imposed under the Gateway Determination;
- (C) Council seek authority from the Department of Planning and Environment to exercise the delegation of all functions as the relevant local plan making authority under Section 3.36 of the Environmental Planning and Assessment Act 1979 to make the local environmental plan and put into effect the Planning Proposal – Conservation Areas Review;
- (D) Council approve draft Sydney Development Control Plan 2012 Amendment – Conservation Areas Review, shown at Attachment C to the subject report, for public authority consultation and public exhibition together with the planning proposal; and
- (E) authority be delegated to the Chief Executive Officer to make any minor variations to Planning Proposal – Conservation Areas Review and draft Sydney Development Control Plan 2012 Amendment – Conservation Areas Review, to correct any drafting errors or to ensure consistency with the Gateway Determination.

Carried unanimously.

X031159

## Resolution of Central Sydney Planning Committee

**7 December 2023**

### **Item 8**

#### **Public Exhibition – Planning Proposal – Conservation Areas Review – Sydney Local Environmental Plan 2012 and Sydney Development Control Plan 2012 Amendment**

Moved by the Chair (the Lord Mayor), seconded by Councillor Worling –

It is resolved that:

- (A) the Central Sydney Planning Committee approve Planning Proposal – Conservation Areas Review, shown at Attachment A to the subject report, for submission to the Department of Planning and Environment with a request for a Gateway Determination;
- (B) the Central Sydney Planning Committee approve Planning Proposal – Conservation Areas Review, shown at Attachment A to the subject report, for public authority consultation and public exhibition in accordance with any conditions imposed under the Gateway Determination;
- (C) the Central Sydney Planning Committee note the recommendation to Council's Transport, Heritage and Planning Committee on 4 December 2023, that Council seek authority from the Department of Planning and Environment to exercise the delegation of all functions as the relevant local plan making authority under Section 3.36 of the Environmental Planning and Assessment Act 1979 to make the local environmental plan and put into effect the Planning Proposal – Conservation Areas Review;
- (D) the Central Sydney Planning Committee note the recommendation to Council's Transport, Heritage and Planning Committee on 4 December 2023, that Council approve draft Sydney Development Control Plan 2012 Amendment – Conservation Areas Review, shown at Attachment C to the subject report, for public authority consultation and public exhibition together with the planning proposal; and

- (E) authority be delegated to the Chief Executive Officer to make any minor variations to Planning Proposal – Conservation Areas Review and draft Sydney Development Control Plan 2012 Amendment – Conservation Areas Review, to correct any drafting errors or to ensure consistency with the Gateway Determination.

Carried unanimously.

X031159



# **Attachment E**

**Gateway Determination and Report  
dated 23 January 2025**

## Gateway Determination

**Planning proposal (Department Ref: PP-2023-2887):** to amend Sydney LEP 2012 to make minor adjustments to conservation area boundaries across several heritage conservation areas in the LGA.

I, the A/Executive Director, Local Planning and Council Support at the Department of Planning, Housing and Infrastructure, as delegate of the Minister for Planning and Public Spaces, have determined under section 3.34(2) of the *Environmental Planning and Assessment Act 1979* (the Act) that an amendment to the *Sydney Local Environmental Plan 2012* to make minor adjustments to conservation area boundaries across several heritage conservation areas in the LGA should proceed subject to the following:

The Council as planning proposal authority is authorised to exercise the functions of the local plan-making authority under section 3.36(2) of the Act subject to the following:

- (a) the planning proposal authority has satisfied all the conditions of the gateway determination;
- (b) the planning proposal is consistent with applicable directions of the Minister under section 9.1 of the Act or the Secretary has agreed that any inconsistencies are justified; and
- (c) there are no outstanding written objections from public authorities.

The LEP should be completed on or before 20 November 2025.

### Gateway Conditions

1. Prior to exhibition, the planning proposal is to be amended to:
  - (a) Remove the proposed local provision to amend the maximum height of building for small scale buildings in Heritage Conservation Areas;
  - (b) Include the amended justification for the Heritage Conservation Area boundaries as submitted to the Department on 13 May 2024;
  - (c) Confirm and clarify any savings provisions proposed;
  - (d) Assess the sites that are being added to heritage conservation areas against the criteria for significance in the *Heritage Act 1977* and *Assessing Heritage Significance* (Department of Planning and Environment, June 2023).
  - (e) Remove reference to State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004.
2. Public exhibition is required under section 3.34(2)(c) and clause 4 of Schedule 1 to the Act as follows:
  - (f) the planning proposal is categorised as standard as described in the *Local Environmental Plan Making Guideline* (Department of Planning and Environment, August 2023) and must be made publicly available for a minimum of 20 working days; and

- (g) the planning proposal authority must comply with the notice requirements for public exhibition of planning proposals and the specifications for material that must be made publicly available along with planning proposals as identified in *Local Environmental Plan Making Guideline* (Department of Planning and Environment, August 2023).

Dated 23 January 2025



**Daniel Thompson**  
**A/Executive Director**  
**Local Planning and Council Support**  
**Department of Planning, Housing and**  
**Infrastructure**

**Delegate of the Minister for Planning and**  
**Public Spaces**



IRF24/1449

## Gateway determination report – PP-2023-2887

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City of Sydney Conservation Areas Review

January 25



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# Acknowledgment of Country

The Department of Planning, Housing and Infrastructure acknowledges the Traditional Owners and Custodians of the land on which we live and work and pays respect to Elders past, present and future.

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**Table 1 Reports and plans supporting the proposal**

| Relevant reports and plans                                                                                           |
|----------------------------------------------------------------------------------------------------------------------|
| Attachment A Planning Proposal (City of Sydney, November 2023)                                                       |
| Attachment B Amended Justification for Adjustments to the Conservation Areas Boundaries (City of Sydney, April 2024) |
| Attachment C Heritage and Height Maps (City of Sydney, December 2023)                                                |
| Attachment D Draft Sydney Development Control Plan 2012 (City of Sydney, December 2023)                              |
| Attachment E Draft Sydney Development Control Plan 2012 Maps (City of Sydney, December 2023)                         |



# 1 Planning proposal

## 1.1 Overview

**Table 2 Planning proposal details**

|                                 |                                                                                                       |
|---------------------------------|-------------------------------------------------------------------------------------------------------|
| <b>LGA</b>                      | <b>City of Sydney</b>                                                                                 |
| <b>PPA</b>                      | City of Sydney Council                                                                                |
| <b>NAME</b>                     | Conservation Areas Review                                                                             |
| <b>NUMBER</b>                   | PP-2023-2887                                                                                          |
| <b>LEP TO BE AMENDED</b>        | <i>Sydney Local Environmental Plan 2012</i>                                                           |
| <b>ADDRESS</b>                  | Sydney LGA                                                                                            |
| <b>RECEIVED</b>                 | 19/02/2024                                                                                            |
| <b>FILE NO.</b>                 | IRF24/1449                                                                                            |
| <b>POLITICAL DONATIONS</b>      | There are no donations or gifts to disclose and a political donation disclosure is not required       |
| <b>LOBBYIST CODE OF CONDUCT</b> | There have been no meetings or communications with registered lobbyists with respect to this proposal |

## 1.2 Objectives of planning proposal

The planning proposal contains objectives and intended outcomes that adequately explain the intent of the proposal.

The objectives of the planning proposal are to amend the *Sydney Local Environmental Plan 2012* (Sydney LEP 2012) to conserve the significance of conservation areas and provide for reasonable alterations and additions to buildings in conservation areas to meet contemporary amenity expectations.

The intended outcomes of the planning proposal are to:

- Support the retention and adaptation of buildings that contribute to the significance of an area
- Provide for equitable access to reasonable alterations and additions that meet contemporary amenity expectations
- Contribute to the range of housing types and business places for a diverse community and economy
- Reduce complexity and increase certainty in the planning controls
- Allow for appropriate infill development.

## 1.3 Explanation of provisions

The planning proposal (**Attachment A**) seeks to amend the Sydney LEP 2012 as outlined below:

### 1.3.1 Heritage Conservation Area Boundary Amendments

Amend the Heritage Map sheets to revise the boundaries of conservation areas as per the table below and as shown in Figure 2.

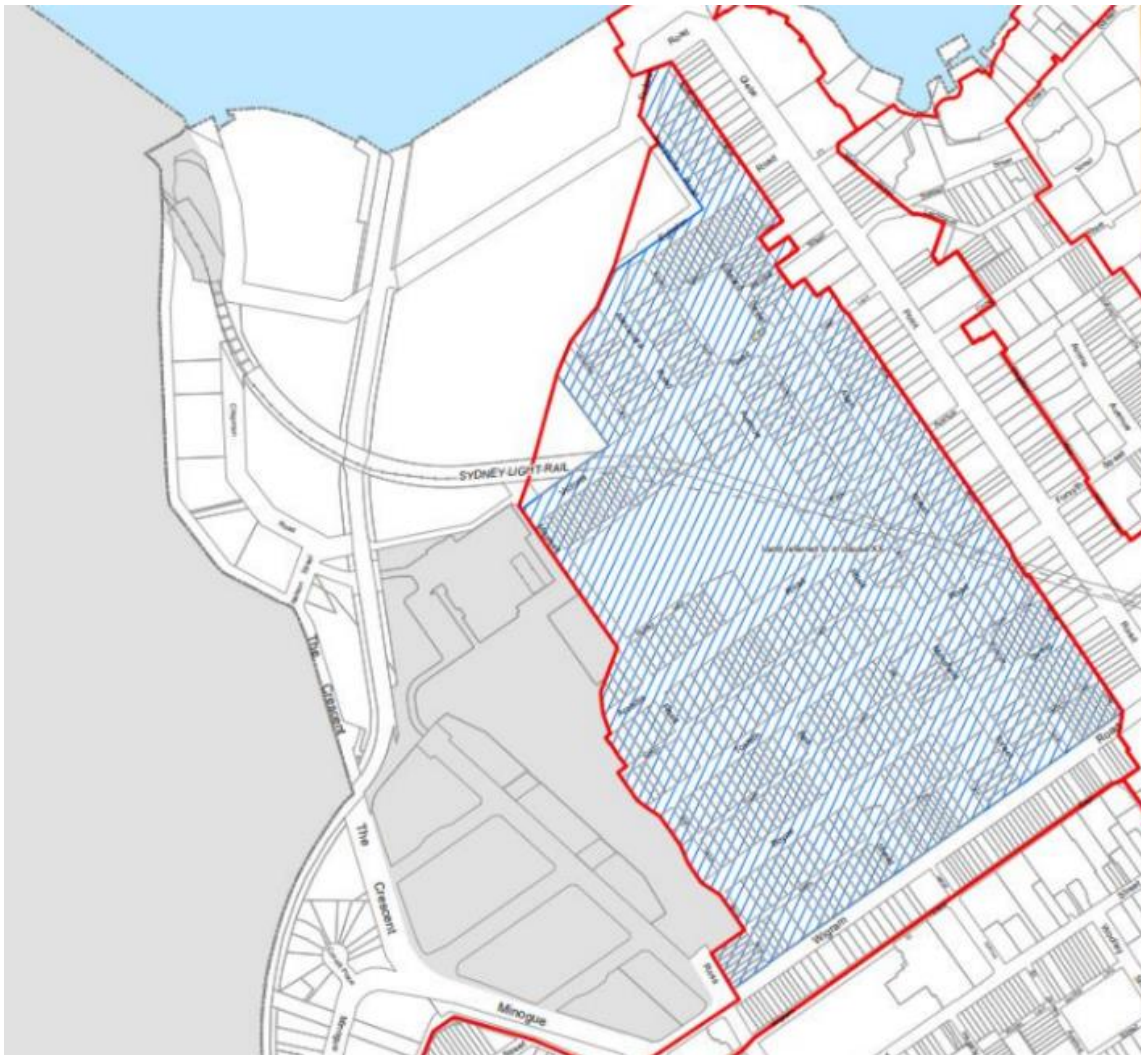
| Amendment | Detail                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |
|-----------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Add       | <ul style="list-style-type: none"> <li>• Add 95-113A Commonwealth Street, Surry Hills to C66</li> <li>• Add 8 Macleay Street, Potts Point to C20</li> </ul>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |
| Alter     | <ul style="list-style-type: none"> <li>• Move part of Moore Park from C59 to C36</li> <li>• Move 247 Oxford Street, Paddington (Paddington Town Hall) and 2 Oatley Road, Paddington (Paddington Fire Station) from C49 to C48</li> </ul>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |
| Remove    | <ul style="list-style-type: none"> <li>• Remove 41-59 Young Street, Redfern from C53</li> <li>• Remove part of 100 Bayswater Road and part of 1A Clement Place, Rushcutters Bay from C20</li> <li>• Remove 82-94 Darlinghurst Road, Potts Point from C51</li> <li>• Remove part of 101-115 Victoria Street, Potts Point from C51</li> <li>• Remove 2A Pyrmont Bridge Road, Camperdown from C33</li> <li>• Remove 1-5 Rosebank Street, 12-20 Rosebank Street and 13 Kirketon Road, Darlinghurst from C14</li> <li>• Remove part of 394-404 Victoria Street, Darlinghurst from C12</li> <li>• Remove 219-241 Cleveland Street, 41 Pitt Street, 217-229 Chalmers Street, 43-43B Pitt Street, Redfern from C56</li> <li>• Remove 13-61 Riley Street, 63 Crown Street and 75 Crown Street from C71</li> <li>• Remove 156-188 Devonshire Street, 38-54 Waterloo Street and 1-25 Adelaide Street from C65.</li> </ul> |

### 1.3.2 Maximum height of building

Remove mapped height of building controls for small scale buildings (defined by Council as Attached houses (terrace houses), detached and semi-detached housing and traditional shops) in the R1 General Residential zone, R2 Low Density Residential zone, E1 Local Centre zone and MU1 Mixed Use zone and:

- Add a new site-specific provision to the above properties except those in Toxteth Estate (shown in Figure 1 below) that permits a maximum height of building of:
  - the maximum height of the existing building on the land or 7.5m, whichever is greater.
  - If there is no existing building on the site or if the height of the existing building is less than 3.6m, then the maximum height of building control is to be the height of the existing building on any adjoining site facing the same primary street, or 7.5m whichever is the highest.

- Add a new site-specific provision which applies to small scale buildings within the land in Toxteth Estate (shown in Figure 1 below) which sets the maximum height of building control for lots within that area as the maximum height of the existing building on the land or 6m, whichever is greater.



**Figure 1: Toxteth Estate shown in blue hatch**

### 1.3.3 Savings provisions

The planning proposal notes a savings provision should be included that protects the rights of sites with existing approvals. However, it is unclear why this provision is proposed when an existing development consent would prevail over a new provision in any case.

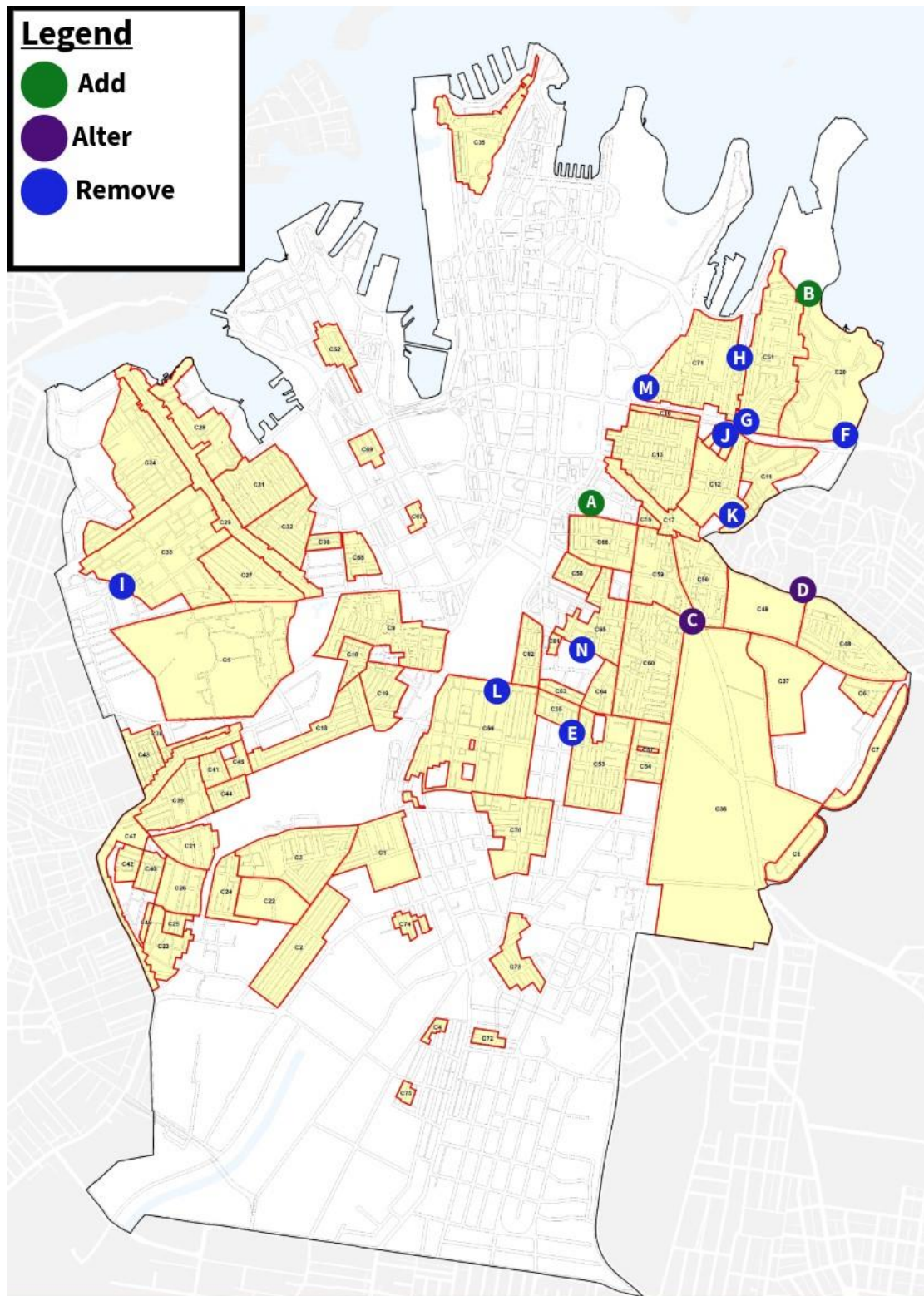
A Gateway condition has been included to require Council to clarify the proposed savings provisions, particularly in response to the other changes required as part of the Gateway determination..

### 1.3.4 Development Control Plan (DCP)

The planning proposal is accompanied by an amendment to the Sydney Development Control Plan 2012 (Sydney DCP 2012) to support the outcomes and objectives of the planning proposal.

## 1.4 Site description and surrounding area

The planning proposal relates to heritage conservation areas within the City of Sydney Local Government Area (LGA), except for Millers Point as shown in **Figure 2** below.



**Figure 2: City of Sydney Heritage Conservation Areas (Source: City of Sydney with DPHI annotation)**



## 1.5 Mapping

The planning proposal includes mapping showing the proposed changes to the Sydney LEP 2012 Height of Building and Heritage Conservation Area (HCA) maps, which are suitable for community consultation. Refer to **Attachment C** for the proposed LEP mapping changes.

## 2 Need for the planning proposal

### Q1. Is the planning proposal a result of any strategic study or report?

The planning proposal implements the findings and recommendations of a review and field survey of the City of Sydney's HCAs. The aim of the review was to:

- Strengthen provisions on retaining buildings and those parts of buildings that contribute to the heritage significance of conservation areas;
- Ensure more equitable opportunity for alterations and additions based on the existing height of buildings;
- Promote housing diversity by allowing for appropriate additions to historic building forms which will allow families and larger households to grow and stay in the area;
- Meet modern amenity expectations of dwellings and ensuring historic buildings can be adapted to provide high amenity spaces;
- Reduce the reliance on exceptions to height through Clause 4.6 variation submissions to height development standards;
- Improve community understanding of what can be done on their land and neighbouring sites; and
- Ensure conservation area map boundaries reflect the heritage significance of the area to ensure conservation areas are robust and defensible.

The review was undertaken to develop a comprehensive knowledge base and data on the type of buildings and any relevant site characteristics or alterations, and a comprehensive photographic survey in HCAs across the City of Sydney. The review and field survey were not submitted with the planning proposal.

Two key findings of the review and field survey resulted in the need for this planning proposal as discussed below.

#### 2.1.1 HCA Boundary Amendments

The field survey found that a number of amendments to HCA boundaries should be made because:

- 12 buildings that are not currently listed in a HCA should be added to HCAs where they are consistent with the significance of that HCA;
- two buildings are located in HCAs where they are better suited to the significance of the adjoining HCA and are proposed to be moved;
- 23 buildings in HCAs should be removed from HCAs because they are not consistent with the statement of significance for those HCAs.

Assessing Heritage Significance, prepared by the Department of Planning and Environment in June 2023 outlines how to assess a potential object or place against the seven criteria outlined in the *Heritage Act 1977* to establish heritage significance. The planning proposal does not include an assessment in accordance with the seven criteria for the 12 buildings that are proposed to be included in a HCA. A Gateway condition has been included requiring the planning proposal to be

updated prior to public exhibition to assess the additions to HCAs against the criteria for significance in *Assessing Heritage Significance* (Department of Planning and Environment, June 2023).

While the planning proposal doesn't provide an assessment against the seven criteria for heritage significance, the planning proposal is supported by a report (**Attachment B**) that provides a summary of the field survey and review, detailed justification for each conservation area boundary amendment, including a description of how the additions to HCAs are contributory and sympathetic to the heritage conservation area. During Gateway assessment, an amended justification for the conservation area boundary amendments was requested by the Department that included further detail and justification. The amended justification was submitted on the 13 May 2024 and it is considered adequate to justify the proposed amendments to the heritage conservation areas. A condition has been included requiring the planning proposal to be updated prior to public exhibition with the amended justification for the HCA boundaries as submitted on 13 May 2024.

### 2.1.2 Height of buildings in HCAs

The review found that additions to small scale buildings in HCAs are being undertaken that detract from the significance of the HCA. In some cases additions to buildings are being proposed that are considered not sympathetic to the HCA even though they comply with the maximum height of building control. There is also inconsistency between the maximum height of building permitted by the Sydney LEP 2012 and the maximum building height permitted by Sydney DCP 2012 for some sites. The review concluded that greater certainty on appropriate additions to small scale buildings in HCAs is required as follows:

#### 2.1.2.1 Increased height of building LEP Control

There are many sites, particularly in Glebe, Forest Lodge, Erskineville and Newtown and other areas across City of Sydney LGA which currently have a mapped 6 metre maximum height of building control in Sydney LEP 2012 and a 1-storey height in storeys control in Sydney DCP 2012. It is proposed to increase the maximum height of building under the Sydney LEP 2012 for these sites to at least 7.5 metres, apart from those sites in the Toxteth Estate (which will be limited to the height of the existing building or 6 metres, whichever is greater).

#### 2.1.2.2 Reduced height of building LEP Control

There are also many sites across the LGA that have height of building control of 9 metres under the Sydney LEP and are only permitted a single storey addition under the Sydney DCP 2012 height of building in storeys control. More broadly, the current DCP controls can be quite restrictive for rear additions and there are many locations where Council has refused development applications for two-storey rear additions. A reduced height of building control under the Sydney LEP 2012 is proposed for these properties to 7.5m, or the existing height. Amendments to the Sydney DCP 2012 will also be made to clarify that these small scale buildings are permitted to have a two storey rear addition.

The field survey also found there are sites where the LEP height of buildings control significantly exceeds the height of the contributory building on the site. This is resulting in development proposals which comply with height controls in the Sydney LEP, but with a built form which is inappropriate in the conservation area context. A reduced height of building control is proposed for these buildings.

## Q2. Is the planning proposal the best means of achieving the objectives or intended outcomes, or is there a better way?

The objectives and intended outcomes of the planning proposal include providing for reasonable alterations and additions to buildings in conservation areas to meet contemporary amenity expectations and increase certainty in planning controls. The planning proposal seeks to remove mapping that clearly illustrates the maximum height of buildings in metres and replace this with a clause which specifies the maximum height based on the height of the existing building or adjoining buildings. In practice this means that a proponent or community member will need to know the height of the existing building and potentially the height of adjoining buildings to determine what is the maximum building height permitted as opposed to having this clearly stated on a publicly available map.

The proposed provision does not provide certainty and adds complexity as it would not be clear from reading the site specific clause or height of building maps what the maximum height of building is for small scale buildings in HCAs. As such the proposed provision does not achieve the objectives and intended outcomes of the planning proposal because it doesn't increase certainty and simplify planning controls.

An alternative option would be to amend the height of building map to reflect the maximum height prescribed by the proposed provision. However, this would result in a height of building map that is complex to read because of the number of various heights that will be shown and therefore would not simplify planning controls as intended by the planning proposal. In addition, it is apparent from the planning proposal documentation that one of the reasons current height of building planning controls are complex is because of the contradictions between the LEP and DCP. This complexity could be resolved by amending the Sydney DCP 2012 alone to remove any inconsistencies between the two documents.

Clause 5.10 of the Sydney LEP contains provisions to conserve the significance of heritage conservation areas in the local government area. These provisions are considered adequate to enable appropriate consideration of any alterations and additions to buildings in conservation areas without the need to amend the approach to maximum height of building in the LEP. Given this, a Gateway condition is proposed, requiring the planned local provision to amend the maximum height of building for small scale buildings in HCAs to be deleted from the planning proposal.

The planning proposal also includes amendments to HCA boundaries as discussed above. It is considered amendments to the Sydney LEP are the most appropriate way to achieve the intended outcomes of this component of the planning proposal as it provides the statutory mechanism to recognise heritage conservation areas.



## 3 Strategic assessment

### 3.1 Regional Plan

The Greater Sydney Region Plan – A Metropolis of Three Cities (March 2018) was prepared by the former Greater Sydney Commission. Key objectives of the Region Plan are Infrastructure and Collaboration, Liveability, Productivity and Sustainability.

Under section 3.8 of the *Environmental Planning and Assessment Act 1979* (EP&A Act) a planning proposal is to give effect to the relevant District Plan. By giving effect to the District Plan, the proposal is also consistent with the Regional Plan. Consistency with the District Plan is addressed in **Section Error! Reference source not found.** below.

### 3.2 District Plan

The site is within the Eastern City District and the former Greater Sydney Commission released the Eastern City District Plan on 18 March 2018. The plan contains planning priorities and actions to guide the growth of the district while improving its social, economic and environmental assets.

The planning proposal is consistent with the priorities for infrastructure and collaboration, liveability, productivity, and sustainability in the plan as outlined in the table below.

The Department is satisfied the planning proposal gives effect to the District Plan in accordance with section 3.8 of the *Environmental Planning and Assessment Act 1979*. Table 5 includes an assessment of the planning proposal against relevant actions.

**Table 5 District Plan assessment**

| District Plan Priorities                                                                                            | Justification                                                                                                                                                                                                                                                                                                                                       |
|---------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Creating and renewing great places and local centres, and respecting the District's heritage (Planning Priority E6) | <p>The amendments to HCA boundaries are consistent with Planning Priority E6 as they seek to identify and conserve buildings of heritage significance.</p> <p>The proposal will recognise and provide ongoing protection of the heritage significance of the buildings within the City of Sydney LGA and ensure HCAs retain their significance.</p> |

### 3.3 Local

The proposal states that it is consistent with the following local plans and endorsed strategies as stated in the table below:

**Table 6 Local strategic planning assessment**

| Local Strategies | Justification |
|------------------|---------------|
|------------------|---------------|

|                                                        |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |
|--------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Local Strategic Planning Statement<br>(City Plan 2036) | <p>The City Plan 2036 Local Strategic Planning Statement was completed in March 2020 and provides the 20-year vision for land use planning in the city. It aims to link the NSW State Government's strategic plans and the community strategic plans with the city's planning controls. This plan highlights that the unique heritage character of Sydney is a strong focus for local communities.</p> <p>The planning proposal states it is consistent with priority L2 Creating great places and Action L2.9 Conserve places of heritage significance.</p> <p>The amendments to HCA boundaries proposed will ensure heritage significance is conserved by ensuring the HCAs are consistent with their statement of significance.</p> |
| Sustainable Sydney 2030-2050                           | <p>The City's Sustainable Sydney 2030 Strategic Plan is the vision for the sustainable development of the City to 2050 and beyond. It includes 10 strategic directions to guide the future of the City, as well as 10 targets against which to measure progress. This amendments to the HCA boundaries are consistent with the key directions of Sustainable Sydney 2030 – 2050, particularly Direction 4 'Design excellence and sustainable development.'</p>                                                                                                                                                                                                                                                                         |

## 3.4 Section 9.1 Ministerial Directions

The planning proposal's consistency with relevant section 9.1 Directions is discussed below:

**Table 7 9.1 Ministerial Direction assessment**

| Directions                                                     | Consistent/ Not Applicable | Reasons for Consistency or Inconsistency                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |
|----------------------------------------------------------------|----------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 1.15<br>Implementation of the Pyrmont Peninsula Place Strategy | Consistent                 | <p>The planning proposal involves removing the mapped height of building controls for small scale buildings for land subject to the Pyrmont Peninsula Place Strategy. As discussed in Section 2, a Gateway condition has been included to remove this component of the planning proposal.</p> <p>This amendments to HCA boundaries do not affect land subject to the Pyrmont Peninsula Place Strategy.</p>                                                                                                                                                                                                                                                                                                                                                                                                |
| 3.2 Heritage Conservation                                      | Consistent                 | <p>The planning proposal is informed by a review and field survey of the City of Sydney's HCAs. The field survey collected data about buildings in HCAs, including heights, period of construction, additions and changes to the original building to enable a comprehensive knowledge base of the conservation areas in the LGA.</p> <p>As noted previously, amended justification was submitted by Council to support the proposal and adequately justifies the proposed amendments to the heritage conservation areas. A condition has been included requiring the planning proposal to be updated prior to public exhibition with this amended justification as submitted on 13 May 2024.</p> <p>The amendments to HCA boundaries are consistent with the direction because they ensure places of</p> |

|                                                  |            |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |
|--------------------------------------------------|------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|                                                  |            | <p>environmental heritage significance are conserved. Those sites proposed to be removed from the HCA are considered to no longer meet the thresholds for significance.</p> <p>As discussed in Section 2 the proposed local provision to amend the maximum height of building for small scale buildings in HCAs seeks to conserve heritage and clarify appropriate additions to buildings in HCAs. However, the proposed provision will reduce certainty and a Gateway condition has been included to remove this component of the proposal. The Department is satisfied that the existing Clause 5.10 Heritage Conservation provides an appropriate mechanism to trigger consideration of any proposed development against heritage impacts.</p> |
| 3.9 Sydney Harbour Foreshores and Waterways Area | Consistent | <p>The planning proposal involves amending heritage conservation area boundaries located in the Foreshores and Waterways area. However, the planning proposal does not amend the permissible land uses, height of building or floor space ratio controls on these sites. The proposal will ensure the natural assets and unique environmental, scenic and visual qualities of Sydney Harbour and its islands and foreshores are maintained.</p> <p>This planning proposal includes altering the maximum height of building for properties located within the Sydney Harbour Foreshores and Waterways Area. As discussed in Section 2, a Gateway condition has been included to remove this component of the planning proposal.</p>                |

|                       |            |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |
|-----------------------|------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 6.1 Residential Zones | Consistent | <p>The planning proposal applies to certain land zoned R1 General Residential and R2 Low Density Residential within HCAs.</p> <p>The objectives and intended outcomes of the planning proposal include providing for reasonable alterations and additions to buildings in conservation areas to meet contemporary amenity expectations, increase certainty in planning controls and facilitate heritage conservation.</p> <p>The amendments to HCA boundaries are consistent with this direction as the amendments:</p> <ul style="list-style-type: none"> <li>• Aim to promote good design through protection of buildings of heritage significance; and</li> <li>• Do not result in a reduction in permissible residential density because it does not amend the maximum Floor Space Ratio.</li> </ul> <p>As discussed in Section 2, the proposed local provision for building height for small scale buildings in HCAs seeks to conserve heritage and clarify appropriate additions to buildings in HCAs. However, the Department is of the view the proposed provision will reduce certainty and a Gateway condition has been included to remove this component of the proposal.</p> |
| 7.1 Employment Zones  | Consistent | <p>The planning proposal applies to certain land in E1 Local Centre zone and MU1 Mixed Use zone.</p> <p>The objectives and intended outcomes of the planning proposal include providing for reasonable alterations and additions to buildings in HCAs to meet contemporary amenity expectations, increase certainty in planning controls and facilitating heritage conservation.</p> <p>As discussed in Section 2, the proposed local provision to amend the maximum height for small scale buildings in HCAs seeks to conserve heritage and clarify appropriate additions to buildings in HCAs. However, the Department is of the view the proposed provision will reduce certainty and a Gateway condition has been included to remove this component of the proposal.</p> <p>The amendments to HCA boundaries are consistent with this Direction as they will not result in a reduction in employment zoned land given there are no amendments to the development standards that apply to these sites.</p>                                                                                                                                                                            |

### 3.5 State environmental planning policies (SEPPs)

The planning proposal is consistent with all relevant SEPPs as discussed in the table below.

**Table 8 Assessment of planning proposal against relevant SEPPs**

| SEPPs                                              | Consistent/ Not Applicable | Reasons for Consistency or Inconsistency                                                                            |
|----------------------------------------------------|----------------------------|---------------------------------------------------------------------------------------------------------------------|
| SEPP (Exempt and Complying Development Codes) 2008 | Consistent                 | The planning proposal does not contain any provisions which would contravene or hinder the application of the SEPP. |
| SEPP (Housing) 2021                                | Consistent                 | The planning proposal does not contain any provisions which would contravene or hinder the application of the SEPP. |

The planning proposal documentation details that the planning proposal is consistent with SEPP (Building Sustainability Index: BASIX) 2004. However, the SEPP (Building Sustainability Index: BASIX) 2004 is no longer in force and has been replaced by State Environmental Planning Policy (Sustainable Buildings) 2022. A condition has been included in the recommendation requiring references to SEPP (Building Sustainability Index: BASIX) 2004 to be removed.

## 4 Site-specific assessment

### 4.1 Environmental

The planning proposal relates to adding, amending and removing properties from HCAs as well as including a local provision to amend the maximum permissible height for small scale buildings in HCAs. The planning proposal does not propose any changes to the LEP controls that would facilitate intensification of land uses.

The planning proposal states there are no critical habitat areas, threatened species, populations or ecological communities or their habitats present on the subject sites. Overall, there are no likely negative environmental impacts that would arise as a result of the planning proposal.

### 4.2 Social and economic

The planning proposal is unlikely to result in any significant adverse social and economic impacts. Minor adjustments to the boundaries of conservation areas, including the addition of 12 properties of significance to HCAs and removing 23 properties from HCAs that are not significant to the conservation area will provide the community with greater certainty regarding the heritage significance of sites across the LGA and facilitate their ongoing protection.

Through the community consultation process, the wider community will have an opportunity to provide feedback.

### 4.3 Infrastructure

There is no significant infrastructure demand resulting from the planning proposal as it would not result in an increase to the development potential of any land and the proposal does not include amendments to planning controls that would facilitate intensified development. The proposed HCA listings are unlikely to generate additional infrastructure requirements.

## 5 Consultation

### 5.1 Community

Council proposes a community consultation period of 20 days.

The exhibition period proposed is considered appropriate and forms the conditions of the Gateway determination.

### 5.2 Agencies

The proposal does not require consultation with any agencies or public authorities.

## 6 Timeframe

Council proposes a 9 month time frame to complete the LEP.

The LEP Plan Making Guidelines (August 2023) establishes maximum benchmark timeframes for planning proposal by category. This planning proposal is categorised as standard.

The Department recommends an LEP completion date of 7 November 2025. A condition to the above effect is recommended in the Gateway determination.

## 7 Local plan-making authority

Council has advised that it would like to exercise its functions as a Local Plan-Making Authority.

As the planning proposal relates to matters of local heritage significance, and the proposed new local provision relating to building heights is conditioned to be removed, the Department recommends that Council be authorised to be the local plan-making authority for this proposal.

## 8 Assessment summary

The proposed amendments to heritage conservation area boundaries are supported to proceed with conditions for the following reasons:

- The amendments are consistent with the Region Plan, District Plan and Council's Local Strategic Planning Statement because it will conserve the significance of heritage conservation areas; and
- An amendment to the Sydney LEP 2012 is the best means of achieving the objectives and intended outcomes of the planning proposal.

Based on the assessment outlined in this report, the proposal must be updated before consultation to:

- Remove the proposed local provision to amend the maximum height of building for small scale buildings in HCAs;
- Include the amended justification for the HCA boundaries as submitted to the Department on 13 May 2024;
- Confirm and clarify any savings provisions proposed;
- Assess the sites that are being added to heritage conservation areas against the criteria for significance in *Assessing Heritage Significance (Department of Planning and Environment, June 2023)*;
- Remove reference to *State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004*.

## 9 Recommendation

It is recommended the delegate of the Minister determine that the planning proposal should proceed subject to conditions.

The following conditions are recommended to be included on the Gateway determination:

1. Prior to exhibition, the planning proposal is to be amended to:
  - a) Remove the proposed local provision to amend the maximum height of building for small scale buildings in HCAs;
  - b) Include the amended justification for the HCA boundaries as submitted to the Department on 13 May 2024;
  - c) Confirm and clarify any savings provisions proposed;
  - d) Assess the sites that are being added to heritage conservation areas against the criteria for significance in *Assessing Heritage Significance (Department of Planning and Environment, June 2023)*.
  - e) Remove reference to *State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004*.
2. Public exhibition is required under section 3.34(2)(c) and clause 4 of Schedule 1 to the Act as follows:
  - (a) the planning proposal is categorised as standard as described in the *Local Environmental Plan Making Guideline* (Department of Planning and Environment, August 2023) and must be made publicly available for a minimum of 20 working days; and
  - (b) the planning proposal authority must comply with the notice requirements for public exhibition of planning proposals and the specifications for material that must be made publicly available along with planning proposals as identified in *Local Environmental Plan Making Guideline* (Department of Planning and Environment, August 2023).

Given the nature of the planning proposal, it is recommended that the Gateway authorise council to be the local plan-making authority and that an LEP completion date of 7 November 2025 be included on the Gateway.



4 July 2024

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21 January 2025

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## Item 5.

### **Post Exhibition – Local Approvals Policy for Construction-Related Temporary Structures On and Above Roads and Code of Practice**

**File No: X102443**

#### **Summary**

This report seeks Council approval of the Local Approvals Policy for Construction-related Temporary Structures On and Above Roads (the “Policy”) and supporting technical controls, the proposed Code of Practice - Construction-Related Temporary Structures On and Above Roads (the “Code”).

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.

At its meeting on 16 December 2024, Council resolved to exhibit the draft Policy and Code. Exhibition seeking public and industry comment took place from 17 April 2025 to 9 June 2025. A total of 6 submissions were received (consisting of 4 survey submissions and 2 email submissions). Some further amendments to the Policy and Code are recommended following the exhibition period.

This report recommends that Council adopt the proposed Policy as shown at Attachment A and the supporting Code at Attachment B to the subject report.

## Recommendation

It is resolved that:

- (A) Council note the submissions received on the exhibited draft Local Approvals Policy for Construction-Related Temporary Structures On and Above Roads and Proposed Code of Practice, as shown in Attachments C and D to the subject report;
- (B) Council adopt the Local Approvals Policy for Construction-Related Temporary Structures On and Above Roads, as shown at Attachment A to the subject report;
- (C) Council note the supporting Code of Practice: Construction-Related Temporary Structures On and Above Roads, as shown at Attachment B to the subject report; and
- (D) authority be delegated to the Chief Executive Officer to make amendments to the Local Approvals Policy for Construction-Related Temporary Structures On and Above Roads and Code of Practice: Construction-Related Temporary Structures On and Above Roads, to correct any minor drafting errors and finalise design, artwork and accessible formats for publication.

## Attachments

- |                      |                                                                                         |
|----------------------|-----------------------------------------------------------------------------------------|
| <b>Attachment A.</b> | Local Approvals Policy for Construction-Related Temporary Structures On and Above Roads |
| <b>Attachment B.</b> | Code of Practice - Construction-Related Temporary Structures On and Above Roads         |
| <b>Attachment C.</b> | Engagement Report                                                                       |
| <b>Attachment D.</b> | Summary of Submissions and City Responses                                               |

## Background

1. In 2014, the City adopted a Local Approvals Policy for the regulation of hoardings and scaffolding erected on roads. The 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 current Policy and Guidelines presently focus on hoardings and scaffolding. Other types of temporary structures associated with construction sites and building maintenance works are not currently subject to existing Guidelines.
2. The proposed Policy and Code will apply to these other forms of temporary structures and will continue to regulate the placement and use of commonly installed hoardings and scaffolding to:
  - (a) control, regulate, approve installations and usage of temporary structures placed on and/or above roads
  - (b) minimise pedestrian, cycleway and vehicular obstructions and other impacts resulting from the placement of temporary structures on roads
  - (c) provide safe and accessible public passage including high-quality amenity in public spaces in the vicinity of worksites
  - (d) screen and secure worksites to enhance public safety and amenity
  - (e) minimise adverse visual impacts of temporary structures in the streetscape through displaying high-quality graphics (artwork and historic images) on several forms of temporary structures
3. The draft Policy and draft Code have been exhibited and feedback relating to the proposed Code has been received and considered. The following changes have been made to address these submissions:
  - (a) a new subclause added to make it clear to holders of an approval (typically builders) that in circumstances where works have stalled or ceased the City may require the removal of a temporary structure
  - (b) existing clause amended relating to counterweight heights to allow a maximum of 2.3m (exhibited draft allowed 2.1m maximum) to allow for greater design flexibility and facilitate use of readily available counterweight sizes
  - (c) new provisions added to require hoarding site fencing material to be reused or recycled, including introducing an option for the City to consider alternative forms of fence material in addition to structural-grade plywood
  - (d) additional provisions added requiring hoarding designers and contractors to better consider impacts of hoardings on bus movements in kerb lanes and at bus stops; and the need to ensure safe and convenient pedestrian movement on footways generally
4. Refer to the 'Public Consultation' section of the report for further details including detailed responses to the submissions as set out in Attachment D.

## Key Implications

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

5. 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 proposed Policy and Code to meet prescribed minimum design standards to achieve a high-quality appearance of temporary structures. This includes the continuation of requirements for the display of graphics (artwork and historic images – predominately on hoardings and scaffolding) which will continue to enliven public spaces with colour, creativity and history of the city. The proposed Code also has provisions that will 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 proposed Code to mitigate impacts on the safe, accessible and convenient movement of pedestrians and cyclists including people with disability. The proposed Code ensure that walking routes are interesting (display of graphics on some types of temporary structures and public viewing windows in hoarding site fences), provide accessible pathways (minimum clear widths and safe surfaces) and allow comfortable environs when passing a worksite. Worksites and construction activities will be effectively isolated by well-designed and finished hoarding surfaces including requirements for ongoing maintenance, effective site fencing and overhead protection for public safety.
  - (c) Direction 8 - A thriving cultural life - The proposed Policy and Code require and encourage the display of creative artworks and historic image treatments on hoardings and scaffolding in prescribed circumstances. The proposed Code also allows the display of bespoke artwork on surfaces. Where bespoke artwork is proposed it must be by way of paid commission or license 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 of Sydney Cultural Policy 2025-2035. Temporary public art is a feature of public spaces across the city for both small and large-scale hoardings and scaffolding.

### Organisational Impact

6. The introduction of the proposed Code will require internal training for officers involved in the assessment of applications and inspection of installed temporary structures. Internal processes, including adjustments to template documents and permits, will also be necessary to capture various aspects of the proposed new Code. Adjustments to application forms will also be necessary. This work will be undertaken prior to the formal commencement of the proposed Policy and Code.

**Risks**

7. Council's adopted Risk Appetite Statement relating to People identifies its primary objective is to prevent harm, injuries and workplace illnesses to our workers, residents, visitors and other stakeholders; and acknowledges that achieving a risk-free environment is not feasible, especially in the public domain.
8. Construction-related temporary structures are used by builders and contractors to facilitate the effective and safe undertaking of works on buildings from roads adjoining worksites. These structures affect public spaces and the users of these spaces. This work is necessary to the functioning and development of the city. The proposed Local Approvals Policy and Code of Practice control these activities in public spaces to ensure that the risks to the city's workers, residents, visitors and other stakeholders are within the City's level of tolerance to these risks. It includes provisions to prevent uncontrolled hazards and if disregard for safety regulations is identified to mitigate these risks promptly.
9. The proposed Code aligns with the SafeWork NSW 'Code of Practice: Overhead Protective Structures' (hoardings). Builders and contractors are required to comply with the NSW Code. The City's proposed Code has enhanced provisions for all forms of temporary structures with detailed provisions applying to hoardings to address public amenity, access and safety in public spaces. This is consistent with Risk
10. The proposed Code also assists persons or entities in control of a worksite to meet their safety statutory obligations of the NSW Work Health and Safety Act.
11. The City's controls exceed the NSW Code requirements in several areas but are not in conflict with the SafeWork NSW Code. The variances (enhancements) are necessary to address the special circumstances and needs of the City that the State-based code is not able to deal with in sufficient detail.

**Social / Cultural / Community**

12. The general public, visitors and the business community will benefit through achieving high quality design outcomes for temporary structures. Clear criteria setting out minimum standards will ensure that impacts on footways, cycleways and roadways resulting from these structures are minimised.
13. The current requirements for the display of graphics on hoardings and scaffolding will continue in the proposed Policy and Code. This aligns with the initiatives of Council's Creative City Cultural Policy 2025-2035 and Sustainable Sydney 2030-2050 Continuing the Vision strategic alignment.
14. Property owners and businesses will also benefit through new provisions that set minimum requirements for maintaining acceptable access and visibility to buildings and business premises. This includes allowing the display of wayfinding signage and temporary business identification signage on temporary structures (hoardings) in circumstances where existing operational premises and/or signage will be impacted.

**Environmental**

15. Provisions regulating litter, wastewater, noise and dust impacts are also included. Builders must regularly clean and maintain the roads (including footways) on which temporary structures are installed to provide high quality public amenity. Preventing construction-related debris and litter entering the stormwater drainage system is also addressed.

**Relevant Legislation**

16. There are several key statutes that apply when using the public spaces for the installation and use of temporary structures associated with construction and building maintenance activities. The proposed Policy has been prepared in accordance with the Local Government Act 1993 and the Local Government (General) Regulation 2021. Other applicable legislation also apply.
17. The following Acts and Regulations are 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. In accordance with section 165(4) of the Local Government Act 1993, the Policy was reviewed and proposed for adoption within 12 months after the election of Council.

**Public Consultation**

19. Exhibition seeking public and industry comment took place from 17 April 2025 to 9 June 2025. A total of 6 submissions were received consisting of 4 survey submissions and 2 email submissions (refer to the Engagement Report at Attachment C for further details).
20. A summary of submissions received, officer responses and outcomes are set out in Attachment D.

**GRAHAM JAHN AM**

Chief Planner / Executive Director City Planning, Development and Transport

Peter Conroy, Standards and Policy Specialist – Construction



# **Attachment A**

## **Local Approvals Policy for Construction- Related Temporary Structures On and Above Roads**

# Local Approvals Policy for Construction-related Temporary Structures On and Above Roads

## Purpose

The purpose of this Policy is to provide the framework for regulating the design, approval and installation of construction-related temporary structures on and above public roads (“temporary structures”) within the City of Sydney local government area.

This Policy supplements provisions of the Local Government Act 1993, the Local Government (General) Regulation 2021, the Roads Act 1993 and the Roads Regulation 2018.

The Policy is a Local Approvals Policy prepared and adopted by Council under s158 of the Local Government Act 1993 to regulate temporary structures (being “articles” under Part E (2) of the Table in s68 of the Act).

The Policy addresses three aspects (parts) in accordance with the requirements of the Local Government Act 1993 and operates as follows:

- Part 1 - specifies any exemptions from this Policy
- Part 2 - specifies the criteria that Council must consider when determining whether to grant approval for a particular article or activity
- Part 3 - specifies other matters relating to approvals.

## Objectives

The Policy aims to:

- a) control, regulate, approve installations 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 spaces 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.

## When will the Policy be revoked?

Under s165(4) of the Local Government Act 1993, this Policy is automatically revoked 12 months after the NSW local government elections, unless the Council resolves to do so sooner.

## Scope and purpose

The Policy applies throughout the City of Sydney local government area. The purpose of the Policy is to give force to the 'Code of Practice: Construction-related Temporary Structures On and Above Roads' (the "Code"). The Code prescribes the technical standards applying to temporary structures that control the design, placement (installation) and use of temporary structures on and/or above a public road. The Code is also used to assess applications lodged by property owners, developers, builders, and contractors seeking approval to install temporary structures to facilitate demolition, excavation and construction works or maintenance activities on existing buildings.

## How this Policy works

### Part 1 - Exempt from approval

The Policy does not provide any exemptions from the need to obtain the approval of Council for the placement of temporary structures on and/or above a public road.

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

The provisions set out in the Code will apply when seeking approval to install a temporary structure on and/or above a public road.

### Part 3 - Other matters relating to approvals

The provisions of the Roads Act 1993 and Roads Regulation 2018 relating to the installation of temporary structures on and/or above a road will also be considered in the assessment and determination of applications seeking approval to install temporary structures.

The approval for the installation of temporary structures 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 and/or other works/activities that take place in, on or over roads. These activities are regulated through a 'Local Approvals Policy for Hoisting and Construction Activities On and Above Roads'. A separate approval for these activities is required under category E(1) and E(2) of the table in s68 and s94 of the Local Government Act and s139 of the Roads Act 1993.

## Definitions

| Term     | Meaning                                                                                                                                                             |
|----------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Approval | an approval in force under the Local Government Act 1993 and Roads Act 1993 which includes the term 'permit'                                                        |
| Article  | a temporary structure, installed (exposed) on and/or above a road                                                                                                   |
| Code     | the 'Code of Practice: Construction-related Temporary Structures On and Above Roads (available on Council's website) adopted as part of this Local Approvals Policy |
| Footway  | the part of a road that is set aside or formed as a path or way for pedestrian traffic (whether or not it may also be used by bicycle traffic)                      |

| Term                | Meaning                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |
|---------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Road                | includes—<br>(a) highway, street, lane, pathway, footpath, cycleway, thoroughfare, bridge, culvert, causeway, road-ferry, ford, crossing, by-pass and trackway, whether temporary or permanent, and<br>(b) any part of a road and any part of any thing referred to in paragraph (a), and<br>(c) any thing forming part of a road or any thing forming part of any thing referred to in paragraph (a).                                                                                                                                     |
| Temporary structure | any of the following structures installed on and/or above a road:<br>- hoarding<br>- scaffolding<br>- work and storage compound<br>- cantilevered work platform<br>- cantilevered overhead protective deck/platform<br>- hung-scaffold<br>- catch-scaffold<br>- façade-mounted cantilevered materials landing platforms<br>- building perimeter construction safety screens/shutters<br>- jump-forms and slip-forms<br>- tower crane structure<br>- site sheds<br>- other forms of temporary structures when placed on and/or above a road |

## Policy Statement

Footway obstructions resulting from the placement of temporary structures are often a necessary part of construction and building maintenance activities. In allowing the installation of these structures on and above roads it is essential that they have the least possible impact on residents, workers, visitors and the business community. To achieve these required outcomes the Code prescribes minimum acceptable standards that must be followed by persons undertaking works and activities.

Due to very high pedestrian and traffic volumes in the city, there are special needs and requirements that must be considered and followed when undertaking construction work, including the installation of temporary structures. This is necessary to ensure the safe, accessible and convenient passage and movement of pedestrians and cyclists.

There are also significant visual impacts that result from development activity and temporary structures (predominately hoardings and scaffolding) therefore they must have quality design features to minimise these impacts in the streetscape. Minimum design standards including the display of graphics therefore apply to some forms of temporary structures.

## Legal status of this Policy

The Policy is aimed at the development and construction sectors where approval is sought to install temporary structures on or over a road (an activity under category E(2) of the table in s68 of the Local Government Act) and s138 of the Roads Act in association with development sites or buildings undergoing maintenance.

### 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 Code must be satisfied when installing a temporary structure on and/or above a road.

### 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, Code 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 (and Code) and an approval to place a temporary structure on and/or above a 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.

### Granting an approval

An approval for the installation of a temporary structure on and/or above a road (footway and/or roadway) is granted under s94 of the Local Government Act 1993 and s139 of the Roads Act 1993. 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 subject to a condition requiring permit-holders to ensure that temporary structures comply with minimum standards as prescribed in the Code and as set out in specific conditions forming part of the approval.

### Amending an approval

A person to whom an approval is granted may apply to amend an approval under s106 of the Local Government Act. The assessment for an amendment to an approval will include the following matters:

- a) whether the approval as amendment is substantially the same as the original approval; and
- b) whether any prejudice will be caused to any person who made a submission concerning the original proposal; and
- c) after consultation with any other person or authority whose concurrence to the original approval was required; and

- d) an amended determination will replace the original approval from the date endorsed in the approval.

#### Extending an approval

Council 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 Code;
- c) is non-compliant with an approval;
- d) is not covered by a current public liability insurance policy or such policy has been withdrawn by the insurer; and
- e) any other circumstance as determined by Council.

An approval to extend a determination must be obtained before the approval's lapsing date.

#### Revoking an approval

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 fails to act on directions to rectify a temporary structure particularly matters relating to inadequate structural adequacy or other public safety risk; or
- b) a public liability insurance policy for a structure/approval is not current or has been withdrawn by the insurer.

In circumstances where an approval has been revoked or lapsed, Council reserves the right to take action to have the unauthorised structure/s removed and recover all associated costs.

## **Responsibilities**

Council is responsible for developing this Policy in accordance with the provisions of the Local Government Act 1993 and ensuring good governance including open and transparent consultation during its development and review. Authorised officers of Council will issue approvals to allow the installation and use of temporary structures, enforce conditions of approval and monitor/regulate non-compliances with this Policy, the Code and relevant legislation.

A holder of an approval is responsible for ensuring that a temporary structure is installed in accordance with an approval and is appropriately maintained. A person holding an approval must also comply with the Code.

## **Consultation**

In accordance with s160 of the Local Government Act 1993 this Policy has undergone a public consultation process and formal consideration of comments prior to adoption.

## References

| Laws and Standards                                      |
|---------------------------------------------------------|
| • Local Government Act 1993                             |
| • Local Government (General) Regulation 2021            |
| • Roads Act 1993                                        |
| • Roads Regulation 2018                                 |
| • Road Rules 2014                                       |
| • Environmental Planning and Assessment Act 1979        |
| • Environmental Planning and Assessment Regulation 2021 |

| Policies and Procedures                                                          |
|----------------------------------------------------------------------------------|
| • Code of Practice: Construction-related Temporary Structures On and Above Roads |
| • Code of Practice: Hoisting and Construction Activities On and Above Roads      |
| • SafeWork NSW Code of Practice: Overhead Protective Structures                  |

## Review period

This Policy will be reviewed at least every 4 years from the date of Policy adoption.

## Approval Status

Council approved this Policy on [DD MONTH YYYY].

## Approval History

| Stage                | Date       | Comment | TRIM Reference |
|----------------------|------------|---------|----------------|
| Original Policy      | << date >> | << >>   | << >>          |
| Reviewed             | << date >> | << >>   | << >>          |
| Commence Review Date | << date >> | << >>   | << >>          |
| Approval Due Date    | << date >> | << >>   | << >>          |

## Ownership and approval

| Responsibility | Role                                                                 |
|----------------|----------------------------------------------------------------------|
| Author         | Standards & Policy Specialist, Construction & Building Certification |



| Responsibility | Role                                                   |
|----------------|--------------------------------------------------------|
| Owner          | Manager Construction & Building Certification Services |
| Endorser       | City of Sydney Executive                               |
| Approver       | City of Sydney Council                                 |

# **Attachment B**

**Code of Practice – Construction-Related  
Temporary Structures On and Above Roads**



# Draft Code of Practice: Construction-related Temporary Structures On and Above Roads



| Version            | Date of adoption |
|--------------------|------------------|
| 01 - First edition |                  |

Cover photo: Peter Conroy / City of Sydney

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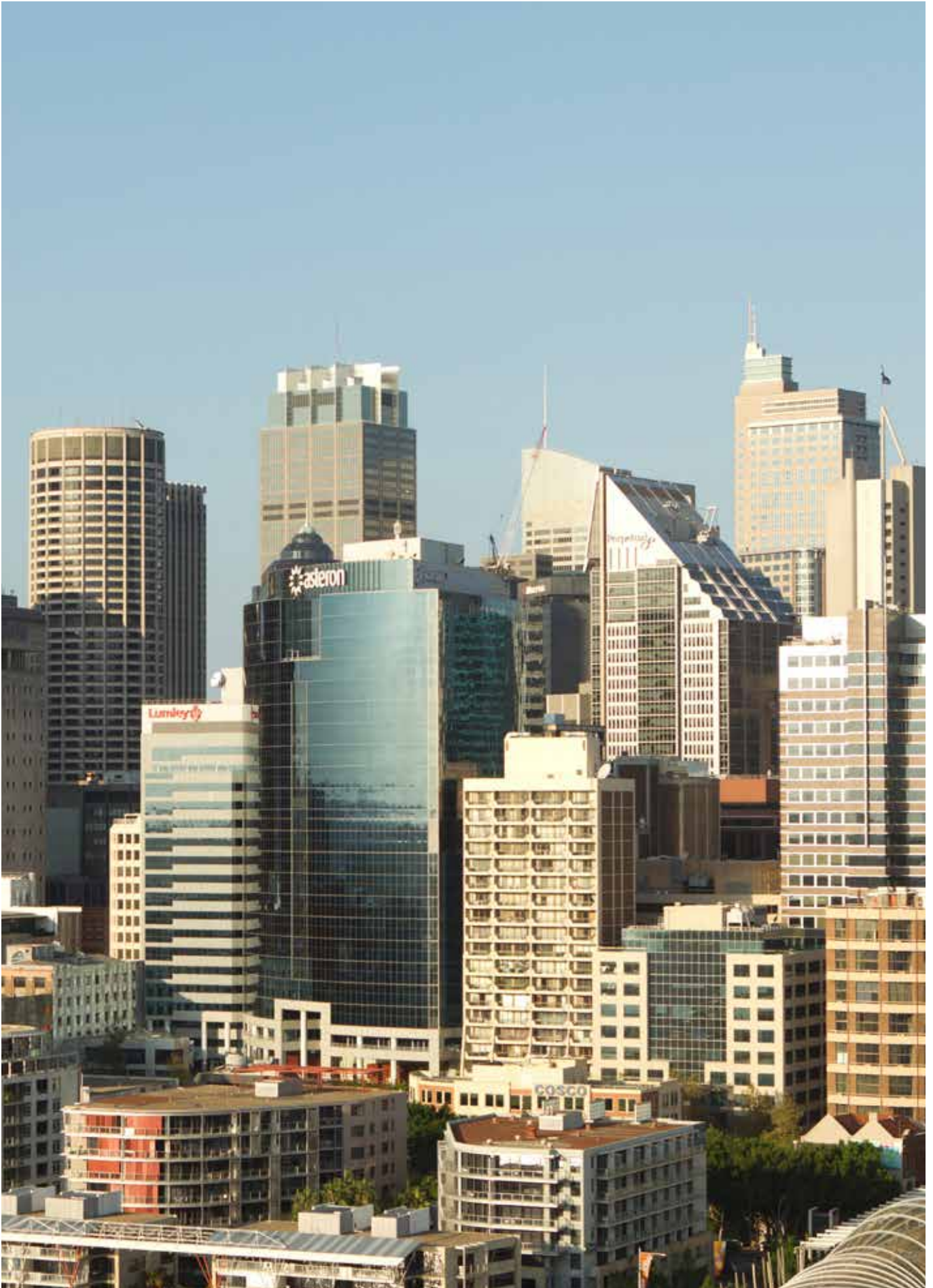


Photo: Mark Metcalfe





Photo: Katherine Griffiths / City of Sydney

# Part 01

## Preliminary

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### 1.1 About this part

This part provides an overview of the general and the administrative requirements that apply to the placement of *temporary structures* on and above roads. It also sets out the purpose of the Code of Practice and identifies the statutory provisions that apply.

---

### 1.2 Overview

The City of Sydney local government area has an area of some 26 square kilometres. The city is Australia's iconic face to the world and international gateway. Some 320,000 visitors enter each day together with 437,000 workers. The city is also home to more than 242,000 residents.

The city undergoes continual change through the construction of new buildings and alterations and additions to existing buildings. Maintenance work on the city's substantial existing building stock is also a significant activity.

*Temporary structures* such as protective structures (*hoardings*), perimeter *scaffolding* systems, cantilevered platforms and other structures are often a necessary part of development and building maintenance. *Hoarding* structures are typically

required to isolate a *worksite/workplace* from *public spaces* and to provide adequate protection and safety for the public. *Temporary structures* such as *scaffolding* systems are also required to screen and isolate *worksites* and provide a safe work platform for workers.

It is important that *temporary structures* erected in *public spaces* are designed and installed to a high standard to minimise impacts on the movement of people, vehicles, cyclists and operations of the business community. Poorly designed and maintained *temporary structures* can result in adverse visual impacts in the streetscape, particularly in the high-density city centre.

The installation of *temporary structures* on and above the *City's* land must therefore satisfy key design requirements including:

- minimising pedestrian and *cycleway* obstructions and inconvenience;
- maintaining safe, *accessible* passage (and clear widths) and high amenity including safe walking surfaces past *worksites* and *workplaces*; and
- minimising adverse visual impacts on the local environment.

The Code also requires the integration of public art and other high quality graphics such as historic images on *temporary structures* (mainly *hoardings* and *scaffolding*) to:

- mitigate visual impacts of *worksites* and *workplaces*; and
- enrich and vitalise *public spaces* to give added creativity, interest and meaning to Sydney's culture vibrancy and history.

The Code sets out minimum performance objectives and specific design criteria (deemed-to-comply provisions) for *hoardings* and *scaffolding* that will minimise and control impacts whilst allowing proponents to undertake work and to meet their legislative work health and safety responsibilities to protect the public.

---

## 1.3 Title of the Code and legal status

This Code of Practice ('the Code') is called the 'Code of Practice: Construction-related Temporary Structures On and Above Roads'. The Code gains its authority through the 'Local Approvals Policy: Construction-related Temporary Structures On and Above Roads' adopted under the provisions of the Local Government Act 1993.

---

## 1.4 What matters and activities are dealt with in this Code

This Code consists of six parts that deal with various forms of *temporary structures* and their usage including setting minimum design, maintenance and usage requirements to minimise adverse impacts, as follows:

### Part 01 - Preliminary

Provides an overview of the legislative context of the Code, when seeking *approval* to install and use *temporary structures* and other mandatory requirements of the *City*.

### Part 02 - General requirements

Describes the general requirements that apply to the various forms of *temporary structures* and their use.

### Part 03 - Design requirements – *hoardings*

Describes the detailed requirements for the design of *hoardings* and their component elements.

### Part 04 - *Scaffolding*

Sets out the minimum standards for *scaffolding* systems including specific design and installation certification.

### Part 05 - Other forms of *temporary structures*

Specifies the requirements (including certification) applying to other forms of construction-related *temporary structures*.

### Part 06 - Requirements for the display of graphics

Details design and installation requirements for the display of graphics on some forms of *temporary structures* that are regulated by this

Code.



#### 1.4.1 Construction-related temporary structures and their use - statutory context (see also 1.10)

Some forms of *temporary structures*, such as *hoardings* and *scaffolding* that are installed in *public spaces* are classified as exempt development under the State Environmental Planning Policy (Exempt and Complying Development Codes) 2008. These structures and their use are typically ancillary to construction works associated with *development consent* but their placement and use still require specific *approval* under the Local Government Act and the Roads Act.

In all cases *approval* under these two statutes must be obtained before erecting any forms of *temporary structures* in and above a *public space*.

- other minor works undertaken in *public spaces*; (refer to the 'Note' below);
- (c) the placement of skip bins in *public spaces* (Category C(3)) – regulated through the City of Sydney 'Waste Management *Local Approvals Policy*';
- (d) carrying out stormwater drainage works (Category B(5)) – discharging pooled rainwater in construction/excavation sites into the *City's* stormwater drainage system; and
- (e) connecting a private stormwater drainage system to a drainage system under the control of the *City* (Category B(6)).

**Note:** Activities in (a) and (b) are regulated through the *City's* 'Code of Practice: Hoisting and Construction Activities On and Above Roads'.

---

## 1.5 Activities that are not regulated through this Code

The following construction-related activities (categories listed in the Table of Section 68 of the Local Government Act 1993) are not regulated by this Code:

- (a) the carrying out of *hoisting* operations (Category E(1) activities) using equipment or devices such as:
  - site-based cranes
  - mobile cranes
  - elevated work platforms including boom-lifts and scissor-lifts
  - building maintenance units (BMUs)
  - other equipment used to undertake any form of *hoisting* operation. (refer to the 'Note' below);
- (b) installation of temporary barricades and devices (Category E(2) activities) in *public spaces* associated with *worksites* including:
  - *road openings*
  - mobile scaffolds/ladders
  - pedestrian exclusion zones (barricading) associated with *hoisting* operations and other activities

---

## 1.6 The purpose of the Code

The city undergoes continual change and various activities through:

- the construction of new buildings
- alterations and additions to existing buildings
- maintenance of existing buildings.

These activities can affect and adversely impact on *public spaces* including the safety, amenity and convenience of the public and building occupants.

Works can also impact on business operations through the temporary loss of public exposure including *business identification signage* (see **2.16**) and access to the business by customers and deliveries.

To minimise impacts the *City* expects, and requires, that all *temporary structures* and activities affecting *public spaces* will be undertaken in a manner that complies with:

- (a) this Code (by specifying design controls to minimise adverse impacts);
- (b) other applicable policies, codes and guidelines adopted by the *City*;
- (c) conditions of *development consent*; and
- (d) *approvals* (permits) allowing *temporary structures* and associated activities to be carried out in *public spaces*.

### 1.6.1 Regulating and controlling the placement and use of temporary structures in a high density city (see also 1.19)

- (a) In allowing the placement of *temporary structures* in and above *public spaces* the *City* has various statutory responsibilities to ensure structures and associated work activities are carried out in accordance with *approvals* and applicable controls. This can include taking action to address non-compliances or unsafe practices.
- (b) A person or entity including developers, builders, sub-contractors and *principal certifiers* also have certain obligations and responsibilities to ensure work is undertaken in a manner that:
  - (i) meets all *approval* requirements (*consents* and *permits*);
  - (ii) provides acceptable public safety and protection; and
  - (iii) maintains acceptable standards of public and community amenity near *temporary structures* and *worksites/workplaces*.
- (c) It is critical to the effective operation and use of *public spaces* that structures and associated work activities are appropriately managed to minimise adverse impacts including pedestrian and cyclist movement past or beneath structures. This is particularly critical in areas that have high pedestrian densities and movement such as the *city-centre* and the outer suburb high density business and residential areas.

### 1.6.2 Industry liaison and statutory approvals

As a means to achieve orderly development including the installation of *temporary structures* with the least possible impact, the *City's* Building Regulatory Team can assist the development and construction sectors through the provision of detailed information and technical assistance about the city's special needs and requirements.

### 1.6.3 Other activities and approvals

Other activities may also require *approval* and/or concurrence from other *City* teams. This includes:

- traffic management aspects
- bicycle and scooter movement

- *accessibility* (safe and convenient access);
- *street tree* removal and/or pruning permits (see **3.17.4**)
- granting the *approved* days and times to install and remove *temporary structures* (see **2.11.1**)
- site shoring and ground-anchoring to support *roads* when excavating (see **2.13**, **3.10.3** and the *City's* 'Code of Practice: Hoisting and Construction Activities On and Above Roads').

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## 1.7 Adoption of the Code

The Code of Practice was *approved* by Council on < < date > > through a 'Local Approvals Policy: Construction-related Temporary Structures On and Above Roads' adopted under the provisions of the Local Government Act 1993.

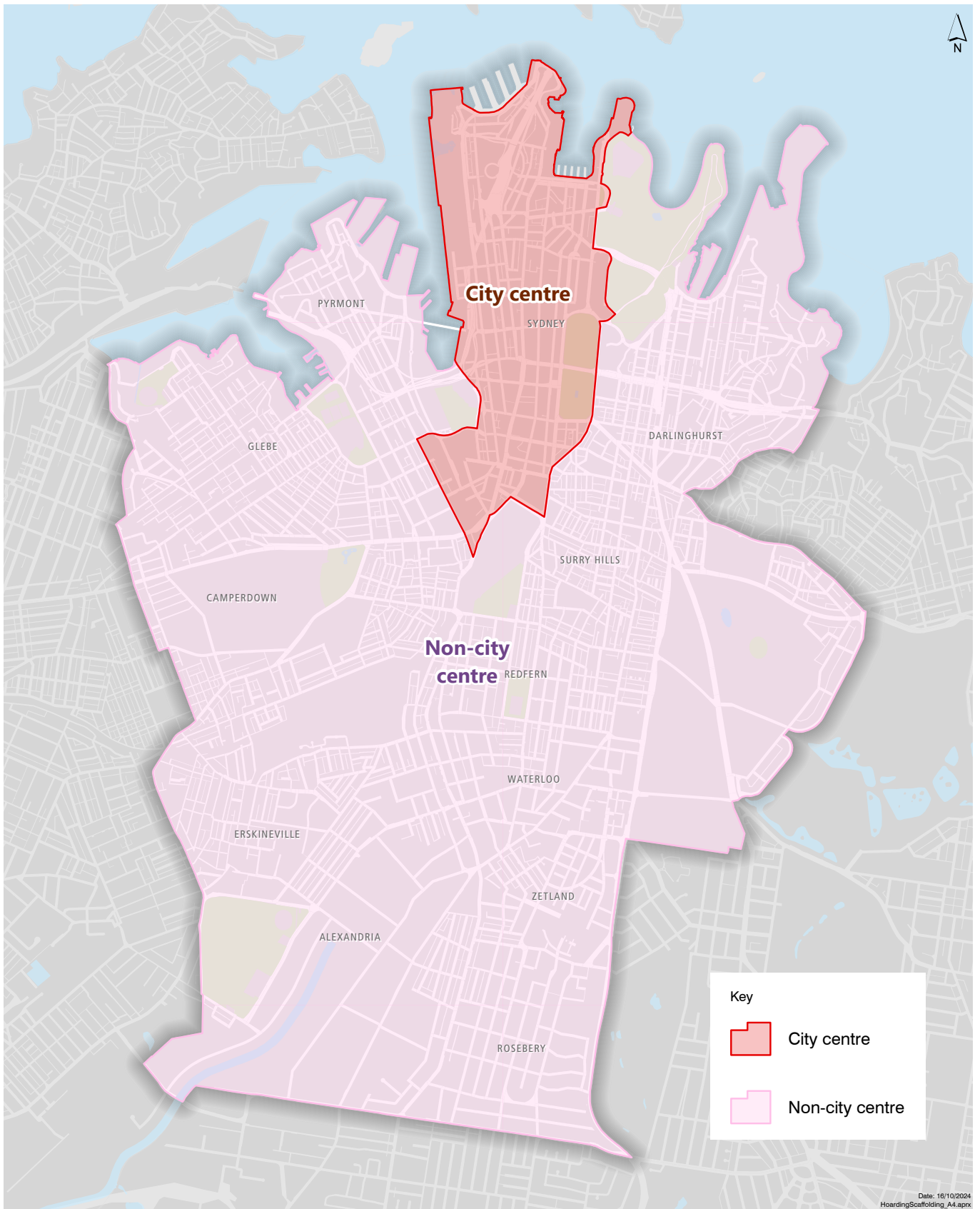
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## 1.8 Primary aims of the Code

This Code sets out the *City's* minimum design criteria, *approval* processes and ongoing regulation for the placement of *temporary structures* in *public spaces* to ensure compliance with prescribed standards. To achieve this the Code:

- (a) provides practical controls for the design, maintenance and regulation of *temporary structures* (*hoardings*, *scaffolding*, *cantilevered work platforms* and *other forms of temporary structures*) erected on or above *roads*;
- (b) specifies controls to ensure that *temporary structures* are appropriately designed and maintained to minimise adverse impacts on safe and convenient pedestrian passage past *worksites* and structures including:
  - (i) people with disability and special mobility needs;
  - (ii) high quality public amenity and public safety;
  - (iii) minimising impacts on vehicle and bicycle movement on *roadways*; and
  - (iv) requirements for the display of public art and graphics on *hoardings* and *scaffolding* to add visual interest in *public spaces* and mitigate visual impacts of construction sites and *temporary structures*.

**Figure 1.1:** Map of the local government area showing the *city-centre* and *non-city-centre* zones (refer to **Figure 1.1a** for a detail of the *city-centre* zone)



6





## 1.9 Where does the Code apply?

- (a) The Code applies to all land within the City of Sydney Local Government Area (LGA) with the exception of land (*roads*) under the control and authority of:
- Place Management NSW
  - Infrastructure NSW in relation to the Barangaroo area.
- (b) In some circumstances the above agencies may require or expect specific compliance with all or some of the technical and regulatory provisions of this Code.
- (c) Proponents seeking to erect *temporary structures* in areas under the control of the government agencies listed above will need to seek agency *approval*. Where a *worksite* overlaps *roads* under both agency control and *City land (roads)*, separate applications must be lodged and *approvals* obtained from each entity.
- (d) Concurrence (*approval*) requirements from Transport for NSW also apply in relation to State *classified roads* (s138 of the Roads Act 1993) before carrying out activities on such roads including the need to obtain required *road occupancy licences* (see **1.10**).
- (c) As part of considering an application the *City* will refer the proposal to Transport for NSW seeking their concurrence.
- (d) It is important that proponents allow sufficient time in the work program to obtain the required concurrences and *approvals*.
- (e) Site perimeter temporary fencing erected on private land such as chain-wire fencing located wholly within a property allotment is not regulated through this Code and does not require *approval*, subject to the work activity on the site being classed as exempt or complying development under the State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 (see also **1.4.1**).

**Note:** Approval for structures and activities under this Code cannot be granted retrospectively.

## 1.10 To what matters (approvals) does this Code relate and regulate?

The Code specifically relates to applications and *approvals* required under s68 of the Local Government Act 1993 and s115 and s138 of the Roads Act 1993. The following matters must be noted by a proponent when seeking approval:

- (a) In assessing an application the *City* will consider the relevant provisions of the Local Government Act and s139 of the Roads Act including giving consideration to the provisions as set out in this Code.
- (b) Where a *temporary structure* is proposed to be placed on a *classified road* the concurrence of Transport for NSW must also be obtained (s138(2) of the Roads Act). A list of *classified roads* is available on the website of Transport for NSW.



**Figure 1.2:** Approval is required when swinging or *hoisting* material over a public road or slewing any part of a crane over a road including vaning actions. Refer to the *City's* 'Code of Practice: Hoisting and Construction Activities On and Above Roads' for further information.

Photo: Peter Conroy / City of Sydney

## 1.11 The structure of this Code

It is expected that in the majority of cases proposals for *temporary structures* will be capable of complying with the deemed-to-comply criteria. Compliance with the deemed-to-comply provisions automatically satisfies the performance objectives.

### 1.11.1 Use of 'performance objectives' vs 'deemed-to-comply' approaches for hoarding and scaffolding designs

The detailed controls for the design of *hoardings* (Part 03) contain both 'performance objectives' and 'deemed-to-comply' criteria. Part 04 has *scaffolding* provisions.

Where it is not possible to meet the deemed-to-comply criteria and there are clearly demonstrated construction and/or site constraints, consideration will be given to alternative designs that meet the performance objectives of the Code. Consideration will also be given to designs that propose a combination of deemed-to-comply and performance approach.

If a performance-based design approach is used, applicants must demonstrate how the relevant performance objectives will be satisfied including any impacts on deemed-to-comply provisions.

### 1.11.2 The role of diagrams, photographs and notes in the Code

The Code consists predominately of text-based controls, with diagrams and photographs included to assist the reader in understanding the text provisions. The diagrams do not nominate or specify all of the prescriptive requirements, therefore when designing *temporary structures* the reader must not rely solely on the details in the diagrams and/or photographs in order to comply with this Code.

In the event of any inconsistency between the written prescriptive requirements and the diagrams, the written requirements apply.

'Notes' in the text generally provide explanatory information and are provided to assist the reader in understanding various provisions and draw attention to other relevant matters within and outside the Code that may also need to be considered.

## 1.12 Relevant Acts, Regulations and documents

### 1.12.1 Primary relevant Acts and other policies

The acts, codes and policies listed below may be relevant to the design and use of *temporary structures* and should be considered when preparing an application and the ongoing management and maintenance of a *temporary structure*.

#### Legislation:

- Local Government Act 1993;
- Local Government (General) Regulation 2021;
- Roads Act 1993;
- Roads Regulation 2018;
- Work Health and Safety Act 2011;
- Work Health and Safety Regulation 2017 (and adopted *SafeWork NSW* Codes of Practice - see **2.6.1**);
- Environmental Planning and Assessment Act 1979;
- Environmental Planning and Assessment Regulation 2021;
- Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021;
- State Environmental Planning Policy (Exempt and Complying Development Codes) 2008;
- State Environmental Planning Policy (Transport and Infrastructure) 2021;
- State Environmental Planning Policy (Biodiversity and Conservation) 2021;
- Access to Neighbouring Land Act 2000;
- Protection of the Environment Operations Act 1997;
- Illegal Logging Prohibition Act 2012 and Regulation;

- The Sydney Local Environmental Plan 2012; and
- The Sydney Development Control Plan 2012.

### **Policies, strategies and plans:**

- The City of Sydney 'Public Art Policy';
- The City of Sydney 'Cultural Strategy 2025-2035';
- City of Sydney 'Footpath Gardening Policy';
- 'A City for Walking' Strategy and Action Plan, City of Sydney;
- The City of Sydney 'Graffiti Management Policy';
- The City of Sydney 'Tree Management and Donation Policy';
- The City of Sydney 'Urban Forest Strategy'
- The City of Sydney 'Street Tree Master Plan';
- The City of Sydney 'Inclusion (Disability) Action Plan';
- The City of Sydney 'Prosecution and Civil Enforcement Policy';
- The City of Sydney 'Performance Bond Policy';
- The City of Sydney 'Revenue Policy' (Fees and Charges); and
- The City of Sydney 'Sydney Lights: Public Domain Design Codes'.

### **Codes and guides:**

- The Building Code of Australia;
- The City of Sydney 'Creative Graphic Design Guide for Construction-related Temporary Structures' (hoardings and scaffolding);
- The City of Sydney 'Code of Practice for Hoisting and Construction Activities On and Above Roads';
- The City of Sydney 'Inclusive and Accessible Public Domain Guidelines';
- The City of Sydney 'Display of Premises Numbers' information; and
- Fire and Rescue NSW 'Fire Safety Guidelines: Access for Fire Brigade Vehicles and Firefighters'.

### **Notes:**

1. This list is not exhaustive.
2. Readers should refer to the City's website to check for current adopted documents that apply in the city and the status of legislation on the NSW Legislation website.

### **1.12.2 Other related documents applying to temporary structures**

The following documents may apply:

- The relevant Australian Standards adopted by the Building Code of Australia including but not limited to AS/NZS 1170 Parts 0, 1 & 2, AS 1170.4, AS 4100, AS 1720, AS 3600 and AS 1657;
- AS/NZS 1576.1 'Scaffolding - General requirements'
- AS 4970 'Protection of Trees on Development Sites'
- AS 4373 'Pruning of Amenity Trees'
- *SafeWork NSW Code of Practice: Overhead Protective Structures*;
- *SafeWork NSW Code of Practice for the Safe Design of Structures*;
- *SafeWork NSW Code of Practice for Demolition Work*;
- *SafeWork NSW Code of Practice for Excavation Work*;
- *SafeWork NSW Code of Practice for Construction Work*;
- Safe Work Australia's Guide to Managing Risk in Construction: concrete placement;
- General Guide for Scaffolding and Scaffolding Work, Safe Work Australia;
- 'Technical Manual for Traffic Control at Worksites', NSW Roads & Maritime Services;
- The 'Guide to Traffic Engineering Practice', Austroads;
- Technical directions issued by Transport for NSW; and
- The City of Sydney 'Traffic Control Plans for People Riding Bicycles'.



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## 1.13 Legislation and other matters

### 1.13.1 Federal and state legislation

The Code does not override state or federal legislation. Applicants must check other relevant legislation, adopted codes of practice and guidelines that may apply to the installation and use of *temporary structures* in *public spaces*.

### 1.13.2 Approvals granted under this Code

An *approval* under this Code to place a *temporary structure* on or above Council's land is given based on the provision of a certificate of structural design provided by the applicant and issued under Section 93 of the Local Government Act (see also **2.8**).

Other certificates and checklists may also be required as part of the application and approval processes.

### 1.13.3 Public safety - work health and safety legislation

It is the responsibility of the *person conducting a business or undertaking (PCBU)* as defined in the Work Health and Safety Act to ensure the design, installation and maintenance of *temporary structure/s* satisfies relevant work health and safety legislation including codes of practice issued by SafeWork NSW. See also **2.6.1**.

### 1.13.4 Other approvals issued by the City

The Code does not override conditions of a *development consent* applying to the land adjoining the *road* on which a *temporary structure* is to be installed.

- overseeing *temporary structure* installation and removal
- ongoing monitoring of installed structures and the condition of the *public space* to maintain safe public passage, amenity and cleanliness and
- issuing corrective directions and taking other actions where non-compliances arise (see **1.14.1**).

The *City* can take compliance and/or enforcement action in accordance with several applicable statutes and policies including:

- (a) the *Local Approvals Policy* under which this Code is adopted;
- (b) the *City's* Prosecution and Civil Enforcement Policy;
- (c) the Local Government Act 1993;
- (d) the Roads Act 1993 and;
- (e) the Environmental Planning and Assessment Act 1979.

### 1.14.1 Corrective actions

In regulating various activities, an *authorised person* of the *City* may:

- issue penalty notices
- give orders
- issue directions – in writing, and in an emergency, orally under Section 237 of the Roads Act 1993. This can include formal directions being issued on the entity that placed a *temporary structure* in a *public space* such as the owner/supplier of a *temporary structure* (s107 of the Roads Act 1993) and
- initiate court action to enforce orders and directions, and prosecute for associated breaches of the applicable legislation.

Parties not acting in accordance with this Code and *approvals* may be given verbal and/or written notice to comply before an infringement notice is issued.

At all times, the *City* reserves the right to issue an immediate infringement notice or penalty depending on the seriousness of the circumstance and at the discretion of the *authorised person* including consideration of the *City's* 'Prosecution and Civil Enforcement Policy'.

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## 1.14 What are the implications for non-compliance with this Code?

Placing and using *temporary structures* on *roads* can cause impacts on the use of *public spaces* including pedestrian access and amenity. This Code therefore sets out provisions to regulate and control such structures and associated work activities to minimise impacts. This can include the *City*:

## 1.15 Performance bonds

*Performance bonds* (also known as damage/ security deposits) are used to ensure persons placing some types of *temporary structures* on roads and/or carrying out work in a *public space* meet prescribed technical standards and other *City* requirements.

### 1.15.1 Public spaces and City infrastructure

Bonds will be used where required to undertake repairs and/or complete works to city infrastructure and assets (including *street trees* and gardens - see **1.15.2**) where damage occurs or works do not comply or are not completed to the *City's* standards. Bonds must comply with the *City's* 'Performance Bond Policy' and be in the form of:

- documentary evidence such as bank guarantee; or
- an undertaking; or
- a bank cheque; or
- cash (not exceeding \$10,000); or
- EFTPOS.

Where a *performance bond* is lodged through a bank guarantee or other form of agreed undertaking it must not nominate a termination or expiry date.

Where a *performance bond* applies the required amount will be determined at the time of assessing an application. Bond rates are set out in the *City's* Revenue Policy (Schedule of Fees and Charges). Bonds must be paid before an *approval* (permit) is released.

Bonds may also be used to recover costs incurred by the *City* including, but not limited to, the following circumstances:

- (a) administering and enforcing the conditions of an *approval* and the provisions of this Code where the person or entity having the benefit of an *approval* (permit) fails to comply with the conditions of *approval* and/or a direction of the *City* to rectify, repair or maintain a *temporary structure*;
- (b) the removal of a *temporary structure* where an *approval* has lapsed or been revoked and the applicant and/or entity that owns/installed the structure fails to remove the structure;
- (c) the condition of a *temporary structure* is found to be structurally defective or inadequate requiring its removal or modification and the applicant and/or entity that installed the *temporary structure* fails to take appropriate action thereby requiring the *City* to remove the structure or carry out remedial repairs;
- (d) general maintenance including the removal of graffiti and bill posters that has not been carried out regularly or a structure's surface is not kept in good repair and appearance requiring the *City* or its contractors to undertake maintenance work;
- (e) the installation, repair and/or replacement of graphics where the applicant fails to undertake works as required by this Code, an *approval* and/or as directed by the *City*;
- (f) the relocation, removal or reinstatement of street parking control signage or parking ticket machine associated with a *temporary structure* installation where the holder of a permit fails to do so as directed or required by the *City*; and
- (g) where it is considered that the design and/or installation of a *temporary structure* may be inadequate or is non-compliant with this Code, the *City* may commission an independent qualified engineer or other person to audit the submitted drawings and/or installation to determine the acceptability or otherwise of a structure (see **1.20**).

### Notes:

1. *Performance bonds* are generally not required for Type-A *hoardings* and/or minor *scaffolding* systems erected on stone paving or other special surface material when the *temporary structure* is associated with minor works such as painting, building maintenance or shopfront works. (Refer to **Figure 3.4.3** for requirements for Type-A *hoardings* where a Performance Bond may not be required.)
2. Demolition of masonry elements and/or new masonry works are not considered minor therefore bonds apply irrespective of the *footway* surface material.

### 1.15.2 Street trees and street gardens (see 3.17)

*Performance bonds* can also be used for the protection and/or maintenance of *street trees*, garden beds, landscaping and grass verges in the vicinity of a *temporary structure* where the applicant fails to protect and undertake required maintenance.

Where damage or deterioration occurs, including damage when *hoisting* from a *works zone*, and the holder of the *approval* (permit) fails to follow a direction to undertake remedial works, the *performance bond* will be used to recover costs associated with:

- (a) undertaking inspections and reporting on affected areas and damage and required remedial works;
- (b) undertaking remedial pruning to manage the tree canopy after damage occurs; and
- (c) the full removal and replacement of severely damaged tree/s and street landscaping/ garden beds (as determined by the *City*) and the associated ongoing maintenance until the tree/s and gardens are fully established to the *City's* satisfaction (generally a minimum period of 12 months).

### 1.15.3 Bonds imposed by the City's Public Domain Team and Construction Regulation Team

*Performance bonds* may apply for any works including rectification in relation to:

- damage of public infrastructure, both above and below ground level
- damage resulting from temporary shoring/ ground-anchoring of roads (*footways/ roadways*)
- other *public space* infrastructure damage.

Refer to the *City's* 'Code of Practice: Hoisting and Construction Activities On and Above Roads' for further details.

### 1.15.4 Recovery of public land occupation fees

In circumstances where scheduled occupation fees for the use of *City* land are not paid the *performance bond* held to satisfy a condition of an *approval* may be used to recover outstanding fees.

## 1.16 Public liability insurance

The holder of an *approval* (permit) uses the *road* at its own risk. In the *City* giving *approval*, the permit-holder agrees to release and indemnify the *City* and to keep the *City* indemnified against any claim, damage, expense, loss, cost (including reasonable legal costs) or liability (including liabilities of the *City* to third parties) arising from or in connection with the use of the *road*.

An indemnification, in the form of a *public liability insurance* policy, affords protection to the *City* in respect of any claims including any excess on the insurance policy arising from a claim.

An indemnity must be in the amount of at least \$20 million for any individual claim that may be made and any excess on the insurance policy arising out of any claim. The insurance policy must be held in the name of the person or entity holding an *approval*.

### 1.16.1 Indemnity during the placement and dismantling of temporary structures

The *City* must be indemnified during the placement and dismantling of *temporary structures*.

### 1.16.2 Indemnity for the full duration that temporary structures are in place

Valid indemnity insurance must be held for the full duration that a *temporary structure* is in place. Where an insurance policy does not cover the full period of the proposed installation (as stated in the application), the *approval* (permit) will be restricted to the insured period. An application to extend an *approval* (1.19.4) must be made at least two (2) weeks prior to the *approval* lapsing and evidence of a renewed policy must be included with the application.

### 1.16.3 Indemnity – change of entity holding an approval (Permit)

In circumstances where the entity (applicant) holding an *approval* for a *temporary structure* exits a project or wishes to transfer the project (*temporary structure*) to another entity, the new entity must lodge a fresh application together with a new *public liability insurance* policy, to seek *approval* to allow the *temporary structure* to remain in place under a fresh *approval* held in the name of the new entity.

#### 1.16.4 Indemnity – withdrawal by insurer

The holder of an *approval* and indemnity must inform the *City* immediately upon becoming aware that the insurer has or intends to withdraw the indemnity. In such circumstances the holder of the *approval* must provide to the *City* a replacement indemnity that meets the *City*'s requirements.

#### 1.16.5 Damage sustained on temporary structures and/or public safety incidents/injuries - reporting

The person in control of a *worksite* and responsible for the *approved temporary structure* (typically the *PCBU*) must formally notify the *City* (verbally and in writing) of any incidents such as damage sustained to a *temporary structure* that could affect its structural integrity and/or any injuries to the public.

**Note:** Notification requirements under the WH&S Act (NSW) and *SafeWork NSW* may also apply.

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### 1.17 Certification - design and installation

The *City* requires certification from an appropriately qualified person (see **2.8**) confirming that the design of a *temporary structure* complies fully with this Code in respect to the structural adequacy provisions.

#### 1.17.1 Certification by qualified persons (Local Government Act, s93)

Certification complying with Section 93 of the Local Government Act 1993 is required for the design and installation of a *temporary structure* to verify its structural adequacy and compliance with the *approved* plans, details and conditions of *approval* (see **2.8**). Certification must be provided using the prescribed template in the application form and *approval* determination (permit).

Certification from an appropriately qualified person is also required at prescribed intervals for certain types of structures during the placement period to confirm that the *temporary structure* remains structurally sound and compliant (refer to **2.8** and **2.11**).

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### 1.18 Making an application

All types of *temporary structures* listed in **2.2** require *approval* prior to being placed in, on or above a *road*. *Approval* can be sought through completion and lodgement of a valid application and payment of fees using the standard form available on the *City*'s website.

#### 1.18.1 Application and site inspection fees

Application fees apply to assess a proposal for compliance against the *City*'s requirements including the *Local Approvals Policy* and this Code.

For most types of *temporary structures* a site inspection fee is also payable at the time of application lodgement. The site inspection is required to assess the locality and to record the condition of the *footway/roadway* surfaces and other *City* infrastructure in relation to *performance bonds* (see **1.15**).

Application and inspection fees are set out in the *City*'s Revenue Policy (Schedule of Fees and Charges) available on the *City*'s website.

#### 1.18.2 Information and documents that must be lodged with an application

To enable the *City* to undertake a thorough assessment of a proposal (application) minimum information and details must be provided. Information that must be lodged is set out in the *temporary structures* application form.

#### 1.18.3 Assessment and compliance

Upon receipt and acceptance of a fully completed valid application and fee payment, the proposal will be assessed against the *City*'s requirements including this Code.

In circumstances where additional information or clarification is required, the applicant will be contacted and requested to provide further details.

Where the *City* is satisfied that a proposal meets all of the relevant requirements including complying with the provisions set out in this Code, an *approval* will be granted, subject to conditions (refer also to the *Local Approvals Policy* for further details).



#### 1.18.4 Forms of temporary structures not specifically addressed in this Code

The Code regulates the common forms of *temporary structures* that are typically associated with construction-related activities (as listed in **2.2**). In circumstances where forms or elements of structures are not specifically regulated or referenced by this Code the *City*, as owner of the land (*road*) on which a *temporary structure* is to be installed, will assess a proposal for compliance with the objectives and principles outlined in this Code.

Where a proposed structure fails to meet the above requirements the *City* may allow the proponent to make design changes for further consideration.

#### 1.18.5 Refusal of an application

In circumstances where an application is incomplete, invalid and/or a proposal does not meet the *City's* requirements, and the applicant fails to address the outstanding issues and matters, the application will be refused.

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### 1.19 Other applications, required approvals and revocation provisions

An *approval* (permit) for a *temporary structure* is granted under s94 of the Local Government Act 1993 and s139 of the Roads Act 1993. Other *approvals* may also be required.

#### 1.19.1 Barriers and changes to parking control signage

Where the placement of *temporary structures* and/or barriers are proposed on *roads* including the temporary closure of a *road* or part, the applicant must include in the application a specific request for such works and structures (s115 of the Roads Act).

Where traffic/parking control signage will be affected by a *temporary structure* (and require relocation or temporary removal) a plan (and photographs) showing all affected existing traffic control and/or parking signs, proposed new signs or proposed relocated signs must be submitted with a *temporary structures* application (see **2.7**).

A permit will be issued with conditions that must be satisfied including payment of fees to the *City's* signage contractor to adjust signs. This can include the removal of signage stems, if essential, including

the reinstatement of signs/stems after removal of the *temporary structure*.

#### 1.19.2 Hoisting activities over roads and from approved works zones

*Approval* for the installation of *temporary structures* on or above a *road* does not automatically permit the use of equipment (cranes and hoists) to swing (including vaning actions) or lift material across or over any part of a public *road*.

*Approval* under Part E1 of the Table to Section 68 of the Local Government Act and Section 139 of the Roads Act must also be obtained for *hoisting* activity associated with:

- (a) the installation and removal of *temporary structures*;
- (b) the development site or a *works zone*; and
- (c) the movement of any part of a *hoisting* device over a public *road* including crane boom wind vaning actions.

Refer to the *City's* 'Code of Practice: Hoisting and Construction Activities On and Above Roads' for further information including the establishment of a *works zone*.

#### 1.19.3 Amending an approval

Proposed modifications/amendments to an *approved temporary structure* must be granted beforehand. An amendment can only be considered before changes are made (retrospective *approval* is not allowed under legislation).

A person or entity to whom an *approval* is granted may apply to amend an *approval* (permit) under s106 of the Local Government Act if the amendment is minor only.

The assessment of an application to amend an *approval* will include, but is not limited to, the following matters:

- (a) whether the proposed amendment is substantially the same as that originally *approved*;
- (b) whether any prejudice will be caused to any person who made a submission concerning the original proposal; and
- (c) whether consultation and/or concurrence with another authority such as Transport for NSW is required.

An amended determination replaces the original *approval* from the date endorsed on the notice of determination (permit).

#### 1.19.4 Extending an approval

The *City* may determine to extend an *approval* under s107 of the Local Government Act if it is satisfied that there is good cause for doing so. An *approval* will not be extended beyond 5 years.

An *approval* may not be extended where:

- (a) a *temporary structure* is structurally unsound, is not being satisfactorily maintained, or is non-compliant with an *approval*;
- (b) graphics (see **Part 06**) have not been installed in circumstances where the original *approval*, due to the short duration of installation of the *temporary structure* of the initially proposed installation were not required to be provided. In these circumstances an extension will only be granted upon graphics being installed in accordance with this Code and the 'Creative Graphic Design Guide for Temporary Structures';
- (c) there are outstanding fees payable or there is a breach of the permit conditions;
- (d) a development and/or works have stalled or ceased and the temporary structure is no longer required for its approved purpose and the *City* requires its removal or modification; and/or
- (e) any other matter as determined by the *City*.

An *approval* to extend a permit must be obtained before the permit lapses.

#### 1.19.5 Revoking an approval (permit)

As permitted by the Local Government Act 1993, the *City* may revoke an *approval* where any of the following apply:

- (a) an applicant fails to act on directions to rectify a *temporary structure* particularly matters relating to structural adequacy where public safety is at risk;
- (b) a *public liability insurance* policy for a *temporary structure approval* is not current or has been withdrawn by the insurer;

- (c) the applicant fails to comply with an *approval* including conditions of a permit;
- (d) any other circumstance as determined by the *City*.

In circumstances where an *approval* is revoked and the structure is not removed, the *City* reserves the right to take action to have the unauthorised *temporary structure/s* removed and recover all associated costs (see **1.15.1**).

**Note:** See s109 of the Local Government Act and s140 of the Roads Act for further information in relation to revoking an *approval*.

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## 1.20 Auditing

The *City* may undertake audits of any form of *temporary structure*, its use and any works that take place in, on or above the *City's* land (*roads*).

#### 1.20.1 Rights to randomly audit

The *City* reserves the right to randomly or specifically audit:

- (a) certified documentation lodged at both application and throughout the installation stages; and/or
- (b) at completion of a *temporary structure installation* and throughout its placement.

Where necessary, the *City* may appoint a person or entity such as a structural engineer to undertake an independent assessment of all documentation held or provided to the *City* (see **2.7**).

#### 1.20.2 Access to sites

Where access is required to undertake audits and inspections of *temporary structures* the holder of an *approval* (permit) must not prevent or obstruct an *authorised person* or independent auditor acting on behalf of the *City* accessing a *worksite* and *workplace*, subject to satisfying the relevant visitor access provisions under the NSW Work Health and Safety Act 2011.

## 1.21 Maintenance of temporary structures (see also 2.12)

In allowing the installation of *temporary structures* on or above *roads* the *City* expects and requires that such structures are fully maintained to a standard acceptable to the *City* and the *supplier* of a structure.

The Work Health and Safety Act 2011 (Section 25) imposes obligations on a *supplier* of a *temporary structure* to give adequate information to the user of a structure of any conditions necessary to ensure that the structure is without risks to health and safety when used for a purpose for which it was designed or manufactured or when carrying out any activity on a *temporary structure*.

Effective maintenance of a *temporary structure* during its placement and use is critical in terms of ensuring that risks to the public are eliminated or minimised.

To ensure that *temporary structures* are appropriately maintained and used in accordance with an *approval* the holder of an *approval* must establish effective management monitoring processes in accordance with the conditions/ instructions issued by the *supplier* of a *temporary structure* and any requirements of the *City*. To meet these outcomes the *City* may require the *supplier* of a *temporary structure* to:

- (a) undertake periodic inspections of an installation at any time required by the *City* to ensure that the structure remains in a structurally sound condition;
- (b) inspect and confirm that the structure remains compliant with the *approved* design including that no unauthorised changes have been made; and
- (c) ensure its use, including any *approved* use such as the placement of site sheds and hoists on a Type-B *hoarding*, accords with the *supplier's* requirements (certified design and any nominated conditions of use).

Further requirements for periodic inspection of *hoardings* and other structures also apply - see **2.8.9**.

## 1.22 Definitions

All defined terms in this Code are italicised for ease of reference and use.

**accessible** or **accessibility** having features to enable use or passage by people with disability.

**approved** or **approval** unless expressly stated otherwise, is a determination (*approval*) granted by the *City* in force under the Local Government Act 1993 and Roads Act 1993 which includes the term 'permit'.

**authorised person** an employee of Council (the *City*) generally or specially authorised in respect of or whose duty it is to deal with, or to act in regard to, any acts, matters or things in relation to which the expression is used. (Local Government Act 1993)

**Before You Dig Australia** a free national referral service designed to assist persons and entities in preventing damage and disruption to Australia's significant and extensive infrastructure service networks when undertaking work in *public spaces*.

**business identification signage** means a sign—

- (a) that indicates—
  - (i) the name of the person or business, and
  - (ii) the nature of the business carried on by the person at the premises or place at which the sign is displayed, and
- (b) that may include the address of the premises or place and a logo or other symbol that identifies the business, but that does not contain any advertising relating to a person who does not carry on business at the premises or place.

**Note:** Business identification signs are a type of **signage** — refer to the definition of this term in the dictionary of the LEP. (Sydney Local Environmental Plan 2012)

**cantilevered facade-mounted materials landing platform** a fixed or retractable platform attached to a building's facade or building perimeter that overhangs a *road* and which is used to hoist and land material and equipment to and from a *site*, typically a floor of a multi-level building using site-based or mobile *hoisting* devices such as cranes.

**cantilevered work platform** a temporary platform generally consisting of structural elements such as needle beams and decks attached to a building and on which *scaffolding* may be erected to undertake work on a building.



**certifier** a person who is a registered *certifier* under the Building and Development Certifiers Act.

**City** The Council of the City of Sydney.

**city-centre** and **non-city-centre** the areas of the local government area as shown in the map at **Figure 1.1** in which various design controls apply including occupation fees.

**classified road** includes:

- a main *road*;
- a highway;
- freeway;
- a controlled access *road*;
- a secondary *road*;
- a tourist *road*;
- a tollway;
- a transitway; and
- a State road. (Roads Act 1993)

**Note:** A full list of *classified roads* is available on the website of Transport for NSW.

**construction activity** physical activities carried out within a *public space* including:

- works of any nature;
- the installation and use of *temporary structures*;
- the operation of plant and equipment including *hoisting* operations;
- demolition works;
- excavation works; and
- *road openings*.

**community land** land that is classified as *community land* under Division 1 of Part 2 of Chapter 6 of the Local Government Act 1993. (Local Government Act 1993)

**Note:** *Community land* reflects the importance of the land to the community because of its use or special features. It is generally land intended for public access and use. Restrictions often apply to create obligations to maintain access such as a trust deed or land dedication.

**control measure** in relation to a risk to health and safety, means a measure to eliminate or minimise the risk. (Work Health and Safety Regulation 2017)

**cycleway** a pathway for use by people riding a bike or scooter and includes separated *cycleways*, bike lanes and *shared paths*.

**development consent (consent)** means consent under Part 4 of the Environmental Planning and Assessment Act 1979 to carry out development and includes, unless expressly excluded, a complying development certificate. (EP&A Act 1979).

**footway** the part of a *road* that is set aside or formed as a path or way for pedestrian traffic (whether or not it may also be used by bicycle traffic). (Roads Act 1993)

**hoarding** a *temporary structure* placed on the *City's* land (*footway/roadway*) that separates a *worksite* from the *public space* and which may also include an overhead protective barrier (deck) to afford protection to the *public space* from objects that may fall from a *worksite* or *workplace*.

**hoisting** the action of raising or lowering a load (material, plant, equipment) or workers, by powered mechanical or manual means and includes *hoisting* using a crane, winch, elevated work platform, a mast climbing work platform, suspended scaffold, personnel and materials hoist, boom lift, and/or building maintenance unit.

**hung scaffold** a form of *scaffolding* that is an independent temporary structure that hangs statically from another structure, typically a building that can incorporate traversing features enabling the scaffold to be moved laterally when in use but is not capable of being raised or lowered. (AS/NZS 1576.1)

**local approvals policy** a formal policy adopted by Council under the provisions of the Local Government Act 1993 and in relation to this Code, refers to the *Local Approvals Policy* for Construction-related Temporary Structures On and Above Roads.

**overhead protective structure (temporary)** an overhead structure or plant required for the protection of persons on a construction site and the adjoining public areas (*SafeWork NSW* 'Code of Practice: Overhead Protective Structures').

**performance bond (bond)** a financial deposit or undertaking and held by the *City* for use in circumstances set out in this Code and in an *approval* (permit) in force under the Local Government Act 1993 and Roads Act 1993.

**permit holder** a person or entity that holds an *approval*.

**person conducting a business or undertaking (PCBU)** Refer to Section 5 of the Work Health and Safety Act 2011. For the purposes of this Code, this person is the holder of an *approval* (determination) for a *temporary structure* such as a builder; a contractor; or other person involved in placing a *temporary structure* in, on or above a *public space*.

**principal certifier (PC)** a person appointed under legislation to carry out inspections of approved building works and undertake other statutory functions.

**Note:** A PC is generally not responsible for regulating activities within a *public space* adjoining a development site unless there are conditions of *development consent* that specifically require PC involvement.

**public liability insurance** insured for legal liability owed to another person or entity who suffers loss, damage, injury or death by reason of the insured's activities.

**public road** means a road which the public are entitled to use (Local Government Act 1993).

**public spaces** a *road*, including *footways* and *cycleways*. See also the definition of '*road*'.

**road** a road is defined in both the Local Government Act 1993 and the Roads Act 1993. They must be read in conjunction.

Under the Local Government Act 1993 a road is:

- (a) highway, street, *laneway*, pathway, footpath, *cycleway*, thoroughfare, bridge, culvert, causeway, road-ferry, ford, crossing, bypass, and trackway, whether temporary or permanent; and
- (b) any part of a road and any part of any thing referred to in paragraph (a), and
- (c) any thing forming part of a road or any thing forming part of any thing referred to in paragraph (a).

Under the Roads Act 1993 a road also includes:

- (a) the airspace above the surface of the road; and
- (b) the soil beneath the surface of the road; and
- (c) any bridge, tunnel, causeway, road-ferry, ford or other work or structure forming part of the road.

**road opening** any intrusive disturbance within a *road* including excavation required to carry out works such as placement of footings to support a *temporary structure*, installing and/or connecting subsurface *utilities* and stormwater drainage systems.

**roadway** (also known as carriageway) the portion of a *road* designed for use by moving vehicles including a light rail vehicle and bicycles.

**SafeWork NSW** the authority constituted under the Workplace Injury Management and Workers Compensation Act 1998 and which is the regulator of the NSW workers compensation system and also the regulator for work, health and safety legislation in NSW.

**scaffolder** a person engaged in erecting, altering or dismantling *scaffolding*. (AS/NZS 4576:1995 'Guidelines for Scaffolding')

**scaffold (scaffolding)** a *temporary structure* specifically erected to allow and support access or work platforms. (Work Health and Safety Regulation 2017)

**Note:** Where the term '*scaffolding*' appears in this Code it refers to '*perimeter scaffolding*' erected on or above the *City's* property (*road*). It does not apply to *scaffolding* erected on private property associated with construction, demolition or maintenance activity on a building or other structure.

**shared path** as defined in the NSW Road Rules Regulation 2014 (clause 242).

**site shed/s** prefabricated temporary buildings/enclosures used for purpose of providing facilities for workers at *workplaces* for such purposes as ablutions, lunchrooms, first-aid and site administration.

**street tree** a tree that is growing within a *footway*, road verge or adjoining garden location. It may also include trees located close to the boundary of the adjoining private property, where their canopy (branches and leaves) overhang the *public space*.

**structure** means anything that is constructed, whether fixed or moveable, temporary or permanent, and includes—

- (a) buildings, masts, towers, framework, pipelines, transport infrastructure and underground works (shafts or tunnels), and
- (b) any component of a structure, and
- (c) part of a structure (NSW Work Health and Safety Act 2011)

**supplier** in relation to plant or a structure, as defined in Section 25 of the NSW Work Health and Safety Act.

**temporary structure** a structure that is not designed, installed or constructed to be permanent and includes the following structures placed on or above a *public space*:

- Type-A *hoarding* – a plywood sheet fence, with or without *scaffolding* used to enclose or isolate a *worksite* from the *public space* including a *work compound*;
- Type-B *hoarding* – an *overhead protective structure* constructed of a steel frame that provides a barrier from objects that may fall from a *worksite* into the *public space* and where necessary, to also enclose a *worksite* by means of a plywood sheet fence;
- *site sheds*;
- *cantilevered work platforms or overhead protective deck*;
- facade retention system;
- *scaffolding*;
- *facade-mounted cantilevered materials landing platform*;
- screens, shutters, slip-forms and similar *temporary structures* fitted to the perimeter of a building under construction or demolition;
- *work compound*;
- tower crane (structure);
- any other form of *temporary structure* associated with demolition, construction, building maintenance or other similar structures, as determined by the *City*.

**utilities** publicly, privately or jointly owned and operated services system, located on, in or above public property (*road*), the purpose of which is to transport or transmit for either the public or a private party a service or commodity such as electricity, telecommunications, gas, light, oil, power, television, water and waste by means of cables, conduits, ducts, fibre optics, pipes and wires and includes related objects, such as access chambers, pits, valves and other appurtenances.

**Note:** This defined term is based on the definition in AS 5488-2013 'Classification of Subsurface Utility Information (SUI)'.

**vehicular crossing** the portion of a driveway or vehicular accessway located between the *roadway* (street gutter/kerb) and the property/*worksite* boundary (property frontage).

**work compound** a temporary enclosure established on a *road* that is:

- used for construction-related activities such as the storage of material and equipment, *site sheds* (facilities for workers) and other similar uses and is associated with *approved* development on a land parcel in close proximity to the compound; and
- formed by a framed and plywood sheeted fence equivalent to a Type-A *hoarding* but having a fence height of not less than 2.1m and which complies with the applicable provisions of this Code.

**workplace** for the purposes of this Code a *workplace* is where work, including the placement of permitted work-related items, is undertaken in *public spaces*.

**worksite** a place where work is undertaken on private land by a business or undertaking.

**works zone** a *City-approved* or Transport for NSW-approved and signposted space on a *road* dedicated to the temporary standing of vehicles associated with a *worksite* to allow the delivery and removal of material, plant and equipment to and from a *worksite* and *workplace* (see also Clause 181 in the NSW Road Rules 2014).

**Note:** *Approval* of a *works zone* is not granted as part of a *temporary structures approval*. A separate application and *approval* is required (refer to the *City's* 'Code of Practice: Hoisting and Construction Activities On and Above Roads' and *City* website for further information).





Photo: Katherine Griffiths / City of Sydney





Eyes on the horizon by Reg Mombassa (a.k.a. Chris O'Doherty).  
Photo: Peter Conroy / City of Sydney

# Part 02

## General requirements

### 2.1 About this Part

This Part includes general and specific requirements that *temporary structures* must meet in order to satisfy the objectives of the *Local Approvals Policy*.

It sets out the general principles for the selection, design, installation and use of *temporary structures* including:

- an overview of the applicable requirements of the Work Health and Safety Act 2011 and Regulations;
- a summary of the matters to be considered when preparing an application and seeking an *approval*; and
- the general principles for the design and effective management of *temporary structures* including their use.

The Code contains both 'deemed-to-comply' and 'performance-based' objectives that are specific to *hoardings* and *scaffolding* (Parts 03 and 04) and apply depending on the circumstances of the site and scale of proposed development or works (see **1.11**).

## 2.2 Types of temporary structures that are regulated by this Code

The Code regulates the design, installation and ongoing maintenance requirements for several forms of *temporary structures*. Detailed design provisions for *hoardings* are set out in **Part 03**.

The types of *temporary structures* dealt with in this Code are:

### 2.2.1 Hoardings

There are four principal forms of *hoardings* as set out below.

#### 2.2.1.1 Custom built Type-A hoardings

A Type-A *hoarding* is a fence consisting of a structural frame of timber or steel, typically clad with water-resistant structural plywood sheets and having a height of not less than 2.1 metres that separates a *worksite* from a *public space*.



Koala Fantastic Fabulous Fun by Rosie Deacon  
Photo: Peter Conroy / City of Sydney

Fencing is typically constructed on-site using various elements and often includes counterweighting and lateral bracing elements behind the fence. Proprietary fencing systems are permissible subject to meeting the minimum standards set out in this Code (see below). Refer to **Part 03** for detailed design requirements.

#### 2.2.1.2 Proprietary Type-A hoardings

A modular system of prefabricated standardised products and components that form a temporary barrier (fence) to restrict unauthorised access to work areas, prevent work activities within a site impacting on *public spaces*, and contain debris and materials etc. from escaping from a *worksite*

into *public spaces*. The system can also include counterweighting and bracing elements.



Photo: Peter Conroy / City of Sydney

These systems are typically designed and installed to comply with 'AS 4687: Parts 1&3 2022 Temporary fencing and *hoardings*'.

These modular systems are permissible in the *City* subject to meeting all applicable deemed-to-satisfy provisions and being certified in accordance with **2.8**.

#### 2.2.1.3 Type-B hoardings (prefabricated modular gantry design)

A Type-B *hoarding* is typically a prefabricated modular steel gantry structure installed in segments to form an integrated *overhead protective structure* allowing pedestrians and cyclists to pass unencumbered and safely beneath.



Photo: Peter Conroy / City of Sydney

A modular Type-B *hoarding* may also incorporate a site fence.

The structural frame of Type-B *hoardings* must be of steel. Timber framing is not permitted (see **2.3**).



#### 2.2.1.4 Type-B hoardings - custom-built / site specific (member components assembled in situ)

Designed to achieve the same purpose as a modular gantry system but is generally a larger system of steel member and framed *overhead protective structure* spanning wide *footways* or *roadways* (typically laneways under which vehicles pass) and capable of supporting large loads placed on *hoarding decks*.



Photo: Peter Conroy / City of Sydney

This form of *hoarding* affords greater design flexibility to address site-specific issues including:

- avoiding obstructions such as street furniture, street lighting/ power poles and *street trees* whilst at the same time minimising *footway* encroachments (avoiding the use of multiple support columns);
- maximising clear pedestrian pathways particularly on wide and/or busy *footways*; and
- providing a more refined and visually appealing design and appearance.

This type of *hoarding* design is often required:

- (a) in localities with high pedestrian densities such as the *city-centre* to minimise obstructions and maximise the clear span between support columns; and
- (b) where multiple *site sheds* and other *approved temporary structures* (loads) are proposed to be placed on a *hoarding deck*.

A site fence of structural grade plywood may also form part of the design.

#### 2.2.2 Work and storage compounds

An enclosed space (unroofed) established on a *road* that is formed of steel or timber framing and clad with plywood sheet (or other suitable and *approved material*) and which meets the design standards of a Type-A *hoarding* including access

openings and securable doors/gates.



Photo: Peter Conroy / City of Sydney

Compounds are generally not permitted, however, their establishment and use will be considered on a site-specific basis where the need is clearly evident and justified. Examples include a *worksite* that has limited space and/or physical constraints to allow safe and effective material and plant storage or mandatory essential facilities for workers such as sheds for sanitary purposes, first-aid and lunchrooms (refer to **Parts 03** and **05** for further details).

#### 2.2.3 Scaffolding

*Scaffolding* is often required to allow for safe and effective worker access to the facade of existing buildings to undertake maintenance activities or for the construction of new buildings or alterations/ additions to existing buildings.

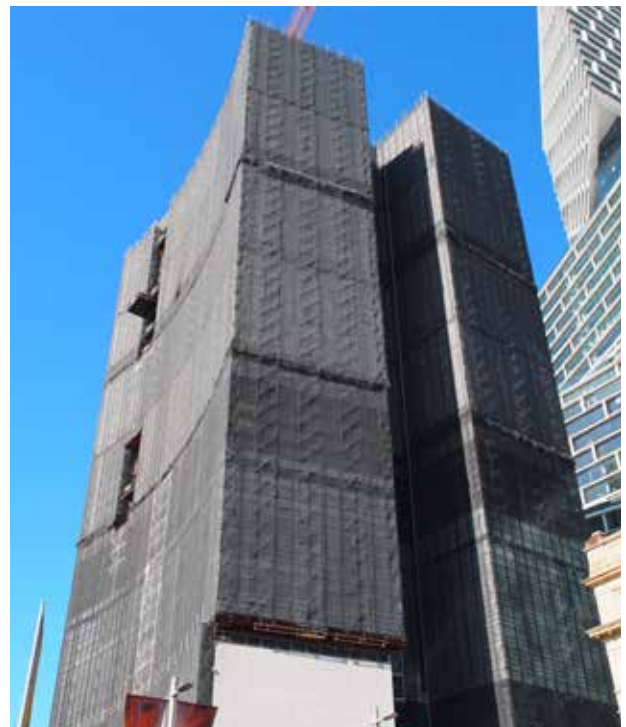


Photo: Peter Conroy / City of Sydney

*Scaffolding* is also often required for the encapsulation of a *worksite* as a dust and minor debris control measure.

*Scaffolding* can take the following forms of installation:

- erected directly on a *road* (typically a *footway*) with a Type-A *hoarding* fence at the base of the *scaffold* to secure the site and prevent unauthorised access;
- placed wholly or partially on the deck of a Type-B *hoarding*;
- cantilevered from a building or other structure as a self-supporting system or placed and supported on needle beams/platform); and/or
- hanging *scaffold*.

Further details are set out in **Part 04**.

#### 2.2.4 Cantilevered catch-scaffold/netting

A temporary system of *scaffold* components and netting projecting from the face of a building that forms a capture structure generally associated with minor works to prevent objects falling into a *public space* and thereby forming a system of overhead protection. Refer to **Part 05** for further details.



Photo: Peter Conroy / City of Sydney

Catch-scaffolding/netting systems are not permitted as part of a Type-B *hoarding* to extend the area of overhead protection (see **2.3**). If greater overhead protection is required, a cantilevered *hoarding* deck extension meeting the deck design criteria in **3.11** may be permitted subject to *City* consideration. This includes attaining an acceptable height clearance when placed near or above a *roadway*, generally 4.5m, unless otherwise *approved* allowing a reduced height.

#### 2.2.5 Facade-mounted cantilevered materials landing platform

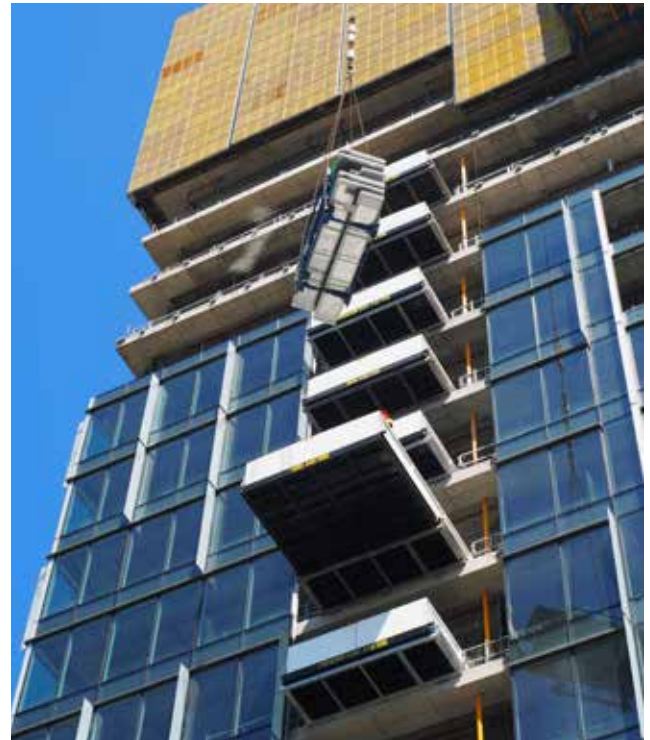


Photo: Peter Conroy / City of Sydney

Generally a proprietary platform system (fixed or retractable) that projects over a *road* from the face of a building under construction or an existing building undergoing alteration. Platforms allow materials and equipment to be hoisted to the platform (or removed) using a site-based crane or mobile crane. See **Part 05** for further details.

#### 2.2.6 Cantilevered overhead protective platforms/decks

A system of structural steel frame and deck that projects (cantilevers) from the perimeter of a building above a *public space* for the purpose of forming an overhead protective system (deck) to the *public space*.



Photo: Peter Conroy / City of Sydney



This form of *overhead protective structure* is a substitute for a Type-B gantry *hoarding* placed at *road* level. Their use is generally not supported by the *City* as construction and dismantling can require the temporary closure of *footways* or *roadways* for significant periods resulting in disruption to pedestrian, cyclists and vehicular movement.



Photo: Peter Conroy / City of Sydney

Where however there are clearly demonstrated site constraints or construction needs the *City* may consider allowing these types of temporary protective structures.

### 2.2.7 Building perimeter construction shutters, fall-safety screens and other similar structures



Photo: Peter Conroy / City of Sydney

Typically proprietary mesh systems of screens or shutters and other systems such as slip-form and jump-form systems that are located on the perimeter of a building undergoing construction and which may overhang a *road*. These devices are used as part of the construction process and/or as a safety barrier to mitigate worker falls. They can also be used as a containment system to prevent objects falling from a *worksite* into a *public space*. Refer to **Part 05** for further details and controls.

### 2.2.8 Facade retention systems



Photo: Peter Conroy / City of Sydney

Facade retention structures are typically associated with existing buildings to provide lateral support using several methods and systems of custom-built fabricated steelwork, counterweighting and/or footings.

They are typically used to preserve architecturally significant frontages during works behind the facade. Structures include:

- (a) a combination of existing and new structural elements within a land allotment;
- (b) temporary elements (structures) erected in a *public space*;
- (c) a combination of (a) and (b); and/or
- (d) dual purpose of support and overhead protection (*hoarding*) where pedestrian access is maintained past the site and through the retention structure.

Further details and requirements are set out in **Part 05**.

### 2.2.9 Site sheds placed on hoarding decks

In all cases the *City's* preference is to avoid placing *site sheds* in *public spaces* including on the deck of Type-B *hoardings*. There are several reasons for this including minimising impacts of visual massing (bulk and scale) in the streetscape. This is particularly important in cases where double-stacked sheds are proposed.



Photo: Peter Conroy / City of Sydney

In preparing site and construction management plans and needs proponents must not presume that *site sheds on hoardings* will be allowed. Refer to **5.5** for further details and requirements.

### 2.2.10 Tower cranes (structure)

In the vast majority of cases site crane structures and elements are fully located within the property allotment boundaries. This aligns with the *City's* strong preference to keep these structures and equipment confined within the site (with the exception of booms where hoisting from an *approved* hoisting zone on a road). This aim must therefore form a key aspect of the site establishment and construction planning processes.



Photo: Peter Conroy / City of Sydney

In unusual and special circumstances based on the type and extent of work including potential constraints of a site, it may be necessary to locate a crane structure (mast and/or the body/motor) on or above a *road*. Where this applies *approval* is required from the *City*. Refer to **Part 05** for further details and requirements.

## 2.3 Prohibited forms of temporary structures

The *City* does NOT PERMIT:

- (a) Type-B *overhead protective structures* constructed of pipe *scaffolding*;
- (b) the use of modified shipping containers to act as overhead protective structures;
- (c) *mesh fencing* in a *public space* adjoining a *worksite* unless the *City* determines that there are exceptional circumstances and the fencing meets the requirements of the *City* based on site-specific conditions.
- (d) timber-framed Type-B *hoardings*; and/or
- (e) cantilevered catch-netting systems attached to Type-B *hoardings*.

These types of *hoarding* systems do not satisfy several key provisions of this Code including:

- minimising physical and visual obstruction of the *footway* (**refer to 3.5, 3.8, 3.9 and 3.11**)
- base counterweights (steel mesh temporary fencing) project into the pedestrian thoroughfare (presenting trip and fall hazards)
- providing a tidy, uncluttered and visually pleasing structure (**3.5**)
- eliminating elements that permit easy climbing and unauthorised entry to *worksites* (3.5 and **3.8**)
- maximising the clear width of a *footway* between support columns particularly for wide *footways* (**3.5** and **3.11**)





Photo: Peter Conroy / City of Sydney



**Figures 2.1:** These four forms of *temporary structures* are NOT PERMITTED within the City of Sydney area.

Photo: Peter Conroy / City of Sydney

- ensuring structural adequacy and stability of a *hoarding* particularly withstanding vehicular impacts - tube scaffolds (3.8)
- minimising the size and number of sole-boards and baseplates to avoid trip hazards
- difficulties of integrating counterweights within the structure in a visually uncluttered manner (3.9)
- issues associated with displaying required surface treatments (graphics).

## 2.4 Relationship with applicable legislation

Clause **1.12** lists legislation, codes, policies and other documents that may also be relevant to the design, assessment and approval of *temporary structures* associated with work activities. *Temporary structures* are used for several purposes including isolating and protecting *public spaces*.

In terms of protecting a *public space* the principal statutes in NSW that regulate a *worksite/workplace*, including managing and mitigating risks associated with objects that may fall from a *worksite* or *workplace* are the NSW Work Health and Safety Act and NSW Work Health and Safety Regulation. The key provisions of the Regulations relating to workplaces near a *public space* are set out in **2.5**.

## 2.5 Work health and safety obligations

In allowing a *person conducting a business or undertaking (PCBU)* to meet their statutory responsibilities under the Work Health and Safety legislation to protect and isolate a *public space* from a *workplace* and *worksite* the City will permit the placement of *temporary protective structures* on or above a *road* subject to meeting minimum prescribed objectives relating to the design, installation and maintenance of these structures to ensure:

- (a) they have the least possible adverse impact on pedestrian movement and amenity;
- (b) safe, accessible and convenient pedestrian, vehicular and cycling movement past workplaces; and
- (c) adverse visual impacts in the streetscape are minimised through restricting the size (scale and height) of *hoardings* (including no or minimal *site sheds* - see **5.5**) and the display and continued maintenance of graphics on *hoarding* surfaces and *scaffolding* (wraps).

Refer also to **1.13** for provisions relating to legislation.

### 2.5.1 Work Health and Safety Regulation

The NSW Work Health and Safety Regulation sets out several requirements that are particularly relevant to worksites and workplaces:

#### 54 Management of risk of falling objects

*A PCBU at a workplace must manage, in accordance with Part 3.1, risks to health and safety associated with an object falling on a person if the falling object is reasonably likely to injure the person.*

**Note:** WHS Act—section 19 (see clause 9)

#### 55 Minimising risk associated with falling objects

- (1) *This clause applies if it is not reasonably practicable to eliminate the risk referred to in clause 54.*
- (2) *The person conducting the business or undertaking at a workplace must minimise the risk of an object falling on a person by providing adequate protection against the risk in accordance with this clause.*

#### MAXIMUM PENALTY:

- (a) *in the case of an individual - \$6,000, or*
- (b) *in the case of a body corporate - \$30,000.*
- (3) *The person provides adequate protection against the risk if the person provides and maintains a safe system of work, including:*
  - (a) *preventing an object from falling freely, so far as is reasonably practicable, or*
  - (b) *if it is not reasonably practicable to prevent an object from falling freely - providing, so far as is reasonably practicable, a system to arrest the fall of a falling object.*

#### EXAMPLES:

- *Providing a secure barrier*
- *Providing a safe means of raising and lowering objects*
- *Providing an exclusion zone where persons are prohibited from entering.*



### 298 Security of workplace

- (1) *A person with management or control of a workplace at which construction work is carried out must ensure, so far as is reasonably practicable, that the workplace is secured from unauthorised access.*

#### **MAXIMUM PENALTY:**

- (a) *in the case of an individual - \$3,600, or*
- (b) *in the case of a body corporate - \$18,000.*
- (3) *In complying with subclause (1), the person must have regard to all relevant matters, including:*
- (a) *risks to health and safety arising from unauthorised access to the workplace, and*
- (b) *the likelihood of unauthorised access occurring, (Example: The proximity of the workplace to places frequented by children, including schools, parks and shopping precincts.)*
- (c) *to the extent that unauthorised access to the workplace cannot be prevented - how to isolate hazards within the workplace.*

- (a) Code of Practice: Overhead Protective Structures

The design and installation of *hoardings* is guided by the Code of Practice: Overhead Protective Structures published by SafeWork NSW.

The purpose of the Code of Practice is to provide practical guidance for the design of overhead protective structures for use in New South Wales to enable *PCBUs* to meet their statutory work safety responsibilities under the NSW Work Health and Safety Act and Regulations.

The Code makes provision for a local council to impose additional requirements regarding an *overhead protective structure* including the submission of drawings and calculations for *approval* before erection.

- (b) Code of Practice: Construction Work

This Code prescribes requirements that principal contractors and other *persons conducting a business or undertaking* (construction-related work) on how to satisfy the health and safety requirements under the Work Health and Safety Act and Regulations. This includes how to isolate workplaces from *public spaces* and protect persons from objects that may fall from a *workplace*.

- (c) Code of Practice: Demolition work

Demolition work is a type of 'construction work'. When carrying out demolition work, the requirements relating to construction work must also be complied with. Demolition work is also 'high risk construction work' if it involves demolition of an element of a structure that is loadbearing or otherwise related to the physical integrity of the structure.

- (d) Code of Practice: Safe Design of Structures

This Code is relevant for anyone making decisions that influence the design outcome such as clients, developers and builders. The Code applies to the design of 'structures' defined under the WHS Act to mean anything that is constructed, whether fixed or moveable, temporary or permanent, and includes:

- buildings, masts, towers, framework, pipelines, roads, bridges, rail infrastructure and underground works (shafts or tunnels)
- any component of a structure
- part of a structure.

## 2.6 Other codes of practice relating to construction-related activities

A SafeWork NSW code of practice applies to anyone who has a duty of care in the circumstances described in a code. In most cases following an approved code of practice would achieve compliance with the health and safety duties in the Work Health and Safety Act in relation to the subject matter of a code.

Like regulations, codes of practice deal with particular issues and do not cover all hazards or risks which may arise. The health and safety duties require duty-holders to consider all risks associated with work, not only those for which regulations and codes of practice exist.

There are four primary SafeWork NSW codes of practice for development and construction-related activities. The following codes apply to the design and maintenance of *temporary structures* such as *hoardings*:

## 2.6.1 Relationship of this Code to the SafeWork NSW Codes of Practice

This Code is not a substitute for the various codes of practice applying to construction-related work, but rather a supplement to these codes. The NSW Work Health and Safety Act, Work Health and Safety Regulation and relevant codes of practice are the primary statutes and codes that regulate work safety including public safety near a *worksite*.

It is the responsibility of the proponent (typically the *PCBU*) to assess the risks to the public regarding an activity at a *worksite* adjoining and/or in a *public space* (see also **1.13.3**). This includes determining the type and extent of objects that may fall or project from a *worksite*, securing a *worksite* and establishing *control measures* required to be implemented to address such risks and any impacts on adjoining properties. Other statutory responsibilities also apply.

This Code does not detail nor address aspects for determining the *control measures* that may be required to deal with risks to persons in a *public space*. This is the role of a *PCBU* and/or a *supplier* of plant (*temporary structure*). The Code focuses on design solutions to minimise the impacts associated with placing *temporary structures* in or above a *public space* including impacts on public accessibility, convenience and amenity.

Applicants (*PCBUs*) will therefore need to advise *suppliers* and contractors of *temporary structures* particularly *overhead protective structures*, of the system of protection required to meet all relevant work, health and safety risks and obligations.

## 2.7 Designing and documenting a temporary structure

### 2.7.1 Drawings and details

**Parts 03, 04 and 05** contain requirements and provisions for the design and installation of *temporary structures*. An applicant seeking an *approval* (permit) to install a *temporary structure* will need to demonstrate how compliance has been achieved with the provisions of this Code. This will require the submission of detailed and accurate drawings, specifications and any other information that the *City* may require to give full and proper consideration to a proposal (see **2.9.2**).

## 2.7.2 Impacts of temporary structures on adjoining or adjacent properties

Where it is proposed to place a *temporary structure* on a *roadway* or *footway* in front of an adjoining or adjacent property such as a Type-B *hoarding*, *scaffolding* and *site sheds* (refer to **5.5**) placed over laneways (see **2.14** and **2.15**) it will also be necessary to ensure adequate overhead protection to the *public space* is provided and the applicant will be required to consult with likely affected property owners (see **2.15**).

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## 2.8 Structural design, certification and eligibility

*Temporary structures* must be designed in accordance with the relevant Australian Standards including:

- AS/NZS 1170 Part 1 - Permanent, imposed and other actions
- AS/NZS 1170 Part 2 - Wind actions and
- AS 1170 Part 4 – Earthquake actions.

The design and installation of *temporary structures* must also comply with the relevant provisions of the NSW Work Health and Safety Act and Regulations and any applicable *SafeWork NSW Codes of Practice* and specifically the 'Code of Practice: Overhead Protective Structures'.

### 2.8.1 Documents and certification required to be submitted with an application

Documents/certification to be provided include:

- (a) structural design drawings and details including plan view drawings, typical sections, member sizes, connections/fixings, soleplate details and footings (where specifically allowed);
- (b) structural certification of the design using the *City's* standard certification form (part of the temporary structures application form) issued by an appropriately qualified, registered and experienced practising structural engineer (refer to **2.8.3**);
- (c) for *scaffolding* installations the designer must hold appropriate and required qualifications and licence in accordance with the Work Health and Safety Act/Regulation and *SafeWork NSW* requirements (see **2.8.4**);



**Figure 2.2:** The location and potential impact on City infrastructure must be considered in the design of *temporary structures* and be identified and shown accurately in the design drawings.

Photo: Peter Conroy / City of Sydney

For large and complex *scaffolding* systems the *City* may also require a certificate of design from a structural engineer having extensive experience in scaffold design to verify the structural adequacy of a proposed scaffold. A certificate of design using the *City's* standard certificate template for the proposed *scaffolding* system must be provided with the application; and

- (d) other information and details as set out in this Code and in the temporary structures application form.

A full list of all documents required to be lodged as part of an application can be found at **2.9.2**.

### 2.8.2 Design and inspection certification by structural engineers

A certificate of structural design in accordance with the *City's* standard template (refer to the temporary structures application form) must be submitted with an application for *temporary structures*, as prescribed in the form. For the inspection and certification of installations, complete and lodge the standard certificate template (in the *approved* permit).

### 2.8.3 Eligibility of structural engineers

Persons designing, inspecting and certifying *temporary structures* must:

- (a) be appropriately qualified and a practising structural engineer holding tertiary qualifications in structural engineering;

- (b) hold chartered membership of Engineers Australia and/or hold National Engineering Registration (NER); and
- (c) have the necessary experience and competency to certify *temporary structures* regulated through this Code and satisfy all applicable requirements or conditions of registration prescribed by Engineers Australia (see **2.8.6**).

### 2.8.4 Eligibility of scaffolding contractors

- (a) A *scaffolder* erecting and certifying a *scaffolding* structure must hold a *scaffolding* licence issued by SafeWork NSW appropriate for the type of scaffold (design and/or installation).
- (b) An assessment of the supporting structure to which a scaffold may be attached may be required to ensure it can withstand the loading imposed by the scaffold. Where *scaffolding* ties are anchored or braced through wall openings to an adjoining structure particularly non-reinforced masonry buildings, the *City* may, based on the size of the *scaffold* and works, require certification from a practising structural engineer verifying that the existing building/structure is capable of providing adequate support to the *scaffolding* system. See also **4.5.4** for further details.

### 2.8.5 Eligibility of other persons

Determining the eligibility of other persons (not prescribed in **2.8.3** and **2.8.4**) will be at the discretion of the *City* based on the type of *temporary structure* to be installed, inspected and maintained.



### 2.8.6 Structural considerations for Type-B hoardings and other temporary structures

Type-B *hoardings* must comply with the relevant requirements of the Work Health and Safety Act 2011, Regulations and applicable codes of practice published by SafeWork NSW.

The structural design and stability of Type-B *hoardings*, and other similar structures such as facade retention systems, together with the elements to be placed on the *hoarding* need to be addressed in order to comply with this Code. Some factors include:

- (a) the purpose of a Type-B *hoarding* beyond the provision of overhead protection, for example as the location for *site sheds*, *scaffolding* placement/support, equipment and other permitted *temporary structures*;
- (b) various dynamics associated with demolition activity and excavation works (ground conditions and cantilevered support) see also **2.8.8**;
- (c) particular and unusual forms of building design, construction and support;
- (d) stability aspects in relation to motor vehicle impacts (see **3.8.2** and **3.9.1(a)**) including factors such as the proximity of the structure to the kerb, type of road, the types of vehicles using the *road* (passenger vehicles, trucks, buses) and vehicle speed (based on the sign-posted speed limit in the locality of the *hoarding*); and
- (e) wind actions experienced in the locality and how wind movement and velocities may impact on, or be altered by, the *hoarding* or other *temporary structure*.

### 2.8.7 Skills and experience of designers/certifiers

In designing and checking compliance it is important that engineers certify within their area of skills and experience including applying Engineers Australia's Code of Ethics which requires engineers to "act on the basis of adequate knowledge". Engineers Australia's Guidelines on Professional Conduct also require engineers to "practice within areas of competence and seek peer review" (when considered necessary).

### 2.8.8 Assessment of ground conditions to support temporary structures (hoardings)

The holder of a permit (typically the principal contractor such as a PCBU) is responsible for maintaining the condition of the *footway/roadway*

adjoining a *worksite* to a standard at least equal to the surface condition prior to commencement of work.

To prevent damage to the existing paving and utility services beneath a *footway* and to ensure a stable surface is available to support a *temporary structure*, an appropriately qualified person such as a geotechnical and/or structural engineer must assess the adequacy of the *footway* and subsurface ground conditions to fully and safely support a proposed *temporary structure*. This is also a requirement of the SafeWork NSW Code of Practice.

The total proposed load of the *temporary structure*, including *site sheds*, *scaffolding* and other allowable and *approved* structures/equipment to be placed on the primary *temporary structure* must be used in the assessment.

The following matters are minimum requirements that must be considered and satisfied:

- (a) a thorough survey/assessment to locate and consider:
  - (i) all utility services and underground structures (pits). For information on the location of utility services, call 'Before You Dig Australia';
  - (ii) basement areas of buildings that may extend beneath a *road*;
  - (iii) glass block *footway* lights and associated subsurface lightwells to basements;
  - (iv) pedestrian tunnels, underground railway station concourses and other similar subsurface voids; and
  - (v) roots of major *street trees*.
- (b) consultation with the relevant utility authority or agency for design bearing pressures on or near any services likely to be impacted from loads of a *temporary structure*;
- (c) assessment of whether the subsurface ground conditions are sufficiently stable to support all expected loads including considering any likelihood of previously filled land upon which the *temporary structure* will be placed; and
- (d) the placement of *temporary structures* adjacent to sites undergoing demolition and/or excavation activity. Establish ground conditions and bearing pressures including any likely ground disturbance caused by the proposed in-ground works. This includes adverse impacts resulting from ground erosion in the vicinity of the structure and whether any special design controls and monitoring are necessary (see also **3.8.2(e)**, **3.8.6(c)**, **2.8.8(c)** and **2.13.4**).

### 2.8.9 Installation durations exceeding six (6) months - certification

- (a) The holder of a permit must have inspections of *temporary structures* (*hoarding/scaffolding/cantilevered overhead protective deck*) undertaken at not less than six (6) monthly intervals by an appropriately qualified practising structural engineer/licensed *scaffolder* using the *City's* standard form. A certificate must be submitted to the *City* after inspection and completion of any remedial work that is found necessary (and details noted in the certificate).
- (b) The *City* may require proof of current compliance and adequacy with relevant standards at any time irrespective of (a). See also **2.12.1(h)**.

**Note:** A PCBU and/or a *supplier* of plant (structures) may require checks and certification at intervals less than six months.

## 2.9 Applications

### 2.9.1 Seeking approval to install a temporary structure

An application using the standard form must be lodged when seeking *approval* to install a *temporary structure*. To allow sufficient time to assess proposals, applications must be lodged at least two (2) weeks prior to the date of the proposed installation.

**Note:** Proponents must allow additional time for large and complex structures/sites including where infrastructure in vicinity of a site may be impacted. (see **2.8.8**).

Where consideration is required to allow the placement of traffic barriers on *roadways* and/or changes to traffic control signage, proponents must allow at least four (4) weeks for required consultation with the *City's* Traffic Operations Unit (see also **1.19.1** and **3.10.4**).

In cases where a *temporary structure* is proposed to be installed on a *classified road* additional time must also be allocated in the work program to allow for required concurrences to be obtained from Transport for NSW (see **1.10**).



**Figure 2.3:** Sightlines from *City*-operated CCTV surveillance cameras must not be obstructed by *temporary structures*. Traffic monitoring cameras (and private property cameras required by a condition of *development consent*) must also not be obstructed. Remounting the *City's* cameras beneath *hoardings* may be an acceptable solution. Refer to **2.17** for information on private CCTV surveillance cameras mounted on *temporary structures*.

Photo: Peter Conroy / City of Sydney

## 2.9.2 Drawings and details

The following minimum information must be lodged with an application:

- (a) architectural-type drawings – fully dimensioned site plan at a minimum scale of 1:100 showing:
  - (i) the *footway* finish and widths including the accurate location of the *hoarding* and utility pits in the *footway* and other infrastructure such as electricity poles, smart poles (and any potential impacts on banner display arms) and parking/traffic control signage/stems;
  - (ii) the site fence and *scaffolding* (where proposed) fully dimensioned including an elevation drawing of the extent of the proposed *scaffold*;
  - (iii) *site sheds* including their accurate position on Type-B *hoardings* (see **5.5** and the application form);
  - (iv) any proposed or *approved works zone* on the *roadway*;
  - (v) existing building entrances, emergency egress exits and existing sprinkler/hydrant booster connections located on the building facade;
  - (vi) *street trees* including trunk diameter and dimensions of tree pits (see **(j)**); and
  - (vii) street furniture (see **3.8.7** regarding temporary removal) accurately plotted on drawings with clearances to site fences etc. clearly shown;
- (b) accurate and detailed sections, elevations and information clearly setting out:
  - (i) the *hoarding* heights to the underside of the deck and bracing for Type-B *hoardings* including required screening of bracings and the various heights where *hoardings* are to be located on sloping *footways/roadways*;
  - (ii) clear *footway* width dimensions and the location of the site fence including showing any proposed encroachment onto the *footway* where required for specific construction or access needs (encroachments must be minimised); and
  - (iii) detailed written justification for any site fence encroachment on the *footway* and any variations to the Code that are being sought (refer to **3.10.3** and the application form);
- (c) the location of artwork or historic images proposed or required to be displayed on a *temporary structure* (see **Part 06.**);
- (d) the lighting system for Type-B *hoardings* (location of luminaires);
- (e) details setting out the length of time that the *hoarding* will be installed as well as the nature of the works that are to be undertaken during this period (refer to the application form);



**Figure 2.4:** The installation and removal of a *temporary structure* must be undertaken in accordance with the conditions of *approval* and be continuous once work commences (see **2.11.2(b)**). This includes maintaining safe passage for pedestrians, cyclists and traffic past the area.

Photo: Peter Conroy / City of Sydney



Photo: Peter Conroy / City of Sydney



- (f) details (plan) of any required or proposed temporary pedestrian pathways (on *roadways*), temporary closure of a *footway* and/or pedestrian diversion past *worksites* or changes to street parking and traffic control signage that may be affected by the proposed *hoarding* (see also **3.10.4**);
- (g) an indication (in the application form) of other *temporary structures* (other than *hoardings* and *scaffolding*) such as *cantilevered facade-mounted materials landing platforms* associated with crane *hoisting* activity that project over a *public space* (a separate application is required).  
**Note:** An *approval* is required for other *temporary structures* such as cantilevered platforms, construction screens/shutters/slip-forms, catch-scaffolds and other *temporary structures* including *hoisting* activities (see **1.5**, **1.19.2** and **2.11.5**);
- (h) fully detailed structural drawings and other details including:
  - (i) the location of the proposed *temporary structure* including any relevant items such as:
    - *scaffolding*, including proposed supplementary spreader beams on the deck of Type-B hoardings
    - access/emergency stretcher stairways including any proposed access stairs from the *footway* to the deck of Type-B *hoardings*
    - the location of any *site sheds* on the *hoarding* deck
    - any proposed construction equipment such as mast-climbing work platforms, construction hoists and suspended *scaffolds* (swing-stage) proposed for placement on the deck of Type-B *hoardings* (subject to specific consideration and *City* approval - see **1.5**).
  - (ii) section sizes, details of connections/ties including site fence, deck, vehicle and worker access gates, etc. and elevation/s including any required bracing for lateral stability, (and screening) counterweighting (and connection to columns) and *hoarding* fascias including bracings for high fascias;
- (i) structural certification for design. Where *scaffolding*, *site sheds* and other structures are proposed to be placed on the deck a Type-B

*hoarding*, the drawings must indicate this and certification confirming that the *hoarding* is capable of supporting all superimposed loads and not exceed the loads specified in the *SafeWork NSW* 'Code of Practice: Overhead Protective Structures' (refer to **2.8** for certification requirements, **3.8.5** for details on footings to support *temporary structures*, **3.11.6** for deck design and **4.5.6** regarding scaffolding placement on hoarding decks);

- (j) the site plan must clearly and accurately show in plan and elevation the location of *street trees* including accurately specifying the height and canopy volume/diameter and significant branches of all *street trees* in the vicinity of the proposed *temporary structure*. If trees are likely to be affected, the structure must be designed to accommodate the tree/s without the need to prune major branches or limbs;
- (k) where it is not possible for a *hoarding* design to accommodate tree canopies, applicants must contact the *City's* Tree Management Officer prior to finalising design drawings and lodging an application to discuss any design constraints and conditions of consent (see **3.17.3** for details relating to *street tree* protection requirements);
- (l) street furniture and other infrastructure – The site plan must accurately indicate all street furniture including litter bins, bench-seats, bus-shelters, bollards, public telephones, poster panels, smart poles/power poles, street parking signage stems and the type of parking signage (if *approval* is to be sought for temporary removal), bike racks and utility access hatches in the *footway*.
- (m) an assessment of the likely impacts (obscuring viewing of the *public space*) on *City*-controlled CCTV cameras/systems (see **Figure 2.3**), traffic monitoring cameras and private CCTV surveillance cameras required by a condition of *development consent*, must also be shown;
- (n) details of *City*-operated CCTV cameras and other *City* monitoring infrastructure - where cameras:
  - (i) are likely to be affected particularly where a *temporary structure* will be in place for lengthy duration; and/or
  - (ii) the site is located in a high-risk and/or high pedestrian density area.

**Notes** (to consider in designing a *temporary structure*):

1. The *City* may require a camera to be relocated or an additional camera installed for the duration that the *temporary structure* is in place. All costs associated with relocating or installing additional cameras are to be borne by the applicant (see **2.17** regarding the installation and use of private CCTV security/surveillance cameras on *temporary structures*).
2. Where other monitoring equipment such as electronic pedestrian counting equipment is impacted, the device may need to be re-mounted on the *hoarding* or moved to an alternative position (with costs borne by the applicant).
3. Where *temporary structures* are likely to impact on parking signage stems, parking ticket machines, litter bins, seating and/or cause a reduction in the clear space for safe and convenient pedestrian movement, the *City* may require the temporary removal or relocation of the infrastructure at the applicant's cost. Any required adjustments must be identified in the application.

Where removal/relocation of items listed above are necessary the works must be undertaken by the *City's* contractors and fees paid in accordance with the *City's Revenue Policy (Fees and Charges)*.

Separate specific *approval* for changes to street furniture and other infrastructure is required in addition to obtaining an *approval* (permit) to install a *temporary structure* (see **3.8.7**).



**Figure 2.5:** A *hoarding approval* (permit) does not include an *approval* to use the *roadway* for the loading and unloading of building material and equipment. A separate *approval* must be obtained (refer to the 'Code of Practice: Hoisting and Construction Activities On and Above Roads' for further details).

Photo: Peter Conroy / City of Sydney

### 2.9.3 Additional documents and fees that must be lodged prior to an approval being issued

The following must be provided:

- (a) a *performance bond* (see **1.15**) for all Type-B *hoardings* and any other *temporary structures* as determined by the *City*. The amount will be determined in accordance with the *City's* Revenue Policy (Schedule of Fees and Charges) available on the *City's* website. The bond will be used to recover all costs incurred by the *City* in repairing damaged infrastructure or undertaking maintenance to a *temporary structure* where the applicant fails to undertake the work and also for other purposes (see **2.15.1**). The applicant should assess the condition of the *footway* and document (photograph) any defects prior to installation of *temporary structures*;
- (b) evidence of a current *public liability insurance* policy held in the name of the applicant (see **1.16**);
- (c) payment of a *footway/roadway* occupation fee. Occupation fees vary depending on the location (*city-centre* and *non-city-centre*) and whether sheds and/or traffic barriers are included.  
  
The map at **Figure 1.1** shows the boundary of the *city-centre* and *non-city-centre* areas. The fees and *performance bond* will be determined as part of the assessment process. A *hoardings* fee and bond estimator is available on the *City's* website.  
  
Applicants will be advised of the required monies payable when a determination (*approval*) is ready to issue. An *approval* will not be issued and have no effect until all fees and bonds are paid; and
- (d) payment of any required construction industry long service leave levy that may apply.

## 2.10 Cycleway network



**Figures 2.6:** Proponents must check with the City to establish that the construction of the cycleway network will not be impacted through the installation of a temporary structure (see 2.11.4).

Photo: Brendan Read / City of Sydney

An extensive cycleway network exists across the city and works continue to expand the network.

It is important that temporary structure placement does not interfere with the network and future works. Hoarding placement near or above cycleways must also not interrupt or affect bicycle movement and safe passage (see 3.8.6).

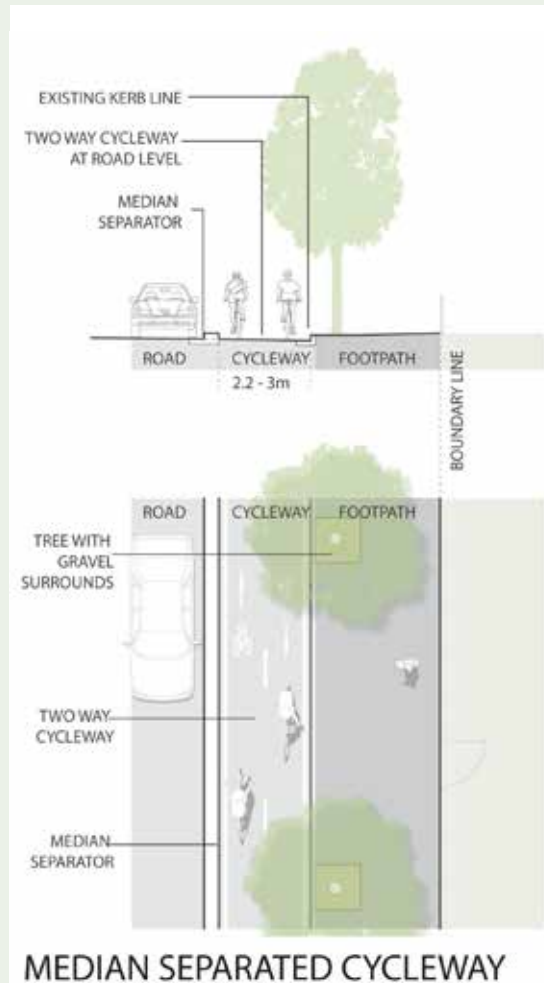
### 2.10.1 Cycleways and the design of hoardings

The design, installation and use of temporary structures (hoardings) must accommodate the three principal cycleway designs including satisfying all requirements of this Code relating to the safe and convenient passage of cyclists including pedestrians and vehicles.

To achieve acceptable outcomes for cyclists and other road users several specific design requirements apply (see 3.8.6).

### 2.10.2 Shared pedestrian/cycleway paths

Hoardings erected in shared pedestrian/cycleway paths require special consideration. There are no 'deemed-to-comply' criteria for shared paths. In these circumstances applicants will need to discuss their proposal with the City's Cycling Unit to resolve any design aspects before proceeding with the preparation of drawings and lodgment of an application.



**Figure 2.7:** There are three principal cycleway designs. This design separates the cycleway from traffic lanes using a median separator. Refer to Figures 3.24 and 3.25 for details when placing hoardings above cycleways.

## 2.11 Temporary structure installation, removal, notification and certification

After receiving approval for a temporary structure installation there are several other considerations and separate approvals required prior to proceeding with installation. The following requirements apply:

### 2.11.1 General considerations when making an application

- (a) Before installing an approved temporary structure, separate approval will, in most cases,



be required for the *approved* days and times for the works. The separate *approval* is also necessary to regulate:

- (i) the installation of temporary barricading to control pedestrians and traffic at the *worksite* in which the *temporary structure* will be erected (and dismantled). This is particularly relevant where works will require the use of the *road* or where works above a *road* which may cause overhead protection issues); and
- (ii) *hoisting* activities (*temporary structure* and/or components) to and from a vehicle standing on the *roadway* within authorised kerbside parking spaces or *approved* allocated space for the temporary standing of a vehicle.

The application must include a traffic (pedestrian) guidance scheme for the site. Clear *accessible* walking paths must be provided past the *worksite* with any detour distances minimised.

Accredited traffic and pedestrian controllers must be used during the installation, repair/ modification and removal of a *temporary structure*. Refer to the *City's* 'Code of Practice: Hoisting and Construction Activities On and Above Roads' for further details.

- (b) Consultation with the *City* is recommended to identify any issues that may be relevant to the particular site such as:
  - (i) any requirements of the *City's* Local Pedestrian, Cycling and Traffic Calming Committee such as *works zone* or specific *road* usage requirements;
  - (ii) current or proposed city infrastructure works including *footway* reconstruction/ resurfacing (refer to the *City's* 'Code of Practice: Hoisting and Construction Activities On and Above Roads');
  - (iii) construction of the *cycleway* network and maintenance of the light rail transport system /rail corridor (see **2.11.4** and **Figure 2.8**); and
  - (iv) restrictions on the installation and removal of *temporary structures* during the Christmas and New Year holiday periods (refer to the *City's* 'Code of Practice: Hoisting and Construction Activities in Public spaces' for further details). See also **1.19** for other *approvals* that may be required.



**Figure 2.8:** Before installing a *temporary structure* in the light rail corridor the agreement of the rail operator must be obtained and written evidence provided to the *City*.

Photo: Peter Conroy / City of Sydney

**Note:** When installing a *temporary structure* near aerial electricity power cables and within the light rail corridor all applicable safety requirements must be followed including the requirements of the relevant electricity authority and/or utility owner and the light rail operator.



**Figure 2.9:** Where plywood sheeting is required to shield *temporary structures* from aerial electricity cables all sheeting must be painted in a colour and tone that matches the *scaffolding* containment mesh (see 'Note' below).

**Note:** The *SafeWork NSW* 'Code of Practice: Overhead Protective Structures' includes requirements in relation to the proximity of electricity transmission cables to *hoardings* and *scaffolding*.

Real myth by Captain Pipe  
Photo: Peter Conroy / City of Sydney)



**Figure 2.10:** The preferred finish for scaffolding is black mesh installed on the outer surface (see **Part 04** for further details).

Photo: Peter Conroy / City of Sydney

### 2.11.2 Installing and removing temporary structures

The following requirements apply and must be satisfied:

- (a) installation and removal of a *temporary structure* must be undertaken safely and not damage infrastructure including *footways*, *kerbing*, *street trees* and *street gardens*;
- (b) upon installation or removal work commencing, the process must be carried out without undue delay in a continuous manner (subject to weather conditions or specific directions of the *City*). This is necessary to minimise the period of *footway* or *laneway* closure and disruption to pedestrians, in addition to wider environmental impacts such as noise generation, particularly when works are being carried out on weekends and/or at night and/or in the vicinity of residential landuses;
- (c) as a general requirement the *City* expects *temporary structures* to be installed by man-handling components or *hoisting* structures onto a *footway* or site directly from a truck standing legally on the adjoining *roadway* (kerbside lane); and
- (d) In cases of *hoarding* installation/removal where there are site constraints preventing *hoisting* and placement from a *roadway* such as street awnings or where there is restricted clear access along the kerb due to *street trees* or infrastructure, forklift operation on *footways* to install *hoardings* will be permitted during installation and removal subject to the following:

- (i) the size (mass) of the forklift or other similar equipment including the load must not exceed 7 tonnes;
- (ii) forklift movement along *footways* must be minimised;
- (iii) where existing *vehicular crossings* are not available in close proximity to the *worksite* for forklift access, appropriate and suitable temporary kerb ramps must be used for mounting a kerb to access the *footway* and *worksite* (to prevent kerb damage);



Photo: Brendan Read / City of Sydney



**Figure 2.11:** Street trees and gardens must be protected during the installation and removal of *temporary structures* including the full duration of the development or work. *Performance bonds* can be used to recover costs associated with rectifying damage or replacing trees (refer to **1.15**).

Photo: Karen Sweeney / City of Sydney



- (iv) 17mm (minimum thickness) structural grade plywood sheets complying with AS/NZS 2269.0 must be placed on the *footway* surface to assist in distributing loads and to prevent damage to asphalt/stone surfaces (particularly as a result of wheel twisting), cracking or subsidence of stone or brick paving;
- (v) utility service hatches/lids in the *footway* must be assessed for adequacy of loadbearing pressures and where necessary, suitable temporary steel plates placed over pits. Glass block footway lights must not be traversed; and
- (vi) plywood sheets and steel plates required by (iv) and (v) must have a smooth transition (chamfered edges) at the interface with the *footway* surface to avoid trip hazards for people walking, under supervision and assistance, through the *worksite*.

**Note:** *Hoisting* activities when installing and removing *temporary structures* requires a separate *approval* (see **2.11.2**).

### 2.11.3 Certification of installed temporary structures

- (a) Installation certification and completed checklist must be provided as follows:
  - (i) lodging the *City's* standard certificate template for structural aspects within 24 hours of completing the installation or part thereof where staging of installation is *approved* (see **2.8**); and
  - (ii) using the checklist (for *hoardings*, *compounds* and *scaffolding*), fully complete by physically inspecting the installation, sign the document confirming compliance, and email the checklist to the *City*.
- (b) An *authorised person* will inspect the completed structure for compliance with the *approval*. *Temporary structures* must not be used (for overhead protection to meet required work health and safety requirements or the placement of *approved sheds/equipment*) until the required certification is provided and accepted by the *City*.
- (c) Any incidents involving damage being sustained to a *temporary structure* that could:
  - (i) affect its structural integrity;
  - (ii) expose the public to injury; and/or
  - (iii) damage the *footway/roadway* surfaces;

must be reported to the *City* (see **1.16.5**).

### 2.11.4 City access to roads to undertake works (where temporary structures are in place)

In giving *approval* to allow the placement of *temporary structures* on *roads* (*footways* and *roadways*), the *City* reserves the right to require a structure to be temporarily removed or modified to allow infrastructure works to be carried out.

In proposing and designing *temporary structures*, proponents should make themselves aware of planned major works that may impact on the area of installation. This includes major works such as the construction of the *cycleway* network. The following matters apply and must be noted and considered:

- (a) where planned *City* works in the vicinity of a *temporary structure* are obstructed and access is required for any purpose including access by *City* contractors or utility service providers in order to undertake works, the *temporary structure* must be temporarily removed or modified where so directed; and
- (b) where (a) applies, the holder of an *approval* must:
  - (i) obtain all *approvals* to remove the structure and to reinstall the structure (following the completion of infrastructure work); or
  - (ii) lodge an application to modify parts the structure to accommodate the required infrastructure works.

All associated costs will be borne by the holder of the permit.

In meeting the above requirements, the *City* will consider any statutory responsibility the *permit-holder* has in controlling the *worksite* and *workplace* under the Work Health and Safety Act to protect persons in the *public space* before directing removal or substantial modification of a *temporary structure*.

### 2.11.5 Removal of temporary structures

Irrespective of the expiry date specified in a permit, a *temporary structure* must be removed as soon as practicable after it is no longer required for public safety and/or work purposes. A separate *approval* to dismantle a *temporary structure* must be obtained prior to such work commencing (see **2.11.2** for requirements when working in *public spaces*). Refer to the *City's* website and permit conditions for details regarding seeking *approval*.



### 2.11.6 Managing activities and impacts associated with temporary structures and usage

The city, particularly the very busy *city-centre* zone, has high activity and pedestrian densities that must be properly managed to minimise impacts when installing/removing temporary structures. The following matters set out some of the requirements to mitigate impacts:

- (a) truck outriggers for *hoisting* activity must not be placed on *footways* or kerbing unless there are site constraints that prevent outriggers being positioned on the *roadway* (a more structurally stable surface that has greater bearing pressure capacity). Where outriggers must be placed on *footways* the loads must be evenly distributed over the *footway* surface using 5mm thick 1.0m square steel plates;
- (b) *approval* to install a *temporary structure* does not allow the use of the *roadway* for general loading and unloading to and from vehicles. A separate *works zone* application must be lodged and *approval* obtained where long-term use of a *roadway* is required (refer to the *City's* 'Code of Practice: Hoisting and Construction Activities On and Above Roads' for further details);
- (c) where a proposed *works zone* adjoins a *cycleway* and requires temporary lane diversions to accommodate the *works zone* when in operation, the *City* may, in high traffic volume *roads* and/or other key *roadways*, restrict the operational times of the zone to off-peak traffic periods (refer to the *City's* 'Code of Practice: Hoisting and Construction Activities On and Above Roads' for further details);
- (d) hoisting activity using mobile cranes must not be undertaken in a *public space* without formal *approval* (refer to the *City's* website for further details including *City's* 'Code of Practice: Hoisting and Construction Activities On and Above Roads') and application form;
- (e) building material and equipment including construction waste bins associated with a development site must not be stored in the *public space* or on the deck of Type-B hoardings, unless specifically *approved* (see **3.11.5**);
- (f) construction waste chutes installed over a *public space* are not permitted - refer to the *City's* 'Code of Practice: Hoisting and Construction Activities On and Above Roads';

- (g) *footway* and *roadway* surfaces must be fully maintained by the *permit-holder* to ensure a safe and tidy condition at all times including during the installation and dismantling stages of *temporary structures* (see **2.11.2** and Figure **2.12**); and
- (h) the *footway* or *roadway* must not be used as a platform for construction, demolition or maintenance work on a building without the prior written endorsement of the *City*.

Refer to the *City's* 'Code of Practice: Hoisting and Construction Activities On and Above Roads' for further details.

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## 2.12 Maintenance of temporary structures and the public space adjoining worksites

Continuous maintenance of *temporary structures* and the condition of *public spaces* must be carried out whilst a *temporary structure* is in place to ensure that installations and the *public space* surfaces remain structurally sound, safe, accessible, clean and tidy. The following specific provisions apply as a minimum.

### 2.12.1 General requirements

- (a) The Roads Act requires a person who has benefit of a *temporary structure approval* on or over a public *road* to maintain the structure in a satisfactory state of repair and condition (see 'Notes'). Penalties apply where structures are not properly maintained.
- (b) The *permit-holder* must notify the *supplier* of a *temporary structure* of any defects or maintenance issues that arise with a structure throughout a project so that remedial works can be undertaken by the owner/*supplier* of the structure (to satisfy Work Health and Safety Act provisions).
- (c) The *City* will vigorously monitor the condition of *temporary structures* including displayed graphics. If structures are inadequately maintained the *City* will give directions to rectify defects. Permit renewals will be withheld where structures are found non-compliant or unsafe.

- (d) The general condition of the *public space* in the vicinity of *temporary structures* and the *worksite* must be kept tidy and clear of overgrown vegetation, dust, debris and litter that can accumulate around structures and on nature strips. This is particularly important as access by the *City's* cleansing and parks services teams may be restricted by the structures. Street gardens including affected community gardens must also be kept tidy and maintained including watering in circumstances where a *hoarding* spans over gardens.



**Figure 2.12:** *Temporary structures on footways and roadways can obstruct access by the City's cleansing services team particularly mechanical footway sweeper plant. The person in control of a workplace must therefore keep the public space clean and tidy at all times.*

Photo: John Dennis / City of Sydney

- (e) Where maintenance or repairs *are not undertaken* a formal direction may be issued to require defects to be rectified. A direction to the owner/supplier of a *temporary structure* can also be given. A penalty infringement notice (fine) may be issued where a direction is not complied with. The *approval* for the structure may also be revoked. If revoked (see 'Notes'), the structure will immediately be deemed unauthorised and its removal can be required.
- (f) The holder of a permit must ensure that the structural adequacy of a *temporary structure* is monitored regularly and is fully maintained for the duration that it is in place (see **2.8.9** regarding periodic certification).
- (g) The owner of a *temporary structure*, typically the *supplier* or contractor, may be held responsible for the removal of a structure where an *approval* lapses or is revoked and the holder of the permit fails to arrange/undertake removal. Refer to the *performance bond* provisions in **1.15.1** in relation to cost recovery by the *City*.
- (h) The *City* may require proof of current compliance with the relevant Standards at any time (beyond the provisions of **2.8.9**). Where the *City* considers that the design or installation of a *temporary structure* may be inadequate and/or is non-compliant with this Code, the *City* may commission an independent engineer or other person to audit the submitted drawings and/or installation to determine the acceptability or otherwise of the structure.

### Notes:

1. A direction to remove a structure can be issued under s107 of the Roads Act 1993.
2. Section 108 of the Local Government Act 1993 allows the *City* to revoke an approval for any circumstance set out in s109. Under s140 of the Roads Act 1993 the *City* can also revoke an approval at any time and for any reason.

### 2.12.2 Graffiti on hoardings, compounds and other temporary structures

- (a) Site fences must be kept free of graffiti and bill posters and the structural frame of Type-B *hoardings* must be kept clean, tidy and in good condition, as determined by the *City*.
- (b) Graffiti and bill posters must be removed within 24 hours of being applied on site fences or structures. Where surfaces have been damaged they must be repaired and re-painted. In cases of damage to *approved* graphics, the replacement of damaged sections will be required. General wear-and-tear on site fences and the structure will require periodic inspection and likely re-painting for the duration of a project.
- (c) In cases where a *structure* does not have graphics displayed and is repeatedly targeted by bill poster attachment the fixing of steel mesh to site fences may be permitted subject to meeting minimum design requirements (see **3.10.7**). Meshing will only be permitted in problematic areas and in extreme cases of continual poster attachment. Endorsement to use mesh must be obtained from the *City* prior to installation.

- (d) Where maintenance is not carried out to an acceptable standard as directed by an *authorised person* including directions to maintain graphics and/or remove graffiti and bill posters, infringement notices (fines) may be issued.

**Note:** where *temporary structures* are in place for more than 6 months, certification must be provided in accordance with **2.8.9**.

### 2.12.3 Maintenance of scaffolding (see also Part 04)

- (a) *Scaffolding* structures must be fully maintained to ensure continued compliance with AS 1576.1 'Scaffolding – General requirements'. Refer also to Clause 225 of the Work Health and Safety Regulation (see also **4.4.5**).
- (b) Any modifications to a *scaffold* will require the approval, inspection and certification of an appropriately qualified and licensed *scaffolder*.
- (c) Where *scaffolding* is in place for more than 6 months (see **2.8.9**) the structure must be fully checked by an appropriately qualified and licensed *scaffolder* and/or engineer and certification provided in accordance with **2.8**. See also **2.12.1 (h)**.

### 2.12.4 Maintenance of screening systems and scaffold wraps

Screening systems and/or graphics (wraps) on *scaffolding* must be fully and properly maintained for the full duration of installation including the following:

- (a) keeping the screening mesh or fabric taut to minimise impacts of wind actions on the structure and to display the content in a visually acceptable manner;
- (b) general screening systems being maintained in good condition and to an acceptable standard as determined by the *City*;
- (c) for lengthy *scaffold* wrap installations, consideration must be given to durability of the printing inks and mesh particularly on elevations with high solar exposure such as north-facing orientation. The longterm condition of a wrap display such as the accumulation of atmospheric particulates/pollutants and dust from the *worksite* must also be considered. This includes appropriate maintenance plans being developed and implemented;

- (d) ongoing effective maintenance and the repair of graphics/mesh;
- (e) the *City* will monitor the condition of a wrap and if necessary can require wrap replacement and/or cleaning to be undertaken to maintain an acceptable standard of condition and appearance; and
- (f) *scaffolding* wraps must satisfy the design and installation requirements set out in **Part 06**.

### 2.12.5 Other temporary structures

All other forms of *temporary structures* must be maintained in accordance with the manufacturer's and/or *supplier's* specifications.

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## 2.13 Protecting excavations - fencing and other barriers (hoardings)

### 2.13.1 General

The Work Health and Safety Regulation 2017 requires the person undertaking excavation work and the principal contractor (*PCBU*) to manage all risks and comply with Clause 305 of the Regulation. This includes potential hazards to pedestrians in *public spaces* such as risks of persons accidentally falling into an excavation (see **Figure 2.14**).

The *PCBU* responsible for a *worksite* and *workplace* and the owner/*supplier* of a *hoarding* must also satisfy any other requirements such as relevant *SafeWork NSW* codes of practice. The following matters also apply:

- (a) risks associated with motor vehicles crashing through *hoardings* and falling into deep excavations must be considered when assessing risks to the public (see **3.9.1(a)**). In assessing the risks and determining the extent and form of required safety measures, the *PCBU* must consider, as a minimum:
  - (i) vehicle speeds based on signposted maximum limits;



- (ii) size (mass) of likely vehicle-types (including trucks/buses and light rail) using the *road/s* in the locality of the site;
  - (iii) road configuration such as road intersections (signalised and non-signalised), bends and kerb-side lane usage; and
  - (iv) openings in the site fence (see also **(c)** below);
- (b) section 103 of the Roads Act allows the *City*, as a *roads* authority, to direct an owner or occupier of land to install barriers where it considers that an excavation poses a sufficiently dangerous risk or condition to threaten the safety of persons using a public *road* adjoining a *worksite*. This is particularly relevant for sites adjoining very busy *roads* and at *road* intersections that present increased risks of vehicle collision and/or loss of vehicle control;
- (c) the *City* may, irrespective of any risk assessment undertaken by the person in control of a site, require appropriate safety barriers to protect an excavation including at access openings, particularly at truck access openings/gates (see **3.15**);
- (d) where a risk assessment establishes that safety barriers are required, or the *City* requires protection, the system of protection must, where practicable, be placed within the allotment boundaries (not on the *roadway* or *footway*). Where this is not possible protection barriers may be located on *City*-land subject to **(f)**;
- (e) barriers must be designed to the established loading conditions based on the findings and recommendations of any pedestrian/traffic risk assessment (see also **(a)**) that has been undertaken to satisfy relevant requirements of the Work Health and Safety Act and Regulations including any applicable codes of practice; and
- (f) the *City*'s expectation is to avoid fixing barriers to *footway/roadway* surfaces, however, where the risk assessment establishes that fixings are required to achieve the necessary impact load resistance the proponent must contact the *City* to discuss the form of proposed fixing and its appropriateness for the area and surfaces. This will include consideration of potential adverse impacts such as sandstone and bluestone kerbing and other significant public domain fabric.



**Figure 2.13:** A Type-A *hoarding* braced to a concrete Jersey kerb and protecting an excavation.

Photo: Peter Conroy / City of Sydney



**Figure 2.14:** Sites undergoing deep excavation can pose a significant safety risk to the public including occupants of motor vehicles. Where an assessment by the *person conducting a business or undertaking* and/or the *City* identifies that a risk exists and *control measures* such as a need for physical barriers is necessary, the standards for their location must comply with this Code.

Photo: Peter Conroy / City of Sydney



Photo: Peter Conroy / City of Sydney

### 2.13.2 Impacts of public crowding on site fences and access doors/gates

The PCBU including the designer and *supplier* of a *hoarding* must consider the loads imposed on *hoarding* site fences and/or gates resulting from live actions of public crowding (pushing against the barrier). This is particularly important in the *city-centre* where large gatherings associated with major public events take place.

### 2.13.3 Caution signage - excavations

Caution signage (see **Figure 2.15**) must be securely fixed at each end of a site fence warning of a deep excavation behind the fence (where more than 1.5m below the footway/*roadway* surface). For long frontages (greater than 30m) additional intermediate signage can be displayed on the site fence (and be appropriately positioned to minimise visual impacts on graphics - see **Part 06**).



**Figure 2.15:** For *hoardings* associated with an excavated site (deeper than 1.5m), caution signage must be displayed indicating a deep excavation behind the site fence. Signage should be appropriately positioned to avoid placement over graphics (see **Part 06**).

Photo: Peter Conroy / City of Sydney

### 2.13.4 Stability considerations - ground erosion and subsidence associated with excavations

The design and positioning of *temporary structures* particularly support columns of Type-B *hoardings* and traffic/pedestrian safety barriers protecting excavations, must consider and take into account risks associated with:

- (a) partial settlement of the public *road* surface; and

- (b) major subsidence/collapse of the *roadway*/surface resulting from excavation works which may impact on *temporary structure* stability. This includes assessing and considering:
  - (i) shoring, ground anchoring, retaining walls etc.;
  - (ii) impacts of rainwater accumulation in excavations, rainwater run-off from *hoarding* decks and surrounding *public spaces* into sites (erosion of supporting earthen foundations at the perimeter of the site/excavation);
  - (iii) erosion of supporting foundation material in the event of ruptured water supply pipes; and
  - (iv) other elements and events that may detrimentally impact the stability of a *temporary structure*.

**Note:** The SafeWork NSW Code of Practice: Overhead Protective Structures has provisions relating to stability of temporary protective structures.

## 2.14 Fire safety – risk management and design requirements for temporary structures



Photo: Tom Conroy

### 2.14.1 Purpose

For the purposes of this clause including subclauses, 'temporary structure' means:

- a Type-B *hoarding* (with or without *site sheds*, *scaffolding*, equipment and other items placed on a *hoarding* deck);
- a *cantilevered work platform*, (but not a materials landing platform);



- a cantilevered overhead protective deck (as a barrier to address objects that may fall from a *worksite* onto a road), erected on or above a road;
- other temporary structure/s, as determined by the City.

#### 2.14.2 Potential fire risks and other impacts when placing a temporary structure on or above a road

When proposing to place a temporary structure on or above a *road*, there are potential fire and public safety risks that need to be considered and addressed as part of the design process including considering the proposed usage. There are several aspects that a persons conducting a business or undertaking (PCBUs) and *suppliers* of temporary structures must consider. They are:

- (a) risks associated with the spread of fire vertically on a building above a temporary structure particularly in circumstances where *site sheds*, *scaffolding* and other material/equipment storage are placed on the deck of a Type-B *hoarding*;
- (b) potential spread of fire to and from the *worksite* including occupiable decks and surrounding buildings via a temporary structure including other items placed on the deck of a Type-B *hoarding*;
- (c) emergency egress from both a *worksite* and surrounding buildings particularly when exits discharge into a laneway over which there is a temporary structure (the necessity to maintain safe pathways beneath a structure to reach spaces that are fully open to the sky); and
- (d) firefighting operations such as adequate access for firefighting appliances particularly in laneways including safe unencumbered access to hydrant and sprinkler booster connections (of the *worksite* and surrounding buildings) and access for the effective application of water onto fire-affected area/s.

These four fire safety considerations are addressed in the Building Code of Australia (BCA) as fundamental principles relating to fire control and occupant safety associated with building design. Although the application of the Code is primarily for the purpose of prescribing minimum standards for the construction of new buildings and works to existing buildings, the principal objectives of the Code in these areas can be applied to temporary structures erected on and above roads to facilitate

work activities. In this regard, there are three BCA objectives that are important when designing a temporary structure, its planned location and proposed purpose including usage, as follows:

##### (1) Preventing the spread of fire

Performance provision C1P2 in the BCA (spread of fire) deals with fire both within and between buildings. The aim is to avoid circumstances where fire either endangers occupants evacuating by way of exits or impedes the capacity of emergency services personnel when accessing buildings for firefighting and search and rescue operations.

Fire in a *worksite* and/or on a temporary structure can impact adversely on fire compartmentation objectives of the Code. This is particularly important when temporary structures are associated with works on existing buildings and potential off-site impacts on surrounding buildings, including the difficulty of accessing the seat of a fire located above a temporary structure, particularly when installed in and above laneways thereby restricting access.

The BCA sets out key factors that apply in the design of a building to restrict the spread of fire which can also be applied as considerations when assessing risks and designing a temporary structure. This includes:

- (i) the likelihood or risk of a fire occurring;
- (ii) the expected size, load or intensity of a likely fire;
- (iii) the difficulties of evacuation (occupants in a building undergoing change and/or workers accommodated in *site sheds* placed on a *hoarding*);
- (iv) exposure to fire and the spread of fire from (and to) a *worksite* and *workplace* via a temporary structure;
- (v) the fire safety systems in a building which can affect the rate of fire-spread, e.g. if an automatic fire suppression system is installed, it will either extinguish the fire or reduce its growth rate; and
- (vi) firefighting operations of the fire brigade (Fire and Rescue NSW).

(2) Egress to a safe place

Emergency exits in buildings typically discharge occupants directly to public *roads* that are open to the sky and therefore deemed to be a safe place.

**Note:** The BCA also permits exits to discharge to 'open space' on an allotment which must then provide direct egress to a *road*. "Open space" is defined in the BCA as: 'a space on the allotment, or a roof or similar part of a building adequately protected from fire, open to the sky and connected directly with a public road.'

Discharging occupants beneath a temporary structure particularly when located in a laneway can present safety risks. Fire occurrence on a *worksite* (including on temporary structures) or in surrounding buildings could hamper evacuation including occupants reaching a safe place such as a primary *road* connected to a laneway. There are also potential operational issues for firefighters (see **(c)** below).

The BCA recognises the need to maximise safety by ensuring persons can reach a public space (*road*). The Code further recognises that the area of discharge from an exit (to a *road*) must be open to the sky.

(3) Firefighting operations

The Code requires egress (and access) from (and to) fire control centres and sprinkler valve enclosures to a public *road* or open space. Similar to exit discharge points of buildings (the importance for occupants to reach a space that is open and safe), the same needs of firefighting personnel must also be considered when placing structures above firefighting facilities including hydrant and/or sprinkler booster connection points.

The Code also recognises that a significant number of fires occur in buildings during their construction or in existing buildings undergoing major alteration/refurbishment. As a result, suitable means for firefighting operations must be available to allow initial fire attack by construction workers and for fire brigade usage.

Clause E1D16 in the BCA provides deemed-to-satisfy provisions as a means to the comply with the performance criteria. This includes the availability of portable fire extinguishers and, once a building has reached an effective

height of 12 metres, the installation of fire hose reels and fire hydrants within the building. Hydrant booster connections at street level located in compliant positions must also be provided including satisfying the following:

- (i) be readily available to firefighters;
- (ii) temporary structures must not obstruct fire truck movement and pumping operations; and
- (iii) where required by FRNSW, be separated from the building under construction/alteration by fire-resisting/construction (radiant heat protection) to dimensions as specified by the brigade.

Further guidance on the needs and requirements of FRNSW is available in the document: 'Fire Safety Guideline: Access for Fire Brigade Vehicles and Firefighters'.

### 2.14.3 Role and responsibilities of PCBUs and suppliers of temporary structures



Photo: Peter Conroy / City of Sydney

- (a) When designing and proposing to install a temporary structure on a *footway* or above a *roadway* such as a laneway, the *PCBU* and the *supplier* of the temporary structure must assess the risks of:
  - (i) a fire occurrence on a temporary structure including an occupied *hoarding* deck and safe egress for workers (see **2.14.6**);
  - (ii) a fire occurrence on a *worksite* and spread to a temporary structure including any temporary structures/equipment proposed on a *hoarding* deck;
  - (iii) the spread of fire (via a temporary structure) to and from surrounding buildings; and
  - (iv) impacts on fire brigade access and firefighting operations;

- (b) Fire risks are compounded when *site sheds* and other combustible items such as material and equipment are placed on the deck of a Type-B *hoarding*. This must therefore be given special consideration including emergency egress for workers (and any other requirements and responsibilities that may apply through the NSW Work Health and Safety Act and codes of practice).

If it is established that there is a potential for fire-spread, the design must address these risks including any planned usage of the deck – see **3.11.5** and **5.4.1** in relation to any likely impacts on firefighting operations of Fire and Rescue NSW (FRNSW). This is particularly important in circumstances where:

- (i) an existing building is undergoing change and remains occupied;
  - (ii) the building, and surrounding buildings, are not fitted with automatic fire suppression systems (sprinklers); and
  - (iii) existing older surrounding buildings that may not comply with the principal fire protection provisions of contemporary building regulations (the Building Code of Australia); and
- (c) Building classification and usage such as residential and hotel/tourist accommodation (sleeping occupants) must be given special consideration and addressed as part of the risk assessment/management process.

**Note:** Attention is directed to the Work Health and Safety Act (including sections **17, 19, 21, 22** and **26**).

#### 2.14.4 Measures to reduce fire-spread risks to surrounding buildings

Design and risk management measures may need to be implemented to address fire risks including, but not limited to, the following:

- (a) temporary structures (Type-B *hoardings*) needing to be fully non-combustible;
- (b) locating *site sheds* on *hoarding* decks in appropriate positions such as away from likely fire-risk sources or potential fire-spread pathways;

- (c) in circumstances where a temporary structure is not constructed fully of non-combustible material such as the deck/platform, fascia and site fences, the increased risk of fire that this therefore presents; and
- (d) installing a temporary automatic fire suppression system (sprinklers) on the underside of a deck and any *site sheds* or other combustible items. This will assist in delaying the intensity of a fire (and potential fire-spread) until the arrival of FRNSW personnel.

**Note:** The BCA (Part E1) can provide guidance on firefighting equipment including mandatory firefighting systems for buildings under construction (see E1D16 in the BCA).

Compliance with **2.14.7** will address the above matters.

#### 2.14.5 Firefighting appliances and operations – impact and considerations



Photo: Peter Conroy / City of Sydney

As part of the site assessment and establishment processes including the necessity to provide overhead protection of *public spaces* to satisfy any work, health and safety obligations, the design process for a temporary structure must address the operational needs of FRNSW including, but not limited to, the following:

- (a) temporary structures erected over *roadways* (particularly laneways) must be assessed for any potential adverse impacts on firefighting and search/rescue operational needs. This includes fire occurrences in floors of a buildings located above the level of a *hoarding* deck and sheds or cantilevered platform that could result in adverse impacts on the use of access ladders and aerial firefighting appliances;



- (b) for substantial installations in laneways (lineal distance and/or with multiple *site sheds* placed on a Type-B *hoarding*), the applicant may need to consult FRNSW to address any potential operational impacts and incorporate any recommendations in the design of a temporary structure before an application is lodged; and
- (c) the operational needs of FRNSW in relation to accessing and using hydrant/sprinkler booster connections on the *worksite* required by the BCA including booster connections of surrounding existing buildings that are impacted.

Compliance with **2.14.7** will satisfy the above requirements and not require consultation with FRNSW.

#### 2.14.6 Emergency egress and control measures

The *PCBU* must assess the risk of a fire occurrence and other emergency events on a temporary structure including occupiable Type-B *hoardings* (housing *site sheds* and/or other approved structures or material including occupiable *scaffolding* systems). Any *SafeWork NSW* requirements must also be addressed. The following must be considered when establishing the type and extent of any required *control measures*:

- (a) the distance to egress points (such as stairways) on a *hoarding* deck for workers to reach a safe place and the distance between alternative exits, where necessary;
- (b) the design and width of emergency egress pathways (corridors, passageways and stairways) to facilitate effective evacuation to a safe place in the event of a fire or other emergency;

**Note:** Access doors/gates must not open over a *footway* or *roadway* - refer to **3.12.1** regarding design requirements for access stairways and enclosures on *footways* including setbacks from *road* kerbs and clear pathways for pedestrians.



Photos: Peter Conroy / City of Sydney

- (c) the types and extent of combustible materials and structures (*site sheds*) placed on a *hoarding* deck and whether portable fire extinguishers, hose reels, automatic fire suppression systems (sprinklers), smoke detection/alarm systems and illuminated exit signage are necessary including the number and location of portable extinguishers/hose reels; and
- (d) the impacts on occupants of surrounding buildings that have emergency exits discharging onto a *road* (particularly a laneway) that has a temporary structure erected above exits and the egress pathways along a laneway to reach a connecting primary *road* or alternative safe place such as an open public square.

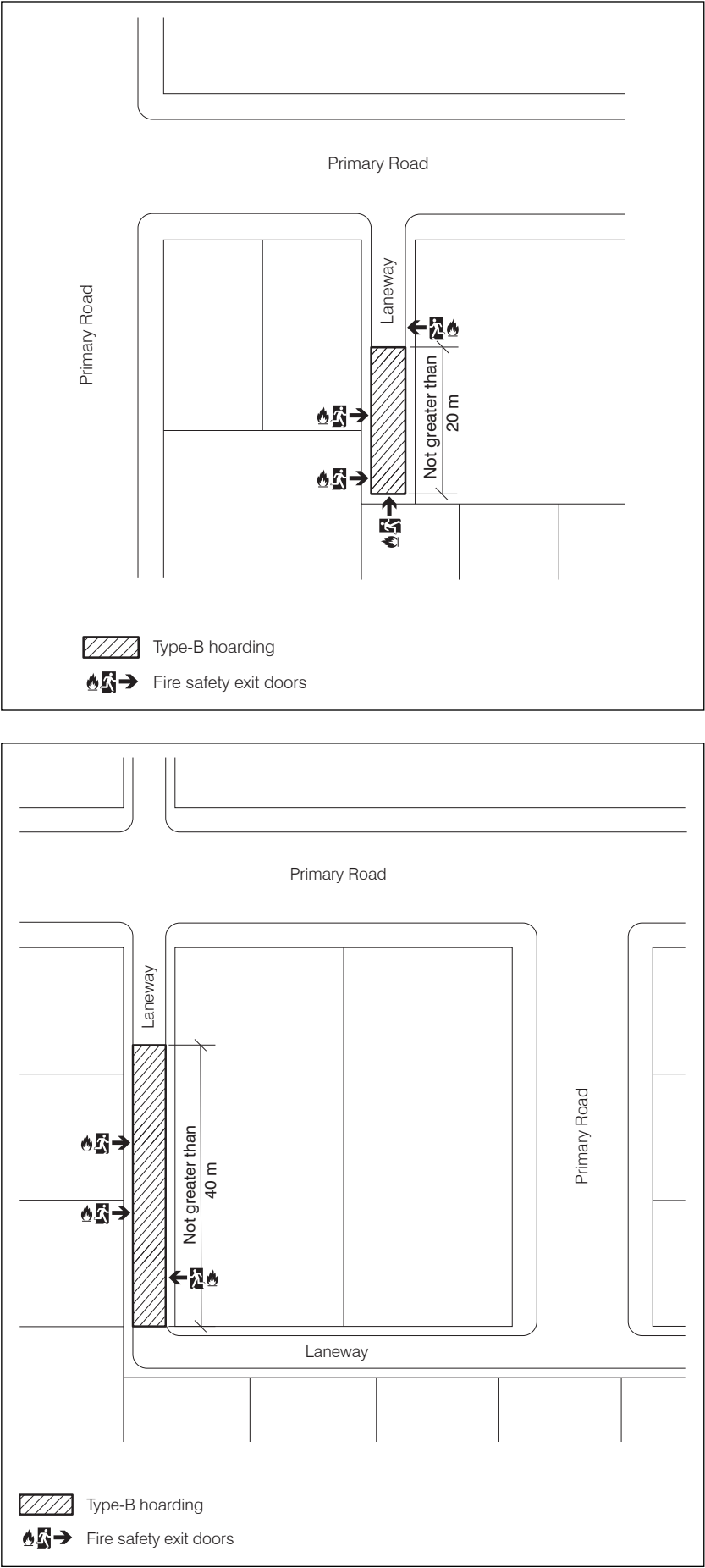
Subclause (d) is satisfied through complying with **2.14.7(a)**.

#### 2.14.7 Design controls when placing a temporary structure on and above a laneway

The following design controls apply when proposing to install a temporary structure in a laneway:

- (a) for effective and appropriate access for firefighting operations by FRNSW and for safe egress of occupants from surrounding buildings including workers on the *worksite* and *workplace* (on the *hoarding* deck), the maximum permitted length of a temporary structure built above the laneway is:
  - (i) 20m where the laneway has a single access to the primary street (e.g. a dead-end); and
  - (ii) 40m where the laneway has two or more access points to primary street/s.

**Figure 2.16:** Maximum lengths of *temporary structure* installations in laneways (refer to **2.14.7**)







**Figure 2.17:** Examples of *hoardings* in laneways with automatic sprinkler protection. The lower image shows a booster connection at the junction of a laneway with a primary road.

Photo: Peter Conroy / City of Sydney



Photo: Peter Conroy / City of Sydney

Where the above criteria are exceeded the proponent (*PCBU*) must consult FRNSW prior to lodging an application to seek their written endorsement for a hoarding length exceedance. Written evidence of such consultation and feedback received including the incorporation of any required design changes must be included with the temporary structures application;

(b) irrespective of the:

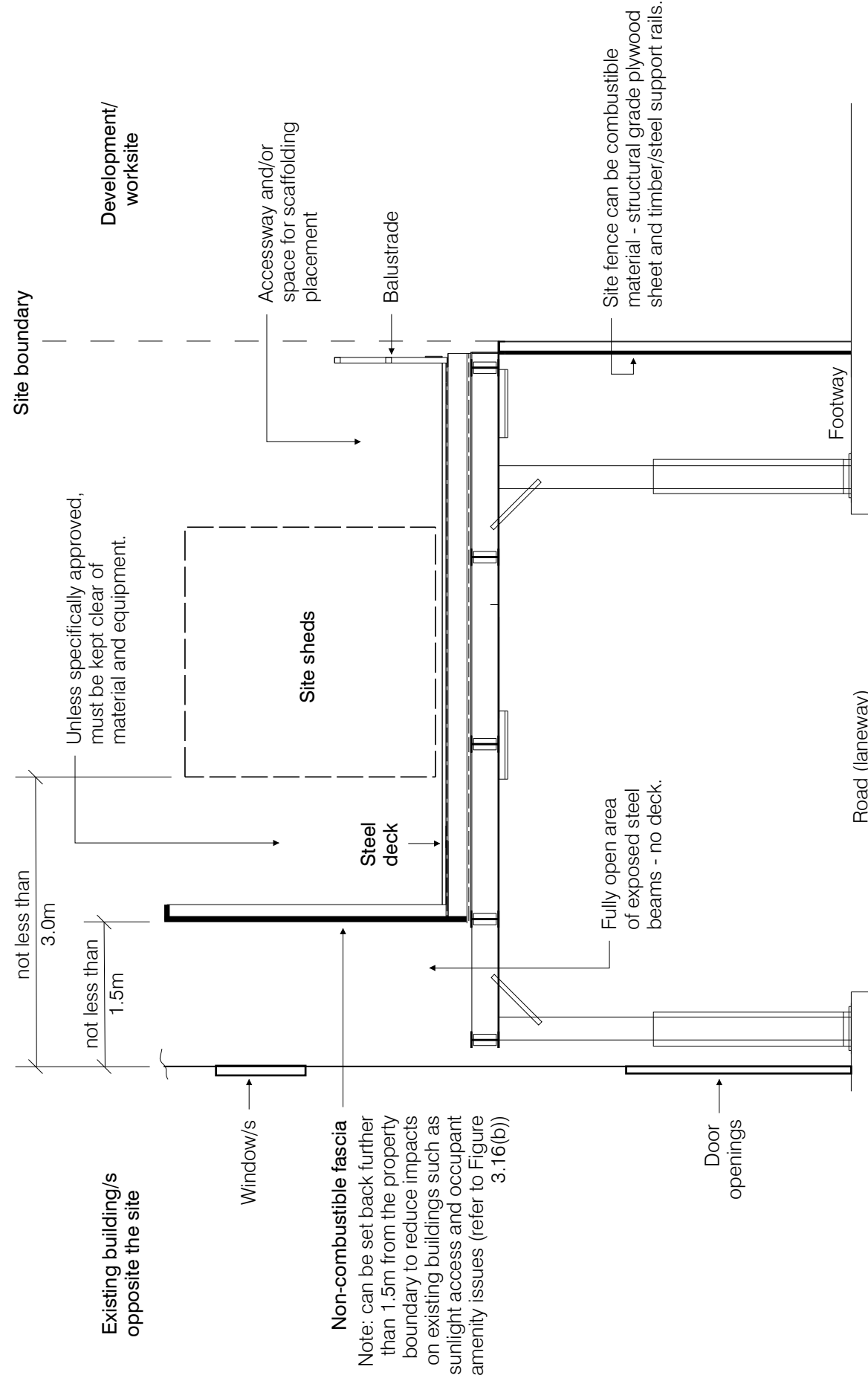
- (i) size (length) of a temporary structure as set out in (a);
- (ii) positioning and form of a temporary structure; or
- (iii) setback distances of a temporary structure from the property alignment/s on the opposite side of a laneway (subject to consideration of **2.15**),

where a deck is formed using combustible material (as defined in the BCA) such as timber boards and/or timber-based sheeting, an automatic fire suppression system (sprinklers) complying with AS 2118.1 must be installed on the underside of the protective deck and extend to all combustible objects placed on the deck (refer to the 'Note');

(c) a temporary structure of steel deck construction may extend to a setback point of 1.5m from the property alignment on the opposite side of a laneway (see **Figure 2.18**) subject to consideration of **2.15** and compliance with the following:

- (i) all elements (except a site fence of a *Type-B hoarding*), must be fully non-combustible (as defined in the BCA); and

**Figure 2.18:** Section detail showing a Type-B *hoarding* installation in a laneway – fire safety design features (refer to **2.14.7**)



- (ii) combustible objects such as site shed/s, equipment and building materials, (specifically allowed and *approved*) on the deck must not be placed within 3.0m of the property alignment opposite the site.

Where the above requirements are not met an automatic fire suppression system (sprinklers) complying with AS 2118.1 must be provided on the underside of the deck and extend to all permissible combustible items proposed for placement on the deck (refer to the 'Note').

**Note:** In circumstances where part of the deck of a Type-B *hoarding* is supported by open/exposed steel beam members projecting fully over a laneway to connect with supporting columns, sprinkler protection of the structural members (that are open to the sky) is not required.

#### 2.14.8 Alternative compliance pathways – fire safety

- (a) Where there are site and/or temporary structure design constraints preventing compliance with **2.14.7**, the Code allows a performance-based design option (see **1.11.1**).
- (b) A performance-based design must satisfy the objectives in the Code (see **3.7**). If a performance-based design solution is to be sought, a report may need to be commissioned from a registered fire engineer providing an assessment of the site circumstances against the principal fire safety matters set out in **2.14.2** (as a minimum) and include any recommendations.
- (c) Certification of a performance-based design solution must be provided in accordance with the City's requirements which includes a statement that the certificate is issued under the provisions of Section 93 of the Local Government Act 1993.

---

## 2.15 Impacts of temporary structures on building occupants and usage

The installation of a *temporary structure* has the potential to impact building occupants, commercial/retail premises and the surrounding *public space* including access to buildings. In designing a *temporary structure*, the proponent must consider these matters and minimise potential adverse impacts.

### 2.15.1 Existing buildings undergoing change

A *temporary structure* installation (typically a *hoarding*) associated with an existing building has potential to impact access, usage and businesses at ground level. Visibility of existing *business identification* signage and access/use of *footway* dining spaces can also be impacted. To address these matters and minimise impacts the following provisions apply:



Photo: Peter Conroy / City of Sydney

- (a) it is the responsibility of the proponent and/or property owner to identify and minimise any potential adverse impacts on the use and operation of premises within the building by:
  - (i) advising owners, occupants and business operators of the proposed works and the duration;
  - (ii) where concerns are raised, discussing the issues with affected parties and seeking to resolve their concerns;
  - (iii) where existing *business identification* signage is likely to be impacted (for example, if sightlines to existing signage will be obscured), inform business owners/operators that temporary *business identification* signage can be displayed on a *temporary structure* (refer to **2.16** for further details); and
  - (iv) business identification signage must be appropriately incorporated within a hoarding graphics display (where required) – refer to **6.1.7** and **Table 2** in **Part 06**;
- (b) a minimum of seven (7) days' notice must be given to property owners/tenants and businesses prior to the commencement of installation work.



**Note:** The *City*, in deciding to allow an installation, has no responsibility to notify building tenants of proposed works nor the lodgement of an application *seeking approval* to install a *temporary structure*.



**Figure 2.19:** *Temporary structures must not encroach on frontages of adjoining properties unless specifically approved by the City.*

Koala 4 ever by Elin Matilda Andersson  
Photo: Peter Conroy / City of Sydney

### 2.15.2 Properties adjoining and surrounding work sites and temporary structures

- (a) Where a *temporary structure* is proposed to span a laneway (see **3.11.4**), or project in front of adjoining properties the proponent must:
  - (i) brief likely affected parties and consult property owners to establish if there are any potential impacts;
  - (ii) address issues or concerns raised and attempt to minimise any identified and agreed impacts; and
  - (iii) incorporate any agreed adjustments in the design including any agreed planned work processes associated with the use of the proposed *temporary structure*.
- (b) As a minimum, consultation required by **(a)** must be in accordance with the *City's* requirements.
- (c) To assist and inform the *City* as part of the application assessment process, the following must be provided:

- (i) details of consultation undertaken (property addresses as a minimum);
- (ii) written confirmation from such parties consulted (using the *City's* standard template - available on request) that no objection is raised; and
- (iii) where confirmation/s could not be obtained, the property address details.



**Figure 2.20:** When planning to place a *hoarding* over a laneway special design considerations must be given to the potential impacts on surrounding buildings and occupants including fire-related aspects (see **2.14**). Consultation with likely affected parties must also be undertaken.

The New Nature of Experience by Tom Blanchford and Jessica Njoo  
Photo: Peter Conroy / City of Sydney

### 2.15.3 Assessment and considerations

- (a) The matters in **2.15.2** and **5.5** in relation to proposed site shed placement and any planned deck usage must be addressed prior to the lodgement of an application.
- (b) In assessing an application, the *City* will consider the details provided, however, reserves the right to:
  - (i) formally notify likely impacted property owners of the application/proposal; and/or
  - (ii) require changes to the proposed design.



**Figure 2.21:** Examples of temporary replication and relocation of *business identification signage*

Photo: Peter Conroy / City of Sydney

## 2.16 Impacts on existing business identification signage

*Temporary structures* installed in *public spaces* (typically on *footways*) can sometimes obscure business shopfronts including *business identification signage*. The *City* will allow the replication of impacted signage.

### 2.16.1 Notice to affected business operators

To address potential impacts on business operators notice must be given in accordance with **2.15** including specifically, **2.15.1 (b)(iii)**.

### 2.16.2 Displaying replicated business identification signage

*City approval*, via the temporary structures application process, must be given for the display of temporary signage and will be subject to the following:

- (a) the temporary signage replicates the content of impacted signage (colour, font style etc.) including being no larger than the existing signage;
- (b) where the existing signage is illuminated, the replicated sign/s may be temporarily illuminated subject to specific *City* consideration and endorsement; and
- (c) the location of replicated temporary signage must be assessed by the *City*.

**Note:** All costs associated with replicating and displaying signage is a matter between the *permit holder* for the *temporary structure* and affected parties.

### 2.16.3 Relocating and fixing existing business identification sign on a temporary structure

A business operator may request the relocation of an impacted (obscured) existing *business identification* sign for attachment to a *temporary structure*, subject to:

- (a) agreement of the *permit holder*; and
- (b) consideration and agreement of the *City*.



## 2.17 Temporary wayfinding signage

- (a) Where a *temporary structure* obstructs viewlines to entrance/s of an existing building, business/retail premises, railway/metro stations and the like, temporary wayfinding signage may be displayed on the structure with the endorsement of the *City*.



Photo: Peter Conroy / City of Sydney

- (b) The size, number and content of signs must be sympathetically designed and appropriately positioned to minimise visual impacts on graphics required to be displayed in accordance with **Table 1** in **Part 06**.

## 2.18 Installation and use of private CCTV surveillance cameras on temporary structures

The installation and use of CCTV surveillance cameras (optical surveillance devices) on *temporary structures* for site security purposes is not regulated through this Code.



Dancing fig trees by Richard Briggs

Photo: Peter Conroy / City of Sydney

In circumstances where surveillance cameras are proposed to be installed, the *permit-holder* for a *temporary structure* has a responsibility to ensure that the surveillance equipment and use complies with the NSW Surveillance Devices Act 2007 and the NSW Workplace Surveillance Act 2005.

It is an offence to knowingly install, use or maintain optical surveillance devices on land (*roads*) without the consent of the landowner (the *City*).

## 2.19 Pollution control in a public space (dust, noise, water and litter)

### 2.19.1 Pollution controls

Adequate site controls must be implemented to prevent pollution of a *public space*. This includes but is not limited to the following:

- (a) General litter – maintain the *footway/roadway* area and remove any litter that accumulates around a *temporary structure* (see to **2.12.1(d)**);
- (b) Noise – comply with any conditions of *development consent* that regulate noise generation associated with the development site or, where applicable, the NSW State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 (see also **1.4.1** and **1.10**);
- (c) Hours of operation – comply with the *development consent* and any conditions imposed through other approvals issued by the *City* or other government agency. See also provisions in the *City's* 'Code of Practice: Hoisting and Construction Activities On and Above Roads';
- (d) Dust and debris – contain dust and debris to the *worksite* and where necessary, provide a physical barrier or screening such as fabric or screening mesh to encapsulate the *worksite*; and
- (e) Water – collect and dispose of rainwater falling on the deck of Type-B *hoardings* in accordance with **3.11.3**. Where water and/or cleaning agents are used to wash buildings or undertake other activities, all wastewater must be collected and disposed of to the sewer system (subject to meeting any Sydney Water requirements) or collected and disposed of by a licensed liquid waste contractor.

Liquids, other than uncontaminated rainwater falling on and draining from the deck of a Type-B *hoarding*, must not be allowed to flow into the street gutter and stormwater drainage system.

### 2.19.2 Pollution offences

In granting *approval* to erect a *temporary structure* on *City* owned land applicants must, in addition to complying with this Code and conditions of *approval*, comply with the State's environmental protection laws (Protection of the Environment Operations Act 1997) and relevant Regulations. Penalties may apply where offences occur.

### 2.19.3 Noise and vibration

Persons in control of a *workplace* must comply with the *City's* requirements regarding noise minimisation including, where applicable, the conditions of *development consent* that apply to a *development site* or *worksite*.





Photo: Peter Conroy / City of Sydney





Poly Ubiquitous by Cynthia Schwertsik  
Photo: Peter Conroy / City of Sydney

# Part 03

## Hoardings

### – design requirements

#### 3.1 Hoarding design requirements – overview

This Part sets out the design requirements and controls for two forms of *hoardings*: Type-A and Type-B structures.

The aims are to achieve a high standard of design quality for *hoardings*. It is expected that this quality standard will also be attained notwithstanding the variable circumstances of individual sites. The design solutions must address specific conditions including problems posed by narrow laneways and *footways*, local traffic and bicycle conditions including site access constraints.

Detailed ‘deemed-to-comply criteria’ and ‘objectives’ where a performance-based design approach is proposed, are set out in each of the ten key component elements that makeup the design of a *hoarding*.



**Figure 3.1:** The design and placement of *temporary structures* must address the special needs of the high pedestrian density *city-centre* and other major commercial and retail centres. The placement of *hoarding* support columns at kerb ramps and at level threshold crossings including tactile ground surface indicators must be avoided.

Photo: Peter Conroy / City of Sydney



**Figure 3.2:** The design of *temporary structures* at busy pedestrian intersections and bus-stops must be given special consideration to minimise impacts on circulation and queuing spaces to ensure safe and convenient pedestrian movement.

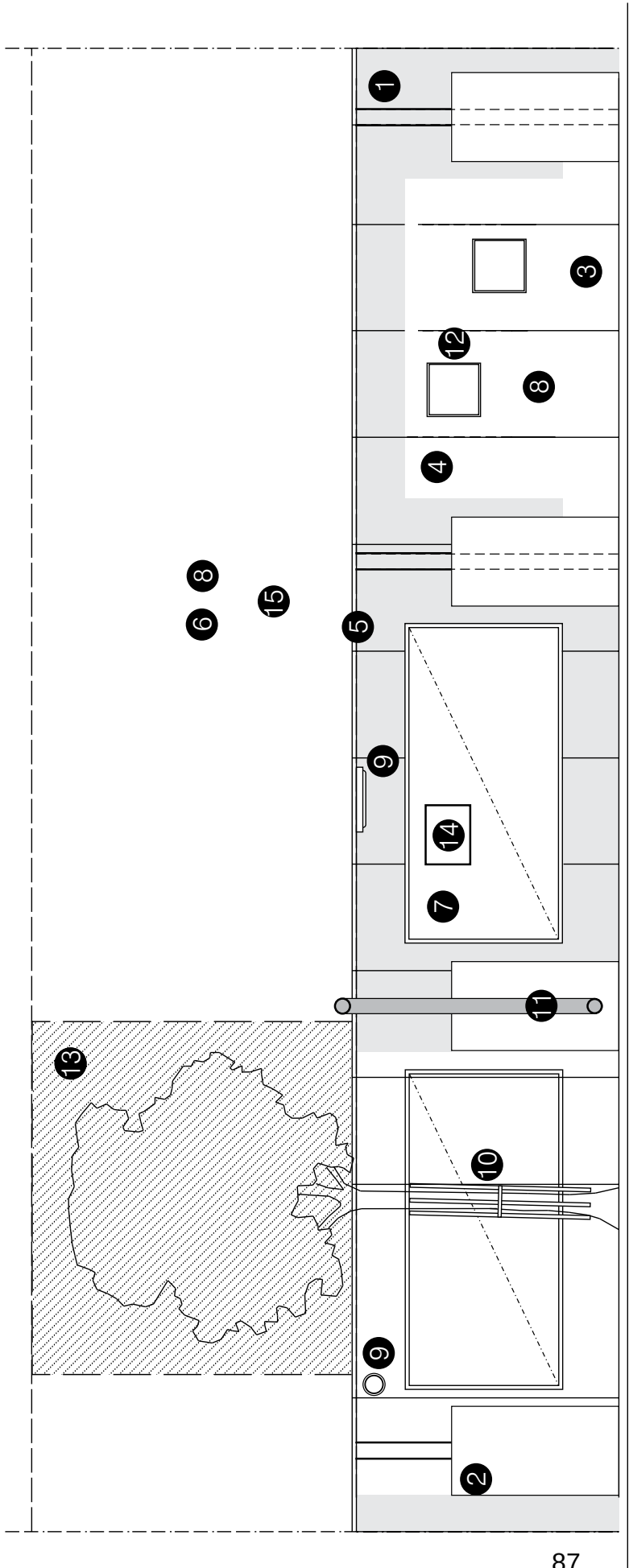
Photo: Peter Conroy / City of Sydney

## 3.2 Minimising impacts

- (a) The high density city-centre and other major commercial and retail centres have special needs in terms of *accessible* pedestrian movement, convenience and amenity.
- (b) *Minor footway* obstructions resulting from the placement of *hoardings* are often a necessary part of construction and building maintenance activity. The *City* will therefore allow limited *temporary structure* encroachment subject to minimum design and operational requirements being met and implemented (see **3.7** and **Part 04**).
- (c) In allowing the installation of *hoardings* in *public spaces* it is essential that they have the least impact possible on the local area including residents, workers, visitors and business activity. through both ensuring access to premises and the visibility of *business identification signage* (see **2.16**). The provision of safe, *accessible* and convenient pedestrian and cycling movement is also important and must be achieved.
- (d) Construction sites have significant visual impacts in the streetscape therefore it is important that *hoardings* and other structures incorporate quality design features to minimise impacts and screen sites at street level. This includes the display of appropriate graphics (see **Part 06**).
- (e) *Hoardings* are visually and physically imposing structures at street level therefore strict design controls apply that must be met. The diagrams at **Figures 3.3** and **3.4** set out the key design elements and features of a Type-B *hoarding*.



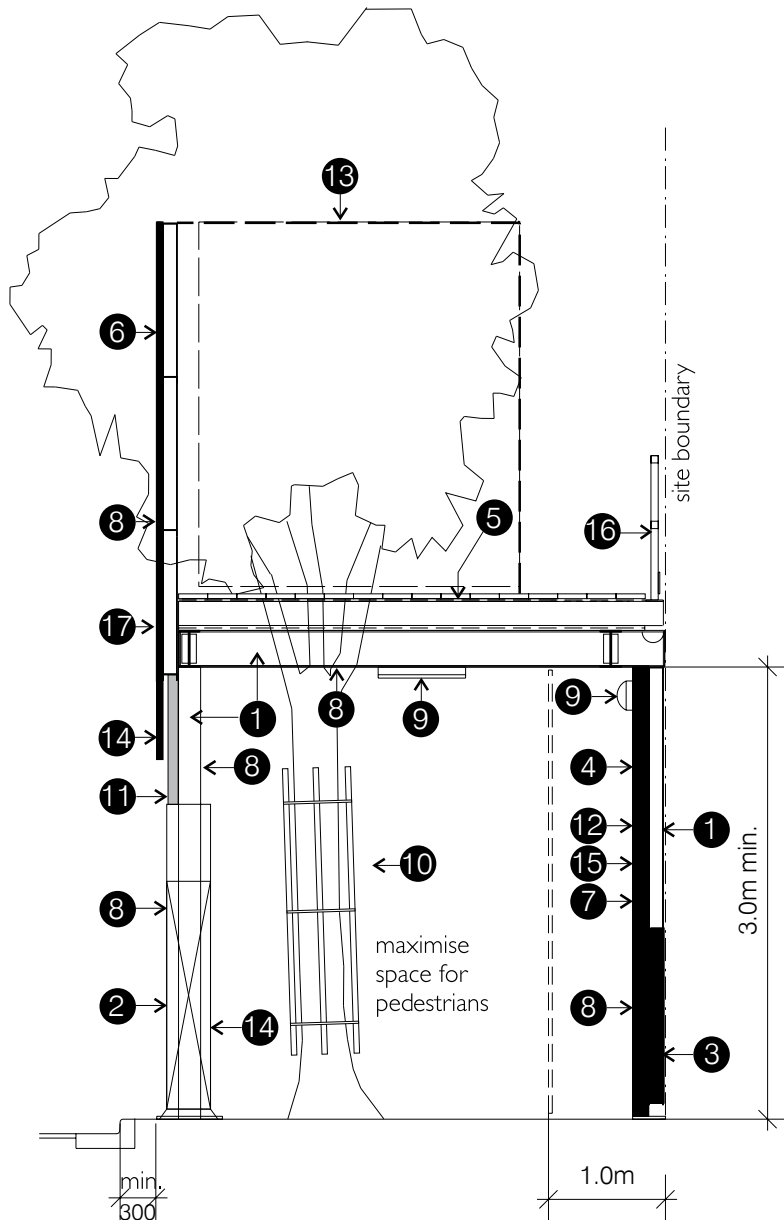
**Figure 3.3:** Typical features of a Type-B *hoarding* (elevation).



**Compulsory elements**

- |                                                                                                 |                                                                      |
|-------------------------------------------------------------------------------------------------|----------------------------------------------------------------------|
| 1. Structure                                                                                    | 8. Colour - painted surface or graphics (where provided or required) |
| 2. Counterweight                                                                                | 9. Lighting to fence or underside of the deck                        |
| 3. Traffic/pedestrian barrier (behind site fence)                                               | 10. Street tree trunk protection                                     |
| 4. Site fence with graphics                                                                     | 11. Concrete pumping static line (overhead)                          |
| 5. Deck (overhead protection)                                                                   | 12. Windows to view in-ground works                                  |
| 6. Fascia to screen site sheds and longitudinal bracings with display graphics (where required) | 13. Fascia setback (to accommodated street tree canopy)              |
| 7. Information panel                                                                            | 14. Copy of the hoarding permit and Builder's details                |
|                                                                                                 | 15. Property number/address                                          |

**Figure 3.4:** Typical features of a Type-B *hoarding* (section).



### Compulsory

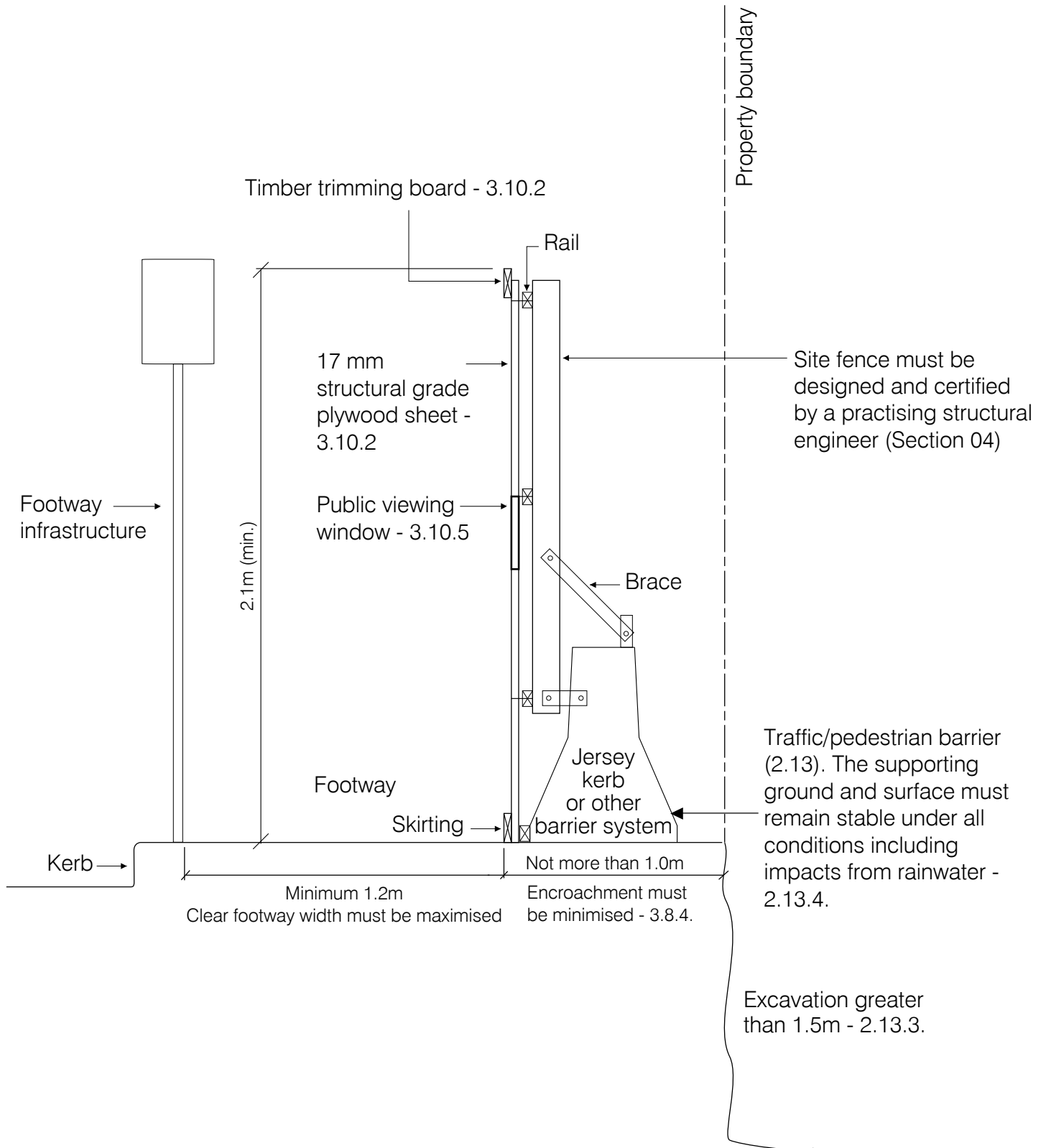
1. Structure
2. Counterweight
3. Traffic/pedestrian barrier (rear of fence)
4. Site fence
5. Deck (providing overhead protection)
6. Fascia (to screen site sheds and longitudinal bracings)
7. Information panel
8. Colour - site fence and fascia
9. Lighting (fence-mounted or to underside of deck)
10. Street tree protection (timber battens around trunk)
11. Concrete pumping static line (overhead)
12. Public viewing panels to in-ground works
13. Fascia setback (to accommodate street tree canopy)
14. Fascia extension to screen longitudinal bracing elements
15. Fall-safety balustrade (min. 1.0m)
16. Property number/address

Greater setbacks are required in certain circumstances (refer to 3.8.4).

Maximum intrusion of the site fence onto the footway. In some cases a lesser encroachment will be required particularly in the city-centre.

**Note:** Where a site fence is proposed to encroach onto the footway full justification for such an encroachment must be provided with the hoarding application (Clause 2.9.2).

**Figure 3.5:** A typical cross-section of a Type-A *hoarding* incorporating a traffic barrier protecting a deep excavation (with the barrier located behind the site fence).





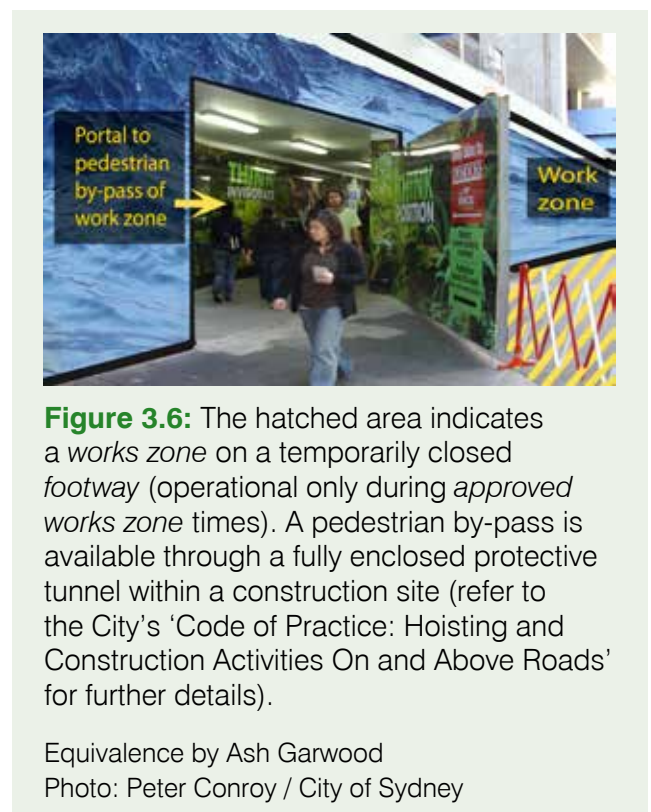
Equivalence by Ash Garwood  
Photo: Peter Conroy / City of Sydney

### 3.3 Hoardings and works zones - temporary pedestrian diversion

*Hoardings* are typically installed on *footways* to afford overhead protection to the *public space* (and people using a *footway* that adjoins a *worksite*).

In some very busy traffic streets, particularly in the *city-centre*, the establishment of a *works zone* in the kerbside lane adjoining a *worksite* may not be possible. In these circumstances all vehicle loading and unloading should take place within the site. Where this is not available due to site constraints, the *City* may allow a *works zone* to be established on the *footway*. If permitted, time restrictions will apply and temporary pedestrian diversion through the construction site via a tunnel-like safe pathway around the *works zone* will be necessary.

Further details of this form of *work zone* and pedestrian diversion is available in the *City's* 'Code of Practice: Hoisting and Construction Activities On and Above Roads'.



**Figure 3.6:** The hatched area indicates a *works zone* on a temporarily closed *footway* (operational only during *approved works zone* times). A pedestrian by-pass is available through a fully enclosed protective tunnel within a construction site (refer to the *City's* 'Code of Practice: Hoisting and Construction Activities On and Above Roads' for further details).

Equivalence by Ash Garwood  
Photo: Peter Conroy / City of Sydney



### 3.4 Type-B hoardings in or adjoining open spaces such as squares, malls, reserves and other similar land parcels



Photo: Katherine Griffiths / City of Sydney

Where the *City* establishes that the open space beneath the deck of a Type-B *hoarding* is not necessary for pedestrian passage and overhead protection, the *City* can require the space to be fully sealed off from public access using plywood-sheeting complying with the applicable standards applying to the site fence controls in **3.10** and graphics displayed in accordance with **Part 06**.

The site fence and the fascia at deck level must, unless otherwise permitted, be in a single plane to provide a level and smooth surface for the display of graphics over the entire surface.

### 3.5 Hoardings: key design features (Type-A and Type-B)

#### 3.5.1 Objectives

The following objectives apply to the design and installation of Type-A and Type-B *hoardings*:

- (a) provide a safe and structurally stable *temporary structure* in accordance with the relevant regulations, applicable *SafeWork NSW* Codes of Practice and applicable Australian Standards;

- (b) structures are designed for easy and effective maintenance through the use of durable and appropriate materials and finishes;
- (c) avoid or minimise unnecessary *footway* encroachments, obstructions and clutter to maintain safe, accessible and convenient public passage including cyclists;
- (d) maintain the highest possible standard of pedestrian access, amenity and safety past a *worksite* and *workplace* including effective lighting and barrier fencing to screen works in accordance with the *City's Accessible Public Domain Guidelines*;
- (e) for Type-B *hoardings*, provide a watertight deck that is fully graded and effectively drained to afford weather protection for pedestrians and cyclists;
- (f) ensure *hoardings* contribute positively in the streetscape and screen all *temporary structures* and equipment placed on *hoarding* decks;
- (g) display high quality graphics (artwork or historic images) where proposed or required by this Code;
- (h) avoid or minimise impacts on utility access pits and hatches, street furniture, *street trees* and other infrastructure; and
- (i) protect and prevent damage to *street trees* and street gardens.

#### 3.5.2 Mandatory design elements and features for Type-A and Type-B hoardings

Type-B *hoardings* must provide visual transparency of the *footway* (and *cycleway*) through minimising the number and positioning of columns and counterweights including maintaining a nominated minimum height clearance to the underside of *hoarding* decks and, in the *city-centre*, provide vertically placed counterweights.

The following design requirements apply:

- (a) obstruction of the *footway* must be minimised (see **3.8.4** and **3.10.3**). Columns and counterweights of Type-B *hoardings* must be located no closer than 300mm to the kerb edge;

**Note:** Columns and counterweights set back more than 300mm from the kerb require special consideration (see **3.8.2** and **3.8.4**).



- (b) the site fence must be positioned as close as practicable to the site property boundary;
- (c) *site sheds* and equipment *approved* for placement on Type-B *hoardings* must be fully screened on the side/s and ends viewable from *public spaces* and display high quality graphics (see also **5.5**);
- (d) high standards of design and detailing are to be applied to all *hoarding* elements including finishes;
- (e) where proposed (and permitted) information about the development must co-ordinate with any required graphics (see **Part 06**);
- (f) in-ground works are viewable by pedestrians (provision of windows as part of the site fence);
- (g) high quality and effective lighting of ground surfaces beneath Type-B *hoardings* is provided to enhance safety and amenity for pedestrians, cyclists and to illuminate displayed graphics (see **3.16**);
- (h) weather protection is provided for pedestrians and cyclists (Type-B *hoardings*) through the provision of watertight graded decks and appropriate/effective discharge of rainwater to the site or street gutter (see **3.11.3**); and
- (i) timber and timber-based products including site fences and fascias are sustainably sourced.

## 3.6 Component elements and finishes of hoardings (Type-A and Type-B)

*Hoardings* are fabricated, constructed and finished utilising multiple elements. These are discussed in detail in the following sections (**3.8** to **3.17**). The key elements are:

### 1. Structure

The primary framework of a *hoarding* consisting of steel columns, beams and bracing elements for Type-B *hoardings* and a timber or steel frame for Type-A *hoardings* including, if necessary, bracings, counterweights, vehicle impact and pedestrian barriers behind the fence.

### 2. Counterweights

Counterweights stabilise a *hoarding* particularly when sheds and other items are *approved* for placement on *hoarding* decks (see **5.4**) and/or where *hoardings* are exposed to high wind actions in the locality. Counterweights can also assist in affording structure stability (massing).

### 3. Site fence

The primary element of a Type-A *hoarding* and often also part of Type-B *hoarding*. Fences isolate a *worksite* from the *public space* forming a safety and site security barrier. Fencing also visually screens the site. It also provides a surface for the display of graphics and mandatory builder information including site safety signage.

### 4. Deck and overhead protection

Located over a *public space* (*footway*, *roadway*, *cycleway*) to afford protection to pedestrians, cyclists and vehicles from objects that may fall from a *worksite*. The deck can also provide a platform for *site sheds* and *scaffolding* and, where specifically approved, the parking of suspended *scaffolds* (swing-stage) and hoists.

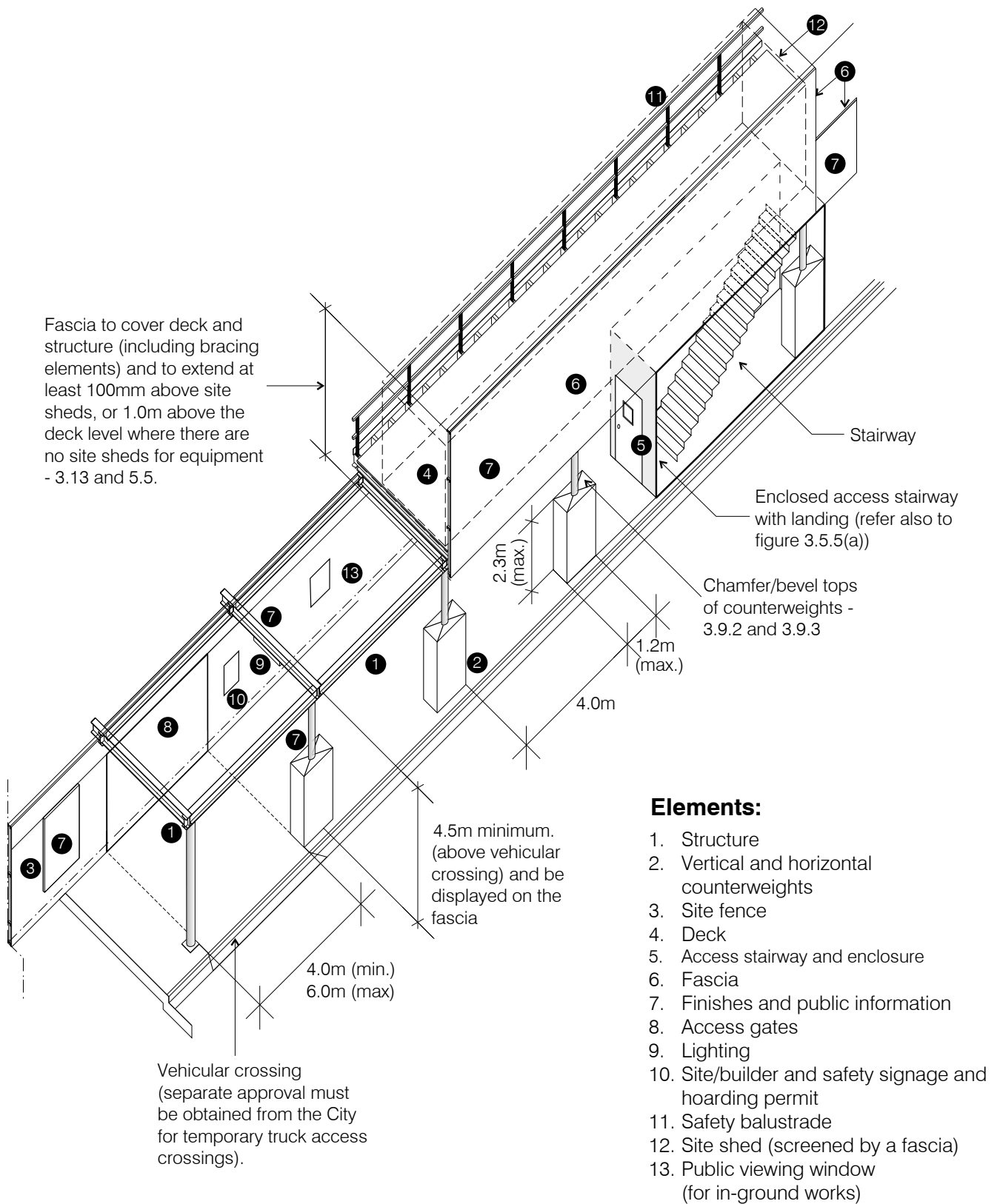
### 5. Access stairway and enclosure

Access (stairways) to a hoarding deck and *scaffolding* directly from the *public space* is sometimes necessary. Where permitted, access stairs should always be located behind a site fence. Where site constraints do not allow this or there is no site fence (such as works on existing buildings), access directly from the *public space* in the form of an enclosed stairway may be permitted.

### 6. Fascia

A fascia provides a screen and fall barrier on the *public space* side of Type-B *hoarding* decks to provide fall protection for workers on trafficable decks. A fascia also screens *site sheds*, spandrel beams, truss members and longitudinal bracings. A fascia can also act as a vertical protective barrier to arrest and contain objects that may fall from a *worksite* (minimising risks of objects ricocheting into the *public space* after hitting the deck).

**Figure 3.7:** A typical Type-B *hoarding*. The location and design of counterweights is critical to minimise pedestrian obstruction and to enhance openness along the kerb in the *city-centre* and other busy commercial areas (see 3.9).



## 7. **Finishes and public information**

To minimise adverse visual impacts and add interest in the streetscape including increasing the presence of creativity in *public spaces* through the display of required graphics.

Standard colours and finishes apply (black on the frame, counterweights, site fence, stairway enclosures and fascia with white to the underside of the *hoarding* deck and bandings on columns/counterweights).

## 8. **Access gates and doors**

Gates and doors in site fences and stairway enclosures allow access for construction personnel, vehicles and machinery. Gates/doors must be imperforate (solid), extend to the underside of the deck of *hoardings* at vehicle entry points, be securable and open inward or slide internally.

## 9. **Lighting**

Located at high level on the site fence or on the deck soffit of Type-B *hoardings* to provide a well illuminated and safe pathway for pedestrians. Where *hoardings* are installed over *roadways* and *cycleways* lighting also provides for safe movement including the effective sighting of pedestrians.

## 10. **Street trees and street garden protection**

*Street trees* are an important part of the streetscape and can contribute to the visual screening of *temporary structures*. *Hoarding* designs must accommodate all affected *street trees* to avoid removal and the need for branch pruning. Locating support columns away from tree bases and setting fascias back from tree canopies can reduce impacts. Trunk and limb protection must also be provided.

Street gardens must be maintained and all works must be carried out to prevent damage to them.

---

## 3.7 Applying the objectives and deemed-to-comply criteria when designing and using a hoarding (see also 1.11)

The design of a *hoarding* must satisfy the 'performance objectives' for each design element set out in **3.8** to **3.17**. Compliance with the objectives is automatically satisfied through designing a *hoarding* that meets the 'deemed-to-comply criteria' allowing an *approval* to be granted (see **1.18.3**).

If compliance with the 'deemed-to-comply criteria' cannot be achieved due to specific site or building constraints, applicants must clearly show that an alternative design solution meets the performance objectives. This must be clearly described in the application including details of how the objective provisions will be met.



Photo: Peter Conroy / City of Sydney

### 3.8 Element 1 - Structure (Type-A and Type-B hoardings)

#### Objectives

1. *Hoardings* are designed to be stable and structurally adequate for the specific site and locality conditions including:
  - (a) addressing the potential for vehicle impacts on the structure (proximity of columns and effective design redundancies including risk assessment by the PCBU and hoarding supplier);
  - (b) the adequacy of the bearing surfaces and subsurface conditions to support the structure (see also **2.8.6**) that complies with relevant structural design standards; and
  - (c) work health and safety legislation and applicable Codes of Practice. Refer to the *SafeWork NSW Code of Practice: Overhead Protective Structures* for further details.
2. The open character of a *footway* below a Type-B *hoarding* is maintained including the quality of natural light reaching the *footway* through the positioning of decks and the height of columns.
3. Proposed site fencing is integrated with the structural frame of a Type-B *hoarding*.
4. Pedestrian amenity is provided through pedestrians being readily visible from the *roadway*, clear walking pathways and widths are maintained, including between columns.
5. Safe and convenient pedestrian movement and amenity is maintained by providing access to and from vehicles parked in the kerbside lane through minimising the number of support columns (and counterweighting) and considering their positioning as part of the design.
6. Physical access for maintenance of the *footway*, including regular cleaning, is not significantly impacted by *hoarding* design and placement.
7. Physical encroachments and obstructions of the *footway* are minimised to ensure safe, accessible and convenient passage, including access by people with disability (wheelchairs and mobility scooters).
8. Fire-safety impacts and risks are mitigated particularly in relation to occupied buildings including when installing *hoardings* in laneways.
9. Safe and convenient access along *cycleways* including unencumbered clear width, height, column setback and column spacings is maintained.
10. Safe, *accessible* and convenient access and egress to and from occupied buildings adjoining a *hoarding* is provided.
11. Structures are appropriately designed and finished to minimise adverse visual impacts in *public spaces*.
12. Access to utility pits in *footways* and fire-fighting services such as sprinkler and hydrant booster connections located on building facades is maintained.



## Deemed-to-comply criteria

The following requirements apply:

### 3.8.1 Height and clearances

- (a) The minimum height clearance to the underside of a Type-B deck structure including beams is 3.0m measured above the *footway* and *roadway* (see **Figure 3.4**). A reduced height clearance may be allowed in some circumstances such as demolition sites where there is a low first floor, an existing low street awning or *footways* with steep gradients (see **3.11.2(d)**). Proposals for heights less than 2.7m will generally not be permitted.
- (b) Knee-bracing and other essential lateral bracing elements (see **3.8.8** and **3.8.9**) must not be less than 2.5m above the *footway* and the size and extent of bracing is to be minimised and/or placed at the rear of the *hoarding*.
- (c) Where a Type-B hoarding spans over a *roadway*, a minimum clearance of 4.5 metres must be provided (see **Figure 3.16**), measured from any point on the *roadway* surface vertically to the underside of all parts of the structure, excluding minor knee bracings on the outer kerbside edges.
- (d) At truck entrances to sites, a height above the *footway* appropriate to the size of vehicles accessing the site is required. Minimum height clearance signage must be clearly displayed on the fascia above the opening.
- (e) For a Type-B *hoarding*, where a site fence is proposed or required, it must be integrated with the frame of the Type-B *hoarding* structure and fixed to the front (public side) of the rear columns (see also **3.10.2(h)**). The fence must not be a freestanding Type-A fence or other form of freestanding fence.

### 3.8.2 Column spacings and location

- (a) Columns and/or column/counterweight units located along the kerbline must be positioned with a minimum clear spacing of:
  - (i) 4.0m in the *city-centre* with a greater spacing for *hoardings* erected over *cycleways* (see **(ii)** below) in areas outside the *city-centre*;
  - (ii) 2.5m outside the *city-centre* except where it is determined that there are site-specific needs to require a greater spacing or where a *cycleway* is present in which case columns must be placed at 4.0m clear spacings (min.);

(iii) columns must not be placed on or in close proximity to utility service pits/hatches/chambers (bearing pressure impacts) - see **3.8.11** and **3.10.9**; and

(iv) where works require the installation of a Type-B *hoarding* adjoining a heritage-listed building or architecturally significant street awning, the *City* will allow the installation of specially designed *hoardings* where beams are partially supported from the building and span across the *footway* to the support columns along the kerbline (see **Figure 3.12**).

- (b) Columns and/or column/counterweight units must be located at equal spacings wherever possible unless this would conflict with *street trees*, furniture, utility pits access to kerbside parking or other site constraints (refer to the following 'Notes').

#### Notes:

1. Reduced or irregular column spacing may be unavoidable in situations where the column setout must accommodate bus-stops, utility pits, existing building features, *footway* lightwells to basements, driveways, laneways, *street trees*, steep *footway* gradients and other features in *public spaces*. *Hoardings* may also need to be stepped and/or decks notched to accommodate existing *street trees*.

In these circumstances columns must be positioned in the most advantageous locations that minimise impacts on pedestrian movement but must also satisfy risk assessments and *SafeWork NSW* requirements. Refer to **Note 2** below.

2. The *SafeWork NSW* Code of Practice: Overhead Protective Structures requires a *hoarding* to be designed to maintain structural stability and integrity in the event of vehicular or other impact (see **2.8.6(d)**, **2.13** and **3.9**).

- (c) Columns must not bear on nor be placed in close proximity to glazed pavement lights - see **Figure 3.10**. The adjoining and surrounding *footway* surfaces must be assessed for structural adequacy (potential sub-surface basement spaces) and general bearing pressure adequacy (see **(e)** below).
- (d) No more than three columns are to be grouped. Where additional structural capacity beyond three abutted columns is required a larger single steel section column should be used. (continued on page 85)





**Figure 3.8:** Exposed beams and other elements beyond the deck perimeter must be painted black.

Photo: Peter Conroy / City of Sydney



**Figure 3.9:** Appropriate *hoarding* column positioning on private land at junction/s with a public *footway* is important to ensure safe, convenient and *accessible* movement of people. This must be considered as part of the *hoarding* design process.

Dancing Fig Trees by Richard Briggs  
Photo: Peter Conroy / City of Sydney



**Figure 3.10:** Glazed pavement lights provide natural light to basements of older buildings. They are a significant historic feature and must be protected. Column positioning must address setbacks from pavement lights and consider potential basement voids beneath the *footway* (for adequate bearing capability).

Photo: Peter Conroy / City of Sydney



**Figure 3.11:** Clear column spacings of not less than 4.0 metres is required in the *city-centre* (refer to map at **Figure 1.1a**) however, this can be varied for special site-specific needs (see **Figure 3.12**) and steeply sloping *footways*.

Time Forms by Lisa Sammut

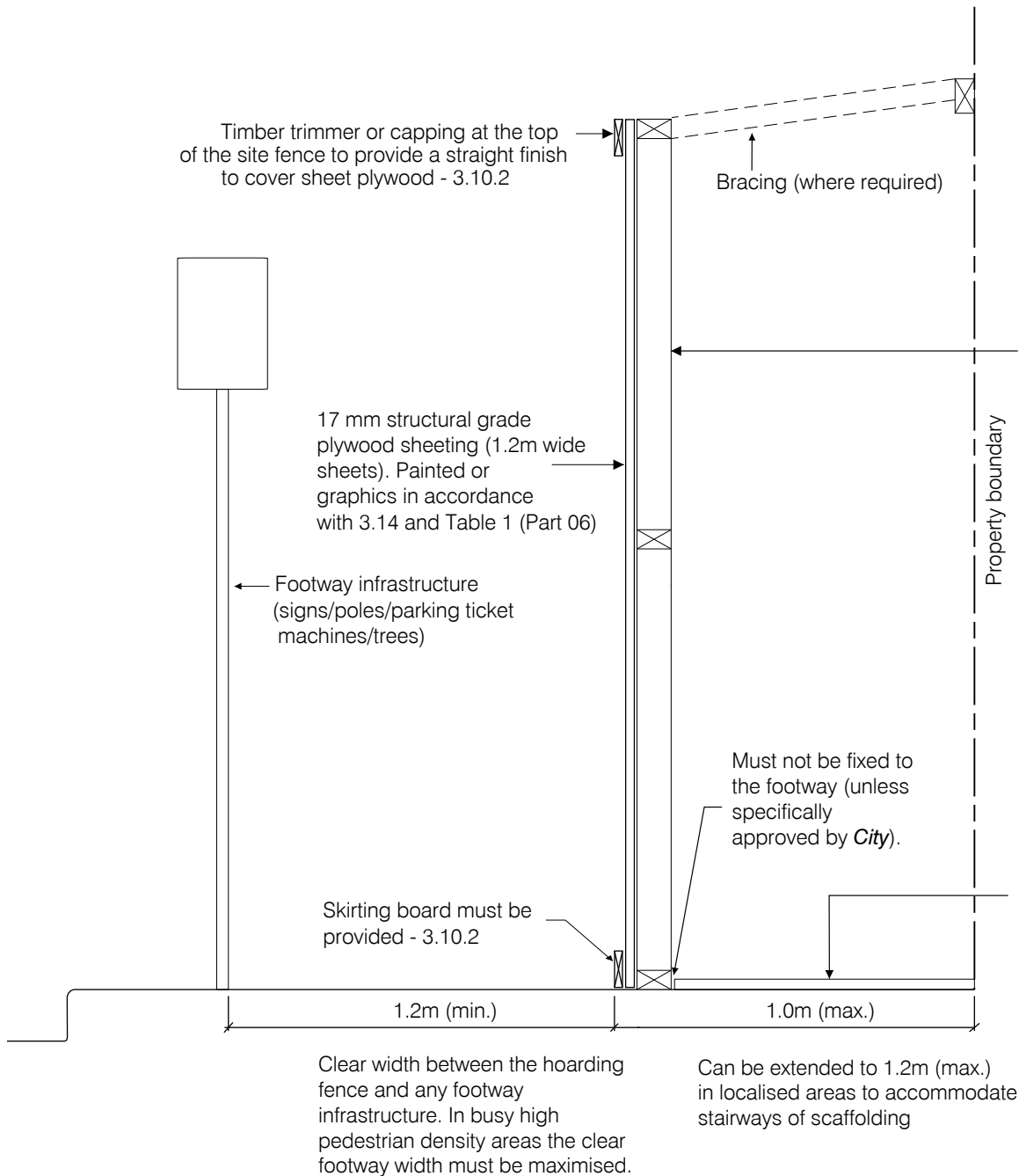
Photo: Peter Conroy / City of Sydney



**Figure 3.12:** Consideration will be given to allow reduced column spacings in the *city-centre* where there are special needs such as undertaking work on heritage-listed buildings that have significant street awnings that cannot be altered to accommodate column penetrations.

Photo: Peter Conroy / City of Sydney

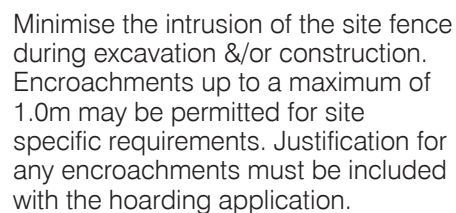
**Figure 3.13:** Cross-section of a typical Type-A *hoarding* (without counterweighting or lateral bracing at the base).



**'Type-A' hoarding site fence**

- frame must be durable and structurally sound; and
- must be designed to withstand wind actions in the locality including high wind loads caused by surrounding high-rise buildings and where a building has been demolished

Protective 12 mm thick plywood sheets are permitted (where work is to be undertaken on granite paving) and must be installed on a durable plastic membrane - refer to the 'note' in 3.10.2



**Note:** In areas with high pedestrian volumes (as determined by the *City*) the site fence &/or hoarding structure encroachment may need be removed once construction progresses beyond the ground floor.

### Figure 3.14: legend and notes

#### 1. Fascia (3.13)

- must fully screen site sheds
- where sheds are not installed a half fascia panel must be provided (minimum height 1.0m) for fall protection.
- screen elements of custom-built Type-B hoardings (3.13.2(a))

#### 2. Standard finishes and graphics (3.14 & Part 06)

- must provide suitable graphics to enhance the streetscape
- fascia & site fence must be painted

#### 3. Steel structure (3.8)

- must be of steel and painted black.

#### 4. Counterweights (3.8.2 and 3.9)

- wherever possible to be vertical and integrated with the *hoarding* column
- maximum dimensions 1.2m (along kerb) by 300mm; minimised depth (across the footway) 300 mm; and maximum height of 2.3m
- tops must be chamfered or sloped to avoid the collection of refuse where the top of the counterweight is less than 2.0m high
- must have a high quality smooth finish
- clear distances between counterweights 4.0m in the city centre (greater for cycleways)
- corners must be bevelled or rounded

#### 5. Bracing elements (3.8.8 and 3.8.9)

- Fascia extension to screen longitudinal bracing elements

#### 6. Soleplates 3.8

- must be of the least possible length & width & align parallel with the footway
- must be designed to minimise trip hazards

#### 7. Construction wrap (Part 06)

- where scaffolding is to be in place for a significant period and/or where it is located in a prominent position, graphics printed on mesh fabric may be required
- If a wrap is not required or proposed the preferred scaffold screening is plain black mesh fabric

#### 8. Scaffolding (Part 04)

- scaffolding (if proposed) must be shown on certified hoarding drawings

#### 9. Lighting (3.16)

- must meet minimum illumination standards
- provide additional lighting over temporary ramps and disrupted footway paving

#### 10. Knee bracing (3.8)

- must not be less than 2.5mm above the ground & the size must be minimised

#### 11. Deck & protection (3.11)

- must be impenetrable to water and drain rainwater to the site or road gutter
- the underside of the deck must be painted white to enhance illumination at night and public amenity

#### 12. Access openings and gates (3.15)

- height clearance of the hoarding 4.5m (min.) at truck entry points
- access gates/doors must be solid and open inward or slide (internally)
- access gates/doors must extend fully to the underside of the hoarding deck

#### 13. Site fence (3.10)

- must extend to the underside of the hoarding deck (freestanding fence, at least 2.1m)
- 1.2m wide structural grade plywood sheets having a thickness of at least 17 mm
- sheets must be butt-jointed and all fixings must be countersunk
- incorporate graphics where required
- painted black

#### 14. Motor vehicle and pedestrian barriers (2.13)

- excavations greater than 1.5m must have an effective behind the site fence
- barriers must be steel or concrete

#### 15. Signage & display of hoarding permit (Part 06)

- display the company name and 24 hour contact number of the person in control of the site
- a copy of the front page of the hoarding permit must be displayed.
- display temporary business identification signage on hoardings where sight-lines to existing signage is impacted (see 2.16 and

**Table 2 in Part 06)**



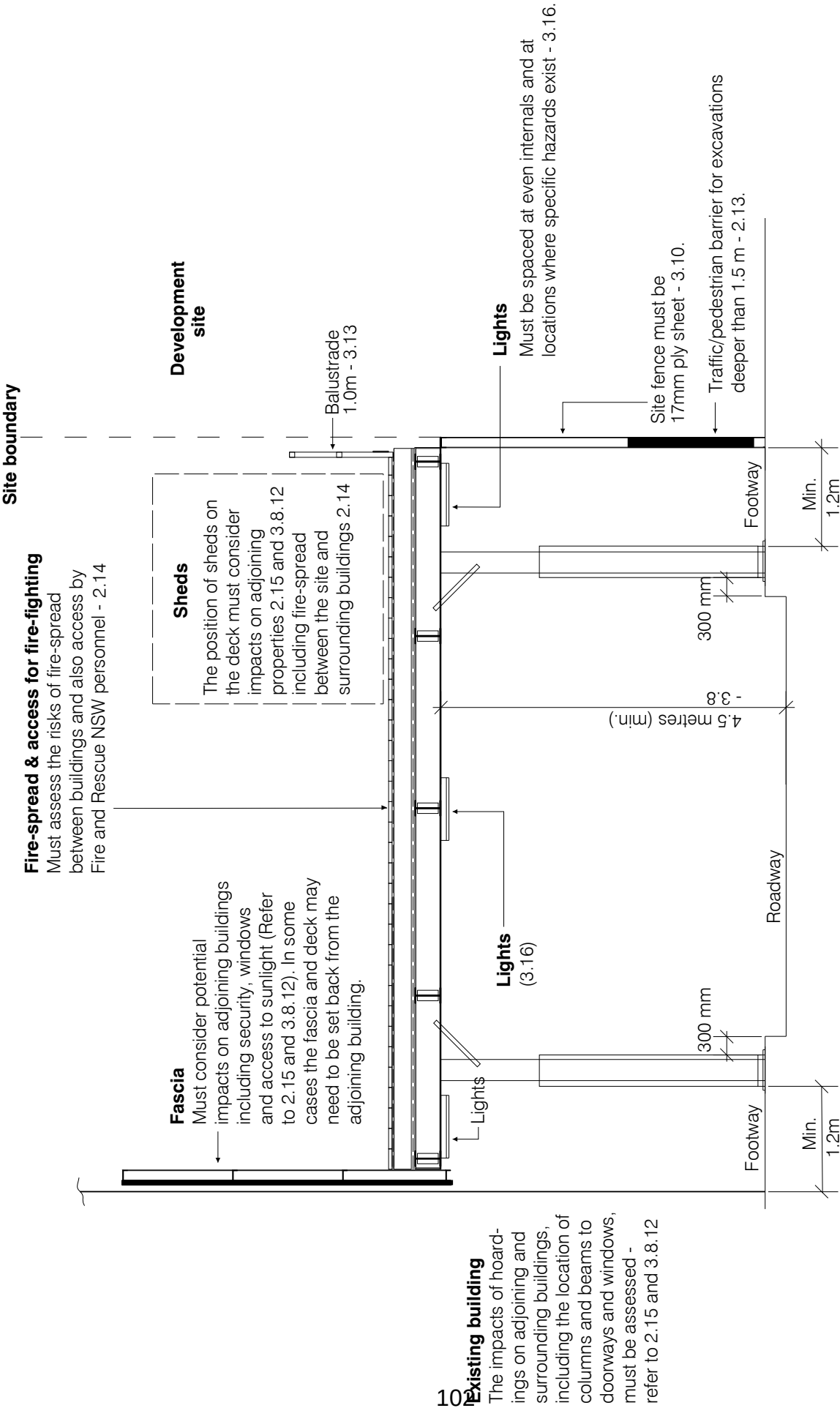
- (e) An assessment of the bearing surface material and subsurface ground conditions must be made to establish structural adequacy to afford full support and stability of the structure and loads imposed on the deck. In meeting this requirement checks and assessments must also be carried out in relation to:
  - (i) any basements of adjoining buildings;
  - (ii) pedestrian tunnels, rail concourses, and other spaces beneath the proposed positioning of *hoardings*; and
  - (iii) proposed excavations, shoring, ground anchoring and retaining walls (proposed removal or retention). See also **2.8.8**.
- (f) Column setbacks from the kerb must be considered in relation to pedestrian safety (see **3.8.4**).
- (g) Where a site fence is not installed, columns at the rear of the *hoarding* must be placed in close proximity to the building/property boundary alignment to prevent pedestrians walking between columns and building frontages.
- (h) Where a *hoarding* without a site fence adjoins an open pedestrian area on private land such as a forecourt, pedestrian circulation area or plaza, the number and positioning of columns along the interface should be appropriately and carefully positioned to minimise impacts on safe and *accessible* pedestrian movement between the public *footway* and the private land space (see **Figure 3.9**).
- (i) Where site circumstances require closer column spacing, for example at intersections or where footway infrastructure cannot be relocated, consideration will be given to reduced spacing along the kerb-line. Notwithstanding this, all columns must be at least 600mm apart to allow safe pedestrian passage between them.

### 3.8.3 Column bases and soleplates

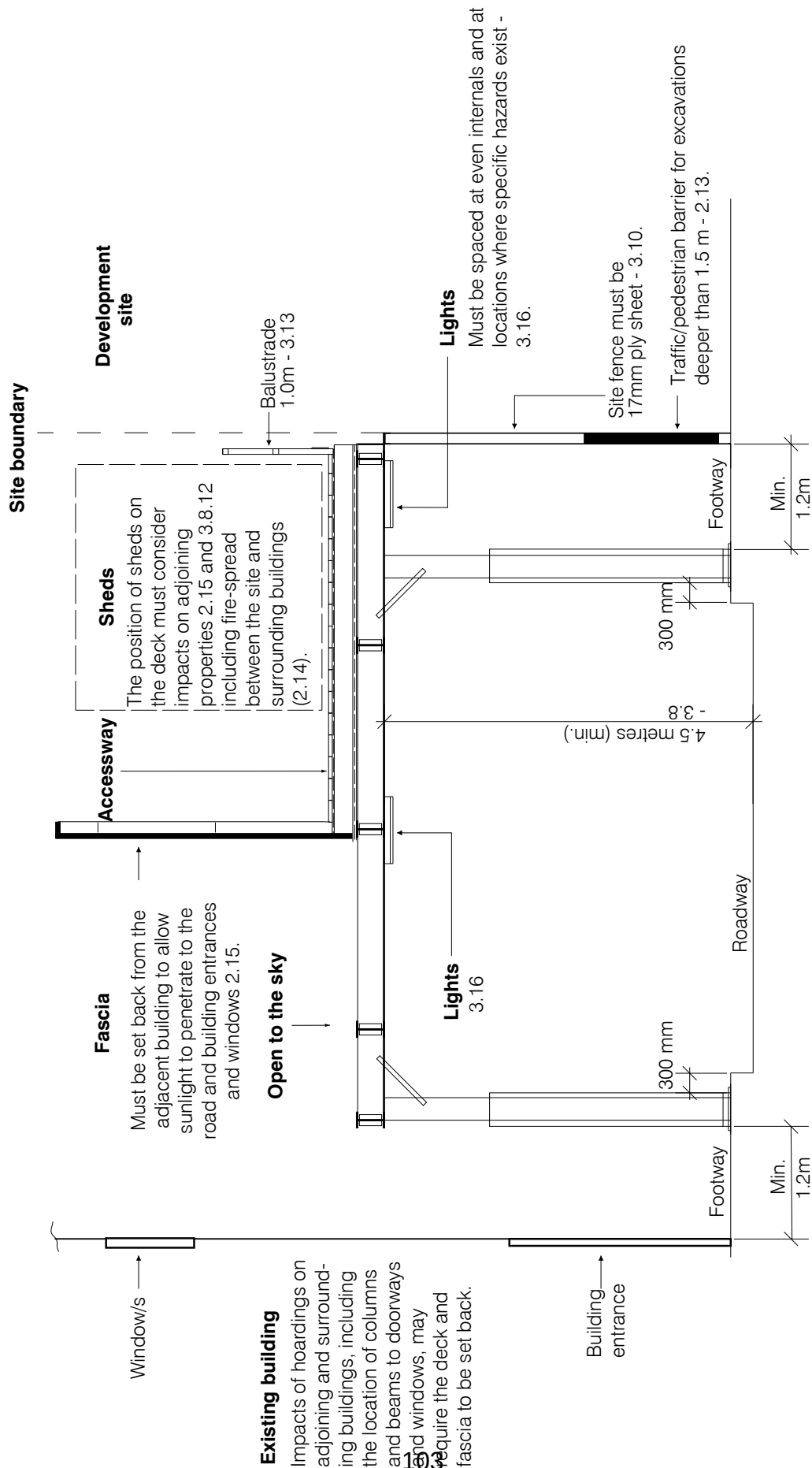
- (a) Steel baseplates of columns and vertical counterweights placed on stone paving must be separated from the paving using a layer of heavy duty plastic membrane (or similar) to prevent rust staining of surfaces particularly stone paving. The use of structural grade plywood should be avoided as it increases the overall height of the baseplate which can create a trip hazard. Material must be cut flush with the column plates/counterweights. See also **2.8.8** in relation to the safe load capacity of *footways*.
- (b) Columns must have levelling devices or be cut level with the *footway surface*. The height of levelling screws above soleplates must not exceed 150mm. Packing under soleplates to level the structure is not generally allowed unless required to address special needs such as steeply sloping *footways/roadways*. In these circumstances a maximum packing of 50mm is permitted with edges painted 25mm white markings to clearly identify the raised edges to address pedestrian safety (trip hazards). Soleplates are to be:
  - (i) of the least possible thickness and dimensions to avoid trip hazards and are to be aligned parallel with the *footway/kerb*; and
  - (ii) columns centrally placed on soleplates and designed to ensure that all loads from the *hoarding*, *site sheds* and other structures are evenly distributed to avoid damage to the *footway* (see also **3.11.5** regarding material and equipment storage on hoarding decks).
- (c) Edges of soleplates may in some cases require a colour contrast (white) with the *footway surface* to clearly distinguish the plate to enhance pedestrian safety (see **(b)**).
- (d) Hardwood timber sole-boards are permissible in circumstances where columns bear onto unsealed surfaces such as grass nature strips or garden beds and the design engineer is satisfied with the ground conditions. Specific approval for the use of sole-boards on unsealed surfaces must be obtained. Consideration must be given to timber durability where a hoarding is to be installed for a lengthy duration. Timber sole-boards must be recessed into the ground and made level with the surrounding surface to eliminate trip hazards.



**Figure 3.16 (a):** Section detail of a Type-B *hoarding* erected over a *roadway*. Potential impacts on adjoining properties and vehicles including vehicle access to driveways must be considered in the design.



**Figure 3.16 (b):** Where the *City* determines that a *hoarding* deck over a roadway will have unacceptable impacts on occupants of adjacent properties such as loss of sunlight, visual amenity, privacy and noise, the deck and fascia must be set back from the adjacent building/s.





**Figure 3.15:** The use of hardwood timber soleboards on unsealed ground surfaces to support columns must be assessed and approved by a practising engineer. Soleboards must be periodically checked for continued acceptable durability and stability throughout the installation period. The use of multiple layers of plywood is not permitted. After removal, the nature strip or street garden must be reinstated to a condition acceptable to the City.

Photo: Peter Conroy / City of Sydney

- (e) Footings, bolts, ground anchors or spikes must not be inserted into the *roadway*, *footway* surfaces or nature strips, unless specific *approval* is given by the *City* and the relevant utility service provider where services are located in close proximity to a *hoarding* (see **3.8.5**).

### 3.8.4 Clear pedestrian width

- (a) The clear span across a *footway* must be maximised. The minimum clear width is 2.0m (typically for standard width *footways* of 2.4m and 3.6m). For narrower *footways* (1.8m), a minimum width of 1.2m applies.
- (b) In all cases a site fence encroachment must be minimised. For Type-B *hoardings*, the positioning of the *hoarding* structure including fascia and column locations at the kerb, must be at least 300mm from the kerb edge (subject to **(e)**). Corner sites with signalised crossings and pedestrian queuing require special attention and consideration for both fence encroachment and column positioning along the kerb.

### Notes:

1. In busy and high pedestrian density areas of the *city-centre*, other major commercial areas, major *road* intersections and crossings, a minimum width of 2.0m may not be sufficient and therefore a reduced *footway* width will not be allowed.
  2. The *City's* primary objective is to minimise adverse impacts on safe pedestrian movement and amenity adjoining *worksites* and *workplaces*. To meet this aim it is generally required that the site fence and columns of Type-B *hoardings* be moved closer to a site's property alignment once the development has been constructed to first floor level or for other works such as when shop-front alterations or refurbishment are completed.
- (c) Where site circumstances demand a special design to address the requirements in **(a)**, a standard modular gantry *hoarding* may not be appropriate therefore a bespoke design (custom-built system) will be necessary to maximise the spanning distances over a *footway* including minimising the number of columns, particularly at street corners (see **Figure 3.34**).
  - (d) Where a *footway* is wider than the standard width (typically about 3.6m in the *city-centre* and major roads) and it is not proposed or practicable to span the full width, the applicant and/or the *PCBU* will need to assess any risks to pedestrians from any objects that may fall from the *worksite* onto the unprotected area (as required by the *SafeWork NSW* Code of Practice: Overhead Protective Structures - refer to the 'Note'). Consideration must also be given to pedestrian obstruction (columns) placed within the main pedestrian flow pathway and the risks of impact/injury (persons inadvertently walking into a column).

**Note:** Clause 54 'Management of risks of falling objects' in the Work Health and Safety Regulation 2017 applies (see also **2.5.1**).



**Figure 3.17:** The use of cantilevered deck extensions along busy kerblines particularly at bus-stops can assist in minimising column obstructions and reduce impacts on commuter loading and unloading.

Photo: Peter Conroy / City of Sydney



**Figure 3.18:** The positioning of *hoarding* columns along the kerb and at bus-stops (passenger loading and unloading areas) must be given special design consideration (see **2.8.4(f)** for details).

Photo: Peter Conroy / City of Sydney

- (e) In some localities it may also be necessary to set the *hoarding* back more than 300mm from the kerb for site specific needs such as:
  - (i) minimising impacts on bus-lanes/transitways (risk of side mirror impacts);
  - (ii) at bus-stops (safe loading and unloading of passengers); and
  - (iii) bus manoeuvring at the kerb (see **(f)**).

In these circumstances and where overhead protection is required by the *PCBU*, a *hoarding* incorporating a cantilevered deck extension may be appropriate (see **Figure 3.17**).

- (f) Where the adjacent *roadway* lane is used by buses at any time the following applies:
  - (i) the setback of hoarding columns/counterweights and other parts of a hoarding from the kerb must be given special consideration;
  - (ii) where the site conditions such as *footway* width and infrastructure placement permit, hoarding elements must be setback at least 600mm from the kerb to afford the safe and *accessible* passage of pedestrians when walking between the kerb and the columns (to mitigate risks - see **(g)** below); and
  - (iii) where necessary, such as to maintain safe, *accessible* and convenient pedestrian *footway* width and movement, the setback distance may be reduced with consideration of *road* alignment, lane width, lane surface, crossfall/camber and frequency of bus usage.

Proponents should discuss the proposed design with Transport for NSW.

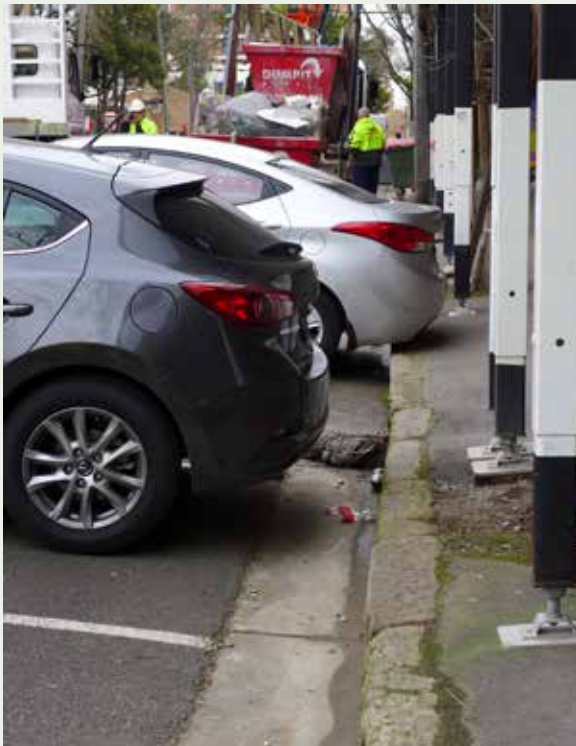
- (g) After receiving feedback from TfNSW the proponent must consult the *City* to discuss any design recommendations made to establish the condition of the site (*footway*) and consider whether setbacks greater than 300mm can be accommodated. Consideration will include the following:
  - (i) for a standard width *footway* of 3.6m a clear width of at least 2.0m must be provided, however, this is subject to site specific assessment and *approval* based on local pedestrian conditions and volumes. Variations to this requirement will only be considered where valid reasons for a lesser width are provided;



- (ii) the risk of injury resulting from people walking inadvertently into columns placed within the main thoroughfare;
- (iii) risks associated with people walking between the outer side of the columns/ counterweights and the kerb and inadvertently stepping off or accidentally falling off the kerb onto the *roadway* (risks of being hit by passing vehicles particularly buses and trucks). Impacts from side mirrors must also be considered and appropriately addressed.

All agreed design aspects must be fully detailed in the *hoarding* design and application;

- (h) Where *hoardings* are required to be notched around *street trees* and other infrastructure, support columns must be minimised through the use of bridging beams to support the deck structure - see **Figures 3.63** and **3.67**.



**Figure 3.19:** Temporary vehicle wheel-stops or other *approved* measures must be provided when columns are placed close to the kerb where non-parallel kerb parking is present.

Photo: Peter Conroy / City of Sydney

- (i) Columns must be painted with a 1.0m high white band commencing 500mm above the *footway* surface to clearly identify the *footway* obstruction (see **Figure 3.23**). This is particularly important at night and for people with low vision.

Where vertical counterweights are incorporated with columns, the leading corners must be painted with a white 1.0m high marking (see **Figure 3.23**). In some cases it may also be necessary to provide additional lighting (refer to **3.16**).

### 3.8.5 Columns supported on footway subsurface concrete footings

In special circumstances the *City* may consider the use of fixed column placement on concrete footings within the subsurface of a *footway*). Where permitted, the following must be provided with an application:

- (a) detailed drawings of the footing system designed and certified by a practising structural engineer (see **2.8**);
- (b) a full survey to identify subsurface utility services and basements;
- (c) the footing system must not interfere with any services. Where located in close proximity to or within the zone of influence of services, the formal approval of the utility owner must be obtained and evidence of such approval provided; and
- (d) Where *street trees* are located near proposed footings, an Arboricultural Impact Assessment (AIA) must be prepared by a qualified Arborist (AQF Level 5) in accordance with AS4970 to confirm that there will be no impact from the footing(s). The footing design and AIA report must be accepted by the *City's* Tree Management Officer (see **3.17** for details in relation to *street trees*); and

Where *approval* is given to allow support footings and partial pavement removal, a separate *road opening* application and *approval* is required (refer to the *City's* 'Code of Practice: Hoisting and Construction Activities On and Above Roads' for further information).

Upon removal of the *hoarding* structure the footings must be removed to a depth of at least 1.5 metres below the *footway* surface and the *footway* reinstated to the *City's* specifications and satisfaction. *Performance bonds* will apply and can be used to rectify unacceptable works (see **1.15**).





**Figure 3.20:** The use of fixed columns on footings placed within a *footway* is generally not allowed. Where there are clearly demonstrated site-specific needs for concrete footings, approval (through lodgement of a *road opening* application) may be given, subject to stringent design and removal requirements (see **3.8.5**).



**Figure 3.21:** An assessment of the locality (street infrastructure and *footway* width) and pedestrian densities must be made as part of the *hoarding* design process. Site fence and column encroachments must be minimised to maintain safe, convenient and *accessible* passage of pedestrians, delivery workers and users of wheelchairs and mobility scooters.

Acts of kindness by Michael Landy/Caldor Art Projects  
Photos: Peter Conroy / City of Sydney



**Figure 3.22:** Where ground or surface conditions have insufficient bearing capacity to support a *temporary structure* the *City* will consider allowing recessed steel plates within the *footway* subsurface to provide support. Concrete footings may also be considered (see **3.8.5**). The area surrounding recessed plate/s (or on top of the plate) must be backfilled and evenly finished with material specified and approved by the *City*. A separate *approval* (*road opening* permit) must be obtained prior to undertaking any work.



**Figure 3.23:** Columns and the corners of vertical counterweights must include white bandings to assist pedestrians in sighting the *footway* obstructions.

### 3.8.6 Hoardings over cycleways

- (a) Where a *cycleway* adjoins a *worksite* and it is proposed to establish a *works zone*, the *hoarding* must be designed to accommodate the *cycleway* in addition to the needs of pedestrians. The duration of *hoarding* placement over a *cycleway* must be minimised to reduce adverse impacts on the *cycleway* and cyclists. This may require staging the *hoarding* systems such as:

- (i) a Type B-*hoarding* being in place during demolition of a building;
- (ii) removing the *hoarding* over the *cycleway* during in-ground works such as excavation and installing a Type-A *hoarding* on the *footway* to secure and isolate the site; and
- (iii) reinstalling a smaller section of Type-B *hoarding* over the *cycleway* and *footway* if overhead protection is necessary such as to undertake localised crane *hoisting* activity from a *works zone* or to install a concrete pumping static line over the *hoarding* deck to reach the site.

Where a *hoarding* is proposed to be placed over a *shared path* refer to **2.10.2** for further details and requirements.

- (b) A *hoarding* must span the full width of a *cycleway* including providing column setbacks of at least 300mm on both sides of the *cycleway*. Where a *footway* has sufficient width for safe and convenient movement of pedestrians, a greater setback of columns from the cycling kerb may be required.
- (c) The preferred location for column placement adjoining a *cycleway* with a median separator is to locate columns on the traffic lane side of the kerb (see **Figures 3.24** and **3.25**). Where there are constraints preventing this, the *City* may consider permitting columns to be placed on a median separator and a reduced setback from the edge of the *cycleway* being allowed if it is considered that:

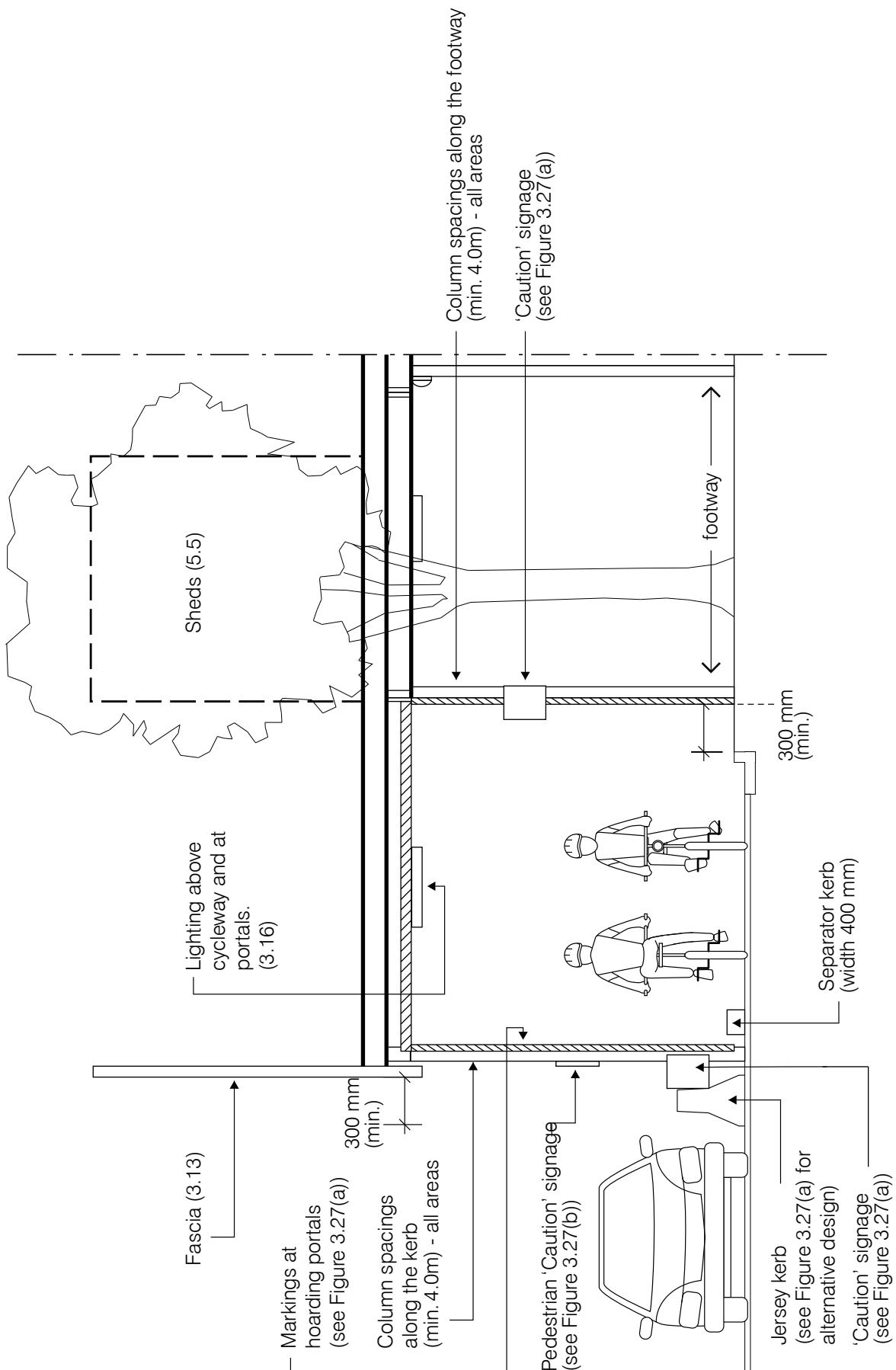
- (i) the median separator foundation/footing is adequate to support the bearing pressures/ loads from the *hoarding* structure and any additional loads from *site sheds* and/or *scaffolding* (and other loads); and
- (ii) the *cycleway* pathway line markings can be adjusted to provide an acceptable and safe setback from columns for cyclists (see **Figure 3.25**) and columns are provided with white bandings (see **Figure 3.27(a)**). Tiger-tailings at the portals of the *hoarding* must be installed to clearly identify the potential hazard.

If this design solution is sought, full structural details must be provided with the application confirming the structural adequacy of the median separator to support the *hoarding*. The endorsement of the *City's Cycleway Unit* must also be obtained regarding cyclist safety. This will be undertaken in-house.

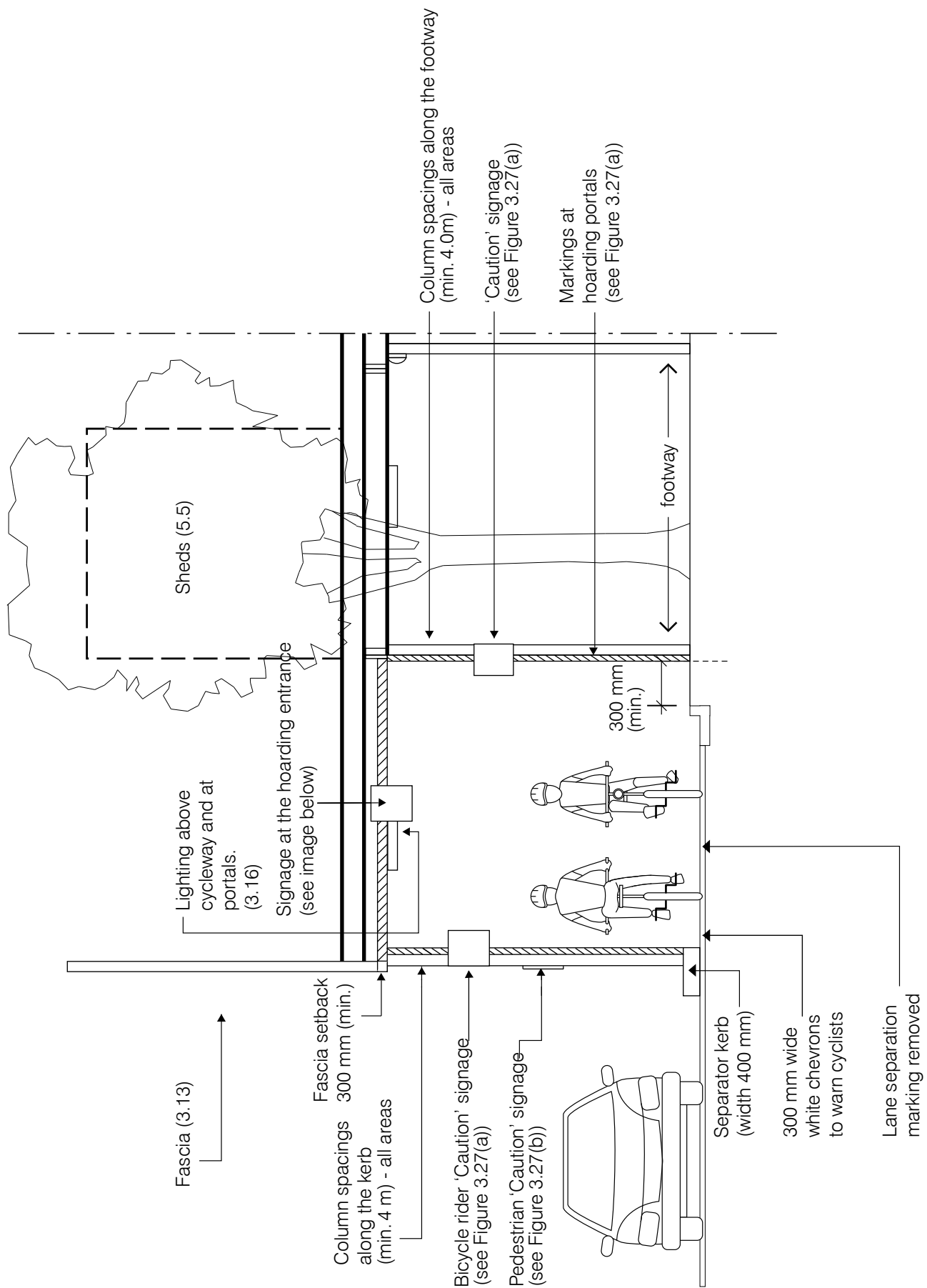
**Note:** Refer to **3.8.2** for column spacings along the kerb.

- (d) Where the design solution includes columns on the *roadway*, traffic lane diversions will require the endorsement of the *City's Traffic Operations Unit* (see **Figure 3.24**). Where a *works zone* application is made any required lane diversions must be included in the application documentation.
- (e) Cyclist/pedestrian warning and caution signage complying with (**Figure 3.24**, **3.25** and **3.27(a)**) must be displayed at each end of a *hoarding* to provide sufficient notice to cyclists that they are entering a construction area, (to be alert and watch for pedestrians and site workers crossing the *cycleway*).
- (f) Both sides (*footway* and *roadway*) of a *cycleway* must remain open and accessible (except at locations where Jersey kerbs are required to protect support columns). This is necessary to allow people to cross the adjoining *roadway* to reach the safety of the *footway*. Caution signage in accordance with **Figure 3.27(b)** must be provided to alert pedestrians that they are entering a *cycleway* and to watch for cyclists.

**Figure 3.24:** A sectional detail of a Type-B *hoarding* design for installation over a *cycleway* (see also **Figure 3.25**).



**Figure 3.25:** Alternative Type-B *hoarding* design for installation over a *cycleway* where, due to local *road* and traffic conditions, it is not possible to comply with the standard design in **Figure 3.24**.







**Figure 3.26:** Convex mirrors at vehicle entry/exit driveway crossings (for sighting cyclists and pedestrians) and caution signage may be displayed on hoardings, with *City approval*.

Photo: Peter Conroy / City of Sydney

- (g) The person in control of the site must ensure that the area of the work activity including *temporary structures* and work activity in the *public space* is carried out in accordance with the requirements of the Work Health and Safety Act and Regulation. This must include instructing workers, contractors, and truck drivers using a *works zone* and/or entering and leaving a site to take care and watch for cyclists and pedestrians.
  - (h) At truck access points to a site concertina control gates must be installed at each side of driveways and be appropriately manned to prevent cyclists moving through the driveway zone/s when vehicles are entering and exiting (see **3.15.4**). Traffic and pedestrian controllers must wear distinctive uniforms or vests in accordance with the requirements of Transport for NSW.
  - (i) The *cycleway* beneath a *hoarding* must be provided with lighting systems complying with **3.16**.
  - (j) The surface of the *cycleway* must be maintained in a safe condition including being kept clear of material, debris and litter at all times.
- Note:** Muddy surfaces in cycleways can be particularly dangerous therefore special attention must be given to keeping the surfaces clean at all times.
- (k) The *hoarding* deck over both the *footway* and *cycleway* must be impervious to liquids including rainwater with all water being collected and drained in an approved manner (see **3.11.3**).
  - (l) Ramps over concrete static lines are not permitted in *cyc/eways* (see also **3.8.16**).





**Figure 3.27(a):** Type-B hoardings erected over cycleways must satisfy special design and operational requirements including caution signage and distinctive markings on columns at the portals.

yarra yarra yarra by Suzy Evans

Photo and image modification: Peter Conroy / City of Sydney



**Figure 3.27(b):** Cautionary signage must be installed along the cycleway kerb to alert pedestrians of cyclists.

yarra yarra yarra by Suzy Evans

Photo and image modification: Peter Conroy / City of Sydney

### 3.8.7 Temporary removal or relocation of infrastructure

Where *footway* infrastructure such as parking ticket machines, bus-stop shelters, bicycle racks and other street furniture need to be temporarily removed or relocated to accommodate a *hoarding* or to enhance safe pedestrian movement and amenity, specific *approval* must be obtained. Costs associated with the removal, storage and reinstatement of infrastructure must be borne by the applicant.

### 3.8.8 Longitudinal cross-bracing (full height between columns)

Where longitudinal bracing of a Type-B *hoarding* is required to provide structural stability the bracing elements must:

- (a) be located behind the site fence;
- (b) where (a) is not achievable because a site fence is not required/proposed or additional bracing is required on the kerbside, the preference is to place bracing elements directly beneath the deckline and maintain a clear height of at least 2.5m above the ground surface beneath (see **3.8.9** for further details on this form of bracing);
- (c) where full-height bracing of a *hoarding* bay is necessary it is to be located at the rear of the *hoarding*. Where this is not possible such as obstruction of glazed facades of operational businesses requiring bracing to be provided at the kerb, the bracing is to be restricted to bays that are least likely to restrict pedestrian movement and access to the kerb (e.g.: place bracing within an *approved* designated *works zone* as a partial mitigation measure);
- (d) where permitted on the kerbside under **(c)** bracing must be fully plywood-sheeted (both sides) with water-resistant plywood (min 12mm) and not be located near pedestrian crossings, bus-stop zones and/or *road* intersections (to avoid sightline impacts). Graphics complying with **Part 06** must be applied on both surfaces; and
- (e) the size of all secondary structural bracing members below deck level are to be minimised and be located at least 2.5m above the ground surface (see **3.8.9**).

### 3.8.9 Longitudinal bracing (below deck level)

Where longitudinal bracing elements are incorporated in a Type-B hoarding the following design requirements apply:

- (a) their use and size must be minimised;
- (b) horizontally placed black-painted single steel ties between columns along the kerbside and at the ends of *hoardings* (maximum 75mm angle or hollow section are permitted without screening);



Ngaarr by Lucy Simpson  
Photo: Peter Conroy / City of Sydney



Photo: Peter Conroy / City of Sydney



**Figure 3.28:** Some forms of bracing elements must be screened from view when located on the kerbside and painted black below the deck (see **3.8.8**).

Bahloo and Bila by Wayne Quilliam  
Photo: Peter Conroy / City of Sydney



- (c) plywood fascia screening required under **(e)** is required except where horizontal element consists only of bracings between vertical elements more than 1.0m clear apart (including over high-bay gantry modules) must be plywood-sheeted across the full width (space+supports) and graphics displayed (where required by **Table 1** in **Part 06**), subject to **(e)**;

**Note:** Column spacings less than 2.5m / 4.0m (see **3.8.2**) require a variation request. Where specifically *approved*, any proposed counterweights (**3.9**) must, where practicable and structurally capable, be placed within the narrower sections to maximise the openness of the main hoarding bays along the kerb.

- (d) required plywood sheet screening (**Figure 3.28**) must:
  - (i) be water-resistant;
  - (ii) have a thickness of not less than 12mm;
  - (iii) be appropriately fixed to prevent warping;
  - (iv) have a surface plane that aligns/matches the deck fascia finish to provide a quality even finish for the display of uninterrupted graphics;
  - (v) be designed and checked by the engineer certifying the *hoarding* including specifying fixing details to address all loads, localised wind actions, including beneath the *hoarding* deck (potential canopy effects); and
  - (vi) be painted black on all surfaces including the bracing elements (see **Figure 3.28**).
- (e) bracings along the kerb and at the ends of *hoardings* must be positioned no less than 2.5m above the *footway* surfaces beneath. In circumstances such as on steeply sloping *footways*, with or without reduced column spacings, (see **3.8.1(a)**), a height variation will be considered.

### 3.8.10 Bracing elements across a footway

Where lateral bracing elements (with or without cross-bracings) span between the kerb and *worksites*, the following applies:

- (a) where bracings have horizontal bottom chords, the height clearance above the ground surface must be not less than 3.0m;

- (b) where cross-bracings do not have bottom chords and it is not possible to achieve a height clearance of 3.0m measured at the column connection point, a minimum height fixing of 2.5m is permitted at the column junction (see figure below);
- (c) in all cases, under **(b)** the section size of bracing elements must not exceed 75mm; and
- (d) all bracing elements must be painted black.



Photo: Peter Conroy / City of Sydney

### 3.8.11 Impacts on utility service pits

If it is not possible to avoid placing a *hoarding* site fence/*scaffolding* over minor utility pits the affected section of the *hoarding* fence must be designed to be easily removable and *scaffolding* must be installed to provide safe and convenient access in the locality of the pit for utility service personnel.

Where major service pits are affected including electricity services pits and subsurface substations, the owner of the utility must be consulted and any requirements for access or conditions of installation imposed by the utility owner must be submitted with the *hoarding* application (see also **2.8.8**) in relation to pits and bearing pressures.

### 3.8.12 Impacts of temporary structures on surrounding properties

Where a *temporary structure* such as a *hoarding*, *scaffolding* or *cantilevered work platform* extends in front of an adjoining building or spans a *roadway* (laneway), special design considerations are necessary to minimise potential impacts on affected properties including, but not limited to, the following:

- (a) security issues;
- (b) reduction of natural light to windows;
- (c) whether access by Fire and Rescue NSW to hydrants and booster connections including impacts on the use of aerial fire-fighting and rescue appliances will be impacted (see **2.14**);
- (d) potential for the spread of fire between buildings via the *temporary structure* and sheds (see **2.14** and **5.5**);
- (e) access and egress to and from affected buildings including emergency egress of workers from the *worksite* (see **2.14.2**);
- (f) access for delivery trucks and waste collection vehicles (height of overhead structures);
- (g) obstruction to shop-fronts and building/*business identification signage* (see **2.16**);
- (h) the use, number and location of *site sheds* on *hoardings*. In some cases it may be necessary to position sheds away from adjoining buildings and/or cut-back decks from windows of affected buildings (see also **5.5**); and
- (i) to accurately and fully establish potential impacts and determine any required mitigation measures, consultation requirements with likely affected parties apply (see **2.15** for details).

### 3.8.13 Traffic control signals

Lines-of-sight to traffic control signals and signs must not be obstructed. An assessment of potential impacts on control signals must be undertaken prior to lodgement of an application and where necessary, the *temporary structure* design adjusted to accommodate signals and signs.



**Figure 3.29:** The design of *temporary structures* must maintain viewlines to traffic signals. In cases where signals need to be modified and/or temporarily repositioned the approval of Transport for NSW must be obtained.

Photo: Peter Conroy / City of Sydney

Where control signals need to be repositioned to address site specific constraints, the applicant or *hoarding* contractor must consult Transport for NSW and obtain approval.

### 3.8.14 Barriers protecting excavations

- (a) Where a site is excavated and is in close proximity to the property alignment with a *public space*, the PCBU must consider safety (fall) risks to the public. Refer to **2.13** for details relating to the protection of excavations and safety barriers.
- (b) Any required pedestrian (crowd) and vehicle impact barriers should be incorporated into the *hoarding* structure. Freestanding barriers such as concrete barriers provided between the site fence and the edge of an excavation can also be used. Where a barrier is required it must be of concrete or steel, designed to AS1170.1 and satisfy any required pedestrian and traffic risk assessment recommendations. Any requirements under the NSW Work Health and Safety Regulations and *SafeWork NSW* Code of Practice: Excavation Work, must also be considered.

### 3.8.15 Barriers at hoisting locations (works zones)

Where there are clearly demonstrated construction and pedestrian safety needs adjoining *hoisting* areas particularly where high-bay *hoardings* are used, plywood sheeting of the upper section of a *hoarding* will be allowed subject to complying with the following:

- (a) be painted black;
- (b) be set back at least 300mm from the kerb (except where **3.8.4 (e)** and **(f)** require consideration);
- (c) may commence not less than 2.5m above the ground surface directly beneath;
- (d) preferably not extend more than one (1) semi-trailer tray length within the approved *works zone*;
- (e) the plywood sheet surface aligning/matching the surface plane of the *hoarding* fascia at deck level; and
- (f) graphics displayed as required by **Table 2** in Part **06**.



Photo: Peter Conroy / City of Sydney

**Note:** If additional pedestrian safety measures are considered necessary by the *PCBU* for *hoisting* large or complex loads, the *City* may consider allowing the establishment of *footway* pedestrian control measures to temporarily pause the movement of people past the *hoisting* zone during the initial *hoisting* action/s from and to a truck tray.

### 3.8.16 Concrete pumping static lines and screening

Keeping *footways* clear of ramps is important for pedestrian safety and amenity particularly for persons with physical disability, vision impairment and/or with reduced mobility. This aligns with the aims and objectives of the City's 'Inclusive and Accessible Public Domain Guidelines'. The use of ramps is therefore generally not supported, particularly in high pedestrian traffic areas.



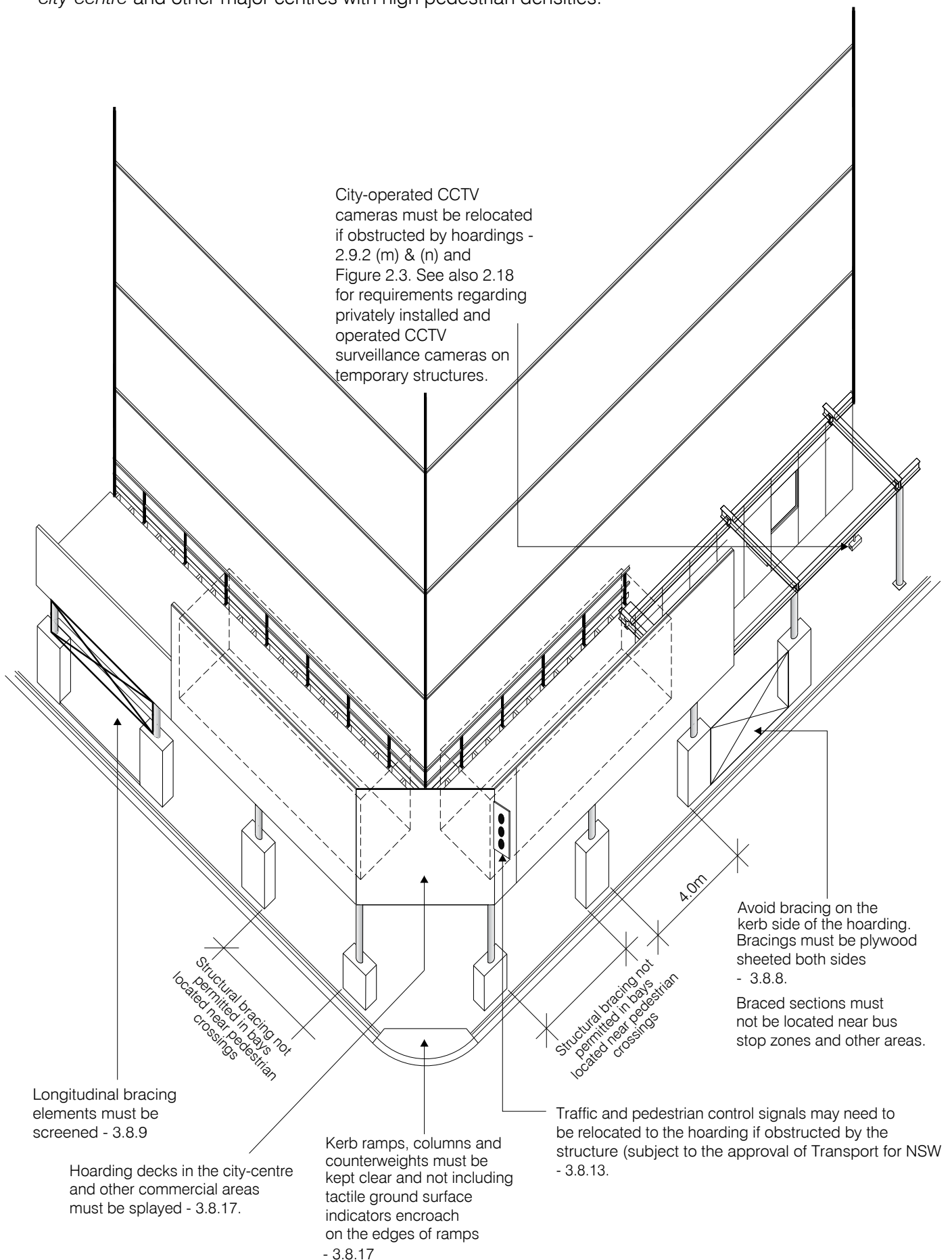
**Figure 3.30:** Concrete pumping connection points and riser-pipes attached to Type-B *hoardings* are permitted where an approved *works zone* is in place on the adjoining *roadway* and the *hoarding* is structurally capable of withstanding additional dynamic loads. *Permit-holders* have work health and safety obligations to protect the public when undertaking pumping operations including complying with *SafeWork NSW* requirements (see **1.13** for further details).

Photo: Peter Conroy / City of Sydney

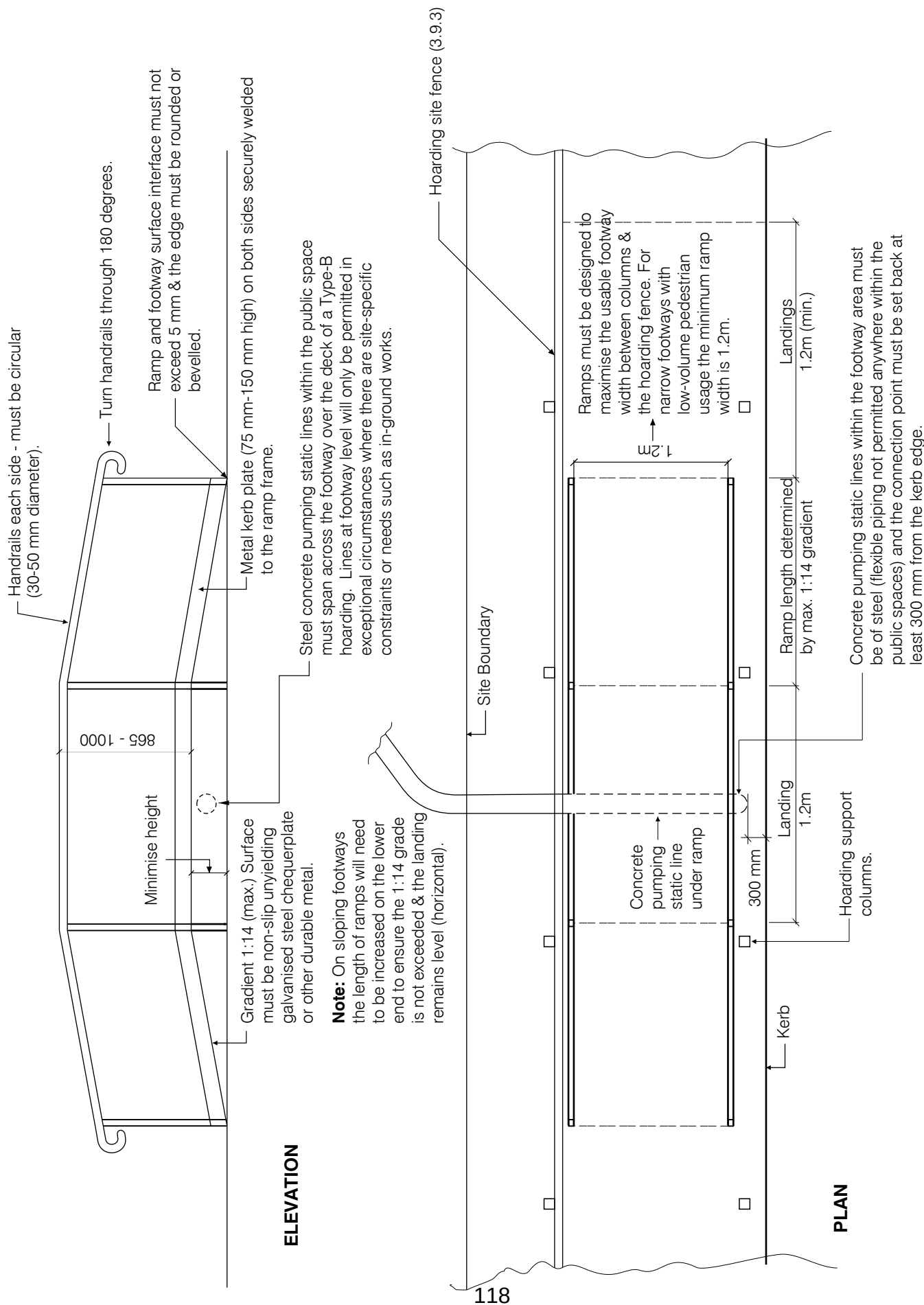
- (a) In very busy pedestrian areas ramps over static lines will generally not be permitted (except for in-ground works and where clearly justified). In all other cases a Type-B *hoarding* must be provided to allow for static-lines to be placed on the hoarding deck (see **(b)**).



**Figure 3.31:** Axonometric view of the design of a Type-B *hoarding* showing column / counterweights and the location of kerbside bracing which must be given thorough consideration particularly in the *city-centre* and other major centres with high pedestrian densities.



**Figure 3.32:** Design details for pedestrian ramps over concrete pumping static lines (see **Figure 3.33**).





**Figure 3.33:** Where specific *approval* is given to install a concrete pumping static-line across a *footway*, a durable metal pedestrian ramp complying with the minimum design criteria must be provided (see **Figure 3.32**).

Photo: Peter Conroy / City of Sydney

- (b) Steel pipe concrete static-lines must be placed on and over a Type-B *hoarding*. In areas of low pedestrian movement, *approval* may be given to allow a static line at grade with a ramp over. Refer to the 'Code of Practice: Hoisting and Construction Activities On and Above Roads' for details regarding ramps and usage. Once building construction reaches the first floor level static lines and ramps must be removed from the *footway* and the line placed on the deck of a Type-B *hoarding*. In these circumstances, and for general pumping in a *public space*, the following provisions apply:
- (i) permanently fitted static-lines and connection points (see **Figure 3.30**) will be permitted subject to an *approved works zone* being in place and there being no obstruction to traffic and pedestrians; and
  - (ii) a *PCBU* and pump operator must consider all risks of pumping in *public spaces* including whether *control measures* such as the shielding or sheathing pump hoppers, static-lines and couplings are necessary to address potential risks of plant and pipe/coupling failure (impacts on the public from concrete spraying/projecting onto *footways*, *cycleways* and *roadways*).

**Note:** Refer to the following webpages about *control measures* to protect the public in vicinity of pumping equipment and operation. See also **1.13**:

- SafeWork NSW 'Concrete Placing Equipment' and
- Safe Work Australia 'Guide to Managing Risk in Construction: Concrete Pumping'.

### 3.8.17 Other requirements

- (a) Kerbstones and gutters must not be cut or damaged to accommodate or install a *hoarding*. *Approval* for the removal of kerbstones and/or part of a gutter such as for temporary vehicle *crossings* must be obtained by completing and lodging a vehicle *crossing* (driveway) application (refer to the 'Code of Practice: Hoisting and Construction Activities On and Above Roads' for further details).
- (b) The kerb gutter must be kept clear of structures at all times unless otherwise specifically *approved*, and be maintained clean and free of debris.
- (c) Pedestrian crossings and kerb ramps must be kept clear of obstructions and be maintained in a safe and *accessible* condition at all times. This is particularly important for persons with low vision or are blind, mobility restrictions, users of wheelchairs, mobility scooters, strollers and delivery workers using trollies. *Hoardings* should, where practicable, be splayed at intersections (see **Figure 3.34**) to minimise column placement near kerb ramps and improve pedestrian queuing space at signalised crossings.
- (d) The design of a *temporary structure* must accommodate all existing *street trees* and consider other physical constraints of the site. Refer to Element 10 – 'Street Tree Preservation' (see **1.15**, **2.9** and **3.17.3**) for details regarding tree protection and *performance bonds*.



**Figure 3.34:** Always design hoardings to keep columns well away from kerb ramps and tactile ground surface indicators. At busy intersections it may also be required to splay the site fence and beam over the pedestrian queueing area (supported on columns placed fully clear of all ramps). This is particularly important at pedestrian signalised scramble intersections.

Sydney Opera House at Night by Emily Crockford  
Photo: Peter Conroy / City of Sydney



Unvanished by Kent Morris  
Photo: Peter Conroy / City of Sydney

### 3.9 Element 2 - Counterweights (Type-A and Type-B hoardings)

#### Objectives

1. Minimise the height, width and footprint of counterweights to mitigate impacts on safe, *accessible* and convenient pedestrian movement.
2. Maintain the visual openness of *cycleways* and *footways* including pedestrian viewlines to the *roadway/cycleway* and views of graphics displayed on site fences.
3. Integrate high quality finished counterweights and connections, columns, pedestrian and motor vehicle safety barriers within the design of a *hoarding*.
4. Provide required stability to the structure.

#### Deemed-to-comply criteria

The following requirements apply:

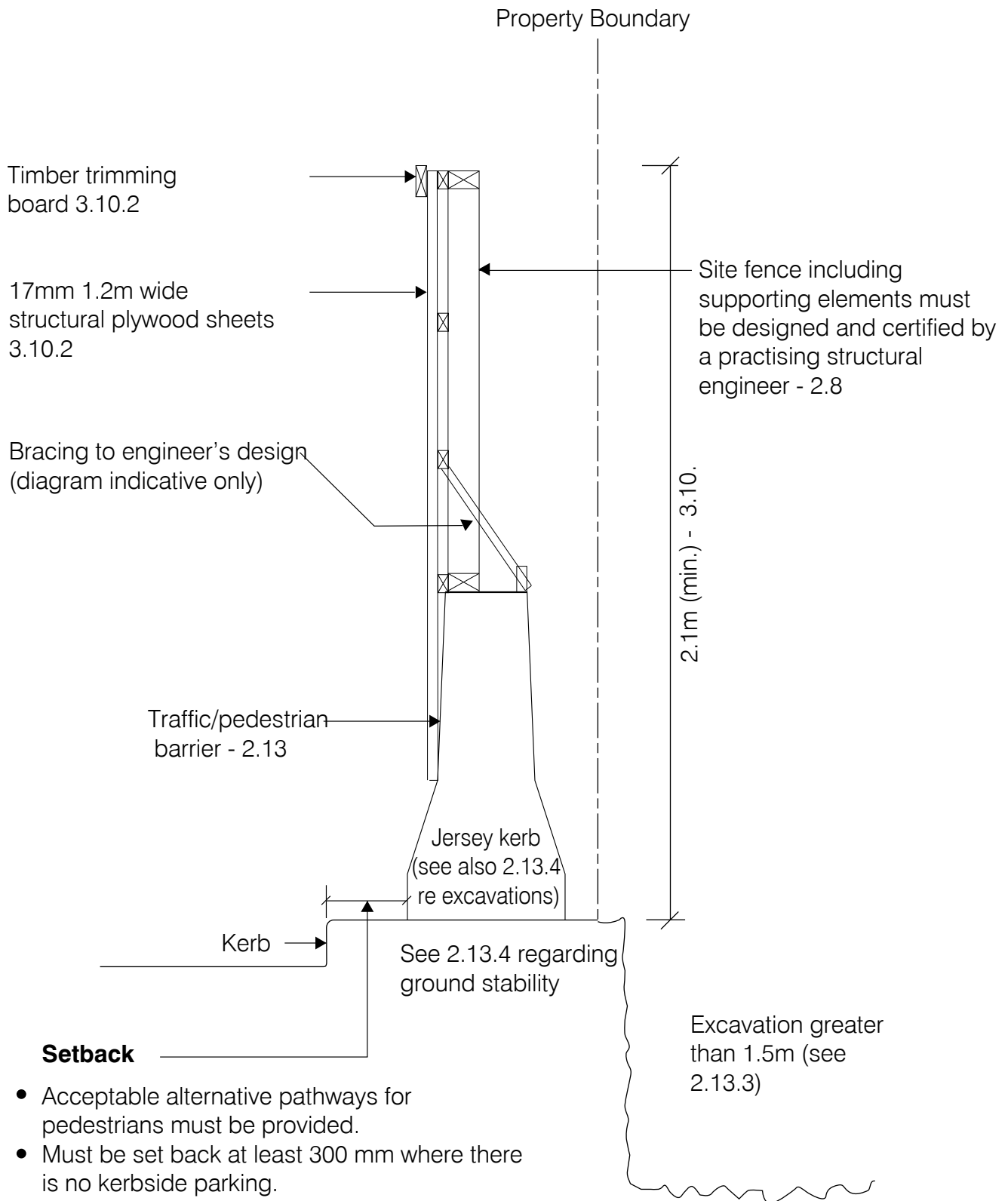
##### 3.9.1 General

- (a) As general practice counterweights should be placed vertically to provide a fully open *hoarding* along the kerbline and maintain required openness (spacings) between

support members (columns). In the *non-city-centre* area, horizontal counterweights may be permitted subject to controls (see **3.9.4**).

- (b) Counterweighting is primarily for the purpose of providing structural stability with the least possible impact on the width and openness of *footways*.
- (c) *Hoardings* (counterweights) must:
  - (i) achieve and maintain structural stability and adequacy including impacts of all types of motor vehicles using the adjoining roadway (refer to **2.8.6(d)**);
  - (ii) withstand wind actions that prevail or are expected in the locality particularly after a building is demolished (loss of wind-shielding);
  - (iii) for substantial structures and lengthy duration of installation, consideration must be given to the suitability and potential alternatives to kerbside counterweights. This may include stabilisation by fixing to the shoring system or bracing to the first floor of a building structure (new building construction only) where the design of the building can safely accommodate the structural and overhead protection requirements applying to the *temporary structure*; and

**Figure 3.35:** Section detail of a Type-A *hoarding* integrated with a traffic barrier. This design is only permitted in circumstances of a narrow *footway* or laneway where vehicular access and maneuvering (swept paths) to and from garages/driveways opposite can be provided and maintained. Note: The preferred design outcome is for site fences to be positioned as shown in **Figure 3.5**.



- Acceptable alternative pathways for pedestrians must be provided.
- Must be set back at least 300 mm where there is no kerbside parking.
- Where kerbside parking is located along the frontage, the setback should be at least 600 mm to allow safe and convenient access to and from vehicles (see 3.10.4). If variation is required due to site circumstances (e.g. reduced footway width) this will be considered as part of the application.



- (iv) where **(iii)** above cannot be satisfied, and kerbside counterweight units are necessary to deal with various loads and impacts, they must, within the *city-centre*, be isolated units (not continuous horizontal counterweights or barriers between columns unless otherwise specifically permitted).



**Figure 3.36:** Where counterweighting/column placement exceed the prescribed maximum dimensions they must be plywood-sheeted and graphics displayed (see also **Figure 3.38**).

Bahloo and Bila by Wayne Quilliam  
Photo: Peter Conroy / City of Sydney



**Figure 3.37:** Typical concrete block counterweight with lateral bracings.

Photo: Peter Conroy / City of Sydney

### 3.9.2 Specific requirements

- (a) Counterweight width/thickness must not exceed 300mm.
- (b) Must have a high quality smooth finish with minimum 50mm 45 degree bevelled edges or equivalent radius corners to minimise the risk of pedestrian injury.
- (c) Painted the standard colour (black - see **3.14**) with white vertical visual bandings on all corners of vertical counterweights (see **Figure 3.23**).
- (d) Connection systems to columns must be of a high quality structural design with minimum protrusions (fixings) that are not dangerous to passing pedestrians or cyclists (preferably concealed or recessed to minimise sharp edges).
- (e) Minimum setback of 300mm from the kerb face is maintained including to all other vertical parts of the structure including the fascia (see also **3.8.4(e)** and **3.13**).
- (f) Spacings along the kerb must comply with **3.8.2**.

### 3.9.3 Vertical counterweights

- (a) Exposed vertical columns (not located behind a site fence) must not exceed 1.2m (length along the footway) inclusive of columns, 300mm (width across footway), and a height not more than 2.3m above the ground surface. In cases where additional counterweighting is necessary to address wind loads on tall *hoardings*, fascias and other *temporary structures* counterweights up to 1.5m length (including column/s) may be allowed subject to compliance with the minimum spacings between columns/counterweights outlined in **3.8.2**. Counterweights and columns must be plywood-enclosed and graphics displayed on all four surfaces (**Figure 3.38**).



**Figure 3.38:** Counterweights exceeding the prescribed maximum dimensions including height must be fully enclosed and graphics displayed on all surfaces. The top image shows large counterweights prior to enclosure and the bottom image shows a properly enclosed counterweight.

Photo: Peter Conroy / City of Sydney

- (b) In circumstances where visual impacts are important particularly in relation to lengthy installation periods or custom-built *hoardings* are proposed, the *City* may require support columns to be fully integrated (cast) within counterweights.
- (c) Counterweights should always be placed at ground level. Where additional weighting is needed such as being placed on the deck of a Type-B *hoarding* to address wind actions in highly exposed sites, weights may be permitted subject to a risk assessment being undertaken by the proponent and/or *supplier* of the *hoarding* addressing potential impacts by site plant and/or motor vehicle/s in relation to stability aspects on the structure and dislodgement of weights on and from the deck.
- (d) It is expected that when deck-mounted counterweights are no longer required they be removed from the deck.
- (e) Where multiple support columns and counterweights in **(b)** are necessary for site-specific needs, plywood sheet enclosure/screening of the elements to improve visual appearance and to enable the display of graphics on all four surfaces.
- (f) Where the tops of vertical counterweights are located less than 2.3m above the ground surface, they are to be chamfered or sloped to avoid the collection of dirt and placement of litter.
- (g) Vertical counterweights are permitted to be placed (supported) in contact with the *footway* surface subject the compliance with **3.8.3**.
- (h) Counterweights (for bracing purposes) of Type-A *hoardings* are typically of a formed concrete block or Jersey kerb configuration with cast-in connection/bracing points (see **Figure 3.5** and **3.37**). Alternatives may be allowed such as the use of sand or sandbags placed within durable secured containers e.g. steel tubs or drums fitted with sealable lids and capable of being securely fastened to the *hoarding* fence/frame.
- (i) Continuous counterweights may be used adjacent to the site boundary provided that they are screened from the *footway* by a site fence (see **3.10**).

- (j) Counterweights, particularly vertically proportioned counterweights, must have connections to columns that are designed to withstand dislodgment resulting from vehicle impacts (see **2.8.6**).

**Note:** Refer to Clause 305 of the Work Health and Safety Regulation 2017 and *SafeWork NSW* - Code of Practice - Construction Work in relation to managing risks associated with excavations.

#### 3.9.4 Horizontal kerbside counterweights

- (a) Horizontal placement of counterweights is generally permitted in the *non-city-centre* area although where there are site-specific conditions that require a different treatment due to pedestrian densities, building usage, kerbside parking needs and other factors, vertical counterweighting can be required (see **(d)**).
- (b) Horizontal weights must be supported at least 150mm above the *footway* or ground surface using appropriately designed support systems (brackets fitted to columns). Supporting counterweights from the ground surface is not permitted (to prevent the excessive accumulation of litter and debris around the base and to allow easy cleaning of *footways*). Timber blocks or other similar systems to support counterweights are not allowed.

- (c) Counterweighting will only be permitted in every second bay (min.) between columns to allow safe and convenient pedestrian access between the kerb/*roadway* and the *footway*. This may be varied for site-specific needs (to be clearly justified by the proponent as part of the application process).
- (d) In setting out the positioning of counterweights consideration must be given to the impacts on kerbside parking including safe and convenient access for persons alighting and entering vehicles (excessive obstruction). Pedestrian access between the *footway* and *roadway* interface must also be considered. Where necessary the *City* may require vertical weights or more open bays between columns.
- (e) The top surface of horizontal counterweights must not exceed 1.2m above the *footway*/ground surface.
- (f) The dimensions (thickness) of weights and surface finishes must comply with the applicable design provisions in **3.9.2**.





One Circular Quay by Mark Hanham  
Photo: Peter Conroy / City of Sydney

### 3.10 Element 3 - Site fence (Type-A and Type-B hoardings)

#### Objectives

1. Ensure the *worksite/site* is effectively screened, enclosed and secured from the *public space*.
2. Minimise the impact of *hoardings* (*footway* encroachments) to provide safe pedestrian movement and high quality amenity including for persons using mobility assistance devices (wheelchairs and mobility scooters) and people who are blind or have low vision.
3. Seal/isolate the *worksite* to contain debris and dust within the site.
4. Act as a noise attenuation barrier to pedestrians.
5. Visually screen works at street level.
6. Ensure fence sheeting, framing members, battens and fixings are structurally adequate for the type of work to be undertaken including the prevailing wind actions in the locality and the ability of the structure to withstand the weather for the proposed duration of installation. They are also to be structurally

adequate to protect the *public space* from construction and demolition activities and from the possibility for ballistic impact caused by projectiles penetrating the fencing.

7. Provide a well constructed and finished fence (plumb and true) with an even surface throughout that will be suitable for the display of quality graphics (where these are required).
8. Ensure materials are sturdy, durable and allow easy maintenance including repainting and cleaning.
9. Provide pedestrians with a view of the site (in-ground works) through the incorporation of viewing windows in the fence.
10. Where practicable, re-use or recycle fencing materials.

#### Deemed-to-comply criteria

The following requirements apply:

##### 3.10.1 General

A key design requirement applying to site fences is to minimise the encroachment of the *worksite* on *footways* and *roadways* to ensure that adequate space is provided for the safe, convenient and *accessible* movement of people, cyclists and vehicles passing a work site.



**Figure 3.39:** Temporary traffic barriers are required where a *temporary structure* is located within 300mm of the kerb. Where this cannot be achieved, barriers placed in the kerb gutter may be permitted where there are no impacts on turning and manoeuvring pathways at vehicle crossings and entrances to properties/garages. Applicants will need to verify compliant vehicle turning paths using swept-path diagrams templates (refer to AS/NZS 2890.1).

Photo: Peter Conroy / City of Sydney

### 3.10.2 Site fence

- (a) For site fences of Type-B *hoardings* the fence must extend to the underside of the deck. Fences of Type-A *hoardings* must have a minimum height of 2.1m. Where there are construction and/or security needs or, if seeking to avoid cutting sheets, a Type-A fence can be taller than 2.1m and may extend to the underside of street awnings (where existing) - see **Figure 3.43**.
- (b) Site fences must be finished neatly top and bottom. The top edge of a Type-A *hoarding* must be capped or finished with a trimming board. Skirting boards must be provided at the base (refer to **Figure 3.44**). The trimming boards and capping must be not less than 90mm and painted the same colour as the fence.
- (c) Where *hoardings* are associated with occupied buildings, safe access to building entrances must be maintained. Any alcoves in fences should be minimised to ensure the safety of pedestrians from persons secluding themselves from view. Where necessary, alcoves may need to be provided with lighting at night. See also **2.17** for permissible wayfinding signage on *hoardings*.

- (d) Site fencing, including access gates/doors (if plywood is to be used), must be constructed of solid durable materials consisting of a timber or steel frame and structural-grade plywood (compliant with AS/NZS 2269-2012). The stress grade of plywood must be determined based on a risk assessment of the site and proposed works. As a minimum the thickness must not be less than 17mm.

For some Type-A *hoardings* associated with minor works such as facade cleaning, maintenance, shopfront replacement and painting; and when securing the base of a scaffold associated with minor works, a fence thickness of 12mm using water-resistant plywood may be permitted subject to satisfying applicable work, health and safety codes of practice and risk assessments.

For both 12mm and 17mm plywood the surface finish grade must be at least CD and be suitability weather durable for the degree of exposure and duration of installation.



**Note:**

The *City* may consider the use of other forms of composite board on a case-by-case basis provided that the material satisfies the objectives of **3.10**.

- (e) Irrespective of the minimum thickness of plywood fencing in **(d)**, a *PCBU* and/or *supplier* of a *hoarding* (site fence) must ensure that the plywood covering is of sufficient rigidity and strength to prevent projectiles penetrating the fence based on the type of work (risks) to be carried out onsite.



**Figure 3.40:** Where *hoardings* are erected on narrow footways it may be necessary to indent hoarding fences and scaffolding (using ladder beams) to provide clear minimum widths around infrastructure (signage stems, parking ticket machines, light poles etc.) and *street trees*. A clear height of at least 2.4m must be provided in the recessed sections.

Photo: Peter Conroy / City of Sydney

- (f) All fencing must be constructed plumb and smooth-finished using plywood sheets flush-finished (butt-jointed). Overlapping sheets and gaps formed when using fixing cleats of *scaffolding* standards are not permitted.



Faraway gums by Billy Ryan

Photo: Peter Conroy / City of Sydney



**Figure 3.41:** Fire brigade booster connections behind site fences must be kept available. Graphics fabric must be neatly trimmed/finished around openings.

Faraway gums by Billy Ryan

Photo: Peter Conroy / City of Sydney

- (g) A site fence, including any vehicular and personnel access door, must be painted/finished in accordance with the Code (see **3.14**): and be maintained in a tidy and clean condition throughout the full duration of *hoarding* placement.
- (h) The fence of Type-B *hoardings* must cover all structural elements (framing and support columns on the public space side - refer also to **3.8.1(e)**) and the surface must be smooth finished and capable of accommodating graphics (see **Part 06**). Complying knee-bracing at deck level is permitted to project through the site fence, however, the preferred finish is to have all structural elements fully covered.
- (i) Site fence plywood sheeting (including access doors or gates) must be securely fixed to a structurally sound and adequate frame based on a risk assessment of the site conditions and the type of work being carried out. Bugle screws should be used. The gauge and length

of the fixings should be addressed in the risk assessment.

The risk assessment should also address:

- the locality (wind actions);
- the duration of the installation (weathering); and
- the potential for accidental penetration of the fence from the *worksite* activities.

Fasteners must not protrude past the fence surface i.e. are to be finished flush or countersunk to prevent injury to passing pedestrians and/or damage to clothing caused by potential snagging points.

**Note:** Nail fixing is not permitted.

- (j) The re-use of suitable quality material in the construction of site fencing is encouraged. The further re-use and/or recycling of the material is also encouraged when the hoarding is removed.



**Figure 3.42:** Where it is not feasible or practicable to keep a *footway* open, particularly in cases where narrow *footways* will be impacted, temporary pedestrian pathways and kerb ramps may be used where the *roadway* has sufficient width to safely accommodate the encroachment (temporary pathway). This design solution must be endorsed by the *City's* Traffic Operations Unit.

Photo: Peter Conroy / City of Sydney

### 3.10.3 Footway encroachments

Encroachments up to 1.0m may be permitted for site-specific needs, however, the extent of encroachment permitted for Type-A *hoardings* will depend on the width of a *footway* and the degree of pedestrian density and vehicular movement in the locality (see '**Note 3**'). Encroachments must always be kept to a minimum and will be considered for such activities as:

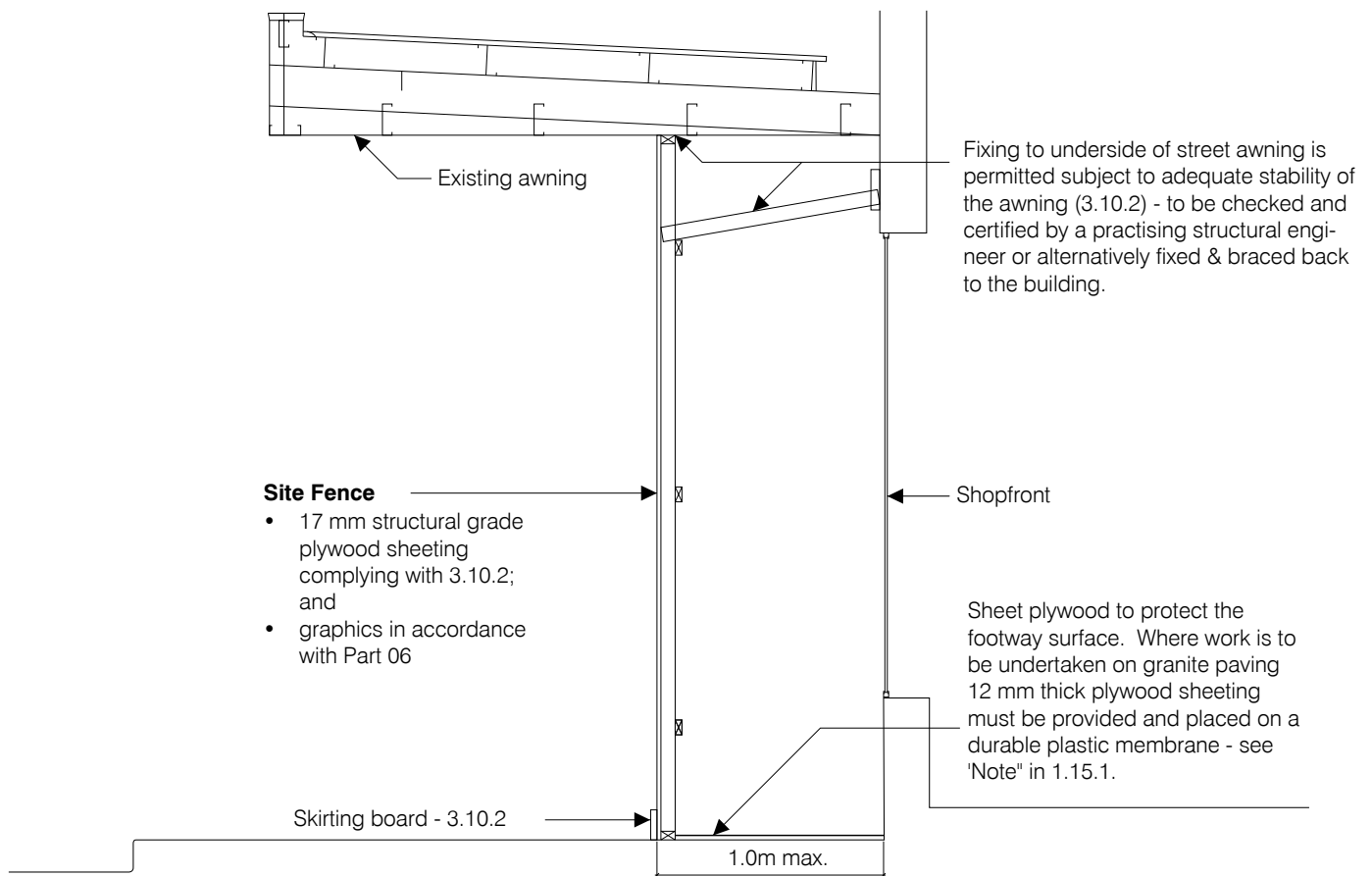
- shop-front replacement or alterations
- minor construction
- minor demolition works
- excavation particularly where shoring or piling is required along a property boundary and/or to afford public protection including importantly deep excavations.

Site fence encroachment provisions also apply to fences of Type-B *hoardings*.

The following requirements apply:

- (a) encroachments on *footways* must be minimised in all cases including stairway/ ladder access enclosures to the deck of Type-B *hoardings* (see **3.12**). Where a *footway* has sufficient width, intrusions up to 1.0m may be permitted (see '**Notes**' **2** and **3**);
- (b) localised intrusions exceeding 1.0m for access stairways/ladders of scaffolds and to the deck of Type-B *hoardings* (see **3.12** for stairway enclosures), will only be considered in special circumstances and where the *footway* conditions permit including clear widths, pedestrian density, *footway* infrastructure and duration of installation (see also **(d)**);
- (c) all proposed intrusions must be fully justified in an application and must include details of how acceptable pedestrian safety, movement and amenity will be maintained past the *worksite*. This is particularly important in high pedestrian density areas of the city-centre and other busy local neighbourhood commercial areas (see '**Notes**'). Fencing design must satisfy **(d)** and **(e)**;
- (d) intrusions up to 1.2m will generally only be permitted in localised circumstances e.g. stairway access to *scaffolding* or hoarding deck (see **3.12**). Ladder access can generally be accommodated within a 1.0m encroachment. cases where access cannot be accommodated:

**Figure 3.43:** Section detail of a Type-A *hoarding* for site specific needs such as dust and/or noise control. Site fences may extend to the underside of street awnings (see **Figure 6.15** in relation to surface finishes).



**Figure 3.44:** A typical Type-A *hoarding*. All surfaces must be painted black and the top and bottom of the fence capped and trimmed. Graphics must be displayed where required by **Table 1** in **Part 06**.

Photo: Peter Conroy / City of Sydney



- within the permissible maximum 1.0m intrusion; or
  - from within the property/site; or
  - where original glazed-block pavement lights (providing natural illumination to basements) are installed in the *footway* (see also **3.8.2** regarding column placement); or
  - for special construction or work safety needs, *approval* will only be given where there will be no adverse impacts on safe and convenient pedestrian movement (see also **(e)** below). Refer also to '**Notes** 3 and 4).
- (e) for Type-B *hoardings*, when the development has been constructed to first floor level the fence encroachment may need to be reduced (see **Note 1**), unless there are clearly demonstrated site or construction needs to require the encroachment for the full duration of the development;
- (f) full and detailed consideration must be given to the design of a *hoarding* to allow for its easy relocation and/or modification to satisfy **(e)** above. This must be detailed in the application.
- (g) where a Type-A *hoarding* fence is proposed on a narrow *footway* and it is not possible to provide a Type-B *hoarding* to keep the *footway* fully open, the *City* will expect (and require) the method of work and/or *hoarding* to be designed to minimise the site fence encroachment; and
- (h) where *scaffolding* is supported from a *footway* and it is not possible to reduce the encroachment to maintain a clear minimum *footway* width (generally 1.2m in low pedestrian volume areas) past trees, posts, parking ticket machines and other *footway* infrastructure, the site fence may need to be adjusted or recessed such as between *scaffolding* standards in the locality of the *footway* obstruction (see **Figure 4.5** in **Part 04**).
2. As determined by the *City*, the end-panels of a site fence may need to be splayed at an angle of 45 degrees (or other *approved* angle) to provide enhanced and safe passage of pedestrians, including persons who are blind or have low vision, past the *hoarding*.
3. Encroachments for the purpose of creating a material/equipment storage or other usage will be classed as a *work compound* (see **5.3**). *Footway* occupation fees will apply on a square metre rate in accordance with the *City's* Revenue Policy (Schedule of Fees and Charges).
4. It is unlikely that *approval* will be granted for significant encroachments for the full duration of the development in areas of high pedestrian traffic, at busy intersections, and/or where the *footway* width is particularly narrow.

### 3.10.4 Temporary closure of footways

- (a) In cases where the work and/or *scaffolding* cannot be modified to limit the site fence encroachment or the *footway* is very narrow, *approval* may be given to allow temporary closure. This design solution is not preferred and will only be considered in low pedestrian and vehicular movement *roads*.
- (b) The following requirements apply to the consideration of any temporary closure of footpaths:
- (i) the locality, number and type of pedestrians (children, persons with restricted mobility and the elderly) that are likely to use the *footway*;
  - (ii) the width and appropriateness of the *roadway* to safely accommodate an alternative barricaded pedestrian pathway width of 1.8m (preferred). Where this width cannot be achieved a minimum width of 1.2m must be available (or a width that at least matches the existing *footway* to be closed). Temporary kerb ramps and circulation space is also required.
  - (iii) The *City's* Traffic Operations Unit will consider alternatives to the above such as:
    - whether there is a satisfactory alternative *footway* on the opposite side of the *roadway* and whether appropriate and effective safety measures can be incorporated to ensure the safe and accessible crossing of people (such as pedestrian management systems);

### Notes:

1. In areas with high pedestrian volumes particularly in the *city-centre*, a site fence must be located as close as possible to the site boundary alignment. Once the development has reached a stage where the fence intrusion is no longer required the fence should, where practicable, be relocated to the building alignment or other agreed position.

- the type of carriageway (one-way or two-way traffic movement) and the type and volume of vehicle usage in the street; and
- the proximity of the *hoarding* fence and/or *scaffolding* to the kerb and whether the safe passage of vehicles, particularly in narrow laneways and at laneway intersections will be possible.

(c) where the *City* is satisfied that pedestrian safety, *accessibility* and convenience can be adequately accommodated through a temporary closure of a *footway* and use of alternative pathways, *approval* may be given to allow a *temporary structure* to take-up the full width of a *footway*. **Figure 3.45** shows a typical acceptable alternative pedestrian pathway arrangement past a *worksite* that would apply.

### 3.10.5 Impacts on street parking and vehicle access

The following requirements apply if street parking is affected:

- where a temporary closure of a *footway* is allowed and a *hoarding* fence is to be located along the kerb the following matters must be addressed in the design and preparation of an application consideration of a proposal:
  - the potential impacts on kerbside parking including access restrictions caused to persons to easily and safely enter and alight vehicles (generally a clear width of at least 600mm is required to allow safe access);
  - the potential need to temporarily remove on-street kerbside parking and the impacts of loss of kerbside parking (see **(b)**);
  - the need to place barriers such as Jersey kerbs in the kerb gutter to prevent vehicles impacting the site fence, and *scaffolding*, where installed;
  - potential impacts on vehicle access to garages and driveways including mitigation measures:
    - the need to provide sufficient space for vehicle maneuvering (swept path) for both entering and exiting properties in vicinity of the site/*temporary structure*;

- scaled and accurate drawings must be prepared by an independent qualified traffic engineer (not associated with the *hoarding* contractor) showing compliant access (vehicle swept paths) in accordance with AS 2890.1;

Where acceptable vehicle manoeuvring cannot be achieved the *hoarding/scaffolding* design will need to be modified unless **(b)** applies.

- where the *City* agrees to the temporary removal of kerbside parking to accommodate a *hoarding*, including accommodating compliant swept paths for vehicles, a letterbox-drop in the locality must be undertaken by the applicant to notify the community of the temporary loss of parking and the duration of the project. Letter-drop requirements including the extent of notification will be specified as a condition of *approval*;
- where ticketed street parking spaces are affected, payment for the loss of spaces and income will be required in accordance with the *City's* Revenue Policy (Schedule of Fees and Charges);
- where a parking ticket machine is affected by a *hoarding*, full access must be maintained and appropriate signage installed on the *hoarding* fence identifying the machine's location. Where a *hoarding* obstructs illumination of the machine from the street lighting system, the area or alcove must be provided with a vandal-proof lighting fixture powered from the site; and
- in circumstances where a ticket machine cannot be retained under **(d)** and needs to be temporarily removed or relocated, the approval of the *City's* Parking Services Team must be obtained. If a machine removal/relocation is feasible, all costs (in accordance with the *City's* Revenue Policy) will apply. The *City's* contractor will undertake the necessary works.

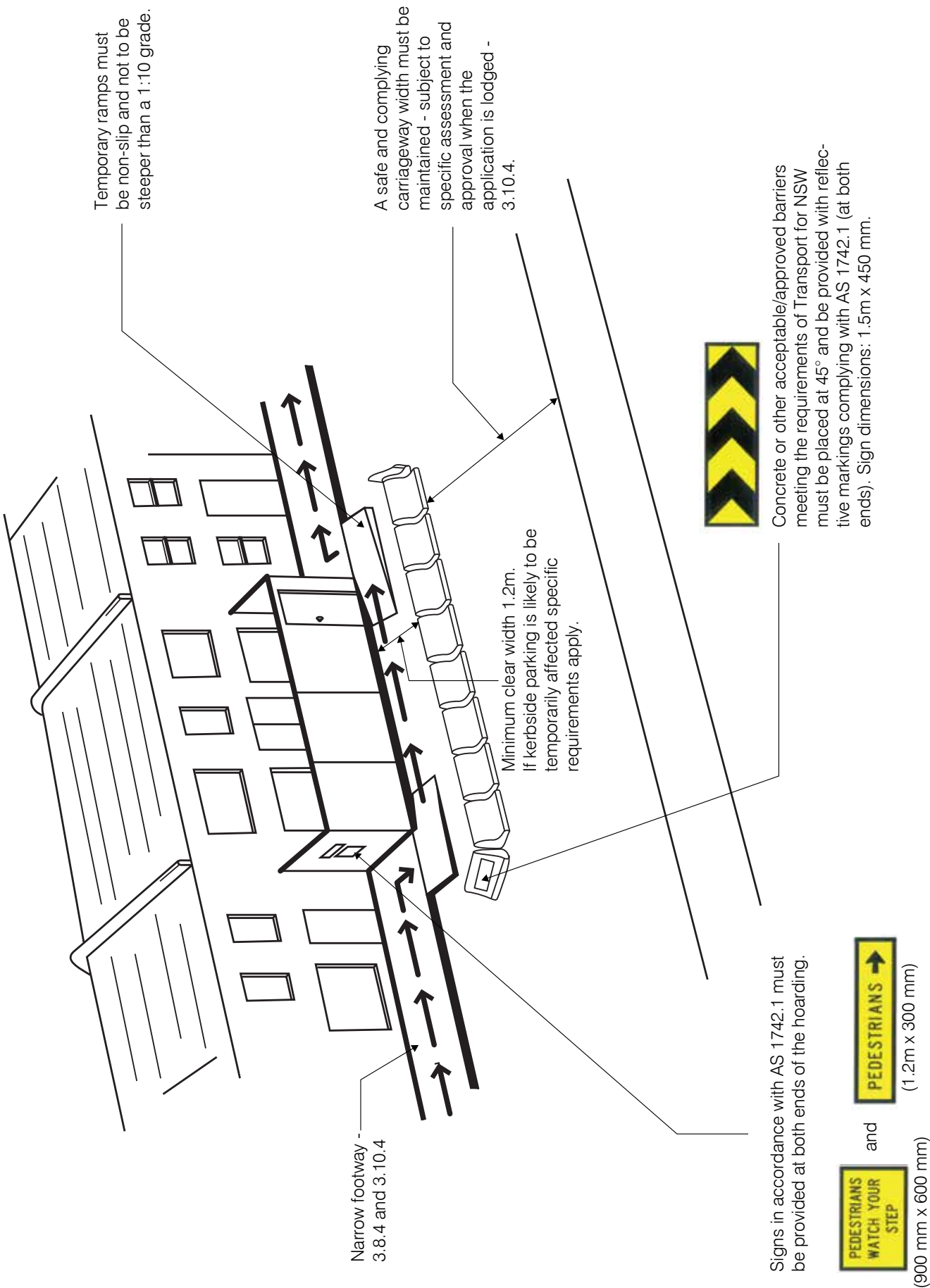
### 3.10.6 Viewing windows in site fences (in-ground works)

Where work involves excavation (deeper than 1.5m) and in-ground works, provision must be made for the public viewing of the excavation works as follows:

- at least one viewing window must be provided per frontage to allow the public to view works and construction up to ground level. For



**Figure 3.45:** An example of a typical temporary pedestrian pathway past a *worksite* (refer also to 3.10.4).



long frontages windows must be located at spacings of approximately 20m. Viewing windows must be 500mm square with the bottom edge located approximately 1.0m above the *footway* surface (see **Figure 3.46**).

- (b) windows must be of a clear durable material such as polycarbonate or laminated glass having a minimum thickness of 12mm, trimmed neatly against the site fence surface, securely fixed and maintained/cleaned regularly to provide good site visibility and safety. Where a hoarding:
- (i) adjoins a narrow *footway*; or
  - (ii) adjoins a high pedestrian density *footway*; or
  - (iii) is located on a *roadway*; or
  - (iv) could impact on convenient pedestrian movement,

the *City* may dispense with the requirement for windows (or reduce the number) to avoid excessive obstruction to pedestrian movements (where the fence is located close to the kerb) or prevent viewing from a *roadway*.



**Figure 3.46:** Where sites are to be excavated deeper than 1.5m viewing windows for the public must be provided in the site fence at the required dimensions, height and number.

Suspended figures by Prudence Stent and Honey Long  
Photo: Peter Conroy / City of Sydney

- (c) windows for in-ground works must be removed or screened once the development is constructed to ground level and painted or finished to match the site fence (generally black).

### 3.10.7 Bill poster attachment and control (all forms of fencing)

- (a) In circumstances where bill posters are repeatedly attached to *hoardings* (in circumstances where graphics are not required to be displayed) the *City* may require the installation of steel grid mesh on the fence (see **Figure 3.47**) to prevent poster attachment. Where meshing is allowed or required the following provisions apply:
- (i) the mesh must be galvanised;
  - (ii) the wire aperture must be not less than 25mm square and have a wire diameter of 3-4mm; and
  - (iii) the mesh must be securely fixed to the site fence using plated 'U' nails or other low-profile fixings and the perimeter trimmed neatly with rebated battens to fully cover the wire end-edges (for pedestrian safety).



**Figure 3.47:** For problematic sites in the *non-city-centre* area that are regularly impacted by bill poster attachment, the display of graphics in accordance with **Part 06** may be necessary. Alternatively, meshing of site fences may be permitted subject to meeting minimum prescribed standards and obtaining the approval of the *City*.

Photo: Peter Conroy / City of Sydney

- (b) meshing is not the preferred treatment to manage bill poster attachment. For problematic sites where it is clearly demonstrated by the builder that repeated poster removal and re-painting has failed to control poster attachment or the builder fails to control posters, the *City* may require the installation of graphics (see **Part 06**) or meshing at the *City's* discretion and at the *permit-holder's* cost.

### 3.10.8 Access doors, gates and turnstiles

- (a) The number of access doors and gates in site fences must be minimised and comply with **3.15**. The following also applies:
  - (i) doorway openings and widths must be minimised;
  - (ii) doors must swing inwards only or slide internally parallel to the *hoarding* fence;
  - (iii) turnstile access is permitted where site access and security controls are required subject to the turnstile not encroaching beyond the *approved* line of the site fence; and
  - (iv) doors that exceed 2.0m in width must display graphics in accordance with **Part 06**.
- (b) The use of roller-doors at access openings is generally not allowed, however, where permitted must be of a satisfactory standard of design and durability including aspects of acceptable ongoing maintenance (easy cleaning and where necessary, repainting). Door widths greater than 2.0m will not be allowed due to the requirements to display graphics.

**Note:** It is an offence to allow a gate or door to open over a *road* (Clause 18, Roads Regulation 2018).

### 3.10.9 Utility services (pits and hatches) and metering equipment

- (a) Utility services pits and hatches must not be obstructed. Where a *hoarding* fence cannot be positioned to avoid pits the fence must be constructed to allow access or fencing designed to permit easy removal to allow access. Utility service providers must be consulted if access pits are impacted and comply with their requirements (subject to consultation with the *City*).
- (b) Where utility service pits are located behind a site fence or within a compound and/or obstructed in any way the approval of utility owner must be obtained which may require the display of appropriate signage on the fence to indicate the pit location/s and type of utility service. Easily removable panels in site fencing to access pits may also be required.
- (c) Electricity metering equipment and switchboards should be located within a site. Where the local electricity supplier/authority requires the installation of metering equipment at the site boundary (access as part of the site fence), the meter cabinet must:
  - (i) be recessed within the site fence to ensure that the closed door does not project past the fence surface plane;
  - (ii) have frames and latches/locks that do not protrude forward of the fence surface (to avoid snagging and injury of passing pedestrians);
  - (iii) have signage affixed to cabinet doors indicating the type of utility service;
  - (iv) have cabinets lockable at all times except when being accessed by authorised personnel; and
  - (v) comply fully with any requirements of applicable Australian Standards and the local electricity supply authority.



Stone Jewels by Fiona Currey  
Photo: Peter Conroy / City of Sydney

### 3.11 Element 4 - Hoarding deck, usage and overhead protection (Type-B hoardings)

#### Objectives

1. The open character of a *footway* below a Type-B *hoarding* is maintained and the amount and quality of natural light reaching the *footway* is preserved (and supplemented with artificial illumination during daylight hours) if necessary.
2. Allow a *person conducting a business or undertaking* to provide an overhead barrier to protect the *public space* from objects that may fall from a *workplace*.
3. Items placed on the deck can be contained safely.
4. Pedestrians are protected from rainwater and other liquids that may fall onto a deck.
5. Water is collected and drained from the deck in a controlled, effective and appropriate manner to prevent nuisances to the *public space* and pedestrians.
6. Provide a cleanly detailed, smooth/even surface and painted soffit including junctions of the deck to beams that is resistant to corrosion and staining.
7. In cases where a *hoarding* spans a *roadway*, to ensure that decks do not cause excessive loss of sunlight and privacy to windows of neighbouring buildings.
8. Safe and convenient pedestrian movement and amenity is maintained by providing a structurally sound protective deck (from objects that may fall from a *worksites*) and which is appropriately detailed and finished on the deck underside.
9. Safe and appropriate access and egress to and from a deck is provided (see Objectives under **3.12**).
10. Ensure items and deck usage (*site sheds*, *scaffolding* and construction *hoisting* equipment such as mast-climbing devices, suspended scaffold (and hoists) do not cause adverse visual and environmental (noise) impacts.

#### Deemed-to-comply criteria

The following requirements apply:



### 3.11.1 General

The primary purpose of a *hoarding* is to provide overhead protection to the *public space* (not for general construction-related use). This requirement is set out in **2.2.9**. Where *approval* is given for deck usage, the deck must not be used as a work platform or for associated activities other than *approved*:

- (a) *site sheds* (where permissible under **5.5**);
- (b) *scaffolding*;
- (c) associated minor ancillary structures such as awnings to provide weather protection to access walkways and stairways (and that are fully screened by the fascia); and
- (d) parking of hoists and suspended *scaffolds* (swing-stages) that have the specific *approval* of the *City* (refer to the *City's* 'Code of Practice: Hoisting and Construction Activities On and Above Roads').

**Note:** The storage of materials and equipment (other than listed above) on hoarding decks is generally not allowed unless there are clearly justified site-specific needs (see **3.11.5**) and specific *approval* is given by the *City*.



**Figure 3.48:** When placing a *hoarding* over a laneway special design considerations must be given to the potential impacts on surrounding buildings and occupants including fire-related aspects. Consultation with likely affected parties must also be undertaken (see **2.14** and **2.15** for further details).

Photo: Peter Conroy / City of Sydney

### 3.11.2 Primary features and requirements

- (a) The underside of the deck is to be painted white in accordance with Element 7 - 'Standard finishes and public information' - **3.14**.
- (b) The deck and steel beam interfaces are effectively designed and finished to prevent corrosion and staining of surfaces (water leakage at plate joins and/or condensation forming at the junctions).
- (c) Fully lined deck soffits (see **Figure 3.52**) are permitted subject to any inspections required for mandatory six-monthly certification being able to be undertaken (accessing and sighting elements including connections). The *City* reserves the right to require fully lined soffits on a site-specific basis.
- (d) Where *hoardings* are installed on sloping *footways* and the deck is stepped with the gradient of the *roadway* or *footway*, the height of the deck at the lowest point may be reduced to 2.7m subject to the vertical openings at *hoarding* segment junctions being fully sealed to provide an impervious deck structure including being painted white (see **Figure 3.50**).
- (e) The ends of highbay gantries at truck entry points must be fully sealed by steel or plywood sheeting (fascia-type finish) to fully protect the *public space*.
- (f) Where decks are trafficable such as to access *site sheds* and/or *scaffolding*, balustrades must be provided on stairways and openings to prevent falls (see **3.12** stairway enclosures).
- (g) All services such as wastewater drainage pipes, rainwater pipes and other similar pipes must be installed above the deck (not beneath) nor project through the fascia.

### 3.11.3 Deck watertightness and drainage

- (a) The deck must be impervious to liquids and designed to collect and drain rainwater via a drainage system discharging to the site (behind the site fence when one is provided) or *road gutter* (a minimum 2 per cent deck gradient must be provided).
- (b) Where water is discharged to the *footway* adjoining a street gutter:
  - (i) the downpipe/s must be attached to columns;
  - (ii) the discharge point must be located within 100-150mm of the ground surface;





**Figure 3.49:** Deck drainage pipes must be attached to columns and painted to match the column.\*



**Figure 3.50:** Hoardings on sloping sites that need to be stepped with the gradient of the footway must have the vertical openings infilled using 17mm thick structural plywood. The infill panels must be painted to match the white deck soffit.\*



**Figure 3.51:** Suspended scaffolds (swing-stages) require approval for both use and parking/placement on a hoarding deck.\*



**Figure 3.52:** Fully lined *hoarding* soffits are permitted subject to mandatory six-monthly inspection by a structural engineer able to be undertaken.\*

Offering by  
Elizabeth West  
Photo: Peter  
Conroy / City of  
Sydney



**Figure 3.52(a):** A Type-B *hoarding* showing a section of open deck (located away from the worksite) to maintain solar access to the building opposite. Proponents must consult with affected property owners as part of the hoarding design process. The placement of sheds on decks in these circumstances is discouraged. Refer to **5.5** for further requirements.\*

\*Photo: Peter Conroy / City of Sydney

- (iii) water must flow freely to the street gutter (or a garden bed/grass nature strip adjoining a column); and
- (iv) the downpipe/s painted black and white to match the finishes of the columns (see *Figure 3.49*).
- (c) Rainwater must be effectively collected and disposed of without impacting on pedestrians including along the building-line where a site fence is not installed.
- (d) Access gate openings in the fence of a Type-B *hoarding* must have appropriate gutter and water discharge systems to collect water from the deck and prevent water falling onto *public spaces*.
- (e) Decks must be checked periodically to ensure they remain impervious to liquids. Where a deck is accessible there is a greater risk of damage to membranes and sealants. Regular checking of deck watertightness must be undertaken and necessary repairs carried out promptly.

#### 3.11.4 Decks spanning roads (laneways)

- (a) Where a *hoarding* spans a *road* (laneway) and potentially impacts neighbouring properties the proponent must consider the following in the design and positioning of the *temporary structures* including proposed *site sheds* and *scaffolding*:
  - (i) potential loss of sunlight to windows;
  - (ii) privacy impacts (workers using decks);
  - (iii) security issues (unauthorised access to the deck from *public spaces*) allowing access to private property; and
  - (iv) the positioning of *site sheds* and potential impacts of noise from workers and additional loss of sunlight and/or overshadowing of windows and balconies (see **2.15** and **5.5**).
- (b) To minimise impacts the *City* may require part of a *hoarding* deck to be set back and the fascia positioned away from windows to a distance as determined by the *City* to provide acceptable solar access and to reduce other potential impacts on affected buildings (see **Figures 3.16(b)**, **3.52(a)** (and **3.13.2(a)** for fascia design)).

- (c) Surface treatments of the fascia (colour and/or a graphics) will be determined by the *City* as part of considering potential impacts and mitigation measures for affected properties.



Credit: The New Nature of Experience by Tom Blachford and Jessica Njoo

Photo: Peter Conroy / City of Sydney

- (d) Aspects relating to potential fire-spread across laneways and building frontages via *hoardings* and access by fire-fighting personnel must be considered and addressed by proponents (see **2.14**).

#### 3.11.5 Deck usage - storage and work platforms

- (a) The primary purpose of a *hoarding* deck is to form a barrier to objects that may fall from a *worksite* and thereby prevent objects impacting in the *public space*. The use of decks for site shed accommodation and/or as a work platform including the placement of material, equipment and hoists must not be assumed as being permitted.

Any proposed deck usage must be fully justified by proponents and be specifically *approved* by the *City* - see **5.5** for shed accommodation (worker facilities e.g. ablution facilities, lunchroom, first-aid etc.) for further details.

- (b) Where the *City* determines that there are sufficient grounds to allow a deck to be used as a work platform and/or for material/equipment storage, a site operation and management plan must be lodged with the *hoarding* application. The plan must provide details of the type/s of activity to be undertaken on the deck including the proposed loads, and be assessed by the engineer responsible for the design of the *hoarding* including addressing the following matters:
  - (i) determine the adequacy of the *footway/roadway* to carry the proposed loads and activities (impacts in the public space and/or damage to *City*-owned infrastructure and services);
  - (ii) consider the type/s of material, equipment and work including the type of movement to, from and on the deck and any recommendations and required *control measures* to address identified risks;
  - (iii) clearly specify on the drawings the extent and location that material and equipment can be placed on the *hoarding* deck to ensure that maximum load limits are not exceeded;
  - (iv) determine whether operational procedures and conditions of use including any *control measures* and *SafeWork NSW* requirements, apply and which must be followed in addition to the site management plan; and
  - (v) certify the design of the *hoarding* against the proposed (and *approved*) usage plan.
- (c) The person in control of the *worksite* (typically the *PCBU*) must manage the placement and movement of material, equipment and undertaking of work to ensure that the ongoing structural capability and stability of the *hoarding* is fully followed and maintained and that compliance with any operational conditions specified by the design engineer,

and required as part of a *hoarding approval*, are complied with at all times.

- (d) Where *approval* is given, all material and equipment must be screened from the *public space* (see **3.13** for requirements in relation to general fascia design and **3.13.2(a)** for fascia designs on custom-built hoardings).).
- (e) Fuel storage tanks for site cranes and other equipment including temporary electricity generators and air compressors must not be placed on *hoarding* decks unless specifically approved by the *City* after the consideration of relevant site conditions and constraints.

### 3.11.6 Superimposed loads

- (a) Superimposed loads including sheds and *scaffolding* are not permitted to be placed on *hoardings* unless shown on the certified drawings accompanying an application and forming part of an *approval*. Refer to **5.5.4** for maximum loading requirements in relation to *site sheds* and **2.8** in relation to structural design including the provisions set out in the *SafeWork NSW* Code of Practice: Overhead Structures that also addresses superimposed loads.
- (b) Dynamic loads associated with equipment usage on decks (**Figure 3.51**) such as suspended scaffold (swing-stage), materials and personnel hoists, mast-climbing platforms must also be included in the certified *hoarding* drawings.





Giant bonsais by Garry Trinh  
Photo: Peter Conroy / City of Sydney

### 3.12 Element 5 - Access stairways and enclosures (Type-B hoardings and scaffolding)

#### Objectives

1. Minimise impacts on safe pedestrian movement and amenity including for people using mobility assistance devices (wheelchairs and mobility scooters) and people who are blind or have low vision.
2. Fully screen and house access stairways and *hoarding* columns within an enclosure that has smooth surface finishes.
3. Secure a stairway by enclosure to prevent unauthorised access to the deck and/or scaffold.
4. Ensure an enclosing structure (framing members and rails) are structurally adequate.
5. Access stairways and enclosures are well constructed, sturdy, plumb and true with finished surfaces suitable for the display of graphics (where required by **Table 1** in **Part 06**).
6. Enclosures are set back an appropriate distance from kerbline to allow for the safe passage of vehicles (to avoid impacts) and provide safe and convenient access to and from parked vehicles at the kerb.



BADABABABABBAT-DA by Tegan Wotton  
Photo: Peter Conroy / City of Sydney



**Figure 3.53:** Access stairs must be fully enclosed and appropriately finished to allow the display of graphics in a single panel at the kerbside and on other surfaces with the exception of the access door and panel. as required by **Part 06**.

Photo: Peter Conroy / City of Sydney

### Deemed-to-comply criteria

The following requirements apply:

#### 3.12.1 General

Access to and from a *hoarding* deck and *scaffolding* should always be from within the *worksite* and not from the *public space*. This is necessary to:

- minimise encroachments on the clear width of *footways*;
- to maintain safe, convenient and accessible pedestrian movement past *worksites*; and
- keep the kerbside of the hoarding open to the roadway to avoid pedestrian and vehicular obstructions including maintaining natural light and illumination to the *footway*.

Where there are site constraints that prevent access from within the site, alternative means and location of access from the *public space* may be considered as part of the overall design of a *hoarding* and *scaffolding*. This must be justified as part of the application process.

Proposals seeking access to the *worksite* from a *public space* will need to take into account the configuration, constraints and usage of *footways* including:

- (a) the available *footway* width;
- (b) the locality in relation to pedestrian needs and densities (safe and convenient passage, including disability access);

- (c) restrictions due to *footway* infrastructure (lighting poles, parking control signage stems, furniture/litter bins, *street trees* and other infrastructure);
- (d) the use of kerbside lane (through-traffic movement or parking) adjoining the site;
- (e) the design of the proposed *hoarding* (column positioning and spacings and counterweighting etc.); and
- (f) other factors specific to the site conditions and *hoarding* design including any work health and safety requirements.

Where access from a *footway* is the only option available, both the proponent (typically the builder or PCBU) and the designer of the *hoarding* or *scaffold* (the *supplier*), must consider and address the matters in **3.12.2**.

#### 3.12.2 Design factors to minimise impacts

As a minimum, the following matters must be addressed in the design against the *public space* conditions and proposed work:

- (a) whether stairways should be located at ground level behind a site fence (where provided);
- (b) whether stairways and their enclosures have a minimal footprint;





**Figure 3.54:** The placement of an access stairway on a *roadway* will require the *approval* of the *City's* Traffic Operations Unit.

Photo: Peter Conroy / City of Sydney

- (c) is there sufficient available space (width) on the *footway* to maintain convenient, *accessible* and safe passage of pedestrians see **3.8** and **3.10**;
- (d) can the stairway be removed when construction or work conditions reach a point that would allow direct access from the work site to the *hoarding* deck or *scaffold* (to enable the removal of *footway* obstructions to improve pedestrian movement).

### 3.12.3 Stretcher stairs (for emergency services personnel)

In circumstances where a larger stairway footprint is required (stretcher stair) to provide access for emergency services personnel and to remove injured workers (to satisfy work, health and safety obligations), special design considerations will be necessary including considering alternative means of access and egress.

The locality constraints (of the *footway/roadway*) may not permit a stretcher stair because of unacceptable impacts on safe and convenient pedestrian movement. This may include very high pedestrian densities and need for safe wheelchair/mobility scooter access past the site. These matters and other factors must be considered early in the

*hoarding* design and site establishment planning phases.

Where a stretcher stair cannot be accommodated satisfactorily on a *footway*, alternative measures for removing an injured and immobilised worker to street level will need to be addressed. Potential alternative solutions that could be considered (subject to satisfying relevant work health and safety provisions) include:

- (a) using a site crane (where available) to hoist an injured worker within a first-aid box to street level;
- (b) where *scaffolding* is supported on the deck of a *hoarding*, incorporate a stretcher stair as part of the *scaffold* design to facilitate the movement of an injured worker to deck level for transfer to street level via an acceptable vertical movement device such as an elevated work platform available on site. This may require the safe and easy removal of a *hoarding* fascia panel to access the EWP at deck level;

**Note:** This method will require input from *hoarding* designer/*supplier*.

- (c) for sites with more than one frontage, establish a stairway on a less congested *footway* or which has a wider width to transfer the injured worker along the deck to access the stairway for transfer to street level; and
- (d) establishing a stretcher stair within the kerb-side lane (where feasible and available to do so) – see **Figure 3.54**. This will require consultation with the *City's* Traffic Operations Unit including their *approval*. This solution could also be considered in conjunction with the establishment of an *approved works zone*.

### 3.12.4 Stairway design requirements (general)

Where the *City* determines that a proposed stairway enclosure has a minor impact and may be permitted, the following design requirements apply:

- (a) the footprint must be kept to a minimum and adjoin the building/property alignment or form part of the site fence (where provided) and extend fully to the underside of the *hoarding* deck;
- (b) where a stairway enclosure adjoins and forms part of a projection to site fence, the end-panels of the stair enclosure section must be splayed at an angle of 45 degrees to the primary fence to improve pedestrian movement past the enclosure (particularly important for people who are blind or have low vision);
- (c) only one access stairway is permitted, unless additional stairways are required such as for emergency egress (travel distance), in which case not more than one stairway per street frontage is permitted (unless otherwise specifically justified and *approved*);
- (d) the site fence provisions (refer to **3.10**) in relation to plywood sheeting, access doors and surface finishes must be met;
- (e) where compliance with **(a)** is not feasible and or practicable due to factors such as:
  - (i) the proposed use of the deck (shed and/or scaffold placement, parking of swing-stages/mast-climbing platforms or other permitted equipment); and/or;
  - (ii) adverse impacts on buildings that remain operational including retail premises/shop-fronts, requiring the stairway enclosure to be placed at the kerbside, the specific design requirements in **3.12.5** apply; and
- (f) a scaffold stairway at road level that projects through the *hoarding* deck and connects to the scaffolding above must comply with **4.5.6(c)**.

### 3.12.5 Specific design requirements

The diagram at **Figure 3.55(a)** should be used in meeting the following design requirements:

- (a) the footprint of the stairway/enclosure must be kept to a minimum and not exceed 1.2m in width along a *footway*. Subject to *footway* constraints and pedestrian densities it may be necessary to reduce the footprint (length) of an enclosure by lining the underside of the stairway from a height of 2.2m above the ground surface to reduce the length of the enclosure required.
- Note:**
- AS 1657:2018 'Fixed platforms, walkways, stairways and ladders – Design, construction and installation' has design provisions for stairways that may be helpful in designing a stairway to minimise the enclosure footprint on the *footway*. *SafeWork NSW* also has guidance material for stairway design.
- (b) all *hoarding* columns, soleplates, enclosure framing elements, stairway and handrails must be placed wholly within the plywood-sheet enclosure extending to the underside of the deck to:
    - (i) form a safety barrier to the *public space* to contain errant objects within the stairway and *worksite*;
    - (ii) minimise impacts on pedestrian movement (maintaining smooth uninterrupted external surfaces);
    - (iii) enhance visual appearance through the display of graphics (see **(i)** below);
    - (iv) minimise impacts on vehicle driver viewlines particularly where enclosures are located near property driveways/carpark entrances (see **(d)** below).
  - (c) unless specifically *approved*, the stairway enclosure must not be used for storage purposes (the *PCBU* must consider risk of a fire occurrence within an enclosure that may impact on safe egress from the *hoarding* deck and/or *scaffold*);

- (d) where driver viewlines are impacted a stairway enclosure may need to be positioned away from driveway/s and/or other measures implemented such as the installation of convex mirror/s to assist drivers exiting onto a *roadway/cycleway*. Where mirrors are proposed as a safety measure specific consideration and endorsement by the City's Traffic Operations Unit will be required;
- (e) if columns and/or counterweights are within 600mm of a stairway/landing the stairway enclosure must extend to include these elements;
- (f) where a stairway is installed wholly beneath a *hoarding* deck, the enclosing wall on the kerbside should (where possible) align with the surface plane of the fascia and kerbside *hoarding* columns. Where this is not possible the enclosure fence at the kerb must be in a single plane with the fascia. The tops of the stairway screening walls are to be horizontally configured - not stepped or sloping with the stairway flight gradient above the deck (see **Figure 3.53**);
- (g) must be setback from the kerb to align with the column setbacks (see **3.8.4**). Where columns are positioned less than 600mm from the kerb and vehicle parking is permitted adjacent to a proposed stairway enclosure that will prevent occupants from safely alighting and entering vehicles, the City's Traffic Operations Unit may consider allowing changes to parking control signage to prevent vehicle parking adjoining the stairway enclosure;
- (h) where a stairway enclosure adjoins a bus transitway and/or bus stopping zone the enclosure setback from the kerb will require special consideration (refer to **3.8.4** for further details including consultation with bus operators); and
- (i) all enclosure surfaces with the exception of the access door and minor surface area above the door opening must have graphics displayed where the hoarding is required by **Table 1 in Part 06** to display graphics. Any mandatory safety/ contractor signage may be displayed on the access door;
- (j) access doors can be hinged (inward opening only) or sliding (internally). Refer to **Note 1** below. In both cases, suitably dimensioned landings at the base of the stairway must be provided to accommodate an inward door-swing and afford safe use of the stairway.

**Note:**

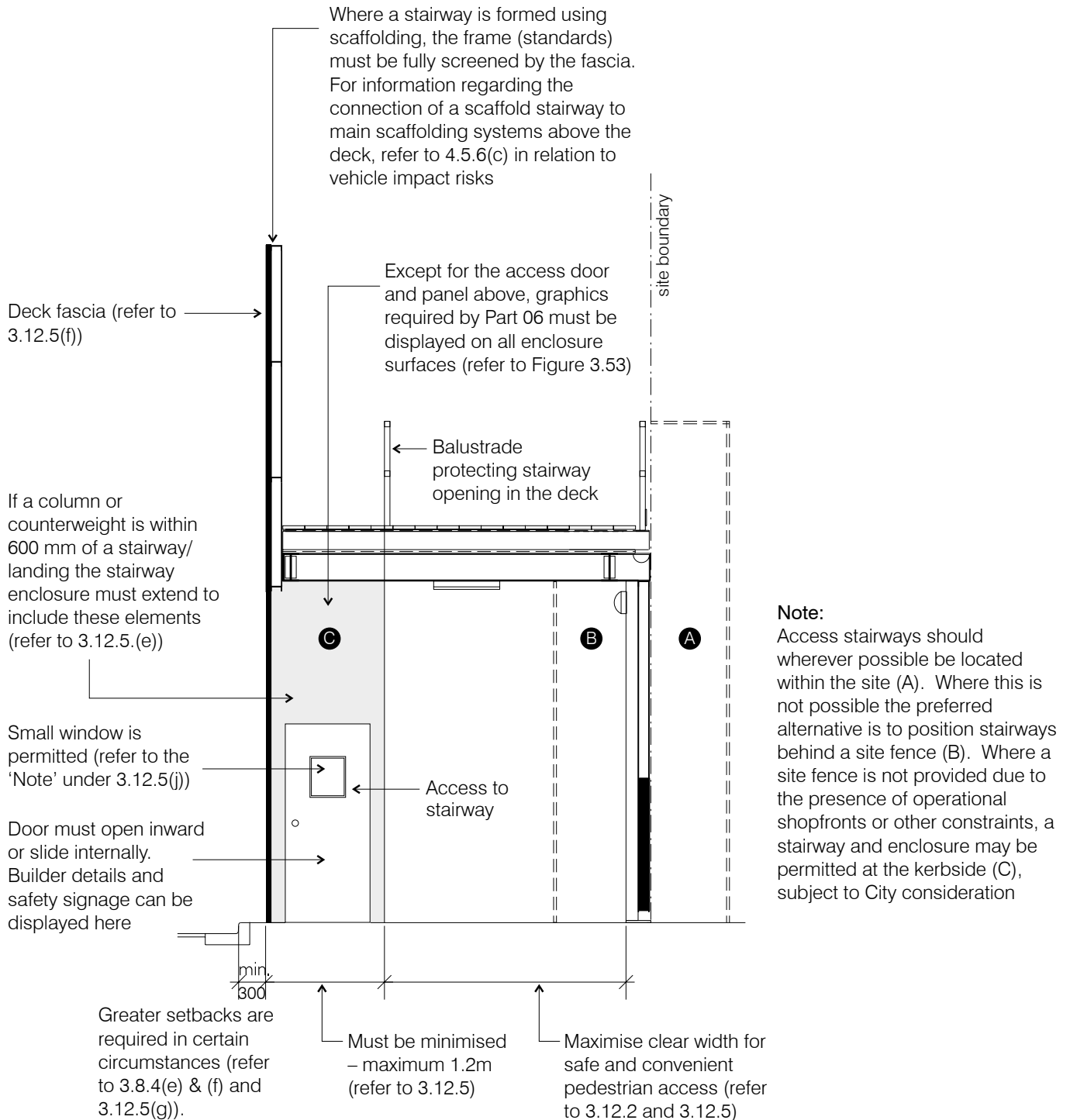
1. It is an offence under Clause 18 of the Roads Regulation 2018 to allow a door or gate to open outwards into a *road* including a *footway*.
2. A small viewing window (for worker safety) in an access door is allowed subject to:
  - the size of the window opening not exceeding 500mm square
  - the window material being 12mm thick (min.) polycarbonate sheet or laminated glass
  - the window surrounds/frame being neatly trimmed and finished.



**Figure 3.55:** Where a stairway enclosure is located beneath a hoarding deck the stairway enclosure must extend fully to the underside of the deck. Any hoarding columns or counterweights within 600mm of the stairway must be included in the enclosure.

Photo: Peter Conroy / City of Sydney

**Figure 3.55a:** Section detail showing stairway and enclosure options/design features for accessing the deck of Type-B hoardings (refer to 3.12.4 and 3.12.5)







Eyes on the horizon by Reg Mombassa (a.k.a. Chris O'Doherty)  
Photo: Peter Conroy / City of Sydney

### 3.13 Element 6 - Fascia (Type-B hoardings)

#### Objectives

1. Ensure fascia design is structurally adequate and takes into consideration the potential impacts of prevailing wind actions in the locality and the ability of the fascia elements to withstand weathering for the proposed duration of installation.
2. Minimise the size (height, bulk and scale) of a fascia by restricting deck usage to reduce visual impacts in the streetscape and nearby buildings.
3. Effectively and fully screen *approved site sheds* and other *approved* equipment from a *public space* to minimise adverse visual impacts.
4. Capture and contain objects on the deck that may fall from a *worksite* and minimise the risk of falling objects ricocheting from a *hoarding* deck into a *public space*.
5. Provide a barrier to prevent workers falling from a deck.
6. Effectively screen structural elements (see also **3.8** and **3.9**).
7. Provide appropriately detailed, configured, smooth and even surfaces to allow for the effective display of graphics.
8. Minimise impacts of fascia design, positioning and height on surrounding occupied buildings.
9. Where practicable, re-use or recycle fascia materials.

#### Deemed-to-comply criteria

The following requirements apply:

##### 3.13.1 General

Where sheds, materials, equipment and *hoisting* plant are *approved* for placement on decks, a fascia must fully screen the items to at least 100mm above the top of sheds (see also **5.5**), equipment and the base section and car of hoists when viewed from any part of a *public space*. Refer to the City's 'Code of Practice: Hoisting and Construction Activities On and Above Roads' for further details.



**Figure 3.56:** A fascia must cover all structural members of custom-built hoardings and any sheds, *approved* equipment and/or material storage (see **3.13.2(a)**). Note that the fascia of modular gantry systems does not need to screen perimeter beams and knee bracings at column connections.

Polyubiquitous by Cynthia Schwertsik  
Photo: Peter Conroy / City of Sydney



### 3.13.2 Design requirements

- (a) The fascia of custom-built/site-assembled *hoardings* must extend below the *hoarding* deck to fully cover the deck structure, beams knee-bracing and bracings (see **(b)** below and **3.8.9**).

Where installed in a laneway and the deck structure covers only part of the *road*, exposed sections (beams that are open to the sky (see **Figure 3.16(b)**) do not require fascia screening subject to all beams (including tie members between columns positioned in the same plane as the beams) being painted black (see **Figure 3.8** as an example).

- (b) Where supplementary structural beams, longitudinal bracings and truss members are used on gantry *hoardings*, the fascia must fully cover these members and extend along the full length of the hoarding including end/s, in a consistent straight horizontal line (except on sloping sites requiring the stepping of *hoardings*).



**Figure 3.57:** Example of a non-compliant design. Fascias must extend to cover the structural members in a single plane to allow graphics to extend over the entire surface (circled yellow). Note also that all structural members to the soffit of the deck are to be painted white.

Photo: Peter Conroy / City of Sydney

- (c) Fascia panels must be constructed from durable impervious material such as structural plywood or sheet steel that is capable of accommodating graphics (see **Part 06**). Other material may be permitted where it can be clearly demonstrated that it meets the objectives of **3.13**, can effectively accommodate graphics and comply with any applicable provisions of work safety codes of practice.
- The design of a fascia and materials used must be risk assessed based on the site works and any usage of a hoarding deck.
- (d) Fascia panels must be neatly butt-joined with minimal openings/gaps. For tall fascias (exceeding 1.0m) the fascia must have no or minimal openings/gaps to allow for quality presentation/display of graphics. Refer to **3.16.2** (site fences) for details of fixings and required surface quality and finishes.
- (e) The fascia design must be consistent in height to provide a quality surface finish particularly for the effective display of graphics.
- (f) On sloping sites a fascia may be stepped (see also **3.11.2(d)**). Any stepping must be minimised to maximise the surface area and horizontal plane of each panel to ensure a high quality presentation of graphics. Generally, fascia panels must be levelled where the difference in height between two adjoining panels is less than 200mm.
- (g) Fascias and associated bracings to the deck must be designed to withstand all likely imposed loads including wind actions in the locality. This is particularly critical where *hoardings* are located in expansive open areas such as:
- (i) near parks, reserves and squares;
  - (ii) harbourside locations;
  - (iii) vacant sites;
  - (iv) sites on which buildings are proposed to be demolished (loss of wind-shielding); and
  - (v) where concentrated wind forces (including wind-funnelling caused by tall buildings in the locality) are likely e.g.: in the *city-centre* and other areas with surrounding multi-level buildings.
- (h) Fascias must be fully and securely braced using durable and structurally adequate elements (based on site risk assessment) including appropriate and durable fasteners (screws/bolts are mandatory) Nailing is not permitted; and
- (i) Fascias must be designed and installed to fully accommodate *street tree* canopies. Where this is not possible and minor branch trimming is required, refer to **3.17** for further details.
- (j) The re-use of suitable quality material in the construction of a fascia is encouraged. The further re-use and/or recycling of the material is also encouraged when the hoarding is removed.



Photo: Peter Conroy / City of Sydney

### 3.14 Element 7 - Standard finishes and public information (Type-A and Type-B hoardings)

#### Objectives

1. Provide a surface suitable for the display of high quality graphics to enhance the *public space*, add visual interest in the locality and mitigate adverse visual impacts of construction sites in the streetscape.
2. Minimise adverse visual impacts of *temporary structures*.
3. Establish consistent colour standards and finishes that enhance the *public space*.
4. Provide for variations to the colour standards in specific circumstances.
5. Provide for the legible, well designed and appropriately placed public information about the development or work.
6. Provide community information (where appropriate in the locality) and specific public art where required by the *City* and this Code.

#### Deemed-to-comply criteria

The following requirements apply:

##### 3.14.1 General

- (a) The standard colours that must be used are:
  - (i) steel frame structure; fascias; screening over longitudinal bracing; counterweights; and site fence: black, with white bandings and markings on columns and corners of counterweights; and
  - (ii) soffit of the *hoarding* deck; beams; and vertical infill panels (see **Figure 3.52**) – white.
- (b) Non-standard colours may be permitted subject to site-specific consideration and *approval*. Corporate colours or colour tones similar to corporate colours, are not permitted. Refer to the City's 'Creative Graphics Design Guide for Temporary Structures (hoardings and scaffolding)' for further information and requirements.

##### 3.14.2 Graphics

- (a) Graphics must be displayed in accordance with **Table 1** in **Part 06** and comply with the City's 'Creative Graphics Design Guide for Temporary Structures (hoardings and scaffolding)';
- (b) Displays on *hoardings/scaffolding/compounds* must meet the following:



- (i) exhibit a vibrant artistic content or historic images (associated with heritage-listed buildings);
- (ii) display permissible information of community benefit or interest in accordance with **Table 2** in **Part 06**;
- (iii) display other material or public information as required by the *City*; and
- (iv) be installed on all surfaces including end-panels of the site fence and fascia, large access doors and gates (greater than 2.0m in width). Refer to the *City*'s 'Creative Graphic Design Guide for Construction-related Temporary Structures (hoardings and scaffolding)' for further details.

**Note:** The *City* as owner of the land on which a *temporary structure* is installed, may require an applicant to install specific public art and/or community information on site fences and/or the fascias of *hoardings* including on *scaffolding* (see **Part 06**). The *permit-holder* is also responsible for maintaining the graphic for the full duration of required placement or for the full period of the *temporary structure approval*.

### 3.14.3 Signage

- (a) A prominent and water-resistant sign containing the information listed below must be displayed at the boundary of the site in accordance with the relevant Regulations and conditions of *approval*:
  - (i) that unauthorised entry is prohibited;
  - (ii) the name of the principal person in control of the *worksite* and who is responsible for the site and the *hoarding*; and
  - (iii) a 24 hour emergency contact name and telephone number of the person in control of the site.
- (b) The property number and the building name (where applicable), must be clearly displayed on the fence or fascia of a Type-B *hoarding* or on the site fence of a Type-A *hoarding* where the property number on the building is obscured.



Photo: Peter Conroy / City of Sydney



Obstacle Course by Elliot Bryce Folkes

Photo: Peter Conroy / City of Sydney



Photo: Peter Conroy / City of Sydney

- (c) A copy of the front page of the *hoarding approval* determination (the permit) placed within a durable waterproof clear covering or plastic sleeve must be securely affixed in a prominent position such as near the site access doorway in the *hoarding* fence.
- (d) The excessive display of a developer's or principal contractor's name on *temporary structures* is not permitted. Where signage is proposed it must comply with **Table 2** in **Part 06**.
- (e) Real estate sale and leasing signage including agent/developer contact details must not be displayed on *temporary structures* unless *development consent* is first obtained.
- (f) Information about the development or site can form part of the community information panel as set out in **Table 2 (Part 06)**.
- (g) Other than the name and 24/7 contact details of the *hoarding supplier*, the names of sub-contractors, material/equipment *suppliers* or other similar signage must not be displayed unless specifically *approved* by the *City*. Refer to **Table 2** in **Part 06** for permissible corporate signage/branding and development information.
- (h) Where specific approval is given to allow the illumination of graphics and public information (additional to standard lighting systems applying to Type-B *hoardings*), the lighting system must not cause adverse impacts such as glare in the locality particularly to residential buildings. Where necessary, luminaires are to be shielded to the *City's* requirements/directions. Flashing lights or signs are not permitted.
- (i) All surfaces, graphics and information panels must be fully maintained to an acceptable standard as determined by the *City*. See **Part 06** for installation requirements.
- (j) See **2.16** for provisions regarding temporary *business identification signage* on *hoardings* and **2.17** relating to wayfinding signage.

#### 3.14.4 Advertising

Commercial advertising on *temporary structures* is generally not supported. The focus for *hoarding* surface finishes is to support Australian artists and promote the display of public art and city history in *public spaces* on which *hoardings* are installed and used. Where the display of advertising content is sought:

- (a) *development consent* must be obtained for any proposed advertising on *hoarding* fascias, site fences or *scaffolding* through the lodgement of a development application; and
- (b) where advertising is *approved* through a *development consent* and will produce a financial return to the owner/occupier of the site, the *City* as landowner over which the *temporary structure* is erected or proposed to be erected, will require the owner or occupier of the site to negotiate with the *City* an appropriate percentage distribution of the advertising income.





People. Places. Culture. by Noni and David Cragg  
Photo: Peter Conroy / City of Sydney

### 3.15 Element 8 - Access gates and pedestrian/cyclist/traffic control (Type-A and Type-B hoardings)

#### Objectives

1. Fully secure the site from the *public space* and protect the public from activities on the *site*.
2. Ensure access gates and doors are structurally sound and securely fixed using appropriate and durable hinges, door rollers, guides and fasteners.
3. Minimise the number of access points/openings to a site, particularly vehicle access openings, to minimise impacts such as impeding the free flow of pedestrian passage through stoppages at pedestrian and cyclist control gates.
4. Maintain safety for pedestrians and cyclists at truck access points when vehicles are entering and exiting a site.
5. Minimise impacts on *cycleways* adjoining *worksites*.
6. Minimise pedestrian obstructions and mitigate risks/impacts on pedestrian and cyclist movement.

7. Ensure that the sheeting to gates and doors, framing members, battens and fixings are structurally adequate and meet the objectives for site fencing.
8. Provide smooth surfaces on access gates and doors for the display of graphics.
9. Truck access openings in *hoarding* site fencing during excavation or in-ground works are adequately protected to resist impact loads from the *public space* side of the fence.



**Figure 3.58:** Large access doors/gates in site fences must be adequately framed, finished and supported. Doors, hinges and roller systems including connections must be specified, checked and certified by the design engineer.

Photo: Peter Conroy / City of Sydney



## Deemed-to-comply criteria

The following requirements apply:

### 3.15.1 General

- (a) The number of access points (gates and doors) must be minimised to reduce impacts on the public *footway* (site personnel and vehicles entering and exiting a site) and to provide a clean and uninterrupted surfaces on the site fence for the display of graphics.
- (b) Effective rainwater gutters and water discharge systems must be installed above truck access openings in the site fence of Type-B *hoardings* to collect water from the hoarding deck (preventing 'water-falling' onto the *public space* surface below) - see also **3.11.3** for further details.

### 3.15.2 Design requirements

- (a) Vehicle and personnel access gates in a site fence must either slide internally or open inward.  
  
**Note:** It is an offence to allow a gate or door to open over a *road* (Clause 18, Roads Regulation 2018).
- (b) Roller-shutter doors on access openings are generally not permitted. Where specific *approval* is given a door must
  - (i) be painted black;
  - (ii) meet acceptable durability standards and maintenance requirements (effective ongoing cleaning and where necessary, re-painting); and
  - (iii) satisfy any work safety requirements including any applicable codes of practice published by *SafeWork NSW*.
- (c) Access gates must be lockable and remain closed when access is not required.

### 3.15.3 Vehicle access gates

- (a) Access gates must:
  - (i) be of solid durable plywood (structural grade complying with **3.10.2(e)**) or sheet steel (subject to satisfying any work health and safety codes of practice). Chain-link or welded mesh gates are not permitted;
  - (ii) be securely fixed to a structurally sound frame and door roller beam (sliding gates); and

- (iii) for a Type-B *hoarding*, extend to the underside of the deck and be close-fitting to the frame and the ground surface to prevent unauthorised access, contain debris within the site, and afford protection to the *public space*.



Time Forms by Lisa Sammut

Photo: Peter Conroy / City of Sydney

- (b) To ensure safe man-handling of large access gates particularly at high-bay truck access openings, the mass of doors/gates can be reduced by using sliding or two-leaf side-hinged doors. Barn-type doors are also allowed subject to the doors being close-fitting. To reduce door mass, steel sheeting in lieu of 17mm structural grade plywood sheeting is permitted subject to satisfying any risk assessment and work health and safety requirements including *SafeWork NSW* codes of practice. Refer also to **3.10.2(j)**.
- (c) Gates/doors at truck access points must comply with the following:
  - (i) generally a minimum height clearance of 4.5m to the underside of Type-B *hoardings* must be provided. For sites where small truck access only is proposed, a reduced height is permitted;
  - (ii) minimum height clearance signage must be displayed on the *hoarding* beam or fascia above the driveway; and
  - (iii) unless otherwise specifically approved, access gate width must, match the width of the approved temporary construction *vehicular crossing* (generally 6.0m wide) - refer to the City's 'Code of Practice: Hoisting and Construction Activities On and Above Roads' and construction standards.

- (d) Vehicles entering and exiting a site must be under traffic control complying with the 'Guide to Traffic Engineering Practice' and to the current AS 1742 - Part 3 'Manual of uniform traffic control devices – Traffic control devices for works on roads'. Further details are available in the City's 'Code of Practice: Hoisting and Construction Activities On and Above Roads'.
- (e) Where access openings are in proximity to deep excavations and/or in-ground works, special consideration including risk assessment in accordance with work health and safety obligations must be made. Where potential hazards are identified the design and location of the opening will need to be modified to prevent vehicles falling into the excavation. Refer to **2.13** for details.
- (b) Concertina gates are to be removed from the *public space* at the end of each days' work or be secured in place (locked back) to prevent unauthorised use outside of standard work times. Gates must not encroach on the clear *footway* and *cycleway* width when not in use.
- (c) Concertina control gates on *cycleways* must be separate to the pedestrian control devices and be controlled by accredited persons (see **Figure 3.59**).
- (d) A pedestrian and *cycleway* management plan must be included with the *hoarding* application where a *works zone approval* is not in place or proposed for the site.
- (e) Where truck access is required and an existing *vehicular crossing* is proposed to be used, an assessment of the structural adequacy and dimensions of the *crossing* (to fully accommodate all truck wheels) must be provided to the *City* and *approval* given before commencing use (refer to the 'notes').

### 3.15.4 Pedestrian and cyclist control gates

- (a) Pedestrian and *cycleway* control gates (concertina fences not higher than 1.0m) at truck access points (see **Figure 3.59**) must be used to ensure the safe movement of people walking and cycling past a site when vehicles are entering and exiting. Control gates must be placed on each side of an access driveway and are to be manned by appropriately accredited persons.



**Figure 3.59:** Concertina gates to control pedestrian and cyclist movement at truck access points are mandatory in the *city-centre* and in other busy pedestrian areas outside the city-centre. Gates must be provided on each side of *vehicular crossings* including *cycleways*. Specific *approval* of the *City* must be obtained before installation/usage.

Photo: Peter Conroy / City of Sydney

#### Notes:

1. An application must be lodged for the construction of temporary *vehicular crossings* or any required or proposed modifications to an existing crossing - refer to the City's 'Code of Practice: Hoisting and Construction Activities On and Above Roads' for further information. The *City* must also endorse the use of an existing *vehicular crossings* for excavation/construction-related purposes.
2. Where a *works zone approval* is to be sought, a pedestrian and *cycleway* management plan must be included as part of the construction traffic management plan (CTMP) - see also the *City's* 'Code of Practice: Hoisting and Construction Activities On and Above Roads' for further details.



Photo: Peter Conroy / City of Sydney

## 3.16 Element 9 - Lighting (Type-B hoardings)

### Objectives

1. Ensure the effective illumination of *footways* and *roadways* with a minimum shadowed areas to maintain the safety and amenity of pedestrians.
2. Provide adequate and effective illumination of *cycleways* with a minimum shadowed area to ensure the safe passage of cyclists and also to afford effective visual sighting of pedestrians crossing *cycleways* at night.
3. Provide effective illumination of graphics on the site fence of Type-B *hoardings*.
4. Minimise light-spill and glare impacts on surrounding properties.
5. Ensure that electrical cabling is installed in accordance with applicable standards; the *SafeWork NSW* Code of Practice: Overhead Protective Structures; and is appropriately protected from impact.

### Deemed-to-comply criteria

The following requirements apply:

#### 3.16.1 General

- (a) Lighting systems and illumination levels beneath a *hoarding* must comply with the following:
  - (i) luminaires (light fittings) are mounted on the site fence or the underside of the hoarding deck (or both), subject to **(d)** and **(g)**;
  - (ii) achieve an illuminance not less than:
    - for *footways* and *roadways*, 30 lux average with a minimum at any point of 10 lux; and
    - for *cycleways*, 40 lux average with a minimum at any point of 10 lux with external lighting over each portal to adequately illuminate the *hoarding* portal elements and caution signage (**Figures 3.61**), in accordance with AS/ NZS 1158.3.1: 2020 'Lighting for roads and public spaces' and the *City's Sydney* Light Code.





**Figure 3.60:** In areas of disrupted *footway* grades such as at truck access crossings and where temporary pedestrian ramps are installed (see **Figure 3.32**), greater illumination intensity must be provided to improve pedestrian safety.

Photo: Peter Conroy / City of Sydney



**Figure 3.61:** Lighting systems over a *cycleway* must meet a greater illumination standard than that applying to *footways*.

Photo: Peter Conroy / City of Sydney

- (b) Where luminaires (light fittings) and wiring conduits are installed on the site fence, they must be mounted high on the fence to ensure that the minimum coverage controls for graphics is achieved (see **Part 06**).
- (c) Where there are site-specific hazards such as:
  - (i) *approved* pedestrian ramps over concrete pumping static lines;
  - (ii) disrupted (temporary) *footway* paving or surfaces;
  - (iii) an approved temporary construction truck access *crossing*;
  - (iv) *hoarding* columns located more than 300mm from the kerb or placed within the main pedestrian thoroughfare;

- (v) long lengths of enclosed *hoardings* (where *approved*) including at access stairway enclosures on *footways*; or
- (vi) *hoardings* that span a wide *footway* (greater than 3.6m),

luminaires may need to be mounted on the underside of the *hoarding* deck along the centre-line to maximise illumination of the *footway* or alternatively, greater lighting intensity and/or additional luminaires installed on the site fence to adequately illuminate the full width of the *footway* surface to achieve minimum illumination levels in **(a)**.

- (d) Where a Type-B hoarding is installed above a street awning and there is no lighting system or insufficient lighting below the awning, luminaires must be installed on the hoarding site fence, columns or on the underside of the awning to adequately illuminate the *footway* and supporting columns/counterweights.
- (e) Luminaires must be LED.
- (f) Luminaires illuminating a *cycleway* must be mounted on the *hoarding* soffit above the centre-line of the *cycleway*.



**Figure 3.62:** All wiring for lighting systems must be placed within conduits complying with the applicable wiring standards. Conduits on site fences must be painted to match the background colour surface (black). Where installed on the underside of the deck, conduits must be white or grey.

Photo: Peter Conroy / City of Sydney

- (g) Cabling of lighting systems (including proposed additional street lighting systems (see **3.16.5**), must be housed within conduits complying with applicable Australian Standards and the *SafeWork NSW Code of Practice: Overhead Protective Structures*.

- (h) Wiring/conduits must be securely and neatly fixed to the *hoarding* structure.
- (i) Conduits must be painted to match the colour of the site fence (typically black) or of a light colour (white or grey) when installed on the underside of the deck (white) - see **3.14**.

### 3.16.2 Operation and maintenance

- (a) Lighting systems must be checked at least weekly to ensure all luminaires remain operational.
- (b) Lighting systems must operate as follows:
  - (i) where a *hoarding* spans over a *cycleway* and *footway* or a laneway, the lighting systems must operate at all times;
  - (ii) for all *hoarding* installations other than in (i), lighting systems must be controlled by:
    - daylight sensors located under a hoarding to ensure the system operates automatically when there are low levels of natural light; or
    - timers programmed to commence operation at least one (1) hour before sunset and turn-off not less than one (1) hour after sunrise (and the timer adjusted at least fortnightly);
  - (iii) in areas with low levels of natural light such as in locations surrounded by tall buildings and/or dense *street tree* canopies the lighting system may need to operate at all times.

### 3.16.3 Light-spill

- (a) Lighting systems must not result in excessive light-spill where *hoardings* adjoin or are located opposite residential-type buildings. Where nuisances arise the *City* may require modification of the system.
- (b) There must be no upward light-spill into open space.
- (c) Lighting glare must be controlled in accordance with AS/NZS 4282:2023.

### 3.16.4 Lighting during hoarding installation

Lighting systems (permanent or temporary) must be installed and made operational at the end of each hoarding installation work shift/installation stage to illuminate the area beneath the *hoarding* to ensure the safe passage of pedestrians and cyclists throughout the hoarding installation phases.

### 3.16.5 Impacts on existing street lighting

Where a *temporary structure* impacts on street lighting poles and systems the *City* may require (or the builder may request) adjustments and/or mounting of temporary lighting systems including support frames on a *temporary structure*. Where permitted, the following will apply:

- (a) at the full cost of the proponent/applicant, modify the pole and/or luminaires to ensure there is no loss of *road* illumination in the locality;
- (b) where replacement luminaires are proposed to be mounted on a *temporary structure*, details (including drawings) must be included with an application together with certification from the design engineer for the *temporary structure*;
- (c) in cases where a *temporary structure* is *approved* and it is later found that street lighting illumination levels are adversely impacted requiring the mounting of temporary luminaires (with or without any supporting structures on the *temporary structure*) an application to seek amendment to the permit must be lodged for assessment (and *approval*); and
- (d) lighting and illumination levels are subject to compliance with existing light levels and light-spill provisions set out in **3.16.3**.

**Note:** It is an offence under Clause 13 of the Roads Regulation 2018 to obscure a street light. Lighting systems must therefore provide adequate illumination of the *public space* at night.





Photo: Adam Hollingsworth / City of Sydney

### 3.17 Element 10 - Street tree and street garden protection and maintenance (Type-A and Type-B hoardings)

#### Objectives

1. Provide effective protection of *street trees* at *workplaces*.
2. Minimise adverse impacts on trees including the need for pruning by accommodating tree canopies as part of a *temporary structure's* design;
3. Monitor and maintain the health and general condition of *street trees* and street gardens throughout a project; and
4. Monitor tree-protection systems and repair/rectify where required.

#### Deemed-to-comply criteria

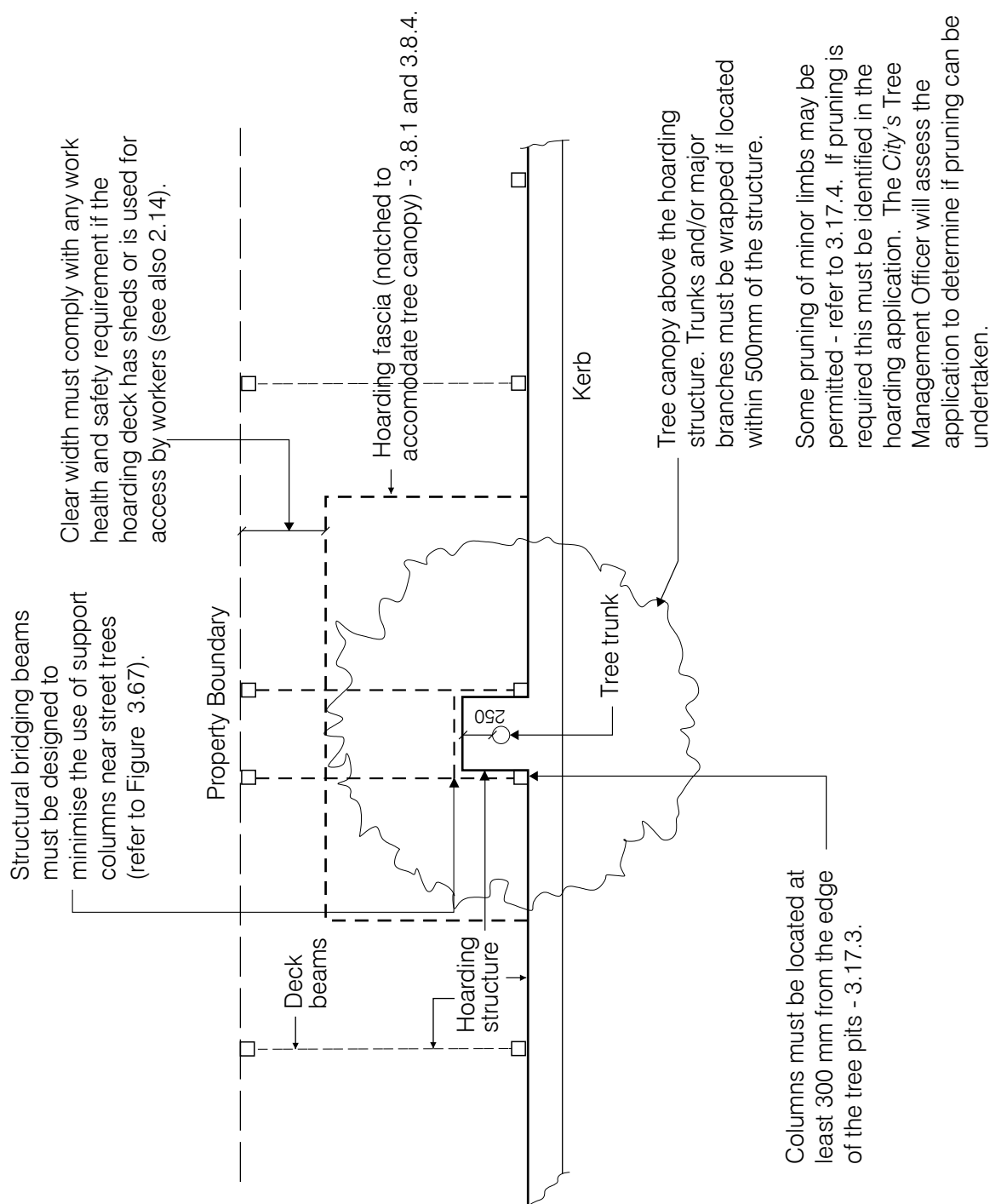
The following requirements apply:

##### 3.17.1 General

- (a) Where *street trees* adjoin a development or *worksites* the following must be addressed and satisfied:

- (i) their location, height, canopy volume/diameter, health and condition must be ascertained when preparing a temporary structures application;
  - (ii) tree trunks, branches and canopies must be accommodated as part of the design process;
  - (iii) the proponent and/or the *supplier* of the *temporary structure* must obtain advice from a suitably qualified arborist in relation to necessary clearances required between the tree/s and the *temporary structure* in order to minimise the need for pruning and to protect the health of the tree/s, particularly when lengthy construction timeframes are anticipated (see also **(b)** below); and
  - (iv) where an assessment finds that the design cannot fully and satisfactorily protect the tree unless minor pruning is required this must be clearly identified in the application and accompanying reports.
- (b) Additional to **(a)**, where *street trees* and/or street garden beds are likely to be affected applicants must detail in the *temporary structures* design and application all mitigation measures to be implemented. This may require the submission of a report from a qualified arborist to enable the *City's* Street Tree Officers to thoroughly assess and determine potential impacts.

**Figure 3.63:** Plan view. Where *street trees* are affected by *hoardings* minimum design elements and treatments must be incorporated and implemented. Type-B *hoardings* must be designed and installed to accommodate *street trees* including notching decks and fascias around trunks and canopies. This may require the use of bridging beams (see **Figure 3.67**). Multiple support columns around trees are not permitted.



Specific additional protection measures may also be required through the *development consent* and/or *temporary structures approval*.

- (c) *Temporary structures* must be designed and installed to prevent impact on trees. Plans must clearly and accurately show the position of trees in relation to a proposed *temporary structure* and demonstrate how affected trees will be protected. Required tree protection must be installed before a *temporary structure* is installed (see **Figure 3.64**).



**Figure 3.64:** Tree trunks must be fully protected prior to the erection of the *temporary structure* and unless specifically directed by the City, remain in place for the full duration of the development or work. Timber battens protecting trunks must be securely fixed using flexible steel or durable fabric banding and the band-ends finished neatly to avoid protruding sharp edges. The City's preference is for fabric strapping to be used (securely fixed and maintained tautly).

Photo: Peter Conroy / City of Sydney



**Figure 3.65:** Hoardings must be designed to minimise impacts on tree canopies. Penetrations in fascia elements is permitted to accommodate limbs and branches.

Dancing Fig Trees by Richard Briggs  
Photo: Peter Conroy / City of Sydney



**Figure 3.66:** Where *street tree* surface roots are exposed and the use of the tree pit is needed to increase the width of the pedestrian passageway past a *hoarding*, temporary minor ramping using non-slip plywood sheeting to span over roots may be permitted.

Photo: Peter Conroy / City of Sydney



- (d) For trees with large trunks and canopies it may be necessary to notch the *hoarding* structure and/or fascia to accommodate a tree canopy or to minimise the amount of branch pruning that may be required. Where pruning is required this must be identified in the application.
- (e) Where specific *approval* is given to allow decks to be used for material/equipment storage (see **3.11.5**) high fascias adjoining tree canopies may need to be designed to avoid impacting on the tree/s. In some cases the use of hoarding decks and tall fascias near tree canopies may not be allowed.



Faraway gums by Billy Ryan  
Photo: Peter Conroy / City of Sydney



**Figure 3.67:** Hoardings must be designed to minimise impacts on tree canopies and maintain clear pedestrian passage. This can be achieved by designing a system of strategically placed columns and bridging beams (see also **Figure 3.63**).

Waves Like Trees You Can't Imagine by Zev Tropp  
Photo: Peter Conroy / City of Sydney

- (f) Where a *hoarding* deck is required to be set back to accommodate *street trees*, multiple columns around the tree to support the deck are not permitted. The deck must be supported by a system of bridging beams at the deck level (see **Figure 3.67**).

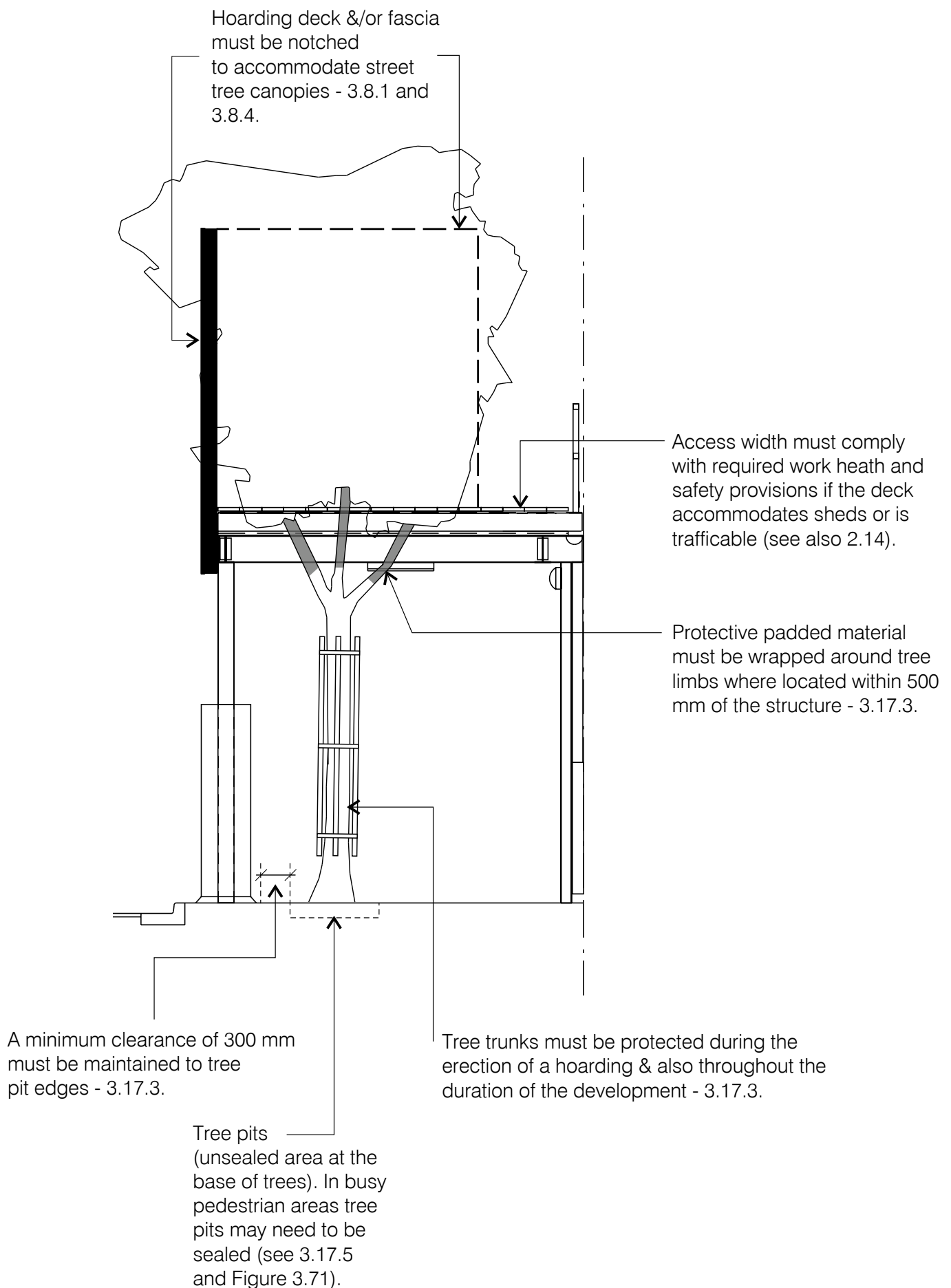
### 3.17.2 Removal of street trees

- (a) The removal of *street trees* simply to allow for the installation of a *temporary structure* will not be permitted. Where trees are in poor health and/or condition and it is demonstrated that they must be removed to accommodate specific site needs, the *City* may allow tree removal subject to the applicant agreeing to replace affected trees and maintain them for a prescribed period after the *temporary structure* is removed.
- (b) All costs associated with the removal of trees and their replacement and maintenance (see **3.17.7**) must be borne by the applicant and will be subject to the lodgment of a *performance bond* and/or advance payment (see **1.15.2**).

### 3.17.3 Street tree protection

- (a) Tree trunk and major limb protection must be undertaken prior to installation of *temporary structures*. The protection systems must be installed by a qualified arborist (AQF Levels 2 or 3) including satisfying the following:
  - (i) an adequate clearance, (minimum 250mm), between the structure including *site sheds* and *hoarding* fascias tree branches, limbs and trunk must be maintained at all times;
  - (ii) tree trunks and/or major branches located within 500mm of any part of a *temporary structure* must be wrapped with protective padded material (hessian is not acceptable) to prevent tree injury;
  - (iii) timber battens (50mm x 100mm or similar) must be placed around tree trunks with battens spaced at 100mm intervals and fixed against the trunk using metal or durable plastic strapping with connections appropriately finished or covered to protect people from snagging injury (see **Figure 3.64**). The padding fabric and timber battens must not be fixed to the tree; and
  - (iv) tree trunk and major branch protection are to remain in place whilst the *temporary structure* is in place and must be removed at the completion of the project.

**Figure 3.68:** Section detail - Where *street trees* are affected by *hoardings*, minimum design elements and treatments must be incorporated.





- (b) For *temporary structure approvals* exceeding 6 months, 3-monthly reports from a qualified arborist (min AQF Level 5) must be submitted to the *City's* Tree Management Officer to assess whether the tree protection and mitigation measures are being fully and effectively implemented to maintain the healthy condition of the tree/s.
- (c) All supporting columns of *temporary structures* or *scaffolding* must be placed at least 300mm from the edge of existing tree pit edges so that no subsidence or damage occurs. If this is not possible appropriate *approved* measures must be implemented to distribute the loads to prevent damage to the tree surrounds.



**Figure 3.69:** The positioning of support columns must accommodate *street trees* including minimum setbacks from trunks, roots and tree pits. Street gardens must also be maintained (kept clean and tidy) for the full period of installation.

Photo: Peter Conroy / City of Sydney



**Figure 3.70:** Where damage occurs to *street tree/s* the *City* must be notified. A Court Attendance Notice to seek prosecution may be commenced by the *City*. The *performance bond* held against the *approval* (permit) will also be used to replace damaged trees including costs for required maintenance over a period of at least 12 months.

Photo: Peter Conroy / City of Sydney

#### 3.17.4 Tree pruning

- (a) The consent of the *City* must be obtained prior to the undertaking any *street tree* pruning works (including tree roots). Only minor pruning works will be *approved* to accommodate *temporary structures*; and
- (b) Any pruning that is *approved* must be carried out by a qualified arborist (min. AQF3 Level 3) in accordance with AS4373 'Pruning of Amenity Trees'.

#### 3.17.5 Protection of native wildlife

Where *street trees* are present in the area of a proposed *temporary structure* installation such as a Type-B hoarding and/or scaffolding, and tree pruning is proposed to accommodate the structure/s, the following must be satisfied:

- (i) an assessment/search for tree wildlife including the presence of nests must be undertaken; and

- (ii) where there is evidence of wildlife, a detailed assessment must be carried out by a trained wildlife handler; and
- (iii) the findings must be discussed with the City's urban ecology coordinator.

### 3.17.6 Maintaining clear pedestrian pathways

- (a) Where a *hoarding* site fence is *approved* to encroach onto a *footway* that results in a reduction in the available clear pedestrian width and there are unsealed *footway* surfaces at the base of trees, the tree pit surface (if not flush with the *footway*) must be made safe and level using stabilised decomposed granite.
- (b) Where a temporary surface is installed it must be maintained in a sound and safe condition level with the *footway* surface for the duration that the *hoarding* is in place. The *footway* surface must be swept regularly to remove any crushed granite material walked or scuffed from the tree pit.
- (c) For sites where a *hoarding* will be in place for more than 12 weeks or is located in a high pedestrian traffic area, the City may require the tree pit surface to sealed using resin-bonded porous paving to a depth of 50mm or otherwise as specified by the City (see **Figure 3.71**).



**Figure 3.71:** Where a *temporary structure* is in place for a lengthy period (as determined by the City) and there is a need to maximise the available *footway* width, resin-bonded porous granular paving may be required to stabilise and level tree pits.

Photo: Peter Conroy / City of Sydney



**Figure 3.72:** *Temporary structures* must be designed to prevent unnecessary pruning of *street trees*. Where essential pruning is necessary this must be identified in the application form.

Photo: Karen Sweeney / City of Sydney

### 3.17.7 Tree and street garden damage

- (a) Where the *permit holder* fails to undertake required works, maintenance or supply information (reports) on affected trees and garden beds, the *performance bond* will be used to:
  - (i) undertake remedial repairs to damaged trees, garden beds and other areas;
  - (ii) obtain an arborist's report on the condition of trees and any required remedial repairs;
  - (iii) replace *street trees* or shrubs resulting from negligent or accidental damage associated with the *temporary structure's* placement; or
  - (iv) install or maintain required tree protection devices as required by this Code and/or a condition of *approval*.

Throughout the duration of a *temporary structure* placement the condition of the tree pits must be monitored for safe condition and be appropriately maintained to mitigate potential trip and slip hazards. Damaged or sunken tree pits resulting from the development, *temporary structure* or work activity on the site that are not repaired may be rectified by the *City* and the costs associated with this work will be recovered from the *performance bond* held against an *approval*.

- (b) Any damage sustained to *street trees*, street garden beds or landscaping as a result of the *temporary structure* installation is to be reported immediately to the *City's* Tree Management Officer to determine the appropriate action for maintaining the health and structural integrity of the tree/s and safety of pedestrians.

**Note:** The *City* will enforce the Tree Management Controls contained within the Sydney LEP 2012 and the Sydney DCP 2012 in relation to damage to trees, with fines of up to \$100,000 in the Local Court and \$1,100,000 in the Land & Environment Court. In addition, the Court may also require the person or corporation having the benefit of an *approval* to replace damaged or destroyed tree/s and to maintain replacement tree/s to maturity (see **3.17.8**).

### 3.17.8 Tree replacement and maintenance

- (a) All replacement *street trees* must be maintained by a qualified horticulturist or arborist (minimum AQF Level 2) for a minimum period of twelve (12) months. Maintenance must conform with the technical planting details of the *City's* Street Tree Master Plan.
- (b) The maintenance period will commence from the date of inspection by the *City's* Street Tree Contracts Coordinator who will confirm in writing that the tree/s have been planted in accordance with the *City's* specifications. Should the tree/s die or be substantially damaged within the 12 months maintenance period replacement tree/s must be planted by the applicant at their cost and the 12 months maintenance period will recommence.

At the end of the maintenance period formal notice must be given to the *City* seeking handover. Trees will be assessed and if confirmed as satisfactory, the *performance bond* will be returned.



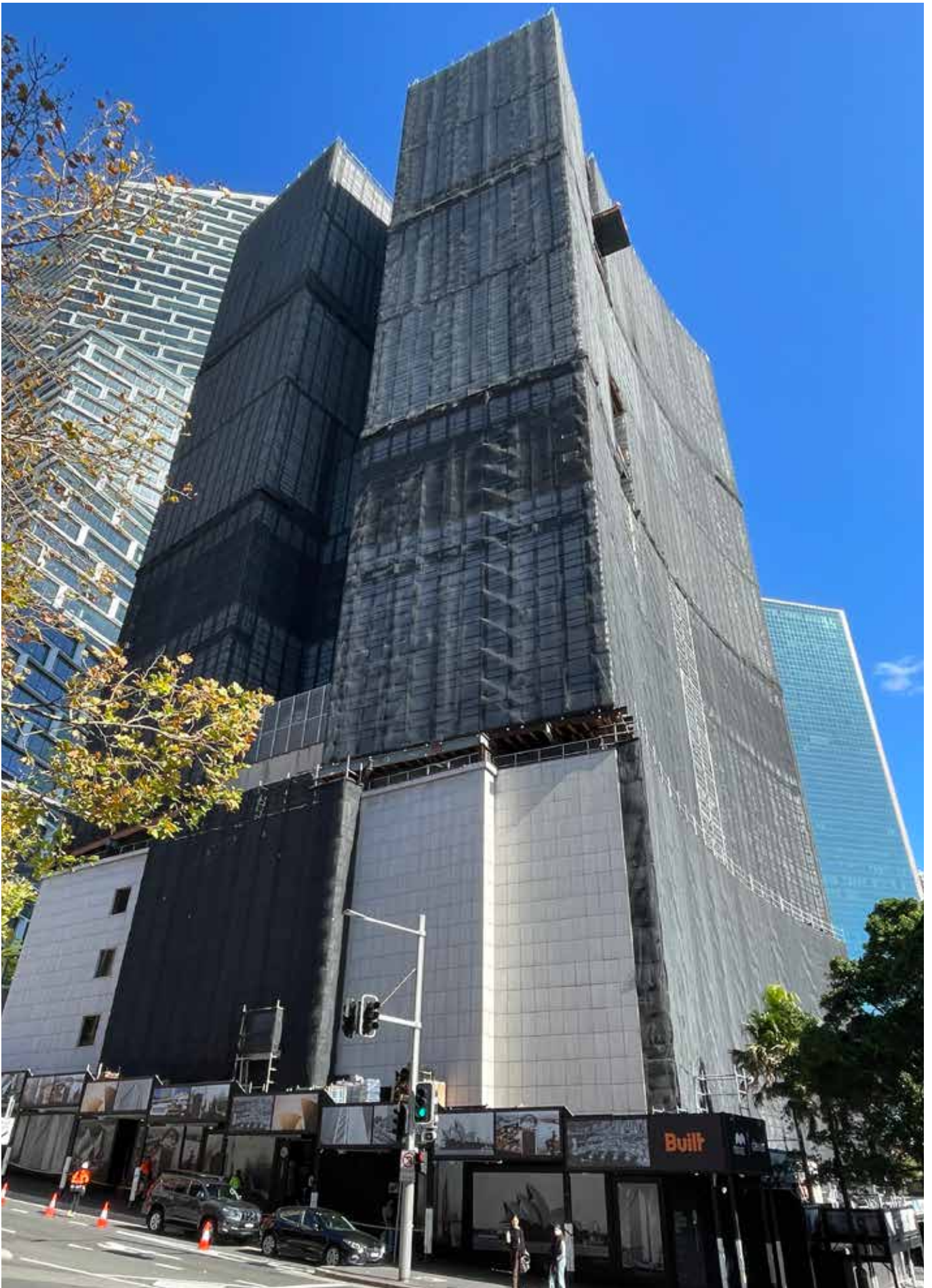


Photo: Peter Conroy / City of Sydney





Photo: Peter Conroy / City of Sydney

# Part 04

## Scaffolding

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### 4.1 Scaffolding installations - overview

This Part sets out the design and installation requirements for typical longitudinal modular-bay *scaffolding systems*.

*Scaffolding* is often required to ensure safe and effective worker access to the facade of existing buildings for maintenance work, for the construction of new buildings or for alterations/additions to existing buildings.

*Scaffolding* is also used for the encapsulation of a *worksite* during demolition as a dust and minor debris *control measure*.

*Scaffolding* can take several forms when erected in *public spaces*. The main form of *scaffolding* used in the city is a system erected:

- directly on a *road* (typically a *footway*) with a Type-A *hoarding* fence at the base of the scaffold to secure the site and prevent unauthorised access; or
- wholly or partially on the deck of a Type-B *hoarding*.



Other less common *scaffolding* systems and installations are:

- self-supporting systems cantilevered from a building or other structure or placed and supported on needle beams/platform; and
- hanging scaffolds.

These two forms of *scaffolding* are dealt with in **Part 05**.

## 4.2 Objectives for scaffolding systems

The following objectives apply to *scaffolding* systems:

1. Provide a safe and structurally stable *temporary structure* in accordance with the relevant regulations, applicable Australian Standards including AS/NZS 1576.1: 'Scaffolding – General requirements', SafeWork NSW Codes of Practice and any requirements/directives issued by SafeWork;
2. Minimise obstructions and clutter on *footways*;
3. Provide the highest possible standard of pedestrian amenity, *accessibility* and safety when passing *scaffolding* structures;
4. Ensure *scaffolding* screening systems (containment mesh) is of a quality condition (including reused mesh) and is applied neatly, securely fixed and maintained tautly to contribute positively in the streetscape;
5. Graphics (*scaffolding* wraps) are appropriate for the location and the duration of the *scaffolding* installation; and
6. Ensure physical connections and impacts (fixings) on the fabric of heritage-listed buildings and other significant structures are minimised and appropriate for the material of the facade.
7. Ensure the installation and maintenance of scaffolding systems do not adversely impact *street trees* - refer to **3.17** for tree protection provisions.

## 4.3 Mandatory design elements and features

- (a) *Scaffolding* systems must not be placed directly on *footways* that have high pedestrian volumes such as in the *city-centre* (see map at **Figure 1.1**), or where the width of a *footway* is of insufficient width to ensure safe, *accessible* and convenient pedestrian passage. In these circumstances the *scaffolding* system must be placed on the deck of a Type-B *hoarding* to maximise the clear *footway* width for pedestrians.

Proponents should discuss their proposal with *City* officers before proceeding with an application for proposed *scaffolding* placement directly on *footways* in busy parts of the city.



**Figure 4.1:** Cantilevered work platforms and other *temporary structures* located over or on private land are not regulated through this Code nor approved by the *City*. It is the responsibility of the person undertaking the works to obtain an access agreement from affected landowner/s. Access orders under the Access to Neighbouring Land Act 2000 can be sought through the Courts where agreement with neighbouring landowners cannot be obtained.

Photo: Peter Conroy / City of Sydney



**Figure 4.2:** *Cantilevered work platforms and scaffolding are generally not allowed. In narrow laneways where traffic and pedestrian movement must be maintained, approval may be given subject to systems being fully engineered and certified (see 2.8). Note: Externally installed black screening mesh is the preferred finish (see 4.4.3(e)).*

Photo: Peter Conroy / City of Sydney

- (b) In visually prominent locations or busy pedestrian areas, as determined by the *City*, *scaffolding* must be screened from the *public space* by mesh and/or graphics (see **Table 1** in **Part 06**). The *City's* preference is to have mesh fitted to the outside face of the *scaffolding* frame (see also **4.4.3**).
- (c) Any graphics incorporated as part of screening systems (whether mesh or fabric) must be of a high quality that meets the *City's* requirements (refer to **Part 06**).
- (d) Screening systems and wraps must be installed and maintained in a clean, tidy, secure and taut condition to the *City's* satisfaction throughout the installation period.

## 4.4 Specific design requirements for scaffolding systems

The key design requirements for elements of *scaffolding*, installation and meshing systems are set out below.

### 4.4.1 Scaffolding frame

*Scaffolding* must be designed, erected and maintained in accordance with AS/NZS 1576.1.

### 4.4.2 Fixing to building facades including architecturally significant buildings and heritage-listed buildings

Fixing *scaffolding* to masonry elements is to be avoided wherever possible. *Scaffold* ties fixed through window openings should be used where practicable and safe to do so.

Where the physical anchoring of *scaffolding* ties to significant facades such as heritage-listed buildings and other architecturally important buildings is unavoidable the following measures must be implemented (subject to satisfying any *SafeWork NSW* codes of practice and directives):

- (a) where possible and structurally acceptable, fix at locations of existing wall penetrations or where a masonry surface is already damaged to minimise the amount of new drillings into sound masonry;

- (b) the fixing must be designed to be fully reversible by using an expansion-type fixing that can be fully removed provided:
  - (i) there is no risk of splitting the masonry; and
  - (ii) the method of fixing complies with any codes of practice and/or engineering design requirements that may apply to the building and/or *scaffolding* design;



**Figure 4.3:** Scaffold fixings to heritage-listed buildings should be avoided but where necessary, comply with the provisions in **4.4.2**.

Photo: Peter Conroy / City of Sydney

- (c) where reversible fixing is not achievable a chemical anchor or non-removable expansion anchor that is inset at least 100mm into the masonry to allow a 100mm plug/biscuit infill; and
- (d) the fixing point must be made good as the *scaffolding* is dismantled by:
  - (i) inserting a 100mm thick masonry plug or biscuit that matches exactly the type and colour of the surrounding original stone masonry. The repair must be tight-fitting with a hairline joint; and
  - (ii) if the repair is to sandstone, the orientation and porosity of the grain/bedding pattern of the repair plug/biscuit must match the surrounding original stone.

See also **4.5.4** for other requirements when fixing to building facades.

#### 4.4.3 Screening and meshing

- (a) The preferred method for screening *scaffolding*, including all diagonal bracing, is to install durable mesh or fabric on the outer surface (*public space* side) of the frame including at the end-returns to the building (see also **(b)** below).
- (b) In cases where *scaffolding* will be in place for a significant duration (as determined by the *City*) or it is determined that the locality is significant in terms of visual aesthetics, it will be mandatory for the screening mesh to be installed on the outer surfaces (see also **Table 1** in **Part 06**).
- (c) Mesh (for containment purposes and wraps) must meet minimum flammability performance criteria required by an Australian Standard and directives issued by *SafeWork NSW*.
- (d) Mesh screens must:
  - (i) be in good condition (when reusing mesh it must not have significant permanent creases or warping) and this must be checked/confirmed by the *permit-holder* prior to installation;
  - (ii) have a consistent colour throughout with black being the preferred finish. A beige colour may be suitable for sandstone facade heritage buildings (see **(e)**);
  - (iii) be properly and neatly fixed including quality joining at seams;



**Figure 4.4:** The preferred colour for *scaffolding* mesh is black although for older buildings, including heritage-listed buildings, other colours that are sympathetic to the building and locality may be required.

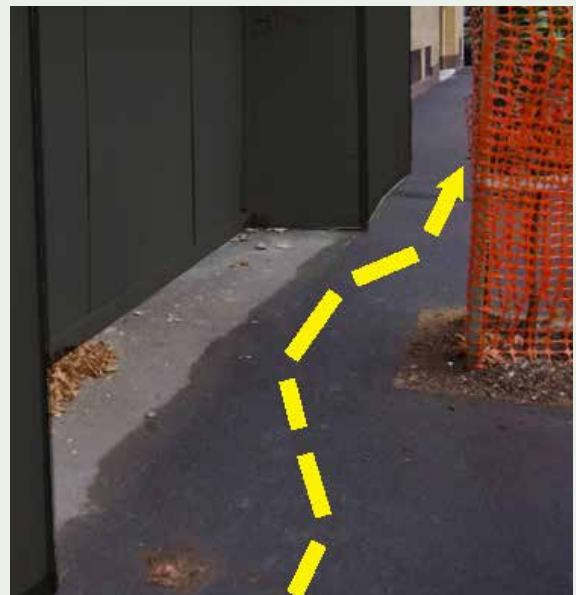
Photo: Peter Conroy / City of Sydney





Photo: Peter Conroy / City of Sydney

- (iv) be fitted tightly and tensioned to the *scaffolding* frame to provide an even high quality finish throughout;
- (v) during progressive dismantling such as during demolition, the mesh must be suitably contained and handled and not be allowed to hang untethered from the *scaffolding* frame;
- (vi) be fully and effectively fixed to withstand likely wind actions in the locality and to ensure that the mesh/fabric is installed and maintained in a taut condition throughout the full duration of the installation;
- (vii) proponents must consult with the *scaffolding* designer/contractor and take into account any additional wind loads and impacts on the *scaffold* as a result of perimeter meshing and *scaffolding* wraps (see 4.4.4) and design the scaffold accordingly; and
- (viii) in cases where standard printable 'wrap mesh' cannot be used on scaffolds due to issues associated with providing adequate bracing connections to a building (such as a heritage-listed building) to address wind actions, the *City* may allow the use of an alternative open-weave printable mesh.



**Figure 4.5:** Where *hoardings* are erected on narrow *footways* and associated with minor works it may be acceptable to indent *hoarding* fences and *scaffolding* (using ladder beams) to provide clear minimum widths around infrastructure (signage stems, parking ticket machines, light poles etc) and *street trees*. A clear height of 2.4m must be provided in the recessed sections and the soffit sealed to prevent any objects and liquids falling onto the *footway*.

Photo: Peter Conroy / City of Sydney



- (e) The preferred colour of containment/screening mesh is black. Other neutral colours may be permitted subject to the colour being appropriate to the development site and locality, particularly where *scaffolding* is installed on or near older significant buildings including heritage-listed buildings (see **Figure 4.4**).

#### 4.4.4 Artwork and images on screening systems of scaffolding structures (wraps)

- (a) Where *scaffolding* is used to encapsulate a building or development site, the *City* encourages the installation of quality graphics on *scaffolding* particularly for projects of a lengthy duration.
- (b) Where a development site is in a prominent location and/or the *scaffolding* will be in place for a lengthy period, the *City* may require the *scaffolding* frame to incorporate an agreed integrated artwork or image display (see **Table 1** in **Part 06**).



Neo Geo 2 by Daniel Hollier  
Photo: Peter Conroy / City of Sydney

- (c) The *City* reserves the right, as owner of the land on which a *temporary structure* is to be erected, to require an applicant to install an *approved* mesh or fabric covering to a specified standard over the *scaffolding* as a surface to allow the projection of digital content such as public art and/or community information onto a *scaffold* (refer to **Part 06**).

#### 4.4.5 Maintenance and inspections

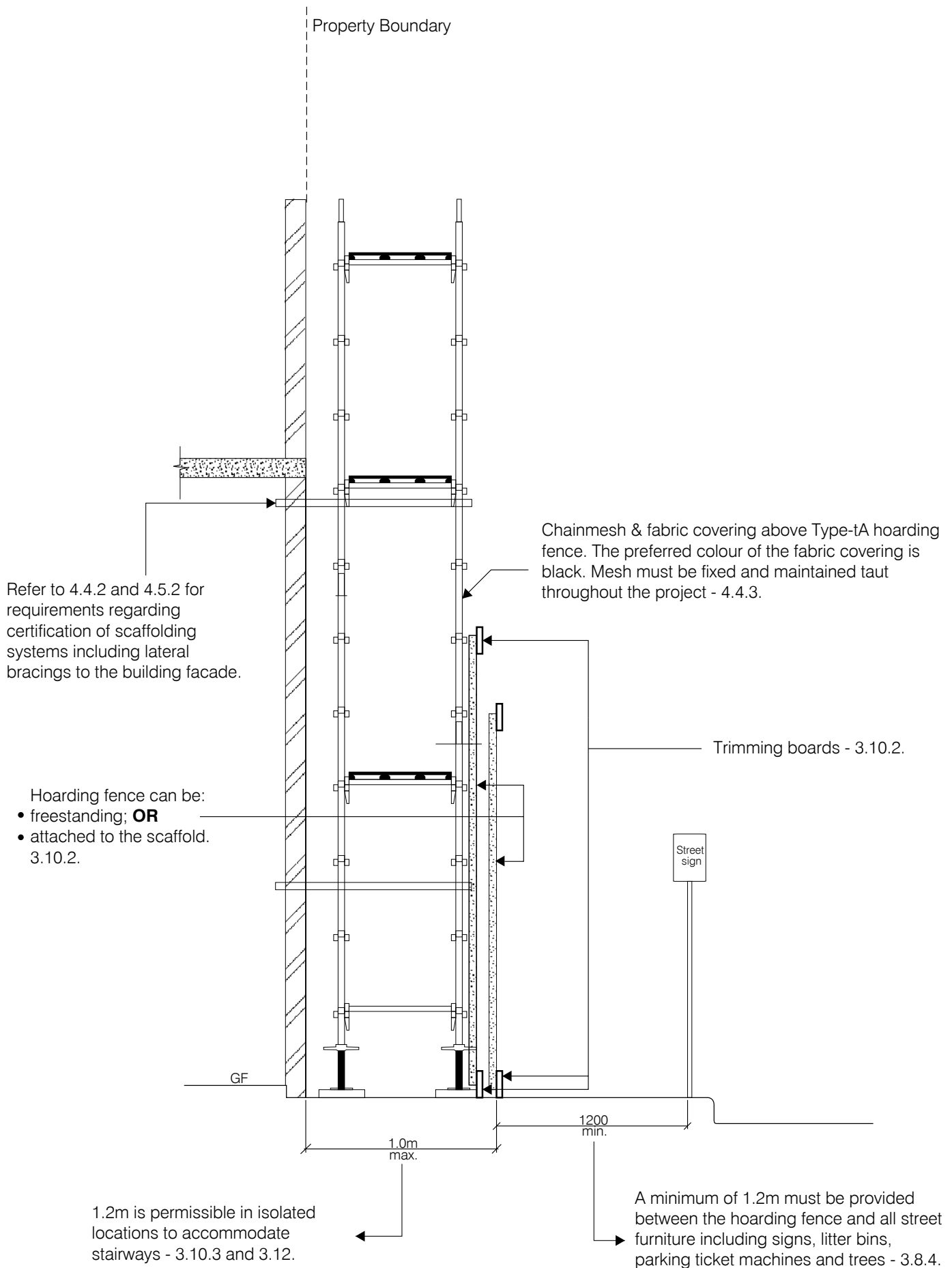
- (a) *Scaffolding* systems must be inspected and checked regularly (see also Clause 225 of the Work Health and Safety Regulation 2017). This is necessary to ensure that the *scaffold* remains stable and has not undergone any unauthorised changes from the certified *approved* design, specification and installation.
- (b) Where *scaffolds* are altered the work must be authorised and inspected by a licensed *scaffolder* (holding the appropriate class of licence for the *scaffold*) and which satisfies Clause 225 of the Regulation (see also **4.5.3**).
- (c) Periodic inspections must be carried out as required by applicable regulations and this Code but in any case not less than at six-monthly intervals (see **2.8.9**). Inspections must be undertaken by an appropriately qualified practising structural engineer or licensed *scaffolder* holding appropriate authority and licence for the installed scaffold (see **2.8**).
- (d) Certification must be provided in accordance with the *City's* standard form and submitted after having incorporated and re-inspected any required remedial works.

## 4.5 Placement of scaffolding in a public space

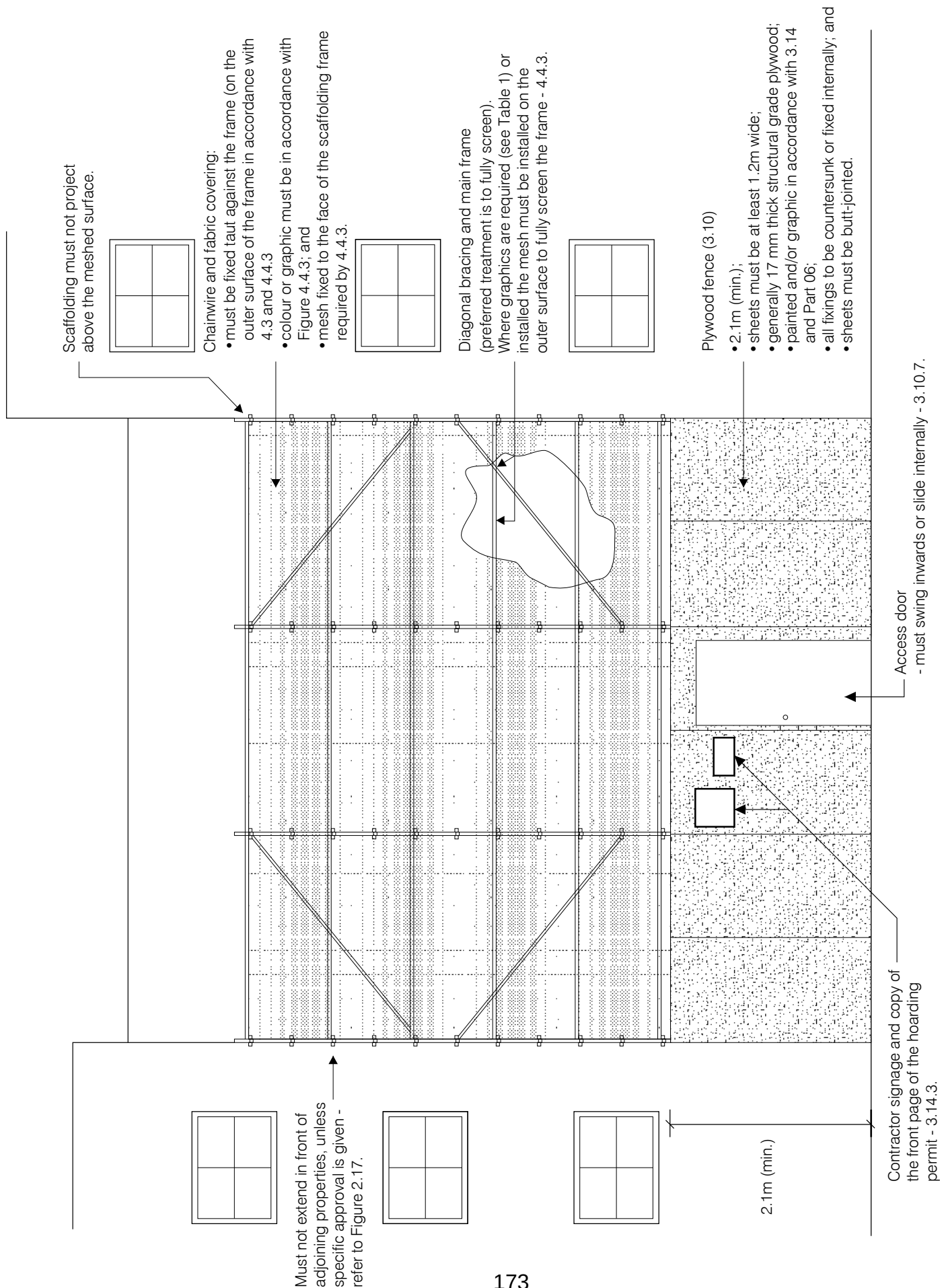
### 4.5.1 General

- (a) The use of a mobile work platform (*scaffolds*) up to 4.0m in height on a *footway/roadway* requires the *approval* of the *City* (through a temporary works application). Refer to the 'Code of Practice: Hoisting and Construction Activities On and Above Roads' for further information.
- (b) For all other *scaffolding* proposals on or over a *public space*, *approval* is required. Documentation in accordance with **2.9** must be provided with an application.

**Figure 4.6:** Section detail of a typical Type-A *hoarding* fence attached to a scaffold frame.



**Figure 4.7:** Elevation showing the key design features for scaffolding and Type-A hoardings.



#### 4.5.2 Public space access and safety

- (a) *Scaffolding* associated with a Type-A *hoarding* fence at ground level must consider the needs of pedestrians moving past the structure to provide safe and clear acceptable *footway* widths (see **3.10** for further details).
- (b) In laneways, consideration must be given to safe and convenient passage of pedestrians and the potential impacts such as needing to temporarily close a narrow *footway*. The safe passage of vehicles particularly in relation to potential impacts (damage to passing vehicles and loss of structural stability of the *scaffold* - see **3.10.4**) must also be considered.
- (c) Vehicle movement in laneways including vehicle access to building carparks and driveways/garages on private land must be considered particularly in relation to minimum required vehicle swept path dimensions (refer to **3.10.5** for further details).
- (d) A *scaffold* must not be used until it has been inspected by a licensed *scaffolder* and/or structural engineer and certification provided to the *City* (using the *City's* standard certification form) confirming that the *scaffold* complies with the Australian Standards and is structurally sound and safe (for the public at street level) in the vicinity of the *worksite*.
- (e) During the erection of a *scaffold* the *PCBU* and/or person with management or control of the site/*scaffold* must prevent unauthorised access (climbing on the *scaffold*). Adequate measures must be implemented to secure the base of a *scaffold* including when left unattended during the erection process.
- (f) The base of the *scaffold*, if installed at ground level, must have a Type-A *hoarding* fence installed as a minimum (see **3.10**). The *PCBU* and/or *supplier* of a *scaffold* must assess the risks of unauthorised access to the *scaffold*/site and if necessary implement additional control measures (with the *City* being informed in terms of its role as the roads authority and whether any approval is required for these measures).

**Note:** *Scaffolding* (and *hoardings*) installed near aerial electricity power cables must comply with all applicable safety requirements that may apply (such as *SafeWork NSW* codes of practice, guidelines or directives) including utility operator requirements during the installation and dismantling stages.

#### 4.5.3 Certification - scaffolder

- (a) Certification by a *SafeWork NSW* licensed *scaffolder* in accordance with the *City's* standard form must be provided within 24 hours of the completion of a *scaffold* structure (and any required site fence).
- (b) For *scaffolding* that is erected and/or altered in stages during construction or work the *PCBU* (typically the principal contractor) must obtain and retain installation and scaffold modification certification from the *scaffolding contractor*. The *City* reserves the right to require, at any time, evidence (copies) of progressive certification documentation for a *scaffold* structure.

#### 4.5.4 Attachment of scaffolding to certain buildings - assessment and certification

The structural adequacy of a building to which *scaffolding* is proposed to be fixed or braced must be assessed to determine its structural capacity or performance to sustain all likely imposed lateral loads including live actions and wind actions. The following specific requirements apply:

- (a) where *scaffolding* is proposed to be fixed or braced to reinforced concrete or reinforced masonry elements the *City* may rely solely on certification of structural adequacy from a licensed *scaffolder*;
- (b) where *scaffolding* is to be laterally supported (fixed) to non-reinforced masonry building (walls and/or parapets) an assessment of structural adequacy of the wall by a suitably qualified person (such as a practising structural engineer) will be required. In some circumstances proof-testing of tie anchorages and other forms of lateral support to the structure may be necessary (see also **2.8.4** for certification requirements); and
- (c) in any case as set out in (a) and (b), where required by the *City*, a suitably qualified structural engineer must certify a *scaffolding* design and the method of attachment to a building including the adequacy of the building to support the proposed *scaffold*. Required certification must be provided prior to the issuing of an *approval* or otherwise as permitted by the *City* (see **2.8** for certification requirements).



#### 4.5.5 Building demolition and perimeter scaffolding

Where *scaffolding* is used to enclose a building undergoing demolition and the ground level section of the *scaffold* structure is to be retained to support a Type-A *hoarding* fence to maintain security of the site post-demolition, adequate counterweighting must be installed to provide full stability to the *temporary structure* particularly under all expected wind actions and velocities in the locality (see **Figure 4.8**).



**Figure 4.8:** *Scaffolding encapsulating a building undergoing demolition and later used as a hoarding site fence must be adequately counterweighted. Wind actions in the locality including potential extreme wind velocities from surrounding buildings must be considered by the person in control of a worksite and the scaffolding contractor. Excavated sites must also be protected using appropriate pedestrian and traffic barriers (see 2.13).*

Photo: Peter Conroy / City of Sydney

#### 4.5.6 Scaffolding supported on the deck of Type-B hoardings

- (a) The engineer responsible for the design, installation and inspection of a Type-B *hoarding* must certify that the *hoarding* is capable of supporting any proposed *scaffolding* to the requirements of relevant Acts, Regulations and codes of practice including the maximum superimposed load provisions set out in the *SafeWork NSW Code of Practice: Overhead Protective Structures*.

- (b) If supplementary spreader beams on the deck to support the *scaffold* are required by the *hoarding* designer/engineer, details must be specified and included as part of the *hoarding* design and form part of the certified drawings.
- (c) *Scaffold* access stairways from a *footway* to the main *scaffold* installation above a *hoarding* deck must be structurally independent of each other to isolate the structure from vehicle impact loads that may lead to a loss of structural integrity of the stairway below the *hoarding* deck (see also **3.12.4(f)**).
- (d) Stairways to the deck must also be fully enclosed by plywood sheeting (see **3.12**).
- (e) A certificate in accordance with the *City's* standard form must be completed and submitted to the *City* prior to handover and the commencement of site work and use of a *scaffold/hoarding* (see **2.8**).

#### 4.5.7 Scaffolding supported from street awnings

- (a) Many street awnings throughout the city are old structures that are unlikely to meet current structural safety standards (AS/NZS 1170 series). Structural capacity and adequacy to allow the placement of *scaffolding* on an awning to access a building facade above can be difficult to verify for both workers and risks/suitability in terms of public safety beneath an awning. The placement and support of *scaffolding* directly on street awnings is therefore generally not permitted because:
  - (i) many existing awnings do not comply with the Building Code of Australia including the structural loading standards and therefore any additional loads may adversely affect the structural adequacy and stability of an awning;
  - (ii) difficulties in satisfactorily establishing (through visual inspection) the structural condition an awning particularly an older awning in respect to its capacity to support additional loads and the impacts of live actions (loads) of *scaffolders* and other workers moving about on an awning;

- (iii) concentrated loads from *scaffolding* components placed on an awning awaiting erection or during dismantling may cause an awning to be overloaded and collapse (fully or partly);
  - (iv) difficulties in effectively managing a *worksite* to control and mitigate risks particularly controlling individual worker practices and dynamic actions when operating an awning; and
  - (v) the significant risks to the public should a supporting awning fail and collapse. This is particularly critical in the busy *city-centre* and other commercial districts with similar high pedestrian densities including *footway* dining spaces beneath street awnings.
- (b) An alternative method for accessing facades subject to appropriate risk assessment under the work health and safety provisions, may include:
- (i) where *scaffolding* standards are supported from the *footway* surface with standards projecting through openings made in the awning (only considered allowable in some circumstances - see **(d)** below); and
  - (ii) the section of *scaffolding* below the awning is enclosed with plywood sheeting along the full *scaffolding* frontage/installation. The enclosing plywood must extend to the underside of the awning, unless otherwise varied by the *City* with the *PCBO* and/or *supplier* considering whether counterweighting is necessary).
- (c) Where the design solution in **(b)** is not possible or feasible due to awnings having architectural significance, heritage-listing or being built of reinforced concrete, the *City* may allow *scaffolding* to be placed on an awning with supporting *scaffolding* placed beneath the awning soffit.

This will only be considered where *scaffolding* support systems can be set back a sufficient distance from the kerb and/or appropriate motor vehicle impact barrier protection (based on a risk assessment by the PCBU which must include the local designated speed limit and vehicle usage/types). Additionally, sufficient space on the *footway* for the safe and convenient passage of pedestrians past the *worksite* and *workplace* must also be available (see **2.8.6** in relation to structural certification).

- (d) Where a proponent wishes to utilise a street awning solely to support *scaffolding* (partially or fully) including the parking of a swing-stage (refer to the *City's* 'Code of Practice: Hoisting and Construction Activities On and Above Roads'). As a minimum the following must be satisfied for the *City* to consider granting an approval:
- (i) the awning must comply with the current loading standards (AS/NZS 1170 series);
  - (ii) a full and detailed assessment of the structural condition of the awning as prescribed by an experienced practicing structural engineer meeting the qualification provisions in **2.8.3** and which includes a thorough visual inspection of:
    - all concealed structural members; and
    - the cantilever rod support connections and anchor-points to the facade (including considering potential non-visible corrosion within the wall of the facade).



**Figure 4.9:** Example of scaffolding supported on a street awning. Note that the *City* will only consider permitting this in limited circumstances (refer to **4.6.7(d)**).



**Figure 4.10:** Under some circumstances the *City* will allow *scaffolding* to be installed on a street awning if satisfactorily supported from the *footway* below. These designs must be fully engineered and a detailed assessment made of the structural condition and adequacy of the existing awning. This must be fully documented and certified and included with an application (see **2.8** for certification requirements).

Photo: Peter Conroy / City of Sydney

- (iii) the engineer must hold industry qualifications and registration to verify the adequacy of the awning and supporting building structure to carry all proposed imposed loads including live actions and concentrated loads from the temporary placement of *scaffolding/swing-stages* during the erection and dismantling processes;
- (iv) the engineer must prepare a site management work plan setting out any required *control measures* to address all potential and assessed risks to the public;

- (v) fully engineered design drawings, inspection report of the awning and details of the Australian Standards used in the certification of the awning and imposed loads including:
  - details of any required spreader beams sole-boards
  - site management procedures to control the placement of equipment and/or *scaffolding* and material supported on the awning
  - certification in accordance with the *City's* requirements that includes a statement that it is issued under the provisions of Section 93 of the Local Government Act 1993, must be lodged with an application.

#### 4.5.8 Structural certification - eligibility

For the eligibility of a structural engineer to certify *temporary structures* (and existing street awnings in relation to **4.5.7**) including *scaffolding* in the circumstances set out in this section, see **2.8**.



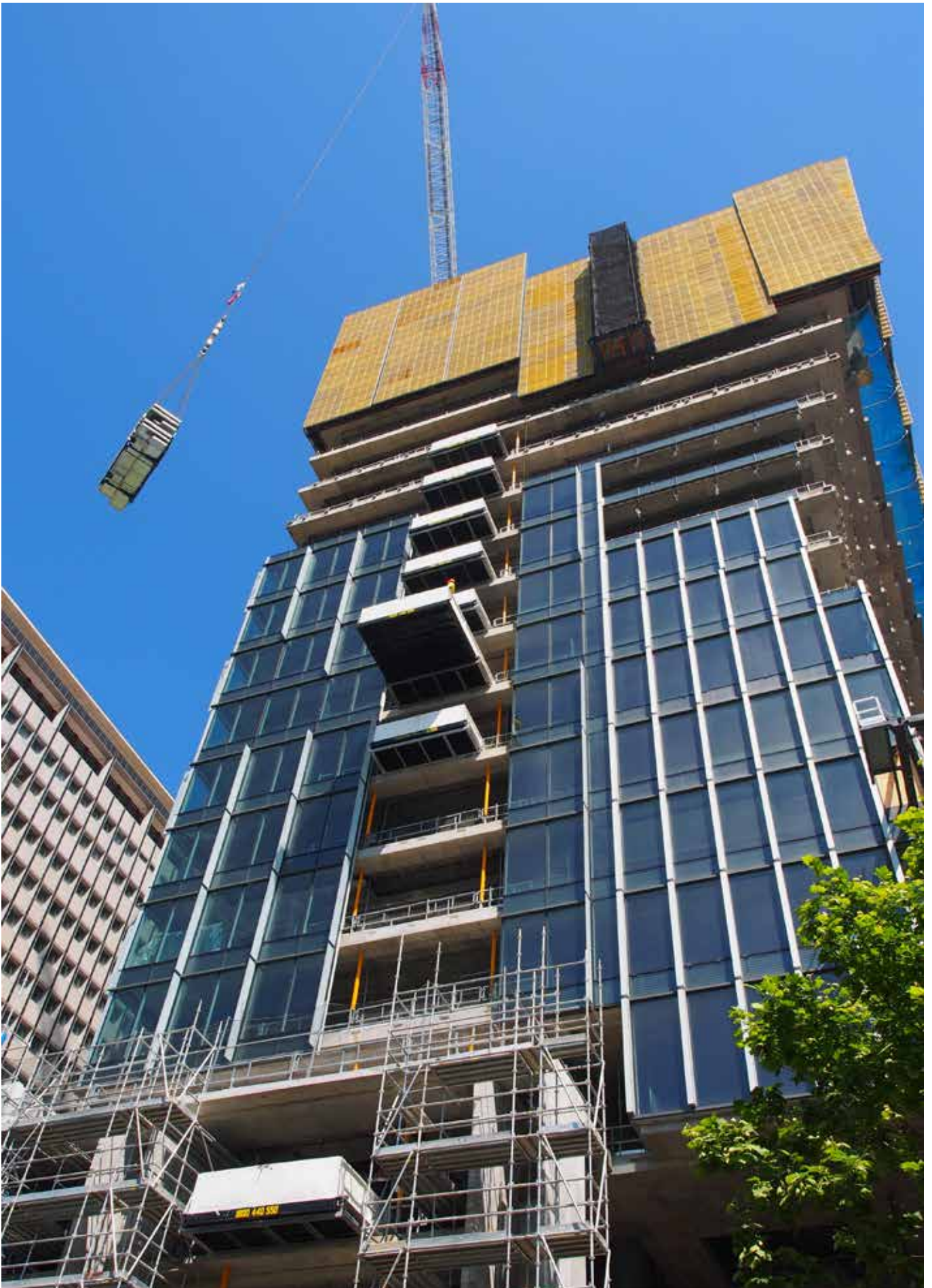


Photo: Peter Conroy / City of Sydney





Photo: Peter Conroy / City of Sydney

# Part 05

## Other temporary structures

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### 5.1 Other forms of temporary structures - overview

This part identifies several other common forms of *temporary structures* that may be associated with building construction and maintenance activities on buildings.

Where a proposed *temporary structure* is not listed in this Part and it is to be placed on or above a *road*:

- (i) an application must be lodged;
- (ii) the proposal will be considered against the applicable legislation including the Local Government Act; and
- (iii) the principal objectives of this Code will form part of the *City's* consideration and assessment. Refer to **5.6** for further details.

## 5.2 Design considerations and requirements for cantilevered/overhanging structures above a road

### 5.2.1 Temporary (full or partial) closure of footways

- (a) Where a *footway* has insufficient width to allow a *hoarding* and/or *scaffolding* to be placed on a *footway* the required overhead protection may:
  - (i) span a protective deck across the full width of a minor *roadway* (laneway);
  - (ii) provide a deck consisting of steel beams cantilevered from the building (see **5.2.2**).

The appropriate design solution for a particular site will need to be discussed with the *City* early in the design and site establishment processes.

- (b) Other methods that may also be appropriate include the temporary closure of a *footway*. This will only be considered under certain circumstances such as:
  - (i) in minor streets (generally laneways) with low levels of traffic movement;
  - (ii) where safe and *accessible* redirection of pedestrians to the *footway* opposite the site or a protected pathway on the *roadway* can be accommodated; and
  - (iii) where the potential for pedestrian inconvenience and any other traffic/pedestrian safety issues in the locality is minor including not increasing the walking distance people need to travel (see **3.10.4** for further details).

Either of these methods will require consideration and endorsement by the *City's* Traffic Operations Unit.

### 5.2.2 Cantilevered work platforms/hung scaffolds



Photo: Peter Conroy / City of Sydney



Photo: Peter Conroy / City of Sydney

- (a) Where maintenance works (such as repointing brickwork, cleaning, repainting) or replacement of minor facade elements (balcony balustrades, windows/glazing) are necessary and it is not feasible or practicable to undertake the work from a scaffold erected from the *public space* below, consideration will be given to allow *cantilevered work platform* or *hung scaffold*.

For more major works such as *cantilevered platforms* consisting of needle beams to support *scaffolding* may be allowed.

- (b) The *PCBU* must be aware that establishing an exclusion zone at ground level below the *worksite* to allow for the installation of these *temporary structures* has various complexities and difficulties in terms of maintaining acceptable pedestrian and vehicle movement in a busy city environment necessitating minimum impact. It is therefore unlikely that *approval* will be given to form a long-term exclusion zone.

- (c) The *City* may however allow a short-term exclusion zone to be established to facilitate the installation of a *temporary structure* and thereafter the use of the structure without an exclusion zone in place subject to:
  - (i) the *PCBU* meeting all statutory obligations of the Work Health and Safety Act including risk assessment regarding objects that may fall from the *worksite* during the period of installation and works;
  - (ii) the *public space* being effectively barricaded (with a specific *approval* from the *City* for barricading) to exclude pedestrians, cyclists and vehicles from the area below the *worksite* (including any additional safety exclusion zone that may be required) during the installation (and removal) of a *temporary structure*; and
  - (iii) the area of the work on the building can be effectively enclosed to contain material, tools and any other items.
- (d) Certification in accordance with **2.8** must be lodged with an application and upon completion of an installation.

#### Notes:

1. In proposing a cantilevered *temporary structure* it is the responsibility of the *PCBU* to satisfy the relevant provisions of the Work Health and Safety Act 2011 and Regulations in relation to public safety below a *worksite* (see **1.13**).
2. *Cantilevered work platforms* erected over adjoining private property are not regulated by the *City* nor through this Code and therefore cannot be approved under the Local Government Act or Roads Act. Proponents and/or the *PCBU* will therefore need to obtain access agreements from affected landowners (see **Figure 4.1** in **Part 04**). Further details are set out in the Access to Neighbouring Land Act 2000.

#### 5.2.3 Catch-scaffold and netting capture systems

A temporary system typically of scaffold components with wire mesh and/or fabric netting projecting from the face of a building typically at an angle which forms a fall capture structure.



Obstacle Course by Elliot Bryce Foulkes  
Photo: Peter Conroy / City of Sydney

- (a) Generally aimed at arresting small objects that may fall from height into a *public space*, these structures or systems can form a system of overhead protection that a *PCBU* relies on to satisfy, wholly or partially, their work health and safety obligations (see 'Notes' below).
- (b) These structures or systems must be certified in accordance with **2.8** and relevant *approvals* obtained from the *City* prior to installation and the repositioning of capture systems. Approval is also required for the establishment of exclusion zones.
- (c) Where capture structures/systems are proposed and used throughout the various phases of a project the following must be satisfied:
  - (i) be installed and used in accordance with manufacturer's/*supplier's* and/or engineer's specifications including any structural engineering details; and
  - (ii) where a structure/system is to be progressively repositioned comply with the following:
    - be carried out by person/s nominated by the design engineer and/or by the manufacturer/*supplier* of the system including any specifications that may apply; and
    - be verified by an appropriately qualified/competent person that the systems are fully secured and compliant with *supplier* and/or engineering instructions/details.





Photo: Peter Conroy / City of Sydney

#### Notes:

1. In utilising a cantilevered capture structure to afford protection to the *public space* the proponent and/or the *PCBU*'s attention is direct to **1.13.3** in relation to statutory obligations under the Work Health and Safety Act.
2. Catch-scaffolding/netting systems are not permitted to form part of or attachment to a Type-B *hoarding* to achieve an extended or greater surface area of overhead protection (refer to **2.3** in relation to prohibited temporary structures).
3. If extended overhead protection is required such as projecting over a wide *footway* or *roadway/cycleway*, a cantilevered deck extension as part of a Type-B *hoarding* deck structure may be permitted. The City will consider matters such as height clearance of the deck (typically 4.5m min.) when placed near or above a *roadway* (see **Figure 3.17** in **Part 03**) and compliance with **3.8** and **3.11**.

#### 5.2.4 Facade-mounted cantilevered materials landing platform/s

This form of *temporary structure* (plant) is typically a proprietary system that is attached to the face of a building under construction or an existing building undergoing alteration which, for the purposes of the Code, projects over a *road* and therefore requires *City approval*. Platform/s can incorporate a retractable function.



Photo: Peter Conroy / City of Sydney

- (a) Used for the purpose of landing/removing material and equipment (*hoisting*) to and from a building via a site-based crane or a mobile crane at street level. For *hoisting* activities over *roads* including seeking *approval*, refer to the *City's* 'Code of Practice: Hoisting and Construction Activities On and Above Roads'.
- (b) In granting *approval* for the installation of platforms that project over a *road* the following requirements, as a minimum, must be met:
  - (i) platforms must be erected and used, including maximum design loads not being exceeded, in accordance with manufacturer's/supplier's/engineer's specifications and any structural engineering details including the capability of the building structure to support cantilevered platforms;
  - (ii) be fully maintained in accordance with the design specifications and/or the *supplier's* requirements;



- (iii) maintain a valid *approval* for the operation (*hoisting*) of the crane (site-based or mobile) above or on the *road*;
- (iv) each time a cantilevered material landing platform is moved/repositioned on the building, the installation must:
  - be checked by an appropriately qualified person as nominated by the design engineer and/or the manufacturer's / *supplier's* specifications; and
  - be verified to the requirements of the PCBU or other appropriate person such as the *supplier* of decks (plant) confirming that the platforms are fully secured and compliant with the design specification/*supplier's* instructions.
- (c) the installation, repositioning and removal of the platform/s must:
  - (i) be carried out within the day and time restrictions as specified in the *development consent* and the *works zone approval*; and
  - (ii) all work/activities must comply with the *City's* noise requirements.

## Notes

1. *SafeWork NSW* has guidance material on platform installation and safe usage - refer to *SafeWork NSW's* website for details: 'Use of cantilevered crane loading platforms'.
2. Where platforms are proposed to be installed and used above a State '*classified road*' the concurrence of Transport for NSW under Section 138(2) of the Roads Act 1993 must be given before an *approval* is granted.

## 5.2.5 Cantilevered overhead protective platforms/decks

This form of overhead protection is typically a system of structural steel frame and deck that projects (cantilevers) from the perimeter of a building above a *public space* for the purpose of forming an overhead protective system (deck) to the *public space* below the *worksite*.



Photo: Peter Conroy / City of Sydney



Photo: Peter Conroy / City of Sydney

- (a) The general practice for providing overhead protection from objects that may fall from a *worksite* is to install a Type-B *hoarding* at ground level, typically on *roads* (and predominately on *footways*). In some circumstances this may not be effective or practicable due to:
  - (i) insufficient width of the *footway* including adverse impacts on pedestrian movement resulting from a *hoarding* placement;
  - (ii) site conditions, the type of work and/or other constraints; and
  - (iii) a *hoarding* at street level may not be suitable as an effective means to establish a protective barrier due to the type of work being undertaken or risk assessment by the *PCBU*.
- (b) In some circumstances *PCBUs* may wish to establish a more localised protective barrier and object capture system by cantilevering a platform or deck from a building. The cantilevered structure may also be used as a work platform such as to support *scaffolding*.
- (c) Where there are clearly demonstrated site constraints or construction needs preventing a conventional Type-B *hoarding* placement at street level, the *City* may consider allowing this form of temporary overhead protective structure subject to the following:
  - (i) full details being lodged with the *temporary structures* application setting out reasons why a conventional Type-B *hoarding* is not suitable for a site;
  - (ii) the time required for the installation and later dismantling of a cantilevered *temporary structure* (impacts on pedestrian and vehicular movement will form part of the *City's* consideration - see 'Note');
  - (iii) if it is determined that a cantilevered deck can be constructed, an application and details as set out in the application form must be lodged for formal assessment; and

- (iv) certification as set out in **2.8** must be provided with the application.

**Note:** These forms of *overhead protective structures* instead of a typical gantry Type-B *hoardings* are generally not supported by the *City* due to their more complex nature of installation (construction and dismantling) that can require the closure of *footways* or *roadways* for multiple and significant periods resulting in disruption to pedestrian, cyclists and vehicular movement at street level.

- (d) The appropriate design solution for a particular site will need to be discussed with the *City* early in the design and site establishment processes to consider aspects in relation to use of the *road* for the installation of a platform.
- (e) Where this form of *temporary structure* is allowed it will be a condition of an *approval* that the structure must be inspected and certified not less than at six (6) monthly intervals (or at a lesser period as determined by the *City*) using the *City's* template form to verify the satisfactory ongoing condition and structural adequacy of the structure.
- (f) Other methods/solutions may be appropriate including the temporary closure of a *footway*. This will only be considered:
  - (i) in minor streets with low pedestrian and traffic movement such as laneways and where the safe redirection of pedestrians to the *footway* opposite the site can be accommodated. This will be subject to consideration of pedestrian flow patterns, the potential for pedestrian inconvenience and any other traffic/pedestrian safety issues in the locality; and/or
  - (ii) closing part of the *roadway* to accommodate a *temporary structure* and directing pedestrians past the site via a protective temporary pathway on the *roadway*.

These solutions will require input and the endorsement of the *City's* Traffic Operations Unit.

- (g) Where specific endorsement is given to allow pedestrians to use an alternative acceptable route/pathway (on the opposite side of the *roadway*), appropriate temporary access kerb ramps, barriers and signage must be provided (see **Figure 3.45**).



## Notes

1. *Cantilevered work platforms* erected over adjoining private property are not regulated by the *City* nor through this Code and therefore cannot be approved. Proponents will need to obtain access agreements from affected landowners (see **Figure 4.1** in **Part 04**). Further details and requirements are set out in the Access to Neighbouring Land Act 2000.
2. In utilising a cantilevered overhead structure to afford overhead protection to a *public space* the proponent's and/or the *PCBU's* attention is directed to **1.13.3** in relation to statutory obligations under the Work Health and Safety Act.

### 5.2.6 Building perimeter construction shutters, fall-safety screens, jump-forms, slipforms and other similar temporary elements or plant

Typically these *temporary structures* are a proprietary system of screens, shutters or formwork located on the perimeter of a building undergoing construction and which may overhang a *road* such as where a building is constructed to the property alignment with a *road*.

The devices are used to facilitate the construction process and/or as a safety barrier to prevent worker falls. They can also be used as a containment system to prevent objects falling from a *worksite* into a *public space* including containing objects within the construction area/floor (wind actions and impacts on open floors at the perimeter).



Photo: Peter Conroy / City of Sydney



Photo: Peter Conroy / City of Sydney

Irrespective of overhead protective systems provided at ground level, temporary perimeter construction-related structures and systems must be appropriately designed, installed, inspected and maintained to further mitigate public safety risks and any work, health and safety obligations and meet the following requirements:

- (a) in granting *approval* for the installation of temporary perimeter construction plant/systems that project over a *road* the following must, as a minimum, be met:
  - (i) plant/structures must be installed and used in accordance with manufacturer's/*supplier's* and/or engineer's specifications and any structural engineering details; and
  - (ii) each time plant/structures are relocated (when not associated with a jump-form operation/system), the installation must:
    - be checked by an appropriately qualified/competent person as nominated by the design engineer and/or the manufacturer's/*supplier's* specifications

- verified that the systems are fully secured and compliant with *supplier/engineering* instructions/details.

- (b) The installation, repositioning and removal of the systems must be carried out within the day and time restrictions as specified in the *development consent*.

**Note:** Plant and *temporary structures* erected over adjoining private property are not regulated by the City nor through this Code and therefore cannot be approved under the *Local Government Act* or *Roads Act*. Proponents and/or the PCBU will therefore need to obtain access agreements from affected landowners (see **Figure 4.1** in **Part 04**). Further details are set out in the *Access to Neighbouring Land Act 2000*.

### 5.2.7 Tower cranes (structure)

- (a) In the majority of cases site crane structures and elements are fully located within the property/site allotment boundaries. In these cases *approval* under the *Local Government Act* and *Roads Act* is required for *hoisting* activities and/or operations when the crane boom movement takes place above a *road*. Refer to the City's 'Code of Practice: Hoisting and Construction Activities On and Above Roads' for further information.



Photo: Peter Conroy / City of Sydney

- (b) The City's strong preference is to have all crane installations/components located within the boundaries of a site. This must therefore form a key aspect of the site establishment and construction planning processes.
- (c) The City acknowledges however that there may be circumstances where a crane structure (mast and/or the body/motor) need to encroach on or above a *road*. In these circumstances *approval* is also required for the crane plant/structure to be placed on or above City land (*road*), for example when the crane structure is:
- (i) to bear directly on footings within a *roadway* or *footway* (or both); and
  - (ii) to be supported (fully or partially) from the deck of a Type-B *hoarding* or is supported from a cantilevered structural system at the outer perimeter of a building (under construction or existing building undergoing alterations/additions/demolition).
- (d) As part of preparing an application (and the City accepting an application and considering to give *approval*), the following matters (as a minimum) must be addressed by the proponent:
- (i) the reason why it is necessary to locate the crane wholly or partly on or above City land;
  - (ii) the alternative designs explored to place the crane structure within the site and reasons why they are not the preferred solution;
  - (iii) reasons why the preferred design solution is considered acceptable and why the City should allow the proposal;
  - (iv) risk assessments undertaken in terms of ensuring public safety including risk aspects of objects falling from the site/work activity and any overhead protection to the *public spaces* required through the *Work Health and Safety Act*;
  - (v) if the crane is to bear on and be supported from the deck of a Type-B *hoarding*, formal confirmation that this will be compliant with all applicable *SafeWork NSW* adopted codes of practice, guidelines and/or directives;



- (vi) certification of structural design and adequacy in accordance with **2.8** being provided; and
  - (vii) providing any other supporting information at the application stage and/or required during the *City's* assessment processes.
  - (e) As part of the *City* assessing a proposal and considering to grant *approval* to use *City* land, aspects relating to the terms of *approval* may require the proponent to enter into a lease or licence agreement for the use of the land (*road*). Fees (including use of the airspace) will also apply.
- 
- ## 5.3 Work and storage compounds
- (b) Builders and contractors must consider and address the matters in **(a)** early in the site planning and/or tendering processes to ensure that the works can proceed without undue delays associated with site space constraints.
  - (c) Where there are clearly demonstrated needs such as:
    - (i) site conditions and constraints preventing the placement of facilities on the site including meeting any mandatory work health and safety requirements/obligations; and
    - (ii) there are no feasible and/or satisfactory alternatives for off-site facilities on nearby private land, the *City* may consider proposals for the establishment of a *work compound* in a *public space* adjoining a *worksite*, subject to **5.3.2**.

### 5.3.1 General

- (a) In all cases construction-related activities and *temporary structures* should be undertaken and located within the allotment boundaries of a development or *worksite* to keep *public spaces* clear of structures to maintain quality public access and amenity past *worksites* and *workplaces*.

In some circumstances the *City* will allow the installation of *temporary structures*, typically *hoardings*, to address public safety needs (such as overhead protection) that *PCBUs* must satisfy in complying with provisions of the NSW Work Health and Safety legislation. Work and storage compounds in *public spaces* are not essential for public safety purposes and therefore the *City* is generally not supportive of such structures and their usage.



Photo: Peter Conroy / City of Sydney

### 5.3.2 Work compounds in public spaces

- (a) The establishment of *work compounds* in *public spaces* will only be considered if it can be clearly demonstrated by the proponent and confirmed by the *City* that there will be:
  - (i) no potential adverse impacts on the city community and the general public including maintaining *accessible*, safe and convenient passage of pedestrians, bicycle riders and motor vehicles past a proposed compound;
  - (ii) no potential adverse impacts on business owners and occupiers including operators of residential and tourist accommodation-type premises located in the vicinity of a proposed compound; and
  - (iii) the compound and any sheds (generally restricted to single-storey sheds only) can be fully secured and screened from the *public space* and surrounding properties by plywood sheet fencing (Type-A *hoarding* complying with **3.10**) including displaying approved graphics in accordance with **Part 06**.
- (b) Where *approval* is given for a *work compound* in a *public space* the *City* may require the display of temporary way-finding signage (see **2.17**) on the compound to allow pedestrians, couriers and others to continue to locate businesses.



Bespoke artwork by Luca Ionescu  
Photo: Peter Conroy / City of Sydney



Photo: Peter Conroy / City of Sydney

## 5.4 Facade retention structures

### Objectives

1. The design is structurally sound;
2. Limit the physical encroachment on the *footway* to maximise the space available for safe, convenient and accessible pedestrian pathways;
3. Maintain visual openness of the *footway*;
4. Provide a cleanly detailed structure that has a visually acceptable appearance;
5. Structures are appropriately maintained and monitored; and
6. When used jointly as an *overhead protective structure* (Type-B hoarding), satisfy the objectives in **3.8** and **3.11** that apply to *hoardings*.



### 5.4.1 General considerations

- (a) Façade retention structures are typically associated with older existing buildings to provide lateral support using several methods and systems of custom-built fabricated steelwork. They are typically used to preserve and support architecturally important or fragile building frontages during works behind the façade but can also be used to support fire-damaged and/or structurally unstable external walls.

Structures can be:

- (i) a combination of existing and new structural elements within a land allotment;
  - (ii) temporary elements (structures) erected in a *public space*; or
  - (iii) a combination of (i) and (ii).
- (b) In some circumstances the property owner, *PCBU* and/or the design engineer may propose to use a façade retention system as a dual-purpose structure to form both lateral support to the façade and overhead protection (a Type-B *hoarding*) where pedestrian access is to be maintained past the site and through the retention structure. The *PCBU* is responsible under the Work Health and Safety Act to assess all risks including risks to the public from falling objects (overhead protection) when determining the acceptability of a dual-purpose structure.

**Note:** The *SafeWork NSW* 'Code of Practice: Demolition Work' has provisions relating to façade retention during demolition works.

- (c) Façade retention systems require several forms of *approval*:
- (i) for structures located in, on and above a *road*, an application and *approval* under the Roads Act and Local Government Act; and
  - (ii) other *approvals* such as *development consent* and a construction certificate may be required for the works to the retained façade.

### 5.4.2 Requirements

- (a) In considering an application for a façade retention structure in a *public space* the documentation as set out in this Code and the application form is required. This includes having an appropriately qualified and competent person assess the nature of the proposed work and structure including identifying and addressing

all associated potential risks to public safety in conjunction with the *PCBU*. This includes:

- (i) vehicle impacts (structural stability aspects and potential injuries to vehicle occupants, refer to **2.8.6**); and
- (ii) potential risks/fire occurrence in the building behind the façade that could compromise the structural integrity of the façade retention system and *public place*.



Photo: Peter Conroy / City of Sydney

- (b) The design documentation must incorporate any recommendations from the risk assessment.
- (c) Other matters for consideration are set out in the *SafeWork NSW* 'Code of Practice: Demolition Work'. This includes
- (i) the necessity to monitor the condition of the façade for any movement; and
  - (ii) cracking, which may require remedial works and/or further investigation throughout the duration of installation (see also **5.4.7**).
- (d) Where pedestrian access is maintained through and beneath a façade retention system, the structure must be designed to meet the minimum design standards that apply for a Type-B *hoarding* set out in this Code including **5.4.6**.
- (e) Full compliance must be given to the *SafeWork NSW* 'Code of Practice: Overhead Protective Structures' including the structural loading and stability requirements where a retention system also affords overhead protection.

### 5.4.3 Structural design and certification

- (a) The design and installation of a façade retention structure must be certified in accordance with **2.8**.

- (b) A qualified geotechnical engineer must certify (in accordance with **2.8**) the suitability of the ground conditions to support the *temporary structure* (including any required or proposed footings).
- (c) Where footings are proposed below the *footway* surface level, special consideration by the *City* will be required (see **2.8**). The *consent* of all affected utility owners/operators must be obtained and submitted to the *City* with an application. Refer to **3.8.5** for further details regarding subsurface footings.
- (d) A structural engineer must assess and confirm the structural adequacy and the condition the *façade* to be retained and detail any required remedial works in conjunction with the design and placement of the retention system.

#### 5.4.4 Site fencing and infill panels over wall openings

- (a) Where a *footway* remains open to the public during the installation period of the retention structure, a site fence complying with **3.10** must be installed at the rear of the structure to isolate the *worksite* from the *public space*. Graphics must also be displayed on the fence (and fascia if proposed) in accordance with this Code (**Part 06**).
- (b) Where it is not recommended or practicable to install a fence, any openings in the retained wall must be appropriately boarded-up using painted plywood sheet (black, or other suitable colour approved by the *City*).

#### 5.4.5 Longitudinal bracing

Longitudinal bracing is permitted, subject to the following:

- (a) the *City*'s preference is to place required longitudinal bracing elements at the rear of a structure (away from the kerb) to achieve an open, cleanly detailed and uncluttered visual appearance when viewed from a *public space*;
- (b) where (a) is not feasible or practicable for structural adequacy purposes, bracing will be allowed along the kerb but must be minimised and meet the requirements for *hoarding* bracing set out in **3.8.8** and/or **3.8.9**;
- (c) in circumstances where larger bracing elements are necessary such as cross-bracing members extending to the footway at the kerb, compliance with **3.8.8** must be achieved.

#### 5.4.6 Geotechnical report

The *City* may at its discretion require a detailed geotechnical report addressing the following, as appropriate:

- (a) borehole/test pit logs or inspection records;
- (b) field/laboratory test results;
- (c) general geotechnical description of the site and conditions;
- (d) recommended safe bearing pressure values and likely settlements of foundation material;
- (e) recommendations for stability and protection of excavations adjoining or in close proximity to a retained wall;
- (f) observations/opinions on the effect of the new works on existing retained building/facade and recommendations for any underpinning or other measures required to maintain stability; and
- (g) methodology for confirming and assessing foundations, footings, underpinning and/or excavation stability in accordance with the design.

#### 5.4.7 Periodic inspections and maintenance

A retained *façade* and the *façade* retention structure itself must be monitored and maintained for the full duration of installation/work. The *City* may at its discretion require the preparation of a 'façade retention monitoring program' that includes provisions for effective on-going maintenance.

Unless directed otherwise by the *City* the program must be designed on the assumption that a *façade* retention system will be in place for a minimum period of 10 years. If a lesser period is proposed the period will be nominated by the *City* and the program of assessment/monitoring provisions adjusted accordingly. The program must address and include:

- (a) the frequency of inspections and survey monitoring required to reasonably assess any signs of distress early enough to undertake remedial action to prevent any increased risk to public safety and damage to adjoining property including *City*-owned land (minimum interval: every three years); and



- (b) a list of items to be considered, inspected and tested including, as a minimum:
  - (i) the durability of the facade components; mortar, masonry, render, attachments, etc.;
  - (ii) the durability of any concrete, timber and/or steel attachments/components of the original facade - lintels, window frames, etc.;
  - (iii) the durability of bolts including any threaded rods;
  - (iv) compatibility of the facade and supporting frame foundations/footings;
  - (v) packing members between the frame and façade;
  - (vi) façade movement;
  - (vii) ingress of water (moisture buildup in the façade and potential adverse impacts) on the retained structure;
  - (viii) testing and corrosion of any ground anchors;
  - (ix) corrosion of steel components of the supporting frame;
  - (x) description and possible cause of cracks and their propagation;
  - (xi) recommendations for any required remedial works; and
  - (xii) any other matters the engineer/s and/or the City considers relevant.

#### 5.4.8 Performance bond and public liability insurance

In allowing façade retention and the supporting structure on public land, *performance bonds* complying with **1.15** must be lodged before an *approval* is issued.

*Public liability insurance* held in name of the entity holding the *approval* must be provided and kept current whilst the retention structure remains in place. Refer to **1.16** for further details and requirements.

## 5.5 Site sheds - placement on the deck of Type-B hoardings



Photo: Peter Conroy / City of Sydney

### 5.5.1 General

In seeking *approval* to place *site shed*/s on a *hoarding* or within a work compound in a *public space*, the proponent/applicant must consider the following matters before lodging an application:

- (a) in preparing site and construction management plans proponents must not presume that *site sheds* will be allowed. Sheds (and required screening fascia - see **3.13.2**) are bulky structures that are visually prominent when placed on a *hoarding* deck, particularly when double-stacked;
- (b) the primary purpose of a Type-B *hoarding* is to allow PCBU/s to meet their work health and safety obligations. This includes protecting the public in vicinity of a *worksite* by providing overhead protective barriers to objects that may fall from height into a *public space* from a building or from *hoisting* activities carried out above *public spaces*. The placement of *site sheds* on *hoarding* decks is not essential for the purposes of ensuring public safety; and
- (c) in all site circumstances the City's preference is to avoid sheds being placed in and above *public spaces* including on the deck of Type-B *hoardings*. Sheds should be located within the allotment boundaries of the property/*worksite*. It is recognised, however, that there may be circumstances where this may not be possible due to:
  - (i) constraints such as when full site excavation or an entire building footprint

is proposed and will prevent sheds being accommodated within the property boundaries;

- (ii) mandatory requirements to provide essential worker facilities on-site such as ablution facilities, lunch rooms and first-aid facilities (see **2.5**).

In these circumstances the *City* will consider allowing the placement of sheds for these essential facilities on the deck of Type-B *hoardings*. The placement and use of sheds for other non-essential facilities may not be allowed (refer to **5.5.2(d)**); and

- (iii) the *City* will also consider off-site impacts such as potential adverse outcomes on surrounding properties particularly residential-type buildings. See **2.15** for further details and requirements.

#### 5.5.2 Shed placement on hoarding decks - requirements

A site office shed may be permitted on a *hoarding* for direct administrative needs, however, multiple sheds for general non-essential administrative purposes will generally not be allowed due to the need to minimise the bulk and scale of *hoardings* (including the height of associated fascia screens (see also **3.13.2**)) on surrounding buildings particularly residential and tourist accommodation uses. The following matters and details must be addressed and provided as part of an application:

- (a) design drawings must confirm that the *hoarding* is fully capable of carrying all loads, resisting wind loads on the hoarding, fascia and any sheds proposed and complies with this Code. Further details are set out in **2.8**, **2.9**, **5.5.4** and **5.5.5**;
- (b) detailed justification for the placement of sheds on *hoardings* including the proposed uses of the various sheds; and
- (c) shed positions must be shown accurately on the certified design drawings (see **2.9**).

#### 5.5.3 Access to decks and sheds

Where access by site personnel is required to a *hoarding* deck the means and location of access must be considered as part of the overall design of a *hoarding* including site management aspects. Direct access to and from the *worksite* (or building)

and the deck (including any sheds) is preferred. Proponents must therefore not automatically assume that direct access from *public spaces* to the *hoarding* deck will be permitted.

Further requirements on deck access and stairways can be found in **3.12**, including specifically **3.12.2**.

#### 5.5.4 SafeWork NSW requirements

Other design aspects that must be considered include the *SafeWork NSW* 'Code of Practice: Overhead Protective Structures' that also highlights the safety needs of workers accommodated in sheds (impacts from falling objects including *hoisting* operations above sheds). The *SafeWork NSW* Code further requires that loads on Type-B *hoardings*, including loads from sheds, *scaffolding* and other items, must not exceed 40% of the design live load (generally 10 kPa). See also **1.13.3** and **2.6.1**.

#### 5.5.5 Certification

The placement of sheds must be considered by the structural engineer responsible for the overall design and certification of a *hoarding*. Shed sizes and their positioning on the deck must be clearly and accurately shown in the *hoarding* drawings.

Certification must be in accordance with the provisions set out in **2.8**.

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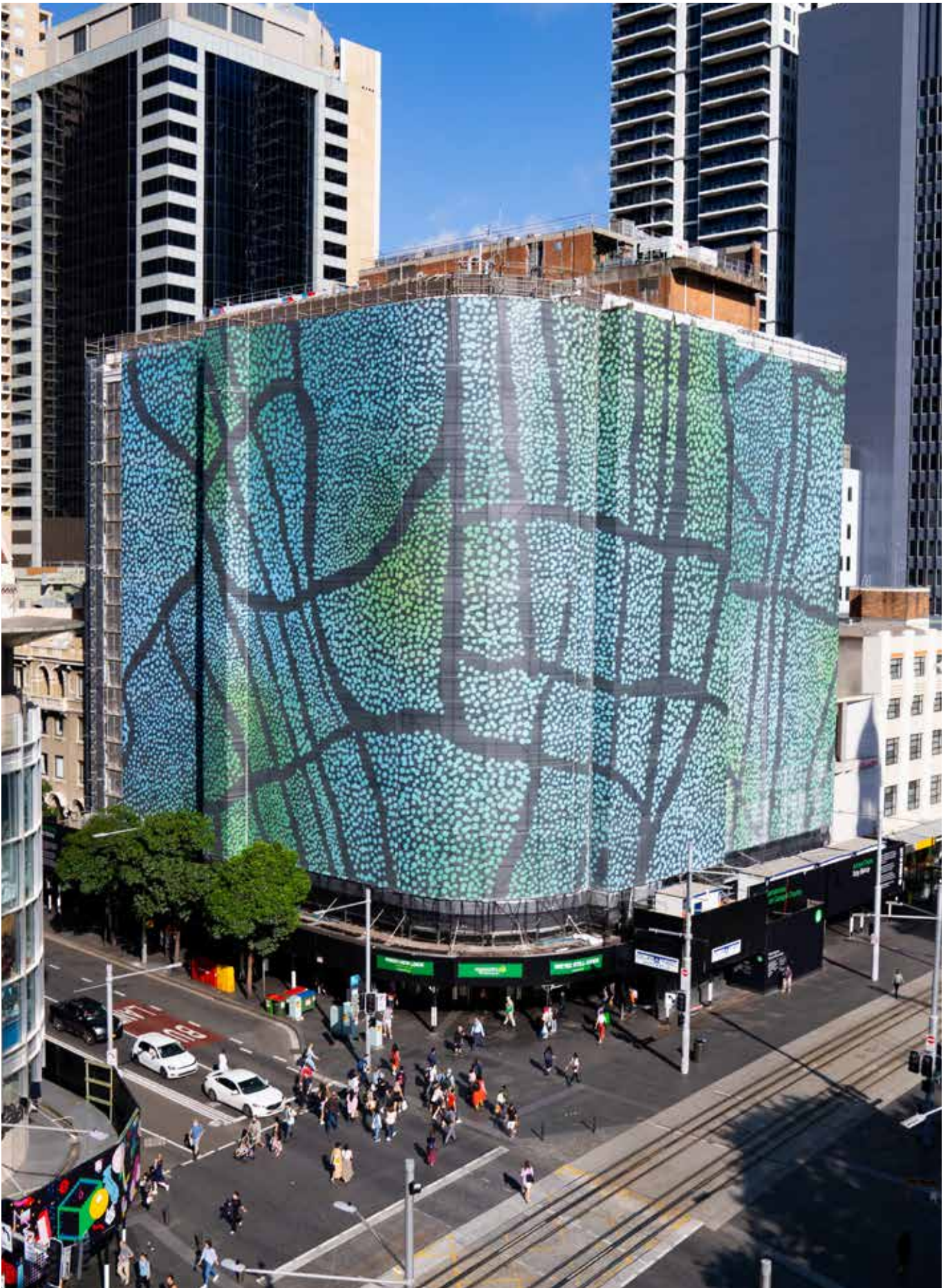
## 5.6 Other forms of temporary structures not specifically listed in this Code

For *temporary structures* that are not listed in this Code and which are placed in, on or above a *road*, an *approval* as set out in **Part 01** is required from the *City* prior to installation.

In assessing an application the objectives, aims and principles set out in this Code will apply. Additionally, the provisions of Section 89 of the *Local Government Act* ('Matters for consideration') will be considered in the assessment of an application.

The *City* may also require information and details beyond that listed in **2.9**. Certification in accordance with **2.8** may also be required.





Ancient Tracks by Toby Bishop  
Photo: Abril Felman / City of Sydney





Photo: Peter Conroy / City of Sydney

# Part 06

## Graphics

### 6.1 Graphics and innovative hoarding designs

#### 6.1.1 Overview

The display of graphics on *temporary structures* is a strategic priority identified in the City of Sydney Cultural Policy 2025-2035. The program was established in response to community demand for more street art to enliven spaces and bring creativity into the everyday. This initiative provides opportunities for living Australian artists to showcase their work on a large scale in highly visible locations thereby strengthening the *City's* creative sector.

The program also requires the display of historic images or site-specific heritage-inspired creative content on *temporary structures* that are associated with heritage-listed properties or located in significant highly intact conservation areas.

The display of graphics also mitigates the adverse visual impacts of *temporary structures* and construction sites, enriching and vitalising public spaces and giving added creativity, interest and meaning to Sydney's culture, vibrancy and history.

Builders, developers and property owners can use artworks licensed by the City of Sydney or commission an Australian artist to create a site-specific bespoke graphic display for their *hoarding*.





**Figure 6.1:** Finishing site fences and *hoarding* fascias with a ‘green wall’ installation is an innovative and attractive way to mask development sites in prominent locations and improve streetscape amenity. Where *approval* is given specific conditions will apply including minimum ongoing maintenance requirements.

Photo: Peter Conroy / City of Sydney

### 6.1.2 Display of graphics

The use of graphics on *temporary structures* (*hoardings*, *scaffolding* and *work compounds*) is strongly encouraged. In prescribed circumstances it is mandatory (see **Table 1**).

The use of graphics mitigates adverse visual impacts and discourages graffiti and bill poster attachment on site fences by eliminating blank plywood-sheet surfaces.

A ‘Creative Graphic Design Guide for Temporary Structures (Hoardings and Scaffolding)’ is available on the *City’s* website to assist graphic design studios and large format printers prepare graphics to meet the *City’s* standards.



Photo: Digital montage / City of Sydney

### 6.1.3 Mandatory surface treatments on temporary structures

- (a) Where required by **Table 1** or a condition of *development consent*, *temporary structures* must, with the exception of *temporary structures* associated with heritage-listed buildings (see **(b)** below), display one of the following surface treatments:
  - (i) one of the Creative Hoardings licensed artworks viewable on the *City’s* website: [www.cityofsydney.nsw.gov.au](http://www.cityofsydney.nsw.gov.au) (note that the display of historic images on non-heritage listed buildings is not permitted); or
  - (ii) *approved* site-specific high quality bespoke artwork by a living Australian artist commissioned by developers/builders or as required by the *City* that adds visual interest in the streetscape and which is appropriate for the locality. Proponents must discuss their proposal with the *City* prior to commencing a concept artwork design work; or
  - (iii) vegetated (green wall or part artwork/ vegetated) site fence and/or fascia (**Figure 6.1**). Vegetative finishes will need to include an integrated automatic drip irrigation system. Details of:

- the structural adequacy of the hoarding structure to support a fully irrigated green wall
- the method of attachment and integration with the fence/fascia
- proposed plant species (suitable for the site conditions)
- the irrigation system
- planned and necessary maintenance program,

must be provided with a *temporary structure* application.



**Figure 6.2:** An example of a bespoke artwork display.

Bahloo and Bila by Wayne Quilliam  
Photo: Peter Conroy / City of Sydney



**Figure 6.3:** A combination of graphic image and 'green wall' may be an appropriate solution to enhance the appearance of hoarding fences.

Photo: Peter Conroy / City of Sydney

- (b) For works associated with heritage-listed buildings, historic images of the building or locality must be displayed. A selection of historic city images and citations are available through the City's Hoardings Archives self-service webpage accessed via the City's website. A combination of private collection images and images from the City's collection is also allowed. Proponents may also choose to create a bespoke historic display - a site-specific heritage informed and inspired artwork created by an artist or designer.
- (c) For temporary structures located in highly intact heritage conservation areas, a display of historic images or bespoke heritage informed content may be required, as above in **(b)**.

**Note:** Other than City-supplied and displayed graphics and public information, the City is not responsible for any copyright obligations that the applicant may need to meet.

#### 6.1.4 Site-specific graphics - City initiatives

As *temporary structures* are placed on or above land owned and controlled by the City including being regulated through this Code, the City reserves the right to require a proponent to display specific graphics. This can include the display of community information about City initiatives such as major projects, special events and festivals supported by the City and other initiatives undertaken by the City from time to time.



**Figure 6.4:** As *temporary structures* are placed on a land owned by the City, the City reserves the right to require an applicant to display specific artwork or community information about City initiatives.

Photo: Peter Conroy / City of Sydney



**Table 1:** Graphics required to be displayed on *temporary structures (hoardings & scaffolding)* (refer to **Parts 03, 04 and 05**)

| Type of temporary structure                                                                                                   | Location (refer to map at Figure 1.1) | When required, including installation period                                                                                        | Graphic requirement             |
|-------------------------------------------------------------------------------------------------------------------------------|---------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------|---------------------------------|
| Type-A <i>hoarding</i> and <i>work compound</i>                                                                               | City-centre                           | More than 4 weeks                                                                                                                   | Refer to 6.13 and Notes 1 and 2 |
|                                                                                                                               | Non-city-centre                       | More than 12 weeks                                                                                                                  |                                 |
| Type-B <i>hoarding</i> (with or without single storey <i>site sheds</i> )                                                     | City-centre                           | More than 4 weeks                                                                                                                   |                                 |
|                                                                                                                               | Non-city-centre                       | More than 12 weeks                                                                                                                  |                                 |
| Type-B <i>hoarding</i> (with double-stacked <i>site sheds</i> )                                                               | All localities                        | Any duration                                                                                                                        | Refer to 6.13 and Notes 1 and 2 |
| Large <i>scaffolding</i> systems and/or installations in prominent localities (as determined by the <i>City</i> - see Note 3) | All localities                        | As determined by the City (see Note 3); OR<br>As required by a condition of development consent applying to the development or work | Refer to 6.18 and Note 3        |

## Notes

1. The display of graphics is not required on *hoarding* installations in minor *roadways* such as laneways that are used primarily for local traffic and where the prevailing form of the laneway consists of rear fences, garages, gates, roller doors and the like.
2. Where a *hoarding* is installed on the main frontage of a corner block and the hoarding extends along a secondary side street (typically a laneway) that has a width not exceeding 6.0m measured from the property boundaries, graphics must be displayed for a length of at least 5.0m within the secondary street measured from the corner intersection (see **Figure 6.7**). Where the width of the *road* is more than 6.0m or graphics must be displayed for the full length of a *hoarding*.
3. Graphics displayed on *scaffolding* systems are typically referred to as 'scaffolding wraps'. They can take several forms - refer to City's 'Creative Graphic Design Guide for Hoardings and Scaffolding' for further details. In determining when a wrap will be required, see **6.1.8**.

**Table 2:** Signage controls for *hoardings* & *work compounds* (when signage is proposed)

| Type of signage |                                                                                                                                                                                                                                        | Maximum size)                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       | Location & maximum number                                                                                                                                                                                                          | Other requirements                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |
|-----------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>A</b>        | <b>Builder or principal contractor (name and logo), safety signage, design consultants' board and hoarding supplier identification.</b>                                                                                                | <ul style="list-style-type: none"> <li>No more than 5% of the aggregate outer surface area* of the hoarding in each street frontage; or</li> <li>5 square metres, whichever is the lesser.</li> </ul>                                                                                                                                                                                                                                                                                                                               | <ul style="list-style-type: none"> <li>One (1) sign per street frontage;</li> <li>Not higher than 8 metres above the footway/roadway surface.</li> </ul> <p><b>Note:</b> Only permitted on hoardings and compounds.</p>            | <ol style="list-style-type: none"> <li>Signage must be sympathetic with the graphic design and placed in accordance with Figure 6.17;</li> <li>Names of subcontractors and material/equipment suppliers must not be displayed on the hoarding and scaffolding;</li> <li>A small sign stating the name of the hoarding supplier is permitted.</li> </ol>                                                                                                                                                                                                                                                                                                                                                                                                     |
| <b>B</b>        | <b>Developer or corporate identification (name/logo).</b><br><br><b>Note: Where the developer and the builder are one entity, the provisions under 'A' do not apply and all signage must comply with this part 'B'.</b>                | <ul style="list-style-type: none"> <li>No more than 5% (combined) of the aggregate outer surface area* of the hoarding in each street frontage; or</li> <li>5 square metres, whichever is the lesser.</li> </ul>                                                                                                                                                                                                                                                                                                                    | <ul style="list-style-type: none"> <li>Up to two (2) brandings per street frontage;</li> <li>Not higher than 8 metres above the footway/roadway surface.</li> </ul> <p><b>Note:</b> Only permitted on hoardings and compounds.</p> | <ol style="list-style-type: none"> <li>Must be sympathetic with the graphic design and placed in black panels at the perimeter edges of graphics;</li> <li>Product images or the like must not be displayed;</li> <li>Only minor text messaging associated with logos is permitted;</li> <li>Corporate signage is only permitted when associated with the corporate identity of the current or future principal occupancy of the site/building;</li> <li>Only one website address can be displayed being a minor component of the corporate name/logo content and not a web address directly containing sales, leasing information or the like;</li> <li>The names and logos of other entities such as property investors must not be displayed.</li> </ol> |
| <b>C</b>        | <b>Community information that may include:</b> <ul style="list-style-type: none"> <li>details about the development or work;</li> <li>civic or community events;</li> <li>festivals; and</li> <li>public interest messages.</li> </ul> | <p>Type-A</p> <ul style="list-style-type: none"> <li>No more than 20% of the aggregate outer surface area* of the hoarding in each street frontage; or</li> <li>10 square metres, whichever is the lesser.</li> </ul> <p>Type-B</p> <ul style="list-style-type: none"> <li>No more than 10% of the aggregate outer surface area* of the hoarding in each street frontage, or</li> <li>10 square metres, whichever is the lesser.</li> </ul>                                                                                         | <p>One (1) sign per street frontage.</p> <p>Note: Only permitted on hoardings and compounds.</p> <p>One (1) sign per street frontage.</p> <p><b>Note:</b> Only permitted on hoardings and compounds.</p>                           | <ol style="list-style-type: none"> <li>At least 50% of the permitted signage area allocated for information about the development or work must display an image of the proposed building or work (refer to 6.1.7 for further details).</li> <li>Signage must be sympathetic with the graphic design and be placed in accordance with Figure 6.17, preferably at the ends of hoardings fences.</li> </ol>                                                                                                                                                                                                                                                                                                                                                    |
| <b>D</b>        | <b>Wayfinding and business identification signage</b>                                                                                                                                                                                  | <p>In circumstances where an existing building is undergoing change or maintenance works and a <i>hoarding</i> installation affects sightlines to:</p> <ul style="list-style-type: none"> <li>building entrances (existing or temporary) - the display of minor wayfinding signage is permitted on hoardings subject to City consideration &amp; approval (see 2.17); and</li> <li>existing <i>business identification signage</i> - temporary replicated signage display on <i>hoardings</i> may be allowed (see 2.16).</li> </ul> |                                                                                                                                                                                                                                    |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |

**Note:** \*'aggregate outer surface area' is the combined area of the site fence (including access gates/doors and end panels), access stairway enclosure and the fascia of Type-B *hoardings*.





**Figure 6.5:** An example of an artwork display on a *hoarding* fascia and stairway enclosure.

BADABABABABBAT-DA by Tegan Watton

Photo: Peter Conroy / City of Sydney

### 6.1.5 Prominent highly visible sites

For *temporary structures* installed in prominent highly visible locations including commercial districts with high pedestrian densities or major transport corridors/*roads*, the *City* may require specific surface treatments beyond the requirements of **Table 1**.



**Figure 6.6:** *Scaffold* installation in prominent and highly visible localities may require *scaffold wraps* (refer to **Table 1**).

Photo: Peter Conroy / City of Sydney

### 6.1.6 Innovative hoarding designs and surface treatments

Variations to the prescriptive design elements for *temporary structures* (see **3.7**) in order to accommodate innovative designs and artwork such as sculptured *hoarding* fences/fascias and hand-painted surfaces (see below), may be permitted subject to site-specific assessment. This will include consideration of the suitability of the locality (*footway* width) including potential impacts on safe and *accessible* pedestrian movement particularly in high pedestrian density areas.



3D hoarding artwork by Trent Whitehead

Photo: Peter Conroy / City of Sydney



Hand-drawn hoarding mural by Jane Becker  
Photo: Peter Conroy / City of Sydney

### 6.1.7 Development/worksite signage displays on temporary structures

The display of signage associated with the development or work is permitted subject to meeting the controls set out in **Table 2** and **Figure 6.16**.

Where sightlines to existing *business identification signage* will be impacted by a *temporary structure* the signage can be replicated and displayed on *hoardings* (refer to **2.16** and **Table 2** for further details).

Real estate sales and leasing information including contact details for agents must not be included as part of the community information panel. A small QR Code may be displayed directing the public to other more detailed information about the development or work.



**Figure 6.7:** For a corner site adjoining a laneway the installation of graphics on the secondary *road* (laneway with a width not exceeding 6 metres) must extend a distance of at least 5 metres from the primary *road* hoarding frontage as indicated (refer to 'Note 2' in **Table 1**) and the remainder of the hoarding must be painted flat black.

Obstacle Course by Elliot Bryce Foulkes  
Photo: Peter Conroy / City of Sydney



**Figure 6.8:** An example of a *scaffold* artwork wrap.

You rocked my heart Trev by Emily  
Parsons-Lord  
Photo: Peter Conroy / City of Sydney

### 6.1.8 Scaffolding graphics (scaffold wraps) and other treatments

- Where required by **Table 1**, the entire *scaffolding* surface, or a lesser area as determined and *approved* by the *City*, must display a graphic (artwork, historic images or facade replication image) to mitigate the adverse visual impacts of scaffolding on the *public space* and to add visual interest and vibrancy in the streetscape.

**Note:** The mesh fabric on which graphics are printed for display on *scaffolding* must comply with the Australian Standard for *scaffolding* (AS/NZS 1576), applicable Codes of Practice and any work safety standards or directives issued by *SafeWork NSW*.

- The *City*, as owner of the land upon which the *scaffolding* is placed, reserves the right to require a specific graphic display (see **6.1.4**).
- The projection of digital content (artwork/ images) onto a *scaffolding* wrap (mesh) is permissible subject to *City approval*. The *City* may also require a projected digital display.
- In determining when a wrap will be required the following factors will be considered:
  - the prominence of the site and locality;
  - the extent of exposure within the *public space* (pedestrian density and extent of vehicle movement past the site), proximity to significant transport corridors (rail and/ or *road*) and transport nodes (rail/metro stations and major bus stops);





**Figure 6.9:** An example of a facade replication scaffold wrap on a heritage-listed building.

Photo: Peter Conroy / City of Sydney



Photo: Peter Conroy / City of Sydney



**Figure 6.10:** An example of shopfront facade replication on a heritage-listed building.

Photo: Peter Conroy / City of Sydney

- (iii) the extent of exposure and visual impact such as vistas from reserves, squares and malls, major *road* intersections and the harbour;
- (iv) the proximity to significant landmarks including heritage-listed buildings; and
- (v) the duration of scaffold installation. As a general guide/consideration, an installation that is in place for more than six months is a significant determinate, together with the factors listed above.





**Figure 6.11:** An example of a bespoke historic images graphics display.

Photo: Peter Conroy / City of Sydney



**Figure 6.12:** Minor wayfinding signage is permitted (with *City approval*) where a *temporary structure* installation interferes with building entrances and retail/business premises (see also **2.16** and **2.17**). Signage can be incorporated as part of a graphics print/display.

Photo: Peter Conroy / City of Sydney



**Figure 6.13:** Always wrap printed fabric on corners to avoid the use of double vertical sail-tracking.

Suspended Figures by Prudence Stent and Honey Long

Photo: Peter Conroy / City of Sydney



**Figure 6.14:** Installation of a historic display on a large fascia surface.

Photo: Peter Conroy / City of Sydney





**Figure 6.15:** Where a *hoarding* depth is more than 0.5m, graphics must be displayed on the end panels. The printed fabric should be wrapped on the corners (to avoid double vertical sail-tracking). Where a historic display is required, the 'From the Archives' panel can be appropriately wrapped on the corner as shown in this figure.

Photo: Peter Conroy / City of Sydney

### 6.1.9 Printing and installation requirements

- (a) For minimum standards and requirements for graphics refer to the *City's* 'Creative Graphic Design Guide for Temporary Structures'.
- (b) The system of installation and attachment of displays to *temporary structures* must consider the long-term durability, appearance and maintenance requirements to ensure that an acceptable quality appearance is provided and maintained.
- (c) Printable banner fabric and fixing systems must meet the following requirements:
  - (i) the *City's* preference is for banner fabric to be of fully recycled material (see **6.1.10**). Where this is not possible, the material must be banner fabric (such as PVC);
  - (ii) the material must be attached to the *hoarding* surfaces using pre-painted black powder-coated sail-track or other similar approved track system to ensure an even and taut surface finish is achieved (and maintained). The use of printed eyelet banners is not allowed as this system cannot maintain a satisfactory taut condition for an extended installation period; and



**Figure 6.16:** A minor information panel listing consultants associated with a development/construction site is permitted (refer to **Table 2**).

Photo: Peter Conroy / City of Sydney



**Figure 6.17:** All mandatory signage, other than minor caution signage and parking control signage, must be displayed at the ends of *hoarding* fences or next to access doors. Signage must not be placed over graphics.

Faraway gums by Billy Ryan

Photo: Peter Conroy / City of Sydney

- (iii) sail-track and banner fabric must be installed in accordance with the *City's* 'Creative Graphic Design Guide for Temporary Structures' to achieve a high quality surface finish (site fence and fascia).
- (d) Generally, fixing tracks and graphics must be installed within the internal edges of the perimeter trimming boards. On sloping *footways* this may not be feasible. Tracks and fixing systems must also be designed and installed to eliminate sharp edges at joins and fixings (low profile screw-heads must be used).
- (e) The use of self-adhesive/backed material will only be permitted in the following circumstances:
  - (i) on a Type-A *hoarding* that is weather-protected by street awnings;
  - (ii) on the site fence of a Type-B *hoarding* where the overhead deck affords weather and sun protection; and
  - (iii) where the fencing material has a very high quality smooth surface finish to ensure full adhesion, prevent panel shrinkage and to prevent base-board surface imprints on the graphics fabric.
- (f) Access doors exceeding 2.0m in width must have graphics applied. In some circumstances such as long duration projects, it is preferable that graphics be printed on or adhered to composite base-board for long-term durability. If vinyl banner fabric on access doors is significantly and/or repeatedly damaged, the *City* can require the graphic to be re-printed on a more durable composite board.
- (g) Where an anti-graffiti finish is to be applied over printed content a matte/flat finish is required (gloss finish is not permitted due to excessive and unacceptable ambient light reflectivity impacts).

#### 6.1.10 Recycling/repurposing printable materials (graphics)

Printable materials (banner and mesh) and fixing systems (such as metal sail-track) for the display of graphics must be capable of being reused, repurposed or recycled.

The *City's* preference is for banner/mesh products to contain recycled materials and be used for the display of graphics in a sustainable manner in accordance with the principles of a circular economy (closed-loop system). This includes a commitment to a robust chain of custody systems to ensure high quality traceability and integrity of the recycling processes.

Where recyclable banner material is used and complies with the requirements as set out above, a small (200mm square) standard recycling symbol can be displayed in an appropriate location on the printed banner graphic display.



# **Attachment C**

|                          |
|--------------------------|
| <b>Engagement Report</b> |
|--------------------------|



# Engagement report – Construction-related Temporary Structures On and Above Roads



# Overview

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## Background

The draft Construction-related Temporary Structures On and Above Roads Policy, currently the adopted Hoardings and Scaffolding Policy, provides the framework for regulating the design, approval and installation of construction-related temporary structures on and above public roads.

The proposed policy and code of practice (currently Guidelines for Hoardings & Scaffolding) need to be expanded to capture additional forms of construction-related temporary structures.

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## Engagement summary

From 17 April 2025 to 9 June 2025, we asked the community for their feedback on the policy via an online survey.

Comprehensive responses to the submissions have been included in Attachment D of the committee report.

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## Purpose of engagement

The purpose of the engagement was to:

- undertake a statutory public exhibition of the Construction-related Temporary Structures On and Above Roads – Local Approvals Policy and code of practice.
- seek feedback on the amendments to the provisions in the current guidelines and incorporation in a new code of practice.

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## Outcomes of engagement

| Quantity | Description of activity                                              |
|----------|----------------------------------------------------------------------|
| <b>6</b> | <b>Total submissions received</b>                                    |
| 4        | Survey submissions                                                   |
| 2        | Email submissions                                                    |
| 280      | Sydney Your Say webpage visits                                       |
| 117      | People downloaded the policy, code of practice or supporting summary |
| 51       | Stakeholder emails were sent                                         |

Submissions were received from the following organisations:

- Speedy Gantry Hire Pty Ltd

- Total Hoardings Pty Ltd
- saveBoard
- Transport for NSW

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## Submissions

The six submissions received have been summarised below or included in their entirety (refer to Attachment D):

### Organisations:

1. “Transport suggests all drawings/ diagrams show a width of 600mm (without stating “min”) between the kerb face and vertical elements, with notes explaining concessions available and the notes also stating a preferred 800mm gap adjacent to bus corridors.”
2. “The only thing I have to comment on is item 50 of the attached document. All our vertical counterweights 2250 in height, I know for a fact Total Hoardings are 2200 in height. Can we please have item 50 amended to 2250 to save on mass production of this item across multiple companies.”
3. Concerns over the proposed 2.1m height limit for vertical counterweights contradicting the long-standing use of 2.2–2.3m counterweights in Sydney and may create practical issues, especially in busy areas where taller counterweights could reduce kerbside space usage. Additional concerns over the new limit of three columns in a line (Section 3.8.2, Note 2(d)), noting that in many situations four columns are needed to work around obstructions. Also, that enforcing this limit may force the use of larger structural members, reducing clear pedestrian space and contradicting the policy’s emphasis on maintaining footpath clearance.
4. Suggestion for the code of practice to be updated to include sustainable alternatives to plywood, specifically Engineered Recycled Composite Panels such as saveBOARD, for use in site hoardings and temporary structures.

### Works in the city:

“The policy is comprehensive and well structured. It addresses all of the obvious and not so obvious matters that one comes across when undertaking the design and erection of temporary structures associated with work on multi-storey projects.”

### Local resident:

Concerns about the lack of time limits on hoardings, allowing developers to occupy public footpaths and shared spaces - often for years - without progressing construction, noting safety issues this causes.

# Engagement activities

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## Overview of engagement undertaken

### **Sydney Your Say webpage**

A Sydney Your Say webpage was created - <https://www.cityofsydney.nsw.gov.au/policy-planning-changes/have-your-say-standards-construction-related-temporary-structures>. The page included key information on what the policy is for, the draft policy and code of practice for download, and a document summarising the changes.

### **Online feedback form Survey Monkey**

The community and stakeholders were able to give feedback using an online survey or by email. A link to the form was provided on the Sydney Your Say website.

### **Sydney Your Say e-news**

The consultation was included in the Sydney Your Say (May 2025) e-newsletter (5,122 subscribers).

### **Notification email**

Email notifications of the consultation were sent to 51 contacts of construction, hoarding and scaffolding companies, government authorities and disability groups on 29 April and a reminder on 27 May.





# **Attachment D**

|                                                             |
|-------------------------------------------------------------|
| <p><b>Summary of Submissions and City<br/>Responses</b></p> |
|-------------------------------------------------------------|

| Ref | Submission from       | Submission (summary of key matters raised)                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   | Code clause/s | Officer comments                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             | Outcomes                                                                                                                                                                                                                                                                |
|-----|-----------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 1   | Individual (resident) | <p>(a) Concerned about the duration of hoarding placement on public land particularly when development/construction projects are progressing slowly or have stalled. Raised issues about hoardings obstructing footways including shared paths - provides an example of a cyclist accidentally striking a woman pushing a pram due to the hoarding narrowing the pathway width.</p> <p>(b) Suggests that tighter time limits be applied to hoarding installations where projects are not progressing promptly or have ceased construction. Also suggests that greater road occupation fees should be applied for slow works to incentivise completion of development/works to speed the removal of temporary structures.</p> | 1.19.4        | <p>This clause deals with matters relating to extending an approval permitted under Section 107 of the Local Government Act.</p> <p>The provision in the draft CoP lists several reasons where the City may decide not to extend an approval and includes a general sub-clause highlighting that the City can determine not to extend where there are 'any other matter as determined by the City'. This could include refusing to extend an approval due to:</p> <ul style="list-style-type: none"> <li>• an unacceptable duration of temporary structure placement where works have ceased for extended periods; and/or</li> <li>• where works are not progressing at an acceptable pace.</li> </ul> <p>To address these matters an additional subclause is recommended for inclusion in the Code. Subclause (d) has therefore been included. This will make it clear to holders of an approval that in circumstances where works stall or cease the City may require removal of a temporary structure (where safe to do so).</p> <p>In relation to establishing greater footway occupation fees as a means to encourage the removal of temporary structures, this matter will be considered in the annual review of City's Revenue Policy (fees and charges) in 2026.</p> | <p>An additional subclause (d) in 1.19.4 has been included as follows:</p> <p>"(d) a development and/or works have stalled or ceased and the temporary structure is no longer required for its approved purpose and the City requires its removal or modification".</p> |
| 2   |                       | (a) The draft Code is a comprehensive body of work.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          | -             | Noted.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       | -                                                                                                                                                                                                                                                                       |

|  |                                   |                                                                                                                                                                                                                                          |     |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |                     |
|--|-----------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------|
|  | Company<br>(hoarding<br>supplier) | (b) The draft Code is more a regulatory compliance document rather than a guideline (a reference to the City's current adopted <i>Guidelines for Hoardings and Scaffolding</i> which the draft Code will replace).                       | -   | Noted. The title of the draft Code could be considered a more formal 'compliance' document, however, both the current <i>Guidelines for Hoardings and Scaffolding</i> and the draft CoP have equal status in terms of enforcement through the Local Approvals Policy.                                                                                                                                                                                                                                                                                                                                              | No change required. |
|  |                                   | (c) Queries whether independent external structural engineering advice/expertise has been sought from practising engineer/s during the development of the document.                                                                      | 2.8 | Independent advice from a practising engineer has not been sought. It is a requirement of clause 2.8 (structural design, certification and eligibility) that temporary structures must be designed to comply with applicable Australian Standards including the AS/NZS 1170 series relating to structural design (imposed loads, wind actions and earthquake actions). The draft Code also stipulates that design and certifying engineers must hold minimum qualifications and registration with the industry body, Engineers Australia.                                                                          | No change required. |
|  |                                   | (d) Points out that: " <i>ultimately any prescriptive elements will have an engineering implication and one would assume that these would be thoroughly understood and considered whilst generating such a comprehensive document</i> ". | -   | The submission does not specifically identify parts of the draft Code that have an "engineering implication". It is a requirement of the draft Code that the design of temporary structures must be assessed for structural adequacy against applicable Australian Standards (refer to comments above).<br><br>Any aspects of a structure's design that cannot achieve compliance with the objectives in the Code and/or referenced standards must be identified in an application and proponents must set out reasons why compliance cannot be achieved including seeking a variation (as permitted in the Code). | No change required. |



|   |                             |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |                                 |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |                                                                                                                                                                                                |
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|   |                             |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |                                 | The City may seek independent structural engineering input at any point in relation to the application of the draft Code including during assessment of a proposal and application.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |                                                                                                                                                                                                |
|   |                             | <p>(e) Provides comments on three specific aspects:</p> <ul style="list-style-type: none"> <li>a proposed counterweight height of 2.1m for vertical counterweights is problematic as most weights are 2.2m tall.</li> <li>concerned about taller counterweights needing to be used to address structural stability aspects and how this is to be addressed through the Code; and</li> <li>a proposed maximum limit of three grouped columns – questions the limitation and suggests that up to four grouped columns should be permitted to avoid the usage of rolled steel column members.</li> </ul> | <p>3.9.3(a)</p> <p>3.8.2(d)</p> | <p>A 'deemed-to-comply' provision is nominated in the draft Code to set a standard (maximum height 2.1m for vertical counterweights). The submission indicates that most standard counterweights have a height of 2.2m. Following a review of this component of hoarding design provisions it is considered appropriate that a height not exceeding 2.3m be permitted. The increase of 200mm (2.1m to 2.3m) will not overly increase the bulk and scale of a Type-B hoarding along the kerbside of footways.</p> <p>In relation to counterweighting exceeding a height of 2.3m (for essential structural stability purposes), the Code permits this subject to 3.9.3(e) which requires plywood enclosure and the display of graphics on all four surfaces to mitigate adverse visual impacts.</p> <p>The restriction of grouped columns (maximum of three) has been established as a 'deemed-to-satisfy' provision to set a prescriptive control. Where there are justified reasons for the use of more than three grouped columns the proposed Code permits variations where a proponent can justify variations and the proposed design meets the objectives set out in the Code.</p> | <p>The subject clause has been adjusted to nominate a maximum height of 2.3m as a deemed-to-comply control.</p> <p>No change necessary – addressed in the Code.</p> <p>No change required.</p> |
| 3 | Company (hoarding supplier) | Concerned with the proposed height control (2.1m) for vertical counterweights noting that the                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         | 3.9.3(a)                        | A 'deemed-to-satisfy' provision is nominated in the draft Code to set an acceptable maximum standard height for vertical counterweights. The                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           | The subject clause has been adjusted to                                                                                                                                                        |

|   |                                                                |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |                                 |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |
|---|----------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|   |                                                                | supplier's current counterweight height is 2.25m.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |                                 | <p>submission indicates that most standard counterweights have a height of 2.25m.</p> <p>As noted in submission 2 (above) it is considered appropriate that a height not exceeding 2.3m be applied (as a deemed-to-comply standard) which will not overly impact on the bulk and scale of these elements of Type-B hoardings on kerbside of footways.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       | nominate a maximum height of 2.3m.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |
| 4 | Company (manufacturer of recycled composite panels / boarding) | <p>(a) Seeks to include clauses to allow the use of 'engineered recycled composite panel' such as the product 'saveBOARD' for hoarding fencing. The standard Code requirement for fencing is 17mm (min.) thick structural-grade plywood.</p> <p>(b) The inclusion of the suggested generic term would capture the saveBOARD product (produced commercially in Warragamba – details can be found here: <a href="https://www.saveboard.com.au/">https://www.saveboard.com.au/</a> ).</p> <p>(c) Details included as part of the submission are summarised below:</p> <ul style="list-style-type: none"> <li>• a high-performance, carbon-negative building panel manufactured entirely from 100% upcycled Australian waste streams;</li> <li>• includes used drink cartons, construction-related soft plastics, and wood fibre, sourced predominantly from local construction clients,</li> </ul> | 3.10 – Objectives and 3.10.2(d) | <p>The product has undergone several tests including strength and impact resistance. An assessment of combustibility has also been undertaken and a professional opinion obtained (based on deemed-to-satisfy criteria in the Building Code of Australia) which indicates that the product is considered acceptable for use within buildings.</p> <p>The product details and specifications (from the saveBOARD website) have been reviewed by the City's Sustainability and Resilience team and the following points (environmental aspects) are highlighted:</p> <ul style="list-style-type: none"> <li>- positive from an environmental standpoint (no apparent reporting of issues with the material composition);</li> <li>- VOCs are in-line with Green Star requirements;</li> <li>- potential for the release of potential toxins when exposed to fire (Note: This is also common with plywood); and</li> <li>- absence of information regarding material wear when exposed to weathering and product degradation that may lead to release of microplastics.</li> </ul> | <p>The objectives and applicable clause have been adjusted to include:</p> <ul style="list-style-type: none"> <li>• an objective to highlight the need for the re-use or recycling of fencing materials; and</li> <li>• a 'Note' in subclause (d) of 3.10.2 to highlight that the City may consider forms of site fence boarding material (other than structural-grade plywood) on a case-by-case basis and where a material meeting the 'objectives' including satisfying the City's requirements as part of the application assessment processes.</li> </ul> |

|  |  |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |  |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |  |
|--|--|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--|
|  |  | <p>container deposit schemes, and industrial partners;</p> <ul style="list-style-type: none"> <li>• further product information is available at:<br/><a href="https://www.saveboard.com.au/multi-use-panel">https://www.saveboard.com.au/multi-use-panel</a>;</li> <li>• the product has been engineered to meet the durability, safety, and performance requirements expected of construction materials including AS/NZS 2269:2012 (plywood) for performance and impact-tested to AS 4687.3: 2022 (Temporary fencing and hoardings).</li> </ul> <p>(d) The submission further highlights that product aligns strongly with the City of Sydney's <i>Sustainable Sydney 2030–2050</i> strategic vision, particularly its focus on circular economy practices including the use of low-impact and environmentally responsible construction materials. It also complements existing provisions in the draft Code, such as Clause 6.1.10 which encourages the use of 100% recyclable printable banner materials for the display of graphics on hoardings.</p> |  | <p>From a sustainability perspective (recycling waste products and reuse/recycling of panels), the product performs very well. It also aligns with circular economy principles.</p> <p>The current form of hoarding fencing material is plywood which is typically recovered and re-used (subject to satisfactory condition) when a hoarding is dismantled. Plywood has been used on hoardings for many decades and has performed well. The material can be easily maintained (cleaned) and repainted to maintain a satisfactory visual appearance.</p> <p>From discussions with a representative of <i>saveBOARD</i> there has been no similar long-term usage of the board in an outdoor heavy construction site environment to confirm satisfactory performance including exposure to variable weather conditions (rain and wind) and sun exposure.</p> <p>Ideally, in situ testing should be undertaken to determine long-term durability and resistance to various elements including general wear &amp; tear from heavy construction works/activities.</p> <p>The <i>saveBOARD</i> company has approached a large construction firm to trial the product as part of a hoarding structure (site fence) installation however, at this point this has not been confirmed.</p> |  |
|--|--|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--|

|   |                                                                       |                                                                                                                                                                                                                                                                                   |                              |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |
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| 5 | Government (TfNSW – Operations Planning Coordinator-General Division) | Suggests that all diagrams show a kerb face to hoarding column setback dimension without stating “min.” and include notes explaining that variations are permitted. The notes should also state a preference to provide 800mm kerb setback adjacent to bus corridors (kerb lane). | 3.8.4 (e) and (f); 3.12.5(h) | <p>It is noted that a column/counterweight setback greater than 300mm is helpful to bus drivers when moving along kerb lanes particularly transitways. Setbacks greater than 300mm can also be helpful when manoeuvring from through-traffic lanes into kerb lanes where kerbside parking is permitted, particularly near bus stop zones.</p> <p>Column and counterweight setback distances from a kerb must respond to local conditions including the footway width, pedestrian density, footway infrastructure (litter bins, bench sets, street light poles), and street trees.</p> <p>A key provision and aim of the current controls (and the proposed Code) is to minimise the footprint of a hoarding and thereby maximise the unencumbered footway space (width) to ensure safe and convenient movement of pedestrians.</p> <p>The Code requires a minimum hoarding setback of 300mm from the kerb to provide clearance for the safe passage of vehicles along the kerb lane including clearance for side-mounted rear vision mirrors. The 300mm setback also maximises the clear width of a footway for pedestrians.</p> <p>There are also needs of builders that must be considered such as their statutory obligations to afford overhead protection to objects that may fall from work area above a footway. A setback of 800mm as suggested by TfNSW may conflict with public safety needs and contractor WHS obligations. There are solutions to address this area of conflict such as cantilevering the hoarding deck from columns that are setback from the kerb. An example is shown in Figure 3.17 in the draft Code, although such a design is not suited to all footway conditions.</p> | <p>Several provisions have been included to address the matter raised by TfNSW. This includes requirements for hoarding designers / contractors to consult TfNSW and seek feedback to minimise impacts on bus transport operational needs. Details of consultation undertaken must be lodged with applications to the City. This will be considered in the assessment of a hoarding proposal.</p> <p>Furthermore, this aspect of hoarding design will be included in the City’s standard application form to clearly identify that this matter must be addressed. Contact details of the relevant TfNSW team will also be included in the form to facilitate effective consultation.</p> |
|---|-----------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|



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|--|--|--|--|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--|
|  |  |  |  | <p>A further factor that must be considered when determining the positioning of columns is potential impacts on safe and convenient movement of pedestrians including crowding and potential pedestrian-to-pedestrian impact. Placing columns within the main pedestrian thoroughfare can increase risks of injury such as pedestrians inadvertently walking into columns/concrete counterweights. Positioning columns and counterweights 300mm from the kerb minimises these risks.</p> |  |
|--|--|--|--|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--|

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## Item 6.

### **Post Exhibition – Local Approvals Policy for Hoisting and Construction Activities On and Above Roads and Code of Practice**

**File No: S129097**

#### **Summary**

This report seeks Council approval of the Local Approvals Policy for Hoisting and Construction Activities On and Above Roads (the “Policy”) and supporting technical controls, the proposed Code of Practice: Hoisting and Construction Activities On and Above Roads (the “Code”).

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.

At its meeting on 16 December 2024, Council resolved to exhibit the draft Policy and draft Code. Exhibition seeking public and industry comment took place from 17 April 2025 to 9 June 2025. One submission was received. Some further amendments to the Policy and Code are recommended following the exhibition period.

This report recommends that Council adopt the proposed Policy as shown at Attachment A and the supporting Code at Attachment B to the subject report.

## Recommendation

It is resolved that:

- (A) Council note the submission received on the exhibited draft Local Approvals Policy for Hoisting and Construction Activities On and Above Roads and Proposed Code of Practice, as shown in Attachment C to the subject report;
- (B) Council adopt the Local Approvals Policy for Hoisting and Construction Activities On and Above Roads, as shown at Attachment A to the subject report;
- (C) Council note the supporting Code of Practice: Hoisting and Construction Activities On and Above Roads, as shown at Attachment B to the subject report; and
- (D) authority be delegated to the Chief Executive Officer to make amendments to the Local Approvals Policy for Hoisting and Construction Activities On and Above Roads and Code of Practice: Hoisting and Construction Activities On and Above Roads, to correct any minor drafting errors and finalise design, artwork and accessible formats for publication.

## Attachments

- |                      |                                                                                    |
|----------------------|------------------------------------------------------------------------------------|
| <b>Attachment A.</b> | Local Approvals Policy for Hoisting and Construction Activities On and Above Roads |
| <b>Attachment B.</b> | Code of Practice - Hoisting and Construction Activities On and Above Roads         |
| <b>Attachment C.</b> | Engagement Report                                                                  |

## Background

2. At its meeting on 16 December 2024, Council resolved to exhibit the draft Policy and Code. Exhibition seeking public and industry comment took place from 17 April 2025 to 9 June 2025. One submission was received.
3. The proposed Policy and Code aim to:
  - (a) control, regulate and approve hoisting activities on and/or above roads
  - (b) control, regulate and approve activities related to construction that need to be carried out in, on or above roads
  - (c) minimise pedestrian, cycleway and vehicular obstructions and other impacts resulting from equipment placement and construction activities in, on and/or above roads
  - (d) provide safe and accessible public passage and quality amenity in the vicinity of worksites
4. The proposed Policy and Code have been exhibited and feedback relating to the Code has been received and addressed. Refer to the 'Public Consultation' section of the report for details.

## Key Implications

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

5. 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 policy 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.

### Organisational Impact

6. The introduction of the proposed Code will require some awareness training for officers involved in the assessment of applications. Internal processes, including adjustments to template documents and permits, will also be necessary to capture various aspects of the proposed Code. Adjustments to application forms will also be necessary. This work will be undertaken prior to the formal commencement of the Policy and Code.



**Risks**

7. Council's adopted Risk Appetite Statement identifies its primary objective is to prevent harm, injuries and workplace illnesses to our workers, residents, visitors and other stakeholders; and acknowledges that achieving a risk-free environment is not feasible, especially in the public domain.
8. Builders and contractors undertake various construction works, including hoisting activities that affect public spaces and the users of these spaces. This work is necessary to the functioning and development of the city. The proposed Local Approvals Policy and Code of Practice control these activities in public spaces to ensure that the risks to the city's workers, residents, visitors and other stakeholders are within the City's level of tolerance to these risks. It includes provisions to prevent uncontrolled hazards and if disregard for safety regulations is identified to mitigate these risks promptly.

**Social / Cultural / Community**

9. The proposed Policy and Code aim to minimise public risks and inconvenience in the vicinity of worksites through controls that builders and contractors must comply with and implement to provide safe, convenient and accessible public pathways and passage past worksites.
10. Older persons and people with disabilities will benefit through clear and detailed requirements that contractors must follow 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**

11. The proposed Policy and Code contain provisions for managing works to minimise environmental impacts such as noise, water, air quality and, when working at night, excessive light-spill. There are also requirements for keeping public space work areas clean and tidy to enhance public space amenity.

**Economic**

12. The proposed Policy and Code do not impact (increase) operational costs for the construction sector when undertaking works and other activities on roads. The proposed Code simply sets out existing internal City requirements and processes in a single document that includes extensive cross-referencing of provisions to ensure that all aspects of public safety, amenity, access and convenience can be addressed readily when working in, on and above roads.

**Relevant Legislation**

13. There are several key statutes that apply when using roads for hoisting and other construction-related activities. The proposed Policy has been prepared in accordance with the Local Government Act 1993 and the Local Government (General) Regulation 2021.
14. 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**

15. There are no critical dates that must be met to commence the operation of the proposed Policy and Code although the aim is to commence their operation concurrently with the proposed Policy and Code for Construction-related Temporary Structures On and Above Roads, which is the subject of a separate report.

### **Public Consultation**

16. Exhibition seeking public and industry comment took place from 17 April 2025 to 9 June 2025. One email submission was received from a resident highlighting the need to consider and assess potential impacts on urban ecology/wildlife such as birds, nests, bats and other animals when street trees require pruning to accommodate worksite activities in public spaces such as hoisting operations from a works zone at roadway level.
17. To address this matter additional subclauses have been included in the proposed Code (refer to clause 2.14.7(d) and the 'notes' in clause 2.14.7.2). Similar clause content has also been included in the proposed Code of Practice - Construction-Related Temporary Structures On and Above Roads.

### **GRAHAM JAHN AM**

Chief Planner / Executive Director City Planning, Development and Transport

Peter Conroy, Standards and Policy Specialist - Construction

# **Attachment A**

|                                                                                                          |
|----------------------------------------------------------------------------------------------------------|
| <p><b>Local Approvals Policy for Hoisting and<br/>Construction Activities On and Above<br/>Roads</b></p> |
|----------------------------------------------------------------------------------------------------------|

# Local Approvals Policy for Hoisting and Construction Activities On and Above Roads

## Purpose

The purpose of this Policy is to provide the framework for regulating and approving the carrying out of hoisting operations and construction-related activities in and over public roads within the Council of the City of Sydney local government area.

This Policy supplements provisions of the Local Government Act 1993, the Local Government (General) Regulation 2021, the Roads Act 1993 and the Roads Regulation 2018.

The Policy is a Local Approvals Policy prepared and adopted by Council under s158 of the Local Government Act 1993 to regulate hoisting activities (being “hoisting” under Part E (1) of the Table in s68 of the Act) and regulate minor temporary construction-related structures installed in, on and/or above a public roads (being “articles” under Part E (2) of the Table in s68 of the Act).

The Policy addresses three aspects (parts) in accordance with the requirements of the Local Government Act 1993 and operates as follows:

- Part 1 - specifies any exemptions from this Policy
- Part 2 - specifies the criteria that Council must consider when determining whether to grant approval for a particular article or activity
- Part 3 - specifies other matters relating to approvals.

## Objectives

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.

## When will the Policy be revoked?

Under s165(4) of the Local Government Act 1993, this Policy is automatically revoked 12 months after the NSW local government elections, unless the Council resolves to do so sooner.

## Scope and purpose

The Policy applies throughout the City of Sydney local government area. The purpose of the Policy is to give force to the ‘Code of Practice: Hoisting and Construction Activities On and



Above Roads (the “Code”). The Code prescribes the technical standards applying to hoisting activities, controlling other forms of construction-related activities including the placement (installation) of minor temporary structures. The Code is also used to assess applications lodged by property owners, developers, builders, and contractors seeking approval to hoist over roads and other public places and undertake other works and/or installations in a public space.

## How this Policy works

### Part 1 - Exempt from approval

The Policy does not exempt the need to obtain the approval of Council for any hoisting activities on and/or above public roads and the placement of minor temporary structures in, on or over on a public road.

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

The provisions set out in the Code will apply when seeking approval to undertake hoisting activities and install minor temporary structures in, on and/or above a public road.

### Part 3 - Other matters relating to approvals

The provisions of the Roads Act 1993 and Roads Regulation 2018 relating to the activity of hoisting and installing minor temporary structures in, on and/or above a road will also be considered in the assessment and determination of applications seeking approval to undertake these activities and works.

The approval for hoisting and the installation of minor temporary structures does not automatically permit the installation and use of other forms of construction-related temporary structures in, on and/or above roads such as hoardings, scaffolding, cantilevered structures and other forms of major temporary structures. These activities are regulated through a ‘Local Approvals Policy for Construction-related Temporary Structures On and Above Roads’. A separate approval for these structures and uses is required under category E(2) of the table in s68 and s94 of the Local Government Act and s139 of the Roads Act 1993.

## Definitions

| Term                                        | Meaning                                                                                                                                                                                                                                                     |
|---------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Approval                                    | an approval in force under the Local Government Act 1993 and Roads Act 1993 which includes the term ‘permit’                                                                                                                                                |
| Articles                                    | a minor temporary structure, installed (exposed) in, on or above a public place                                                                                                                                                                             |
| Code                                        | the ‘Code of Practice: Hoisting and Construction Activities On and Above Roads (available on Council’s website) adopted as part of this Local Approvals Policy                                                                                              |
| Construction activities and minor temporary | any of the following activities and/or minor temporary structures installed and undertaken in, on or above a public road: <ul style="list-style-type: none"><li>- mobile scaffold (of a height not exceeding 4.0 metres)</li><li>- access ladders</li></ul> |

| Term                 | Meaning                                                                                                                                                                                                                                                                                                                                                                                                                                                       |
|----------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| structures (article) | <ul style="list-style-type: none"><li>- barricades (to establish pedestrian exclusion zones or to create temporary pedestrian pathways)</li><li>- temporary works</li><li>- road openings</li><li>- temporary pedestrian ramps on footways (typically used over concrete pumping static lines)</li><li>- other forms of minor temporary structures and construction-related works carried out in, on or above a public road</li></ul>                         |
| Footway              | the part of a road that is set aside or formed as a path or way for pedestrian traffic (whether or not it may also be used by bicycle traffic)                                                                                                                                                                                                                                                                                                                |
| Hoisting             | the action of raising or lowering a load (material, plant, equipment) or workers, by powered mechanical or manual means and includes hoisting using a crane; winch; elevated work platform; mast-climbing work platform; <i>suspended scaffold</i> ; personnel and materials hoist; boom lift including concrete placing boom; and building maintenance unit.                                                                                                 |
| Road                 | includes— <ul style="list-style-type: none"><li>(a) highway, street, lane, pathway, footpath, cycleway, thoroughfare, bridge, culvert, causeway, road-ferry, ford, crossing, by-pass and trackway, whether temporary or permanent, and</li><li>(b) any part of a road and any part of any thing referred to in paragraph (a), and</li><li>(c) any thing forming part of a road or any thing forming part of any thing referred to in paragraph (a).</li></ul> |

## Policy Statement

Footway obstructions resulting from the placement of minor temporary structures on and above roads and undertaking hoisting operations are often a necessary part of construction and building maintenance activities. In allowing minor temporary works and installations and hoisting activities in, on and/or above a road it is essential that they have the least possible impact on residents, workers, visitors and the business community. To achieve these required outcomes the Code prescribes minimum acceptable standards that must be followed by persons undertaking construction-related works and activities on and above roads.

Due to very high pedestrian and traffic volumes in the city there are special needs and requirements that must be considered and followed when undertaking works and hoisting activities including the installation of minor temporary structures on and above roads. This is necessary to ensure the safe, accessible and convenient passage and movement of pedestrians and cyclists.

## Legal status of this Policy

The Policy is aimed at the development and construction sectors where approval is sought to undertake hoisting activities and carry out works including installing minor temporary structures in, on and/or above a road (activities under category E (1) and E (2) of the table in s68 of the Local Government Act) and s138 of the Roads Act in association with development sites, construction works or buildings undergoing maintenance.

### 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 Code must be satisfied when undertaking hoisting and/or installing minor temporary structures in, on and/or above a road.

### 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, Code 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.

Under the Local Government Act, parties without a required approval or acting in breach of a condition of an approval 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.

### Granting an approval

An approval for hoisting activities and other works including installing minor temporary structures in, on and/or above a road is granted under s94 of the Local Government Act 1993 and s139 of the Roads Act 1993. An approval is issued subject to conditions imposed through s94 of the Local Government Act and s139(1)(d) of the Roads Act.

All approvals will be granted subject to a condition requiring permit-holders to ensure that activities comply with minimum standards as prescribed in the Code, in addition to specific conditions forming part of the approval.

### Amending an approval

A person to whom an approval is granted may apply to amend an approval under s106 of the Local Government Act. The assessment for an amendment to an approval will include the following matters:

- a) whether the approval as amendment is substantially the same as the original approval; and
- b) whether any prejudice will be caused to any person who made a submission concerning the original proposal; and
- c) after consultation with any other person or authority whose concurrence to the original approval was required; and
- d) an amended determination will replace the original approval from the date endorsed in the approval.

### Extending an approval

Council 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 hoisting activities and/or construction-related works including installing minor temporary structures:

- a) are non-compliant with an approval;
- b) are not covered by a current public liability insurance policy or such policy has been withdrawn by the insurer; and
- c) any other circumstance as determined by Council.

An approval to extend a determination must be obtained before the approval's lapsing date.

#### Revoking an approval

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 fails to act on directions to comply with the Code and/or rectify works including minor temporary structures particularly matters relating to public safety risks; or
- b) a public liability insurance policy held against an approval is not current or has been withdrawn by the insurer.

In circumstances where an approval has been revoked or has lapsed, Council reserves the right to take action to have all hoisting activities and other works ceased or unauthorised minor temporary structure/s removed from the public space and recover all associated costs.

## Responsibilities

Council is responsible for developing this Policy in accordance with the provisions of the Local Government Act 1993 and ensuring good governance including open and transparent consultation during its development and review. Authorised officers of Council will issue approvals to allow hoisting activities and construction-related work including the use of minor temporary structures, enforce conditions of approval and monitor/regulate non-compliances with this Policy, the Code and relevant legislation.

A holder of an approval is responsible for ensuring that all activities including hoisting and installation of minor temporary structures (and their use) are in accordance with an approval and are appropriately maintained. A person holding an approval must also comply with the Code.

## Consultation

In accordance with s160 of the Local Government Act 1993 this Policy has undergone a public consultation process and formal consideration of comments prior to adoption.

## References

### Laws and Standards

- Local Government Act 1993
- Local Government (General) Regulation 2021
- Roads Act 1993



**Laws and Standards**

- Roads Regulation 2018
- Road Rules 2014
- Environmental Planning and Assessment Act 1979
- Environmental Planning and Assessment Regulation 2021
- Protection of the Environment Operations Act 1997

**Policies and Procedures**

- Code of Practice: Hoisting and Construction Activities On and Above Roads
- Code of Practice: Construction-related Temporary Structures On and Above Roads

**Review period**

This Policy will be reviewed at least every 4 years from the date of Policy adoption.

**Approval Status**

Council approved this Policy on [DD MONTH YYYY].

**Approval History**

| Stage                   | Date       | Comment | TRIM Reference |
|-------------------------|------------|---------|----------------|
| Original Policy         | << date >> | << >>   | << >>          |
| Reviewed                | << date >> | << >>   | << >>          |
| Commence<br>Review Date | << date >> | << >>   | << >>          |
| Approval Due<br>Date    | << date >> | << >>   | << >>          |

**Ownership and approval**

| Responsibility | Role                                                                   |
|----------------|------------------------------------------------------------------------|
| Author         | Standards and Policy Specialist, Construction & Building Certification |
| Owner          | Manager Construction and Building Certification Services.              |
| Endorser       | City of Sydney Executive                                               |
| Approver       | City of Sydney Council                                                 |

# **Attachment B**

|                                                                                                  |
|--------------------------------------------------------------------------------------------------|
| <p><b>Code of Practice – Hoisting and<br/>Construction Activities On and Above<br/>Roads</b></p> |
|--------------------------------------------------------------------------------------------------|



# Draft Code of Practice: Hoisting and Construction Activities On and Above Roads

Eyes on the horizon by Reg Mombassa  
(a.k.a. Chris O'Doherty)  
(image by Peter Conroy City of Sydney)

| Version             | Date of adoption | Date of commencement | TRIM record number |
|---------------------|------------------|----------------------|--------------------|
| 01 - First edition  | 19 August 2019   | Not commenced        | CM2019/000239      |
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Peter Conroy / City of Sydney





Photo: Tyrone Branigan / City of Sydney

# Part 01

## Preliminary

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### 1.1 About this part

This part provides an overview of the city and the general administrative requirements that apply including setting out the purpose of the Code of Practice. The various statutory provisions that apply to managing *hoisting* and *construction activities* in *public spaces* including the application of the Code are also listed.

---

### 1.2 Overview

The City of Sydney local government area consists of some 26 square kilometres. The city is Australia's iconic face to the world and international gateway attracting around 320,000 visitors each day (early period of post-pandemic recovery) and a workforce of more than 437,000 people. The city is also home to approximately 242,000 residents.

The *footways* and local *road* network are therefore an important part of the city environment in providing effective and safe systems of movement for people, cyclists and vehicles to and from buildings, public transport systems and other destinations. This includes safe, convenient and accessible movement past *worksites*.



## 1.3 Title of the Code and legal status

This Code of Practice (“the Code”) is called the **‘Code of Practice: Hoisting and Construction Activities On and Above Roads’**. The Code is formally adopted and enforceable through a *Local Approvals Policy* under the provisions of the Local Government Act 1993 (see **1.8**).

The Code applies throughout the City of Sydney local government area, except as set out in **1.10**.

## 1.4 What activities and matters are dealt with in this Code?

This Code consists of four parts that deal with various activities that take place on and above roads (*public spaces*) and requirements to minimise impacts, as follows:

### Part 01 – Preliminary

- Provides an overview of how the Code relates to and attains authority through the adopted *Local Approvals Policy*;
- Sets out the various activities that require *approval* and which are regulated through this Code including any activities that are not covered by the Code requirements;
- Details the primary aims of the Code;
- Relevant Acts, Regulations and other documents that may apply when undertaking activities in *public spaces*;
- Requirements relating to *performance bonds* and public risk (*public liability insurance*);
- General matters including seeking variations to the Code requirements; and
- Defined terms.

### Part 02 – Activities requiring approval and regulation

- Various activities that require the lodgement of applications and formal *approval*;
- Detailed information and regulatory requirements that apply to specific activities including:
  - *hoisting* operations and mobile crane set-up on *roads*;
  - full and partial temporary closure of *roads* for mobile crane operation;
  - process for installing and removing *temporary structures* such as *hoardings* and *scaffolding*;
  - *temporary works*;
  - *road openings*; and
  - *works zone* operation.

### Part 03 – Site management and other requirements

- Overview of various required site *approvals* and *City* monitoring responsibilities;
- *City* regulatory services (onsite meetings and inductions) to the construction sector;
- Construction times, processes for seeking variations and work limitations;
- Site management and plans including construction traffic management plans;
- Community information and communication strategies;
- Complaints management and site monitoring;
- Public safety including site security and signage;
- Off-site impacts including noise, dust and water impacts/offences; and
- Pedestrian and bicycle rider movement including temporary diversion.

### Part 04 – Other requirements

- Ongoing maintenance and cleaning of *public spaces* adjoining *worksites*;
- Reporting public hazards and rectification;

- Excavation, shoring and ground-anchoring including protection of deep excavations;
- Management of vacant sites and temporary stockpiling of excavated material;
- Preservation of survey marks and protection/management of *City* infrastructure (historic stone kerbing and gutters);
- *Approval* for the movement of over-size and over-mass vehicles;
- Construction of permanent *vehicular crossings*; and
- Other activities and works including:
  - the placement and use of *skip bins*;
  - obtaining levels and gradients for works in *public spaces* associated with development;
  - stormwater drainage and connections to *City* systems;
  - temporary removal/relocation of street furniture and light poles; and
  - temporary site security fencing.

## 1.5 The purpose of the Code

The city undergoes continual change and activity through:

- the construction of new buildings;
- alterations and additions to existing buildings;
- maintenance of buildings;
- upgrades to *public spaces* including *roadways* and *footways*; and
- maintenance and installation of utility services.

These activities can affect and adversely impact on *public spaces* including the safety, amenity and convenience of the public and occupants of buildings adjoining or surrounding *worksites* and *workplaces*. Works can also impact on businesses through the temporary loss of services (water, gas, electricity and telecommunication) and obstructions to customer access and the delivery of goods to premises including businesses.

To minimise impacts the *City* expects, and requires, all activities in or affecting *public spaces* to be undertaken in a manner that complies with:

- (a) this Code;
- (b) applicable policies, codes and guidelines adopted by the *City*;
- (c) conditions of *development consent*; and
- (d) *approvals (permits)* allowing activities to be carried out in *public spaces*.

### 1.5.1 Regulating and controlling worksites in a high density city (see also 3.3)

For development sites and general work activities in *public spaces* the *City* has various statutory responsibilities to ensure that work is carried out in accordance with *approvals* and statutory controls and where necessary, to take appropriate action to deal with non-compliances or unsafe practices.

A person or entity including developers, builders, sub-contractors and building *certifiers* also have certain obligations and responsibilities to ensure work is undertaken in a manner that:

- (a) meets all *approval* requirements;
- (b) maintains acceptable public safety and protection; and
- (c) maintains acceptable standards of public and community amenity in and near *worksites*.

It is therefore critical to the effective operation and use of *public spaces* that activities associated with development and other works are undertaken in a controlled and orderly process to minimise adverse impacts. This is particularly important in areas that have high pedestrian densities and movement such as the city-centre and the outer suburb high density business and residential areas.

The regulation of *construction activity* includes:

- receiving and processing applications including assessing potential impacts and where necessary, conditioning an *approval* to address and minimise any likely impacts;
- issuing *approvals (permits)* where the *City* is satisfied that the activity is acceptable and allowable;
- overseeing works and other activities affecting *public spaces*; and
- issuing corrective directions and taking other actions where non-compliances arise (see 'note').

**Notes:**

These regulatory functions are applied and managed across several *City* units and teams including the Construction and Building Certification Services Unit, *City* Rangers and the Health and Building Unit.

**1.5.2 Industry liaison and statutory approvals**

As a means to achieve orderly development and associated activities with the least possible impact in *public spaces*, the *City*'s Construction Regulation team offers assistance to the development and construction sectors through the provision of detailed information and technical assistance about the city's special needs and requirements (see **3.4**). This includes the needs of pedestrians, cyclists, drivers and the city community (residents and businesses).

The Construction Regulation team is also responsible for granting *approvals* for various works and other activities in *public spaces*. This includes *approval* for:

- *hoisting* operations over public *roads* using mobile devices;
- the construction of temporary *footway vehicular crossings*;
- *road openings*;
- temporary barricading; and
- other activities as set out in this Code.

**1.5.3 Other activities and approvals**

Other activities may also require *approval* and/or concurrence from other *City* teams. This includes:

- street tree removal and/or pruning *permits* (see **3.18.3**);
- installation of construction-related *temporary structures* (see **2.6**); and
- site shoring/ground-anchoring to support *roads* when excavating (see **4.5**).

**1.5.4 Monitoring workplaces**

The Construction Regulation team will monitor *workplace* operations that affect *public spaces* to check for compliance with relevant conditions of *development consent* and *permits*.

**1.6 Activities that are regulated through this Code****1.6.1 Activities that require approval by the City**

The following activities undertaken in, on or above roads (*public spaces*) are regulated by the Code and require the *approval* of the *City*:

- (a) *hoisting* operations (Category E(1) activities in the Table of Section 68 of the Local Government Act) using equipment or devices such as:
  - site-based cranes;
  - mobile cranes;
  - boom-lifts;
  - concrete placing boom (boom pumps);
  - scissor-lifts;
  - truck-mounted hoists (Hiabs);
  - suspended scaffold (swing-stage);
  - *building maintenance units* (BMUs);
  - rope access operations (abseiling); and
  - other equipment used to undertake any form of *hoisting* operation;
- (b) installation of temporary barricades and devices (Category E(2) activities in the Table of Section 68 of the Local Government Act) in *public spaces* associated with *worksites* and *workplaces* including:
  - *road openings*;
  - mobile *scaffolds/ladders*;
  - pedestrian exclusion zones (barricading) associated with *hoisting* operations; and
  - other minor works undertaken in *public spaces*;
- (c) installation of *temporary structures* (Category E(2) activities in the Table of Section 68 of the Local Government Act) such as:
  - pedestrian ramps over concrete pump static lines placed on *footways*;

- *work compounds*; and
- other *temporary structures* other than structures set out in **1.4**.

Further Information in relation to making an application can be found in **1.20** and **2.2**.

In all cases *approval* under the Roads Act 1993 and the Local Government Act 1993 must be obtained before undertaking various activities and erecting *temporary structures* in a *public space*.

---

## 1.7 Activities that are not regulated through this Code

The following construction-related activities (categories listed in the Table of Section 68 of the Local Government Act 1993) are not regulated by this Code:

- (a) the installation and use of *hoardings*, *scaffolding* and other *temporary structures* on and above roads (Category E(2)) – these *temporary structures* are regulated through the City of Sydney 'Local Approvals Policy for Construction-related Temporary Structures On and Above Roads' and a supporting Code of Practice;
- (b) the placement of *skip bins* in *public spaces* (Category C(3)) – regulated through the City of Sydney 'Managing Waste in Public Places - Local Approvals Policy';
- (c) carrying out stormwater drainage works (Category B(5)) – discharging rainwater collected in construction/excavation sites into the City's stormwater drainage system; and
- (d) connecting a private stormwater drainage system to a drainage system under the control of the City (Category B(6)).

### Note:

Some of the activities listed above will still require formal separate *approval* under other Policies and Legislation. Refer to the City's website for further information.

---

## 1.8 Adoption of the Code

This Code of Practice was approved by Council on < < date > > and gains its authority through the 'Local Approvals Policy: Hoisting and Construction Activities On and Above Roads' approved and adopted under the provisions of the Local Government Act 1993.

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## 1.9 Primary aims of the Code

This Code sets out the City's minimum requirements, *approval* processes and ongoing regulation of *worksites* and *workplaces* to ensure activities in and/or affecting *public spaces* comply with acceptable work practices and prescribed standards to minimise impacts. To achieve this the Code:

- (a) assists City officers when considering and assessing various applications and undertaking site monitoring activities/inspections;
- (b) aims to provide practical controls and guidance to the development and construction sectors including contractors to assist in minimising impacts and meeting the City's requirements;
- (c) sets out the regulatory controls to ensure that all activities associated with a *workplace* are undertaken in a safe and orderly manner in accordance with the Code, conditions of *development consent* and other *approvals*; and
- (d) seeks to minimise adverse impacts on *public spaces* including:
  - pedestrian access, safety and amenity;
  - cyclists, including safe passage past *worksites* and *workplaces*;
  - city infrastructure;
  - land uses near *worksites* and *workplaces* including businesses (see **3.18**); and
  - disability access.



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## 1.10 Where does the Code apply?

The Code applies to all land within the City of Sydney Local Government Area (LGA) with the exception of land (*roads*) under the control and authority of:

- Place Management NSW (formerly Sydney Harbour Foreshore Authority and Property NSW);
- Infrastructure NSW in relation to the Barangaroo area; and
- Transport for NSW in relation to State *classified roads* including the need to obtain required *road occupancy licences* and concurrences (s138 of the Roads Act 1993) before carrying out activities on such *roads*.

In some circumstances the above agencies may require specific compliance with all or some of the regulatory aspects of this Code.

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## 1.11 Relevant acts, regulations, instruments and other documents

The acts, regulations and other documents listed below may be relevant to the application of the Code of Practice and the various *approvals* issued by the *City*:

- Local Government Act 1993;
- Local Government (General) Regulation 2021;
- Roads Act 1993;
- Roads Regulation 2018;
- Road Rules 2014;
- Protection of the Environment Operations Act 1997;
- Work Health and Safety Act 2011;
- Work Health and Safety Regulation 2017;
- Environmental Planning and Assessment Act 1979;
- Environmental Planning and Assessment Regulation 2021;

- Access to Neighbouring Land Act 2000;
- State Environmental Planning Policy (Exempt and Complying Development Codes) 2008;
- State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017;
- State Environmental Planning Policy (Transport and Infrastructure) 2021;
- The City of Sydney 'Local Approvals Policy for Construction-related Temporary Structures in Public spaces';
- The City of Sydney 'Code of Practice: Construction-related Temporary Structures in Public spaces';
- The City of Sydney 'Community Garden Policy';
- The City of Sydney 'Graffiti Management Policy';
- The City of Sydney 'Tree Management Donation Policy';
- The City of Sydney 'Urban Forest Strategy';
- The City of Sydney 'Street Tree Master Plan';
- The City of Sydney 'Inclusion (Disability) Action Plan';
- The City of Sydney 'Walking Strategy and Action Plan';
- The City of Sydney 'Inclusive and Accessible Public Domain Guidelines';
- The City of Sydney 'Compliance Policy';
- The City of Sydney 'Prosecution and Civil Enforcement Policy';
- The City of Sydney 'Performance Bond Policy';
- The City of Sydney 'Managing Waste in Public spaces - Approvals Policy';
- The City of Sydney 'Central Sydney On-Street Parking Policy';
- The City of Sydney 'Neighbourhood On-Street Parking Policy';
- The City of Sydney 'Interim Floodplain Management Policy' and Floodplain Management Plans;
- The City of Sydney 'Sydney Streets Technical Specifications';
- The City of Sydney 'Stormwater Drainage Manual'.

The Code also does not override any relevant conditions of a *development consent* applying to land adjoining a *road* on which a *temporary works* or plant operation take place.

**Notes:**

1. This list is not exhaustive.
2. Readers should refer to the *City's* website to check for current adopted documents that apply in the city and the NSW Legislation website in relation to current statutes.

**1.11.1 Other related documents:**

- The 'Guide to Traffic Engineering Practice', Austroads;
- Technical Directions issued by Transport for NSW;
- Technical Manual for Traffic Control at Work Sites, Transport for NSW;
- *SafeWork NSW* 'Code of Practice: Overhead Protective Structures';
- The City of Sydney 'Traffic Control Plans for People Riding Bicycles';
- Safe Work Australia 'Guide to managing risk in construction, Concrete pumping';
- AS 2550.15: 2019 Cranes, hoists and winches - Safe use - Concrete placing equipment;
- AS 1742.3 Manual of uniform traffic control devices (for minimum clear widths, gradients etc.);
- AS 1742.2 Design for access and mobility (for minimum clear widths, gradients etc.);
- AS 4970 Protection of trees on development sites;
- AS 4373 Pruning of amenity trees;
- AS 2436 Guide to noise control on construction, maintenance and demolition sites;
- AS4282 Control of the obtrusive effects of outdoor lighting; and
- AS2601 Demolition of structures.

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## 1.12 Legislation and other matters

### 1.12.1 Federal and state legislation

The Code does not override state or federal legislation. Applicants must therefore check other relevant legislation, adopted codes of practice and guidelines that may apply to hoisting and construction activities in *public spaces*.

### 1.12.2 Approvals granted under this Code

An *approval* under this Code to undertake *hoisting* and construction-related activities on or above Council's land is given based on compliance with this Code and **1.12.3**.

### 1.12.3 Public safety - work health and safety legislation

It is the responsibility of the person *conducting a business or undertaking (PCBU)* as defined in the Work Health and Safety Act to ensure all activities satisfy relevant work health and safety legislation including guides, directives and codes of practice issued by *SafeWork NSW*.

### 1.12.4 Other approvals issued by the City

The Code does not override conditions of a *development consent* applying to the land adjoining the *road* on which activities are undertaken.

---

## 1.13 What are the implications for not complying with this Code?

Where non-compliance with the Policy occurs, and/or an *approval*, the *City* will take compliance and/or enforcement action in accordance with applicable statutes and policies including:

- (a) the *Local Approvals Policy* under which this Code is adopted;
- (b) the *City's* Compliance Policy and Prosecution and Civil Enforcement Policy;
- (c) the Local Government Act 1993;
- (d) the Roads Act 1993; and
- (e) the Environmental Planning and Assessment Act 1979.

A person who is guilty of an offence under the various Acts administered by the *City* may be liable, on conviction, for a maximum penalty as prescribed by the applicable legislation.

### 1.13.1 Corrective actions

In regulating various activities, an *authorised person* of the *City* may:

- issue penalty notices;
- give orders;
- issue directions – in writing, and in an emergency, orally under Section 237 of the Roads Act 1993; and
- initiate court action to enforce orders and directions, and prosecute for associated breaches of the applicable legislation.

Parties not acting in accordance with this Code and *approvals* may be given verbal and/or written notice to comply before an infringement notice is issued.

At all times, the *City* reserves the right to issue an immediate infringement notice or penalty depending on the seriousness of the circumstance and at the discretion of the *authorised person* including consideration of the *City's* 'Compliance Policy and Prosecution and Civil Enforcement Policy'.

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## 1.14 Performance bonds

*Performance bonds* (also known as damage/security deposits) are used to ensure persons carrying out work in a *public space* meet prescribed technical standards.

### 1.14.1 Public spaces and City infrastructure

*Bonds* will be used to undertake repairs and/or complete works to city infrastructure and assets where the works do not comply or are not completed to the *City's* standards. *Bonds* must be in accordance with the *City's* 'Performance Bond Policy' and be in the form of:

- documentary evidence such as bank guarantee;
- an acceptable form of undertaking;
- bank cheque;
- cash (not exceeding \$10,000); or
- EFTPOS.

Where a *performance bond* is lodged through a bank guarantee or other form of acceptable undertaking it must not nominate a termination or expiry date.

Where a *performance bond* applies the required amount will be determined at the time of assessing an application. *Bond* rates are set out in the *City's* Revenue Policy (schedule of fees and charges). *Bonds* must be paid before an *approval* (*permit*) is released.

### 1.14.2 Bonds imposed by the City's Public Domain and Street Tree Management teams

*Performance bonds* (security deposits) may be required for any works and include rectification in relation to:

- damage of public infrastructure, both above and below ground;
- damage resulting from temporary shoring/ground-anchoring of *roads* (*footways/roadways*);
- damage to street trees and garden beds and/or removal and ongoing maintenance of replacement trees; and
- other *public space* infrastructure damage sustained.

*Bonds* will be retained in full until a final occupation certificate for a development has been issued or where the work has been completed and inspected and found acceptable to the *City*.

Other specific requirements relating to *bonds* may also be specified as conditions of *development consent*.

#### Note:

Other *bonds* related to works and *temporary structures* erected on or taking place in *public spaces* such as *temporary structure* installations and *road opening* works may also apply.

### 1.14.3 Bonds imposed by the Construction and Building Certification Unit

The following provisions apply to *performance bonds* associated with *permits* issued by the City's Construction Regulation team:

- (a) making good any damage that may be caused to the City's property including street trees and for other purposes as set out in the relevant City application forms;
- (b) to ensure any damage or invasive works caused to the City's infrastructure is rectified to the City's standard requirements and specifications. *Bonds* will not be returned until the City is notified that any required rectification works have been completed to the required standard or it is confirmed that no damage has occurred. This may require an inspection by the City's asset inspectors; and
- (c) costs associated with administering and enforcing the conditions of an *approval* (*permit*) and the provisions of this Code where the person or entity having the benefit of an *approval* fails to comply with the conditions of *approval* and/or a direction of the City to rectify, repair or maintain *temporary works*.

### 1.14.4 Recovery of public land occupation fees

In circumstances where scheduled occupation fees for the use of City land are not paid the *performance bond* held to satisfy a condition of an *approval* may be used to recover outstanding fees.

## 1.15 Public liability insurance

The holder of an *approval* (*permit*) uses the road at its own risk. In the City giving *approval*, the permit-holder agrees to release and indemnify the City and to keep the City indemnified against any claim, damage, expense, loss, cost (including reasonable legal costs) or liability (including liabilities of the City to third parties) arising from or in connection with the use of the road.

An indemnification, in the form of a *public liability insurance* policy, affords protection to the City in respect of any claims including any excess on the insurance policy arising from a claim.

An indemnity must be in the amount of at least \$20 million for any individual claim that may be made

and any excess on the insurance policy arising out of any claim. The insurance policy must be held in the name of the person or entity holding an *approval*.

See also section 1.14 and 2.14.7 for further information about bonds that may be required including Tree Bonds.

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## 1.16 Financial transactions associated with applications and road occupation fees

All financial transactions associated with granting an *approval* will be conducted between the City and the 'billable party' nominated in an application and stated in a *permit*.

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## 1.17 Restrictions on works and other activities – December and Christmas/New Year periods

Due to extended trading hours and school holidays leading up to Christmas and New Year, works proposed to be undertaken during the month of December will be restricted. Maps showing the affected areas and the applicable dates can be found on the City's website.

Applications submitted for works during December will be treated on a case-by-case basis (see also 3.5.9).

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## 1.18 Access to and above adjoining (neighbouring) land

An *approval* granted for various activities including *hoisting* from and/or over a *public space* does not include *approval* to swing, slew or operate any parts of a *hoisting* device including loads over private land adjoining or surrounding a *worksite*. The following matters must be noted by proponents:



- (a) A person cannot enter private land or operate in the air space above neighbouring land without the consent of the property owner. This includes land owned by the *City* such as reserves, squares and similar lands (see also **3.22**).
- (b) Where any part of a *hoisting* device operates or encroaches over private land, applicants/proponents have a legal obligation to seek and obtain access agreements from affected landowner/s.
- (c) The need for access agreements also applies to *City*-owned land but is not required in cases where an *approval* has been granted to allow *hoisting* activity on or above a *road*. Where *hoisting* is carried out fully within the boundaries of a site but parts of a crane swing or vane over a *road*, a Roads Act *approval* is required from the *City*.
- (d) In cases where parts of a crane or other *hoisting* device operation and/or crane jib vaning (wind actions causing the jib to move) occur over *City* land (excluding *roads* where a specific *hoisting permit* is in place) such as parks, reserves, squares etc., the agreement of the *City* must be obtained. Ground-anchoring and other works beneath a *road* also require agreement and *approval*. Further information including the process for obtaining formal access agreements should be directed to the *City*'s Properties team.
- (e) Where agreement for access with affected landowners cannot be reached the 'Access to Neighbouring Land Act 2000' entitles a person to make application to a local court to seek an order to gain access to neighbouring land to undertake works or carry out other activities.
- (f) Activities that could require access include:
  - installation of temporary *scaffolding*;
  - placement of overhead protective structures/ platforms for safety purposes; and
  - the operation of *hoisting* equipment such as cranes that may swing and hoist over neighbouring land.

### Further information:

Requirements of the legislation including details for seeking access orders is set out in the 'Access to Neighbouring Land Act 2000' which is available on the NSW legislation webpage: **[www.legislation.nsw.gov.au](http://www.legislation.nsw.gov.au)**

## 1.19 Variations to the Code

It is expected that in the majority of cases works and other activities in *public spaces* will be capable of complying with the prescriptive provisions set out in this Code. Where it is not possible or practicable to comply fully with the provisions due to special circumstances and/or site constraints, consideration will be given to alternative proposals and methods that meet the aims of the Code (see **1.9**) and the *Local Approvals Policy* (see **1.8**).

Where proponents wish to undertake activities that do not comply with the Code they must clearly demonstrate in their application how the proposed variation will satisfy the principal objectives of the Code.

## 1.20 Making an application (see also 2.2)

### 1.20.1 Activities that require approval

Each of the activities listed in **1.5** require *approval* which can be obtained by completing and lodging a valid application for:

- *road openings*;
- *temporary works*; and/or
- *hoisting*.

Standard forms for each are available on the *City*'s website.

### 1.20.2 Application fees

All applications require payment of a fee to assess a proposal against the *City*'s requirements including the *Local Approvals Policy* and this Code.

The applicable application fees are set out in the *City*'s Revenue Policy (Schedule of Fees and Charges) which is available on the *City*'s website. Fees are also stated in some application forms.

### 1.20.3 Information and documents that must be lodged with an application

To enable the *City* to undertake a thorough assessment of a proposal (application) against the *City's* requirements and codes, minimum information and details must be provided. Information that must be lodged is set out in the application forms applicable to various activities.

### 1.20.4 Assessment

Upon receipt and acceptance of a fully completed and valid application, the proposal will be assessed against the *City's* requirements including this Code.

In circumstances where additional information or clarification is required, the applicant will be contacted and requested to provide further details.

Where the *City* is satisfied that a proposal meets all of the relevant requirements including complying with the provisions set out in this Code, an *approval* will be granted (refer also to the *Local Approvals Policy* for further details).

In circumstances where an application is incomplete, invalid and/or a proposal does not meet the *City's* requirements, the application will be refused.

### 1.20.5 Forms of hoisting operations and other activities not specifically addressed in this Code

The Code regulates the common forms of *hoisting* and construction activities (as listed in **1.6.1**). In circumstances where *hoisting* and other activities are not specifically regulated or referenced by this Code the *City*, as owner of the land (*road*) on which activities occur will assess a proposal for compliance with the objectives and principles of this Code.

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## 1.21 Definitions

All defined terms used in the Code are *italicised* for ease of reference and use.

**accessible** or **accessibility** having features to enable use or passage by people with disability.

**approved** or **approval** unless expressly stated otherwise, is a determination (*approval*) granted by the *City* in force under the Local Government Act 1993 and Roads Act 1993 which includes the term '*permit*'.

**articulated vehicle** a motor vehicle having at its rear a portion, on wheels, that is pivoted to, and a part of which (not being a pole, draw-bar or similar device or an accessory of it) is superimposed on, the forward portion of the vehicle. (NSW Road Rules 2014)

**authorised person** an employee of Council (the *City*) generally or specially authorised in respect of or whose duty it is to deal with, or to act in regard to, any acts, matters or things in relation to which the expression is used. (Local Government Act 1993)

**Before You Dig Australia** is a free national referral service designed to assist persons and entities in preventing damage and disruption to Australia's significant and extensive infrastructure service networks when undertaking work in *public spaces*.

**building maintenance unit (BMU)** a power operated suspended platform and associated equipment on a building specifically designed to provide permanent access to the faces of the building for maintenance. (Work Health and Safety Regulation 2017)

**certifier** a person who is a *registered certifier*.

**City** The Council of the City of Sydney.

**classified road** includes:

- a main *road*;
- a highway;
- freeway;
- a controlled access *road*;
- a secondary *road*;
- a tourist *road*;
- a tollway;
- a transitway; and
- a State *road*. (Roads Act 1993)

**Note:** A full list of *classified roads* is available on the website of Transport for NSW.

**construction activity** physical activities carried out within a *public space* including:

- works of any nature;
- the installation and use of *temporary structures*;
- the operation of plant and equipment including *hoisting* operations;

- demolition works;
- excavation works; and
- road openings.

**community land** land that is classified as *community land* under Division 1 of Part 2 of Chapter 6 of the Local Government Act 1993.

(Local Government Act 1993)

**Note:** *Community land* reflects the importance of the land to the community because of its use or special features. It is generally land intended for public access and use. Restrictions often apply to create obligations to maintain access such as a trust deed or land dedication.

**control measure** in relation to a risk to health and safety, means a measure to eliminate or minimise the risk. (Work Health and Safety Regulation 2017)

**cycleway** a pathway for use by people riding a bike and includes separated *cycleways*, bike lanes and shared pathways.

**development consent (consent)** means *consent* under Part 4 of the Environmental Planning and Assessment Act 1979 to carry out development and includes, unless expressly excluded, a complying development certificate. (EP&A Act 1979)

**dog-trailer** a trailer with:

- (a) one axle group or single axle at the front that is steered by connection to the towing vehicle by a drawbar, and
  - (b) one axle group or single axle at the rear.
- (Roads Rules 2014)

**footway** the part of a *road* that is set aside or formed as a path or way for pedestrian traffic (whether or not it may also be used by bicycle traffic). (Roads Act 1993)

**hoarding** a *temporary structure* placed on the City's land (*footway/roadway*) that separates a *workplace* from the *public space* and which may also form an overhead protective barrier in a *worksite* to protect the *public space* from objects that may fall from a work area. (City of Sydney 'Code of Practice: Construction-related Temporary Structures On and Above Roads')

**hoisting** the action of raising or lowering a load (material, plant, equipment) or workers, by powered mechanical or manual means and includes hoisting using a crane; winch; elevated work platform; mast-climbing work platform; *suspended scaffold*; personnel and materials hoist; boom lift including

concrete placing boom; and *building maintenance unit*.

**local approvals policy** a formal policy adopted by Council under the provisions of the Local Government Act 1993 and in relation to this Code refers to the *Local Approvals Policy* for Hoisting and Construction Activities On and Above Roads.

**noise management plan** a document that sets out:

- the expected noise and/or vibration levels from proposed work activities;
- how these levels are likely to impact on sensitive receivers in the locality; and
- the mitigation measures that will be implemented to minimise impacts.

A plan can also include details on how the community will be kept informed of the works.

**Overhead protective structure (temporary)** an overhead structure or plant required for the protection of persons in *public spaces* (*SafeWork NSW* 'Code of Practice: Overhead Protective Structures').

**permit** an *approval* (determination) in force under the Local Government Act 1993 and/or Roads Act 1993.

**permit-holder** the person or entity having an approval.

**performance bond (bond)** a financial deposit or undertaking and held by the City for use in circumstances set out in this Code and in an *approval* (permit) in force under the Local Government Act 1993 and Roads Act 1993.

**person in control of a business or undertaking (PCBU)** (Section 5 of the Work Health and Safety Act 2011), for the purposes of this Code, is the holder of a determination (*permit*) allowing activities and *temporary structures* to be undertaken or installed in a *public space* and includes a builder, contractor or other person in control of such activity.

**principal certifier (PC)** a person appointed under legislation to carry out inspections of approved building works and undertake other statutory functions.

**Note:** A PC is generally not responsible for regulating activities within a *public space* adjoining a development site unless there are conditions of *development consent* that specifically require PC involvement.

**public spaces/s** a *road* including *footways* and *cycleways* (see also the definitions of 'road').

**public liability insurance** insured for legal liability owed to another person or entity who suffers loss, damage, injury or death by reason of the insured's activities.

**registered certifier** means the holder of registration under legislation acting in relation to matters to which the registration applies.

**road** a road is defined in both the Local Government Act 1993 and the Roads Act 1993. They must be read in conjunction. Under the Local Government Act 1993 a road is:

- (a) highway, street, *laneway*, pathway, footpath, *cycleway*, thoroughfare, bridge, culvert, causeway, road-ferry, ford, crossing, bypass, and trackway, whether temporary or permanent; and
- (b) any part of a road and any part of any thing referred to in paragraph (a), and
- (c) any thing forming part of a road or any thing forming part of any thing referred to in paragraph (a).

Under the Roads Act 1993 a road also includes:

- (a) the airspace above the surface of the road; and
- (b) the soil beneath the surface of the road; and
- (c) any bridge, tunnel, causeway, road-ferry, ford or other work or structure forming part of the road.

**roadway** (also known as 'carriageway') the portion of a *road* designed for use by moving vehicles including a light rail vehicle and bicycles.

**road occupancy** consists of any activity likely to affect the operational efficiency of the *road* network, in other words, an activity that requires the *road* to be used in such a way as to affect traffic flow.

(Transport for NSW, Technical Manual for Traffic Control at Work Sites)

**road occupancy licence (ROL)** a permit which allows the applicant to use or occupy a specified *road* space at approved times, provided that certain conditions are met. (Transport for NSW, Technical Manual for Traffic Control at Work Sites)

**road opening** any intrusive disturbance within a *road* including excavation required to carry out works such as installing and/or connecting subsurface *utilities* and stormwater drainage systems.

**SafeWork NSW** the authority constituted under the Workplace Injury Management and Workers Compensation Act 1998 and which is the regulator of the NSW workers compensation system and also the regulator for work, health and safety legislation in NSW.

**scaffold (scaffolding)** a *temporary structure* specifically erected to support access or work platforms. (Work Health and Safety Regulation 2017)

**semi-trailer** a trailer (including a pole-type trailer) that has:

- (a) one axle group or single axle towards the rear, and
- (b) a means of attachment to a prime mover that would result in some of the load being imposed on the prime mover.

**Note 1:** Axle group, prime mover, single axle and trailer are defined in this Dictionary.

**Note 2:** This is an additional NSW definition. There is no corresponding definition in the Dictionary of the Australian Road Rules. (Road Rules 2014)

**shared path** as defined in the NSW Road Rules Regulation 2014 (clause 242).

**site management plans (SMPs)** a generic term relating to the various management plans that are prepared and required for a development site such as plans relating to the management of:

- noise and vibration;
- construction-related traffic;
- demolition;
- soil, sediment and dust control including excavation;
- waste management and disposal;
- wastewater disposal and/or treatment; and
- other major *work activities* and potential impacts.

**skip bin** a container designed and used for the storage, transport and disposal of waste. (City of Sydney Local Approvals Policy for Managing Waste in Public Places)

**street tree** a tree that is growing within a footway, road verge or adjoining garden location. It may also include trees located close to the boundary of the adjoining private property, where their canopy (branches and leaves) overhang the public space.



**suspended scaffold** a *scaffold* incorporating a suspended platform that is capable of being raised or lowered when in use. (Work Health and Safety Regulation 2017)

**Technical manual for traffic control at work sites** means the manual published by Transport for NSW that sets out minimum requirements to maximise safety at *workplaces* by ensuring that traffic control complies with best practice site management procedures (TfNSW Technical Manual – Version 6.1, February 2022) including amendments.



**temporary structure** a structure that is not designed, installed or constructed to be permanent.

**temporary works** activities or works within a *public space* that are not permanent.

**utilities** a publicly, privately or jointly owned and operated entity, located on, in or above public property (*road*), the purpose of which is to transport or transmit for either the public or a private party a service or commodity such as electricity, telecommunications, gas, light, oil, power, television, water and waste by means of cables, conduits, ducts, fibre optics, pipes and wires and includes related objects, such as access chambers, pits, valves and other appurtenances.

**Note:** This defined term is based on the definition in AS 5488-2013 'Classification of Subsurface Utility Information (SUI)'.

**vehicular crossing/s** the portion of a driveway or vehicular accessway located between the *roadway* (street gutter/kerb) and the property/ *worksites* boundary (property frontage).

**work compound** a temporary enclosure established on a road that is:

- (a) used for construction-related activities such as the storage of material and equipment, *site sheds* (facilities for workers) and other similar uses and is associated with *approved* development on a land parcel in close proximity to the compound; and
- (b) formed by a framed and plywood sheeted fence equivalent to a Type-A *hoarding* but having a fence height of not less than 2.1m and which complies with the applicable provisions of *City's 'Code of Practice: Construction-related Temporary Structures On and Above Roads'*.

**workplace** for the purposes of this Code a workplace is where work is undertaken in *public spaces* including the placement of permitted work-related items.

**worksites** a place where work is undertaken on private land.

**works zone** a *City-approved* or approval issued by Transport for NSW and signposted space on a *road* dedicated to the temporary standing of vehicles associated with a *worksites* to allow the delivery and removal of material, plant and equipment to and from a *worksites* and *workplace* (see also Clause 181 in the NSW Road Rules 2014).



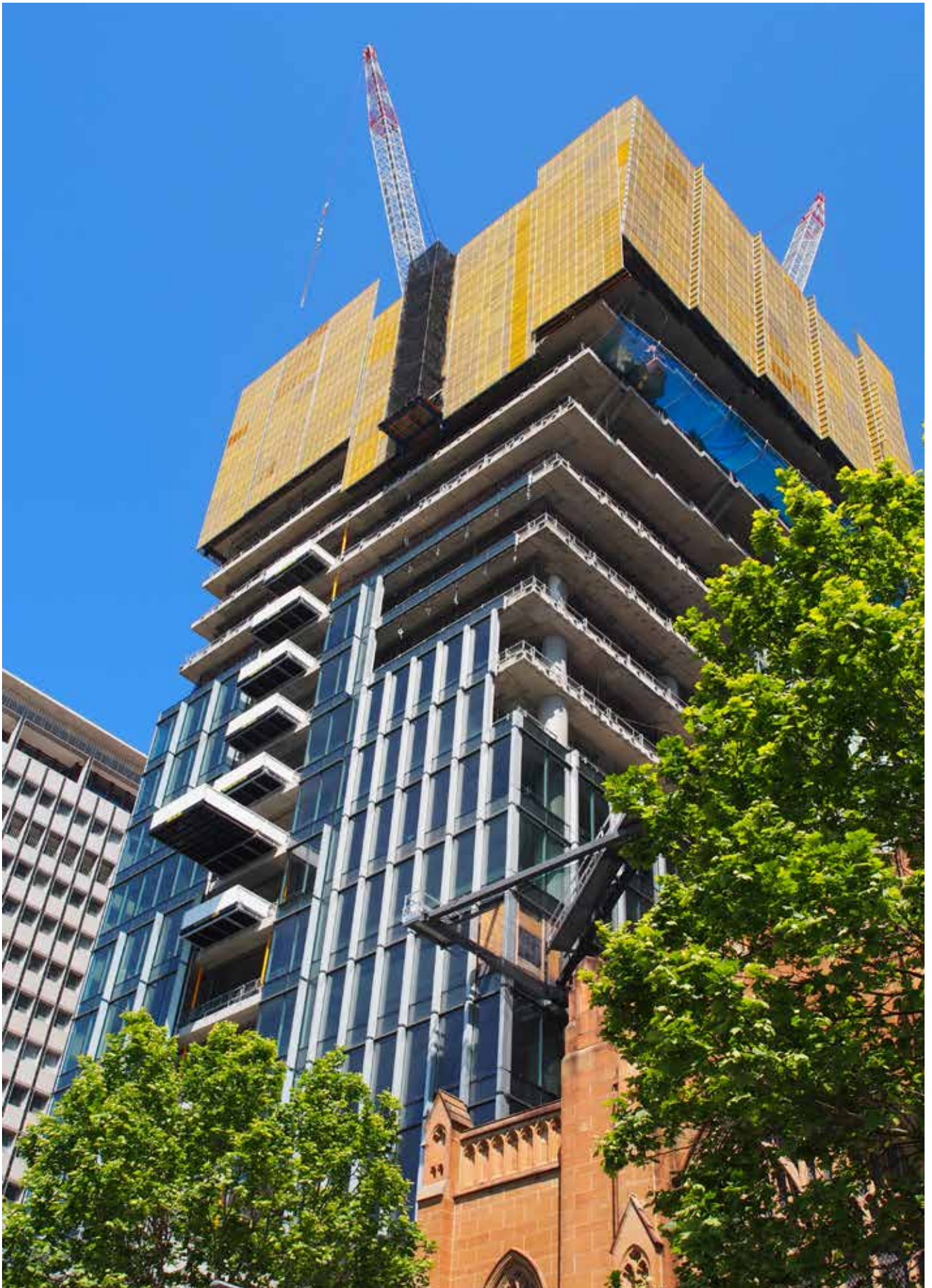


Photo: Peter Conroy / City of Sydney





Photo: Peter Conroy / City of Sydney

# Part 02

## Activities requiring approval and regulation

### 2.1 About this part

When undertaking development and *construction activities* it is important that such work is carried out in an orderly, controlled and safe manner to minimise impacts in the locality. To ensure this is achieved a number of statutory assessments and *approvals* are required for several types of activities including the installation of *temporary structures* in *public spaces*.

Obtaining an *approval* requires the lodgement of a formal application. This enables the necessary assessments to be undertaken to ensure that proposals meet the *City's* standards, guidelines, codes and other requirements thereby minimising adverse impacts in *public spaces* including importantly, the safe, convenient and *accessible* movement of the public.

Details of these activities and required *approvals*, including controls, standards and other requirements are set out in this Part.

## 2.2 Required applications and approvals

The following activities and placement of *temporary structures* in *public spaces* require *approval*:

- (a) installing a *temporary structure* e.g., *hoarding*, *scaffolding*, cantilevered work platform and hoisting activities associated with cantilevered materials landing platforms (see **2.5** and **2.6**);
- (b) construction of *vehicular crossings* (permanent and temporary) (see **2.11** and **4.11**);
- (c) erecting a fence to create a *work compound* (see **2.16**);
- (d) *road openings* (excavations – typically for services, *utilities* and *vehicular crossings*) (see **2.13**);
- (e) temporary *road closures* (partial or fully) to allow for mobile crane set-up and usage and/or to allow *temporary structures* i.e. *hoardings* to be erected/dismantled (see **2.10**);
- (f) use of a *hoisting* device on or above a public road such as mobile crane, materials lift, boom lift, cherry-picker, concrete placing boom, scissor lift, onsite crane operation (*hoisting*), *building maintenance unit* and *suspended scaffold* (see **2.4**);
- (g) *temporary works* e.g.: placement of ladders, mobile *scaffolding*, concrete static line across *footways* and temporary pedestrian ramps, temporary barricades for rope access work (abseiling), general barricading, constructing temporary vehicular crossings (see also 2.13 – *road openings*);
- (h) dismantling *hoardings* and/or *scaffolding* on or above roads (*public spaces*) (see **2.8**);
- (i) shoring and/or ground-anchoring of excavations to support a *road* (see **4.5**);
- (j) erecting temporary façade retention/support systems;
- (k) tree pruning/removal required as part of development or *construction activities* (see **2.14.7.1**);
- (l) temporary removal/relocation of street furniture and other city infrastructure including light pole removal required as part of development/*construction activity* or to accommodate the installation of *temporary structures* and temporary *vehicular crossings* (see **4.17**);
- (m) establishment of *works zone* to allow vehicles associated with *construction activity* to stand on a *roadway* for the purposes of loading and unloading when associated with a *worksite* (see **2.14**);
- (n) in-ground works such as concrete footings for large *temporary structures* (*hoardings*) – see the City's 'Code of Practice: Construction-related Temporary Structures On and Above Roads'; and
- (o) stormwater drainage connections from private development/*worksites* to the City's stormwater system (see **4.12** and **4.15**); and
- (p) temporary dewatering of sites (see **3.16**).

**Note:** Only minor tree pruning will be *approved* and only under exceptional circumstances will street tree removal be permitted to facilitate the establishment of a *works zone* and/or *temporary structure* (see **2.14.5** and **2.6**).

**Notes:** *Approval* for the above activities cannot be granted if works or activities commence prior to a formal written *approval* being granted and issued.

## 2.3 General requirements applying to works and activities on City-controlled roads

The following general provisions apply when undertaking work on *roads*:

- (a) the person/entity carrying out work must have all *approval* documents onsite at all times and produce them when requested by an *authorised person*;
- (b) street trees and street garden beds must not be adversely impacted (see **3.18.1** and **2.14.5**); and maintained when required by an *approval*.
- (c) pre and post-construction dilapidation reports, as appropriate and required, of *City* infrastructure must be undertaken (see **2.8.1**, **3.4.2.2** and **3.11**);



- (d) unless specifically *approved*, street furniture must not be altered, removed or relocated (see **4.17**);
- (e) access to street fire hydrants and utility pits must not be obstructed without the approval of the relevant utility provider or government agency including compliance with any conditions that may be imposed;
- (f) works must not interfere with or damage any public *utilities*, street infrastructure and street furniture;
- (g) kerbstones and stone gutters must not be interfered with, cut or damaged in *any way* unless specifically permitted by the *City* (see **4.8**);
- (h) large wheel or track-type vehicles must not cross a *footway* unless an *approved* temporary *vehicular crossing* built to the *City's* specifications is in place. Small equipment such as wheel scissor-lifts are permitted to cross and operate on *footways* subject to meeting minimum requirements (see **2.4.2.1**);
- (i) pedestrian kerb ramps must not be obstructed unless an alternative acceptable access pathway is *approved* by the *City*;
- (j) *footways*, *cycleways*, *roadways*, *vehicular crossings* and kerb gutter adjoining a *worksite* or *workplace* must be kept safe, clean and free of debris at all times (see **3.18**);
- (k) building material, spoil and/or *skip bins* must not be placed on a *footway*. Refer to *City's* 'Local Approvals Policy for Managing Waste in Public Places' for further details (see also **4.13**);
- (l) temporary *vehicular crossings* (see **2.11**) and marked pedestrian crossings must be kept open to the public and remain safe and *accessible* at all times;
- (m) provide and maintain *accessible* pathways complying with Part 3.5 in the *City's* 'Inclusive and Accessible Public Domain Guidelines' including keeping *footways* clear and *accessible* (see also **2.7.3**);
- (n) where pedestrians and/or cyclists are required to be diverted from a *footway* and/or *cycleway*, special design and site management requirements must be implemented and followed (see **2.7.5**); and
- (o) acceptable means of access to premises in vicinity of *approved* works must be maintained (see **3.18.1**).

## Notes:

1. An *approval* does not allow the use of a *road* for the loading & unloading of vehicles at construction sites. Such activities generally require a specific and separate *approved/installed works zone* to be in place prior to commencement of any site works (see **2.14**). For short-term loading/unloading a *temporary works permit* may be granted by the *City's* Construction Regulation team, subject to consideration of site-specific needs and constraints (see **2.9.2** and **2.15**).
2. An *approval* must comply with the *City's* code regulating construction-related noise unless otherwise specifically varied for special circumstances such as undertaking works outside of standard times when there is reduced pedestrian and traffic volume and movement.

## 2.3.1 Light rail corridors

- (a) When planning to undertake works and any other activities within and/or adjoining a light rail corridor proponents must be aware of the potential risks to workers and *road* users including the operational needs of the light rail operator. Pedestrian access and cyclists safety must also be addressed.
- (b) Proponents must make themselves fully aware of any restrictions that may apply when working in and/or adjoining a light rail corridor including designated danger zones. Further details including steps to obtain required *approvals* (*work permits*) are available on Transdev's website.



**Figure 1:** Restrictions apply when working within and adjoining a light rail corridor. Proponents must make themselves aware of the light rail operator's requirements when planning works.

Photo: Adam Hollingworth / City of Sydney

## 2.4 Hoisting activity and equipment

All *hoisting activity* including associated crane slewing/wind-vaning actions over a public road requires *approval* under Section 68 of the Local Government Act and Section 138 of the Roads Act. This includes the use of mobile *hoisting* equipment placed on and operating from a *road*. Site-installed *hoisting* equipment such as tower cranes that operate and/or vane over a *public space* also require *approval* (see also **1.18**).



Photo: Peter Conroy / City of Sydney

The use of *hoisting* (lifting) equipment set out in the following subclauses and operating from or above a *road* require *approval*. In cases where public access around a site is likely to be affected by mobile *hoisting* equipment, proponents may need to provide additional information with an application such as a traffic guidance scheme (refer to the application form on the *City's* website for further details).

### 2.4.1 Mobile cranes

As a general rule mobile crane usage on roads to demolish or construct substantial parts of a building will not be allowed.

Where it is not practicable to undertake *hoisting* onsite *hoisting* activity using mobile cranes operating from a *road* requires special consideration and *approval*.

Mobile cranes vary in size from relatively small self-contained and self-driven units to major plant requiring transportation by several independent vehicles. It often requires considerable time to assemble and dismantle mobile cranes therefore this process can have significant impacts on a locality including traffic and pedestrian movement. The following matters apply and must be addressed:



Photo: Peter Conroy / City of Sydney

- (a) Due to the size of some large mobile crane plant and the area required to set-up and establish a safe footprint through the use of large outriggers, it is often necessary to temporarily close, partially or fully, a *road*. This has potential to cause conflict between builders/contractors and the needs and amenity of local residents and businesses. This must be considered in the planning and application processes.
- (b) Impacts on pedestrians, cyclists and motorists in the vicinity of a mobile crane also need to be considered.
- (c) Excessive noise during crane assembly, operation and dismantling can also cause impacts on surrounding properties particularly residential-type buildings. This must be addressed by proponents and builders. For installation and dismantling, this typically requires restricting work times and appropriate noise attenuation practices to be followed (see **2.4.1.5** and **2.4.1.6**).

- (d) In order to minimise disruption and loss of amenity to the city community, businesses and the general public, the set-up and *hoisting* operation must be undertaken safely and in a coordinated and orderly manner. In granting *approval* to operate cranes within *public spaces* minimum requirements will apply and must be followed. This includes protecting the *City's* assets and infrastructure.

#### 2.4.1.1 Hoisting activity using mobile cranes

In the majority of cases mobile crane operations on *roads* can be undertaken through a partial temporary *road* closure such as the closure of a traffic lane on a multi-lane one-way *road* or a lane closure on a minor two-way *road*. This must be carried out under authorised traffic control (stop-go movement) to allow safe vehicle passing. Further details on partial temporary road closures are set out in **2.4.1.2**.

Full temporary *road* closures and traffic diversion are more complex and require consideration and endorsement by Committee if required by the current *City* guidelines (see **2.4.1.3**). The need to use very large cranes (over-size and over-mass – see **4.10**) often requires a full *road* closure.

To minimise impacts on a locality the following provisions apply to mobile *hoisting* activity operating from a *road* under either a partial or full temporary *road* closure:

- (a) *hoisting* will be restricted to certain activities (see **2.4.1.4**);
- (b) mobile crane set-up and usage must take place within the *approved* construction times applying to the site as specified in the *development consent*, or where no *consent* is required, in accordance with the *City's* standard times that apply generally to development (see **3.5.1**).

Cranes must be delivered to the site within the *City's* standard construction times unless otherwise specifically *approved* to meet the requirements of external agencies such as Transport for NSW and NSW Police (see **(d)**). Large cranes may need to be transported outside of peak traffic times and therefore arrive and stand on the *road* at the *worksite* outside of the consent or standard work times (see also **2.4.1.6(a)**);

- (c) Outriggers must not be placed on *footways* and nature strips because they do not have sufficient bearing pressure capacity to prevent

damage and provide adequate support. Outriggers must only be placed on roadway surfaces and structurally sound vehicular driveways. Placement on *cycleways* or shared path surfaces may be allowed, however, this is generally not supported. If permitted, cyclist temporary diversion will need to be specifically *approved* beforehand.

Outriggers associated with very large cranes must use large load-bearing pads to evenly distribute loads on *road* surfaces; and



**Figure 2:** Bearing pressures transferred through outriggers must be evenly distributed to prevent damage to *roadways*. Outriggers and crane bodies must not encroach on through-traffic lanes that are required to be kept open.

Photo: Peter Conroy / City of Sydney

- (d) prior to seeking *approval* for the set-up and use of an oversize mobile crane, the crane company must obtain the approval of NSW Police and Transport for NSW for permission to deliver the plant to the site (see also **4.10** for details on the transport and use of oversize/over-mass vehicles).

#### 2.4.1.2 Partial temporary road closures (see also 2.10)

In the majority of cases the operation of small mobile cranes from a *roadway* is of a minor nature and can be allowed through obtaining a partial temporary *road* closure. These applications do not need to be referred to the Local Pedestrian, Cycling and Traffic Calming Committee for consideration and endorsement. They can be processed and determined by the *City's* Construction Regulation team in accordance with this Code. In these cases the following provisions apply:



- (a) applications must be lodged at least five (5) working days prior to the date of the proposed operation/partial lane closure;
- (b) for partial temporary *road* closures, at least one traffic lane must be maintained. This may require stop-and-go control using accredited traffic controllers to permit safe two-way movement. Traffic detours will not be permitted;
- (c) an *approval* can include an alternative back-up date to accommodate a deferral of works due to inclement weather (refer to the application form); and
- (d) an *approval* will include a requirement for the applicant to undertake a letterbox-drop within the surrounding area advising occupants of the proposed work and partial *road* closure (see also **3.18** in relation to impacts on business operators and tenants).

A template notice for partial temporary *road* closures is available on the *City's* website and must be used when giving notice.

#### 2.4.1.3 Full temporary road closures (see also 2.10)

Proposals for the use of mobile cranes that will require a full temporary *road* closure can create significant traffic disruption and congestion therefore such applications must be referred to the Local Pedestrian, Cycling and Traffic Calming Committee for detailed consideration (see **2.14.1** for information on the make-up and operation of the Committee including details relating to *works zones*).

Prior to determination, an application will be referred to representatives of Transport for NSW and relevant *City* officers to review and provide feedback to the Committee.

The applicant may also be consulted throughout the assessment process to clarify any aspects of the proposal and/or require the lodgement of additional information.

Proponents must allow sufficient time (at least 8 weeks) in the programming of works to obtain an *approval*.



**Figure 3:** Full road closures require the endorsement of the *City's* Local Pedestrian, Cycling and Traffic Calming Committee.

Photo: Peter Conroy / City of Sydney

#### Further information

Further details about obtaining a full temporary road closure including completing and lodging an application are available on the *City's* website and/or by contacting the *City's* Traffic Works Coordinator (see **2.4.1.6(f)**).

#### 2.4.1.4 Use of mobile cranes

Mobile crane operation on or above a *public space* must reflect best practice to minimise inconvenience to the general public including people walking, cyclists and vehicle drivers. The use of mobile cranes in a *public space* will only be permitted to facilitate:

- (a) maintenance works on existing buildings or works within the *public space* itself;
- (b) the installation and removal of site-based cranes;
- (c) the delivery of large plant and equipment (in the absence of an onsite fixed crane); and
- (d) the delivery of major structural elements or building fabric (roof members and cladding) where it is not practicable or safe for onsite crane/s to lift material or the onsite crane has been removed and the building needs to be completed and made weather-tight (e.g.: installation of roof coverings).



**2.4.1.5 Hours of operation (see also 2.4.1.6(e))**

The set-up and use of mobile cranes can result in offensive or intrusive noise impacts in the surrounding area therefore mobile crane operation should, wherever possible, be carried out within the City's standard construction times and days.

It is acknowledged that in many instances such as high traffic volumes and other special needs of the City, such work can only take place outside of standard times and days (see **3.5.6** and **3.5.7**) and therefore special *approval* will be required. Where permitted, the following provisions will apply together with any other requirements that may be imposed as part of an *approval*:

- (a) mobile crane operation proposed to take place outside of the standard work times must ensure that the amenity of nearby residents, workers and the general public will be maintained to the highest possible level. This is to be achieved through applying good practices to minimise any likely adverse impacts. The *approved* operating times will be specified in an *approval* (*permit*);
- (b) the measures required to be implemented and followed to maintain acceptable public amenity will be determined exclusively by the Construction Regulation team where partial temporary closures are proposed and where necessary, in consultation with the City's Traffic Operations Unit.

For full temporary *road* closures, the Local Pedestrian, Cycling and Traffic Calming Committee will endorse the acceptable dates and times of operation depending on the traffic needs and conditions; and

- (c) the applicant will be required to undertake an information letterbox-drop to affected tenants and residents within the local area for both partial and full temporary *road* closures (see **2.4.1.6 (g)(i)**).

**2.4.1.6 Minimising impacts and communication requirements**

To minimise disruption to the general public and businesses acceptable amenity must be maintained for residents, business operators, tenants, shoppers and visitors. The following requirements must be implemented and followed by mobile crane operators:

**(a) Delivery of mobile cranes**

- (i) the delivery of mobile cranes to *workplaces* must be undertaken in a manner that minimises disruption to the surrounding area, particularly residential-type premises (including apartment buildings and tourist accommodation). This is particularly relevant when delivery takes place outside of normal workdays and times.
- (ii) in circumstances where mobile cranes are delivered in the early morning or late at the night, the operation of external communication loudspeakers on vehicles is not allowed. Refer to **(d)** below for requirements.
- (iii) work must not commence on the set-up/establishment of a mobile crane prior to the time stipulated in the crane *hoisting permit* and will, in the majority of cases, not be permitted until after the standard work commencement time that applies to the development site (see **3.5.1**).
- (iv) in localities where there are no potential or likely noise impacts and there are special needs to commence crane set-up outside of the standard development times, applicants must highlight this in the application form and request special consideration (see also **(c)** below).

**(b) Identification of mobile crane ownership**

Crane operators must display the company name or some other form of identification on all vehicles to indicate that the works are being undertaken by the company listed in the crane *permit*.

**(c) Noise associated with the erection/dismantling of mobile cranes**

- (i) mobile cranes must be erected and dismantled in such a way as to minimise noise. Material, equipment and tools must not be thrown on the *road* or handled in way that generates unnecessary noise.
- (ii) it is acknowledged that the assembly or dismantling of large mobile cranes requires the use of hammers which will generate a noise level that cannot be circumvented. In these circumstances the City may require the letterbox-drop notification to also

indicate the potential for noise generation during assembly or dismantling of the crane (see **2.4.1.6 (g)(i)**).

(d) General conduct of crane operators

- (i) During the entire crane set-up and *hoisting* operation, operators and associated construction site personnel must consider the amenity of residents and/or employees of businesses in the vicinity including avoiding shouting instructions or otherwise generating unnecessary noise.
- (ii) Two-way radio usage or mobile phones (with vibration ring alert or low ring tone) are effective means of communication to minimise noise nuisances and is therefore preferred by the *City*.
- (iii) The need to use whistles as a means of communication is acknowledged and permitted. If the *City* considers that letterbox-drop notification is required, the notice must mention if whistle communication is to be used.

(e) Minimisation of operating times

- (i) The mobile crane operator and the site project manager must endeavour to minimise the duration of mobile crane usage. In circumstances where *approval* is given for full or partial temporary *road* closure the *approved* times specified for the closure does not automatically allow for the set-up and operation of the crane.
- (ii) In allowing *hoisting* operations to take place in a *public space* the equipment must not stand on the *roadway* for extended periods. This is necessary to minimise associated impacts, subject to:
  - the locality;
  - the size of the crane; and
  - the *hoisting* works to be undertaken,
- (iii) the *City* may restrict the times of crane operation. This will be determined on a case-by-case basis as part of the assessment process when considering a crane *hoisting* application.

(f) Time extensions

If, due to unforeseen circumstances, a time extension is required beyond the *approved*

times stipulated in the crane *hoisting permit*, contact must be made with the *City's* Construction Regulation team (ph. 9265 9333, 24/7) and NSW Police to determine if a time extension can be granted. An email seeking an extension may also be requested.

(g) Other matters that must be considered and satisfied including notification

Mobile crane activity in a *public space* can have significant impacts on vehicular, cyclist and pedestrian movement including maintaining access to buildings where temporary partial or full *road* closures are necessary. To address these impacts the following must be considered and satisfied including additional matters and requirements specified as conditions of *approval* in a *permit*:

- (i) in granting *approval* to stand and operate a mobile crane in a *public space* including fully or partially temporarily closing a public *road* it will be necessary for proponents to advise:
  - affected parties (property owners, tenants, occupants and building managers) in the locality (typically a street block) in which the closure is to take place; and
  - likely affected parties in any other streets that may be impacted.
- (ii) notification must take place through a letterbox-drop as follows:
  - for partial *road* (traffic lane) closures, at least five (5) working days prior to the date of crane operation;
  - for full *road* closures, be undertaken 14 days prior to the date of temporary closure (see also **2.4.1.7**).
- (iii) any representations made or raised by affected parties must be resolved, and details of the resolution provided to the *City*.

**Note:** The notification letter must be in accordance with the standard template letter (one each for partial or total temporary closure) which are available on the *City's* website.

- (iv) traffic guidance schemes must be developed and be in accordance with AS 1742.3 and Transport for NSW *Technical Manual for Traffic Control at Worksites*

(including pedestrians and cyclists). All schemes must be *approved* and cannot be modified without prior consent. *Approved* schemes must be kept onsite during the proposed *hoisting* operation;

- (v) booms/jibs must not operate over pedestrians or vehicular traffic without *approved* overhead protection systems or acceptable *City-approved* pedestrian/traffic management being in place to isolate and prevent access within the overhead *hoisting* zone. Where *hoisting* over private land including *City* owned land (other than *roads*) such as buildings, parks, reserves squares, agreement must be reached with affected owners including the *City's* Property Unit. (see **1.18**);



**Figure 4:** Required signage in accordance with AS 1742.3 and the traffic guidance scheme must be clearly displayed.

Photo: Peter Conroy / City of Sydney

- (vi) all signage, pedestrian and traffic control devices must comply with AS 1742.3 – 2002 and be appropriate for all *activities approved* under a *hoisting permit*;
- (vii) full compliance must be given to the *City's* code regulating construction-related noise (work times may be varied through an *approval (permit)* - see **3.5**;
- (viii) the NSW Traffic Management Centre must be notified when works commence and finish;
- (ix) driveway and/or *footway* access to any properties in an affected area must not be obstructed unless the written consent or agreement from the owner/occupants is first obtained (see also **2.10.1** and **3.18**); and

- (x) where required by a condition of *approval* Transport for NSW accredited traffic/pedestrian controllers must be in place at all times.

#### 2.4.1.7 Additional matters relating to full temporary road closure

The following matters, additional to the above provisions, must be considered and addressed, when a full temporary *road* closure is proposed:

- (a) where commercial car parks are affected by a proposed closure, the *City* must be indemnified against all claims of revenue loss as a result of the temporary *road* closure (see also **2.10.1**);
- (b) a public notice of the proposed closure must be placed in a Sydney metropolitan newspaper at least seven (7) days before the proposed *road* closure takes place. Copies of the newspaper clippings must be provided to the *City* as evidence of publication prior to issue of a crane *hoisting permit*;
- (c) prior to undertaking *hoisting activities* including *road* closure, the emergency services (NSW Police, Fire and Rescue NSW and NSW Ambulance Service) must be formally notified of the proposed temporary closure. Assurance that access for all emergency service vehicles will be available to properties in the affected street must be provided. All services (street and building fire hydrants /sprinkler booster connection points, emergency exit doors etc.) must be kept free of obstructions;
- (d) full *road* closures including traffic diversions will require the assistance of NSW Police officers to control traffic and direct traffic around the site;



**Figure 5:** The assistance of NSW Police is required for full temporary *road* closures.

Photo: Peter Conroy / City of Sydney



- (e) where bus services/facilities are affected by a *road* closure, proponents must notify the relevant bus companies. All costs associated with a closure must be paid by the applicant including for any required additional supervisory staff, rerouting services and/or temporarily relocating bus stops/layover facilities during each closure;
- (f) *road* closures and signage must be undertaken in accordance with the AS1742.3 unless otherwise directed by NSW Police or an *authorised* person of the *City*;
- (g) emergency vehicle access lane/s must be available at all times along the closed section of *roadway*. Access lanes must have a minimum width of 3.25 metres;



**Figure 6:** Where required by the *City* a clear 3.25 metre traffic lane must be provided and maintained during a partial *road* closure.

Photo: Peter Conroy / City of Sydney

- (h) appropriate and adequate traffic *control measures* including:
  - detour signs and traffic control personnel;
  - pedestrian exclusion barriers; and
  - safe and *accessible* movement of vehicles, bicycles and pedestrians,

must be fully implemented and maintained at all times during the placement and operation of the *hoisting* equipment.



Photo: Peter Conroy / City of Sydney



**Figure 7:** Appropriate barriers must be installed to isolate an *approved* work/crane operation area. In busy pedestrian areas such as the city-centre, metal barriers must be used.

Photo: Peter Conroy / City of Sydney

- (i) all temporary barriers and signs associated with a road closure must be removed immediately following the road reopening to traffic; and
- (j) a temporary *road* closure and crane *hoisting* operation must comply with *City*'s requirements and the *approval (permit)* conditions.

#### 2.4.1.8 Other matters

Other matters that may also apply and be required as part of an *approval* for temporary road barriers and mobile cranes include:

- (a) all conditions of a *Road Occupancy Licence* issued by the Transport Management Centre must be complied with;



- (b) at the discretion of NSW Police, additional traffic control such as Police officer attendance to supplement traffic control personnel may be required. All costs associated with providing Police personnel must be incurred by the proponent; and
- (c) vehicle/equipment operations including outrigger set-up/placement and counterweight swing must take place within the closed kerb lane. Where additional lanes are required, this will be assessed on a site-specific basis as part of the application assessment process.



**Figure 8:** Through-traffic lane/s adjoining a work place must be supervised by authorised traffic controllers.

Photo: Peter Conroy / City of Sydney



**Figure 9:** Where *approval* is given to establish and operate *hoisting* devices on *roadways*, special controls will need to be implemented including traffic/pedestrian *control measures*.

Photo: Peter Conroy / City of Sydney

## Notes:

1. As part of an *approval (permit)* for temporary *road* closures and crane operation, the applicant will nominate alternative dates to accommodate inclement weather events and/or other *approved* works that may be required. In the event that the alternative date/s are needed to be used the *City's* Traffic Works Coordinator and Construction Regulation team must be advised on the first available workday post-cancellation of the *approved* primary date of operation.
2. Additional fees will apply for the use of alternative date/s and other proposed or required adjustments to *approval permits*. A 'Deferred Date Application' will need to be lodged if nominated back-up dates cannot be utilised.
3. Acknowledgement from NSW Police for the *approved* alternative dates does not absolve the applicant from the necessity to obtain a new *road occupancy licence* from the Transport Management Centre for the use of the alternative date/s.

## 2.4.2 Other types of mobile hoisting devices

The *City* will allow the placement and use of non-crane mobile *hoisting/lifting* devices on *roadways* and *footways*, subject to meeting prescribed minimum requirements including the use of structural-grade plywood and drop-sheets to protect surfaces.

Examples of mobile devices and their operation in a *public space* include:

- truck-mounted *hoisting* equipment (Hiabs);
- boom-type lifts (cherry-pickers, concrete placing booms etc.);
- elevated work platforms; and
- scissor lifts

### 2.4.2.1 Equipment placement/usage on footways and roadways

The following provisions apply:

- (a) where a mobile device is required to operate in a *public space* an application is required to obtain *approval* for its set-up and use. At least two (2) working days' notice (excluding weekends and public holidays) must be provided when seeking *approval*.

### 2.4.2.1 Equipment placement/usage on footways and roadways



Photo: Peter Conroy / City of Sydney

(b) the use of certain *hoisting/lifting* equipment on *footways* constructed of concrete or granite paving is permissible subject to meeting the following requirements, including maximum load limitations:

- (i) minimum two-axes rubber wheel equipment – **3 tonnes** (max.);
- (ii) rubber-track equipment – **5 tonnes** (max.); and
- (iii) 17 mm (min.) structural grade plywood or other suitable composite board allowed by the *City* must be used beneath the equipment at all times to distribute the loads on the pavement surface and to minimise damage including surface damage.

(c) when needing to access a *footway* from the adjoining roadway the following must be satisfied:

- (i) the use of *vehicular crossings* (building driveway access crossings) in close proximity to the *worksite* is preferred;
- (ii) where *crossings* are not available suitable temporary ramps appropriate for the type and size of *hoisting* plant to be used must be in place to minimise excessive pressures or damage to kerbing;

- (iii) It is critical to avoid damage to stone kerbing is present particularly if fragile and historically significant sandstone kerbing. Contact the Construction Regulation team for further advice.



**Figure 10:** All *hoisting* operations must be carried out within the boundaries of a *works zone* or a temporarily closed traffic lane (to a height of at least 4.5 metres above the *road surface*).

Photo: Peter Conroy / City of Sydney

- (d) where *footways* are of insufficient width to accommodate *hoisting* devices such as in narrow laneways, *approval* may be given to allow device set-up and operation on *roadways* subject to appropriate controls being implemented such as barricading and traffic/pedestrian control (see **2.7**).

### 2.4.2.2 Equipment usage–pedestrian safety, amenity and convenience

When using mobile lifting equipment, the following must be implemented to minimise disruption to the *public space* and maintain public safety:

- (a) except where the *City* grants specific *approval* allowing a partial obstruction/closure, ensure mobile *hoisting* or other lifting devices does not block the public thoroughfare including safe, *accessible* and convenient pedestrian movement and access to premises (see also **2.10.1** and **3.18**);

**Note:** In some circumstances such as very busy thoroughfares, the use of a Type-B *hoarding* to form an elevated work platform may be necessary and required to keep *footways/laneways* fully open (refer to the *City's* 'Code of Practice: Construction-related Temporary Structures On and Above Roads' for further details);

- (b) determine the most appropriate *hoisting* zones for medium and long-term use of the equipment and methods to minimise impacts on the *public space*;
- (c) conduct dilapidation surveys of surfaces before and after works to record the condition. Where necessary or required, protect pavement surfaces and kerbing;
- (d) implement effective operational procedures and lifting techniques to afford appropriate public safety in the adjoining *public spaces* in accordance with the responsibilities imposed on the *person in control of a business or undertaking* under the Work Health and Safety Act and Regulations; and
- (e) use appropriate traffic and pedestrian management procedures where required by a *permit* including displaying required directional and caution signage.

The above requirements may also form conditions of an *approval (permit)*.

### 2.4.3 Site-installed hoisting devices (cranes)

Crane installation should be within the property boundaries unless otherwise specifically allowed to encroach on a public *road* (see **2.4.4**). Hoisting operations including slewing and wind-vaning actions over a public *road* must be undertaken safely and have no adverse environmental impacts including impacts on pedestrians, vehicles and cyclists.

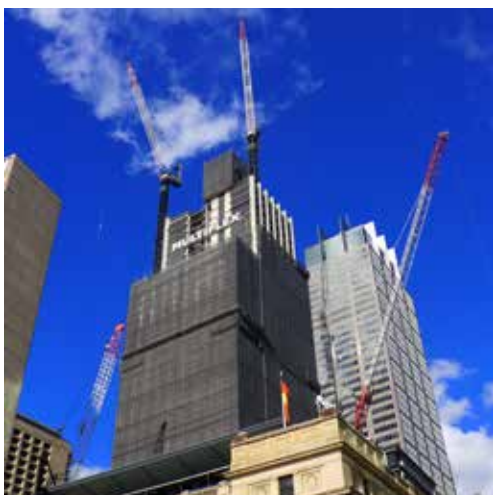


Photo: Peter Conroy / City of Sydney

The following requirements must also be satisfied:

- (a) the crane installation must be inspected and maintained at the prescribed intervals as set out in the device specification and/or plant item registration documentation including any other requirements of *SafeWork NSW*;
- (b) the owner and/or operator of a crane must ensure the plant is erected, maintained and operated in accordance with the Work Health and Safety Act 2011 and Part 5 of the Work Health and Safety Regulation 2017 including any requirements of *SafeWork NSW*;
- (c) all *hoisting* activity must be carried out within the *development consent approved* construction days and times;
- (d) *hoisting* activity must be undertaken in a manner that does not cause a nuisance including offensive noise to adjoining and surrounding premises (see 'Note'). When *hoisting/vaning* over private neighbouring land proponents have certain obligations that must be satisfied in relation to access agreements (see **1.18**);

**Note:** An *approval* may be revoked or modified for any purpose or reason including breaching conditions of an *approval* as prescribed by Section 108 of the Local Government Act.

- (e) other than crane operational actions to test the device for compliance with any *SafeWork NSW* requirements the following must be satisfied prior to *hoisting* activity commencing:
  - (i) a certificate issued under Section 93 of the Local Government Act 1993 (refer to the standard certificate templates on the *City's* website and the template certificate issued with the *permit*) must be provided to the *City* confirming that the crane has been installed in accordance with the *approval* including the structural design details and footings;
  - (ii) the crane meets all requirements of the relevant legislation; and
  - (iii) the crane complies with applicable requirements of *SafeWork NSW*.
- (f) all *hoisting* activity from a public *road* must be carried out from within the boundaries of the *approved works zone* (see **2.14**) and be undertaken safely and in a co-ordinated manner. The use of tag-lines can assist in controlling loads within the boundaries of the *hoisting* zone (see **2.14.3**) subject to meeting any required work health and safety provisions;



- (g) a separate *approval* must be obtained for the placement and operation of mobile cranes on a *roadway* for the purpose of installing a site-based *hoisting* device (see **2.4.1**). Proponents can seek *approval* through lodging an application for mobile *hoisting* devices;
- (h) where the principal construction works are subject to a *development consent*, a copy of the construction certificate issued by a *registered certifier* for any required concrete footings or other structural elements required to support and anchor a crane must be provided to the *City* prior to installation and operation of the crane. This includes structural steel grillage on which a craning device may be fixed and bear on an existing building undergoing alteration;
- (i) in cases where a site is located within 'prescribed airspace' of Sydney Airport, any conditions imposed by the Sydney Airport Corporation Limited in relation to a crane installation and operation must be adhered to;
- (j) street trees including tree canopies must not be damaged, trimmed or interfered with (see **2.14.6** and **2.14.7**); and



**Figure 11:** Permissible signage on site cranes and other *hoisting* devices must not be illuminated unless specific *approval* is granted through a *development consent*.

Photo: Peter Conroy / City of Sydney

- (k) other than:
  - (i) minor crane company name signage; or
  - (ii) minor principal contractor's name (where the contractor owns the crane); or
  - (iii) signage that is classed as exempt development under the State Environmental Planning Policy (Exempt and Complying Development) Codes 2008,

signage must not be displayed on any part of the crane including the jib/boom without first obtaining *development consent*. Signage, including the crane owner/hire company, must not be illuminated unless specifically *approved* through a *development consent*.

**Note:** If proposing to hoist or swing any part of a crane including movement under wind-vaning actions over private land, refer to **1.18** in relation to obtaining access agreements over neighbouring lands under the provisions of the NSW 'Access to Neighbouring Land Act 2000'.



**Figure 12:** *Approval* under the Roads Act is required when any part of a *hoisting* device swings or operates over a *road* including encroachment under wind-vaning actions.

Photo: Peter Conroy / City of Sydney

#### **2.4.4 Personnel/material hoists, tower cranes, mastclimbers and other similar equipment**

The *City* generally does not allow the placement and operation of these types of *hoisting* equipment within a *public space*. Such equipment should be located within the allotment boundaries of a site. Where, however, there are site constraints such as small land parcels, narrow allotments or works are proposed on an existing building that is built to the property boundaries, the *City* may consider allowing hoist installation and use on or above:





Photo: Peter Conroy / City of Sydney

- (a) *footways* within a ply-sheet fenced *work compound* space where the *footway* width is sufficient to allow the safe and convenient passage of pedestrians past the *workplace* and *worksite* (see **2.16**);
- (b) the deck of a Type-B *hoarding*, subject to strict control criteria applying and being implemented and followed (see **2.4.4.1**); or
- (c) cantilevered *hoisting* equipment and operation above a public *road*.

In the above circumstances the *City* may require proponents to enter into an agreement, licence or other form of approval for the use of airspace or land below the surface. These approvals will include a requirement to meet any design requirements imposed by the *City*.

#### **2.4.4.1 Hoisting equipment placed on hoarding decks**

The primary aim of a *hoarding* deck is to form a protective barrier to objects that may fall from a *worksite* and thereby prevent objects impacting on the *public space* (refer to the *City's* 'Code of Practice: Construction-related Temporary Structures On and Above Roads' for further details).



Photo: Peter Conroy / City of Sydney

The *City* therefore allows overhead protective structures in *public spaces* to enable contractors to meet their work health and safety obligations to protect persons passing a *worksite* and *workplace* (refer to **1.12.3**). The use of a *hoarding* deck for other purposes is only allowed for essential uses and *temporary structures* (such as site sheds).

Decks should therefore not be used for the placement/support of *hoisting* equipment and associated material and equipment unless there are fully justified and sound reasons for doing so (and being specifically *approved* by the *City*).

Where hoisting equipment is *approved* for placement and use on a deck and a formal *works zone* is not established, the temporary standing (parking) of a truck on a *road* adjoining a hoarding to load and unload via the deck for transfer of material by hoisting equipment may not be allowed. This aspect must be considered as part of the project planning process which may require the establishment of a *works zone* or alternative short-term *approval* to stand a vehicle. Proponents should contact the *City's* Construction Regulation team prior to lodging an application to install hoisting equipment to discuss the proposed method of loading and unloading from a roadway.

#### **2.4.4.2 Environmental impacts from hoist usage (noise, visual and privacy)**

- (a) Hoist design, location and usage can result in potential impacts. Noise is a key factor which can result from motor operation, hoist

car movement and car-gate operation. Audio warning systems such as sirens fitted and used on mast-climbing platforms when operating can cause unacceptable noise. These impacts must therefore be considered and addressed in the preparation of an application.

- (b) Visual and privacy impacts must be considered particularly where hoists are proposed for installation in laneways (impacts on windows of occupied buildings opposite). Sensitive uses in the surrounding buildings must also be considered in the planning and application preparation stages. This is particularly important where residential-type buildings (apartments and tourist accommodation) are located nearby.
- (c) Where impacts are likely, *approval* may not be granted or, if permitted, the times of operation may be restricted to address operational noise. A hoist's vertical travel path may also need to be appropriately screened or enclosed, particularly where located in a laneway and/or adjacent to residential buildings.
- (d) In addressing potential off-site noise impacts from hoisting activity, proponents should contact owners and occupiers of likely impacted properties to seek feedback on the proposal prior to submission of the application and wherever possible, ensure that the proposal includes measures to mitigate these impacts.
- (e) Formal notification of applications to surrounding properties will be undertaken by the *City* for hoist installation in laneways. For hoist locations on main street frontages, the need for formal notification will be as determined by the *City* based on the locality and any sensitive building uses nearby.

#### 2.4.4.3 Plan of management for hoisting activities

- (a) Where the *City* determines that there are sufficient grounds to allow a *hoarding* deck to support hoisting equipment and its use, the *City* may require that a site operation and plan of management be lodged with the *hoisting* application taking into account the impact on neighbouring properties and businesses.
- (b) A plan of management must specify details of the material/personnel to be hoisted and the type/s of activity to be undertaken on the

deck associated with the use of the *hoisting* including the proposed loads on the deck including parked platforms of mast-climbing equipment. The design and proposed loads must be assessed by the practising structural engineer responsible for the design and certification of the *hoarding* to:

- (i) determine the structural adequacy of the *hoarding* and supporting *footway/roadway* surface including the substrate support;
- (ii) consider the type/s of material and/or equipment proposed to be transported and specify any required *control measures* to address identified risks associated with the loading/unloading operation, including dynamic actions;
- (iii) clearly specify on the drawings the location of the hoisting plant including the extent and location of material and equipment that may be placed temporarily on the *hoarding* deck awaiting transfer via the hoisting equipment;
- (iv) confirm that the superimposed loads on the *hoarding* are not exceeded. Loads must not exceed 40% of the *hoarding* design – refer to the *City's* 'Code of Practice: Construction-related Temporary Structures On and Above Roads' and the *SafeWork NSW* 'Code of Practice: Overhead Protective Structures'; and
- (v) determine whether operational procedures and conditions of use including any *control measures* and *SafeWork NSW* requirements need to be followed in addition to *site management plans*.

#### 2.4.4.4 Structural certification of hoisting plant

The structural design of the *hoarding* on which the hoisting plant is to be located must be certified against the proposed (and *approved*) *hoisting* usage plan. Certification must be in accordance with the provisions specified in the *City's* 'Code of Practice: Construction-related Temporary Structures On and Above Roads'.

For mast-climbing hoisting plant, engineering certification for the fixing of the equipment to the building facade must also be lodged with an application.

#### 2.4.4.5 Implementation and compliance with the management plan for hoisting usage

The person in control of a *worksite* (typically the builder or principal contractor) must fully and effectively implement procedures to manage the site and hoisting operations including:

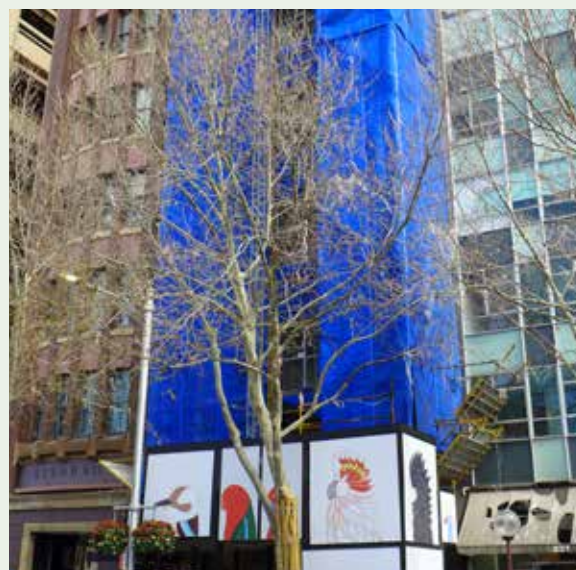
- (a) having in place appropriate management/oversight of the operation of the *hoisting* plant by nominated competent person/s;
- (b) effectively control and manage the placement and movement of material, equipment and workers on the *hoarding* deck;
- (c) ensure that the ongoing structural capacity and stability of the *hoarding* is fully maintained at all times and that required periodic inspections and certification are carried out and provided in accordance with the *City's* 'Code of Practice: Construction-related Temporary Structures On and Above Roads' and any other requirements imposed by the practising structural engineer;
- (d) any proposed modifications to the *hoarding* and/or *hoisting* plant/operation must be assessed and certified by the *hoarding* design engineer and *approval* obtained from the *City*; and
- (e) maintain at all times compliance with any operational conditions specified by the design engineer and other requirements specified in the *hoarding* and *hoisting* approvals (*permits*).

#### 2.4.4.6 Screening of hoisting plant cars or platforms from the public space

Where *approval* is given, the lower section of the *hoisting* plant (parked hoist car, platform at deck level and other parked plant) and the area of *approved* allocated space for material and equipment placement on the deck, must be:

- (a) fully screened to shield the plant and material from the *public space* including on the sides in addition to the *hoarding* fascia on the primary frontage; and
- (b) screened using painted plywood or fencing such as the *hoarding* fascia of the Type-B *hoarding* or *work compound* (see the 'Code of Practice: Construction-related Temporary Structures On and Above Roads' for further details including artwork requirements).

The screening system must be fully detailed in the *hoarding* drawings and application.



**Figure 13:** Hoist installations on *hoarding* decks are only permitted under special circumstances. Where *approved*, parked hoist cars at deck level must be fully screened by *hoarding* fascias including on the sides. Any mesh used to screen the hoist structure must meet the minimum flammability performance criteria in the *City's* 'Code of Practice: Construction-related Temporary Structures On and Above Roads'.

Birds of Australia by Egg Picnic

Photo: Peter Conroy / City of Sydney

#### 2.4.5 Boom-lifts, scissor-lifts, Hiabs and other hoisting devices operating from a footway/roadway

The use of boom-type *hoisting* equipment such as elevated work platforms, cherry pickers, concrete placing booms, and other *hoisting* devices is *hoisting* activity and therefore requires *approval*.

In operating from and over *roads* minimum prescribed operational requirements must be followed. This is necessary to ensure that the safety, amenity and convenience of the public is not compromised in the vicinity of the *worksite/ workplace* and *hoisting* activity.

##### 2.4.5.1 Minimum requirements

The following requirements must be satisfied when undertaking *hoisting* activity:

- (a) unless specifically *approved* by the *City*, equipment outriggers/stabilisers must not be



placed on the *footway* or kerb edge under any circumstances as *footways* do not have sufficient bearing capacity to support the increased loads transferred from plant and equipment. For small devices operating on *footways*, at least 17mm (min.) thick structural grade plywood must be used to protect and evenly distribute loads on the *footway* surface;

- (b) booms must not operate over pedestrians, cyclists or vehicular traffic without overhead protection being in place (Type-B *hoarding*) or *approved* alternative diversions/routes around the *workplace* being implemented (see **(e)**);
- (c) all traffic guidance schemes and associated signage used during works must be in accordance with AS 1742.3 and Transport for NSW's *Technical Manual for Traffic Control at Worksites*. Signs & safety devices, are to be in place at all times during the work activity;

All guidance schemes must be *approved* by the *City* and cannot be modified without prior consent. The most current *approved* schemes must be available onsite at all times during the set-up and works;

- (d) all required traffic controllers involved in the works must have current TfNSW accreditation and must comply with all requirements of Section 8 – 'Traffic controllers and speed zones' of the *Technical Manual for Traffic Control at Worksites*;



Photo: Peter Conroy / City of Sydney

- (e) where a *footway* needs to be closed to allow *hoisting* activity to take place specific *approval* must be obtained and, unless otherwise specifically permitted, pedestrians must be assisted/directed by pedestrian controllers to an alternative *accessible footway* in advance of a *worksite* at decision points where pedestrians can choose alternative routes, such as at:

- (i) traffic/pedestrian control signals; or
- (ii) intersections; or
- (iii) pedestrian crossings in advance of the site.

Where a *cycleway* or shared path is temporarily affected a safe and equivalent path of travel is to be provided to the satisfaction of the *City's* Cycling Team (see **2.7.5**);

- (f) where a *hoisting* activity/device affects a State classified road, a *road occupancy licence* from the Traffic Management Centre must be obtained;
- (g) unless otherwise permitted by an *authorised person*, *hoisting* activities and devices must not be located nor operate in a way that will have an adverse impact on street trees. Tree protection in accordance with **2.14.6** and **3.18.1** must be provided prior to the *hoisting/* lifting activities commencing;
- (h) building and driveway access points in vicinity of a *worksite* must remain unobstructed at all times, unless the written consent of affected property owners/occupants is first obtained (see also **2.10.1** and **3.18**);
- (i) where the works are likely to affect bus operating routes the *permit-holder* must contact the bus operator/s to obtain advice on any required changes to their operations and pay any applicable costs incurred;
- (j) all fire services (fire hydrant and sprinkler booster connections on buildings), emergency exit doors etc. must be kept clear of obstructions;
- (k) *hoisting* equipment and other plant must not stand within a *works zone* for extended periods unless otherwise specifically allowed by the *City*.

The *City* accepts that plant and equipment are commonly stored onsite. Where this is not possible, equipment must be removed from the *works zone* each workday and delivered to the *workplace* the following day. This allows for general parking, where sign-posted, to be available outside of the *approved works zone* times.





**Figure 14:** In special circumstances *approval* may be given to stand equipment in a *works zone* temporarily.

Photo: Peter Conroy / City of Sydney

- (l) all works must be undertaken in accordance with the provisions of the *City's* code regulating construction-related noise, unless otherwise specifically *approved* for special works and/ or to avoid interference with traffic/cycling/ pedestrian movement;
- (m) any damage caused to the *public space* resulting from *hoisting* activities must be repaired in accordance with the *City's* standard specifications. Where the *City* undertakes the repair work all associated costs must be reimbursed or will be deducted from any *performance bond* held (see **1.14**); and
- (n) all vehicle/equipment and operation including outrigger set-up and counterweight swing must be located and carried out wholly within the width of the kerb lane.



**Figure 15:** Concrete boom-pump operation requires *approval* when operating on and/or above a *road*.

Photo: Peter Conroy / City of Sydney

#### 2.4.5.2 Additional requirements

In some circumstances additional requirements beyond those listed in **2.4.5.1** may be imposed as part of the application assessment process and will be specified in an *approval*.

#### 2.4.5.3 Neighbourhood and business notification

In addition to the standard *permit* conditions a letterbox-drop using the *City's* standard template notice (available on the *City's* website) may need to be carried out to notify surrounding property occupants and business tenants of works (see **3.18.1**).

Where notification is required (specified in the *permit*), notice must be given at least two (2) business days prior to works commencing. A copy of the notification letter must be forwarded to the *City* prior to the commencement of work.

#### 2.4.6 Suspended scaffold (swing-stage)

The use of *suspended scaffolds* above a public *road* must be undertaken in accordance with the applicable provisions of the Work Health and Safety Act 2011, the Work Health and Safety Regulation 2017, relevant codes of practice, any directions issued by SafeWork NSW and the requirements set out below.

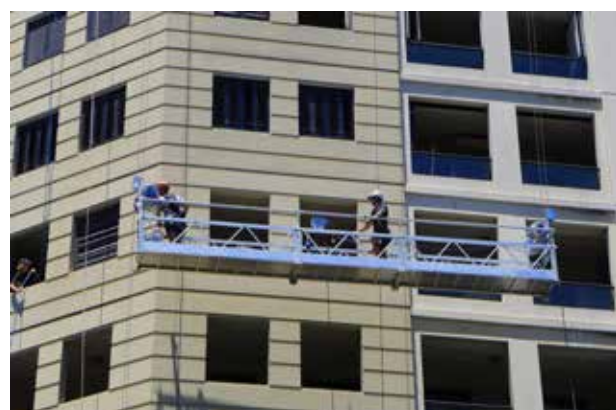


Photo: Peter Conroy / City of Sydney

##### 2.4.6.1 Storage of suspended scaffolds when not in use

- (a) When not in use, *scaffolds* must be appropriately parked/stored:
  - (i) on the roof of the building; or
  - (ii) within the property boundaries or behind the building line adjoining a *road*; or
  - (iii) on the deck of an *approved* Type-B *hoarding* (where installed) and be fully screened by the *hoarding* fascia; or

- (iv) on the *footway* behind a fully screening Type-A *hoarding* fence where the *footway* width is sufficient to allow safe and convenient passage of pedestrians. This will be subject to special consideration as set out in the *City's* 'Code of Practice: Construction-related Temporary Structures On and Above Roads' (see **2.6**). Where a *footway* has insufficient width temporary short-term closure may be allowed (see **2.4.6.2** below).
- (b) Proponents must comply fully with all requirements imposed through conditions of an *approval*.

#### 2.4.6.2 Temporary closure of footways

For minor short-term usage (several days) the *City* may agree to temporarily close a *footway* to allow the operation of a *suspended scaffold* without the need for a *hoarding* or barricading to isolate the *public space* beneath a *scaffold*/work activity. This will only be considered where:

- (a) the *footway* pedestrian usage is very minor, as determined by the *City*;
- (b) alternative *accessible footways* are available, as determined by the Construction Regulation team in consultation with the *City's* Traffic Operations team. Alternative *footway* paths must not result in significantly increased travel distances for pedestrians;
- (c) *approved* pedestrian control methods are used; and
- (d) there is no obstruction to the entrances of the building including business premises, unless agreement is reached with the affected parties (see **3.18.1**).

#### 2.4.6.3 Minor maintenance works on building facades

In some circumstances such as undertaking visual inspections of facades or carrying out minor maintenance works (cleaning and/or painting) of facades, lightweight *suspended scaffolds* may be permitted to operate above a building's street awning without a standalone Type-B *hoarding* or the establishment of a pedestrian exclusion zone.

The temporary placement of a lightweight suspended scaffold (when not in use) on a street awning is generally not allowed although it may be

permitted where no practicable alternative solution for its storage is available and where adequate temporary screening is installed to screen the suspended scaffold from *public spaces*.

Such proposals will only be allowed where an awning satisfies the following:

- (a) the PCBU must consider and assess the awning's adequacy to satisfy all potential risks from falling objects including failure of the *suspended scaffold* itself together with the loads associated with personnel. The PCBU must satisfy all work health and safety requirements. Codes of Practice can provide guidance to assist PCBUs and others who have a duty of care (refer also to **1.12.3** in relation to work health and safety obligations). The *SafeWork NSW* 'Code of Practice: Overhead Protective Structures' should be consulted for the use of lightweight *suspended scaffolds* above awnings;
- (b) a visual inspection of an awning's structural members and connections by a practising structural engineer holding National Engineers Registration with Engineers Australia must be carried out to verify structural suitability. A report and certificate from the engineer meeting the *City's* requirement must be lodged with an application;
- (c) the awning provides sufficient coverage of the *footway* for overhead protection;
- (d) the person undertaking the work and operating a *suspended scaffold* (i.e. the PCBU) has assessed all risks including risks to the public and implemented *control measures* as required by the NSW Work Health and Safety Act 2011; and
- (e) access systems to the awning/parked *suspended scaffold* must not obstruct the *footway*. Ladder access from a *footway* to an awning will generally not be permitted unless there is sufficient *footway* width to allow safe barricading and ladder placement.

For long-term projects the *City* may allow access via an enclosed temporary stairway subject to availability of adequate *footway* space (refer to the Code of Practice: Construction-related Temporary Structures On and Above Roads for stairway design provisions).

**Note:** For further information regarding *hoisting* equipment operation over neighbouring land including the need to obtain access agreements refer to **1.18**.

#### 2.4.7 Building maintenance units (see also 2.12.2)

The operation of a *building maintenance unit (BMU)* above a *public space* is *hoisting* activity under the Local Government Act 1993 and therefore requires *City approval*. *Approval* is typically sought and held by the property owner on which the *BMU* is operated. Building managers or maintenance contractors can, on behalf of the property owner apply for and hold an *approval* providing that a valid *public liability insurance (PLI)* is held in accordance with **1.15**.

In cases where a new building is nearing completion and the principal contractor (typically the builder) wishes to use an installed *BMU* to access parts of the building such as the façade, the principal contractor must apply and obtain *approval* to operate the *BMU* over a *public space*. Upon the builder handing over a completed project (including the *BMU*) to the owner (typically the property owner) the builder must inform their client of the need to lodge a fresh application to seek the *City's approval* to allow the continued use of the *BMU*. This includes providing and holding valid *PLI* in the name of the *permit-holder*.

If proposing to operate a *BMU* over private land or *City-owned* land which is not a *road* such as public squares, malls, reserves etc., access agreements over this land must firstly be obtained from affected property owners including the *City*. Access over lands is regulated through the 'Access to Neighbouring Land Act 2000'. Refer to **1.18** for further details.



Photo: Peter Conroy / City of Sydney

## 2.5 Hoisting to or from cantilevered materials landing platforms

The use of cantilevered materials landing platforms fixed to buildings under construction or alteration requires *approval* when hoisting over a *road* (*roadway/footway*).

In addition to a hoisting approval being required, cantilevered platforms must also have approval. Refer to the Code of Practice 'Construction-related Temporary Structures On and Above Roads'. An application form must be used when seeking *approval* for these structures.

## 2.6 Construction-related temporary structures

The placement of *temporary structures* including *hoardings*, *scaffolds*, site fences and other structures on or above a *public space* must be *approved* before installation.



Eyes on the horizon by Reg Mombassa (a.k.a. Chris O'Doherty).  
Photo: Peter Conroy / City of Sydney

### 2.6.1 Hoardings, scaffolding and site fencing

The *City's 'Local Approvals Policy'* and 'Code of Practice: Construction-related Temporary Structures On and Above Roads' control the design, use and maintenance of *temporary structures*. Public safety and amenity issues such as:

- (a) the visual condition and tidiness of a structure;
- (b) inadequate or non-operational lighting systems (*hoardings*);



- (c) defective parts of a structure; or
- (d) dangerous or uneven *footway* surfaces adjoining the site or beneath a *temporary structure* (*hoarding*).

must be monitored regularly by the *permit-holder*. The *City* will monitor installed *temporary structures* and the *public space* throughout the installation period. Where issues (defects) arise with structures, directions to rectify will be issued.

Further details on the standards of design and the information that must be provided with an application to install a *temporary structure* is set out in the 'Code of Practice: Construction-related Temporary Structures On and Above Roads'.

*Approval* can be sought through lodging an application available on the *City's* website.

## 2.6.2 Temporary site security/safety fencing on private land

The design and installation of temporary site security fencing, typically chain-wire or steel mesh, erected on development sites and which adjoins the *public space* (*footway*), are generally not regulated by the *City*. Refer to **3.12.1** for further details.

## 2.7 Temporary works and barricading to isolate work areas

If a *footway*, *cycleway* or *roadway* needs to be temporarily closed or partially obstructed to allow for minor works to be undertaken as part of development or other work activity, a *temporary works approval* must be obtained.

### 2.7.1 Types of work requiring barricading

The installation of barricading in *public spaces* is permissible with *approval* to isolate various types of work activity including:

- (a) set-up and use of ladders;
- (b) mobile *scaffolding* (fitted with wheels) to allow set-up and removal each day;
- (c) concrete static lines at grade with complying pedestrian ramps over, except where a *cycleway* or shared path is present (see **2.9**);
- (d) barricades for rope access activity (abseiling) when undertaking minor work on buildings,

inspecting and/or cleaning building facades and windows (see **2.12.2**);

- (e) barricades for *suspended scaffold* not covered under *hoisting* activity (see **2.4.6** and **2.12.3**);
- (f) construction of temporary vehicle driveways/laybacks (see **2.11**); and
- (g) other minor works in *public spaces*.



Photo: Peter Conroy / City of Sydney

### 2.7.2 Applications

*Approval* is required and can be obtained through lodging a *temporary works* application. An application can include multiple frontages of the same building/site.

An application must be lodged at least two (2) working days before the date of the proposed works being undertaken. *Approval* must be obtained before works commence therefore an application must be lodged as early as possible in the work plan.

### 2.7.3 Accessible pathways

Pedestrian movement through and around *workplaces* must provide and maintain *accessible* pathways complying with Part 1.1 of the *City's* 'Inclusive and Accessible Public Domain Guidelines' and satisfy the following:

- (a) as guidance, for *temporary structures* and works on *footways* in low pedestrian density areas, at least half of the existing clear *footway* width or 1.2m (whichever is the greater) must be provided and maintained past the works. In exceptional circumstances 1m may be allowed subject to acceptable site conditions as determined by *City* officers;





Photo: Peter Conroy / City of Sydney

- (b) where the reduced *footway* width is unacceptable it may be necessary to provide alternative *approved* stable (sealed) surface pathways past the *workplace* or provide localised assistance to persons with special needs such as users of wheelchairs and mobility scooters. This must be discussed with and *approved* by *City* officers prior to implementation; and
- (c) in high density pedestrian areas and including at transport nodes, proponents should check with *City* officers to establish minimum acceptable clear widths.



- (d) where temporary cables are placed over a *footway*, accessible cover plates must be provided to ensure safe, convenient and *accessible* pedestrian passage including importantly for wheelchairs.

## 2.7.4 Requirements for barricading

The following minimum requirements apply for barricading:

- (a) maintain, as a high priority, acceptable pedestrian access past a *workplace* and to building entrances, including business premises (see **3.18.1**). The preference is to retain at least half of the *footway* or at least 1.2m (whichever is the greater) must be kept open at all times. Where a *cycleway* or *shared path* is affected special consideration is required in consultation with the *City's* *cycleway* team and specific *approval* obtained for any temporary barricading;
- (b) depending on the area and pedestrian density, work may be restricted to non-peak pedestrian movement times to avoid impacts on commuters;



**Figure 16(a):** Temporary barricading must minimise impacts and maintain safe and convenient pedestrian passage. In some cases barricading will not be permitted during the peak pedestrian periods. In very busy areas such as shopping districts, works and barricading may need to be undertaken at night or on weekends.

Photo: Peter Conroy / City of Sydney

- (c) where required by the *City* assistance may need to be provided to pedestrians:
  - (i) to pass a *workplace*; or

- (ii) where pedestrians are directed to the *footway* opposite the *worksite* (when specifically *approved* to do so) to maintain appropriate, *accessible* and safe paths of travel (see **2.8.3**).

This may also include assistance and direction for cyclists, in consultation with and the *approval* of the *City's cycling team* (see also **2.7.5**). Contact with the *cycling team* will be via the Construction Regulation Team co-ordinating the *permit*;

- (d) short-term loading/unloading of material and equipment to and from a vehicle adjacent to the site is permitted subject to meeting prescribed requirements (see **2.15**);
- (e) only ladders and/or small mobile *scaffolding* associated with minor building or maintenance work will be allowed;
- (f) local building/vehicle access must be maintained at all times (see also **3.18**);
- (g) drop-sheets or other forms of protection must be in place during the works to prevent spillage or other damage to the *footway* surface (see also **2.12.2** – barricading associated with *hoisting* activity);
- (h) the *footway*, *cycleway* and *roadway* must be maintained in a clean & tidy state at all times;
- (i) signs & safety devices in accordance with AS 1742.3 and Transport for NSW *Technical Manual for Traffic Control at Worksites* must be installed and maintained at all times during the work/barricading placement. Signage must also be located so that it does not block or reduce the clear pathway of travel for people walking; and
- (j) all works are to be carried out in a continuous manner within the *approved* times and must be completed as soon as possible to allow the *footway/roadway* to be fully reopened.

### 2.7.5 Temporary diversion of pedestrians and cyclists

Where pedestrians and/or bicycle riders are required to be diverted from the *footway/cycleway* to allow works to be undertaken, an application must be lodged and the following satisfied:

- (a) a traffic/cyclist/pedestrian guidance scheme may be required, as determined by the *City*. The scheme must prepared by an accredited

person holding a 'Prepare a work zone traffic management plan' (PWZ) Training Card issued by SafeWork NSW.



Photo: Peter Conroy / City of Sydney



Photo: Peter Conroy / City of Sydney



Photo: Peter Conroy / City of Sydney





**Figure 16(b):** Temporary pedestrian and cyclists diversions should be avoided. Where works are proposed that require temporary closure of *footways/cycleways*, the *City* may agree to temporary diversions being established subject to meeting minimum design standards.

Photo: Joshua Faull / City of Sydney

- (b) Unless otherwise specifically approved or allowed by the *City*, a clear *approved* of 1.5m square must be provided at temporary pedestrian kerb ramps to provide safe and convenient wheelchair and mobility scooter access/manoeuvring. Ramps must have a minimum width of 1.0m and a gradient not steeper than 1:10.
- (c) any required plan must be prepared in accordance with AS 1742.3 and the '*Technical Manual for Traffic Control at Worksites*' published by Transport for NSW. The distance of travel along alternative routes must be minimised; and
- (d) access to buildings including access to business premises must be addressed and detailed in the scheme (see **3.18.1**).

**Further information:** For temporary diversions involving *cycleways* and shared paths, design guides are available on the *City's* website.

## 2.8 Requirements when installing and removing temporary structures

The design and installation of *temporary structures*, are regulated through the *City's* 'Code of Practice: Construction-related *Temporary Structures* On and Above Roads'. Some forms of temporary structures such as *hoardings* and *scaffolding* can be of significant size and complexity therefore may take many weeks to install/construct. Removal at the completion of a development or work can also take significant time.

There are potential impacts associated with the installation and removal of *temporary structures* therefore the *City* will restrict operational times to minimise local impacts.

The *City* requires that once work commences the installation/removal must take place in a continuous process (within *approved* days and times) to avoid extended disruption of roadways and footways. At the end of each day's work the *public space* must be made trafficable and safe.



Photo: Peter Conroy / City of Sydney

### 2.8.1 Working at night and on weekends

*Footways* or *cycleways* with high volume movement in the locality of the site may necessitate installation/removal to be undertaken outside of normal work times and days (see **2.8.2**). This is often required in the city-centre and sometimes includes traffic control and temporary diversions particularly in circumstances where *hoardings* need to be installed over *laneways*.

These factors therefore often require works to take place at night and sometimes under time constraints to minimise noise impacts on sensitive land uses such as residences, hotels and tourist accommodation in the locality.

Noise generation during installation and dismantling can cause unacceptable impacts. Night work has significant potential to cause adverse impacts (see also **3.5.11** regarding the use of temporary lighting). Additional time constraints to address potential noise impacts may therefore apply. This should be considered in the project planning and site establishment processes.

Time and day restrictions will also apply at certain times of the year (summer holiday period – see **1.17**) and during special events.

## 2.8.2 Controls to limit impacts

To limit impacts proponents (builders, *hoarding* suppliers and contractors) must make themselves fully aware of potential restrictions when determining the type and extent of *temporary structure/s* to be used. Large installations will require substantial time to construct that will necessarily delay the commencement of works on the site.

Breaches of times/noise control conditions and other requirements may result in further constrained work times being imposed and/or penalties (fines) being issued.

## 2.8.3 Installation and removal of temporary structures

*Approvals* for *temporary structures* will include a condition requiring proponents or suppliers of *temporary structures* to seek *approval* for the proposed days and times for installation/removal. A standard form is issued with the *permit* which must be completed and forwarded to the Construction Regulation team for assessment and *approval*. A similar process also applies for *temporary structure* removal.

During installation and removal of a *temporary structure* the following requirements apply and must be followed:

- (a) installation and removal of a *temporary structure (hoarding)* must be undertaken safely and not damage infrastructure including *footways*, kerbing, street trees and street gardens;
- (b) once installation or removal has commenced the work must be undertaken as a continuous process within the *approved* days and times to minimise excessive disruption to the public and building occupants/tenants in the locality; and
- (c) as a general rule the *City* expects Type-B *hoardings* to be installed by *hoisting* gantry

modules or structural members onto a *footway* directly from a truck standing legally on the adjoining *roadway*. In cases where there are site constraints preventing *hoisting* from the *roadway* such as:

- building awnings above *footways*; and/or
- restricted clear access along the kerb due to street trees or infrastructure;

forklift operation on *footways* will be permitted subject to (d) below.

- (d) Plant movement on *footways* must meet the following:
  - (i) the size (mass) of the forklift or other similar equipment including the load must be limited to 7 tonnes (max.);
  - (ii) 17 mm (minimum thickness) structural grade plywood complying with AS/NZS 2269.0, or other suitable composite board allowed by the *City*, must be placed on the *footway* surface to assist in distributing loads and to prevent damage to asphalt/stone surfaces (particularly from wheel twisting), cracking or subsidence of granite or brick paving;
  - (iii) utility service hatches/lids in the *footway* must be assessed for adequacy of loadbearing pressures and where necessary, temporary steel plates placed over pits;



**Figure 17:** Only authorised accredited traffic controllers are to be used in cases where traffic/pedestrian control is required or necessary.

Photo: Peter Conroy / City of Sydney



- (iv) plywood sheets and steel plates required by (ii) and (iii) must have a smooth transition (chamfered edges) at the interface with the *footway* surface to avoid trip hazards for pedestrians moving, under supervision and assistance, through the *workplace*;
  - (v) forklift movement along *footways* must be minimised; and
  - (vi) where existing *vehicular crossings* are not available in close proximity to the workplace to allow forklift access to the *footway* for *hoarding* installation/removal, appropriate temporary kerb ramps must be used to prevent damage when mounting a kerb.
- (b) The width of a *roadway*, particularly *laneways*, and the local traffic volume need to be considered to ensure that standing vehicles and work activity around the plant do not adversely impact on safe, *accessible* and convenient passage of pedestrians, cyclists and motor vehicles.
  - (c) During concrete pumping operations the following must be considered and satisfied:
    - (i) noise levels must be minimised and comply with the *City's* code regulating construction-related noise;
    - (ii) concrete catchment/spillage devices or other suitable measures must be installed beneath concrete agitator chutes and pump hoppers. Such protection measures can include freestanding capture receptacles (see **Figure 18**) or appropriate impervious sheeting laid out on the *roadway* with bunding around the perimeter;

## 2.9 Concrete pumping, static lines and temporary pedestrian ramps

Concrete pumping operation can impact on safe and convenient pedestrian movement therefore various controls and requirements apply. Refer also to **1.12.3** and **3.7(b)** regarding Work Health and Safety obligations when operating in *public spaces*. PCBU's should also consider applicable *SafeWork NSW* Codes of Practice for guidelines relating to safe pumping operation.

### 2.9.1 Pumping operation

- (a) In selecting the type and size of concrete pumping equipment consideration must be given to:
  - (i) the *works zone* location, size and the width of the *roadway*; and
  - (ii) the location of tree trunks and size of tree canopies (potential for damage from concrete agitator and pump appliances). This is particularly important in cases where an *approval* may be given to allow a single day standing of a pump and agitator for small projects (see **2.9.2**).



Photo: Peter Conroy / City of Sydney



**Figure 18:** Pollution prevention measures must be in place during concrete pumping operations to prevent spillage onto *roadway* surfaces and pollution offences (stormwater pollution).

Photo: Peter Conroy / City of Sydney

- (iii) the potential for concrete over-splashing onto the adjoining *footway* including impacts on passing pedestrians must be addressed. This can include implementing specific *control* measures for concrete agitator and pump operators to follow such as the screening of concrete intake hoppers on pumping appliances (see **(iv)** below);
- (iv) screens can be of several design forms but must be of a suitable material and quality to the *City's* satisfaction in relation to visual appearance and public amenity (in addition to the safety aspects under work health and



**Figure 19:** The use of screens to protect pedestrians and cyclists from concrete over-splash at pumping locations is generally not supported by the City. Where *approval* is given temporary screens must be of a durable quality, satisfactory design and fixed securely in place. Screens must be removed from the *public space* immediately following completion of daily pumping operations. The City may allow screens such as roller blinds to be fixed to a *hoarding* (with blinds rolled up when not in use to allow unimpeded pedestrian access at the kerb).

Photo: Peter Conroy / City of Sydney

safety provisions) (see **Figure 19** as an example). Fabric roller screens permanently fixed to a Type-B *hoarding* may also be permitted. Factors that must be considered for any screen system include:

- visual appearance and ease of maintenance and cleaning (concrete over-splashing);
  - tensioning system to avoid flapping fabric under windy conditions impacting on passing pedestrians; and
  - adequate stability including loads from likely wind actions including extreme localised wind actions resulting from tall surrounding buildings;
- (v) the potential for concrete over-splashing onto tree pits, tree trunks or canopies and *hoardings* must be addressed. Where over-splashing could be an issue specific tree protection must be installed to the City's

satisfaction prior to concrete pumping commencing. Tree protection must remain in place during all pumping operation and be removed once the *works zone* is no longer active.

### 2.9.2 Daily permits for small concrete pours and pumping

For small projects involving a single day concrete pour, proponents should contact the City's Construction Regulation Team to check if the locality (street) will permit the standing of a concrete agitator and pump. See also **2.15**.

For other minor works associated with single residential dwellings the City's 'Neighbourhood Parking Policy' permits the temporary parking of a contractor's vehicle in the kerb lane (see **2.15.5**).

### 2.9.3 Temporary pedestrian ramps over concreting pump static lines

- (a) Due to the high pedestrian densities in many parts of the city, *footway* obstructions including changes in grade must be avoided or minimised. The primary aims that must be met include:
  - (i) keeping *footways* clear of obstructions at all times including maintaining existing *footway* grades at *workplaces* without interruption to ensure safety (avoiding potential slips, trips falls);
  - (ii) maintaining pedestrian amenity and convenience including for people with a disability;
  - (iii) providing safe and easy access for persons involved in the delivery of goods to buildings including persons using trolleys, and families with prams/strollers; and
  - (iv) minimising impacts on pedestrians when pumping concrete from the *roadway* (*works zone*).



Photo: Peter Conroy / City of Sydney

- (b) To minimise disruption of *footway* surfaces the use of concrete pump static lines at-grade must be avoided if possible.

### 2.9.3.1 Pedestrian safety and convenience

The construction sector commonly seeks approval to use temporary pedestrian ramps to span over static lines placed across *footways* from the *roadway* kerb/*works zone*. The *City's* preference is to keep *footways* clear of ramps and have lines pass over the *footway* using the deck of a Type-B *hoarding* to support pipes.

Keeping the *footway* clear of ramps is important for pedestrians particularly persons with physical disability, vision impairment, and persons with reduced mobility including older persons. This preference aligns with the aims and objectives of the *City's* 'Inclusive and Accessible Public Domain Guidelines' (see **2.7.3**). The use of pedestrian ramps is therefore generally not supported.

### 2.9.3.2 Special circumstances to allow ramps and the restrictions that apply

In certain circumstances the *City* will allow ramps where it can be clearly demonstrated that it is not feasible or practicable to use a Type-B *hoarding* or to pump concrete from within site. In these circumstances the following apply:

- (a) where *approval* is given to install a static line at grade on a *footway* the following requirements apply:
  - (i) generally ramps will only be permitted in areas of low pedestrian movement;
  - (ii) will only be considered for in-ground works and the construction of floor/s up to the height of a *hoarding* deck, at which point the static line must be installed over the deck of the *hoarding* and the ramp removed;
  - (iii) ramps must meet minimum design standards (see **2.9.4** and **Figure 20**) and be fully and appropriately maintained including keeping the *footway* beneath and around a ramp clean and free of litter/debris; and
  - (iv) under no circumstances will ramps be allowed in *cycleways* or shared pathways due to the potential fall and injury risks to cyclists. Type-B *hoardings*, or other suitable *approved temporary structure*, must therefore be provided in the area of the static line connection point at the outer kerb

alignment for lines to pass over a *cycleway* and *footway* to reach a *worksite*;

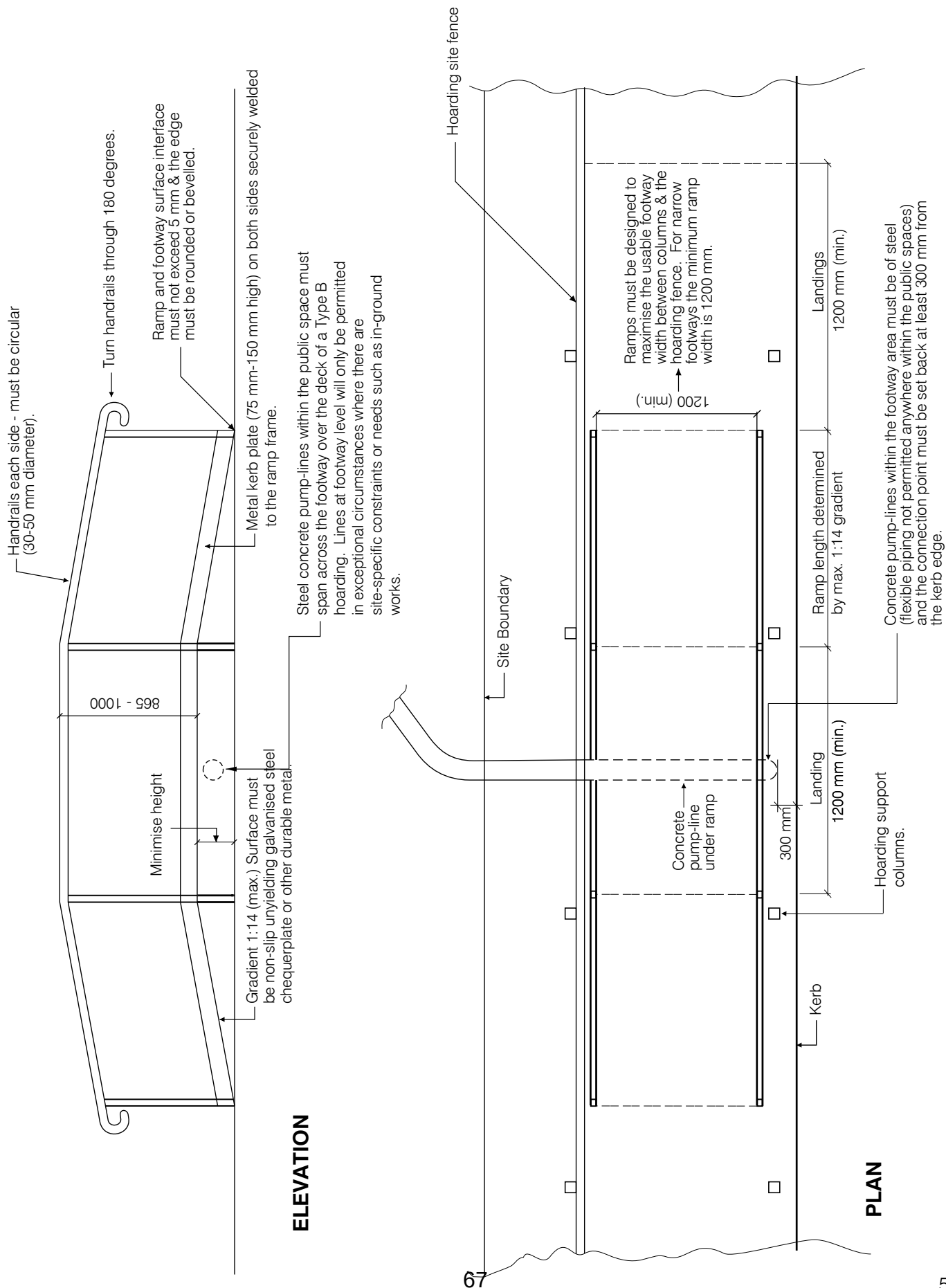
- (b) unless otherwise specifically *approved*, no part of the pumping system (other than the main static line from the pumping appliance) shall be placed or fixed to the *road* (*roadway* or *footway* surface); and
- (c) further details on static lines, mounting to Type-B *hoardings*, coupling protection and design, refer to the *City's* 'Code of Practice: Construction-related Temporary Structures On and Above Roads'.

### 2.9.4 Design criteria for temporary pedestrian ramps over pump-lines

Where *approval* is granted for an at-grade concrete pump-line due to site-specific needs as determined by the *City*, the pump-line must be bridged by a durable aluminium or galvanised steel ramp. Ramp surfaces must have a slip-resistant (chequer-plate or similar finish) and comply with the principal design provisions of AS1428.1 '*Design for access and mobility—General requirements for access*' and specifically as follows, including compliance with **Figure 20** and the following:

- (a) 1:14 including maintaining this grade on sloping *footways*
- Note:** The ramp length on the lower section of *footway* will therefore need to be longer);
- (b) have a non-slip surface;
  - (c) have a minimum landing length of 1.2m;
  - (d) the height of the landing above a static line must be minimised;
  - (e) handrails (865 mm to 1.0m high) and kerbs (65 mm to 150 mm high) in accordance with AS1428.1;
  - (f) the ramp surface at the *footway* interface must not exceed 5 mm; and
  - (g) the ramp width must be maximised. In areas of high pedestrian density as determined by the *City*, ramps must match the clear existing pedestrian width of the *footway* and be not less than 1.2m as required by the *City's* 'Inclusive and Accessible Public Domain Guidelines'. Where a ramp is used in conjunction with a *hoarding* placed on the *footway*, the width of the ramp must also be maximised i.e. between the *hoarding* site fence and the support columns and/or street furniture/ infrastructure (poles, trees, parking signage stems etc.).

**Figure 20:** Design standards for pedestrian ramps over concrete pumping-lines. **Note:** Ramps are not permitted in *cycleways* and are only allowed for in-ground works and up to one level above the *road surface* or to the height of a *hoarding deck*.





## 2.10 Temporary road closures (partial and fully)

Roads can be closed temporarily, either partially or fully, depending on the locality and site circumstances and the needs of builders and contractors. Temporary closures are required for various reasons including mobile crane installation and operation (see **2.4.1**) and *road openings* (see **2.13**).



Photo: Peter Conroy / City of Sydney

- (a) To minimise traffic disruption and congestion when a temporary full road closure is proposed the following requirements apply:
  - (i) in the city-centre and on major *City-controlled roads*, the *City* will only *approve* a temporary *road* closure if the proposed work or activity is scheduled to take place on a Sunday;
  - (ii) where applications affect minor low traffic *roads* as determined by the *City* and there are special needs, works may be permitted on both Saturday and Sunday; and
  - (iii) on minor *City-controlled roads* outside the city-centre, weekday and/or weekend operations may be permitted.
- (b) Applications for temporary partial *road* closures (see **2.10.1**) are dealt with by the *City's* Construction Regulation team. Such proposals will only be *approved* in low traffic volume conditions when at least one (1) through-traffic lane can remain open for safe traffic movement to ensure that two-way traffic can continue to operate under appropriate traffic control for the duration of the partial closure.

- (c) Any proposed diversion of traffic flow and/or full temporary *road* closures will require consideration by the *City's* Traffic Operations Unit and the endorsement of the *City's* 'Local Pedestrian, Cycling and Traffic Calming Committee' (see **2.14.1**).

**Further information:** For full temporary road closures contact the *City's* Traffic Works Coordinator and/or refer to the *City's* website which has details on the *City's* requirements including information about lodging an application.

### 2.10.1 Temporary partial road (traffic lane) closures for mobile crane operation and road openings (see also 2.4.1 and 2.13)

*Approval* is required under the Roads Act and the Local Government Act to set-up and operate a mobile crane (*hoisting* operations) on a *roadway* and to undertake other works such as *road openings*.

#### 2.10.1.1 Undertaking a partial closure and other associated approved activities

- (a) The following general requirements apply:
  - (i) the *City* must be indemnified against all claims for damage or injury that may result from the activity or occupation of part of the *road* or *footway* during the activity. The applicant must provide documentary evidence of *public liability insurance* cover (see **1.15**);
  - (ii) any damage caused to the *road* or *footway* as a result of *approved* activities must be repaired to the *City's* standards or reimbursement made to the *City* for the costs of repair (see **1.14.2**);
  - (iii) all costs associated with a partial *road* closure including traffic control and required notification to surrounding property owners/occupiers (see **2.4.1.6(g)**) **(i)** shall be borne by the proponent;
  - (iv) where practicable to do so, the *City* may require alternate street parking arrangements for affected residents during a partial closure;
  - (v) a risk management plan for the partial *road* closure must be provided to the *City* (see 'note' below);

- (vi) where a closure is to take place on a bus route the applicant must notify bus operator/s prior to the closure event. All associated costs for any required rerouting of services and/or temporarily relocating bus stops during a partial closure must be borne by the proponent; and
- (vii) where variations to the *approved* date/s of work and/or conditions of *approval* are necessary such as for unforeseen circumstances or weather constraints, the *permit-holder* must contact the City's Construction Regulation team to seek confirmation/*approval* for the variation/s.

**Note:** In the event of a traffic incident or emergency, NSW Police will take control of all traffic and pedestrian arrangements.

### 2.10.1.2 Specific requirements associated with partial road closures

In granting *approval* for a partial temporary closure the following minimum provisions apply together with any specific or special conditions that may be imposed as part of an *approval*:

- (a) where required by a condition of *approval*, the applicant must contact the Sydney City Police to obtain a separate Police permit and to discuss deployment of user-pay Police officers for a *road* closure;
- (b) a *road occupancy licence* (ROL) from the Transport Management Centre must be obtained prior to commencement of works associated with a *road* closure. ROLs are generally required for occupation of State *classified roads* but can apply in other circumstances such as activities affecting city-centre roads, as determined by the Construction Regulation team and/or the Traffic Operations Unit;
- (c) if the *approved* closure dates conflict with any works associated with transport infrastructure works and other major works or special events, it may be necessary to seek new dates in consultation with the Transport Management Centre and the NSW Police;
- (d) in granting an *approval*, the holder of the *permit* must provide a telephone number of the supervisor responsible for the proposed closure and include contact details in the required notification letters that must be distributed to affected stakeholders (see (e) below);

- (e) where required, a letterbox-drop to affected property owners/occupants/business tenants/building managers must be undertaken (see **2.4.1.6(g)(i)**). Where parties raise issues and/or representations are made, the applicant is responsible for reaching resolution with affected persons to the satisfaction of the City;
- (f) the written agreement of any likely affected commercial carpark operators for a proposed partial *road* closure must be obtained including an indemnification that the City of Sydney is absolved against all claims of revenue loss as a result of a partial closure;



**Figure 21:** Unless otherwise specifically permitted, access to buildings including vehicle access must be maintained during temporary *road* closures.

Photo: Peter Conroy / City of Sydney

- (g) partial *road* closures must be undertaken in accordance with AS1742.3 and the *approved* Traffic Management Plan, unless otherwise directed by NSW Police or an *authorised person* of the City;
- (h) works and/or installation of plant and equipment must not occupy the *roadway*, traffic lane, *footway* or *cycleway* until the partial *road* closure has been fully implemented;
- (i) appropriate and adequate traffic *control measures* including signs and traffic controllers for the safe movement of traffic, cyclists and pedestrians must be implemented and maintained (refer to the City's 'Traffic Control Plan for People Riding Bicycles') – see **1.11.1** and the City's website for further information;

- (j) access by emergency service vehicles and personnel must be provided at all times to premises within the partially closed area. All services including street and building fire hydrants and sprinkler booster connection points must be kept free of any obstructions;
- (k) where car share vehicle parking bay/s are affected by the closure, operators must be advised of the *approved* closure at least seven (7) days before the closure takes place; and
- (l) driveways or access to buildings must not be obstructed unless written approval is obtained from affected owners/occupants.



**Figure 22:** Where car share parking spaces are affected by a proposed temporary road or kerblane closure, proponents must inform the operator prior to the temporary closure being established.

Photo: Katherine Griffiths / City of Sydney

**Note:** The City reserves the right to revoke a partial road closure approval at any time and for any reason without compensation to the applicant.

## 2.11 Site access and temporary vehicular crossings - demolition, excavation and construction activity

In the majority of cases existing *vehicular crossings* to access private land are unlikely to have sufficient bearing pressure capacity or the dimensions may not be suitable for the safe movement of vehicles to and from *worksites* across *footways*. The construction of a temporary *vehicular crossing* complying with the City's specifications will therefore be necessary.

The form and finish of construction *crossings* are also important for safe pedestrian movement through a *workplace* by the provision of a stable, smooth and durable surface at truck access points. This includes ongoing maintenance for the full duration of a project. The design requirements for *crossings* are set out in **Figure 23**. Refer to **4.8** regarding the temporary removal of stone kerbing.



Photo: Peter Conroy / City of Sydney

### 2.11.1 Use of existing vehicular crossings

Where an existing *crossing* is proposed to be used for construction vehicle access and which is specifically permitted by the City, the following must be considered and addressed to ensure the crossing is fit for purpose:

- (a) the type and size of trucks planned to enter and exit the site;
- (b) the expected loads and potential for damage of existing *crossings*, *footway* and kerbing (see **4.8** regarding significant stone kerbing and protection requirements) that may result from the proposed use including the duration of use (crossing must be safe for pedestrians at all times);
- (c) the nature of any proposed or required temporary protection systems to *crossings* and pavements; and
- (d) the need for a dilapidation survey of retained existing *crossings* and kerbing before and after the site works have been completed (see **4.8**).

Any damage caused to a crossing must be repaired to the City's satisfaction.

### 2.11.2 Design and other requirements for temporary vehicular crossings

The following provisions apply to the construction of temporary *vehicular crossings* and *approvals* granted:



- (a) the design must comply with the standard design details in **Figure 23** and be designed to minimise crossover width with an upper limit of 6.0m;
- (b) in cases of potential damage to *City* assets in the **public space**:
  - (i) a financial *performance bond* as determined by the *City* must be lodged in conjunction with the application (see also **1.14**);
  - (ii) any damage sustained to *City* assets including temporary assets removal must be repaired/reinstated in accordance with the *City*'s standards, specifications and policies at the completion of works; and
  - (iii) if the rectification work is not undertaken or carried out in accordance with the *City*'s specifications, the *permit-holder* will be required to undertake corrective actions or the *City* may take its own actions to rectify the defects and use the *performance bond* to recover all costs;
- (c) a *public liability insurance* policy in accordance with **1.15** must be provided prior to a *permit* being issued.
- (d) works must not impact on street trees and street gardens. Where trees are located adjacent to an *approved* temporary vehicular crossing tree protection in accordance with **3.18.1** must be installed prior to the construction of the crossing and shall remain in place whilst the crossing is in use. Root protection must also be addressed (see 'Notes' under **2.13.2**). Tree protection shall be removed once the crossing is no longer in use.
- (e) should any inadvertent damage occur to limbs, branches and/or root system or disturbance to garden beds, the applicant must contact the *City* to report the damage so that *approved* remedial action can be taken promptly. In many cases a *performance bond* will need to be lodged with the *City* to guarantee the recovery of costs in remediating any damage that is not rectified to the *City*'s satisfaction;
- (f) access to hydrants, utility pits, or any surface cover must not be affected without the approval of the relevant utility service authority/provider, and compliance being given to any conditions imposed as part of the *approval* given;
- (g) works carried out under an *approval* must not damage or interfere with any public *utilities* unless specifically *approved*;
- (h) unless specifically *approved*, kerbstones must not be cut or damaged in any way, unless specific *approval* is granted. Whole kerbstones that are *approved* to be removed to form a crossing must be stored safely for reinstatement upon removal of the temporary crossing (see **4.8**);
- (i) kerb gutter and stormwater pits must not be obstructed in any way and must be kept clean and free of debris (see **3.13** regarding sediment control);
- (j) pedestrian kerb ramps must not be obstructed during the establishment of a crossing unless otherwise specifically permitted by the *City* (see **2.7.3**). The design of ramps may require adjustment at the kerb; and
- (k) to minimise noise impacts, construction works are subject to the requirements of the *City*'s code regulating construction-related noise (see **3.5.8**).

### 2.11.3 Operational requirements



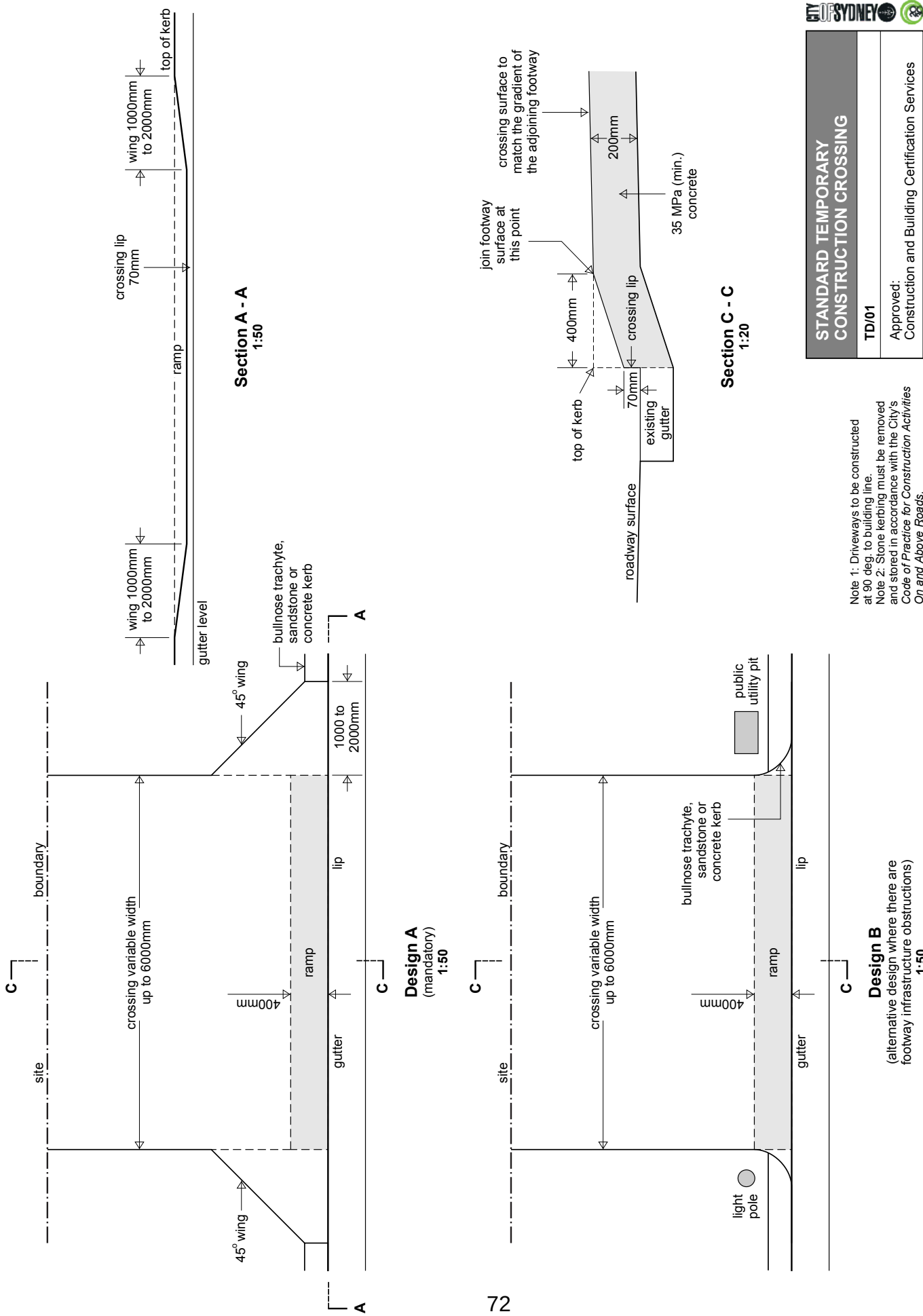
Photo: Peter Conroy / City of Sydney

The following requirements apply during the operation of the site including the use of a temporary vehicular crossing:

- (a) the adjoining *footway*, *cycleway*, *roadway* and temporary vehicular crossing must be kept open, safe, *accessible*, clean and free of debris at all time;
- (b) vehicles conveying debris or excavated material must be covered to prevent material falling or blowing from vehicles onto *roadways* (see **4.5.6**);



**Figure 23:** Standard design details for temporary construction vehicular crossings.



- (c) an *approval* for temporary vehicular *crossings* does not allow the use of the *road* for the loading & unloading of vehicles at *workplaces*. These activities require a separate *approval* such as an established *works zone* to be in place prior to commencement of any site works (see **2.14** and **2.15**);
- (d) the *permit-holder* is responsible for any damage caused to the *footway/roadway* or any other infrastructure as part of the use of a temporary *crossing*; and
- (e) pedestrian and cyclist control gates at truck entry and exit points must be in place and used during vehicle movements to and from a site (see **3.20** and **4.4**). Sirens, audible warning systems and/or flashing lights are not permitted.



**Figure 24:** Loads containing demolition material, soil, sand or excavated material must be fully covered before entering the *road network* (see **3.14**).

Photo: Peter Conroy / City of Sydney

## 2.12 Barricading associated with maintenance and minor works – hoisting activity (see 2.4)

All *hoisting* activity undertaken above a *road* requires *approval* under the Local Government Act and the Roads Act.

*Hoisting* activity associated with demolition and/or construction work and some forms of building maintenance generally requires the installation of a Type-B *hoarding* over *footways* and in some cases *cycleways* or *roadways*. This is often needed to afford overhead protection for public safety from objects that may fall from the *workplace* into *public spaces*. It may also be necessary for contractors to

meet their Work Health and Safety obligations (see **1.12.3**).

Some minor *hoisting* activities can however take place using barricades to form exclusion zones on *footways* and *roadways*.



Photo: Peter Conroy / City of Sydney

### 2.12.1 Minor activities associated with barricading

The person undertaking work has certain obligations and responsibilities under the Work Health and Safety Act to protect persons (the public) in vicinity of a *worksite* and *workplace*. This includes assessing risks in relation to objects that may fall into the *public space* and implementing measure/s that are required to address any specific risks (see **1.12.3**).

Sections 17 and 19 of the Work Health and Safety Act and Clauses 54 and 55 of the Works Health and Safety Regulation set out the relevant obligations.

- (a) For *hoisting* activity associated with minor works the person undertaking the work may determine that overhead protection in the form of a Type-B *hoarding* is not required. In these circumstances the *City* may allow the barricading of a *footway* for:
  - (i) rope access work such as window cleaning, façade inspections, minor make-safe work (see **2.12.2**);
  - (ii) the operation of permanently installed *building maintenance units* (see **2.4.7** and **2.12.3**); and
  - (iii) the use of a suspended *scaffold* for carrying out painting, cleaning, minor façade maintenance works/investigations etc. (see **2.6.7** and **2.12.3**),
- (b) The establishment of the pedestrian exclusion zone below the area of work is not to interfere with the safe, *accessible* and convenient

movement of pedestrians and access to buildings and business premises (see **3.18.1**).

- (c) Where it is not appropriate to establish an exclusion zone due to limitations of *footway* width and/or pedestrian densities, the *City* may allow a temporary full closure of a *footway/roadway* for short duration works subject to acceptable alternative pathways being available for pedestrians. This may require the use of accredited pedestrian/traffic controllers.
- (d) Where it is not practicable, feasible or safe to redirect pedestrians, a Type-B *hoarding* will be required to keep the *footway* fully open (see **2.6**).

### 2.12.2 Rope access and temporary barricades

Where *approval* is given for rope access work the *permit* will also require the establishment of an exclusion zone (barricaded space) on a *footway* to allow the formation of a small area to contain trailing ropes and as a landing point for workers. When allowing rope access activity and barricading the following minimum requirements apply:

- (a) appropriate signage must be displayed on barricade warning pedestrians of works being carried out above the *footway*;
- (b) a copy of the barricade *approval* must be displayed (attached) to the barricade;
- (c) a sign detailing the name of the person in control of the work and a 24 hour contact number must be displayed (see **3.18.2.3**);



**Figure 25:** Exclusion zones (barricading) required by the *PCBU* beneath rope access *hoisting* activity must be of adequate stability, visibility and positioned to minimise *footway* obstruction. For some activities drop-sheets to protect the *footway* surface may be necessary or required. Where used, sheets must be placed wholly with the exclusion zone/s to eliminate pedestrian trip hazards.

Photo: Peter Conroy / City of Sydney

- (d) drop-sheets on the *footway* may be required to protect the surface depending on the type of work being undertaken. Where installed, sheets must be kept within the boundaries of the exclusion zone (to eliminate pedestrian trip hazards); and
- (e) all ropes must be contained within the exclusion zone. This may require the stationing of a worker at ground level to supervise and monitor the works and exclusion zone. Refer also to **2.4.6.3**.

#### Note:

1. Additional requirements may be imposed as conditions of an *approval (permit)*.
2. Safe Work Australia has published an industry 'Guide to managing risks of industrial rope access systems' to assist when undertaking this form of *hoisting* activity.



**Figure 26:** Rope access (*hoisting* activity) to undertake minor maintenance activity e.g.: window cleaning, is permitted subject to *approval* being given to establish exclusion zones (see **Figure 25**). The *PCBU* must risk assess this activity and implement any necessary *control measures*. All ropes are to be contained within the pedestrian exclusion zone (barricaded space).

Photo: Peter Conroy / City of Sydney

### 2.12.3 Barricading and pedestrian diversion - operation of building maintenance units (BMUs) and suspended scaffolds (see 2.4.6 and 2.4.7)

For *BMU/suspended scaffold* operation directly above *footways*, the following minimum requirements apply:

- (a) where there is sufficient *footway* width for pedestrian passage barricading part of a *footway* directly below the area of work may be allowed subject to the proponent satisfying Public Safety risks (see **1.12.3**). Where this is not available the following applies:
  - (i) where there is inadequate *footway* width and/ or the *City* considers that barricading cannot be accommodated or is not appropriate based on the type of work to be carried out, the *footway* may need to be closed (see **(c)** below); and
  - (ii) alternatively, a Type-B *hoarding* may need to be installed to afford overhead protection and to keep the *footway* fully open (see **2.6** for details regarding *hoardings*).
- (b) Where a *shared path* is temporarily partially barricaded special consideration is required in consultation with the *City's* *cycleway* team (see **2.7.5**);



Photo: Peter Conroy / City of Sydney

- (c) where a *footway* needs to be closed and pedestrians directed to an alternative (opposite) *footway*, *approval* will only be given where:
  - (i) pedestrians can be redirected at traffic/ pedestrian signalised lights/intersection in advance of the *workplace* subject to

*approved* pedestrian control and the route being fully *accessible* (see **(d)**);

- (ii) the distance of travel along alternative routes must be minimised; and
- (iii) potential impacts on pedestrian/ customer access to business premises in the temporarily closed section must be considered and appropriately addressed (see **3.18**);
- (d) certified Transport for NSW controllers must be used at all times;
- (e) depending on the area and pedestrian density, work may be restricted to non-peak pedestrian movement times to avoid impacts during the morning and afternoon commuter periods. Where *footways* are constantly busy throughout the whole day work may need to be carried out on weekends only within allocated/*approved* times;
- (f) all material and equipment used on the *hoisting* device must be secured by lanyards;
- (g) the *footway* must be maintained in a clean and tidy state at all times during the operation;
- (h) all equipment must be removed from the *road/ footway* and/or parked/placed securely on the building's roof at the completion of each days' work;
- (i) signs and safety devices, in accordance with AS 1742.3 & *RMS Technical Manual for Traffic Control at Worksites*, are to be in place at all times; and
- (j) required signage together with a copy of the front page of the *approval permit* must be displayed on barricades (see also **3.18**).



**Figure 27:** See **2.4.6** for information on the use of *suspended scaffolds*.

Photo: Peter Conroy / City of Sydney



## 2.13 Road opening works (including openings of footways)

Any work that involves excavation activity (intrusive digging) on a *roadway*, *footway* or *cycleway* requires an *approval*, commonly referred to as a '*road opening permit*'.

- (a) The types of excavation works requiring a *road opening permit* include:
- (i) installation, maintenance, repairs/ replacement or upgrading of *utilities* (water, gas, electricity or telecommunications – see also **4.16**);
  - (ii) any type of stormwater (see **4.15**) or sewer connection works and repairs;
  - (iii) constructing/reconstructing a temporary *vehicular crossing*/layback to a site for construction vehicle access (see **2.11** for more information);
  - (iv) constructing a permanent *vehicular crossing* or replacing a redundant crossing with a new *footway* (see 'note' below and **2.11.2** and **4.11**); and
  - (v) upgrading/reconstructing a *road*, *footway*, *kerb* and *gutter* (see **4.8**) generally associated with an *approved development*.



Photo: Peter Conroy / City of Sydney

- (b) In many cases *road openings* require the temporary closure of a *road* or traffic lane which will require formal *approval* (see **2.10** and **2.13.1**).



**Figure 28:** Road opening works must be isolated from the public accessible space by suitable barriers as determined by the PCBU or the City (where directed or required).

Photo: Peter Conroy / City of Sydney

### Notes:

1. Constructing a permanent *vehicular crossing* (driveway) or replacing a redundant crossing with a new *footway* surface (see **4.11**) requires a 'Driveway Application' form to be lodged and *approval* obtained from the City's Construction Regulation team, unless a Public Domain condition has been imposed as part of a *development consent*. If a Public Domain condition applies, works associated with driveways will be assessed under that condition by the City's Public Domain team.
2. Time and day restrictions for work activity apply in certain areas (refer to **3.5**).

### 2.13.1 Road openings and temporary road closures

When undertaking works on a *roadway* including *road openings* it may be necessary to implement a temporary *road closure* (see **2.10** for further details and *approval* process).

### 2.13.2 Applying for a permit

A *road opening* application using the *City's* standard form can be made by property owners, residents, builders or tradespeople.

Applications must be submitted at least two (2) working days' (excluding weekends & public holidays) prior to the proposed start of works. The following also applies:

- (a) a single application can be used for multiple frontages of the same site;
- (b) all works must be undertaken by a qualified and licensed tradesperson. Licence/ accreditation details must be provided at the time of submitting an application; and
- (c) all financial transactions associated with granting an *approval* including *roadway/footway* occupation fees will be conducted between the City of Sydney and the 'billable party' listed in the application and the *approval*.

#### Notes:

1. Restrictions apply during the Christmas and New Year periods and special events (refer to **1.17** for details).
2. Tree roots often extend a substantial distance from tree trunks. Advice should be sought from the *City's* Tree Management team if proposed excavation is within the Tree Protection Zone (TPZ – in accordance with AS4970 'Protection of trees on development sites'). Where conventional excavation methods are likely to have an adverse impact on tree roots, non-destructive methods such as hand digging, Hydrovac or Airknife may need to be used. Minor root pruning may be *approved* to accommodate the opening and works.

### 2.13.3 Notification to the City's asset inspector

For permanent restoration works, the *City's* asset inspector (details provided in the *approval*) must be contacted prior to works commencing to arrange a site inspection to measure the *approved* works and provide a quote for the *City* to undertake the permanent restoration. Works can also be carried out by the applicant (see **2.13.4(c)**).

### 2.13.4 When works are completed

Upon works being completed the following must be satisfied:

- (a) for temporary restoration – the area of the works must be restored to a safe and trafficable condition for pedestrians and vehicles. Details for temporary restoration works can be found in **2.13.6**;
- (b) for permanent restoration of the *workplace* carried out by the *City*, all costs will be recovered from the deposit (*performance bond*) paid on issuing of the *permit*. If the cost of restoration is less than the deposit paid, a refund will be made to the billable party. If the cost of restoration is higher than the deposit paid the billable party will be advised and an invoice issued for the additional costs incurred which must be paid; and
- (c) where permanent restoration works are proposed to be carried out by the applicant, *approval* must be obtained from the Project Coordinator of the *City's* Infrastructure Maintenance Unit prior to any permanent works being commenced. The Project Coordinator can be contacted via email (see *permit* for details).

### 2.13.5 Additional documentation that may be required for road opening works

The following additional requirements may apply to proposed works and may be conditioned in an *approval* (*permit*):

- (a) a full traffic guidance scheme in accordance with AS1742.3 & Transport for NSW *Technical Manual for Traffic Control at Worksites* prepared by an accredited person. Consideration must also be given to potential impacts on access to building buildings including impacts on business premises (see **3.18.1**);
- (b) *Before You Dig Australia* cover sheet provided which includes the sequence numbers for Telstra & Ausgrid/Energy Australia and City of Sydney Asset Location Response confirmation;
- (c) where required by a site-specific condition of *development consent*, proof that a *works zone* application has been submitted. Proof is confirmed by providing evidence of payment (receipt) of the *works zone* application fee;

- (d) evidence (copies) of all required external *approvals/acknowledgements* from government agencies i.e. TfNSW for works on *classified roads*, NSW Police and bus operator/s;
- (e) for works, including upgrade works within the *public space* that are associated with a *development consent*, a copy of the 'Conditions Satisfied/Roads Act Approval' issued by the City's Public Domain team and evidence of any *performance bonds* held by the *City* for these works must be provided;
- (f) a safe work method statement is to be provided;
- (g) a photographic record of the state of the *footway/roadway* prior to commencement of works. A minimum of three photos showing close-ups of the *workplace* and two long shots from each end of the works must be provided;
- (h) lodgement of City of Sydney asset location documentation (searches) from *Before You Dig Australia*;
- (i) temporary lids/plate covers on *footways* must be capable of carrying loads of up to 5 tonnes (Class D vehicles); and
- (j) prior to any *road opening* work commencing an arboricultural impact assessment (AIA—including any impact mitigation recommendations) prepared by an AQF Level 5 arborist may be required to be submitted to and *approved* by the Tree Management team. An AIA will be required if more than 10% of the root system of a tree is likely to be impacted or if the excavation is proposed within the structural root zone (SRZ) in accordance with AS4970 'Protection of trees on development sites'.

### 2.13.6 Restoration works – specifications and requirements

At the completion of the *road opening* works the surface of the *workplace* must be restored to meet the *City's* technical specifications set out in Section B12 'Roads Openings and Restoration'. This is required to ensure the area is in a safe trafficable state for pedestrians, cyclists and vehicles.

**Note:** The party undertaking the works/temporary restoration must action requests from a *City Asset Inspector* to repair temporary restorations within four (4) hours of a direction being given.

## 2.14 Works zones

Due to the high volume of vehicular traffic, pedestrian densities and general movement in the city it is preferable to have all loading and unloading of material including concrete pumping associated with development undertaken within the property boundaries. The following matters must therefore be noted and considered:



Photo: Peter Conroy / City of Sydney

- (a) Locating all activities within a site minimises adverse impacts in *public spaces* and surrounding buildings through:
  - (i) maintaining availability of on-street parking, particularly critical in high demand areas;
  - (ii) maintaining the free flow and safe movement of vehicles and cyclists;
  - (iii) reducing noise impacts at street level such as during concrete pumping operations thereby maintaining pedestrian amenity;
  - (iv) keeping the *footway* fully open by reducing the need for a Type-B overhead *hoarding* structure associated with *hoisting* operations from the *road*;
  - (v) maintaining safe and convenient pedestrian access to *footways* along the kerblines; and
  - (vi) generally maintaining existing *public space* safety, amenity and *accessibility* in vicinity of a development site.
- (b) Where it is not possible or practicable to undertake loading/unloading onsite (within the property allotment boundaries) the *City* may allow the establishment of a *works zone* within the *public space* to allow vehicles to park on a *roadway* to load and unload.





Photo: Peter Conroy / City of Sydney

- (c) The *City* may require all loading and unloading to take place within a site once construction has reached a stage where the street established *works zone* is no longer essential.

#### 2.14.1 Sites where loading/unloading cannot be done on the site

Where it is not possible or practicable to undertake loading/unloading on-site (within the property allotment boundaries) the *City* may allow the establishment of a *works zone* within the *public space* to allow vehicles to park on a *roadway* to load and unload subject to strict controls being implemented and followed. The *City* can, however, require all loading and unloading to take place within the site once construction has reached a stage where the street established *works zone* is no longer necessary or essential.

Applications for *works zones* are considered by the *City's* Local Pedestrian, Cycling and Traffic Calming Committee for consideration (see **2.14.2**).

A *works zone approval* allows a motor vehicle driver to stop within a zone if the vehicle that is engaged in demolition, construction and other related work activities or dropping off or picking up passengers. *Hoisting* operations using site-based equipment such as tower cranes, can also be undertaken from a *works zone*, however, separate *approval* must be obtained (see **2.4.3** and **2.14.7**).

#### 2.14.2 Local Pedestrian, Cycling and Traffic Calming Committee

Transport for NSW is the state agency responsible for the control of traffic on all *roads* in NSW. In order to deal effectively with the large number and range of traffic-related matters, TfNSW has delegated certain aspects of traffic control on local roads to councils.

The TfNSW delegation to the *City* limits the types of prescribed traffic control devices and facilities that the *City* can authorise and imposes certain conditions as part of the delegation. One of these conditions requires the *City* to refer some traffic-related matters to the Local Pedestrian, Cycling and Traffic Calming Committee (LPCTCC) prior to exercising its delegated functions.

##### 2.14.2.1 Authority and operation of the Committee

The Committee is an advisory body only, having no decision-making powers. It is primarily a technical review committee that advises the *City* on traffic-related matters referred to it.

Proposals recommended by the committee must be formally *approved* by either the elected Council or authorised *City* staff – depending on the nature of the proposal. The *City*, however, is not bound by the advice given by the committee.

**Further information:** Details on the committee membership and decision-making processes including the role of the Regional Traffic Committee in relation to appeals are available on the *City's* website.



**Figure 29:** To minimise impacts on the local *road* network and pedestrian/cyclist movement, *work zones* must be appropriately managed and operate at all times in accordance with the conditions of *approval* including directions issued by *authorised persons*. See also **4.4.2** in relation to the use of *footway/kerbside barriers* in *works zones*.

Photo: Peter Conroy / City of Sydney



### 2.14.3 Location of works zones and applications

The establishment of *works zones* will not be allowed in the following locations:

- bus stop zones;
- taxi zones;
- bus lanes or clearways;
- within 20 metres of an intersection with traffic control signals; and
- within 10 metres of an intersection without traffic control signals.

Additionally, a *works zone* will generally not be allowed in areas that are signposted 'No Parking' or 'No Stopping', or other areas where the *City* considers it unsuitable.

To seek *approval* for a *works zone*, the standard application form must be completed (available on the *City's* website). The assessment process typically takes 6-8 weeks from the date of application lodgment. It is therefore important that proponents lodge applications early in the site establishment process. Unless specifically agreed and varied by the *City* proponents must have an *approved* construction traffic management plan (if required) prior to lodging an application for a *works zone*.

### 2.14.4 Delineation of a works zone on roadways

When an *approved works zone* is operational, the *City* will allow the use of standard fluorescent plastic traffic cones to delineate the allocated boundaries of the zone on the *roadway* to minimise entry of non-work-related vehicles into the space.

The use of cones is not mandatory but where implemented, the following requirements apply:

- (a) cones must be placed within the *approved works zone* allocated boundaries and not extend into the adjoining through-traffic lane; and
- (b) cones must:
  - (i) comply with AS1742.3;
  - (ii) have a height not less than 450 mm;
  - (iii) be of fluorescent red or orange plastic material;



**Figure 30:** The use of traffic cones to delineate a *works zone* is not mandatory, however, where used, cones must meet prescribed requirements as set out in this Code.

Photo: Peter Conroy / City of Sydney

- (iv) be suitably weighted;
- (v) only be used within the *approved works zone* times;
- (vi) be spaced at distances of not less than 4 metres (to allow public vehicle drivers to stop to drop-off/pick-up passengers when the *works zone* is not occupied or operational); and
- (vii) be checked periodically to ensure that cones are not dislodged by wind or passing vehicles and remain contained within the boundaries of the *works zone*.

Where it is found that the above requirements are not being adhered to the *City* may issue a direction to cease the use of traffic cones.

### 2.14.5 Matters that must be satisfied as part of a works zone approval

There are several matters that the holder of a *works zone approval* must satisfy, including:

- (a) property owners/occupiers adjacent to the *works zone* must be notified in writing at least 14 days prior to the establishment of

the *works zone*. The notification letter must be in accordance with the standard template available on the *City's* website;

- (b) the *City* must be provided with the name of the site supervisor (and contact details including 24/7 telephone number) who is responsible for the use and management of the *works zone*;
- (c) maintaining a valid and current *public liability insurance* policy in accordance with **1.15** during the period of use of the *works zone*. A copy of the insurance policy must be provided to the *City* upon request and whenever a renewal policy is issued by the insurer;
- (d) during the operation of the *works zone* full compliance with all relevant legislation, including Rule 181 of the NSW Road Rules Regulation 2014 (see box) must be maintained;

### 181 Stopping in a works zone

1. A driver must not stop in a *works zone* unless the driver is driving a vehicle that is:

- (a) engaged in construction work in or near the zone, or
- (b) dropping off, or picking up, passengers.

Maximum penalty: 20 penalty units.

2. A *works zone* is a length of a road to which a *works zone* sign applies.

(NSW Road Rules Regulation 2014)

- (e) a *works zone* must not be used for commuting purposes or private kerbside parking by builders, contractors, tradesmen or visitors to the site;
- (f) unless otherwise specifically agreed to by the *City*, a *works zone* must not be used to temporarily store building materials and/or waste containers;
- (g) unless otherwise specifically *approved* by the *City*, when a *works zone* is not operational all material and equipment associated with its use (such as during concrete pumping operations) must be removed from the *public space* and be taken away from the site or stored within the adjoining private land allotment;
- (h) the *works zone* must be maintained in a clean and tidy condition free of construction-related debris. The *road* surface must be checked at the end of each days' usage and where necessary, cleaned by hand broom or mechanical sweeper (not water hosing);



**Figure 31:** *Works zones* are granted for the primary purpose of standing vehicles to load and unload. They must not be used for other purposes such as the storage of equipment or building material unless otherwise specifically *approved*.

Photo: Peter Conroy / City of Sydney

- (i) all traffic and parking restriction signs around the building site, including *works zone* signs and other parking restriction signs implemented by the *City* to facilitate the building works must be fully maintained.

The holder of an *approval* must immediately notify the *City's* Traffic Works Coordinator of any loss or damage to signs and must pay all costs associated with the reinstatement of signs removed, destroyed, defaced or damaged.

It is an offence under section 667 of the Local Government Act to wilfully remove, destroy, deface, damage or otherwise interfere with notices or signs erected by the *City* or its contractors. Penalties apply;

- (j) safe pedestrian and cyclist access adjacent to a *works zone* must be provided and maintained during the hours of operation. All traffic and pedestrian control must be in accordance with the current version of AS1742.3 and its associated handbook including the TfNSW *Technical Manual for Traffic Control at Worksites*; and
- (k) where a *Type-B hoarding* adjoins a *works zone* and *hoisting* from the zone is proposed, refer to the 'Code of Practice: Construction-related Temporary Structures On and Above Roads' for details regarding permitted fascia extension in the area of *hoisting* operations.

**Note:** Where a proponent seeks *approval* to establish a *works zone* or *workplace* on a *footway* that will require the redirection of pedestrians via a temporary pathway on private land, the *City* will require the execution of a deed (see **2.14.8** and **3.21**).

### 2.14.6 Street trees within or adjoining a works zone

Street trees are an important community asset providing environmental, aesthetic, cultural and economic benefits. Street trees play a vital role in the health, social framework and economic sustainability of the city.

*Works zones* are a temporary short-term element of *construction activity* whereas street trees will be in existence for many years after a development is completed. It is therefore important to protect street trees when establishing and using a *works zone*.

Street trees located adjacent to or near proposed *work zones* are likely to constrain loading and unloading including *hoisting* activities within the zone. Any proposed pruning or required tree protection measures must therefore be resolved with the *City's* Tree Management team before a *works zone* application is lodged. Where *hoisting* operations may be impacted by street tree canopies contact must be made with the *City's* tree management team (see also **2.14.7**).

### 2.14.7 Planning a works zone to address the needs of street trees and urban wildlife

When planning a *works zone*, the following must be considered if there are street trees within or near the site:

- (a) street trees must be considered as a site constraint when planning a *works zone* and any proposed *hoisting* operations (see **2.4**). Trees must be adequately accommodated in the design and operational needs and plans;
- (b) street trees must be accurately surveyed and included in all *works zone* plans. This should also include an accurate mark-up showing the full extent of tree canopies over the *works zone*. The tree survey can inform the location and configuration of the proposed *works zone* areas particularly where *hoisting* cannot be undertaken to avoid tree damage and branch pruning to ensure safe *hoisting* operation;
- (c) where necessary, including when *hoisting* material to and from a site in the locality of street trees, material must be manoeuvred

around tree canopies. Care must be taken to avoid damaging or breaking tree branches and disturbing/impacting wildlife (see **(d)**). Furthermore, loads must not encroach within the adjoining through-traffic lane. Where *performance bonds* are held the *City* can use the bond to replace damaged trees or to undertake remedial works including the services of an arborist; and

- (d) where hoisting from a *works zone* is planned and/or street tree pruning is proposed within the zone, the following must be satisfied:
  - (i) an assessment/search for tree wildlife including the presence of nests must be undertaken; and
  - (ii) where there is evidence of wildlife, a detailed assessment must be carried out by a trained wildlife handler and the findings discussed with the *City's* urban ecology coordinator.

#### 2.14.7.1 Tree pruning

- (a) If it is proposed to prune street trees to allow materials to be hoisted to and from a site or for *temporary structures* (*hoardings/scaffolding*) generally, a pruning specification report prepared by a qualified arborist (minimum AQF level 5) will need to be *approved* by the *City's* Tree Management team prior to submitting any *works zone* and/or *hoarding/scaffolding* application (see **2.14.7(d)** and **2.6**); and
- (b) Specific requirements that must be addressed in the pruning specification report are detailed below. Reports that do not adequately address these requirements will be rejected by the *City*.

#### 2.14.7.2 Pruning specification report

The following minimum requirements apply in the preparation of reports:

- (a) must be prepared by a qualified arborist (minimum AQF Level 5);
- (b) a plan must be provided with all trees accurately surveyed and numbered. This should also include any trees that are not directly affected or do not require any protection;
- (c) must include the number of branches/roots and orientation, branch/root diameter and percentage of canopy/root system that are proposed to be pruned/removed;



- (d) a pruning specification must be included in a table for each individual tree. All branches/roots recommended for removal must be specified in accordance with AS4373 'Pruning of Amenity Trees' including branch order and branch/root diameter;
- (e) photos of each tree must be provided including individual branches/roots recommended for removal clearly marked. Reports that include photos with a single vertical line as the area recommended for pruning will not be accepted; and
- (f) the viability of street trees must not be diminished or compromised in any way if the establishment of a *works zone* is proposed. This must be addressed in the report.

#### Notes:

1. A maximum of 10% canopy removal and maximum of 100 mm diameter (100 mm for medium and large trees, the maximum diameter for young trees will be substantially less) will be permitted by Council.
2. Street tree removal must not be recommended in reports.
3. The City will not allow excessive pruning of street trees e.g.: pruning the entire canopy back to the kerb-line will not be *approved*.
4. Refer to **2.14.7(d)** regarding urban wildlife.



**Figure 32:** Appropriate and sound site management practices must be fully implemented and followed to prevent damage to *street trees* when undertaking *hoisting* activities.

Photo: Peter Conroy / City of Sydney

#### 2.14.7.3 Tree protection near works zones

Where a *works zone* is adjacent to any street tree, trunk and/or major limb, protection must be installed prior to and during the period that the *works zone* is in place. The protection must be in accordance with AS 4970 'Protection of trees on development sites' and must include:

- (a) installation by a qualified arborist with a minimum AQF Level 3, or certified by a qualified arborist with a minimum AQF Level 5;
- (b) tree trunk/s and/or major branches must be protected by a padded material (hessian is not acceptable) to limit damage from the timber battens (or *approved* equivalent);
- (c) timber battens (50 mm x 100 mm) or *approved* equivalent shall be placed around tree trunk/s. The battens shall be placed at 100 mm intervals and be secured using appropriate strapping having no exposed sharp edges or ends (for pedestrian safety). The padded material and battens must not be fixed directly to the tree in any instance or in any manner;
- (d) protective materials and installation method shall allow for a tree's natural growth until the completion of the project, and/or adjusted as required;
- (e) tree trunk and major branch protection shall remain on tree/s during the period that the *works zone* is in place and shall be removed within seven (7) days of the removal of the *works zone*; and
- (f) any other tree protection as specified in relevant *development consent* conditions, tree works or *works zone approval* must be satisfied.

#### Note:

1. It is an offence under s629 of the Local Government Act to wilfully or negligently damage a tree and/or shrubs in a *public space*. The holder of the *approval* must immediately notify the City's Tree Management Team on 9265 9333 if any street trees are damaged due to loading/unloading of vehicles and *hoisting* activities.
2. The City will determine the appropriate response for maintaining the health and structural integrity of the tree/s and may require the applicant to undertake remedial works. If the applicant does not rectify the damage to the City's satisfaction, the City may undertake the necessary works





**Figure 33:** When planning the establishment of a *works zone* full consideration must be given to potential adverse impacts on street trees including tree canopies noting that limb/branch trimming may not be permitted.

Photo: Simon Wood / City of Sydney

which may include the full replacement of trees. All associated costs incurred by the *City* must be paid by the holder of the *approval*. See also **1.14** in relation to *performance bonds*.

#### 2.14.8 Hoisting from a works zone

Swinging or *hoisting* material and/or equipment from a *works zone* requires *approval* from the *City's* Construction and Building Certification Services Unit. This is highlighted in all *works zone approvals*.

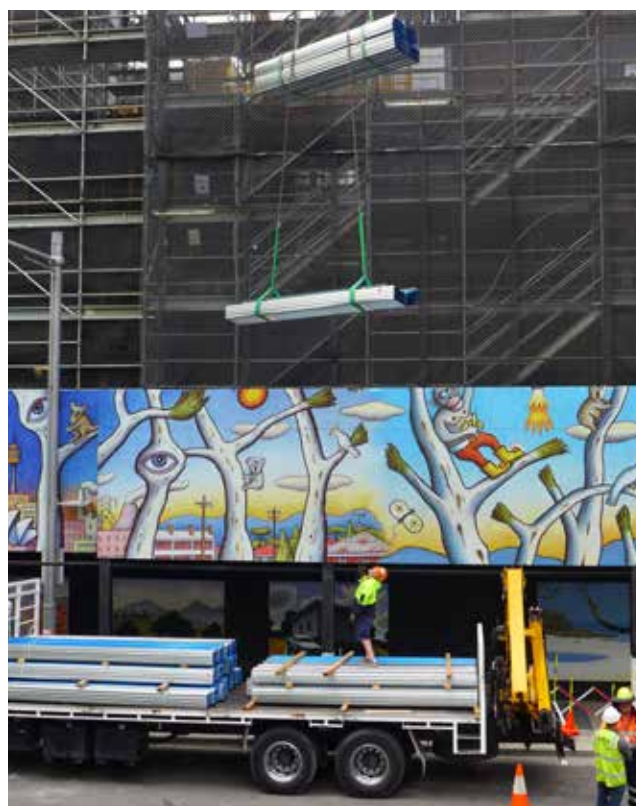
When undertaking *hoisting* operations from a *works zone* the following requirements apply and must be followed:

- (a) through-traffic movement must be maintained at all times – temporary stoppage of traffic is not allowed unless in circumstances as set out in **(b)** below;
- (b) when *hoisting* wide loads, generally wider than 2.4 metres, through-traffic can be temporarily halted for a short period to allow the load to leave or enter the minimum 4.5 metre traffic height clearance zone, however, this can only take place in conjunction with traffic stoppages (red light) at nearby traffic signals such as at *road* intersections or mid-block pedestrian

control signals (this avoids excessive vehicle stoppage); and

- (c) to control loads at low level particularly in high volume through-traffic streets, taglines\* can assist in maintaining safe passage of vehicles past a *works zone* during *hoisting* activities and should be used where considered necessary (and safe to do so subject to complying with any relevant work health and safety provisions, guides or codes of practice).

\* A tagline is a rope attached to a load being moved (hoisted) and is used to control or stabilise a load from the effects of spinning or pendulum motions. Taglines are also used to assist in orientating the placement of a load on the *road* surface or truck tray.



Eyes on the horizon by Reg Mombassa (a.k.a. Chris O'Doherty).

Photo: Peter Conroy / City of Sydney



**Figure 34:** Through-traffic must not be stopped during *hoisting* operations from a *road*. For wide loads (greater than 2.4 metres) traffic can be temporarily stopped for a short duration until the load has reached a height of 4.5 metres above the *roadway* (subject to meeting prescribed requirements of this Code and *approval*).

Eyes on the horizon by Reg Mombassa (a.k.a. Chris O'Doherty).

Photo: Peter Conroy / City of Sydney

#### 2.14.9 Establishment of works zones on footways

If *approval* is granted to establish a *works zone* on a *footway* in conjunction with appropriate and *approved* temporary pedestrian pathways being implemented (see also **3.21**), upon removal of the *works zone*, the holder of the *approval* must restore the *footway* to the *City's* specifications and to the satisfaction of the *City's* Public Domain Unit. Where not repaired to the *City's* satisfaction the bond (see **1.14**) will be used to undertake the required work.

#### 2.14.10 Minor construction works and building maintenance

For minor works not exceeding a single day proponents should contact the *City's* Construction Regulation team on 9265 9333 to discuss the proposed works and the local *road* conditions to determine if work-related vehicles and plant can temporarily park in a kerb-lane.

For works involving building maintenance on residential buildings, the *City's* 'Neighbourhood Parking Policy' allows for the parking of tradespersons' vehicles (see **2.15.5**).

#### Notes:

1. The use of a *works zone* is undertaken at the risk of the holder of the *approval*. The *City* is not responsible for any loss, damage, injury or death relating to the applicant's use of a *works zone* (a 'workplace' that is regulated through the NSW Work Health and Safety Act and Regulations). In granting an *approval* for a *works zone* the holder of the *approval* absolves and indemnifies the *City* against all liability, claims, action or demand associated with a *works zone*. Refer also to **1.12.3**.
2. The *City* is not responsible for any costs, loss or damage if the applicant is not able to gain access to an *approved works zone*.

## 2.15 Temporary parking of vehicles for loading/unloading at workplaces

To assist and facilitate the undertaking of minor construction projects *approval* may be given to allow the parking of a vehicle in the kerb lane of a *road* to load and unload.

It must be noted that any *approval* given for this purpose is not a parking permit.

Any *approval* to park a vehicle on a *road* is subject to operational conditions that will be specified in an *approval* (see **2.15.1** and **2.15.2**).



Photo: Peter Conroy / City of Sydney



### 2.15.1 Development associated with residential dwellings

For small building projects associated with a single residential dwelling or a single residential apartment the *City* may allow a work-related vehicle to park in the kerbside lane.

Where *approval* is granted the following will apply:

- (a) street parking signage will not be changed to accommodate a space for loading/unloading therefore use of the kerbside lane for this purpose must comply with **(b)**;
- (b) vehicles associated with the loading/unloading operation must park in accordance with the street parking control signage, except where otherwise specifically allowed by the *City*; and
- (c) the use of a loading/unloading space is restricted to the work times as specified in the *City*'s code regulating construction-related noise (see **3.5.1** and **3.5.8**) or within the work times prescribed in an *approval* (*permit*).

### 2.15.2 Works associated with development other than residential dwellings

For large projects proponents should contact the *City*'s Construction Regulation team to discuss the project and needs in the early stages of a development prior to a *works zone* being established (see **2.14**).

### 2.15.3 Applications

Where the temporary parking of a vehicle is required in association with construction-related works proponents should contact the *City*'s Construction Regulation team to discuss the proposal and establish if *approval* can be given.

**Note:** If a proposal is associated with the construction of a *vehicle crossing*/layback for vehicle access, a *road opening* application must be submitted before the processing of the *temporary works* application can commence (see **2.13**).

### 2.15.4 Approval requirements

Where an *approval* is granted various conditions will apply based on the type of vehicle proposed to temporarily park in the kerbside lane and the nature of the work. This may include the following:

- (a) TfNSW accredited controllers must be in place to assist pedestrians/vehicles around the *worksite*;

- (b) access to local buildings and driveways including access to business premises (see **3.18**), must always be maintained unless the specific consent of the potentially affected party is obtained in writing;
- (c) concrete-pumping involving line placement across a *footway* (where specifically allowed) will require complying temporary pedestrian ramps over lines (see **2.9**); and
- (d) barricading to form a truck parking space must comply with the *City*'s requirements. Where traffic cones are used, refer to **2.14.3** for minimum requirements that must be followed.

### 2.15.5 Resident parking permits for building maintenance works

The *City*'s 'Neighbourhood On-Street Parking Policy' allows the parking of a contractor's or tradesperson's vehicle (maximum gross mass: 4.5 tonnes) on the *road* in prescribed circumstances (see '**Note 2**'). To be eligible the works to be undertaken must be lawful i.e. the works must be 'exempt development' on private land (see '**Note 1**'). Eligible households may obtain up to six (6) one week parking permits each calendar year.

#### Notes:

1. The term 'exempt development' is a form of building work that can be carried out without needing to obtain a formal building approval. The types of work that can be undertaken are set out in the NSW State Environmental Planning Policy (Exempt and Complying Development Codes) 2008. Any works that are classed as 'exempt development', are considered lawful works for the purposes of qualifying for a parking permit.
2. A permit issued under the 'Neighbourhood On-Street Parking Policy' does not approve or allow obstruction of a *footway* that interferes with the safe and convenient passage of pedestrians e.g.: concrete pump static lines; transfer of large building elements to and from a standing vehicle; and crane set-up (*hoisting* activity - overhead protection issues). Where such plant/equipment is required to be used proponents should contact the *City*'s Construction Regulation team to discuss the proposal and to establish if the local road conditions and general locality are suitable to allow such usage.

#### Further information

Refer to the *City*'s 'Neighbourhood On-Street Parking Policy' for further details.





Photo: Peter Conroy / City of Sydney





Photo: Peter Conroy / City of Sydney

# Part 03

## Site management and other requirements

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### 3.1 About this part

This part provides detailed information and controls for the regulation of work activities in *public spaces* including aspects associated with development and work activity on private land that may result in impacts within *public spaces*.

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### 3.2 Site approvals and monitoring – responsibilities

In monitoring and regulating development activity in the city there are a number of roles and responsibilities that are split between several entities. The *City* therefore does not oversee and control all activities.

Approval of construction-related aspects of development activity on a site including ongoing monitoring and compliance functions are primarily the responsibility of the appointed *principal certifier* (PC). In the city these functions are typically carried out by private *registered certifiers* appointed by the developer or property owner, or their representative (see also **3.5.2**). The *City* can also be appointed to undertake these functions.

For the majority of development primary responsibility for regulating and monitoring development activity lies with private *certifiers* rather than the *City*. There are however a number of overlapping areas of responsibility such as aspects affecting *public spaces* that the *City* may also regulate in addition to the role of *certifiers*.

Where impacts from site activities impact on *public spaces* and/or complaints are received from the local community or general public, the *City* will be the first responder to investigate issues and to initiate corrective actions, if found necessary. In some circumstances this may also involve joint action by both the PC and *City* officers.

### 3.3 Regulatory functions of the City

Where the *City* is responsible for regulating works in *public spaces* including responding to complaints, there are several units within the *City* that deal with *worksites* and *workplaces* including issuing various statutory *approvals*. The *City's* Construction and Building Certification Services Unit is the primary unit responsible for *approving* and regulating activities in *public spaces* as set out below.

#### 3.3.1 Approving and regulating

The following functions are some of the functions and responsibilities of the *City* including the issuing of *permits*:

- (a) the *approval* and regulation of *temporary structures* including *hoardings*; *scaffolding*; and *temporary works in public spaces excluding approvals* for temporary shoring and temporary ground anchors (administered by the *City's* Public Domain team);
- (b) construction-related matters when appointed to do so including addressing associated impacts;

- (c) monitoring *workplace* operations within *public spaces* (see **3.11** to **3.15**);
- (d) *road opening approvals* (excavations and works) – see **2.13**;
- (e) mobile *hoisting* operations from *roadways* (see **2.4.1**);
- (f) *hoisting* operations over public *roads* through the use of site-based cranes and other *hoisting* devices (see **2.4.3**);
- (g) temporary barricading (see **2.7** and **2.12.1**); and
- (h) giving approval to work outside of the *approved* times under special circumstances (see **3.5.4** to **3.5.7** and **3.6**).

#### 3.3.2 Other functions including compliance and complaint handling

Other aspects and compliance functions associated with impacts generated onsite such as:

- (a) excessive noise caused by demolition and *construction activity* (see **3.5.8**, **3.6.1** and **3.11**);
- (b) dust generation and impacts (see **3.6.2**, **3.11**, **3.13**, **3.15** and **3.17**); and
- (c) pollution offences (see **3.13**, **3.15** and **3.17**), are regulated by the *City's* Health and Building Unit. This includes complaints lodged by the public and city community.

Other actions such as willfully or negligently damaging trees in *public spaces* or not obtaining *approval* for trimming or removal of street trees is an offence under s629 of the Local Government Act 1993.

### 3.4 Providing regulatory services to the construction sector

To ensure effective and sound compliance outcomes to minimise adverse impacts of development including allowing development and other work activity to take place with the least possible impact, the *City's* Construction Regulation team provides a free advisory service to builders and contractors covering the following areas:

- site establishment processes;
- overview of the relevant statutory requirements and other *City* controls that must be followed;
- highlighting and understanding important conditions of *development consent* that relate to *public spaces*; and
- setting out the various required applications and *approval* processes when operating various activities in *public spaces*.

This service can include meetings onsite with builders and contractors to discuss the above matters and resolve any potential impacts before work commences (see **3.4.1**).



Photo: Mark Leone / City of Sydney

### 3.4.1 Site meetings – pre-tender and post-contract appointment

To assist the development and construction sectors in understanding and complying with the various requirements of the *City* including the various activities that require *approval*, a free consultation and advisory service is available.

#### 3.4.1.1 Primary aims in offering this service

The primary aims are:

- identify potential issues and methods of complying with the *City*'s requirements including the provisions of this Code regarding off-site activities and impacts;
- ensure an orderly and compliant undertaking of work within the various constraints and limitations of a site and adjoining public spaces; and
- achieve an optimum outcome for all parties including importantly the general public, visitors and the city's residential and business communities.

#### 3.4.1.2 Information that the service can provide

Specific areas that can be discussed include:

- proposed work activity (demolition, excavation, construction and other activities) that may cause impacts on the *public space* and the steps that may need to be considered and/or implemented to minimise impacts;
- traffic, pedestrian and bicycle movement past a site and any *control measures* that may be necessary to address public safety and amenity;
- potential adverse impacts on street trees and street garden beds, and any required tree pruning that may be necessary to accommodate *temporary structures* and *hoisting* activity including the application/*approvals* processes;
- temporary *vehicular crossings* when truck access to a site is required including details of the *City*'s standard design specifications;
- *road openings*;
- *hoisting* activity applications and *approvals* (mobile and site-installed cranes); and
- other *public space* aspects and requirements that apply through the conditions of *development consent*.

#### 3.4.1.3 Other matters that can be addressed

(a) The following can also be addressed and discussed:

- information about various *approvals* that may be required such as *temporary works permits*, *works zone approvals*, *hoarding* and *scaffolding permits*, requirements for tree pruning in crane *hoisting* zones including required information to accompany applications; and
- advice in relation to:
  - hours of work;
  - any special requirements or restrictions that may apply to works within *public spaces*; and
  - timeframes for obtaining various *approvals* e.g.: *works zones* and potential time restrictions that may



apply in some localities such as busy and high traffic volume key roads.

- (b) A similar service to discuss proposed temporary structure placement such as *hoarding* and *scaffolding* installations on roads is also available.

### 3.4.2 Industry induction services

For large and significant projects, the Construction Regulation team offers a formal induction service for key site personnel and sub-contractors (see **3.18.3** for details regarding employee and sub-contractor induction provisions).

The aim of the service is to identify and highlight important *City* requirements that must be followed. It also includes identifying and discussing site-specific issues that the principal contractor must be aware of and which may need special consideration in managing a site including activities and impacts in *public spaces*.

The induction service can be conducted onsite (in appropriate site accommodation facilities) or at the principal contractor's head office.

## 3.5 Work operations and times

All demolition, excavation and construction work must be undertaken within the *City's* standard days and times, except where varied through a specific condition of *development consent* applying to a site.



Photo: Peter Conroy / City of Sydney

### 3.5.1 Standard days and times when undertaking work

There are several common impacts that can arise during work activities. One significant impact is noise generation which can cause loss of amenity in surrounding land uses particularly residential-type buildings (dwelling houses, apartments and tourist accommodation). To address and minimise potential impacts the *City* has standard work times that must be adhered to.

Different times apply depending on the location of the development or *worksites*. Work times for physical activities are enforced by the *City*. Workers are, however, allowed to be onsite outside of the standard work times (or alternative times approved through a condition of *development consent*) with activities restricted to site shed occupation only (see **3.5.3**).

**Further information:** Refer to the *City's* website for details in relation to standard days and times that apply to development work. As a general requirement, works undertaken within *public spaces* must comply with the standard times unless otherwise specifically permitted by the *City* (see **3.5.4**, **3.5.5** and **3.5.7**).

Complaints relating to breaches of hours of work (see **3.6**) are regulated by *City* Rangers and the Construction Regulation team.

### 3.5.2 The role of principal certifiers

*Principal certifiers* (PCs) are appointed to ensure works are carried out in accordance with a *development consent* including the approved work times. *Certifiers* are also responsible for certifying that works are compliant with the National Construction Code.

Persons affected by breaches of work times can contact the builder or contractor directly to make a complaint. Contact can also be made with the *certifier*. Details (names and 24/7 telephone numbers) of both the builder and the PC are required to be displayed on sites (see **3.5.10**).

*City* rangers are also available 24/7 and can investigate breaches of work times. Affected parties can seek assistance by contacting the Rangers through the *City's* after-hours telephone service (9265 9333).



### 3.5.3 Workers onsite outside of standard work times

Workers are allowed to be onsite outside of the standard work hours in the immediate period leading up to the approved or standard commencement times however they must remain in the site sheds. They are also allowed to occupy site sheds within the immediate period following the end of the workday to shower/change but no physical work is to take place.



**Figure 35:** Workers are allowed to be onsite outside of the standard work hours in the immediate period leading up to the approved or standard commencement times (and at the end of the day for showering etc.) however, they must remain in the *site sheds*.

**Note:** Multiple sheds including multi-stack sheds, require *development consent* as they are not permissible under the 'exempt development' provisions of the NSW State Environmental Planning Policy (Exempt and Complying Development Codes) 2008.

Photo: Peter Conroy / City of Sydney

Key personnel are also allowed to carry out safety inspections prior to the standard commencement time and to undertake checks of the site post formal finishing time to ensure all workers have left the site and that the site is safe and secure (confirming access gates are secured and undertaking other checks).

### 3.5.4 Variations to standard work times

Requests to seek variations to the standard work times are generally not supported by the *City*. Formal approval may, however, be granted under special circumstances such as:

- (a) urgent works to avoid damage to surrounding private property including *City*-owned land (*roads*) e.g. issues encountered during

excavation such as land slippage/subsidence (see **3.5.5**);

- (b) preventing environmental harm (pollution incidents) (see **3.13**);
- (c) preventing imminent structural failure of a building under demolition or construction, or to urgently stabilise unsafe works/structure (see **3.5.5**);
- (d) where special works can only be undertaken outside of standard times due to site specific needs or local constraints (see **3.5.6** and **3.5.7**); and
- (e) any unforeseen circumstances that affect private or public safety (see **3.5.5**).

Where there is a danger to the public or occupants of surrounding properties verbal approval to work outside of standard times must be given by an *authorised person* and/or as directed by emergency service personnel (Fire and Rescue NSW, NSW Police, *SafeWorkNSW*).

In circumstances where pre-programmed works are required to be undertaken outside of approved times, an application must be lodged well ahead of the proposed date to allow full consideration by the *City* including any potential noise impacts on the surrounding area (see **3.5.6**) and whether any mitigation measures are necessary including restricted work times.

In considering applications the *City*'s code regulating construction-related noise may be used in the assessment process in conjunction with the provisions of the Environmental Planning and Assessment Act 1979.

### 3.5.5 Working outside of standard or approved times – unforeseen short-term circumstances

There may be special circumstances or needs to require work to take place outside of standard or approved times. This may include exceptional or unforeseen critical circumstances such as:

- (a) delays in concrete pouring due to equipment failure (concrete pumps or concrete batching plant failures);
- (b) inclement or dangerous weather conditions such as high winds which delayed the completion of critical works on the day; or
- (c) other delays such as crane failures during critical alignment construction phases e.g.: works required to stabilise a building and make-safe.

In circumstances where the completion of works within the standard work times or *development consent* times cannot be achieved, the person in control of the site or works must:

- (a) report the matter immediately by phone to the City's Construction Regulation team; and
- (b) forward a follow-up email.

Consideration of factors relating to the issue and request will be undertaken to determine if an extension of time beyond the standard hours can be given and if allowed, whether any measures may need to be implemented as part of permitting works to continue.

For planned proposed works outside of approved work times, a formal application to seek an amendment to the *development consent* must be lodged via the NSW Planning Portal (see **3.5.6**).

### **3.5.6 Planned works outside of standard times**

Activities listed below may be permitted subject to relevant approvals being obtained beforehand:

- (a) the movement of large over-size and over-mass vehicles to deliver and erect (hoist) large structural members onto a site (see **4.10**);
- (b) undertaking works on major or key *roadways* associated with the development site that must be carried out at night to minimise traffic disruptions;
- (c) special *roadway*/traffic requirements imposed by Transport for NSW that impact on a site; or
- (d) other special needs.

Sufficient time must be allocated to allow for a thorough assessment of an application. This could include advertising and/or a formal neighbourhood notification of a proposal which can add several weeks to the processing period.

### **3.5.7 Works in public spaces outside of standard times**

The standard times and days applying to a development or *worksite* also apply generally to *permits* granted for a number of activities carried out in *public spaces* including:

- *temporary works*;
- *hoisting* activity (mobile crane usage including set-up and dismantling);
- *road openings*; and
- *hoarding/scaffolding* installation and removal.

Where works cannot be carried out within the standard or *consent* times and a variation is sought, proponents must nominate the proposed work times and set out the reasons for seeking the variation. The proposed times sought will be assessed against:

- the locality (*road*/traffic requirements); and
- the surrounding land uses to determine potential impacts such as likely noise generation and temporary lighting, if proposed (for night works – see **3.5.8** and **3.5.11**).

In assessing an application the *City* will consider potential impacts and seek to minimise adverse impacts on building occupants particularly residential-type accommodation. This may include restricting the times of work and the type of work and equipment used (stricter time constraints may be imposed for noisy works).

### **3.5.8 Construction noise and regulation**

All work, within or outside of standard times, must comply with the *City's* code regulating construction-related noise and Australian Standard 2436-2010 'Guide to Noise Control on Construction, Maintenance and Demolition Sites'.

### **3.5.9 Limitations on the granting of some permits during the December and January holiday period**

During the months of December and January parts of the city experience a significant increase in pedestrian densities and vehicular movement. This is particularly evident in the major shopping and entertainment precincts which have extended retail trading hours.

To minimise impacts during this busy period, limitations are imposed on construction-related works and *approvals* within *public spaces* (see also **1.17**).



**Figure 36:** Detailed consideration must be given to minimising obstructions on *footways*. In busy parts of the city, this may require works to be undertaken outside of normal work times including on weekends.

Photo: Peter Conroy / City of Sydney

### 3.5.10 Display of key mandatory details on site signage

To enable the public, affected parties, *City* officers and/or emergency services personnel to contact key site personnel in cases where issues arise at a site, the following mandatory details must be displayed in a prominent position easily viewable from a *public space* (typically displayed on the construction site fence or *hoarding*):

- (a) the name of the principal contractor and the person in control of the site;
- (b) the name of the *principal certifier*;
- (c) a 24/7 contact telephone numbers for the persons in (a) and (b); and
- (d) other required information (see **3.12.2**).

### 3.5.11 Lighting of worksites and workplaces during night works

Lighting of a development site or *public space* including one-off urgent works that have been specifically *approved* (see **3.5.5** to **3.5.7**), must not cause unacceptable impacts on surrounding land uses. This can, in part, be achieved through meeting the following:

- (a) ensure the intensity of light is minimised and focused on the *workplace*;

- (b) illumination being restricted to the time of physical work particularly in potentially high impact areas;
- (c) the location and intensity of lighting complies with relevant Australia Standards; and
- (d) preventing or minimising impacts, particularly on residential-type premises.



**Figure 37:** The use of temporary lighting systems must avoid loss of amenity within the local neighbourhood. This can be achieved through selecting and positioning lighting systems that minimise or prevent light-spill and glare.

Photo: courtesy of Transport for NSW

Where complaints arise, the *City's* Health and Building Unit will investigate and take action to address any impacts. Lighting that is 'obtrusive light' as defined in AS 4282-2023 'Control of the obtrusive effects of outdoor lighting' (see below) will generally not be allowed.

**Obtrusive light** — spill light which, because of quantitative, directional or spectral attributes in a given context, gives rise to annoyance, discomfort, distraction or a reduction in the ability to see essential information, e.g. signal lights. (Clause 2.3.3, AS/NZS 4282-2023)

To minimise objectionable glare and loss of amenity lighting systems must be designed and operated to meet the following requirements:

- (a) face away from residential-type buildings;
- (b) generator powered lighting must comply with any noise control standards specified by the Environment Protection Authority; and
- (c) temporary lights must not have an upcast angle exceeding zero degrees (above the horizontal), unless otherwise specifically allowed.

If an *authorised person* determines that a loss of amenity is being caused, the lighting intensity, hours of illumination and location of the lighting systems must be altered at the *City's* direction to prevent or minimise adverse impacts particularly on residential-type premises. This also applies to works on *roadways* that are undertaken by government agencies and their contractors (see **4.16**).

## 3.6 Complaints

Complaints regarding *construction activity* including works being undertaken outside of standard times and/or noise impacts, are handled and investigated by several Units of the *City*. Complaints can be made online or through telephone 9265 9333.

### 3.6.1 Working outside of approved times

Where a complaint is received about activities being undertaken outside of the standard work times and/or excessive noise is occurring (see **3.5**, **3.6.2** and **3.11.1**) the *City's* rangers will be the first responder to investigate. This may include visiting the site and interviewing workers. Where there is no approval in place allowing work outside of the standard times, the site supervisor will be directed to stop work and to restrict activity to the approved times.

Further follow-up action will be taken by the Construction Regulation team including interviewing the site manager to establish the reasons for working outside of approved times.

The issuing of fines and/or civil prosecution will be considered in accordance with the *City's* 'Enforcement and Civil Prosecution Policy' (see **1.13**). Builders and contractors can seek approval to work outside of approved construction times due to special circumstances (see **3.5.4** to **3.5.7**).

Additionally, in some cases works may need to be carried out in the *public space* outside of standard work times to minimise impacts on drivers, pedestrians and/or safe traffic movement (see **3.5.6**). This is particularly critical on *roads* with high traffic volumes. For example, Transport for NSW require some *road* works to take place at night to avoid traffic disruption.

Other agencies may also need to work outside of normal hours including at night to undertake infrastructure works (see **4.16**).

### 3.6.2 Other impacts

Complaints relating to noise, vibration and dust generation within the boundaries of a development site (see **3.11** and **3.13**) and within approved construction times are generally the responsibility of the *City's* Health and Building Unit to investigate.

Issues and complaints associated with dust generation and tracking of soil and debris onto *roadways* will initially be investigated by the Construction Regulation team. If necessary, complaints may be referred to the *City's* Health and Building Unit for further follow-up action. These actions also apply to complaints arising from works on *roadways* by government agencies and their contractors (see **4.16**).

## 3.7 Construction site establishment and operation

The effective and orderly operation of a *worksites* and *workplace* to limit impacts on *public spaces* and building occupants in the surrounding area is dependent on a number of key areas being addressed.

This includes principal contractors:

- (a) being fully conversant and compliant with the relevant conditions of *development consent* and other approvals including ensuring that workers and sub-contractors are also made aware of these matters (see **3.18**);
- (b) being fully aware of the statutory (legal) regulations and obligations that apply such as this Code, *City* policies and guidelines and statutory provisions of the work health and safety regulations particularly responsibilities to afford protection to the public in and near *workplaces*; and
- (c) applying sound site management practices including the effective control and management of sub-contractors such as excavation and demolition works including the safe movement of trucks to and from *worksites*.





Photo: Peter Conroy / City of Sydney

## 3.8 Site management (see also 3.18)

Effective site management is critical to ensure a project proceeds smoothly with minimal impact and inconvenience in the locality and on the surrounding community including the business community. Developing and implementing sound site establishment and operational practices are key to minimising impacts in *public spaces* and surrounding land uses.



Photo: Peter Conroy / City of Sydney

Properly prepared and administered *site management plans* addressing the provisions set out in this Code will help minimise impacts and intervention by *City* officers from incidents and community complaints.

### 3.8.1 Site management plans

The *City* requires *Site Management Plans* (SMPs) for various activities associated with new development and significant alterations and additions to existing buildings.

The necessity for *SMPs* is generally dependent on a number of factors including:

- the nature and extent of work;
- likelihood of disruptions to pedestrian and vehicle movement and passage past a *worksite* and *workplace*;
- potential impacts on local amenity;
- safety risks to the public;
- noise (particularly demolition and excavation activities);
- stormwater management;
- sediment and erosion control;
- traffic management issues; and
- other relevant matters required to be addressed through specific conditions of *development consent*.

For large and/or complex sites that have many forms of *work activities* operating concurrently there is a greater potential for significant off-site impacts. Major demolition and excavation works, particularly rock excavation, can cause significant impacts on surrounding and nearby land uses, particularly residential-type premises.

For these development sites a single *SMP* that compiles and addresses the various inter-relationships between plans (impacts and *control measures*) for a site can be beneficial to all parties and may therefore be required by the *City*.

The *City* can impose specific targeted requirements for development located in high risk/high impact areas through:

- conditions of *development consent* under the provisions of the Environmental Planning and Assessment Act 1979;

- conditions imposed in an *approval* issued under the Local Government Act and Roads Act (see below) to require the submission a *SMP* or a review/amendment of an existing Plan; and/or
- the development and implementation of community information and communication strategies (see **3.10**).

A *SMP* may also be required at any time and for any work if the *City* considers that the activity is of such a nature and extent that a plan is necessary to address and minimise impacts.

A *SMP* must, as a minimum, meet the following requirements:

- fully address each key stage and the types of activities;
- address in detail a range of health, safety, traffic management and amenity issues relating to the site, the adjoining *public spaces* and surrounding community including residents and businesses. It must also consider broader contractor obligations including recycling, waste management and environmental initiatives during the development work (see **3.8.2**, **3.9**, **3.14** and **3.15**);
- be approved by the appointed *certifier* for the development or project;
- be implemented and followed for the duration of the development or work activity; and
- pre and post-construction dilapidation reports, as appropriate or directed, of the *City's* infrastructure.

### 3.8.2 Waste management and work method statements

Sites must be fully and effectively managed in relation to the production, storage and removal of demolition and construction waste including managing impacts on *public spaces*. The storage or placement of waste in *public spaces* is generally not allowed (see **4.13** – *skip bins*).

It is generally a requirement of a *development consent*, particularly for large projects, that prior to commencement of work the following documents must be prepared and submitted to and approved by the *principal certifier* for the project:

- demolition work method statement prepared by a SafeWork NSW licensed demolisher (see 'note');

- excavation work method statement prepared by an appropriately qualified person; and
- waste management plan for demolition and/or excavation activity.

Such statements must, where applicable, comply with:

- AS 2601-2001 Demolition of Structures;
- the Work, Health and Safety Act 2011 and Regulations;
- the *City's* 'Policy for Waste Minimisation in New Developments 2005';
- the Waste Avoidance and Resource Recovery Act 2001, and
- all other applicable acts and regulations.

Furthermore, other requirements beyond this Code may also be included as conditions of *development consent* therefore *consents* should be thoroughly checked as part of preparing statements.

**Note:** Demolition by:

- induced collapse;
- the use of explosives; or
- onsite burning,

is not permitted.

## 3.9 Construction traffic management plans (CTMP) (see also 4.6)

Well planned and managed control of traffic, pedestrians and cyclists in the vicinity of a *workplace* is critical to the effective and safe operation of a site and activities in *public spaces*. To achieve this outcome the *City* may require, typically through a condition of *development consent*, the development and approval of a construction traffic management plan (CTMP).

A CTMP is a report that assesses the potential impacts of development and works in *public spaces* including the *road* network resulting from activities including:

- demolition;
- excavation;
- construction; and
- any other activity that affects *public spaces* including the operation of mobile cranes and other equipment through an *approval* granted by the *City* (see **2.4.1**).

A CTMP may be required at any time and/or size/type of development where impacts are being experienced or are likely to be encountered, including works within *public spaces* (see also **4.6** in relation to truck access to and from sites).

Plans must be submitted to the *City* for *approval*.



Photo: Peter Conroy / City of Sydney

### 3.9.1 Content and structure of a CTMP

A CTMP must have a structure and sufficient content to enable the *City* to fully and properly assess and consider a proposal. Further information including planning for bicycle movement and maintaining safe pathways and passage for pedestrians is available on the *City's* website (see also **3.9.2** and **4.4.2** regarding truck access, sizes and types). This detail must be included in a CTMP.

Refer to 'further information' on the following page for details on the preparation of CTMPs.

### 3.9.2 Articulated vehicles and dog-trailers

The use of *articulated vehicles* and *dog-trailers* is generally not suitable for most development sites in the *City's* area. There are several reasons for this including:

- insufficient road width to allow safe and efficient truck turning pathways during entry and exit from sites;

- many sites have insufficient size and dimensions to accommodate truck maneuvering and turning circles to allow forward entry and exit to and from sites (reversing into sites is generally not allowed); and
- Transport for NSW does not generally support the use of *articulated vehicles* and *dog-trailers* due to the adverse impacts such vehicles have on traffic movement on the local *road* network. This is particularly relevant in the city-centre which has very high volume bus and light rail transport systems and large pedestrian density and movement.

Builders and contractors must consider these constraints and limitations as part of the site planning and tendering processes as truck size and type will have implications on timeframes to undertake proposed works, particularly for demolition and excavation works.



**Figure 38:** The use of *dog-trailers* associated with development activity is generally not permitted. Any proposed usage requires special consideration including specific *City assessment* and *approval*. *Dog-trailer* usage for sites in the city-centre is not allowed.

Photo: Peter Conroy / City of Sydney

In some circumstances such as site-specific needs, the *City* may consider allowing the use of *dog-trailers* and *articulated vehicles*. This must however be discussed with the *City's* Construction Regulation team early in the site planning process to obtain in-principle endorsement. This includes confirming if any special controls need to be addressed, met and implemented.



### 3.9.3 Compliance and enforcement of a CTMP

Traffic in the vicinity of a site including trucks entering and exiting a site must be managed effectively and safely throughout the full duration of a project and will be subject to the following:

- (a) in the event of *City* officers finding that a CTMP is not being followed regular compliance reports may be required to be submitted to the *City* demonstrating that the site is operating in accordance with the *approved* plan;
- (b) the *City* can require compliance reports from third-party auditors nominated by the *City* with all costs to be borne by the contractor; and
- (c) penalties (fines) can be issued for non-compliance with an approved Plan (see **1.13**).

In the event of *City* officers finding that a CTMP is not being followed regular compliance reports may be required to be submitted to the *City* demonstrating that the site is operating in accordance with the *approved* plan. The *City* can require compliance reports from third-party auditors nominated by the *City* with all costs to be borne by the contractor.

Penalties (fines) can also be issued for non-compliance with an approved Plan (see **1.13**).

### 3.9.4 Amending a CTMP

CTMPs can be amended (with approval) if there is a demonstrable need arising from:

- (a) a change in traffic conditions;
- (b) a change in land use or other development activity in the vicinity of the site;
- (c) changes in demolition, excavation or construction methods; and/or
- (d) a change of builder/contractor for the site which necessitates a review and change in the approved plan.

### 3.9.5 Vehicle parking – workers and contractors

Except for vehicles parking temporarily in an *approved works zone*, all vehicles associated with a development site should be parked wholly within the site. A *works zone* (see **3.14**) is primarily for the purpose of unloading/loading of trucks and/or concrete pumping.

Smaller contractor vehicles can park within a *works zone* when unloading and loading tools and equipment but must not be used for other purposes such as general parking for workers.

The following matters and requirements also apply:

- (a) where it is not possible to accommodate staff parking onsite workers should be encouraged to use public transport to minimise disruption to the local *road* network including demand for kerbside parking by local residents, businesses and visitors;
- (b) developers and/or builders must consider long-term parking availability for workers as part of the site management planning process. This may require arrangements being made to provide acceptable alternative off-street parking for contractors/workers at *approved* car parking stations; and
- (c) where a construction traffic management plan (CTMP) is required for a development it must include worker parking needs and solutions/methods to discourage kerbside parking.

### Further information:

Information about the development of a CTMP including the requirements that apply are set out in the following documents which are available on the *City*'s website:

- 'How to prepare a Construction Traffic Management Plan (CTMP) report'; and
- Standard Requirements for Construction Traffic Management Plans'.



## 3.10 Community information and communication strategies

Developers and builders should maintain good relations and communication with local residential and business communities during construction and other associated activities. This can be achieved through a number of strategies.



Photo: Peter Conroy / City of Sydney

### 3.10.1 Communication strategies

In some circumstances particularly for large projects, the *City* may through a condition of *development consent* require developers/builders to prepare detailed communication strategies to keep the local community including businesses informed at various key stages of a project. Such strategies could include, as a minimum, information about:

- (a) any special conditions of *consent* that must be implemented and followed relating to minimising impacts on the surrounding area such as noise, operational limitations and monitoring (see **3.2** and **3.11.3** to **3.11.5**);
- (b) clear information about construction work times and scope of work;
- (c) specific activities that may be permissible outside of the *consent* approved hours of operation such as:
  - (i) large crane delivery and set-up (see **3.5.6** and **4.10**);
  - (ii) *hoarding* installation/dismantling;
  - (iii) special delivery of large plant (**4.10**); and
  - (iv) the transport and delivery of large structural members that cannot be undertaken during the approved standard work times;

- (d) key construction stages, commencement dates and estimated durations e.g.: demolition, excavation, in-ground works, above-ground works and completion; and
- (e) site management information including methods to minimise impacts such as:
  - (i) dust generation and controls to prevent movement off-site;
  - (ii) noise and vibration;
  - (iii) site remediation works/excavation;
  - (iv) truck unloading;
  - (v) truck movement and routes; and
  - (vi) maintenance of the *public space* adjoining a site keeping the area clean and tidy.

### 3.10.2 Forms of communication

Communication can take several forms including:

- (a) for very large development of lengthy duration, the establishment of a local construction liaison committee can be effective. This may be required as a condition of *development consent* however where not specifically required, developers and builders may wish to consider establishing a committee as best practice.

Committees will generally comprise:

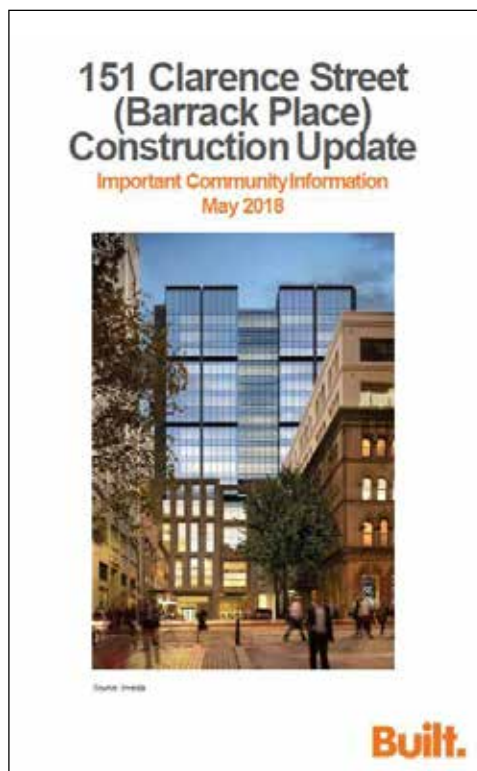
- (i) interested parties representing likely affected properties surrounding a site; and/or
- (ii) any interested group.

The *City* may, where necessary, nominate a committee representative and/or require that the *City* be kept informed of committee meeting agendas and outcomes;

- (b) for smaller development, community newsletters at key stages of a project can be an effective strategy. This may also be required as a condition of *development consent*. Where not required by a condition of *development consent*, communication with the community via newsletters can be an effective tool in keeping the local community informed and is encouraged by the *City*.

Information may be in the form of hard copy newsletters distributed via letterbox-drop and/or electronic communication through

- email delivery; and
- information on the developer's and/or builder's website in (c).



- (c) posting regular project updates on company websites or social media platforms can assist in keeping the community informed. Newsletters and websites must contain 24/7 contact details of key personnel to allow persons to report issues/impacts that may arise throughout a development. See also **3.18.1** and **3.18.2** in relation to works and other activities in *public spaces* and requirements to minimise impacts;
- (d) community newsletters and websites must also contain information about ongoing communication strategies and details for registering to receive electronic newsletters (if these are to be used) throughout a project; and

- (e) periodic tours of a site at key stages to allow interested parties (local residents) to view the works and obtain first-hand briefings on progress and future stages of the development.

### 3.10.3 Site management plans – notice to neighbouring and nearby properties

Builders and developers may be required, through a condition of *development consent* or as part of an approved *site management plan* (SMP), to consult:

- with property owners and occupiers of neighbouring and affected properties; and/or
- more broadly with the public through formal notification including information about any variation to a *SMP* (see **3.8.1**) that could affect the local community.

## 3.11 Demolition, excavation and construction noise/vibration management

Noise generation from construction works and other activities has significant potential to cause adverse impacts if not managed effectively.

Demolition, excavation and *construction activity* is inherently noisy therefore noise-related impacts from various work activities are likely to occur. To minimise impacts the *City* expects and requires that all reasonable steps will be implemented by builders and sub-contractors to minimise noise and loss of community amenity including impacts on the business community (see **3.18.1**).

To balance the needs of the development and construction sectors and the community including businesses, restrictions are imposed on the amount of noise that can be emitted.

This is required and achieved through the *City's* code regulating construction-related noise. The Code is typically referenced in conditions of *development consent*.

The Code includes measures to reduce noise and imposes time restrictions on all potentially noisy *construction activities*. Respite periods may also be required through a condition of *development consent* (see **3.11.3**).



Photo: Peter Conroy / City of Sydney

### 3.11.1 Noise and working outside of prescribed hours (see also 3.5.4 to 3.5.7)

Potentially noisy activities and the feasibility of undertaking works during the approved standard hours should be the primary consideration in the early stages of construction planning and scheduling works. There may however be special circumstances where there is a justifiable need for work to take place outside of the prescribed standard construction times due to local conditions such as the need to avoid traffic disruption. Examples include:

- the delivery of oversized plant or large structural elements (to minimise impacts on *road* traffic – see **4.10**);
- movement and set-up of large mobile cranes and installation of site-based cranes which often requires partial or full *road* closures (see **4.10**);
- emergency works (see **3.5.4**);

- maintenance, repairs or works on public infrastructure including *road openings* (see **2.13**); and
- works including maintenance activities by utility owners and government agencies (see **4.16**).

### 3.11.2 Construction noise

To balance the needs of the construction industry, residents and business community, the *City* manages the amount of noise produced by construction works and other works such as demolition and excavation. The *City's* code regulating construction-related noise requires builders and contractors to:

- include measures to reduce noise and detail these in development applications;
- obtain advice from qualified and competent acoustic consultants on noise mitigation and compliance measures;
- restrict all potentially noisy *construction activities* within the *City's* standard work hours and days (or within the work times prescribed in an *approval (permit)*); and
- take reasonable and practicable steps to prevent offensive noise.

Communicating with the local residential and business communities (see **3.10**) can be an effective means of minimising the potential for community complaint particularly when concentrated and very noisy works are necessary by allowing sufficient notice to be given to surrounding property owners and tenants.

### 3.11.3 Noise restrictions/limitations

Where possible, quieter machinery should be used in place of noisy equipment. Where noisy equipment is required then consideration should be given to retrofitting dampening material and/or mufflers. Acoustic barriers built around noisy operations can also be a means to mitigate noise impacts.

In cases where sound levels:

- exceed those stated in site/construction/*noise management plans*; or
- exceed a condition of *development consent*; or
- cannot meet site-specific agreed levels as stipulated in a *development consent*,



the City's code regulating construction-related noise may be applied to provide guidance in determining the most appropriate solution to resolve a noise issue.

If activities and equipment cannot meet noise restrictions, the City may:

- (a) require developers to alter their work activities and programming which may require regular breaks or lengthy respite periods to minimise impact on affected parties;
- (b) impose time restrictions through formal directions if complaints arise during *construction activities*; and/or
- (c) place restrictions on the use of highly intrusive equipment.

#### 3.11.4 Complaint monitoring

Builders and/or contractors should keep a log that details noise complaints made directly to the site and action taken to address the issues raised. This information can be requested by the City's environmental health officers as part of any investigation into noise complaints. In some circumstances the City can require the mandatory keeping of a logbook to record complaints and incidents and steps taken to mitigate impacts.

Contractors are expected to implement a complaint-monitoring and resolution procedure. A representative's contact details must be publicly displayed at the site and made available to neighbouring noise-sensitive properties (see **2.5.10** for mandatory site signage). Information and complaints handling processes on websites may also be effective in managing impacts (see **3.10.2** regarding 'forms of communication').

Complaints and any subsequent action taken must be logged and be available to *authorised persons* of the City if so requested.

#### 3.11.5 Noise management plans

If *construction activities* and other associated works including works in *public spaces* are likely to have a significant impact on the local community, the developer or principal contractor must submit a *noise management plan* to the City. In the majority of cases large development sites will require a management plan to control noise and vibration.

**Further information:** Information on noise-related aspects associated with development sites including *noise management plans* is available on the City's website and through contacting the Health and Building Unit.

## 3.12 Public safety/amenity, site security and signage

To ensure the general public is adequately protected from activities occurring at *worksites* and *workplaces* the person in control of a site, typically the principal contractor, must develop and document strategies to provide a safe and secure *worksite* including maintaining the *public spaces* in a clean and tidy state (see also **3.8.1**).



Photo: Peter Conroy / City of Sydney

#### 3.12.1 Fencing and isolating sites from public spaces

Before the commencement of work the site must be secured by a fence, *hoarding* or other suitable temporary barrier to prevent unauthorised access. Fencing is a requirement of the Work Health and Safety Regulation 2017 (Clause 298). steel mesh fencing to isolate and secure a site is generally not allowed to be placed on *City-land (road/footway)*. Such fencing will only be permitted in exceptional circumstances and where it meets all requirements of the City. Refer to **2.3(c)** of the City's Code of Practice: Construction-related Temporary Structures for further details.

The design and installation of site security/safety fencing erected within development sites (*worksites*) adjoining *public spaces (footway)*, must be approved by the *principal certifier for the site*.



Some forms of temporary construction site fencing on private land are permissible as 'exempt development' (no formal approval required) through the NSW 'State Environmental Planning Policy (Exempt and Complying Development Codes) 2008' (SEPP), subject to:

- (a) the fence being associated with works that are either 'exempt development' or 'complying development'; and
- (b) meeting prescribed minimum development standards as set out in the SEPP.

If a *hoarding* is proposed to be used as a method of securing and isolating a site from a *public space* and is placed on a *road* or related area, the *hoarding* must be designed and installed to meet the *City's* 'Code of Practice: Construction-related Temporary Structures On and Above Roads' (see **2.6.1** and **4.20**).

### 3.12.2 Site signage

- (a) Statutory signage including:

- the contractor's name;
- 24/7 contact details;
- safety signage; and
- other required signage (see **3.5.10**),

must be clearly displayed in a prominent space and be maintained in a good condition throughout a project.

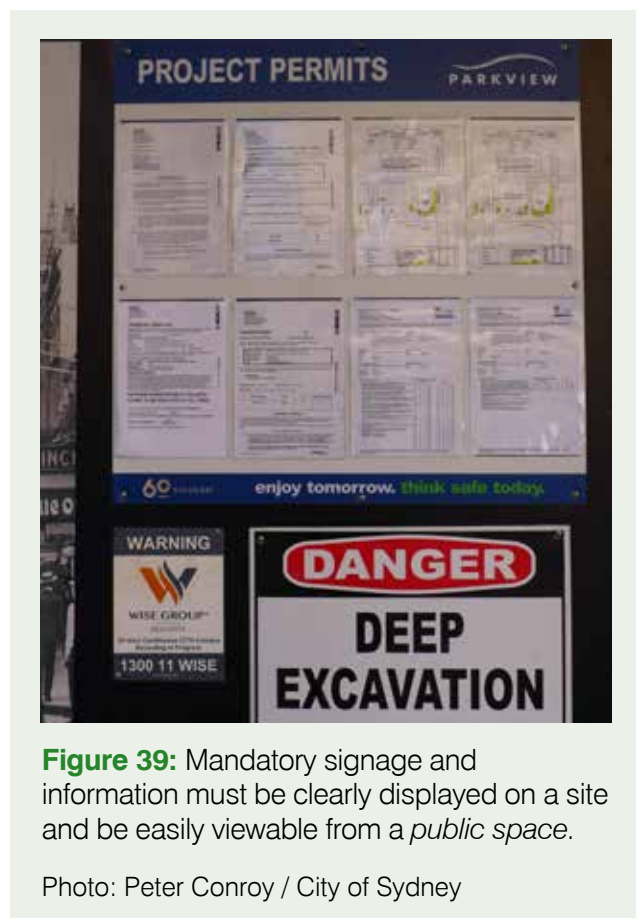
- (b) The following additional details must also be displayed:

- (i) site notices/signs and project details at the boundary on each frontage of the site for the purposes of informing the public of appropriate project details and relevant *approvals*. Notice/s must comply with the following:
  - minimum dimensions of the notice are to measure 841mm x 594mm (A1) with any text on the notice to be a minimum of 30 point type size;
  - the notice is to be durable and weatherproof and is to be displayed throughout the construction period;
  - a copy of the first page of the *development consent*, building approval (including any modifications to those approvals) and any *civic works approvals*

are to be posted alongside the notice in weatherproof casing/s; and

- the notice(s) is to be mounted at eye level on the perimeter fencing or *hoardings* and is also to state that unauthorised entry to the site is prohibited.
- (ii) safety signage required by the Work Health and Safety Act and Regulations;
- (iii) construction traffic control signage where required for construction and/or traffic guidance scheme;
- (iv) signage relating to any special safety measures such as danger notices where a deep excavation is present behind a site fence or *hoarding*; and
- (v) other signage as required by the *City's* 'Code of Practice: Construction-related Temporary Structures On and Above Roads'.

**Note:** Clause 308 of the Work Health and Safety Regulation 2017 also requires contractor signage to be displayed.



**Figure 39:** Mandatory signage and information must be clearly displayed on a site and be easily viewable from a *public space*.

Photo: Peter Conroy / City of Sydney

### 3.13 Erosion and sediment control, dust generation and other environmental controls

The environmental impact of sediment run-off from *worksites* such as mud, sand and soil can be significant. If sediment is not controlled it can enter the stormwater drainage system obstructing flow and causing local flooding. Impact on waterways including Sydney Harbour can also result.



Photo: Peter Conroy / City of Sydney

Some examples of other impacts include:

- direct pollution of creeks and rivers with sediment. This leads to poorer water quality, affecting swimming or leisure activities in and around *City* waterways;
- destroys aquatic habitats and smothers native plants and animals that live in waterways; and
- causes safety risks for pedestrians, drivers and cyclists through slippery *road* and *footway* surfaces.

Appropriate and effective controls must therefore be implemented to address these potential environmental and *public space* impacts.

#### 3.13.1 Builders and contractors – obligations

Builders and contractors are responsible for implementing strategies and measures to prevent soil erosion and sediment moving off development sites including soil and debris being tracked on truck wheels into *public spaces* (see **3.8.1**, **3.13.2**, **3.14**, **3.19**, **4.5** and **4.5.6**).

It is an offence to allow any substance other than rainwater to enter a stormwater drainage system. If pollution incidents occur a builder/contractor is

required by law to notify the *City* so that appropriate steps can be taken to minimise any harm to the environment and impacts on the stormwater drainage system.

Penalties can be imposed by *authorised persons* for pollution offences and for non-compliance with conditions of *development consent*.

Where sites are not managed properly to control sediment the *City's* Construction Regulation team will attend to check the controls and where necessary issue directions to the builder and/or contractor to rectify the issues.

Where soil or mud is being tracked off-site by trucks (see **3.14** and **4.5.6**) or there is spillage of concrete onto the *roadway* from pumping operations (where adequate surface protection is not in place), *City* rangers will investigate and take steps to deal with the issue. This will include the issuing of clean-up directions. Fines may also be issued (see **1.13.1**).

#### 3.13.2 Soil and water management plans

The provision of a soil and water management plan or erosion and sediment control plan is typically required as a condition of *development consent*. Where plans are required they must be implemented fully and regularly checked against site conditions throughout a project.

### 3.14 Covering loads and cleaning truck wheels/bodies

To minimise impacts on *public spaces* and the community, all vehicles involved in the demolition and/or excavation processes when departing a site, must have their loads fully covered before entering *public spaces*.

It is an offence to allow or cause materials to pollute or be placed in a position from which they may pollute waters. Appropriate procedures are to be developed, adopted and followed throughout the project to prevent loose soil, contaminated material, spoil, dust and/or demolition debris being deposited onto *roads* from trucks and associated equipment moving to and from a site.

### 3.14.1 Truck wheel and body cleaning

Prior to the commencement of work suitable measures must be implemented to ensure that sediment and other materials are not tracked and/or fall onto *roads* by vehicles leaving a site.



For large and/or lengthy construction projects the establishment of dedicated wheel cleaning facilities such as grated pits/water washing troughs together with high pressure water cleaning may be necessary. The *City* may require such facilities where other methods/systems of cleaning are found inadequate resulting in mud and debris being tracked into *public spaces*.

### 3.14.2 Cleaning public space surfaces

In addition to **3.14.1**, site management procedures must detail appropriate processes to clean the surrounding *roadway* (and *footway*) surfaces from any accidental spillage (see also **3.18** and **4.3** for general requirements relating to the cleaning of *public spaces* around *workplaces*). This can be achieved by manual sweeping of *road* surfaces. For larger development works appropriate mechanical sweeping plant may be necessary to periodically clean *roadway* surfaces in and within the vicinity of the *workplace*.



Photo: Peter Conroy / City of Sydney



Photo: Peter Conroy / City of Sydney

Where the *City* finds that manual cleaning is not effective mechanical sweeping can be made mandatory together with more effective onsite cleaning systems.

**Note:** The washing of *roads* with free-flowing water is not an acceptable method of surface cleaning as this will result in polluted water entering the stormwater drainage system and waterways and is an offence under the Protection of Environment Operations Act.



## 3.15 Dust generation and impacts

Dust generation resulting from all activities associated with development particularly demolition and excavation works, must be minimised by implementing effective systems including *control measures* under the Work Health and Safety Act. For the demolition of buildings this may require the full height enclosure of a structure through the use of perimeter *scaffolding*, combined with containment netting and dust meshing (see 'note' below).

The use of continuous water spray during the demolition and excavation processes can be an effective control method, however, waste water must be appropriately collected and processed in a manner that meets all regulatory controls that may apply (see also **3.16**).



Photo: Peter Conroy / City of Sydney

### 3.15.1 Impacts and complaints

Impacts and/or complaints relating to dust generation within the boundaries of a development site or from work activity within the *public space* such as *road openings* must be effectively managed by the person or entity in control of a *worksite*.

Cutting of concrete and asphalt surfaces in *public spaces* must include effective means to control dust generation. This can include the use of small amounts of water to suppress dust however all wastewater must be contained to the *worksite* to prevent material entering the stormwater pits and pipes. Wastewater must be collected and disposed of to an appropriate waste facility.

City officers will investigate complaints and take action which may include the issuing of fines for offences such as breaches of the *development consent* and/or pollution offences. Refer to **3.6** for matters relating to complaints and processes.

Where impacts cannot be resolved satisfactorily and the issue continues, the City's Health and Building Unit will take additional action that may include the issuing and enforcement of formal orders/directions.

#### Notes:

1. The NSW Work Health and Safety Regulation and applicable Codes of Practice should be checked for requirements regarding the enclosure/ encapsulation of demolition works. The City's 'Code of Practice: Construction-related Temporary Structures On and Above Roads' has performance criteria for containment netting and meshing where located on or above a *road*.
2. The use of compressed air to blow dust from a building or site is not allowed.

## 3.16 Pooled rainwater in excavations, de-watering and disposal of wastewater

Pooled water in excavations is classified as contaminated water and therefore must be dealt with accordingly to avoid pollution offences when it is discharged or removed from a site.

The City will allow pooled rainwater or water from de-watering processes to be discharged to the stormwater system subject to strict controls being implemented (refer to 'further information').

Sydney Water does not allow such water to be discharged into their sewage drainage system.

In circumstances where the City allows the discharge of wastewater into the stormwater drainage system, an application using the standard form 'Application for temporary de-watering' available on the City's website, must be lodged for assessment with the City's Public Domain team.





Photo: Peter Conroy / City of Sydney

Rainwater accumulation in excavations, particularly in circumstances where development and construction works have temporarily ceased must be effectively managed. This includes keeping the site free of stagnant water to avoid loss of amenity and nuisances (foul odours, mosquito infestation and other issues) to the local surrounding area.



Photo: Peter Conroy / City of Sydney

Where a site is not properly managed in relation to the removal of pooled water the *City* has powers to issue formal orders to require compliance. Penalty infringement notices (fines) can also be issued.

**Further information:** Contact the *City's* Public Domain team for information about lodging an application and the details that must be provided to seek approval to discharge water into the *City's* stormwater system.

### 3.17 Rainwater spouting and drainage of buildings under construction or alteration

Under the Roads Regulation 2018 (Clause 16), water must not drip or flow from a property (*worksite*) onto any part of a *road* other than a street gutter. All water must therefore be appropriately collected and disposed of to an *approved* drainage system (see 'note').

When discharging to the *City's* drainage system, the design and connection must comply with the *City's* 'Sydney Streets Technical Specifications' and the 'Stormwater Drainage Manual' (see **4.15**).

Temporary connection to the street gutter for minor development is allowed to dispose of unpolluted rainwater in a controlled manner. Permanent connections must be completed to the *City's* standard specifications as soon as it is practicable to do so.



Photo: Peter Conroy / City of Sydney

### **Property to be sufficiently spouted**

*The occupier of land having frontage to a road must not allow water to drip or flow from the land onto any part of the road other than the gutter.*

*Maximum penalty: 10 penalty units.*

*(Clause 16 of the Roads Regulation 2018)*

#### **Notes:**

1. Unless specifically *approved*, contaminated fluids including contaminated rainwater must not be allowed to enter the stormwater drainage system (see **3.13.1**).
2. An *approval* is required under Section 68 of the Local Government Act 1993 to connect to a City-controlled/owned stormwater drainage system including a street gutter and/or drainage pit. Connection *approvals* are issued by the City's Public Domain Unit. See **4.15** for further details.

## **3.18 Management of public spaces (see also 3.8)**

There are a number of important management procedures that must be developed and implemented to minimise impacts, protect city infrastructure and keep the *public space* adjoining a site in a safe, *accessible* and tidy state. This includes maintaining *footway* and *roadway* surfaces in a fully *accessible* and clean condition (see **4.3**).

Where the City determines it *necessary* a *site management plan* may be required. (see **3.8.1**).

Other matters that also require attention and consideration are detailed in **Part 04**.



Photo: Peter Conroy / City of Sydney

### **3.18.1 Working in public spaces - minimising impacts on nearby building occupants and business operators**

The city undergoes constant change with the construction of new buildings and major alterations or additions to existing buildings. Maintenance works on buildings are also a significant activity. *Public spaces* are often used to facilitate these works.

Other works in *public spaces* such as *road excavations* associated with the extension, maintenance and renewal of utility services are also significant activities (see **4.16**). These and a range of other activities can cause impacts on the City's residential and business communities.

The City therefore expects and requires work to be undertaken in a controlled and orderly manner. This is particularly important when considering the sensitivities of some landuses such as residential premises that may be in the vicinity of works.

Compliance with the City's various adopted controls, *development consent* conditions and other *approvals* (*permits*) will assist in minimising impacts however other measures may be necessary to reduce impacts. The following, as a minimum, must be followed when undertaking works in *public spaces*:

- (a) dust and noise generation must be controlled and minimised. This may require the use of suppression systems and control methods (water dampening is acceptable – see **3.15.1** for further details) and the use of acoustic screens (barriers/curtains) around works, subject to *City approval*;

- (b) where works and/or temporary barricading fully or partially obstruct or interfere with access to:

- pedestrian pathways and building entrances including retail premises during the operational times of the businesses;
- on-street loading zones; and/or
- car parking and loading docks within buildings,

consultation with affected parties including formal written notice must be carried out in accordance with **3.18.2**. Alternative acceptable means of access or vehicle loading/unloading must be negotiated and made available during the proposed works, unless otherwise agreed with affected parties;

- (c) business identification signage must not be substantially obscured by proposed works and/or *temporary structures* such as *hoardings* and *scaffolding*. Where signage is affected the display of temporary signage may be allowed (refer to the *City's* 'Code of Practice: Construction-related Temporary Structures On and Above Roads' for further details);
- (d) works must be undertaken without unnecessary delays to minimise obstruction, other impacts, and to maintain access to businesses; and
- (e) project signage complying with the *City's* standard signage template (see **3.18.2**) must be displayed at *worksites*.

### 3.18.2 Consultation and information delivery

The *City* strongly encourages builders and contractors to maintain good relations and effective communication with local residents and business operators when working in *public spaces*. This is particularly important in the high-density commercial and retail districts which have significant pedestrian activity and customer trade.

It is therefore important and necessary for formal notice of proposed works to be given to likely affected parties to allow for any adjustments to be made ahead of works commencing. Signage displayed at *worksites* and *workplaces* providing public information about the works including details of the persons in control of the site must also be displayed (see **3.18.2.3**).

Formal notice will also allow for consultation to take place with affected parties to resolve any issues including special needs that contractors may not be aware when planning the proposed works and methodologies to address and minimise impacts. As a minimum, formal notice must be given as required by **3.18.2.1** however the *City* can require broader notice where special or site-specific needs so require.

#### 3.18.2.1 Formal notice

Formal notice of works must be given in the following circumstances:

- (a) where access will be affected, either partially or fully, to building entrances including retail premises by:
- the *worksite* itself and/or the *workplace*;
  - the placement of barricades or fences in the locality of the *worksite* and *workplace*; or
  - the placement of *temporary structures* such as *hoardings*, *scaffolding* and other similar structures; and/or
- (b) where on-street sign-posted loading zones are obstructed preventing parking or where the space is temporarily removed as part of the works.

#### 3.18.2.2 Extent and form of notice

Formal notice must be given in accordance with the following:

- (a) issued to occupants of premises located within 10 metres of the proposed works measured from the perimeter of the *worksite/workplace*;
- (b) delivered by hand to property owners, tenants and business operators;
- (c) be in a format that complies with the standard notification template available on the *City's* website; and
- (d) give notice at least two (2) working days prior to works commencing (Note: This requirement does not apply if the works are essential emergency works unless the works are to extend beyond 24 hours).



### 3.18.2.3 Worksite mandatory signage

A sign in accordance with the standard template (available from the *City*) must be displayed at *worksites* to provide contact details of the person directly in control of the site such as the site foreman or supervisor and include a 24/7 contact telephone number for this person. Contact person details must be kept up-to-date.

### 3.18.3 Induction of employees and sub-contractors

The principal contractor appointed to undertake the approved development or work, in part or whole, is responsible for ensuring compliance with all applicable conditions of *development consent* and any *permits* issued by the *City*.

Induction training including awareness of sources of potential adverse impacts and ways to reduce impacts can be an effective means of managing projects and also minimising complaints. The *City* therefore strongly encourages principal contractors to induct key personnel and contractors.

Induction should include information about key conditions of development relating to operational requirements such as approved *site management plans* and other *approvals (permits and conditions)* including, but not limited to, the following:

- (a) construction traffic management plans;
- (b) general site management (demolition, excavation, construction and waste management);
- (c) noise control and operating within approved work times;
- (d) erosion, sediment and dust control, covering loads and wheel/truck cleaning;
- (e) not obstructing the public way and keeping the *public space* in a clean and tidy state;
- (f) management of *temporary structures* and activities carried out in the *public space* including *hoardings/scaffolding, road openings, temporary works* and *hoisting* activities; and
- (g) loading and unloading activities on the *road (works zone operation)*.

In some circumstances such as large development projects located in close proximity to:

- residential-type buildings;
- tourist accommodation; or

- sites within high density/high traffic volume localities,

mandatory employee and sub-contractor induction may be required as directed by the *City* or as required by a condition of *development consent*.

The *City* can assist with site induction services, where required or requested (see **3.4.2**).

### 3.18.4 Street trees (see also 2.14.6 and 2.14.7)

Street trees must be protected in accordance with the *City's* requirements where they are located near or in *worksites* and/or *workplaces* (see also **2.14.6** and **2.14.7**). Details are available in the *City's* 'Tree Management Policy' and in Part D of the 'Street Tree Master Plan' (available from the *City's* website) which includes, but not limited to, the following requirements applying to tree trunk protection:



Photo: Peter Conroy / City of Sydney

- (a) tree/s must be protected in accordance with the 'Australian Standard 4970 – Protection of Trees on Development Sites';
- (b) tree trunk and major limb protection must be undertaken prior to the issuing of the construction certificate or complying development certificate and/or installation of *temporary structures*. The protection shall be installed by a qualified arborist with a minimum AQF Level 5 and must include:



- (i) tree trunk/s and/or major branches must be protected by padded material (hessian is not suitable) to limit damage from the timber planks (or *approved* equivalent);
- (ii) timber planks (50 mm x 100 mm or similar) shall be placed around tree trunk/s. The timber planks shall be spaced at 100 mm intervals and held in place using suitable strapping (non-metal strapping, such as durable fabric strapping, is preferred to avoid sharp edges and ends that may pose a risk of injury to the public. Protective padding and timber planks must not be fixed to the tree in any instance or in any manner;
- (iii) the protective materials and installation method must allow for the trees natural growth until the completion of the project, and/or adjusted as required;



Photo: Damian Shaw / City of Sydney

- (iv) (tree trunk and major branch protection is to remain in place for the duration of construction and development works and shall be removed at the completion of the project or removal of a *works zone*; and
- (v) any other tree protection as specified in relevant *development consent* conditions, tree works, *hoarding* or *works zone permits*.

### 3.18.5 Street gardens

Maintaining street garden beds adjoining a *workplace* is required. This may include, where necessary, watering street gardens in circumstances where a Type-B *hoarding* installation spans over a garden and restricts its exposure to rainfall. General cleaning around and within gardens to remove any litter and debris from the worksite must also be carried out regularly.

## 3.19 Vacant development sites

If proposed works involve demolition only and a site is to be left temporarily vacant, the land must be left in a condition complying with any applicable condition/s of *development consent* that may apply.

In cases where a specific condition of *consent* is not imposed the site must, as a minimum, be:

- (a) cleared of all demolition waste and debris;
- (b) maintained in a clean and tidy state;
- (c) fully fenced within the boundaries of the allotment with a complying fence (see **2.6.2**) or secured by a *hoarding* complying the City's 'Code of Practice: Construction-related Temporary Structures On and Above Roads' (see **2.6**); and
- (d) where there is open ground, be appropriately managed including preventing soil movement off-site through the installation of sediment control barriers or the ground surface stabilised (eg.: seeded using a suitable grass species and be appropriately maintained) to the City's requirements to prevent environmental impacts (wind-blown dust and soil movement off-site – see **3.13** and **3.15**).



Photo: Peter Conroy / City of Sydney

Any precautionary measures implemented for public protection purposes including *temporary structures* (site fencing etc.) erected within the *public space* or within the site boundaries must comply with relevant statutory provisions of the Work Health and Safety Act and any other *SafeWork NSW* requirements. Where fencing (a Type-A *hoarding*) is proposed, *approval* must be obtained (see **2.6**)

### 3.19.1 Performance bonds (see also 1.14)

The property owner is responsible for the site after it has been vacated by the demolition contractor, principal builder or other entity. In some circumstances typically through a condition of *development consent*, the *City* may require a financial *performance bond* to be lodged to ensure that all relevant conditions of consent applying to the site are complied with.

The *City* may also require a formal undertaking from the owner of the land accepting responsibility for the ongoing management and maintenance of the site that meets the *City's approval* and any other requirements that may apply.

Where the property owner fails to act on directions issued by an *authorised person* to maintain a site in an acceptable state, the *City* may seek Court orders to access the site and use the *performance bond* to recover costs incurred in any clean-up action and/or to carry out any other required works including matters that affect public safety and amenity (see **4.4**).

approval is granted by the *City* allowing them to remain in place. This will depend on the gates not causing obstruction to pedestrian movement and being fully secured/locked outside of work times. .



Photo: Peter Conroy / City of Sydney

**Further information:** Details relating to control gates are also set out in the *City's 'Code of Practice: Construction-related Temporary Structures On and Above Roads'* (see **2.6**).

## 3.20 Pedestrian and cyclist management at truck entry/exit points (see also 4.4.2)

At *approved* truck access points to a site the following must be satisfied:

- (a) concertina control gates must be installed and operated on each side of a crossing (driveway) and be appropriately manned in accordance with **(c)** to prevent pedestrians and cyclists moving through the crossing zone when vehicles are entering and exiting a site;
- (b) sirens, audible warning systems or flashing lights are not to be used;
- (c) traffic and pedestrian controllers required by (a) must wear distinctive uniforms or vests in accordance with the requirements of Transport for NSW;
- (d) gate usage and control must form part of the Construction Traffic Management Plan and have the *approval* of the *City's* Construction Regulation team; and
- (e) be removed from the *public space* outside of the approved work times unless specific

## 3.21 Full temporary footway closure and alternative pathways allowing pedestrian diversion

The *City* is generally not supportive of proposals that seek the full temporary closure of a *footway* to allow works on buildings to take place or to carryout required works in a *public space* such as reconstructing *footways*. In these circumstances partial temporary closure is preferred (see **2.7.3**).

There may however be extenuating circumstances or special site-specific needs that require a *footway* to be fully closed and to divert pedestrians around an area of work or exclusion zone. This also applies to *shared paths* and *cycleways*. In these cases, including where a *roadway* and local traffic/ pedestrian/cyclist characteristics *permit*, a suitably safe and *accessible* barricaded temporary pedestrian pathway established on a *roadway* may be allowed (see **2.7.5** and **2.13.6** for cyclist diversions).

### 3.21.1 Diversions

Where temporary closure of a *footway* and pedestrian diversion is not feasible or acceptable to the *City* and/or State agencies (Transport for NSW) due to *roadway* and local traffic conditions and needs, proponents can seek *approval* to fully close a *footway*



and/or cycleway and create a temporary diversion through the adjoining development *worksites* i.e. within the property boundaries of the site.



Photo: Peter Conroy / City of Sydney

Where this is considered acceptable to the *City* the following provisions will apply:

- (a) acceptable safe alternative pathways must be formed and be suitably maintained; and
- (b) temporary diversions through private land (sites) are subject to a deed of agreement being in place (see **3.21.2**) between the *City* and the proponent (typically the principal contractor responsible for the site).



**Figure 41:** The hatched area indicates a works zone on a temporarily closed footway (operational only during *approved works zone* times). A pedestrian by-pass is available through a fully enclosed protective tunnel within a construction site.

Equivalence by Ash Garwood  
Photo: Peter Conroy / City of Sydney

### 3.21.2 Deed of agreement

Where a temporary pedestrian diversion through private land is considered warranted by the *City* an agreement in the form of a deed in accordance with the *City's* standard deed template must be completed by the proponent and submitted to the *City* for review and execution.

The minimum information and details that must form part of the deed (as annexures) include, but are not limited to, the following:

- (a) details, including drawings (site plan, plan, elevation and sections) of the proposed temporary diversion pathway;
- (b) the method or systems of isolating the diversion pathway from the *worksites/exclusion zone* to afford adequate protection, amenity and convenience of the public, including:
  - (i) the PCBU's risk assessment to determine the form of protective structure (enclosed passageway) such as a Type-B hoarding (minimum rating of 10 kPa for overhead protection) and walls (fencing) that have appropriate impact resistance;
  - (ii) ground surface construction/finish within the diversion (smooth and non-slip finish);
  - (iii) vandal-proof lighting and illumination levels (refer to the *City's* 'Code of Practice: Construction-related Temporary Structures On and Above Roads' for details);
  - (iv) a clear minimum overhead deck/ceiling height (generally not less than 3 metres as applies for Type-B *hoardings*);
  - (v) all surfaces (internal and external) being painted and finished in an appropriate colour and graphics to the *City's* requirements;
  - (vi) the use of temporary pedestrian ramps must be avoided but if essential, their use must be fully justified and accepted by the *City* and comply with the minimum design criteria set out in **2.9.4**;
- (c) details for ongoing maintenance, management processes and procedures for the regular cleaning, repainting of internal surfaces where necessary and checking lighting systems etc. within the diversion pathway and structure;

- (d) evidence of an *approval* from the *City's* Traffic Operations Unit for the proposed temporary full closure of the *footway* and/or *cycleway* (where closed to allow for public domain works to take place);
- (e) where a pedestrian diversion is associated with the establishment of a *works zone* on a closed *footway* and/or *cycleway*, evidence (a copy of the formal *approval*) for the *works zone* must be provided as an annexure in the deed; and
- (f) a copy of the proponent's *public liability insurance* policy in the amount of at least \$20 million (see **1.15**) and which must remain current for the full duration of the diversion.

The plans of management for Crown land also contain provisions for temporary uses and construction-related *temporary structures*. Provisions in relation to accessing private land to facilitate construction and/or building maintenance works are also set-out in the the plans of management.

If the land is *community land* owned or managed by the *City*, a plan of management (generic or land-parcel specific) will be in place to allow the *City* to grant a license for access purposes and the installation/use of *temporary structures*.

### 3.22.1 Obtaining access to sites adjoining public land

Many small parks and reserves in the city share a boundary with the side walls of buildings on adjoining land which can make access for construction activity on these adjoining sites difficult.

Approval to access *City* owned/managed land is necessary for the purposes of installing and using such items as *scaffolding*, ladders and other equipment to undertake construction works on adjoining buildings including for building maintenance.

Where access to *City* owned/managed land is required proponents should contact the *City's* Properties Unit for advice and approval.

In some cases proponents may need to seek access through the provisions of the 'Access to Neighbouring Land Act 2000' (see **1.18**) and/or enter into a licence agreement.

**Further information:** *Temporary structures* installed in the *City's* parks and reserves must be designed and installed so that there is no, or little, impact on existing trees and gardens. Trees must not be pruned without written consent from the *City* (Note: minor pruning only will be allowed). Tree protection in accordance with **3.18.3** must be implemented prior to structure/s being installed.

## 3.22 Temporary structures erected on or above community land and Crown reserve (parks, reserves and squares)

Many of the *City's* small parks and reserves are on land owned by the *City* or are Crown land managed by the *City* as Crown land Manager.

If a park is Crown land and managed by the *City*, the Crown land legislation allows the *City* to grant short-term licenses for access purposes to allow the installation and use of *temporary structures*.



Birds of Australia by Egg Picnic  
Photo: Peter Conroy / City of Sydney





Photo: Jamie Williams



Photo: Peter Conroy / City of Sydney

# Part 04

## Other requirements

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### 4.1 About this part

This part includes requirements and information relating to other matters that are additional to the provisions set out in Parts 02 and 03.

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### 4.2 Reporting hazards and urgent repairs

Builders and contractors should be aware that the general public is encouraged to report unsafe *footway* surfaces and other hazards, including hazards on *worksites* and in *workplaces*. The public can report damage or unsafe *footways* online or by telephone. Reporting online allows photographs to be attached which assists investigating officers undertake initial or urgent action.





**Figure 42:** Footway surfaces and kerbing must be monitored regularly by the builders for safe pedestrian movement. Where surfaces are inadvertently damaged or have deteriorated, this must be reported to the City to establish the most appropriate form of action such as temporary barricading for prior to repair.

Photo: Peter Conroy / City of Sydney

In circumstances where damage occurs to the City's property (*roadways/footways*) and public safety is at risk, the person in control of the site must:

- (a) take immediate steps to make the area safe such as temporary isolation or surface treatment; and
- (b) advise the City immediately to allow for an inspection of the area to assess the damage and to arrange for any necessary rectification works and/or temporary *approved* public exclusion zones to be established (see also **4.4.1**).

In cases where defects are found to have resulted from development or building works and corrective actions are not implemented promptly by contractors:

- (a) the City may undertake rectification work to resolve the public risk;
- (b) all costs associated with this work may be recovered by the City including drawing down on any *performance bonds* (see **1.14**) held against the development or *workplace*; and
- (c) fines may also be issued (see **1.13**).

### 4.3 Ongoing maintenance and cleaning of public spaces adjoining worksites

It is the responsibility of builders and/or contractors to keep the *public spaces* in a clean and tidy condition in vicinity of a *worksite*. This is particularly important in the city-centre due to very high pedestrian volumes and is essential where a *temporary structure* is installed.



Photo: John Dennis / City of Sydney

*Temporary structures* such as *hoardings* can prevent or obstruct safe access by the City's mechanical *footway sweepers* therefore manual sweeping of *footways* by the *permit-holder* must be carried out regularly. An *approval* to place a *temporary structure* on a *footway* or for various activities to take place will require that the *permit-holder* maintain the *public spaces* in a clean and tidy state at all times.

## 4.4 Public space safety and public convenience adjoining worksites

The person in control of a *workplace* must ensure there are no trip or fall hazards on the public *footway/roadway* in vicinity of a *worksite/workplace*.

Safe and convenient pedestrian access including access for pedestrians with a disability and older persons must be maintained at all times.

This may require the use of temporary pedestrian ramps over works and services (see **2.9.3** for design details applying to ramps over concrete pump static lines). Unless specifically permitted and *approved*, *cycleways* and shared paths must be maintained where existing bicycle access is provided adjacent to and within a *worksite*. Ramps on *cycleways* and *shared paths* are not allowed due to potential increased fall risks for riders.

Where *approval* is given to temporarily alter a *cycleway* or *shared path* to accommodate proposed works or a *works zone*, the design and traffic control arrangements must comply with the 'Traffic Control Plan for People Riding Bicycles' available on the City's website (see **2.7.5**).

### 4.4.1 Repairing damage

The general public must be protected from construction activities including:

- vehicle loading and unloading in *public spaces* (see **2.4** in relation to *hoisting* activity); and
- vehicles entering and exiting sites (see **4.6**).

All risks must be identified and appropriate precautions and *control measures* implemented and maintained to address risks in *public spaces*. This may include and require:

- (a) the use of 'spotters' and traffic controllers (for pedestrians and cyclists);
- (b) restrictions on the hours of operation/work (no work during peak commuter and traffic periods);
- (c) restrictions on the type of work being carried out (welding, friction-cutting, etc.);
- (d) selecting the most appropriate type and size of machinery needed for the specific task and site constraints to minimise impacts;

- (e) concertina barricades, or other suitable measures acceptable to the *City*, to separate the public from a *workplace* and in some circumstances, *works zones* (see **Figure 44**), subject to specific *City approval* and compliance with **(f)**; and
- (f) where *approved*, concertina barriers must be freestanding and not fixed to *hoarding* columns/ counterweights. Unless otherwise specifically allowed by an *authorised person*, barriers must be removed from the *public space* outside of work times to allow full and unencumbered pedestrian access to and from the kerb/*footway*.

**Note:** Non-permanent concertina barricades that can be removed at the end of each day's work are the preferred pedestrian control system. Retractable belt safety barrier cassettes at a works zone may be permanently fixed to hoarding columns where endorsed by the *City*. (see **Figures 43 and 44**).

See also **4.6** for further requirements in relation to truck movement to and from sites.



**Figure 43:** The effective control and safety of pedestrians and cyclists at truck access points is essential. This is particularly important in high volume pedestrian areas. The *City* will allow, and require, the use of manned concertina gates as a *control measure*.

Photo: Peter Conroy / City of Sydney

### 4.4.2 Safety at works zones, workplaces and truck entry/exit points

The general public must be protected from *construction activities* including:

- vehicle loading and unloading within *public spaces* (see **2.4** in relation to *hoisting* activity); and
- vehicles entering and exiting sites (see **4.6**).



All risks must be identified and appropriate precautions and *control measures* implemented and maintained to address risks in *public spaces*. This may include and require:

- (a) the use of 'spotters' and traffic controllers (for pedestrians and cyclists);
- (b) restrictions on the hours of operation/work (no work during peak commuter and traffic periods);
- (c) restrictions on the type of work being carried out (welding, friction-cutting, etc.);
- (d) selecting the most appropriate type and size of machinery needed for the specific task and site constraints to minimise impacts;
- (e) concertina barricades, or other suitable measures acceptable to the *City* such as retractable belt cassettes, to separate the public from a *workplace* and in some circumstances, *works zones* (see **Figure 44**), subject to specific *City approval* and compliance with (f); and
- (f) where *approved*, concertina barriers must be freestanding and not fixed to *hoarding* columns/counterweights, unless otherwise specifically allowed by an *authorised person*. Where barriers are not allowed to be fixed they barriers must be removed from the *public space* outside of work times to allow full and unencumbered pedestrian access to and from the kerb/footway (see also **3.20**).



**Figure 44:** For public safety purposes, and subject to specific consideration by the *City*, *approval* may be given to allow the use of movable temporary concertina barriers or appropriately fitted retractable belt safety barrier systems to prevent pedestrians entering a *works zone* area during construction days and times.

Photo: Peter Conroy / City of Sydney

### Notes:

1. Non-permanent concertina barricades that can be removed at the end of each day's work is the preferred pedestrian control system (see **Figures 43 and 44**).
2. Fitted belt cassettes and any mounting-plates must not cause snagging-points for pedestrians.
3. See also **4.6** for further requirements in relation to truck movement to and from sites.



Photo: Peter Conroy / City of Sydney

### 4.4.3 Public spaces – must be kept clear of material and equipment

Unless otherwise specifically allowable under other parts of this Code such as the establishment of an *approved work compound* (see **2.16**), all construction material and equipment must be stored onsite and not in *public spaces*. This also applies to the storage of material and equipment on the deck of Type-B *hoardings* located in and above *public spaces* (refer to the 'Code of Practice: Construction-related Temporary Structures On and Above Roads' and **2.4.4** for further details).

## 4.5 Excavation, shoring and ground-anchoring

As a general principle the clearing and excavation of land should be avoided until the development (construction works) are ready to commence (see **3.19** relating to staged development).

A number of statutory requirements apply when excavating land adjoining or near a *road* and also when introducing structures and other systems to support the perimeter of an excavation near a *road*.



Photo: Peter Conroy / City of Sydney

#### 4.5.1 Excavations generally

Clause 17 of the Roads Regulation 2018 states that a person must not excavate land in vicinity of a *road* if the excavation is capable of causing damage to a *road* or any structures on a *road*.

Excavating near *roads* has the potential to cause subsidence and damage to *road* surfaces and other infrastructure including *utilities* within the *road* reservation. When excavating near *road* boundaries, proponents must contact the *City's* Public Domain team (where the *City* is the local *roads* authority) to discuss the proposed excavation works before commencement.

When support systems including shoring and ground-anchoring are to be placed beneath a *road* reservation formal *approval* is required (see **4.5.2**).

##### **Excavations adjacent to road**

*A person must not excavate land in the vicinity of a road if the excavation is capable of causing damage to the road (such as by way of subsidence) or to any work or structure on the road. (Clause 17 of the Roads Regulation 2018)*

#### 4.5.2 Supporting roads and structures

Where support systems such as shoring and/or ground-anchors are proposed to be placed within the *road* reservation including projecting beneath a *road*, a formal application under s138 of the Roads Act 1993 must be made to the *City* and *approval* obtained before such works commence.

Applications must be made using the standard form available on the *City's* website and include drawings, details and certification as set out in the form including any other information that the *City's* Public Domain team may require.

Persons and other entities undertaking excavation near or adjoining *roads* also have a statutory obligation under the Environmental Planning and Assessment Regulation 2021 (sections 74 and 153) to provide support to *roads* (adjoining land) including any structures on a *road* (see **4.5.4**).



**Figure 45:** Shoring and ground-anchoring placed within the *road* reservation to support *roads* adjoining excavations require the approval of the *City*. Excavations must also be protected using appropriate pedestrian and traffic barriers (see **4.5.3**)

Photo: Peter Conroy / City of Sydney

For proposed works affecting a state *classified road* the approval (concurrence) of Transport for NSW will also be required. Where affected, proponents should allow additional time in the programming of works to obtain the required concurrences. The *City* will seek the required concurrences.

**Further information:** Further details about ground-anchoring, the support of *roadways* adjoining an excavation and protection of excavations can be obtained from the *City's* Public Domain team. Information, including requirements for lodging an application, are available on the *City's* website.

### 4.5.3 Protecting excavations

Development sites (excavations) must be secured and protected using suitable safety fencing and barriers (see **3.12.1**) to afford adequate protection to *public spaces* for pedestrians, cyclists and drivers of vehicles.

The Work Health and Safety Regulation 2017 requires the person undertaking excavation work such as the PCBU to manage the risks associated with excavating land. This includes meeting the provisions of clause 305 of the Regulations in relation to potential hazards and risks to the public such as falling into an excavation.

Fencing/barriers must therefore be capable of resisting the impact of motor vehicles (safety of drivers and passengers). A PCBU must undertake a risk assessment to establish the required form of barrier protection and likely potential impact forces (refer to 2.13 in the City's 'Code of Practice: Construction-related Temporary Structures On and Above Roads').

The *City* can also direct an owner or occupier of land, including builders and contractors, to protect excavations (s103 of the Roads Act 1993 – see box). This can involve the installation of barriers such as fencing and/or other more substantial fall-protection systems (concrete or steel barriers – see **Figure 46**).



**Figure 46:** Excavations (deeper than 1.5 metres) must be protected by suitable barriers that the PCBU determines is required and is of an acceptable and adequate design to withstand all likely impacts including vehicular impacts.

Photo: Peter Conroy / City of Sydney

### 103 Installation etc of fences, lights etc around dangerous premises

- (1) A roads authority may direct the owner or occupier of land to erect or install fences, lights or other equipment on or around any premises on the land that are, in the opinion of the roads authority, in a sufficiently dangerous condition to threaten the safety of persons or property on a public road in the vicinity of the premises.
- (2) A direction under this section may specify:
  - (i) the manner in which or the standard to which, and
  - (ii) the period within which the direction must be complied with. (Roads Act 1993)

#### 4.5.3.1 Risk Assessment

As a minimum, the following statutory and other requirements must be addressed and satisfied:

- (a) the person responsible for a *worksite* and *workplace* must satisfy all requirements of *SafeWork NSW* and applicable codes of practice;
- (b) the *City*, as a *roads authority*, considers that excavations deeper than 1.5m pose a sufficiently dangerous risk or condition to threaten the safety of persons using a *public road* adjoining a *worksite* and in a *workplace*. This is particularly important for sites adjoining high traffic volume *roads* and at *road* intersections including roundabouts where there is greater potential risk of crash incidents and loss of vehicle control. Sign-posted road speeds and the type of vehicle usage (trucks and buses) are also factors.

The *City* may, irrespective of any risk assessment undertaken by the *person in control of a business or undertaking*, require appropriate safety barriers as a *control measure* to protect an excavation.



- (c) standards of barrier design must be based on the recommendations of any pedestrian/traffic risk assessment that has been undertaken to satisfy relevant requirements of the Work Health and Safety Act and Regulations including codes of practice.

**Note:** Further details about the protection of excavations including methods of protection when associated with a construction *hoarding*, can be found in the *City's* 'Code of Practice: Construction-related Temporary Structures On and Above Roads'.

#### 4.5.4 Supporting land and/or structures on adjoining land

It is a requirement of the Environmental Planning and Assessment Regulation 2021 (section 74) that where an excavation extends below the level of the base of footings of a building, structure or work on adjoining land (including excavations below and adjoining *roads*), the person having the benefit of a *development consent* must:

- protect and support the building, structure or work on adjoining land (including *road*) from possible damage from the excavation; and
- where necessary, underpin the building, structure or work on adjoining land to prevent such damage.



Photo: Peter Conroy / City of Sydney

**Note:** The *City* does not regulate this statutory provision. The person having the benefit of the *development consent* must satisfy this requirement of the Regulation as part of any proposed excavation works.

#### 4.5.5 Excavated material temporarily stockpiled on a site

Excavated material temporarily stockpiled on a site (with the *consent* of the *City*) must be adequately contained and stabilised to prevent the dispersal of the material around the site and onto *public spaces*. This includes wind-blown soil/sand and movement off-site in stormwater run-off.

Where sites can be viewed from a *public space* containment such as appropriate covering of material may be required.

Soil that is contaminated must have specific approval to be temporarily stockpiled. If allowed, the material will need to be treated to satisfy all conditions of an approval.



**Figure 47:** The short-term stockpiling of excavated material that is awaiting removal from a site is permissible subject to specific *approval* being given. Effective environmental and amenity controls must be implemented including measures to prevent the movement of material in water run-off and through wind actions.

Photo: Peter Conroy / City of Sydney

For sites that have been cleared of buildings and left vacant with open ground and undeveloped, specific requirements apply (see **3.19**).



#### 4.5.6 Removal/transportation of excavated material from sites

Trucks leaving a site must have material covered and wheels adequately cleaned to ensure soil, mud and other site debris is prevented from spilling and being tracked onto adjoining *road* surfaces and the general *road* network (see also **3.14**).

Where minor dust and debris does accidentally fall onto the *public space* it must be cleaned up immediately and the general condition of the *public space* kept clean and tidy through regular cleaning (see **2.11**, **3.18** and **4.3**). The use of water to clean surfaces is not allowed except where a minor amount of water is used as part of mechanical street sweeper operation conducting an urgent recovery (see **3.14.2**).

## 4.6 Truck access to and from sites and public roads

Where vehicle (truck) access to a *worksite* is proposed or required by the *City* (see **2.14** for provisions applying to *works zones*), full and detailed consideration must be given to the type and size of vehicles that are planned to be used based on the constraints of the site and locality.



Photo: Peter Conroy / City of Sydney

#### 4.6.1 Matters to consider when planning for vehicle access

*City approval* to allow truck access to and from a site must not be assumed. There may be factors including constraints associated with the adjoining *roadways* and land uses that will not permit site access.

The construction traffic management plan (CTMP) must address the above matters including

consideration of the following:

- (a) the physical constraints of the site including the area and site perimeter dimensions/ configuration;
- (b) the size and configuration of the site to safely and effectively accommodate safe truck access and maneuvering including at truck entry and exit points to and from adjoining public *road/s*;
- (c) the number and location of proposed entry/ exit points including the dimensions of existing proposed temporary *crossings* (widths) to facilitate compliance in (b);
- (d) local *road* network constraints including:
  - *roadway* width;
  - kerbside parking in the locality;
  - local land uses (residential, industrial, commercial etc. including vehicle movements in peak times); and
  - proposed times and duration (number of weeks) of proposed truck access etc.;
- (e) pedestrian and traffic densities in the locality; and
- (f) other site-specific special aspects and needs that may apply must be detailed and addressed.

The *City* will assess a CTMP against the above aspects and other factors (see 'Further information').

#### 4.6.2 Articulated vehicles

Truck access including access by *articulated vehicles* (*semi-trailers*, *dog-trailers* etc.), are not permitted unless specifically *approved* by the *City's* Construction Regulation team (see also **3.9.2**).

Proponents seeking to obtain *approval* to allow truck access, particularly the use of *articulated vehicles* at sites and localities with special needs and constraints, should discuss their proposal with the Construction Regulation team prior to tendering and/or preparing a CTMP.

**Further information:** Further details about CTMPs including the requirements for lodging plans are available on the *City's* website. See also **3.9** of this Code.

## 4.7 Preservation of survey marks

Survey infrastructure assets within the *City* have been placed by federal, state & local government agencies and other public or private entities. The *City* provides information on survey infrastructure assets irrespective of ownership. It should be noted that the *City* does not explicitly or implicitly claim to own all assets indicated on plans held by the *City*.



Photo: Don Urquhart / City of Sydney

When undertaking works in *public spaces* associated with development sites all steps must be taken to ensure the preservation of existing permanent survey marks. Survey marks take several forms:

- a brass bolt fixed into the pavement or kerb surface; or
- a lead plug holding a brass tack, enclosed by a cast steel box and lid.

Mapped survey infrastructure within the city is typically a 'permanent survey mark' as prescribed in Schedule 4 of the Surveying & Spatial Information Regulation 2024 and may take one of three forms:

- a numbered brass disc set into concrete in the kerb, gutter or *footway* (Type 1 or Type 2 State Survey Mark [SSM]);
- a stainless steel pin or brass bolt set into concrete under a numbered steel cover box in the *footway* or *roadway* (Type 4 Urban [PM]);
- a small stainless steel disc and pin set into concrete in the kerb, gutter or *footway* (Type 15 State Survey Mark [SSM]).

Several examples of survey marks are provided in **Figure 48**.



**Figure 48:** Examples of survey marks located in the City of Sydney LGA. Survey marks are important survey assets and are protected under legislation.

Photo: Don Urquhart / City of Sydney

### 4.7.1 Sensitivity of survey marks and their importance to the City

All survey infrastructure (including cadastral reference marks) are protected under Section 24 of the NSW Surveying & Spatial Information Act 2002. Penalties may apply for unlawful alteration, removal, damage or destruction of survey marks. Further details are available from NSW Spatial Services.

Due to the nature of survey infrastructure and its sensitivity to disturbance, the following minimum clearances must be adhered to when undertaking works:

- 1.0m when operating pneumatic tools (jackhammers, vibrating plates etc.); and
- 1.5m when operating mechanical excavators.

#### 4.7.2 Requirements when working near survey infrastructure

Persons undertaking works in a *public space* must:

- (a) inspect the area to check for any existing survey infrastructure prior to commencement of works;
- (b) where there is potential for adverse impact, works must avoid disturbance to survey marks; and
- (c) if survey infrastructure remains at risk of being disturbed or destroyed, in accordance with the Surveying & Spatial Information Act 2002, a registered surveyor must be engaged to undertake necessary works as set out in the Surveyor General's Directions No.11 'Preservation of Survey Infrastructure'.

Where it is not possible to avoid disturbing a survey mark, the following applies:

- (d) an application must be made by the surveyor to the NSW Surveyor General seeking approval to disturb a mark as required by the Surveyor General's Direction No.11 for Preservation of Survey Infrastructure. LPI will provide further instructions for moving and re-establishing the mark before and after the works; and
- (e) the surveyor engaged must make a report under SCIMS Status Report on the status of survey marks in the vicinity of the area under reconstruction once works have concluded.

**Further information:** Contact NSW Spatial Services for more detailed information and assistance.

Additionally, in relation to *City* alignment marks, the survey infrastructure may need to be reinstated by the *City's* surveyors. In these circumstances a fee will be charged in accordance with the *City's* Revenue Policy - Schedule of Fees and Charges.

#### 4.7.3 Approval to undertake work near survey marks

Relevant approval must be obtained prior to commencement of works on or near survey infrastructure. The person undertaking work is responsible for ensuring that all required approvals have been obtained prior to works being undertaken in accordance with the requirements of any approval. The following also applies:

- (a) at least one (1) weeks' notice is required prior to the commencement of any works in the *public space* located within one (1) metre of a permanent survey mark. Contact must be made with the *City's* Principal Surveyor to arrange for the recovery of the mark;
- (b) prior to the issue of a construction certificate, a survey plan clearly indicating the location of all permanent survey marks fronting the site and within five (5) metres on each side of the frontages must be submitted to the *City*; and
- (c) a fee is payable to the *City* for the replacement of any permanent survey mark removed or damaged (refer to the *City's* Revenue Policy - Schedule of Fees and Charges) and for reinstatement of a survey box.

#### 4.7.4 Damage to mapped survey infrastructure and reporting incidents

Parties undertaking works will be held responsible for all damage to survey infrastructure as a result of the works. This includes interfering with survey infrastructure and conducting unauthorised modification works.

Any damage to mapped survey infrastructure must be reported immediately to the *City*.

The *City* reserves all rights to recover compensation for any loss (including consequential losses) associated with adverse impacts on survey infrastructure.

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## 4.8 Protection of stone kerbing and stone (cobble) roadway surfaces and other fabric

A reference to *public space* includes the *roadways*, *footways*, *kerbing*, *verges/street gardens* and other public land owned by the *City*.

The *public space* forms an important part of the character and heritage significance of many city streets and is particularly important in heritage conservation areas.



Any works in or adjoining a *public space* must therefore be undertaken in such a way, through effective site management, to respect and protect the heritage significance of elements and features that make up the streetscape. This includes preventing or minimising impacts and damage.

*Approval* must be obtained from the *City* prior to any work taking place that may affect stone kerbs and gutters, irrespective of heritage significance/status (see **4.8.1**).



Photo: Peter Conroy / City of Sydney



**Figure 49:** Cobble stormwater drainage gutters and stone kerbing are important historic fabric of the *City*. Unless specifically *approved* or permitted, alterations and/or removal of such street elements must not occur when undertaking works and activities within *public spaces*.

Photo: Peter Conroy / City of Sydney



**Figure 50:** Significant sandstone kerb stones marking the original location of the *roadway/footway* alignment. Such features must not be altered or disturbed without first obtaining the *approval* of the *City*.

Photo: Peter Conroy / City of Sydney



#### 4.8.1 Heritage Development Control Plan

The City's 'Heritage Development Control Plan 2012' details important provisions that must be followed when undertaking work in *public spaces* including the following elements:

- (a) significant public domain features;
- (b) original glass pavement lights;
- (c) original or significant signposts, milestones, boundary markers, sandstone steps and supporting walls and the like; and
- (d) significant kerbing which should not be altered and be maintained wherever possible. Where an *approval* is given to replace kerbing, the new material must match existing (see **4.8.2**).

Further details are set out in 3.9.11 'Conservation of public domain features in heritage conservation areas' of the Development Control Plan.

#### 4.8.2 Temporary removal and storage of stone kerbing

Many parts of the city have original stone kerbing dating from the mid to late 19th century. This has special aesthetic value and heritage significance. The City therefore seeks to retain and not disturb original stone kerbing and gutters wherever possible.

In some circumstances stone removal may be necessary to prevent damage. This can be required where:

- (a) there is a likelihood that kerbing may be exposed to potential damage during demolition, excavation or *construction activity*; or
- (b) there is a condition of *development consent* requiring removal and/or reconstruction; or
- (c) other *approvals* that are associated with the reconstruction of *footways*, *kerbings* and/or *road pavements* apply.

Specific *approval* to remove the stone must be obtained. Under these circumstances stones must be carefully salvaged and stored safely for later reinstatement.

#### 4.8.3 Kerbstone removal and storage

Where specific *approval* is given for stone kerbing removal, the following requirements apply:

- (a) for stone kerbs that are in serviceable condition (i.e. stones are in good condition for reuse as confirmed by City officers) including where reinstatement is required at completion of development, stones must be stored in a safe and secure location (onsite or off-site) by the builder/contractor; or
- (b) where the City requires and approves stone kerbing to be replaced with new kerbing, all serviceable stone as determined by the City's Public Domain team must be returned to the City's stone storage facility for safe-keeping and reuse throughout the city. Stone must be safely packaged on pallets and delivered to the stone storage facility (see 'note').

**Note:** The City's stone storage facility must be contacted beforehand to arrange a convenient time for delivery.

#### 4.8.4 Kerbstones and hoarding installations

Where a *hoarding* is proposed to be erected within the *public space* it must be designed to avoid placement on significant stone kerbing, particularly sandstone kerbing which is more susceptible to damage compared to granite, bluestone and trachyte which is also used throughout the city.

In circumstances where stone kerbing is required to be removed to accommodate concrete footings of a Type-B *hoarding*, or to create a temporary truck vehicular crossing (**2.11**) associated with construction sites, the removal must be undertaken in accordance with the requirements set out in **4.8.2** and be appropriately supervised.

The reinstatement of stone kerbing must be in accordance with the *City's* standard details and specifications. The following general requirements also apply:

- (a) damaged kerbs are to be replaced to match existing to the *City's* satisfaction. Where appropriate, this may require existing salvaged stones to be reinstated in an inverted position to expose a clean undamaged surface. The *City* must be contacted to provide guidance and *approval* if this method is proposed;
- (b) where new *approved vehicular crossings* are proposed to access a property or temporary construction crossings are required, affected kerbstones must be salvaged and reused wherever possible; and
- (c) all new driveway crossings and kerbs (see **4.11** for permanent *crossings*) are to be constructed with stone kerbs to match existing stones or as otherwise specified by *City* officers.

#### 4.8.5 Cutting existing kerbstones

The cutting of existing kerbstones for stormwater kerb outlets is allowed provided that specific *approval* has been obtained from the *City* before undertaking such work. All works must minimise or prevent unnecessary damage. The outlets and stone modifications must be in accordance with the 'Sydney Streets Technical Specifications' available on the *City's* website (see **4.12**).

#### 4.8.6 Costs and performance bonds (damage deposits)

The removal, salvaging, required transfer or storage and reinstatement of stone kerbing must be undertaken at no cost to the *City*.

A condition of *development consent* requiring lodgement of a 'Public Domain Deposit' or 'Kerb and Gutter Damage Deposit' (*performance bonds*) may be applied to the development. *Bonds*, calculated on the basis of lineal metres of site frontage, must be lodged with the *City* in accordance with the adopted Revenue Policy - Schedule of Fees and Charges. Refer also to **1.14** for further details.

**Note:** Where stone kerbing is to be temporarily removed, a temporary concrete kerb will need to be constructed to retain the *footway* in a safe and serviceable condition until the stone kerbs are reinstated.

## 4.9 Construction waste chutes

Construction waste chutes installed above public roads are not permitted in the City of Sydney local government area for several reasons including:



**Figure 51:** Demolition and construction waste chutes located above *public spaces* are not permitted.

Photo: Peter Conroy / City of Sydney

- (a) issues with dust generation and adverse impacts on the *public space* - dust escaping from chute segment joints and dust generation from material falling into a vehicle or receptacle standing in the *public space*;
- (b) risks to the public from chutes suspended above the *public space* (overhead protection issues);
- (c) potential risks to the public associated with waste material ricocheting into the *public space* from a truck standing on the public *road* receiving waste material;
- (d) noise impacts within the *public space* affecting the amenity of the city residents, businesses and visitors;
- (e) potential pollution issues associated with the use of water sprays to dampen dust generation at ground level within the *public space* and the potential for water and debris run-off into the stormwater drainage system (pollution issues and offences); and
- (f) a *works zone approval* allowing a vehicle to stand on the *roadway* to receive waste via a waste chute would not be issued for the purpose of collecting and disposing of demolition and construction waste generated.

#### 4.9.1 Waste chutes on private land

Waste chutes installed within the property boundaries of a *worksite* are not regulated by the *City* nor through this Code. Builders must still ensure that their use does not contravene any conditions of *development consent* such as aspects relating to noise (material falling and impacting on the internal surfaces of the chute and waste receptacle – see **4.13**) and the generation of dust and other off-site impacts.

## 4.10 Oversize and over-mass heavy vehicle access through the city

Under the Heavy Vehicle National Law (NSW) the *City*, as the *road manager*, is responsible to approve the movement of oversize or over-mass vehicle journeys (Class 1 and Class 3 heavy vehicles) on *roads* under the *City's* control.

Transport for NSW is the designated *road manager* for state *classified roads*.



Photo: Peter Conroy / City of Sydney

Where oversize or heavy vehicles will use *City-controlled roads*, *approval* is required before a journey takes place. Under the Heavy Vehicle National Law, up to 28 days' notice is required to assess and determine an application.

An application can be refused if the journey is likely to cause asset damage, pose a risk to public safety or adversely affect traffic flow/movement (congestion), air quality or public amenity.

**Further information:** Applications must be lodged via the portal of the National Heavy Vehicle Regulator. A 'Clearance Authority Letter' for lodgment with an application can be obtained from the *City*. Further information about the assessment process, accessing an application form and the applicable fees can be obtained through contacting the *City's* Traffic Operations Unit.



## 4.11 Construction of permanent vehicular crossings (driveways) (see also 2.13)

*Approval* is needed to construct a permanent driveway crossing within a *road* reservation to allow vehicles to access private land. Vehicle access to a property must already exist or have been approved through a *development consent* to allow the establishment of a permanent *crossing*.

A property owner is responsible for all costs associated with constructing and/or maintaining a driveway. The *City* is responsible for making sure the driveway is safe for the community.

The *approval* and construction of a temporary *crossing* for demolition/construction vehicles is detailed in **2.11**. See also **4.8** in relation to the protection of stone kerbing.



Photo: Peter Conroy / City of Sydney

### 4.11.1 Residential and commercial driveways

A residential driveway provides vehicle access for a single detached house. A commercial driveway provides vehicle access for premises such as:

- townhouse developments;
- small shopping centres;
- large shopping complexes;
- business centres; or
- multi-level apartments.

Each has different standards of design and construction.

**Further information:** Details on the application and assessment processes including driveway construction standards are available on the *City's* website.

## 4.12 Public space design and construction standards

When works are undertaken on local streets including *footways*, the 'Sydney Streets Technical Specifications' apply. The specifications deal with a number of areas including stormwater drainage, street lighting, construction (kerbs, gutters, *footways*, *roadways*) and other aspects (see also **4.15** in relation to drainage).

The technical details provide developers, consultants, builders and service providers with the standards for the design and construction of infrastructure that the *City* will acquire and maintain after completion of development and other works.

The specifications complement the 'Sydney Streets Code', which sets out the *City's* vision for public infrastructure, including its relationship with 'Sustainable Sydney' objectives.



For restoration works on *roads*, see **2.13.6** and **4.16.2**.

**Further information:** Information including standard drawings and details is available on the *City's* website.



## 4.13 Placement of waste containers (skip bins) in public spaces

The placement of waste containers (*skip bins*) in *public spaces* is not preferred. The *City's 'Local Approvals Policy for Managing Waste in Public Places'* requires, in the first instance, that bins be placed on private land.

Where space is not available a single bin can be placed on a *roadway* subject to meeting prescribed criteria set out in the Policy. This includes a requirement that bin placement and usage must be associated with minor residential works only, for example the clean-out of a residential premises, minor renovation or works that are classified as 'exempt development' in the NSW State Environmental Planning Policy (Exempt and Complying Development Codes) 2008.



Photo: Peter Conroy / City of Sydney

**Further information:** Details on *skip bin* usage and placement on a *roadway* can be found in the '*Local Approvals Policy for Managing Waste in Public Places*' available on the *City's* website.

## 4.14 Levels and gradients associated with development sites

Information and *approval* processes in relation to levels and required gradients for works within a *public space* is available on the *City's* website.

Submissions seeking levels and gradients must fully consider and clearly understand:

- (a) the existing *public space* levels and grades and their purpose;
- (b) *accessibility* in accordance with *City* standards and policies in cases where adjustments and enhancements to gradients are proposed or required; and
- (c) the proposed changes and relationship to existing levels, driveway *crossings* and building entries.



Photo: Peter Conroy / City of Sydney

A submission must include plans, cross-sections and longitudinal sections showing the *road*, *footway*, kerb and gutter levels and cross-falls for a site to enable a detailed and considered assessment of a proposal.

A submission is typically required when:

- a development proposal involves construction of a new building;
- the introduction or alteration of building entries or driveway crossings; and
- other impacts on the *footway* or *roadway* of the *workplace* may occur.

**Further information:** Details are available:

- on the *City's* website;
- through contacting the Public Domain team; and
- in the *City's* 'Public Domain Manual'.

## 4.15 Stormwater drainage connections to City systems

Approving and connecting new stormwater drainage systems from private development sites or land to the City's drainage system is administered by the City's Public Domain team.

Any works in the *public space* including stormwater drainage works and connection to City systems are subject to formal *approval* as required by Section 68 of the Local Government Act 1993 and the Roads Act 1993.



Photo: Peter Conroy / City of Sydney

### 4.15.1 Road opening permits for drainage works

A *road opening permit* is required to excavate City land to access in-ground drainage systems and lay new piping (see **2.13**).

### 4.15.2 Defects liability and documentation

Works may be subject to a defects liability period, submission of works completion documents (e.g. works-as-executed plans, certifications, warranties and/or CCTV footage) and infrastructure handover.

### 4.15.3 Stormwater design and connections – must be considered as part of the development application

Proposed stormwater drainage and disposal system from a development must be considered as a part of the development application process. This includes details of:

- (a) all proposed stormwater connections associated with the development;
- (b) any onsite detention requirements;
- (c) stormwater quality treatment requirements; and
- (d) proposed new stormwater drainage infrastructure associated with the development.

### 4.15.4 City of Sydney Drainage Design Code

Information on new stormwater infrastructure design and private connections for both kerb and underground connections is detailed in the City's 'Drainage Design Code'. This Code forms part of the 'Sydney Streets Technical Specifications' (see **4.12**). The City's 'Stormwater Drainage Manual' also contains relevant information.

### 4.15.5 Kerb stormwater connections

The City may consider kerb connections on a site-specific basis. This would generally relate to works that consist of gravity discharge of stormwater via downpipes to the kerb.

**Further information:** Details, including connections to street kerbs/gutters and application form, are available on the City's website and through contacting the City's Public Domain team.

## 4.16 Works associated with utility services and other infrastructure works

Across the city there is an extensive network of utility infrastructure that often requires maintenance, repair and upgrading. Infrastructure is commonly located in *road* reservations and is often located beneath busy traffic thoroughfares.



Photo: Peter Conroy / City of Sydney

#### 4.16.1 Accessing services and site management

Where access is required the partial temporary closure of a *road* may be necessary. Works may also need to be undertaken at night and/or on weekends to minimise impacts on traffic movement and congestion. In some circumstances full temporary *road* closure and traffic diversions may be necessary to provide a safe space for workers and to also speed the completion of work.

The *City* often has little control over works undertaken by utility service providers and their contractors. This also applies to other infrastructure works within *public spaces*. In many cases these works are exempt from the formal *City* approval process including the imposition of conditions to limit potential adverse impacts (see **4.16.3**).

Utility owners have protocols and guidelines that must be followed to ensure public safety and minimise impacts on the local community including the business community where the temporary loss of services to premises are impacted. In some cases, contractors may need to seek formal *City approval* for works such as *road opening permits* (see **2.13**).

The *City* encourages the various utility service providers to coordinate their works including when works are planned by the *City*. This negates any future works needing to be undertaken in an affected area thereby reducing disruption and noise impacts on the local community. It also avoids damaging new works and surface finishes that may have been undertaken by the *City*.

#### 4.16.2 Restoration works

Although utility service providers and their contractors can temporarily close *roads* (partly or fully) and excavate *roads* to access services without the approval of the *City*, the *road* and other infrastructure restoration works must be carried out in accordance with the *City's* specifications and codes (see **4.12**).



Photo: Peter Conroy / City of Sydney

#### 4.16.3 Seeking approval from the City

Where a utility agency or contractor seeks *approval* from the *City* to carry out works (commonly referred to as seeking a *road opening permit*), the *City* may:

impose conditions to limit impacts on a local area including;

- restricting times of work; and/or
- requiring noise mitigation measures to be implemented (see **3.5** and **3.11**).

Restoration works must also comply with the *City's* requirements (see **2.13.6**).

#### 4.16.4 Complaints

Where persons are affected by works, in the first instance complaints should be directed to the relevant government agency/utility owner or contractor undertaking the work. Where it is not possible to identify the nature of work and/or the agency/contractor involved, the *City* can be contacted on telephone 9265 9333 and will attempt to communicate with contractors to resolve the issues.



## 4.17 Temporary removal/relocation of street furniture, light poles and other street infrastructure

Where development or work requires the temporary removal or relocation of street infrastructure to allow works to take place e.g. the installation of *hoardings*, *road openings* or access driveway crossings to sites, proposals will need to be considered by the relevant units within the *City*.



Photos: Peter Conroy / City of Sydney

### 4.17.1 Street furniture

There is a vast array of street furniture throughout the city. Street furniture/infrastructure includes:

- bus shelters;
- kiosks (food/beverage, newsstand and florist retail outlets);
- phone booths;
- poster/advertising bollards;
- bicycle racks;
- light poles (see **4.17.2**); and
- other elements such as litter bins, bench seats, vehicle bollards and drinking fountains.

The approval of the *City* is required to permanently or temporarily remove or relocate furniture and light

poles. Other approvals or agreements from other agencies and organisations will also need to be obtained, such as:

- NSW State Transit – impact on bus stops and/or shelters;
- Telstra – telephone booths; and
- The *City*'s property manager – consideration of potential impacts on kiosk tenants.

Obtaining approvals from these entities can often take considerable time therefore this must be allowed for in the project timeframes and planning processes.

### 4.17.2 Street lighting alterations (temporary removal or relocation)

Proposals for temporary street lighting alterations (removal or relocation of existing street lighting) in order to facilitate site access or *construction activity* must be submitted to the *City* for consideration. To reduce delays in obtaining a decision, proponents must lodge requests as soon as possible in the planning and site establishment processes.

In lodging an application and obtaining *approval*, the following requirements apply:

- (a) lighting alteration requests must be accompanied by an alternative temporary lighting design /proposal that is certified by a suitably qualified practising lighting engineer confirming compliance with the *City*'s public domain lighting specifications;
- (b) evidence of *hoardings* and/or *works zone approvals* must be provided or confirmed prior to *approval* being granted for lighting alterations (see **2.6** and **2.14**); and
- (c) adequate security undertakings (*performance bonds* – see **1.14**) will apply and be held until reinstatement of the altered lighting assets is completed to the *City*'s standards and *approval*.

In circumstances affecting lights owned and maintained by Ausgrid, the *City* will need to review the temporary lighting proposals before requesting Ausgrid to relocate or remove a street light or pole. All costs associated with street lighting alterations must be borne by the proponent.



## 4.18 Site fences, gates and doors adjoining a public space

Unless otherwise specifically *approved*, no portion of a proposed *temporary structure* such as site safety fences, *hoardings* and *work compounds* including gates and doors, shall encroach or open over a *footway* or *roadway*.

It is an offence under the Roads Regulation 2018 (clause 18) to allow gates/doors to open over a *road* (*footway*).



Photo: Peter Conroy / City of Sydney

## 4.19 Commercial bill posters and graffiti on hoardings, worksite safety fencing and work compounds

Bill posters and graffiti on site safety fences, *hoardings* and *compound* fences (see **2.16**) are visually polluting and therefore must be removed within 24 hours of attachment.

The posting of bills is an offence and *City* rangers can issue on-the-spot fines to persons applying posters.



Photo: Peter Conroy / City of Sydney

The display of artwork and/or historic images on fences can prevent or reduce the incidence of graffiti attack and poster attachment. The *City* can require the display of artwork/images as a condition of an *approval* (see **4.20**).

**Further information:** Refer to the *City's* 'Code of Practice: Construction-related Temporary Structures On and Above Roads' for requirements regarding bill poster and graffiti controls that apply to *hoardings* including requirements to display artwork and other graphics.

## 4.20 Public art and other graphics on temporary site security/safety fencing

The *City* encourages the display of *approved* temporary public art/historic images on or around the perimeter of *worksites* to enliven the local streetscape and minimise adverse visual impacts of temporary fencing.



Photo: Katherine Griffiths / City of Sydney

The display of graphics can also act as a deterrent to graffiti and bill posters thereby reducing maintenance costs (removing, cleaning and repainting fence surfaces). Artwork also adds visual interest and increases the presence of creativity in the streetscape.

### 4.20.1 Approval requirements and processes

Where graphics are proposed to be displayed on site fences placed within the allotment boundaries of a property, *development consent* is required (see **3.12**).

For fencing used to form *work compounds* on *City* owned land (*footways* and *roadways*), refer to the *City*'s 'Code of Practice: Construction-related Temporary Structures On and Above Roads' and website for further details in relation to the display of graphics.



# **Attachment C**

|                          |
|--------------------------|
| <b>Engagement Report</b> |
|--------------------------|



# Engagement report – Hoisting and Construction Activities On and Above Roads



# Overview

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## Background

The Hoisting and Construction Activities On and Above Roads – Local Approvals Policy provides the framework for regulating and approving the carrying out of hoisting operations and construction-related activities on and over public roads.

Updates include minor editorial edits to the policy and code of practice.

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## Engagement summary

From 17 April 2025 to 9 June 2025, we asked the community for their feedback on the policy via an online survey.

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## Purpose of engagement

The purpose of the engagement was to:

- undertake a statutory public exhibition of the Hoisting and Construction Activities On and Above Roads – Local Approvals Policy and code of practice.
  - Explain the key aspects in plain English
  - Notify key stakeholders
- 

## Outcomes of engagement

We received one emailed submission during the consultation period.

The Sydney Your Say page was visited 152 times, the draft policy was downloaded 4 times, and the code of practice was downloaded 13 times.

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## Emailed Submission

The 1 emailed submission from a local resident has been included below:

Attention: Peter Conroy

Thank you for taking this work on board Peter.

In particular stating that only minor tree pruning will be approved and **only** under exceptional circumstances will street tree removal be permitted to facilitate the establishment of a works zone and/or hoarding.

This is FULLY Supported with the additions of, when such pruning and removal is required:

The City of Sydney's Ecologist (grown the team) is the best person to evaluate pre-dawn, at dawn, plus pre-dusk, at dusk...ALL trees subject to pruning or removal. As each and every street tree is part of a green network of trees which are critical to urban wildlife movement (young birds learning to fly, one tree at a time to avoid the roads), housing (nests), or a meeting spot to share the stores birds, insects and bats share by their conversation noises and movements. These conversations and movements tell the stories to the group of the same urban wildlife species, where to find access to fresh water (critical in summer with extended dry periods and increased length of heat waves – bats are one the first to dye from heatstroke), or shelter from intense storm episodes (increasing) or food stories of where to find the berries or pollen.

ALL applications and approvals for tree pruning and removal must look for urban wildlife nests PRIOR to any changes to street trees.

The contact details for WIRES must be in clear print on the City of Sydney's applications and approvals for Tree pruning and removal.

BEST PRACTICE by the City of Sydney, would include an Urban Toolbox Talk for all Construction Activities involving trees (street trees and private trees). Here is an example of a Pymont Toolbox talk, developed and used in Pymont by a major construction company and similar was used for the NSW Gov contractor in Pymont. [TOOLBOX TALK LINK](#)

I appreciate your time.

Local City of Sydney Resident

# Engagement activities

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## Overview of engagement undertaken

### **Sydney Your Say webpage**

A Sydney Your Say webpage was created - <https://www.cityofsydney.nsw.gov.au/policy-planning-changes/have-your-say-on-hoisting-and-construction-activities-on-and-above-roads>. The page included key information on what the policy is for, and the draft policy and code of practice for download.

### **Online feedback form Survey Monkey**

The community and stakeholders were able to give feedback using an online survey or by email. A link to the form was provided on the Sydney Your Say website.

### **Sydney Your Say e-news**

The consultation was included in the Sydney Your Say (May 2025) e-newsletter (5,122 subscribers).

### **Notification email**

Email notifications of the consultation were sent to 51 contacts of construction, hoarding and scaffolding companies, government authorities and disability groups on 29 April 2025 and a reminder on 27 May 2025.





**Item 7.****Post Exhibition - Mobile Food Vending Vehicles Local Approvals Policy****File No: X118675****Summary**

This report recommends that Council adopt the Mobile Food Vending Vehicles Local Approvals Policy.

The Mobile Food Vending Vehicles Local Approvals Policy (the Policy) regulates the operation of food trucks and food vans on Council-owned roads and public places. A mobile food vending vehicle is defined as any registerable vehicle used on land that is either self-driven, or that can be towed along Council-owned roads and is used in connection with the sale of food.

On 23 June 2025, Council resolved for the draft Policy to be placed on public exhibition for a period of a minimum of 28 days. Community consultation occurred from 24 June 2025 to 4 August 2025. Consultation activities included online engagement through the Sydney Your Say website and written notifications to registered operators.

In response to the public exhibition 2 submissions were received. The consultation identified general support for the Policy suggestions. A summary and analysis of the submissions is available in the Engagement Report in Attachment B.

The submissions have been reviewed, and no changes to the Policy are recommended. The Policy is shown at Attachment A, with no further amendments made from the draft endorsed by Council for exhibition.

## Recommendation

It is resolved that:

- (A) Council note the submissions received on the exhibited draft Mobile Food Vending Vehicles Local Approvals Policy, as shown in Attachment B to the subject report;
- (B) Council adopt the Mobile Food Vending Vehicles Local Approvals Policy, as shown at Attachment A to the subject report; and
- (C) authority be delegated to the Chief Executive Officer to make amendments to the Mobile Food Vending Vehicles Local Approvals Policy in order to correct any minor drafting errors and finalise design, artwork and accessible formats for publication.

## Attachments

**Attachment A.** Mobile Food Vending Vehicles Local Approvals Policy

**Attachment B.** Engagement Report

## Background

1. The Mobile Food Vending Vehicles Local Approvals Policy regulates the operation and overall impact of food trucks and food vans on Council-owned roads and public places.
2. A mobile food vending vehicle is defined as any registerable vehicle used on land that is either self-driven, or that can be towed along Council-owned roads and is used in connection with the sale of food. They do not include push bikes, carts or any movable or fixed structure that cannot be registered for use on a road.
3. The Policy aims to:
  - (a) ensure the Mobile Food Vending Vehicles operate in accordance with the road rules and kerbside parking restrictions on Council-owned roads
  - (b) ensure that food sold through Mobile Food Vending Vehicles is safe and fit for human consumption
  - (c) provide guidance and assistance for people wanting to operate Mobile Food Vending Vehicles within the City of Sydney Local Government Area
  - (d) ensure the construction, fitting out and facilities for cleaning utensils, articles, fittings and appliances in the vehicles are appropriate for the preparation and storage of food for sale
  - (e) minimise any potential adverse impacts of Mobile Food Vending Vehicles
  - (f) ensure the safe operation of Mobile Food Vending Vehicles for staff, patrons, pedestrians and the general public
  - (g) ensure the operation of Mobile Food Vending Vehicles does not increase litter or waste around the trading location
  - (h) ensure the operation of the Mobile Food Vending Vehicles do not adversely impact on the environment or any of the surrounding sensitive land uses, and in particular residential amenity
4. Mobile food vending vehicles are used for on-site food preparation (e.g. hamburgers and tacos) and one-step food preparation (e.g. popcorn, fairy floss, coffee) and the sale of any type of food, including pre-packaged food.
5. There are 30 registered mobile food vending vehicles operating within the City.
6. The Policy applies to Council-owned roads and other public places within the City of Sydney Local Government Area. This Policy does not apply to Mobile Food Vending Vehicles:
  - (a) trading in accordance with a development consent or the provisions of the State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 on private land
  - (b) trading on public land in accordance with an approved event
  - (c) not operating as a food business



7. The Mobile Food Vending Vehicles Local Approvals Policy was last reviewed and endorsed by Council in 2022. 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 a general election, unless the Council revokes it sooner.
8. Prior to exhibition, the existing Policy was reviewed, and minor amendments/corrections made.
9. In accordance with section 160 of the Local Government Act 1993, the Policy was placed on public exhibition for at least 28 days.

### **Mutual recognition**

10. The Office of Local Government is currently developing a mutual recognition framework, including provisions for mobile food vendors, to enable operation across multiple council areas. This initiative aims to reduce administrative overhead for mobile businesses by allowing approvals granted by one participating council to be recognised by others, eliminating the need for separate applications across different jurisdictions.
11. Once the mutual recognition framework is finalised, this Policy may require further review in response to the new framework.

### **Key Implications**

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

12. 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 policy is aligned with the following strategic directions and objectives:
  - (a) Direction 1 - Responsible governance and stewardship - The Policy provides a framework for the operation and overall impact of food trucks and food vans on Council-owned roads and public places
  - (b) Direction 3 - Public places for all - Mobile food vending vehicles provide alternative dining options within the city, both day and night
  - (c) Direction 8 - A thriving cultural life - The provision of food trucks and vans in the City allows for alternative food options from all cultures.

**Risks**

13. The Policy has been revised to reflect current best practices and legislation.
14. City staff have considered the draft Policy and its continuing operation is within the City's risk tolerance and risk appetite. Where risks associated with activities can be effectively mitigated and there are reasonable benefits to the community, a minimal risk can be considered.

**Economic**

15. The provision of food from mobile food vending vehicles contributes to the vibrancy and economic viability of the City and attracts visitors to the City.

**Financial Implications**

16. Fees and charges associated with approvals and regulatory inspections are detailed within the City's Revenue Policy.

**Relevant Legislation**

17. The Policy has been drafted in accordance with:
  - (a) the Local Government Act 1993 and the Local Government (General) Regulation 2021
  - (b) Environmental Planning and Assessment Act 1979
  - (c) State Environmental Planning Policy (Exempt and Complying Development Codes) 2008
  - (d) Road Rules 2014
  - (e) Food Standards Code
  - (f) Roads Act 1993

### **Public Consultation**

18. Following Council approval, the Policy was subject to a public exhibition period from 24 June 2025 to 4 August 2025.
19. During the public exhibition period there was a total of 134 unique page views and 19 document downloads. The consultation was included in the July Sydney Your Say Newsletter (4981 subscribers) and email notification was sent to 23 mobile food vendors.
20. A total of 2 submissions were received during the exhibition period and are summarised in the Engagement Report at Attachment B.
21. The submissions have been reviewed, and no changes to the draft Policy are required.

### **GRAHAM JAHN AM**

Chief Planner / Executive Director City Planning, Development and Transport

Josh Bradshaw, Standards and Policy Manager

# **Attachment A**

|                                                                       |
|-----------------------------------------------------------------------|
| <p><b>Mobile Food Vending Vehicles Local<br/>Approvals Policy</b></p> |
|-----------------------------------------------------------------------|



# Mobile Food Vending Vehicles Local Approvals Policy

## Purpose

The purpose of this Policy is to provide the framework for the operation of Mobile Food Vending Vehicles within the City of Sydney's Local Government Area.

This Policy supplements provisions of the Local Government Act 1993, the Local Government (General) Regulation 2021, and the Food Act 2003.

The Policy is divided into three parts in accordance with the requirements of the Local Government Act 1993:

- Part 1 of the Policy specifies any exemptions from this Policy
- Part 2 of the Policy specifies the criteria which Council must consider when determining whether or not to grant approval for a particular activity
- Part 3 of the Policy specifies other matters relating to approvals not dealt with by the Local Government Act 1993, the Local Government (General) Regulation 2021, the Food Act 2003 or the Food Regulation 2015.

## Objectives

The Policy aims to:

- a. ensure the Mobile Food Vending Vehicles operate in accordance with the road rules and kerbside parking restrictions on Council-owned roads
- b. ensure that food sold through Mobile Food Vending Vehicles is safe and fit for human consumption

- c. provide guidance and assistance for people wanting to operate Mobile Food Vending Vehicles within the City of Sydney Local Government Area
- d. ensure the construction, fitting out and facilities for cleaning utensils, articles, fittings and appliances in the vehicles are appropriate for the preparation and storage of food for sale
- e. minimise any potential adverse impacts of Mobile Food Vending Vehicles
- f. ensure the safe operation of Mobile Food Vending Vehicles for staff, patrons, pedestrians and the general public
- g. ensure the operation of Mobile Food Vending Vehicles does not increase litter or waste around the trading location
- h. ensure the operation of the Mobile Food Vending Vehicles do not adversely impact on the environment or any of the surrounding sensitive land uses, and in particular residential amenity.

## Commencement date

The Policy replaces the Food Trucks Local Approvals Policy 2014. It was initially adopted by Council on 7 August 2017 and is effective from the date of adoption.

## Local approvals policy

The Policy is a Local Approvals Policy prepared and adopted by Council under s 158 of the Local Government Act 1993.

## When will the Policy be revoked?

Under section 165(4) of the Local Government Act 1993, this policy is automatically revoked 12 months after the NSW local government elections, unless the Council resolves to do so sooner.

## Scope

The Policy applies to Council-owned roads and other public places within the City of Sydney Local Government Area.

This Policy does not apply to Mobile Food Vending Vehicles:

- trading in accordance with a development consent or the provisions of the State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 on private land
- trading on public land in accordance with an approved event
- not operating as a food business.

## Definitions

This section defines a Mobile Food Vending Vehicle and makes the distinction between a food truck and a food van. A more comprehensive list of definitions can be found in Appendix 4.

| Term                        | Meaning                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |
|-----------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Mobile Food Vending Vehicle | <p>Any registrable vehicle used on land that is either self-driven, or that can be towed down Council-owned roads and that is used in connection with the sale of food. They do not include push bikes, carts or any movable or fixed structure that cannot be registered for use on a road.</p> <p>Mobile food vending vehicles are used for on-site food preparation (e.g. hamburgers and tacos) and one-step food preparation (e.g. popcorn, fairy floss, coffee) and the sale of any type of food, including pre-packaged food.</p> <p>There are two categories of mobile food vending vehicles: Category 1 - Food Vans and Category 2 - Food Trucks.</p> |
| Category 1 – Food Vans      | Mobile Food Vending Vehicles which serve foods that are not potentially hazardous. Food vans do not require a separate fixed food handling premises associated with the business but can use one if necessary.                                                                                                                                                                                                                                                                                                                                                                                                                                                |

| Term                     | Meaning                                                                                                                                                                                                                                                                                                                                                                                               |
|--------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|                          | Preparation may involve low risk practices such as frothing milk. An example would be an ice-cream vehicle or coffee van.                                                                                                                                                                                                                                                                             |
| Category 2 – Food Trucks | Mobile Food Vending Vehicles which serve foods that are potentially hazardous, either exclusively or in addition to serving food that is not potentially hazardous. These vehicles can be a mobile kitchen and must have separate fixed food handling premises that is approved for the handling and storage of food. An example would be a vehicle preparing hot food made to order such as burgers. |

## PART 1: EXEMPTIONS FROM APPROVAL

### Exemptions under the Policy

There are no exemptions from the necessity to obtain approval under this Policy for Mobile Food Vending that is used for the sale of food and drink in public places within the City of Sydney Local Government Area.

**Note:** Section 158(3) of the Local Government Act 1993 requires a Local Approvals Policy to specify the circumstances (if any) in which a person would be exempt from the necessity to obtain a particular approval from Council.

To ensure the safety of food for human consumption, there will be no exemptions for compliance with this Policy in relation to Mobile Food Vending.



## PART 2: COUNCIL APPROVAL REQUIREMENTS

Council must consider the criteria as outlined in this Policy when determining applications for Mobile Food Vending approvals to operate within the City of Sydney's Local Government Area.

The criteria for approval to be used in the assessment of a Mobile Food Vending Vehicle will include all the relevant provisions contained in the approved standards as set out in Part 2 & 3 of this Policy, the Food Act 2003, and the Food Standards Codes.

### Policy Statement

#### Section 68 approvals

- a. The Policy applies to applications for approval to undertake an activity under s 68 F Item 7 of the Local Government Act 1993, namely:
  7. *Use a standing vehicle or any article for the purpose of selling any article in a public place.*
- b. For the purposes of this Policy a 'standing vehicle' includes any Mobile Food Vending vehicle that has stopped to make a sale.
- c. All Mobile Food Vending Vehicles require a Section 68 approval issued by City of Sydney prior to operating on Council-owned roads. The operation and selling of food from a Mobile Food Vending Vehicle in a public place within the City of Sydney's Local Government Area without prior approval is an offence under the Local Government Act 1993.
- d. Mobile Food Vending Vehicles will be issued an approval that will contain conditions of operation to be complied with at all times.
- e. Council will charge a fee\*\* for the relevant category of Mobile Food Vending Vehicle approval as per the Schedule of Fees and Charges on Council's website [cityofsydney.nsw.gov.au](http://cityofsydney.nsw.gov.au).
- f. Approvals shall take effect from the date stated thereon and shall expire 12 months after the date of the approval or any other time as stated on the approval no greater than 12 months.
- g. Information contained in an application made under this Policy will be used to register the business as a food business in accordance with the Food Act 2003.

**Note:** \*\*The approval fee includes one inspection prior to the issue of the approval or renewal of approval. However additional inspections during the period of the approval are charged as outlined in the Schedule of Fees and Charges document Council's website [cityofsydney.nsw.gov.au](http://cityofsydney.nsw.gov.au).

## Approval categories

There are two categories of Mobile Food Vending Vehicle approvals issued by the City. The Mobile Food Vending Vehicle approval categories are based on the menu they serve.

### a. Category 1 – Food Vans

- (i) **Menu items:** foods are not potentially hazardous with the exception of processes that have a minimal food safety risk such as the frothing of milk, or the serving of frozen dairy. Foods may be pre-packaged or served directly from its package/container and do not require heating or cooking. The vehicle must meet relevant design and layout standards to ensure food safety requirements are met. Examples of food types include tea, coffee, drinks, cakes, sweets, frozen yoghurt, pre-packaged ice-cream, soft serve ice-cream or other similar foods.
- (ii) **Stopping time:** Each van is able to trade for a maximum period of 1 hour in one location at one time in a public place. At all times the vehicle must comply with the relevant kerbside parking restrictions and road rules. The maximum stopping time includes set up and pack down times.

### b. Category 2 – Food Trucks

- (i) **Menu items:** includes the service of any potentially hazardous food, **in addition to** low-risk processes included in Category 1. This vehicle is usually a mobile kitchen and must have access to separate fixed food handling premises or commercial kitchen. Examples of the types of food this category of truck can serve include dumplings, pasta, tacos, flame-grilled meats, stir fry noodles, grilled skewers, fish & chips, or other similar foods.
- (ii) **Stopping time:** Each truck is able to trade for a maximum period of 5 hours in one location at one time in a public place. At all times vehicles must comply with the relevant kerbside parking restrictions and road rules. Operators must ensure their staff have access to toilet facilities when trading. The maximum stopping time includes set up and pack down times.

## Application for approval

The completed forms must be accompanied with supporting documentation required as outlined in the application form. Details are available on the City of Sydney website [Apply for a mobile food vending business approval](https://www.cityofsydney.nsw.gov.au/business-permits-approvals-tenders/apply-for-mobile-food-vending-business-approval). <https://www.cityofsydney.nsw.gov.au/business-permits-approvals-tenders/apply-for-mobile-food-vending-business-approval>

## Fees

- a. A fee applies for the assessment of an application and for the approval to operate a Mobile Food Vending Vehicle in accordance with Council's fees and charges. The fee covers the initial inspection of the vehicle, which is required prior to commencing trade and must be paid at the time the application is made.
- b. Incomplete applications may be rejected if additional information requested is not supplied within the time nominated by Council. The assessments component of the fee will not be refunded.

- c. Council will not issue a refund of any fees paid if the business is sold or transferred. A new owner of a mobile food vehicle must make a new application and pay the appropriate fees for approval.

**Note:** A separate application and separate assessment fee is required for each vehicle application. The fees are outlined in the Schedule of Fees and Charges on Council's website [cityofsydney.nsw.gov.au](http://cityofsydney.nsw.gov.au)

## Vehicle inspections

- a. All Mobile Food Vending Vehicle operators must have their vehicle inspected for food safety requirements prior to issue of an approval, or from time to time as determined by Council or an authorised officer of Council. Officers from Council's Health and Building Unit will contact you to make arrangements for the inspection prior to approval being given.
- b. Random inspections of Mobile Food Vending Vehicles may be conducted by Council officers during trading locations and times, and any associated fees and charges will be charged to the business in accordance with Council's Schedule of Fees and Charges.
- c. A copy of all vehicle's Plan of Management (PoM) must be kept within the vehicle at all times and made available to an authorised Council officer on request.

**Note:** To ensure a satisfactory inspection of the vehicle by an officer authorised under the Food Act 2003, have all relevant forms filled in, copies of documentation available if necessary for Council prior to the inspection and the construction and fit out of the vehicle complies the Food Standards Code.

## Issuing of approval

- a. Approvals issued by Council will be to a person or corporation on a per vehicle basis.
- b. An approval sticker will be provided to all Mobile Food Vending Vehicles when final approval has been issued. Approval stickers will be coloured according to category. The approval sticker must be attached and displayed on the approved vehicle in a location clearly visible to the customers at all times whilst in operation.
- c. Modifications to the internal layout of the vehicle or major changes to the cooking or food processing within the vehicle requires prior approval of Council's Health and Building Unit.
- d. Any change of address of the commercial kitchen or separate fixed food handling premises for Food Trucks, or modification to the approved Plan of Management must be applied for in writing to Council's Health and Building Unit and be accompanied by the appropriate paperwork. An additional assessment fee may be applicable.
- e. Approvals are specific to each Mobile Food Vending vehicle and they are not transferable between vehicles.
- f. No ownership transfer of Council approval section 68 Local Government Act 1993 is permitted. All applications will be required to pay the appropriate fee, and lodge all new application paperwork specific to their business prior to any approvals being issued to the new owner/operator.
- g. Approvals will be issued subject to conditions including, but not limited to, compliance with the policy.
- h. Applications for the renewal of approvals must be lodged with Council at least 3 weeks prior to the expiration of the current approvals.

- i. Failure to adhere to any condition of approval and or/legislative requirement may result in modification, suspension or revocation of the approval, in addition to prosecution or the issue of fines.

## Revocation or modification of approvals and non-renewal of approvals

The City of Sydney may revoke or modify a mobile food vending vehicle approval or refuse to renew an application as a result of non-compliance with the mobile food vending vehicle approval conditions and/or Local Government Act 1993. Examples of non-compliance may include:

- a. failure to comply with the approval conditions
- b. failure to comply with the policy
- c. failure to comply with the provisions of the Food Act 2003
- d. failure to comply with the Roads Act 1993 and the Roads Rules 2014
- e. if the approval was obtained by fraud, misrepresentation or concealment of facts

In accordance with section 110 of the Local Government Act 1993 before revoking or modifying and approval, the City will:

- a. give written notice to a food operator of its intention to revoke or modify the approval, and
- b. give the approval holder the opportunity to meet with Council officers to show cause why the approval should not be revoked.

The City of Sydney may refuse to renew or issue a new mobile food vending vehicle approval to an applicant with the previous history of non-compliance.

## Locations

A mobile food vending vehicle approval entitles operators to trade in the following locations.

### a. Street vending

All approved Mobile Food Vending Vehicles are permitted to operate on Council-owned roads within existing lawful car parking spaces, subject to the exclusions noted within this Policy. The operation of a Mobile Food Vending Vehicle must also comply with the local car parking restrictions of that parking space and all other applicable Road Rules. All Mobile Food Vending approval categories allow trucks to pull up to a kerb, into a lawful parking spot, and to trade onto the footpath. Vehicles must not park on the footpath or on driveways, and must not trade onto the street, bike lane or an adjacent car parking spot.

### b. Off-street trading

Food trucks can trade on nominated Council-owned sites, such as parks, within the Local Government Area when they have obtained approval to do so, either through a development consent, conditions of an event approval, or in accordance with the exempt provisions.

**Note:** Because there is no fee that has been prescribed by the regulations or **relevant Department Secretary**, the Council then determines application fees for each year. The fees are outlined in the Schedule of Fees and Charges on Council's website [cityofsydney.nsw.gov.au](http://cityofsydney.nsw.gov.au)



## Prohibited roads, streets and land

- a. Mobile Food Vending Vehicles must not trade on roads as listed in the 'Schedule of streets' within **APPENDIX 2**. The of streets may be updated from time to time. It is the responsibility of the operator to ensure they keep up to date with the current schedule. A copy of the schedule is also located on the City's website to allow easy access for operators to monitor any changes made.
- b. Mobile Food Vending Vehicles are not permitted to trade on any land without prior consent from the landowner. This includes Council-**owned** land. Please refer to **APPENDIX 2** for the map highlighting Sydney Harbour Foreshore Authority-owned land within the City of Sydney Local Government Area.
- c. Mobile Food Vending Vehicle approvals do not authorise Mobile Food Vending Vehicles to trade within the Kings Cross Precinct Exclusion Zone as show within **APPENDIX 3**.

## Truck Dimensions

The dimensions of a Mobile Food Vending Vehicle must not exceed the length of 11m and must be no wider than 2.5m.

**Note:** It is the responsibility of operators to check local restrictions on parking times based on truck length and weight prior to trading. Operators must comply with the Road Rules at all times.

## Parking

- a. Mobile Food Vending Vehicles must operate in full compliance with existing road rules and parking restrictions when operating on Council-owned roads, including no parking on footpaths or across driveways.
- b. A maximum of three (3) Category 2 Food Truck Vehicles are permitted to trade on the same lawful car parking space at different times.

## Deliveries

Mobile Food Vending Vehicles must arrive fully equipped at all trading locations and are not permitted to receive any deliveries.

## Serving

- a. Mobile Food Vending Vehicle operators must ensure the location they are serving from will not create potential hazards to customers and staff.
- b. Mobile Food Vending Vehicles must not sell with their serving window opening onto any part of a roadway, including an adjoining car parking space to ensure the safety of pedestrians.
- c. Mobile Food Vending Vehicles must not sell with their serving window opening onto a cycleway, to ensure the safety of pedestrians and to minimise pedestrian traffic across the cycleway.

**Note:** This applies regardless of whether there is a barrier that separates the cycleway and roadway.

## Hours of operation

- a. The use of Council-owned roads for the purpose of operating Mobile Food Vending Vehicle is restricted to the following times
  - (i) Central Sydney:  
8am – 3am, Monday to Sunday
  - (ii) Remainder of the Local Government Area:  
9am – 12 midnight, Monday to Sunday

The above hours are inclusive of set up and set down times and the areas are defined by the map in **APPENDIX 1**.

- b. An authorised officer may require the vehicle to move if necessary. An authorised officer also has the authority to request that the Mobile Food Vending Vehicles leave the area.

## Proximity to existing premises

- a. No Mobile Food Vending Vehicle is to trade within 50m of an existing trading takeaway food or drink premises open for business that is serving the same or similar food types. This minimum distance requirement is measured in a straight line from the closest point of the Mobile Food Vending Vehicle (location) to the main entrance of the takeaway food and drink premises.

**Note:** Existing takeaway food or drinks premises of the “same or similar food type” is defined as having very similar or the same primary products of sale. For example, a Taco truck and a Mexican takeaway shop, or an ice-cream van and an ice-cream parlor.

- b. For the purposes of this Policy, existing take away food and drink premises includes only the types of take away food and drink premises that are used predominantly for the preparation and retail sale of food or drink (or both) for immediate consumption away from the premises.

## Proximity to residential buildings

Mobile Food Vending Vehicles cannot trade directly in front of any residential building (house or apartment) or buildings that contain residential premises (mixed use sites) on the same side of the road as the building frontage.

## PART 3: OTHER CRITERIA REQUIREMENTS

### Food handling, premises and equipment

Without limiting the requirements of the Food Safety Standard 3.2.2, 3.2.3, and AS4674 and any conditions of approval, the general requirements for the design, fit out, and operation of the mobile food vehicle, are outlined as follows:

#### a. Required outcomes

The layout design and construction of a Mobile Food Vending Vehicle must:

- be appropriate for the types of food produced and activities conducted
- provide adequate space for all activities and for all equipment to be used or stored
- allow easy cleaning or sanitising procedures of all structures and equipment
- prevent entry of pests, dust, fumes, smoke and other contaminants
- exclude favourable sites for pests to harbour (live and breed).

#### b. Minimum requirements

The layout design of a Mobile Food Vending Vehicle should be well planned and should consider a range of important elements to ensure effective and acceptable operation. The construction and layout design principles for Mobile Food Vending Vehicles should accommodate a safe flow of product and waste to minimise risks of food and equipment contamination. Separating particular processes must be considered including:

- hand washing facilities
- wash-up area (with double sinks)
- raw and cooked foods
- food preparation areas, accommodating a sink if required
- cooking facilities
- food assembling area
- adequate food storage and refrigeration facilities
- waste disposal areas.

The separation of the driving compartment from food storage, handling and serving sections should be considered.

The construction standards required can vary widely depending on the type of food and the complexity of the process, therefore it is recommended that before fitting out a vehicle Council should be consulted, and a clear agreement reached. Detailed plans and specifications are required to be submitted as part of the application process.

#### c. Obligations on people selling food

All food businesses are required to sell safe and suitable food in accordance with the provisions of the NSW Food Act 2003. Copies of the Act are available at NSW legislation website [www.legislation.nsw.gov.au](http://www.legislation.nsw.gov.au) and the Food Standards (particularly Food Standards 3.1.1, Chapter 2 - Part 1.2, Chapter 3 – standard 3.2.2 and 3.2.3) are available on the Food Standards Australia New Zealand website [www.foodstandards.gov.au](http://www.foodstandards.gov.au).

Failure to comply with the requirements of the Act (including the standards) may result in prosecution, penalty infringement notices, product being seized, improvement notices or warning letters being issued, or prohibition orders (e.g.: prohibiting the sale of food or the use of certain equipment) being served. Fines, and in some cases imprisonment, apply to some offences.

**All Mobile Food Vending Vehicle operators must carry adequate public and product liability indemnity insurance.**

## **Maintenance of the vehicle**

The vehicle must be kept clean and in a good state of repair and working order, ensuring road worthiness and that noise, fumes, smoke, foul odours and other contaminants are not generated.

## **Standalone items not permitted**

The placement of any standalone items such as advertising boards, stands, heaters, tables, chairs or other seating apparatus, is not permitted at any time.

## **Garbage and recyclable materials**

- a. Suitable garbage receptacles with close fitting lids are to be provided in the vehicle.
- b. When directed, a suitable receptacle shall be provided outside the vehicle for depositing of take away food containers and other litter.
- c. Garbage generated within the vehicle is not to be disposed of at public garbage bins but is to be collected and contained until disposal at the nominated commercial kitchen can occur. A waste contractor is to be nominated in the Plan of Management (PoM).
- d. Operators are encouraged to recycle.

## **Waste Management and recycling**

- a. Mobile Food Vending Vehicle operators are responsible for the waste materials generated during the trading period. Waste materials such as food packaging should be collected in bins or suitable receptacles, bagged or contained, stored within the vehicle and disposed at the cost of the operator.
- b. Any waste produced by the Mobile Food Vending Vehicles must be removed from the site by the Mobile Food Vending Vehicle operators at the end of the trading period.
- c. The trading area must be left in a clean and tidy condition at the end of each trading interval.
- d. Under no circumstances is liquid waste (including wastewater) to be discharged to the ground or in the stormwater drain.
- e. Details of liquid waste and garbage disposal arrangements must be supplied with the application for the Mobile Food Vending Vehicles within the PoM.

**Note:** The City has prepared a Local Approvals Policy for Managing Waste in Public Places which addresses the management of commercial waste in a public place.



- f. Where feasible, the packaging used for the sale of food should be selected for its suitability for recycling in the City of Sydney Local Government Area. Details are available on the City of Sydney website on [www.cityofsydney.nsw.gov.au](http://www.cityofsydney.nsw.gov.au).

## Signage

- a. Approval under this Policy does not infer any approval for the erection or display of any sign or sign structure not directly attached to the Mobile Food Vending Vehicles.

## Animals and pests

- a. Operators must take all practicable measures to prevent pests (including birds, spiders and flying insects) from entering or remaining in the vehicle.
- b. No animal is permitted to enter any vehicle, whether the vehicle is in operation or not.

## Water supply

- a. The vehicle must be provided with an adequate supply of potable water (the capacity of the tanks must be appropriate for the intended use) stored in food grade water storage containers and suitably protected against contamination for hand washing, cleaning equipment and for use of food preparation. There must also be an adequate supply of hot water for these purposes. Details of the supply of potable water and the cleaning process used for the storage tanks must be included in the PoM.
- b. The vehicle must be equipped with a waste water tank of sufficient capacity to contain all stored potable water with extra capacity for the containment of other discarded liquid waste, with an outlet of sufficient diameter to facilitate easy flushing and cleaning. Details of the disposal and cleaning process used for the waste water storage tanks must be included in the PoM.
- c. Disposal of all liquid wastes generated within the food van must be through the sewer (and grease trap where necessary – contact Sydney Water for additional advice) The disposal method and location is to be included in the PoM. Under no circumstances is liquid waste to be discharged upon the ground or to a stormwater drainage system.
- d. All hot water for washing purposes should be supplied from a suitable hot water system and should be piped so it can be mixed with cold water through a common spout. Hot water must be available at all times during the preparation and sale of food.

## Control of pollution

Operators must also comply with the Protection of the Environment Operations Act 1997, which contains provisions relating to pollution, including prevention of offensive noise, smoke and odour and controls illegal wastewater discharges. Contact Council for more information. Noise and odour controls for the vehicle and any associated operational equipment must be listed in the PoM.

## Electricity, gas supply, fire extinguisher

- a. Operators must ensure there is sufficient supply of electricity, gas or power for food handling operations, particularly for hot and cold holding and water heating. A strategy to manage power failure must be outlined in the PoM.

- b. A fire extinguisher and fire blanket must be supplied in every vehicle where cooking or heating processes are undertaken. Portable fire extinguishers and fire blankets should be selected, installed and maintained to the applicable requirements of AS 2444 – 2001.
- c. Fire safety equipment must be easily accessible in the event of a fire. The extinguisher should be suitable for dealing with the type of combustible material present.
- d. Fire safety equipment must be tested annually and have current tagging in accordance with Australian Standards. Contact Fire and Rescue NSW for more information.
- e. Requirements of Workcover NSW and other industry regulators such as Fire and Rescue NSW must be complied with regarding electrical work and fitting of appliances, gas supply, ventilation and other fire safety and workplace health and safety issues. All measures should be taken to protect the health, safety and welfare of employees and patrons.

## CONSTRUCTION

### Floor finishes

Floors must be constructed of materials which are impervious, non-slip and non-abrasive, having an unbroken surface and capable of withstanding heavy-duty operation. Coving of the floor and wall join is required.

### Plinths

- a. Plinths can be used to hold heavy equipment that is unable or difficult to move for cleaning.
- b. Plinths should be constructed to meet the same specifications as floors, being solid, without voids and be an integral part of the floor. Plinths must have the same surface finish as the floor, be rounded at all exposed edges, be coved, and approximately 100mm high.
- c. The base of the equipment is to be sealed to the plinth and overhang to prevent liquid, food or floor washing to access underneath the equipment.
- d. Alternatives to the use of plinths include metal legs, castors and brackets.

### Wall finishes for food premises

- a. Walls must not provide for the entry of pests, or as far as practical be constructed so as not to provide a space for them to live and breed.
- b. Walls must be finished with materials suitable for activities conducted in the vehicle and be easy to clean. Light coloured, high gloss, impervious surfaces are recommended.
- c. Walls in food preparation areas must be finished with approved material such as:
  - I. stainless steel or aluminium sheeting
  - II. acrylic or laminated plastic sheeting
  - III. polyvinyl sheeting with welded seams
  - IV. other approved material.
- d. Architraves, skirting boards, picture rails or similar protrusions are not permitted on the walls.
- e. Walls at the rear of cooking appliances should be surfaced with material, such as stainless steel which extends from the canopy to the floor. Where a cooking appliance is sealed to the wall, the material must be lapped over the top edge of the appliance to provide a grease and vermin-proof seal. Cooking appliances should only be sealed to walls made of non-combustible material.

- f. Walls at the rear of benches, sinks and hand basins should be surfaced with an impervious waterproof material to a height of approximately 300mm.

## Ceilings

- a. Where applicable, the ceiling height in a Mobile Food Vending Vehicle should be adequate to effectively conduct food activities.
- b. Ceilings must be provided where food is handled and prepared and are necessary to protect food from contamination.
- c. Ceilings must be finished with impervious materials suitable for activities conducted in the vehicle and be easy to clean. A light colour is recommended.
- d. Ceilings should be free of open joints, cracks and crevices.
- e. The intersection of walls and ceilings should be tight jointed, sealed and dust proof.

## Door and serving openings

- a. All openings are to be fitted with close fitting doors and shutters where practicable to exclude dust, pests and other contaminants. These must be vermin proof and should be closed during transport.
- b. Door and serving hatches should be finished internally with the same standard of material as the walls.

## Pipes, conduits and wiring

- a. Pipes, conduits and wiring should be concealed in floors, plinth, walls and ceilings, or fixed on brackets providing at least 25mm clearance between the pipe and adjacent surfaces and 150mm between the pipe or conduit and adjacent horizontal surfaces.
- b. Service pipes, conduits and wiring are not to be placed in the recessed toe space of plinths or equipment.

## Fixing of equipment

The fixing of equipment to wall, floor, bench or other surfaces must be done in such a way that it does not compromise the finish of the surface, and that the area is able to be easily cleaned.

## EQUIPMENT REQUIREMENTS

### Temperature gauges

Probe-type thermometer/s must be accurate to plus or minus 1°C available for the monitoring of potentially hazardous foods. They must be readily accessible and cleaned before and after use so as not to create contamination issues.

### Equipment and appliances

- a. Equipment and appliances must be kept clean at all times and positioned so that cleaning can easily occur around the items.
- b. All equipment and appliances must be maintained in good working order.
- c. Equipment used for the temperature control of food must hold cold food at a temperature of 5°C or less, and hot food must be held at a temperature of 60°C or greater.

## Sinks, wash areas and hand washing facilities

- a. Provision is to be made within the vehicle to enable equipment, work surfaces and any food service items to be washed and sanitised. Typically, this will require a double bowl wash up sink or mechanical dish washer. Alternatively, the washing of removable equipment can be carried out at the separate fixed food handling premises or commercial kitchen and this must be detailed in the PoM. Provisions must still be made to clean and sanitise all food contact surfaces within the truck, and clean other surfaces.
- b. The design of the vehicle must provide:
  - i. sufficient potable water storage to ensure a constant water supply to all sinks,
  - ii. tanks to collect all wastewater, and
  - iii. suitable power supplies to enable a constant hot water supply to all sinks and basins.
- c. All sinks and hand wash basins must be provided with sanitary traps.
- d. A separate dedicated hand wash basin (for washing hands) is to be supplied in all cases. A single spout mixer tap should be provided to enable water to be easily mixed to an appropriate temperature.
- e. Hand basins are to be of a suitable size to allow cleaning of hands and arms. Basins are to be installed at bench height and appropriately fixed to the wall. They should not be obstructed by other equipment and are not to be located under benches.
- f. A separate food preparation sink may also be required where foods, such as salad items require washing as part of the preparation processes. If preparation of food that requires washing is to occur at the nominated commercial kitchen, this must be identified in the PoM, and no preparation of food requiring washing is to occur within the vehicle.

## Ventilation

- a. Exhaust/ventilation must effectively remove fumes, smoke, steam, heat and vapours. Exhausts must discharge vertically and above the Mobile Food Vending Vehicle.
- b. Filters should be installed to prevent grease accumulations in ducting. Additional filtration may be required to minimise smoke and odour.
- c. Cleaning of the hood, filters and ducting must occur on a regular basis to ensure all components are kept clean and in good working order and do not create a fire risk.

## Lighting

- a. Lighting from Mobile Food Vending Vehicles shall not interrupt or distract traffic flows or be unreasonably observable from surrounding residential areas.
- b. At no time is the intensity, period of intermittency and hours of illumination to cause objectionable glare or injury to the amenity of the neighbourhood. If, in the opinion of an authorised Council officer, objectionable glare or injury is likely to be caused, the intensity, period of intermittency and hours of illumination must be varied to the approval of Council.
- c. The design and placement must be so that lighting does not create a nuisance or negatively affect the amenity of the surrounding neighbourhood.
- d. The use of flashing lights or signs is only permitted in accordance with the road regulations.



## GENERAL LEGISLATIVE REQUIREMENTS

### Food Handling Requirements

- a. The requirements for the handling of food for sale and human consumption are outlined in the Food Act 2003 and the Food Standards Code which can be found on the NSW Food Authority's website [foodauthority.nsw.gov.au](http://foodauthority.nsw.gov.au) or Food Standards Australia New Zealand website at [foodstandards.gov.au](http://foodstandards.gov.au).
- b. The requirements apply to all food, including pre-packaged food and low-risk food. Fact Sheets and user guides are available on the NSW Food Authority's website [foodauthority.nsw.gov.au](http://foodauthority.nsw.gov.au) or Food Standards Australia New Zealand website at [foodstandards.gov.au](http://foodstandards.gov.au).
- c. Any person who sells food for sale must comply with the relevant legislation including the Food Act and Food Standards Code.

### Use of separate fixed food handling premises

- a. The separate fixed food handling premises for the storage and/or preparation of food in conjunction with a Mobile Food Vending Vehicle must have the appropriate development approvals to use the premises for that purpose. A copy of the approval may be requested by Council as part of the application process.
- b. Any separate fixed food handling premises must also comply with the Food Act, the Food Standards Code, and AS4674 – design, construction and fit-out of food premises. An inspection report from the local Council or a suitably qualified person (such as an Environmental Health Officer (EHO) or Food Safety Auditor) or organisation (such as the NSW Food Authority) must be provided with each application that certifies the premises meet these requirements.
- c. Any change in the separate fixed food handling premises used by the Mobile Food Vending Vehicle such as location must be notified in writing to Council at least 14 days prior to the intended use. Any notification must include a food hygiene inspection report for the premises from the local Council or from a suitably qualified person or organisation. Approval must be given in writing by Council prior to commencing operations.

### Labelling

- a. The Australia and New Zealand Food Standards Code includes requirements for the labelling of food.
- b. The labelling requirements differ depending on the food, ingredients, and whether or not it is packaged. Labelling requirements cover information such as food name, business details, batch identification, allergen and warning information and date marking.
- c. The Food Standards Code outlines the requirements in more detail and available on the NSW Food Authority's website [foodauthority.nsw.gov.au](http://foodauthority.nsw.gov.au) or on the Food Standards Australian New Zealand website [foodstandards.gov.au](http://foodstandards.gov.au).

## AMENITY REQUIREMENTS

### Noise pollution

- a. The emission of noise associated with the use of the vehicle, including the operation of any mechanical plant and equipment, must comply with the following criteria:

- i. The use of the vehicle and any associated equipment must be controlled so that any emitted noise is at a level so as not to create an "offensive noise" as defined in the *Protection of the Environment Operations Act 1997* (POEO) to any affected receiver.
  - ii. All Mobile Food Vending Vehicle technical operations, including ancillary exhaust, discharge fans, cooking facilities or generator noise shall be minimised.
  - iii. If any noise complaints are received and substantiated by an authorised Council officer, the Council officer may direct that the use of the Mobile Food Vending Vehicle must be suspended or moderated to prevent nuisance until attenuation measures are completed and the Council has confirmed in writing that the use may resume.
- b. The use of amplified music, bells or a public address system is prohibited for all Category 2 Mobile Food Vending Vehicles.
- c. Category 1 Mobile Food Vending Vehicles are prohibited from using a public address system and can only use amplified music or bells:
- i. When the vehicle is outside the area defined by the Central Sydney Operation Map (appendix 1); and
  - ii. whilst the vehicle is moving and
  - iii. only between the hours of 9am – 7pm.
- d. Any noise emission from the vehicle (including music or amplified noise from a Category 1 vehicle) must not affect the amenity of the surrounding area or adjacent noise sensitive receivers by creating noise that is considered 'offensive' by an authorised Council Officer or Police Officer, in accordance with the POEO definition.
- e. A Mobile Food Vending Vehicle must not emit any noise that an authorised Council Officer believes to be unreasonable in a public place or impact upon a noise sensitive receiver.
- f. An authorised officer may require the vehicle to move if necessary. An authorised officer also has the authority to request that the Mobile Food Vending Vehicles leave the area.

## Air pollution - Smoke and odour

- a. If any odour or smoke complaints are received and substantiated by an authorised Council officer, or if the vehicle or ancillary equipment is producing smoke and/or odour that is considered to be "air pollution" as defined in the POEO Act by an authorised officer then the authorised officer may direct that the use of the Mobile Food Vending Vehicle or specific equipment must be suspended or moderated to prevent the nuisance or pollution from occurring until attenuation measures are completed and the Council has confirmed in writing that the use may resume.
- b. Enhanced filtration may be necessary to manage smoke and odour from cooking processes within the vehicle.
- c. Solid fuel cooking is only permitted when an appropriate smoke and odour control system is installed. A "qualified engineer" (as defined in the Building Code of Australia) trained in the appropriate field of expertise will need to design and certify such a system. The design, specifications and certification of any such system will need to be submitted with the application. Certification is required to state that the design of the system will control smoke, odour and other air impurities so as not to adversely impact the surrounding environment, and will not permit "air

pollution". A cleaning and maintenance plan may also be required, and may form part of the certification when required.

## Waste

Waste water, grease or any other pollutant including solid waste or litter must not be allowed to enter the stormwater. All waste items must be contained within the vehicle until it can be appropriately disposed of at a facility nominated in the PoM.

## PENALTIES

### Penalties applicable to approvals

- a. The penalties for failure to obtain approval or failure to comply with an approval for a Mobile Food Vending Vehicle are set out in the Local Government Act 1993 and the Local Government (General) Regulation 2021. Council reserves the right to decide the legal remedy for breaches of this Policy.
- b. City Rangers or other authorised Council Officers may take enforcement action for non-compliance with this Policy and all related legislation. Should actions by the operator cause a safety issue, authorised officers can direct the operator to cease trading, as well as move on from the area.

## Responsibilities

Council is responsible for developing this Policy in accordance with the provisions of the Local Government Act 1993, and ensuring good governance, including open and transparent consultation during its development and review. Authorised Council Officers will issue approvals to operate a mobile food vending vehicle, enforce conditions of approval, and monitor and regulate non compliances with this Policy and relevant legislation.

Operators of mobile food vending vehicles are responsible for ensuring they have approval to operate on Council-owned roads prior to trading at those locations. Operators must comply with the requirements of this Policy and relevant legislation while trading on Council-owned roads.

## Consultation

In accordance with section 160 of the Local Government Act 1993 this Policy has undergone a public consultation process and formal consideration of comments prior to adoption.

## Notes

The notes in text boxes throughout this document are explanatory notes only and do not form part of the Policy. They are provided to assist with the understanding of this Policy.

## References

### Laws and Standards

- Local Government Act 1993
- Local Government (General) Regulation 2021
- Food Act 2003

**Laws and Standards**

- Environmental Planning and Assessment Act 1979
- State Environmental Planning Policy (Exempt and Complying Development Codes) 2008
- Road Rules 2014
- Food Standards Code
- Roads Act 1993

**Policies and Procedures**

NSW Food Authority – Guidelines for Mobile Food Vending Vehicles

Mobile Food Vending Practice Note

**Review period**

This policy will be reviewed every 4 years.

**Approval Status**

Council approved this policy on

**Approval History**

| Stage           | Date           | Comment                                                                                                                                                                                                                                                       | TRIM Reference |
|-----------------|----------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------|
| Original Policy | 1 April 2014   | Approved by Council 17 March 2014                                                                                                                                                                                                                             | 2014/128559    |
| Reviewed        | 7 August 2017  | Three key changes:<br>a) Increase cap from 50 to 100 allowable food trucks operating at any one time.<br>b) Removal off-street parking<br>Changes to food truck permit structure, food vans and other minor amendments                                        | 2017/505522    |
| Reviewed        | 19 August 2019 | Two paragraphs within policy were removed due to handover of food truck app and website to 'We Make Apps:'<br>section 30 – all food trucks must use the app<br>Section 31 – all food trucks will have their business contact details displayed on the website | 2019/445649    |

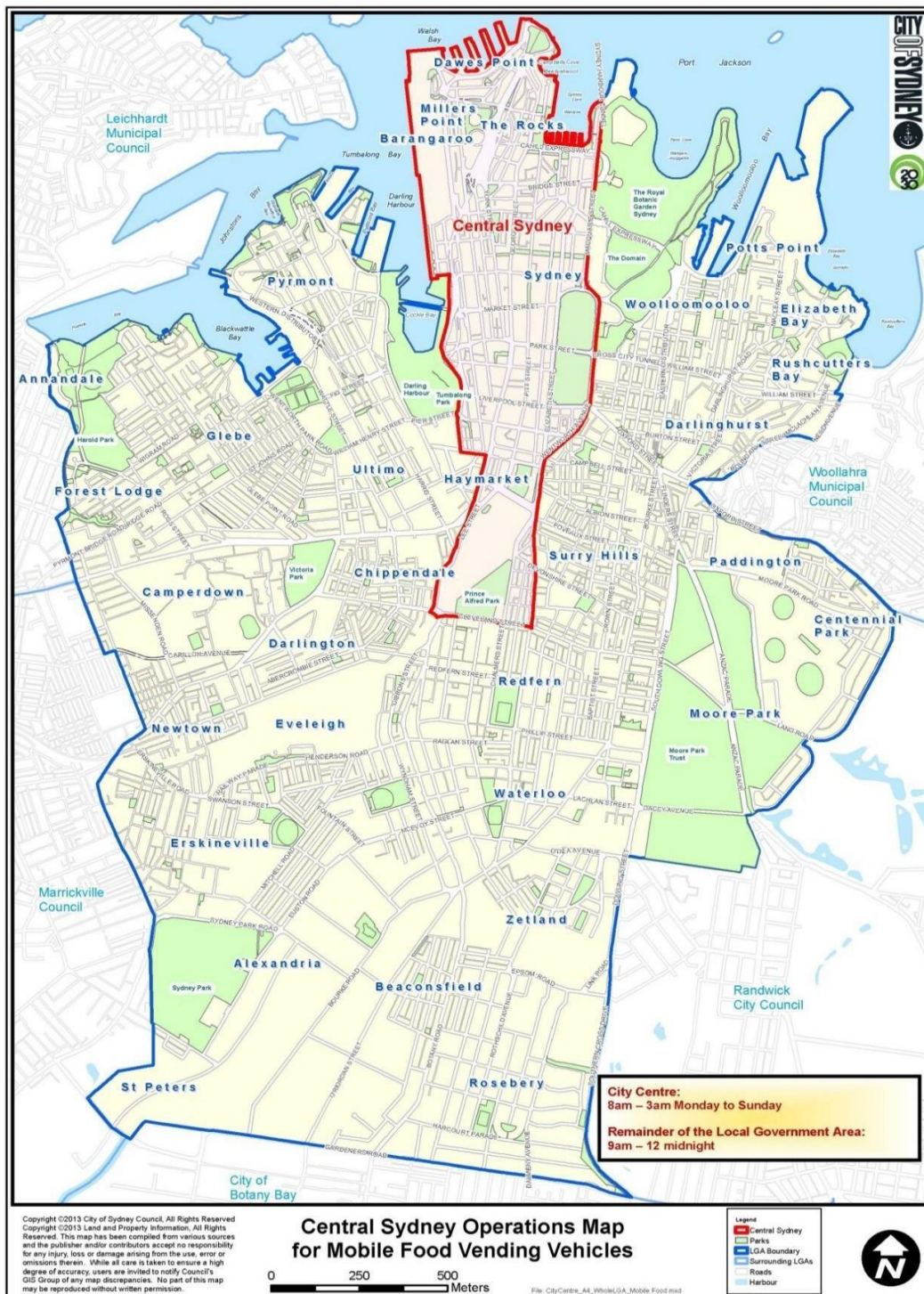


| Stage                | Date                   | Comment                                                                                                                                                                                                                                          | TRIM Reference           |
|----------------------|------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------|
| Reviewed             | 21 November 2022       | Clear procedure for the revocation of permit and process to consider refusal to grant new licences for applicants with a history of non-compliance in relation to MFV infringements such as parking PINs have been added.<br>Approved by Council | 2019/445649              |
| Reviewed             | [populate on approval] |                                                                                                                                                                                                                                                  | [Governance to populate] |
| Commence Review Date | 1 December 2027        |                                                                                                                                                                                                                                                  |                          |
| Approval Review Date | 9 September 2028       |                                                                                                                                                                                                                                                  |                          |

## Ownership and approval

| Responsibility | Role                                           |
|----------------|------------------------------------------------|
| Author         | Public Health Specialist                       |
| Owner          | Standards and Policy Manager Health & Building |
| Endorser       | City of Sydney Executive                       |
| Approver       | City of Sydney Council                         |

## APPENDIX 1: Central Sydney Operation Map



## APPENDIX 2: Schedule of streets listing and map

The following is the schedule of streets listed within the City of Sydney Local Government Area where Mobile Food Vending Vehicles are **not** permitted to operate.

This schedule of streets includes Roads and Maritime Services Legal Classified Roads under the *Roads Act 1993*.

Note: This schedule of streets is to be read in conjunction with the map at **APPENDIX 3** - The Kings Cross Precinct exclusion zone

### State owned roads – controlled by RMS

|                                           |                                                                 |
|-------------------------------------------|-----------------------------------------------------------------|
| <b>Abercrombie Street</b>                 | Cleveland Street to Broadway, Chippendale                       |
| <b>Alfred Street</b>                      | Loftus Street to George Street                                  |
| <b>Allen Street</b>                       | Bulwara Road to Harris Street, Ultimo                           |
| <b>Anzac Parade</b>                       | Moore Park Road, to Dacey Avenue, Moore Park                    |
| <b>Bank Street</b>                        | Pymont Bridge Road to Miller Street, Pymont                     |
| <b>Botany Road</b>                        | Boundary Road, Redfern to Gardeners Road, Mascot                |
| <b>Bourke Street</b>                      | Lachlan Street to McEvoy Street, Waterloo                       |
| <b>Bradfield Highway</b>                  | Leading to Sydney Harbour Bridge, Dawes and Millers Points      |
| <b>Bridge Road</b>                        | Lyndhurst Street, Glebe to Wattle Street, Ultimo                |
| <b>Broadway</b><br><i>Parramatta Road</i> | Harris Street, Chippendale to Mallett Street, Camperdown        |
| <b>Cahill Expressway</b>                  | Over Circular Quay to Woolloomooloo                             |
| <b>Chalmers Street</b>                    | Elizabeth Street, Surry Hills to Devonshire Street, Surry Hills |
| <b>City Road</b>                          | Carillon Avenue, Newtown to Broadway, Chippendale               |
| <b>Cleveland Street</b>                   | City Road, Chippendale to Anzac Parade, Moore Park              |
| <b>Copeland Street</b>                    | Mitchell Road to Newton Street, Erskineville                    |
| <b>Cross City Tunnel</b>                  | Under William and Druitt Streets                                |
| <b>Dacey Avenue</b>                       | South Dowling Street, Waterloo to Anzac Parade, Moore Park      |
| <b>Devonshire Street</b>                  | Chalmers Street, Surry Hills to Bourke Street, Surry Hills      |
| <b>Eastern Distributor</b>                | Woolloomooloo to Moore Park                                     |
| <b>Eddy Avenue</b>                        | Pitt Street, Haymarket to Elizabeth Street, Surry Hills         |
| <b>Elizabeth Street</b>                   | From Eddy Avenue, Haymarket to Chalmers Street, Surry Hills     |
| <b>Erskineville Road</b>                  | Charles Street, Erskineville to King Street, Newtown            |
| <b>Euston Road</b>                        | Sydney Park Road to Harley Street, Alexandria                   |
| <b>Flinders Street</b>                    | Oxford Street, Taylor Square to Moore Park Road, Moore Park     |
| <b>Fountain Street</b>                    | McEvoy Street to Mitchell Road, Alexandria                      |

**State owned roads – controlled by RMS**

|                             |                                                                                                           |
|-----------------------------|-----------------------------------------------------------------------------------------------------------|
| <b>Gardeners Road</b>       | Kent Road, Mascot to Dalmeny Avenue, Rosebery                                                             |
| <b>George Street</b>        | Alfred Street to Railway Square                                                                           |
| <b>Gibbons Street</b>       | Boundary Street to Regent Street, Redfern                                                                 |
| <b>Harris Street</b>        | Allen Street, Ultimo to Broadway, Chippendale                                                             |
| <b>Henderson Road</b>       | Wyndham Street to Botany Road, Alexandria                                                                 |
| <b>King Street</b>          | Barwon Park Road, St Peters to Carillon Avenue, Newtown                                                   |
| <b>Lachlan Street</b>       | South Dowling Street to Bourke Street, Waterloo                                                           |
| <b>Lee Street</b>           | George Street, Railway Square to Regent Street, Chippendale                                               |
| <b>McEvoy Street</b>        | Harley Street, Alexandria to Bourke Street, Waterloo                                                      |
| <b>Minogue Crescent</b>     | Hereford Street to The Crescent, Forest Lodge                                                             |
| <b>Mitchell Road</b>        | Fountain Street to Copeland Street, Alexandria                                                            |
| <b>O’Riordan Street</b>     | Gardeners Road, Mascot to Botany Road, Alexandria                                                         |
| <b>Oxford Street</b>        | Crown Street, Darlinghurst to Lang Road, Centennial Park                                                  |
| <b>Palmer Street</b>        | William Street to Sir John Young Crescent, Woolloomooloo                                                  |
| <b>Pymont Bridge Road</b>   | Wattle Street, Ultimo to Harris Street, Pymont and Lyndhurst Street, Glebe to Parramatta Road, Camperdown |
| <b>Rawson Place</b>         | George Street, Haymarket to Pitt Street, Haymarket                                                        |
| <b>Regent Street</b>        | Broadway, Chippendale to Boundary Street, Redfern                                                         |
| <b>Ross Street</b>          | Parramatta Road, Camperdown to Hereford Street, Forest Lodge                                              |
| <b>South Dowling Street</b> | Oxford Street, Darlinghurst to O’Dea Avenue, Zetland                                                      |
| <b>Swanson Street</b>       | Newton Street to Charles Street, Erskineville                                                             |
| <b>Sydney Park Road</b>     | King Street, St Peters to Euston Road, Alexandria                                                         |
| <b>The Crescent</b>         | Minogue Crescent, Forest Lodge to Chapman Road, Annandale                                                 |
| <b>Wattle Street</b>        | Broadway, Chippendale to Pymont Bridge Road, Pymont                                                       |
| <b>Western Distributor</b>  | West side of the CBD over and around Darling Harbour                                                      |
| <b>William Street</b>       | Kings Cross Tunnel to Crown Street, Woolloomooloo                                                         |
| <b>Wilson Street</b>        | Erskineville Road to King Street, Newtown                                                                 |
| <b>Wyndham Street</b>       | Henderson Road to Boundary Street, Redfern                                                                |

**Council-owned roads**

|                          |                                                  |
|--------------------------|--------------------------------------------------|
| <b>Victoria Street</b>   | William Street to Liverpool Street, Darlinghurst |
| <b>Darlinghurst Road</b> | William Street to Liverpool Street, Darlinghurst |



**Council-owned roads – controlled by Barangaroo Delivery Authority**

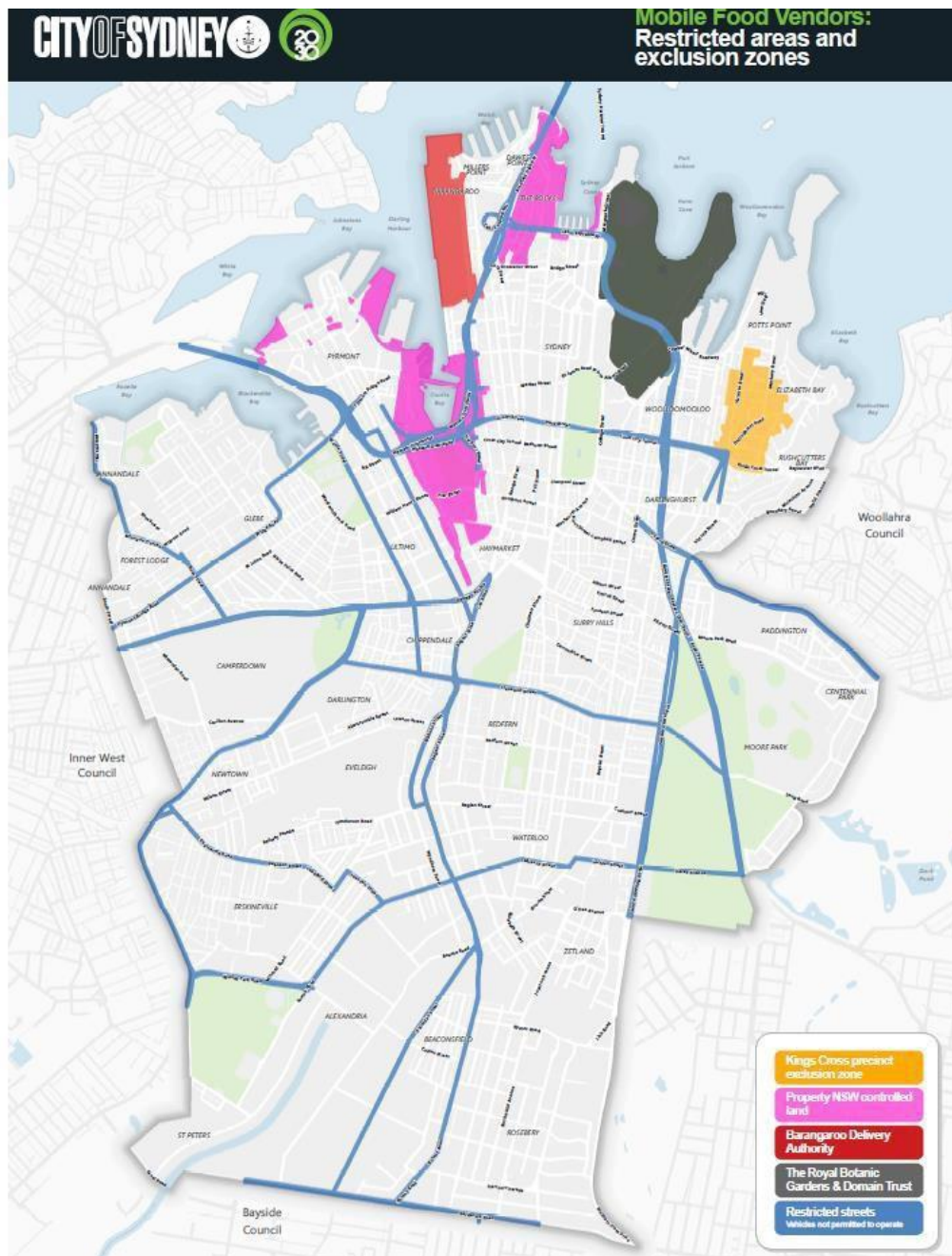
|                        |                                                                                                                                        |
|------------------------|----------------------------------------------------------------------------------------------------------------------------------------|
| <b>Hickson Road</b>    | from the northern side of the intersection with Napoleon Street and Sussex Street to the southern side of the Windmill Street overpass |
| <b>Napoleon Street</b> | from the intersection with Hickson Road and Sussex Street to the intersection with Kent Street                                         |
| <b>Sussex Street</b>   | from and including the intersection with Napoleon Street and Hickson Road to (and including) the intersection with Shelley Street      |

**Other areas**

|                                                               |                                                       |
|---------------------------------------------------------------|-------------------------------------------------------|
| <b>Any land not owned or controlled by the City of Sydney</b> | Without prior permission from the owners of that land |
| <b>Kings Cross Precinct exclusion zone</b>                    | See <b>APPENDIX 3</b>                                 |

## Schedule of streets map

- (a) Map shows restricted areas and exclusion zones. These include Kings Cross precinct exclusion zone, Property NSW controlled land, Barangaroo Delivery Authority, The Royal Botanic Gardens and Domain Trust and restricted streets where vehicles are not permitted to operate





## APPENDIX 4: Definitions

The terms used within this Local Approvals Policy for Mobile Food Vending Vehicles are defined in the Dictionary in the Local Government Act 1993, the Dictionary in the Protection of the Environment Operations Act 1997, Section 4 Definitions of the Food Act 2003, Section 3 of the Food Regulation 2015 and in Interpretation and application of Chapter 3 of the Code: Food Safety Standards (Australia only) which includes Part 3.1 Preliminary and Part 3.2 Food Safety requirements.

The purpose of this Dictionary is to assist with the understanding of terms used throughout this Policy and to assist with the preparation of an application for approval.

**Air impurity** includes:

Smoke, dust (including fly ash), cinders, solid particles of any kind, gases, fumes, mists, odours and radioactive substances.

**Air pollution** means:

The emission into the air of any air impurity.

**Approval** means:

An approval that is issued under the *Local Government Act 1993*.

**Authorised person** means:

- (a) An employee of a council generally or specially authorised by the council in respect of or whose duty it is to deal with, or to act in regard to, any acts, matters or things in relation to which the expression is used, or
- (b) A police officer

**Kings Cross Precinct exclusion zone** means:

The area excluded from this Policy as shown at **APPENDIX 3**.

**Plan of Management (PoM)** is:

A detailed document that outlines specific controls and management of amenity, food safety and operational issues created by the operator for their Category 2 Mobile Food Vending business. This PoM must be submitted to Council in conjunction with a Mobile Food Vending Vehicles approval application and other supporting documents. Guidelines and templates for writing a plan of management can be found on Council's website [cityofsydney.nsw.gov.au](http://cityofsydney.nsw.gov.au).

**Separate fixed food handling premises** means: \_

A premises that is in a fixed location, and has development approval for the storage, handling and preparation of food for sale. It must have the capacity and facilities to allow all activities required to store, prepare and handle food associated with the Mobile Food Vending Vehicle. It can be an existing food retail premises, commissary or similar. It may also require NSW Food Authority approval if it is not a retail space. If this is a shared space with another food business, then this must be identified and the name and contact details of the other business/businesses advised in the PoM.



**Waste** means:

- (a) Effluent, being any matter or thing, whether solid or liquid or a combination of solids and liquids, which is of a kind that may be removed from a human waste storage facility, sullage pit or grease trap, or from any holding tank or other container forming part of or used in connection with a human waste storage facility, sullage pit or grease trap, or
- (b) Trade waste, being any matter or thing, whether solid, gaseous or liquid or a combination of solids, gases and liquids (or any of them), which is of a kind that comprises refuse from any industrial, chemical, trade or business process or operation, including any building or demolition work, or
- (c) Garbage, being all refuse other than trade waste and effluent, and
- (d) Includes any other substance defined as waste for the purposes of the Protection of the Environment Operations Act 1997, and a substance is not precluded from being waste merely because it is capable of being refined or recycled.

# **Attachment B**

|                          |
|--------------------------|
| <b>Engagement Report</b> |
|--------------------------|

# Mobile Food Vending Vehicles Local Approvals Policy

## Consultation overview and background

The City exhibited the draft Mobile Food Vending Vehicles Local Approvals Policy (Policy) for forty-two (42) days between 24 June 2025 and 4 August 2025.

The purpose of the engagement was to:

- inform the public and operators of the policy review and minor amendments/corrections proposed
- collect any community feedback on the policy

Council received a total of 2 submissions during the consultation period. During the public exhibition period there was a total of 134 unique page views and 19 document downloads. The consultation was included in the July Sydney Your Say Newsletter (4981 subscribers) and email notification was sent to 23 mobile food vendors.

Written notification of the exhibition was sent to 23 registered vehicle operators.

## City of Sydney response to key issues raised in submissions

| Detail of issues raised in submissions                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          | City of Sydney response                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <ul style="list-style-type: none"><li>– Support for more food trucks and vans, seen as a positive addition to the area.</li><li>– They enhance community, vibrancy, and the beauty of city streets.</li><li>– Current regulations and paperwork can be overly burdensome for small business owners.</li><li>– The process should be simplified and made more supportive.</li><li>– Reducing barriers will allow entrepreneurs to focus on delivering quality food and service.</li><li>– Making it easier for food vendors supports the growth of local food culture.</li></ul> | <ul style="list-style-type: none"><li>– Noted – No changes to the Policy are required.</li><li>– The City regularly reviews application requirements and associated documentation to reduce any unnecessary paperwork while ensuring compliance with legislative requirements.</li><li>– The Office of Local Government is currently developing a Mutual Recognition framework for mobile food trucks. This initiative will allow approvals granted by one participating council to be recognised by others, eliminating the need for separate applications across different jurisdictions.</li></ul> |
| <ul style="list-style-type: none"><li>– The activity proposed in Sydney is similar to what the writer experienced in New York.</li></ul>                                                                                                                                                                                                                                                                                                                                                                                                                                        | <ul style="list-style-type: none"><li>– Noted – No changes to the Policy are required.</li></ul>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |

| Detail of issues raised in submissions                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               | City of Sydney response                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <ul style="list-style-type: none"> <li>– Strong concern about environmental impact, only non-polluting (air and noise) vehicles should be allowed.</li> <li>– Fossil fuel-powered vehicles should be excluded entirely.</li> <li>– Sydney streets are already congested, narrow, and occupied by outdoor dining; adding more vehicles would worsen the situation.</li> <li>– Current levels of noise and air pollution from cars and motorbikes are already problematic.</li> <li>– The proposed activity is seen as outdated and inappropriate for a modern city.</li> <li>– If approved, strict conditions should be in place to avoid any increase in pollution, only electric or renewable energy vehicles should be permitted.</li> <li>– The proposed hours of operation (until 3am) are unreasonable; a more suitable window would be 11am to 7pm.</li> </ul> | <ul style="list-style-type: none"> <li>– This is an existing policy, and the current review only proposes minor amendments.</li> <li>– The Policy requires vehicles to be fitted with mechanical ventilation systems to control air pollution. It also regulates the permitted locations and hours of vehicle operation, to minimise potential noise impacts.</li> <li>– Mobile food businesses operating under this policy and within the approved hours have caused minimal impact.</li> </ul> |



## **Item 8.**

### **Fire Safety Reports**

**File No: S105001.002**

#### **Summary**

The City of Sydney (the City) regularly receives building reports from Fire and Rescue NSW in relation to inspections carried out by Fire and Rescue NSW Authorised Officers. These inspection reports are to be brought to Council and Council is required to determine whether to exercise its power to issue fire safety orders under Division 9.3 and Schedule 5 of the Environmental Planning and Assessment Act 1979 (the Act).

In response to Fire and Rescue NSW reports, City staff undertake inspections to ensure fire safety measures are in full operation and that building exits are clear and unimpeded. Fire and Rescue NSW inspections reveal fire safety concerns that require Council as the appropriate regulatory authority to use its discretion and address the concerns observed at the time of the inspection.

Fire and Rescue NSW has powers under the Act to carry out inspections of buildings and it is required to forward its findings to the City.

Fire and Rescue NSW reports received by the City are required to be tabled before Council.

Attached are details of 6 reports received by the City from Fire and Rescue NSW. The attachments deal with 6 properties and include the Fire and Rescue NSW reports and the findings (preliminary or final) by City staff, along with other documentation relevant to that property.

## Recommendation

It is resolved that Council:

- (A) note the contents of the Fire Safety Reports Summary Sheet, as shown at Attachment A to the subject report;
- (B) note the inspection reports by Fire and Rescue NSW, as shown at Attachments B to G to the subject report;
- (C) note the contents of Attachment B and exercise its power under the Environmental Planning and Assessment Act 1979 to issue a Fire Safety Order at 234 William Street, Potts Point;
- (D) note the contents of Attachment C and not exercise its power under the Environmental Planning and Assessment Act 1979 to issue a Fire Safety Order at 352 Sussex Street, Sydney at this time;
- (E) note the contents of Attachment D and exercise its power under the Environmental Planning and Assessment Act 1979 to issue a Fire Safety Order at 199 Clarence Street, Sydney;
- (F) note the contents of Attachment E and not exercise its power under the Environmental Planning and Assessment Act 1979 to issue a Fire Safety Order at 171 Gloucester Street, The Rocks at this time;
- (G) note the contents of Attachment F and not exercise its power under the Environmental Planning and Assessment Act 1979 to issue a Fire Safety Order at 4 Gillespie Avenue, Alexandria at this time; and
- (H) note the contents of Attachment G and not exercise its power under the Environmental Planning and Assessment Act 1979 to issue a Fire Safety Order at 3-19 Missenden Road, Camperdown at this time.

## Attachments

|                      |                                                      |
|----------------------|------------------------------------------------------|
| <b>Attachment A.</b> | Fire Safety Reports Summary Sheet                    |
| <b>Attachment B.</b> | Inspection Report - 234 William Street, Potts Point  |
| <b>Attachment C.</b> | Inspection Report - 352 Sussex Street, Sydney        |
| <b>Attachment D.</b> | Inspection Report - 199 Clarence Street, Sydney      |
| <b>Attachment E.</b> | Inspection Report - 171 Gloucester Street, The Rocks |
| <b>Attachment F.</b> | Inspection Report - 4 Gillespie Avenue, Alexandria   |
| <b>Attachment G.</b> | Inspection Report - 3-19 Missenden Road, Camperdown  |

## Background

1. The City receives inspection reports and recommendations from Fire and Rescue NSW in relation to inspections carried out on buildings located within the City's local area.
2. Under the Environmental Planning and Assessment Act 1979, (the Act), Fire and Rescue NSW has the power to carry out inspections of buildings to determine if the building has adequate provision for fire safety and/or is compliant with legislation.
3. On average, the City receives approximately 50 such reports each year. They can be prompted by reports from the Police or others who have a concern relating to fire safety in a building.
4. The inspection is undertaken to ensure fire safety measures are in full operation and that building exits are clear and unimpeded.
5. When Fire and Rescue NSW carries out such an inspection, a report and any recommendations must be provided to the City.
6. Under the Act, Council is then required to table the report and make a determination as to whether it will exercise its power to issue a Fire Safety Order 1 or 2 in Schedule 5, Part 2 of the Act.
  - (a) Fire Safety Order 1 requires a person to do or stop doing certain specified things to improve fire safety.
  - (b) Fire Safety Order 2 requires a person to cease conducting an activity on premises where that activity constitutes, or is likely to constitute, a life-threatening hazard or a threat to public health or public safety.
7. Attached are the details of the reports received from Fire and Rescue NSW, including recommendations for further action. The properties have also been reviewed by City staff.

## **Risks**

8. This approach is within the City's risk appetite, which states:
  - We are committed to conducting our activities in full compliance with applicable laws, regulations and relevant industry standards.

## **Relevant Legislation**

9. Environmental Planning and Assessment Act 1979.

## **GRAHAM JAHN AM**

Chief Planner / Executive Director City Planning, Development and Transport

Andrew Thomas, Executive Manager Planning and Development



# **Attachment A**

|                                          |
|------------------------------------------|
| <b>Fire Safety Reports Summary Sheet</b> |
|------------------------------------------|

## Fire Safety Reports Summary Sheet

Total number of properties tabled: 6

Report – August 2025

| Att. | Premises Specifics               | Actions/ Recommendation                                                                                                                                                                                                  |
|------|----------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| A    | Not applicable – Summary Sheet   | Summary of clause 17, Schedule 5 matters tabled at Council meeting.                                                                                                                                                      |
| B    | 234 William Street, Potts Point  | Premises inspected; owners have been issued with a Fire Safety Order; follow up compliance site inspections are to be undertaken to ensure fire safety works are satisfactorily completed.                               |
| C    | 352 Sussex Street, Sydney        | Premises inspected; owners have been issued with corrective action correspondence; follow up compliance site inspections are to be undertaken to ensure fire safety works are satisfactorily completed.                  |
| D    | 199 Clarence Street, Sydney      | Premises inspected; owners have been issued with a Notice of Intention to give a Fire Safety Order; follow up compliance site inspections are to be undertaken to ensure fire safety works are satisfactorily completed. |
| E    | 171 Gloucester Street, The Rocks | Premises inspected; owners have been issued with corrective action correspondence; follow up compliance site inspections are to be undertaken to ensure fire safety works are satisfactorily completed.                  |
| F    | 4 Gillespie Avenue, Alexandria   | Premises inspected; owners have been issued with corrective action correspondence; follow up compliance site inspections are to be undertaken to ensure fire safety works are satisfactorily completed.                  |

| Att. | Premises Specifics                 | Actions/ Recommendation                                                                                                                                                                               |
|------|------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| G    | 3-19 Missenden Road,<br>Camperdown | Premises inspected; owners have previously been issued with a Fire Safety Order; follow up compliance site inspections are to be undertaken to ensure fire safety works are satisfactorily completed. |

# **Attachment B**

**Inspection Report  
234 William Street, Potts Point**





**Figure 1:** 234 William Street, Potts Point viewed from the south



**Figure 2:** Location map of 234 William Street, Potts Point

## **Council Investigation Officer Inspection and Recommendation Report; Clause 17(2) Part 8 of Schedule 5 of the Environmental Planning and Assessment Act 1979 (the Act)**

**Officer:** Ashley Host

**Date:** 28 May 2025

**Premises:** 234 William Street, Potts Point (Banque Apartments)

### **Executive Summary**

1. The City of Sydney (the City) received correspondence from the Commissioner of Fire and Rescue NSW (FRNSW) in relation to the subject premises dated 7 May 2025 with respect to matters of fire safety.
2. The premises consists of a (6) storey building used for residential apartments.
3. The City inspected the premises on 28 May 2025, accompanied by the building owners. This inspection identified deficiencies in fire safety. To address this, a fire safety order was issued on 9 July 2025.

### **Chronology**

| <b>Date</b>  | <b>Event</b>                                                                                                                          |
|--------------|---------------------------------------------------------------------------------------------------------------------------------------|
| 7 May 2025   | FRNSW correspondence received                                                                                                         |
| 28 May 2025  | The City inspected the premises identifying deficiencies in fire safety.                                                              |
| 24 June 2025 | The City issued a Notice of Intention (NOI) to give a Fire Safety Order (Order) to address identified deficiencies in fire safety.    |
| 9 July 2025  | The City issued an Order in accordance with the NOI, requiring identified deficiencies in fire safety to be addressed by 9 July 2026. |

### **Fire and Rescue NSW Report**

4. Fire and Rescue NSW conducted an inspection of the subject premises on 27 March 2025.

## Issues

5. The report from Fire and Rescue NSW detailed issues as shown in the table below.

| Ref.      | Issue                                                                                                                                                                                                                               | City response                                                                                                                                                                                                                                                                                                                                                        |
|-----------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|           | <b>Essential Fire Safety Measures</b>                                                                                                                                                                                               |                                                                                                                                                                                                                                                                                                                                                                      |
| <b>1.</b> | <b>Automatic Smoke Detection and Alarm System and Building Occupant Warning System (BOWS)</b>                                                                                                                                       |                                                                                                                                                                                                                                                                                                                                                                      |
| i.        | The Fire Detection Control and Indicating Equipment (FDCIE) indicated that all zones in the system were isolated.                                                                                                                   | The City's inspection on 28 May 2025 found that this matter had already been rectified prior to inspection with the FDCIE cleared of isolations and the system fully operational.                                                                                                                                                                                    |
| ii.       | It is unclear if the smoke detectors in the public corridors/common areas are interconnected between all levels to provide a common building alarm (BOWS) as the recent logbook testing indicates that an alarm failed to activate. | <p>The City's inspection on 28 May 2025 could not confirm detectors were interconnected.</p> <p>To address this issue, the City issued an Order on 9 July 2025 requiring the smoke detection system to be audited for compliance and certification provided by 9 July 2026.</p>                                                                                      |
| iii.      | The ground floor retail premises (e-bike store) does not appear to be provided with smoke detection coverage.                                                                                                                       | <p>The City's inspection on 28 May 2025 found additional smoke detection is required.</p> <p>In response to this, the City issued an Order on 9 July 2025 requiring the smoke detection system to be upgraded and certification provided by 9 July 2026.</p> <p>Follow up inspections will be undertaken to ensure the work is completed, addressing this issue.</p> |
| iv.       | A zone block plan was not provided at the FDCIE panel.                                                                                                                                                                              | <p>The City's inspection on 28 May 2025 found the block plan was not provided.</p> <p>In response to this, the City issued an Order on 9 July 2025 requiring the block plan to be provided by 9 July 2026.</p>                                                                                                                                                       |

| Ref.      | Issue                                                                                                                        | City response                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |
|-----------|------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|           |                                                                                                                              | Follow up inspections will be undertaken to ensure the work is completed, addressing this issue.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |
| <b>2.</b> | <b>Sprinkler System</b>                                                                                                      |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |
| i.        | The building has a rise in stories of more than four and has not been provided with a sprinkler system throughout.           | <p>The City's inspection on 28 May 2025 noted a sprinkler system was not installed throughout the building.</p> <p>When the building was constructed, building codes at the time did not require sprinkler systems to be installed throughout the building.</p> <p>The current building codes apply to new buildings and new building work on existing buildings, neither of which is applicable to the subject (existing) building.</p> <p>Further, the building is provided with sufficient active and passive fire safety measures.</p> <p>Considering the above, it is not recommended to retrospectively install a residential sprinkler system.</p> |
| <b>3.</b> | <b>Fire Hydrant System</b>                                                                                                   |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |
| i.        | The booster is located within the building more than 8 meters from a hardstand and potentially blocked by the entrance door. | <p>The City's inspection on 28 May 2025 identified obstructions to the hydrant booster.</p> <p>In response to this, the City issued an Order on 9 July 2025 requiring clearance be provided by 9 July 2026.</p> <p>Follow up inspections will be undertaken to ensure the work is completed, addressing this issue.</p>                                                                                                                                                                                                                                                                                                                                   |
| ii.       | Boost and test pressure signage not provided to booster assembly.                                                            | The City's inspection on 28 May 2025 found boost pressure signage missing.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |



| Ref.      | Issue                                                                                                                 | City response                                                                                                                                                                                                                                                                                                                                                                          |
|-----------|-----------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|           |                                                                                                                       | <p>In response to this, the City issued an Order on 9 July 2025 requiring signage be provided by 9 July 2026.</p> <p>Follow up inspections will be undertaken to ensure the work is completed, addressing this issue.</p>                                                                                                                                                              |
| <b>4.</b> | <b>Signage</b>                                                                                                        |                                                                                                                                                                                                                                                                                                                                                                                        |
| i.        | Signage identifying the location of fire extinguishers and hose reels not installed to enclosure doors of each floor. | <p>The City's inspection on 28 May 2025 identified missing location signage.</p> <p>In response to this, the City issued an Order on 9 July 2025 requiring location signage to be provided to each cupboard door housing hose reels and fire extinguishers by 9 July 2026.</p> <p>Follow up inspections will be undertaken to ensure the work is completed, addressing this issue.</p> |
| <b>5.</b> | <b>Window drencher system</b>                                                                                         |                                                                                                                                                                                                                                                                                                                                                                                        |
| i.        | Booster assembly located in building and blocked by door.                                                             | <p>The City's inspection on 28 May 2025 identified obstructions to the booster assembly.</p> <p>In response to this, the City issued an Order on 9 July 2025 requiring obstructions to be rectified by 9 July 2026.</p> <p>Follow up inspections will be undertaken to ensure the work is completed, addressing this issue.</p>                                                        |
| ii.       | The system does not appear to have Automatic Signalling Equipment (ASE).                                              | <p>The City's inspection on 28 May 2025 found the ASE was not connected to the drencher system.</p> <p>In response to this, the City issued an Order on 9 July 2025 requiring ASE be provided by 9 July 2026.</p>                                                                                                                                                                      |

| Ref.      | Issue                                                                    | City response                                                                                                                                                                                                                                                                                                                                                  |
|-----------|--------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|           |                                                                          | Follow up inspections will be undertaken to ensure the work is completed, addressing this issue.                                                                                                                                                                                                                                                               |
| iii.      | Block plan not provided adjacent drencher booster                        | <p>The City's inspection on 28 May 2025 identified the block plan adjacent to drencher booster was missing.</p> <p>In response to this, the City issued an Order on 9 July 2025 requiring the block plan to be provided by 9 July 2026.</p> <p>Follow up inspections will be undertaken to ensure the work is completed, addressing this issue.</p>            |
| <b>6.</b> | <b>Fire Exit</b>                                                         |                                                                                                                                                                                                                                                                                                                                                                |
| i.        | Items stored in path of travel to exit at rear of ground floor premises. | <p>The City's inspection on 28 May 2025 identified obstructions to paths of travel.</p> <p>In response to this, the City issued an Order on 9 July 2025 requiring exists to be kept clear at all times.</p> <p>Follow up inspections will be undertaken to ensure the work is completed, addressing this issue.</p>                                            |
| <b>7.</b> | <b>Swinging Doors</b>                                                    |                                                                                                                                                                                                                                                                                                                                                                |
| i.        | Final exit door to William Street swings against egress                  | <p>The City's inspection on 28 May 2025 found the final exit door swung against egress.</p> <p>In response to this, the City issued an Order on 9 July 2025 requiring the door to be realigned to swing in the direction of egress by 9 July 2026.</p> <p>Follow up inspections will be undertaken to ensure the work is completed, addressing this issue.</p> |

| Ref.      | Issue                                                                      | City response                                                                                                                                                                                                                                                                                                                                                                                                                      |
|-----------|----------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>8.</b> | <b>Fire Doors</b>                                                          |                                                                                                                                                                                                                                                                                                                                                                                                                                    |
| i.        | Door to residential bin store propped open                                 | During the City's inspection on 28 May 2025, it was noted that this matter had been already rectified.                                                                                                                                                                                                                                                                                                                             |
| <b>9.</b> | <b>General</b>                                                             |                                                                                                                                                                                                                                                                                                                                                                                                                                    |
| i.        | Annual Fire Safety Statement (AFSS) not prominently displayed in building. | <p>Copy of current AFSS to be provided at lobby entrance.</p> <p>The City's inspection on 28 May 2025 found the AFSS was not prominently displayed in the building.</p> <p>In response to this, the City issued an Order on 9 July 2025 requiring the AFSS to be prominently displayed in the building by 9 July 2026.</p> <p>Follow up inspections will be undertaken to ensure the work is completed, addressing this issue.</p> |

6. FRNSW have made no direct recommendation within their report other than legislative notification and advised that it is at the City's discretion to inspect and address any other deficiencies identified on the premises.

### **Council Investigation Officer Recommendations**

7. As a result of site inspections undertaken by the Council investigation officer, Council has exercised its powers to issue an Order under the Act to ensure that appropriate fire safety systems are in place throughout the building, providing improved and adequate fire safety provisions. It is recommended that the Commissioner of FRNSW be informed of the City's decision.

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File Ref. No: BFS25/1545 - FRN13/3202 - 8000041282  
TRIM Ref. No: D2025/047902  
Contact: Conor Hackett

7 May 2025

General Manager  
City of Sydney  
GPO Box 1591  
SYDNEY NSW 2001

Email: [council@cityofsydney.nsw.gov.au](mailto:council@cityofsydney.nsw.gov.au)

Attention: Manager Compliance/Fire Safety

Dear Sir / Madam

**Re: INSPECTION REPORT  
BANQUE APARTMENTS  
234 WILLIAM ST, POTTS POINT NSW 2011 ("the premises")**

Fire and Rescue NSW (FRNSW) received correspondence on 22 February 2025 concerning the adequacy of the provision for fire safety in connection with 'the premises'.

The correspondence stated that:

*While conducting a PIP at the premises' MyeBike Sydney'. It was noted that this shop has approximately a combined 60-70 E bikes on site, as well as roughly 30 stand alone Lithium-Ion Batteries some of which are being charged on site.*

*This shop has a multi level apartment complex above, which has 6 floors above ground level. The store itself has no Detectors in place and does not have Sprinklers. It currently has 1x Hose Reel and 1x DCP extinguisher.*

*The adjoining apartment block -The Banque Apartments' 234 William Street Potts Point 2011. Which has access on the left hand side of the shop front, has a sprinkler and hydrant booster as well as an FIP. Upon closer inspection it was found this FIP has no ASE and no EWIS, also it appeared as the Diesel Pump in the Pump room is having maintenance conducted on it and does not appear to be in working order. I cannot confirm this, but it does have this appearance.*

Fire and Rescue NSW

ABN 12 593 473 110

[www.fire.nsw.gov.au](http://www.fire.nsw.gov.au)

Community Safety Directorate  
Fire Safety Compliance Unit

1 Amarina Ave  
Greenacre NSW 2190

T (02) 9742 7434  
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[www.fire.nsw.gov.au](http://www.fire.nsw.gov.au)

Page 1 of 4

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*I spoke to the owner of MYeBike about the lack of detectors and about overall fire safety of the building and the potential for this to be a fire safety concern. He said he would be in touch with the building manager.*

Pursuant to Section 9.32(1) of the *Environmental Planning and Assessment Act 1979* (EP&A Act), Authorised Fire Officers from the Fire Safety Compliance Unit of FRNSW inspected 'the premises' on 27 March 2025.

On behalf of the Commissioner of FRNSW, the comments in this report are provided under Section 9.32(4) and Schedule 5, Part 8, Section 17(1) of the EP&A Act.

The items listed in the comments of this report are based on the following limitations:

- A general overview of the building was obtained without using the development consent conditions or approved floor plans as a reference.
- Details of the Provisions for Fire Safety and Fire Fighting Equipment are limited to a visual inspection of the parts in the building accessed and the fire safety measures observed at the time.

**COMMENTS**

This report is limited to observations and sections of the building accessed at the time of the inspection and includes potential deviations from the National Construction Code 2022 Building Code of Australia – Volume One (NCC) and applicable Australian Standards.

Please be advised that whilst the report is not an exhaustive list of non-compliances, the items as listed may contradict development consent approval or any fire engineered performance solutions. In this regard, it is at council's discretion as the appropriate regulatory authority to consider the most appropriate action and determine whether an investigation is required.

The following items were identified during the inspection:

*Essential Fire Safety Measures*

1. Smoke Detection and Alarm System - The building appears to be provided with a combined smoke alarm and smoke detection system, in accordance with Clause E2D8 and Clause S20C5 of the NCC. In that regard the following is noted:
  - i. At the time of the inspection the Fire Detection Control and Indicating Equipment (FDCIE) indicated that all zones in the system were isolated. Following the inspection, FRNSW contacted Strata Management who agreed to consult with fire contractors to investigate the issue.

The following day (28 March 2025), an email was received from Strata Management confirming that the contractors had attended the premises, and the isolations were removed from the system. Accordingly, no enforcement action was taken by FRNSW.

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- ii. Building Occupant Warning System (BOWS) - It is unclear whether the smoke detectors in the public corridors/common areas, are interconnected between all levels, to provide a common building alarm to alert all building occupants, in accordance with Clause S20C7 of Specification 20 of the NCC. The logbook associated with the Smoke Detection and Alarm System indicates that, for the monthly inspection for February 2025, that an alarm failed to initiate the BOWS. Further investigation by council may be required.
  - iii. Smoke Detection Coverage - The ground floor retail premises does not appear to be provided with smoke detection coverage, which may be contrary to the requirements of Clauses E2D8, S20C4 or E2D21 of the NCC.
  - iv. Zone Block Plan – A zone block plan was not provided at the Fire Brigade Panel, contrary to the requirements of Clause 3.10 of AS1670.1-2018.
- 2. Sprinkler System – The building has a rise in stories of more than 4 and has not been provided with a sprinkler system throughout, contrary to the requirements of Clause E1D4 and E1D6 of the NCC.
- 3. Fire Hydrant System:
  - i. The booster assembly is located within the building, more than 8m from a hardstand and is potentially obstructed by the entrance door contrary to the requirements of Clause 7.3 of AS2419.1-2005.
  - ii. Boost pressure and test pressure signage has not been provided in a prominent position adjacent to the fire brigade booster assembly, contrary to the requirements of Clause 7.10.1 of AS2419.1-2005.
- 4. Signage - Signage identifying the location of the fire extinguishers and fire hose reels were not installed on the enclosure doors on each floor of the building, contrary to the requirements of Clause 3.6 of AS 2444–2001 and Clause 10.4 of AS 2441–2005.
- 5. Window Drencher System – The premises has been provided with a window drencher system installed to AS2118.1-1999. In that regard, the following is noted:
  - i. The booster assembly is located within the building and is obstructed by the entrance door contrary to the requirements of Clause 4.4.3.
  - ii. System Monitoring - The premises does not appear to have Automatic Signalling Equipment (ASE) relating to the drencher system, contrary to the requirements of Clause 3.2.
  - iii. A plan of risk (block plan) was not provided adjacent to the sprinkler booster, contrary to the requirements of Clause 8.3.

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*Access & Egress*

6. Fire Exit - Items were stored in the path of travel to an exit, at the rear of the ground floor retail premises, that may have caused an obstruction, contrary to the requirements of Clause 109 of the DCFS Regulation.
7. Swinging Doors - The final exit door from the residential lobby to William Street, opens against the direction of egress, contrary to the requirements of Clause D3D25 of the NCC.

*Compartmentation*

8. Fire door - The residential bin store at the ground floor level opens into the fire-isolated passageway, contrary to the requirements of Clause D2D12. The door to the bin store was chocked open contrary to the requirements of Clause C4D5 and Specification 12 of the NCC.

*General*

9. Annual Fire Safety Statement (AFSS) – Clause 89(4)(b) of the DCFS Regulation states that the AFSS must be prominently displayed in the building. At the time of the inspection the AFSS could not be located.

FRNSW believes that there are inadequate provisions for fire safety within the building.

**RECOMMENDATIONS**

FRNSW recommends that Council:

- a. Review items 1 to 9 of this report and conduct an inspection.
- b. Address any other deficiencies identified on “the premises”.

Please be advised that Schedule 5, Part 8, Section 17(2) requires any report or recommendation from the Commissioner of FRNSW to be tabled at a Council meeting. This matter is referred to Council as the appropriate regulatory authority. FRNSW awaits the Council's advice regarding its determination under Schedule 5, Part 8, Section 17 (4) of the EP&A Act.

Please do not hesitate to contact Conor Hackett of FRNSW's Fire Safety Compliance Unit at [FireSafety@fire.nsw.gov.au](mailto:FireSafety@fire.nsw.gov.au) or call (02) 9742 7434 if there are any questions or concerns about the above matters. Please refer to file reference BFS25/1545 - FRN13/3202 - 8000041282 regarding any correspondence concerning this matter.

Yours faithfully



Conor Hackett  
Senior Building Surveyor  
Fire Safety Compliance Unit

# **Attachment C**

**Inspection Report  
352 Sussex Street, Sydney**





**Figure 1:** 352 Sussex Street, Sydney, viewed from the west



**Figure 2:** Location map of 352 Sussex Street, Sydney

**Council Investigation Officer Inspection and Recommendation Report; Clause 17(2) Part 8 of Schedule 5 of the Environmental Planning and Assessment Act 1979 (the Act)**

**Officer:** Tracey McCann

**Date:** 8 May 2025

**Premises:** 352 Sussex Street, Sydney

**Executive Summary**

1. The City of Sydney (the City) received correspondence from the Commissioner of Fire and Rescue NSW (FRNSW) in relation to the subject premises dated 1 May 2025 with respect to matters of fire safety.
2. The premises consists of a twenty-eight (28) storey building used for the purposes of hotel and residential accommodation.
3. The City inspected the premises on 8 May 2025, accompanied by the building manager. This inspection identified fire safety provisions requiring maintenance, which can be addressed under the City's instruction.

## Chronology

| Date         | Event                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |
|--------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 1 May 2025   | FRNSW correspondence received                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |
| 8 May 2025   | <p>The City inspected the premises where the following issues, in addition to those raised by FRNSW, were identified.</p> <ul style="list-style-type: none"> <li>• The electrical distribution cupboard on ground floor is storing miscellaneous items belonging to the cleaner and need to be removed.</li> <li>• Multiple penetrations throughout the building have not been adequately fire-stopped.</li> <li>• The building manager's office on level 9 and the storage room on level 8 (hotel) do not have a smoke detector installed and there appears to be issues with access to and compliance of existing fire dampers.</li> <li>• A security camera installed within the fire stair at roof level needs to be removed as it is not permitted within fire isolated stair.</li> <li>• Faults also noted on the EWIS panel indicating issues on level 17 and level 21.</li> <li>• Fire rated doors serving garbage room within car park have been damaged and need replacing.</li> <li>• The construction surrounding the garbage room has been damaged, leaving gaps which can lead to the spread of fire and needs to be repaired.</li> </ul> |
| 23 May 2025  | A corrective action letter was issued requiring works to be completed in three stages. Stage 1 is due 6 June 2025; stage 2 is due 22 June 2025 and stage 3 due to be completed by 20 September 2025.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |
| 24 June 2026 | City of Sydney agreed to a requested extension of time. Stage 1 is now due to be completed by 18 July 2025 with stage 2 due to be completed by 3 August 2025.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |
| 29 July 2025 | The City received confirmation on 29 July 2025 advising that most items outlined in Stages 1 and 2 of the corrective action letter had been completed. In consideration of the minor outstanding items, the City has granted a further extension, with completion now due by 9 September 2025.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |

## Fire and Rescue NSW Report

4. Fire and Rescue NSW conducted an inspection of the subject premises on 23 April 2025.

### Issues

5. The report from Fire and Rescue NSW detailed issues as shown in the table below.

| Ref.      | Issue                                                                                                                                                                                                                                                                                                                                             | City response                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |
|-----------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>1</b>  | <b>Essential Fire Safety Measures</b>                                                                                                                                                                                                                                                                                                             |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |
| <b>1A</b> | <b>Combined Sprinkler and Hydrant System</b>                                                                                                                                                                                                                                                                                                      |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |
| A         | <p>Past building codes permitted the use of an internal booster connection for portable relay pumps, which no longer suits the operational needs of FRNSW.</p> <p>The sprinkler system throughout the building appears to be a combination of AS 2118.1 and AS 2118.6. FRNSW are unable to determine the year of the standard of performance.</p> | <p>The City's inspection on 8 May 2025 could not confirm the level of compliance of the existing combined sprinkler and hydrant system.</p> <p>A corrective action letter was issued on 23 May 2025 seeking the engagement of a hydraulic consultant to complete an assessment of the existing fire hydrant system and existing sprinkler system with recommendation to address the comments raised by Fire and Rescue NSW (FRNSW).</p> <p>This is due to be submitted by 9 September 2025. Once received, the City may issue a Notice of Intention to give a Fire Safety Order (NOI) to address this issue.</p> |
| <b>B</b>  | <b>Block Plan</b>                                                                                                                                                                                                                                                                                                                                 |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |
| i         | Taking into account head pressure, and that the maximum discharge pressure at any hydrant outlet under design flow conditions shall not exceed 1200 kPa at the most advantaged hydrant, FRNSW are of the opinion that:                                                                                                                            |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |
| a         | The boost pressure displayed at the fire hydrant booster cabinet of 1000kPa for the Low-Pressure Zone will exceed the maximum required pressure in Lower Basement Levels.                                                                                                                                                                         | <p>The City's inspection on 8 May 2025 found inconsistencies regarding boost pressure on the block plan.</p> <p>A corrective action letter was issued on 23 May 2025 seeking the engagement of a hydraulic</p>                                                                                                                                                                                                                                                                                                                                                                                                   |



| Ref. | Issue                                                                                                                                                                                            | City response                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |
|------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|      |                                                                                                                                                                                                  | <p>consultant to complete an assessment of the existing fire hydrant system with recommendation to address the comments raised by FRNSW.</p> <p>This is due to be submitted by 9 September 2025. Once received, the City may issue an NOI to address this issue.</p>                                                                                                                                                                                                                        |
| b    | The boost pressure displayed at the fire hydrant booster cabinet of 1500kPa for the High-Pressure Zone will exceed the maximum required pressure on the lower levels.                            | <p>The City's inspection on 8 May 2025 found inconsistencies regarding boost pressure displayed on the booster cabinet.</p> <p>A corrective action letter was issued on 23 May 2025 seeking the engagement of a hydraulic consultant to complete an assessment of the existing fire hydrant system with recommendation to address the comments raised by FRNSW.</p> <p>This is due to be submitted by 9 September 2025. Once received, the City may issue an NOI to address this issue.</p> |
| ii   | The ring main for the High-Pressure zone is over 70m in height. In high-rise installations, pressure zone limitations operated by the fire brigade allow a maximum of 50m for any pressure zone. | <p>The City's inspection on 8 May 2025 found that pressure zone limitations may be exceeded.</p> <p>A corrective action letter was issued on 23 May 2025 seeking the engagement of a hydraulic consultant to complete an assessment of the existing fire hydrant system with recommendation to address the comments raised by FRNSW.</p> <p>This is due to be submitted by 9 September 2025. Once received, the City may issue an NOI to address this issue.</p>                            |
| iii  | An internal booster is installed on Level 9, requiring a portable pump set to achieve                                                                                                            | The City's inspection on 8 May 2025 identified an internal booster                                                                                                                                                                                                                                                                                                                                                                                                                          |

| Ref. | Issue                                                                                                                                                                                                                                                                                                 | City response                                                                                                                                                                                                                                                                                                                                                                                                                      |
|------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|      | operational pressures throughout the building.                                                                                                                                                                                                                                                        | <p>is needed to achieve operational pressures in the building.</p> <p>A corrective action letter was issued on 23 May 2025 seeking the engagement of a hydraulic consultant to complete an assessment of the existing fire hydrant system with recommendation to address the comments raised by FRNSW.</p> <p>This is due to be submitted by 9 September 2025. Once received, the City may issue an NOI to address this issue.</p> |
| iv   | The combined hydrant and sprinkler booster was not marked with the words 'COMBINED HYDRANT AND SPRINKLER BOOSTER'. Due to the combined booster assembly being behind the roller door, FRNSW also recommend signage outside the roller door identifying the location of the combined booster assembly. | <p>The City's inspection on 8 May 2025 found booster signage was inadequate.</p> <p>A corrective action letter was issued on 23 May 2025 seeking action to address the comments raised by FRNSW by 9 September 2025.</p> <p>An inspection will be undertaken to confirm the work has been completed, addressing this issue.</p>                                                                                                    |
| v    | The combined booster assembly was not provided with a fade resistant engraved sign stating the 'WORKING PRESSURE' and 'SYSTEM TESTED to' in kPa.                                                                                                                                                      | <p>The City's inspection on 8 May 2025 found booster signage was inadequate.</p> <p>A corrective action letter was issued on 23 May 2025 seeking action to address the comments raised by FRNSW by 9 September 2025.</p> <p>An inspection will be undertaken to confirm the work has been completed, addressing this issue.</p>                                                                                                    |
| vi   | FRNSW are of the opinion that the High-Pressure combined booster assembly is connected in-series with the fixed on-site pump. In this regard, warning signage and a 150mm diameter liquid filled pressure gauge which indicates the pressure at the pump                                              | <p>The City's inspection on 8 May 2025 found that further assessment of the combined booster assembly was required to determine compliance.</p> <p>A corrective action letter was issued on 23 May 2025 seeking action to</p>                                                                                                                                                                                                      |

| Ref.      | Issue                                                                                                                                                                                                                                     | City response                                                                                                                                                                                                                                                                                                                                                   |
|-----------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|           | discharge pipe/manifold is not installed at the booster assembly.                                                                                                                                                                         | address the comments raised by FRNSW by 9 September 2025.<br><br>An inspection will be undertaken to confirm the work has been completed, addressing this issue.                                                                                                                                                                                                |
| vii       | The pressure gauge on the suction side of the sprinkler/hydrant pump for the high-pressure zone on Ground Level is showing 0kPa. FRNSW cannot determine if the gauge is not operating correctly or if there is no water flow to the pump. | The City's inspection on 8 May 2025 found work is required to confirm the pressure gauge is operating correctly.<br><br>A corrective action letter was issued on 23 May 2025 seeking action to address the comments raised by FRNSW by 9 September 2025.<br><br>An inspection will be undertaken to confirm the work has been completed, addressing this issue. |
| viii      | The electric fire pump on Level B8 was missing a pressure gauge on the suction side of the pump.                                                                                                                                          | The City's inspection on 8 May 2025 identified a missing pressure gauge on the fire pump.<br><br>A corrective action letter was been issued on 23 May 2025 seeking action to address the comments raised by FRNSW by 9 September 2025.<br><br>An inspection will be undertaken to confirm the work has been completed, addressing this issue.                   |
| <b>1B</b> | <b>Fire Hose Reels</b>                                                                                                                                                                                                                    |                                                                                                                                                                                                                                                                                                                                                                 |
| A         | Multiple fire hose reels were not capable of immediate use as the nozzles were not stowed in the interlock device.                                                                                                                        | The City's inspection on 8 May 2025 identified hose reels were not stowed with an interlock device.<br><br>A corrective action letter was issued on 23 May 2025 seeking action to address the comments raised by FRNSW by 18 July 2025.<br><br>On 29 July 2025, the City received confirmation that the required works had been completed.                      |

| Ref.       | Issue                                                                                                                                                                                                                          | City response                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |
|------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|            |                                                                                                                                                                                                                                | An inspection has been scheduled for 12 September 2025 to verify the completion of all Stage 1 and Stage 2 works, addressing this issue.                                                                                                                                                                                                                                                                                                                                                   |
| B          | The fire hose reel on level B1 carpark had access obstructed by temporary fencing and stored items.                                                                                                                            | The City's inspection on 8 May 2025 found that the fire hose reel on level B1 had been rectified prior to the inspection, addressing this issue.                                                                                                                                                                                                                                                                                                                                           |
| <b>1C.</b> | <b>Smoke Detection and Alarm System (SDAS)</b>                                                                                                                                                                                 |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |
| A.         | The Fire Detection and Control Indicating Equipment (FDCIE) had an indicator light ON for a common isolate. It appeared to relate to "HP Electric Pump Tamper". FRNSW are of the opinion maintenance is not being carried out. | <p>The City's inspection on 8 May 2025 confirmed further maintenance is required for the FDCIE.</p> <p>A corrective action letter was issued on 23 May 2025 seeking action to address the comments raised by FRNSW by 18 July 2025.</p> <p>On 29 July 2025, the City received confirmation that the required works had been completed.</p> <p>An inspection has been scheduled for 12 September 2025 to verify the completion of all Stage 1 and Stage 2 works, addressing this issue.</p> |
| <b>1D.</b> | <b>Access and Egress</b>                                                                                                                                                                                                       |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |
| A.         | The path of travel to an exit in a fire isolated corridor from the fire control room was partially blocked by stored items.                                                                                                    | <p>The City's inspection on 8 May 2025 identified path of travel were partially blocked.</p> <p>A corrective action letter was issued on 23 May 2025 seeking action to address the comments raised by FRNSW by 18 July 2025.</p> <p>On 29 July 2025, the City received confirmation that the required works had been completed.</p> <p>An inspection has been scheduled for 12 September 2025 to verify the</p>                                                                            |



| Ref.      | Issue                                                                                                                                                                                                                                                                                                 | City response                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |
|-----------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|           |                                                                                                                                                                                                                                                                                                       | completion of all Stage 1 and Stage 2 works, addressing this issue.                                                                                                                                                                                                                                                                                                                                                                                                                      |
| B.        | The directional exit sign near car space No. 470 did not appear to be maintained, as it was not illuminated.                                                                                                                                                                                          | <p>The City's inspection on 8 May 2025 identified unilluminated, non-compliant exit signage.</p> <p>A corrective action letter was issued on 23 May 2025 seeking action to address the comments raised by FRNSW by 18 July 2025.</p> <p>On 29 July 2025, the City received confirmation that the required works had been completed.</p> <p>An inspection has been scheduled for 12 September 2025 to verify the completion of all Stage 1 and Stage 2 works, addressing this issue.</p>  |
| C.        | Both exit doors from within the plant room on level 28 have not been provided with exit signs.                                                                                                                                                                                                        | <p>The City's inspection on 8 May 2025 identified exit signage missing within the plant room.</p> <p>A corrective action letter was issued on 23 May 2025 seeking action to address the comments raised by FRNSW by 18 July 2025.</p> <p>On 29 July 2025, the City received confirmation that the required works had been completed.</p> <p>An inspection has been scheduled for 12 September 2025 to verify the completion of all Stage 1 and Stage 2 works, addressing this issue.</p> |
| <b>2.</b> | <b>Compartmentation and Separation</b>                                                                                                                                                                                                                                                                |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |
| A.        | FRNSW are of the opinion that the sliding fire door between the premises carpark and the carpark of No. 545 Kent Street is inoperable. The rail for the sliding fire door has been damaged by impact and it visually appears the sliding fire door will not be able to return to the closed position. | <p>The City's inspection on 8 May 2025 found the sliding fire door was damaged.</p> <p>A corrective action letter was issued on 23 May 2025 seeking action to address the comments raised by FRNSW by 18 July 2025.</p>                                                                                                                                                                                                                                                                  |

| Ref. | Issue                                                                                                                                                                                                                                                                                                                                                                | City response                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |
|------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|      | <p>i. There is no “warning – sliding fire door” on the Kent Street side of the sliding fire door.</p>                                                                                                                                                                                                                                                                | <p>On 29 July 2025, the City was advised that the works remain in progress. Accordingly, an extension has been granted, with completion now due 9 September 2025.</p> <p>An inspection has been scheduled for 12 September 2025 to verify the completion of all Stage 1 and Stage 2 works, addressing this issue.</p>                                                                                                                                                                                        |
| B.   | <p>The fire door near car space No. 470 failed to return to the fully closed position.</p>                                                                                                                                                                                                                                                                           | <p>The City’s inspection on 8 May 2025 found the fire door failed to return to the fully closed position.</p> <p>A corrective action letter was issued on 23 May 2025 seeking action to address the comments raised by FRNSW 18 July 2025.</p> <p>On 29 July 2025, the City received confirmation that the required works had been completed.</p> <p>An inspection has been scheduled for 12 September 2025 to verify the completion of all Stage 1 and Stage 2 works, addressing this issue.</p>            |
| C.   | <p>The door and door frame exiting the fire control room had fire door tags from different suppliers on the door and door frame. As the tags are from different suppliers, FRNSW is of the opinion it has not been assessed as a door set.</p> <p>i. The same fire door had a door chock holding it in the open position, preventing the door from self-closing.</p> | <p>The City’s inspection on 8 May 2025 found the fire control room door may not have been assessed as a door set.</p> <p>A corrective action letter was issued on 23 May 2025 seeking action to address the comments raised by FRNSW by 18 July 2025.</p> <p>On 29 July 2025, the City received confirmation that the required works had been completed.</p> <p>An inspection has been scheduled for 12 September 2025 to verify the completion of all Stage 1 and Stage 2 works, addressing this issue.</p> |

6. FRNSW have recommended that the City inspect the subject premises and appropriately address noted (and other) deficiencies identified within their report.

### **Council Investigation Officer Recommendations**

7. As a result of site inspections undertaken by the Council investigation officer a corrective action letter was issued on 23 May 2025 to the building owners to address the fire safety deficiencies identified by the City and FRNSW.
8. Following the submission of the requested assessment reports, Council may exercise its powers to issue a Notice of Intention (NOI) for a fire safety order under the Act to address the identified fire safety deficiencies.
9. After the NOI's representation period expires and any received representations are considered, a fire safety order may be issued to ensure that appropriate fire safety systems are in place throughout the building, providing improved and adequate fire safety provisions.
10. It is recommended that the Commissioner of FRNSW be informed of the City's decision.

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File Ref. No: FRN25/930 - BFS25/1739 - 8000041440  
TRIM Ref. No: D25/46270  
Contact: Station Officer Kurt Ingle

30 April 2025

General Manager  
City of Sydney  
GPO Box 1591  
SYDNEY NSW 2001

Email: [council@cityofsydney.nsw.gov.au](mailto:council@cityofsydney.nsw.gov.au)

Attention: Manager Compliance/Fire Safety

Dear General Manager

**Re: INSPECTION REPORT  
LANDMARK APARTMENTS  
348-352 SUSSEX STREET SYDNEY ("the premises")**

Fire and Rescue NSW (FRNSW) received correspondence on 7 March 2025 concerning the adequacy of the provision for fire safety in connection with 'the premises'.

The correspondence stated that:

- Rubbish wood/plastic containers/gas bottles. Too much stuff is left in the carpark have informed the building manager with no luck. Some residents even using blow touch on regular occasion. Strata law does not allow us to put anything in car spaces. Very bad situation I dont know how they pass the fire safety test for the property.*

Pursuant to Section 9.32(1) of the *Environmental Planning and Assessment Act 1979* (EP&A Act), Authorised Fire Officers from the Fire Safety Compliance Unit of FRNSW inspected 'the premises' on 23 April 2025.

On behalf of the Commissioner of FRNSW, the comments in this report are provided under Section 9.32(4) and Schedule 5, Part 8, Section 17(1) of the EP&A Act.

The items listed in the comments of this report are based on the following limitations:

- A general overview of the building was obtained without using the development consent conditions or approved floor plans as a reference.

Fire and Rescue NSW

ABN 12 593 473 110

[www.fire.nsw.gov.au](http://www.fire.nsw.gov.au)

Community Safety Directorate  
Fire Safety Compliance Unit

1 Amarina Ave  
Greenacre NSW 2190

T (02) 9742 7434  
F (02) 9742 7483

[www.fire.nsw.gov.au](http://www.fire.nsw.gov.au)

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- Details of the Provisions for Fire Safety and Fire Fighting Equipment are limited to a visual inspection of the parts in the building accessed and the fire safety measures observed at the time.

**COMMENTS**

The following items were identified during the inspection:

1. Essential Fire Safety Measures

1A. Combined Sprinkler and Hydrant System

- A. Ordinance 70 and Australian Standard (AS) 2419.1-1994 permitted the use of an internal booster connection for portable relay pumps to be installed in buildings above 75 metres or as required by the regulatory authority, to provide a pressurised water source for firefighting operations on the upper levels of the building. In this regard, the use of portable relay pumps, no longer suits the operational needs of FRNSW.

The sprinkler system throughout the building appears to be a combination of AS 2118.1 and AS 2118.6. FRNSW are unable to determine the year of the standard of performance.

- B. The following was observed based on the combined system block plan.

- i. Taking into account head pressure, and that the maximum discharge pressure at any hydrant outlet under design flow conditions shall not exceed 1200 kPa at the most advantaged hydrant, FRNSW are of the opinion that:
  - a. The boost pressure displayed at the fire hydrant booster cabinet of 1000kPa for the Low-Pressure Zone will exceed the maximum required pressure in Lower Basement Levels.
  - b. The boost pressure displayed at the fire hydrant booster cabinet of 1500kPa for the High-Pressure Zone will exceed the maximum required pressure on the lower levels.
- ii. The ring main for the High-Pressure zone is over 70m in height. In high-rise installations, pressure zone limitations operated by the fire brigade allow a maximum of 50m for any pressure zone.
- iii. An internal booster is installed on Level 9, requiring a portable pumpset to achieve operational pressures throughout the building.

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- iv. The combined hydrant and sprinkler booster was not marked with the words 'COMBINED HYDRANT AND SPRINKLER BOOSTER'. Due to the combined booster assembly being behind the roller door, FRNSW also recommend signage outside the roller door identifying the location of the combined booster assembly.
- v. The combined booster assembly was not provided with a fade resistant engraved sign stating the 'WORKING PRESSURE' and 'SYSTEM TESTED to' in kPa.
- vi. FRNSW are of the opinion that the High-Pressure combined booster assembly is connected in-series with the fixed on-site pump. In this regard, warning signage and a 150mm diameter liquid filled pressure gauge which indicates the pressure at the pump discharge pipe/manifold is not installed at the booster assembly.
- vii. The pressure gauge on the suction side of the sprinkler/hydrant pump for the high-pressure zone on Ground Level is showing 0kPa. FRNSW cannot determine if the gauge is not operating correctly or if there is no water flow to the pump.
- viii. The electric fire pump on Level B8 was missing a pressure gauge on the suction side of the pump.

**1B. Fire Hose Reels**

- A. Multiple fire hose reels were not capable of immediate use as the nozzles were not stowed in the interlock device contrary to the requirements of Clause 2.2.7.2 of AS 1221-1997.
- B. The fire hose reel on level B1 carpark had access obstructed by temporary fencing and stored items contrary to the requirements of Clause 10.1 of AS 2441-2005.

**1C. Smoke Detection and Alarm System (SDAS)**

- A. The Fire Detection and Control Indicating Equipment (FDCIE) had an indicator light ON for a common isolate. It appeared to relate to "HP Electric Pump Tamper". FRNSW are of the opinion maintenance is not being carried out in accordance with Section 81 of Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021 (EPAR21).

**1D. Access and Egress**

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- A. The path of travel to an exit in a fire isolated corridor from the fire control room was partially blocked by stored items contrary to the requirements of Section 109 of EPAR21.
- B. The directional exit sign near car space No. 470 did not appear to be maintained, as it was not illuminated contrary to Section 81 of EPAR 21.
- C. Both exit doors from within the plant room on level 28 have not been provided with exit signs contrary to the requirements of Clause E4D5 of the National Construction Code 2022, Volume 1 Building Code of Australia (NCC).

2. Compartmentation and Separation

- A. FRNSW are of the opinion that the sliding fire door between the premises carpark and the carpark of No. 545 Kent Street is inoperable, contrary to the requirements of Clause C4D7 of the NCC. The rail for the sliding fire door has been damaged by impact and it visually appears the sliding fire door will not be able to return to the closed position.
  - i. There is no “warning – sliding fire door” on the Kent Street side of the sliding fire door, contrary to the requirements of Clause C4D7 of the NCC.
- B. The fire door near car space No. 470 failed to return to the fully closed position contrary to the requirements of Clause C4D9 of the NCC 2022.
- C. The door and door frame exiting the fire control room had fire door tags from different suppliers on the door and door frame. As the tags are from different suppliers, FRNSW is of the opinion it has not been assessed as a door set in accordance with Clause 6.1 AS 1905.1-2015.
  - i. The same fire door had a door chock holding it in the open position, preventing the door from self-closing contrary to the requirements of Clause C4D6 of the NCC.

FRNSW believes that there are inadequate provisions for fire safety within the building.

**RECOMMENDATIONS**

FRNSW recommends that Council:

- a. Review items 1 to 2 of this report and conduct an inspection.
- b. Upgrade the fire hydrant system, to operate without the need for a portable relay pump, to meet the requirements of the current AS2419.1 for an equivalent new

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building, as these older fire hydrant systems no longer meet the operational requirements of FRNSW.

- c. Address any other deficiencies identified on "the premises".

Please be advised that Schedule 5, Part 8, Section 17(2) requires any report or recommendation from the Commissioner of FRNSW to be tabled at a Council meeting. This matter is referred to Council as the appropriate regulatory authority. FRNSW awaits the Council's advice regarding its determination under Schedule 5, Part 8, Section 17 (4) of the EP&A Act.

Please do not hesitate to contact Station Officer Kurt Ingle of FRNSW's Fire Safety Compliance Unit at [FireSafety@fire.nsw.gov.au](mailto:FireSafety@fire.nsw.gov.au) or call (02) 9742 7434 if there are any questions or concerns about the above matters. Please refer to file reference FRN25/930 - BFS25/1739 - 8000041440 regarding any correspondence concerning this matter.

Yours faithfully



Paul Scott  
Team Leader  
Fire Safety Compliance Unit

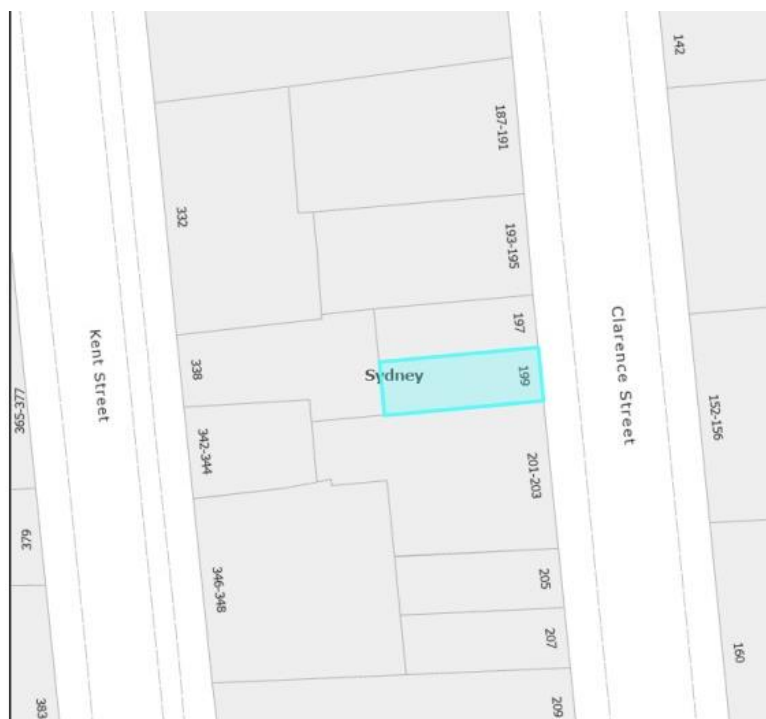


# **Attachment D**

**Inspection Report  
199 Clarence Street, Sydney**



**Figure 1:** 199 Clarence Street, Sydney, viewed from the east



**Figure 2:** Location map of 199 Clarence Street, Sydney

**Council Investigation Officer Inspection and Recommendation Report; Clause 17(2) Part 8 of Schedule 5 of the Environmental Planning and Assessment Act 1979 (the Act)**

**Officer:** Andrew Manning

**Date:** 1 July 2025

**Premises:** 199 Clarence Street, Sydney

**Executive Summary**

1. The City of Sydney (the City) received correspondence from the Commissioner of Fire and Rescue NSW (FRNSW) in relation to the subject premises dated 5 May 2025 with respect to matters of fire safety.
2. The premises consists of a 6 storey building used for commercial purposes.
3. The City inspected the premises on 21 May 2025, accompanied by the managing agent and Accredited Practitioner (Fire Safety) representatives. This inspection identified deficiencies in fire safety. To address this, a fire safety order (order) is recommended to be issued under the Act.

## Chronology

| Date         | Event                                                                                                                                                    |
|--------------|----------------------------------------------------------------------------------------------------------------------------------------------------------|
| 5 May 2025   | FRNSW correspondence received.                                                                                                                           |
| 15 May 2025  | The City carried out an initial inspection of the publicly accessible areas of the premises.                                                             |
| 21 May 2025  | The City carried out an additional inspection of the premises with the owners' representatives.                                                          |
| 22 May 2025  | Additional inspection carried out by the City of the publicly accessible areas of the premises.                                                          |
| 16 July 2025 | The City issued a Notice of Intention to give a Fire Safety Order (NOI) directing the building owners to address identified deficiencies in fire safety. |

## Fire and Rescue NSW Report

4. Fire and Rescue NSW conducted an inspection of the subject premises on 12 March 2025.

### Issues

5. The report from Fire and Rescue NSW detailed issues as shown in the table below.

| Ref.     | Issue                                                                                             | City response                                                                                                                                 |
|----------|---------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------|
| <b>1</b> | <b>Compartmentation and Separation</b>                                                            |                                                                                                                                               |
| 1A       | The fire-rated door leading to the internal stairs from the "Lamp Hair" tenancy was chocked open. | During the City's inspection on 22 May 2025, no doors were observed chocked open, addressing this issue.                                      |
| 1B       | The fire-rated doors to the internal stairs on level 3 and level 4 did not self-close.            | During the City's inspection on 22 May 2025, fire doors were observed installed with appropriate self-closing devices, addressing this issue. |



| Ref.     | Issue                                                                                                                                                                                                                                                                                                                                               | City response                                                                                                                                                                                                                                   |
|----------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>2</b> | <b>Egress</b>                                                                                                                                                                                                                                                                                                                                       |                                                                                                                                                                                                                                                 |
| 2A       | The electrical switchboard located within the internal stairs was not adequately sealed against the passage of smoke.                                                                                                                                                                                                                               | <p>The City's inspection on 22 May 2025 identified the electrical switchboard may not be adequately sealed.</p> <p>To address this, the City issued an NOI on 16 July 2025 requiring inspection and certification of electrical insulation.</p> |
| <b>3</b> | <b>Services and Equipment</b>                                                                                                                                                                                                                                                                                                                       |                                                                                                                                                                                                                                                 |
| 3A       | Automatic Fire Suppression System (Sprinklers)                                                                                                                                                                                                                                                                                                      |                                                                                                                                                                                                                                                 |
| A        | <p>Access to the sprinkler booster assembly requires entering the building and travelling down a flight of stairs to the basement level.</p> <p>Access to the sprinkler booster assembly is likely to be difficult or impossible in the event of a fire and the current location does therefore not suit the operational requirements of FRNSW.</p> | <p>The City's inspection on 22 May 2025 identified the access to the sprinkler booster was non-compliant.</p> <p>To address this, the City issued a NOI on 16 July 2025 requiring modification of the sprinkler system.</p>                     |
| B        | The sprinkler booster assembly does not incorporate feed hydrants.                                                                                                                                                                                                                                                                                  | <p>The City's inspection on 22 May 2025 identified the booster assembly was non-compliant.</p> <p>To address this, the City issued a NOI on 16 July 2025 requiring modification of the sprinkler system.</p>                                    |
| C        | The sprinkler booster assembly was not provided with signage indicating the maximum allowable inlet pressure.                                                                                                                                                                                                                                       | <p>The City's inspection on 22 May 2025 identified missing signage on for the booster assembly.</p> <p>To address this, the City issued a NOI on 16 July 2025 requiring modification of the sprinkler system.</p>                               |

| Ref. | Issue                                                                                                                                                                                                                                                                                                                                                    | City response                                                                                                                                                                                                                                          |
|------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 3B   | Exit Signs                                                                                                                                                                                                                                                                                                                                               |                                                                                                                                                                                                                                                        |
| A    | The exit sign located above the door discharging to the street from the internal stairs was not illuminated.                                                                                                                                                                                                                                             | During the City's inspection on 22 May 2025, the subject exit light was observed illuminated, addressing this issue.                                                                                                                                   |
| 3C   | Fire Hydrant System                                                                                                                                                                                                                                                                                                                                      |                                                                                                                                                                                                                                                        |
| A    | <p>Access to the fire hydrant booster assembly requires entering the building and travelling down a flight of stairs to the basement level.</p> <p>Access to the fire hydrant booster assembly is likely to be difficult or impossible in the event of a fire and the current location does therefore not suit the operational requirements of FRNSW</p> | <p>The City's inspection on 22 May 2025 identified access to the hydrant booster was non-compliant.</p> <p>To address this, the City issued a NOI on 16 July 2025 requiring modification of the existing hydrant system.</p>                           |
| B    | The fire hydrant booster assembly does not incorporate feed hydrants.                                                                                                                                                                                                                                                                                    | <p>The City's inspection on 22 May 2025 identified the hydrant booster assembly does not have access to feed hydrants.</p> <p>To address this, the City issued a NOI on 16 July 2025 requiring modification of the existing hydrant system.</p>        |
| C    | A fire hydrant block plan was not located at the fire hydrant booster assembly.                                                                                                                                                                                                                                                                          | <p>The City's inspection on 22 May 2025 identified a hydrant block plan was not located at the fire hydrant booster assembly.</p> <p>To address this, the City issued a NOI on 16 July 2025 requiring modification of the existing hydrant system.</p> |
| D    | Signage indicating the test pressure was not located at the fire hydrant booster.                                                                                                                                                                                                                                                                        | <p>The City's inspection on 22 May 2025 identified missing test pressure signage.</p> <p>To address this, the City issued a NOI on 16 July 2025 requiring modification of the existing hydrant system.</p>                                             |

| Ref. | Issue                                                                                                               | City response                                                                                                                                                                                          |
|------|---------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| E    | Signage indicating the boost pressure for the hydrant system was not provided at the fire hydrant booster assembly. | The City's inspection on 22 May 2025 identified missing booster pressure signage.<br><br>To address this, the City issued a NOI on 16 July 2025 requiring modification of the existing hydrant system. |
| 4    | <b>General</b>                                                                                                      |                                                                                                                                                                                                        |
| 4A   | A current Annual Fire Safety Statement was not displayed in a prominent location within the building.               | The City's inspection on 22 May 2025 found the AFSS was prominently displayed within lobby of building, addressing this issue.                                                                         |

6. FRNSW have recommended that the City inspect the subject premises and appropriately address noted (and other) deficiencies identified within their report.

### **Council Investigation Officer Recommendations**

7. As a result of site inspections undertaken by the Council investigation officer it is recommended Council exercise its powers to issue a Notice of Intention (NOI) for a fire safety order under the Act to address the identified fire safety deficiencies. After the NOI's representation period expires and any received representations are considered, a fire safety order may be issued to ensure that appropriate fire safety systems are in place throughout the building, providing improved and adequate fire safety provisions.
8. Due to fire safety concerns a Notice of Intention (NOI) for a fire safety order under the Act was issued on 16 July 2025. After the NOI's representation period and consideration of any responses, a fire safety order may be issued to ensure adequate fire safety systems are in place throughout the building.
9. It is recommended that the Commissioner of FRNSW be informed of the City's decision.

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File Ref. No: FRN13/1959 – BFS25/847 - 8000040721  
TRIM Ref. No: D25/042166  
Contact: Ryan Maestri

5 May 2025

General Manager  
City of Sydney  
GPO Box 1591  
SYDNEY NSW 2001

Email: [council@cityofsydney.nsw.gov.au](mailto:council@cityofsydney.nsw.gov.au)

Attention: Manager Compliance/Fire Safety

Dear Sir / Madam

**Re: INSPECTION REPORT  
COMMERCIAL BUILDING  
199 CLARENCE STREET, SYDNEY ("the premises")**

Fire and Rescue NSW (FRNSW) received correspondence on 7 February 2025 concerning the adequacy of the provision for fire safety in connection with 'the premises'.

The correspondence stated that:

- *Concerns if Fire Hydrant and Sprinkler system non compliant*
- *No boost point within the site of the main entry. Boost point is located in the basement within the fire system near the stop valve. No Street Access, Access is down a flight of stairs, less than 3m surrounding, no hard stand. Pinch points for running hose to booster point*

Pursuant to Section 9.32(1) of the *Environmental Planning and Assessment Act 1979* (EP&A Act), Authorised Fire Officers from the Fire Safety Compliance Unit of FRNSW inspected 'the premises' on 12 March 2025.

On behalf of the Commissioner of FRNSW, the comments in this report are provided under Section 9.32(4) and Schedule 5, Part 8, Section 17(1) of the EP&A Act.

The items listed in the comments of this report are based on the following limitations:

|                              |                    |                                                              |
|------------------------------|--------------------|--------------------------------------------------------------|
| Fire and Rescue NSW          | ABN 12 593 473 110 | <a href="http://www.fire.nsw.gov.au">www.fire.nsw.gov.au</a> |
| Community Safety Directorate | 1 Amarina Ave      | T (02) 9742 7434                                             |
| Fire Safety Compliance Unit  | Greenacre NSW 2190 | F (02) 9742 7483                                             |

[www.fire.nsw.gov.au](http://www.fire.nsw.gov.au) Page 1 of 4

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- A general overview of the building was obtained without using the development consent conditions or approved floor plans as a reference.
- Details of the Provisions for Fire Safety and Fire Fighting Equipment are limited to a visual inspection of the parts in the building accessed and the fire safety measures observed at the time.

**COMMENTS**

The following items were identified during the inspection:

1. Compartmentation and Separation
  - 1A. The fire-rated door leading to the internal stairs from the "Lamp Hair" tenancy was chocked open, contrary to the requirements of Clause 2.1.3 of AS 1905.1-2015 and Section 109 of the Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021.
  - 1B. The fire-rated doors to the internal stairs on level 3 and level 4 did not self-close, contrary to the requirements of Clause 2.1.3 of AS 1905.1-2015.
2. Egress
  - 2A. The electrical switchboard located within the internal stairs was not adequately sealed against the passage of smoke, contrary to the requirements of Clause D3D8 of the National Construction Code Volume 1 2022 (NCC).
3. Services and Equipment
  - 3A. Automatic Fire Suppression System (Sprinklers)
    - A. Access to the sprinkler booster assembly requires entering the building and travelling down a flight of stairs to the basement level, contrary to the requirements of Clause 4.14 of AS 2118.1-2017 and Clause 7.3.1 of AS 2419.1-2021.

Access to the sprinkler booster assembly is likely to be difficult or impossible in the event of a fire and the current location does therefore not suit the operational requirements of FRNSW.
    - B. The sprinkler booster assembly does not incorporate feed hydrants, contrary to the requirements of Clause 4.14 of AS 2118.1-2017 and Section 7 of AS 2419.1-2021.
    - C. The sprinkler booster assembly was not provided with signage indicating the maximum allowable inlet pressure, contrary to the requirements of Clause 4.14.1 of AS 2118.1-2017.

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3B. Exit Signs

- A. The exit sign located above the door discharging to the street from the internal stairs was not illuminated, contrary to the requirements of AS 2293.1-2018.

3C. Fire Hydrant System

- A. Access to the fire hydrant booster assembly requires entering the building and travelling down a flight of stairs to the basement level, contrary to the requirements of Clause 7.3.1 of AS 2419.1-2021.

Access to the fire hydrant booster assembly is likely to be difficult or impossible in the event of a fire and the current location does therefore not suit the operational requirements of FRNSW.

- B. The fire hydrant booster assembly does not incorporate feed hydrants, contrary to the requirements of Section 7 of AS 2419.1-2021.
- C. A fire hydrant block plan was not located at the fire hydrant booster assembly, contrary to the requirements of Clause 11.5 of AS 2419.1-2021.
- D. Signage indicating the test pressure was not located at the fire hydrant booster, contrary to the requirements of Clause 11.3.4.1 of AS 2419.1-2021.
- E. Signage indicating the boost pressure for the hydrant system was not provided at the fire hydrant booster assembly, contrary to the requirements of Clause 11.3.4.2 of AS 2419.1-2021.

4. General

- 4A. A current Annual Fire Safety Statement was not displayed in a prominent location within the building, contrary to the requirements of Section 89 of the Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021.

FRNSW believes that there are inadequate provisions for fire safety within the building.

**RECOMMENDATIONS**

FRNSW recommends that Council:

- a. Review items 1 to 4 of this report and conduct an inspection.
- b. Address any other deficiencies identified on "the premises".

Please be advised that Schedule 5, Part 8, Section 17(2) requires any report or recommendation from the Commissioner of FRNSW to be tabled at a Council meeting. This matter is referred to Council as the appropriate regulatory authority. FRNSW

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awaits the Council's advice regarding its determination under Schedule 5, Part 8, Section 17 (4) of the EP&A Act.

Please do not hesitate to contact Ryan Maestri of FRNSW's Fire Safety Compliance Unit at [FireSafety@fire.nsw.gov.au](mailto:FireSafety@fire.nsw.gov.au) or call (02) 9742 7434 if there are any questions or concerns about the above matters. Please refer to file reference FRN13/1959 – BFS25/847 - 8000040721 regarding any correspondence concerning this matter.

Yours faithfully



Ryan Maestri  
Senior Building Surveyor  
Fire Safety Compliance Unit

# **Attachment E**

|                                                                             |
|-----------------------------------------------------------------------------|
| <p><b>Inspection Report</b><br/><b>171 Gloucester Street, The Rocks</b></p> |
|-----------------------------------------------------------------------------|





**Figure 1:** 171 Gloucester Street, The Rocks, viewed from the east



**Figure 2:** 171 Gloucester Street, The Rocks

## **Council Investigation Officer Inspection and Recommendation Report; Clause 17(2) Part 8 of Schedule 5 of the Environmental Planning and Assessment Act 1979 (the Act)**

**Officer:** Chi Lam

**Date:** 1 July 2025

**Premises:** 171 Gloucester Street, THE ROCKS

### **Executive Summary**

1. The City of Sydney (the City) received correspondence from the Commissioner of Fire and Rescue NSW (FRNSW) in relation to the subject premises 10 June 2025 with respect to matters of fire safety.
2. The premises consists of a 30 storey building used for residential accommodation.
3. The City inspected the premises on 24 June 2025, accompanied by the Building Manager. The inspection identified fire safety provisions requiring maintenance, which can be addressed under the City's instruction.

### **Chronology**

| <b>Date</b>  | <b>Event</b>                                                                                                                                                        |
|--------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 10 June 2025 | FRNSW correspondence received.                                                                                                                                      |
| 24 June 2025 | The City carried out an inspection of the premises with the building manager and identified several deficiencies including non-compliant re-entry from fire stairs. |
| 7 July 2025  | The City issued a corrective action letter instructing building owners to rectify matters by 8 October 2025.                                                        |

### **Fire and Rescue NSW Report**

4. Fire and Rescue NSW conducted an inspection of the subject premises on 13 March 2025.

### **Issues**

5. The report from Fire and Rescue NSW detailed issues as shown in the table below.

| Ref.     | Issue                                                                                                                                                                                                                                                                                                                                                                                                                     | City response                                                                                                                                                                                                                                                                                                              |
|----------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>1</b> | <b>Essential Fire Safety Measures</b>                                                                                                                                                                                                                                                                                                                                                                                     |                                                                                                                                                                                                                                                                                                                            |
| 1A       | Combined Fire Hydrant and Sprinkler System:                                                                                                                                                                                                                                                                                                                                                                               |                                                                                                                                                                                                                                                                                                                            |
| a        | The booster assembly:                                                                                                                                                                                                                                                                                                                                                                                                     |                                                                                                                                                                                                                                                                                                                            |
| i        | A block plan of the fire hydrant system was not securely fixed within the booster enclosure. Whilst a block plan was provided, it was detached from its installed location and was covered in dust and grime and was not legible.                                                                                                                                                                                         | During the City's inspection on 24 June 2025, a block plan was observed installed in the correct location with contents legible, addressing this issue.                                                                                                                                                                    |
| b        | The pumproom:                                                                                                                                                                                                                                                                                                                                                                                                             |                                                                                                                                                                                                                                                                                                                            |
| i        | A block plan of the fire hydrant system had not been provided within the pumproom.                                                                                                                                                                                                                                                                                                                                        | During the City's inspection on 24 June 2025, a block plan was observed installed in the correct location with contents legible, addressing this issue.                                                                                                                                                                    |
| <b>2</b> | <b>General</b>                                                                                                                                                                                                                                                                                                                                                                                                            |                                                                                                                                                                                                                                                                                                                            |
| 2A       | Access and Egress:                                                                                                                                                                                                                                                                                                                                                                                                        |                                                                                                                                                                                                                                                                                                                            |
| A        | Re-entry from fire-isolated exits – The doors to the fire-isolated stairways serving the residential levels, were all locked from the inside. Whilst it appears that the doors are fitted with a failsafe device that automatically unlocks the door upon activation of a fire alarm, the intercommunication system is not provided on each level and a sign is not fixed explaining its purpose and method of operation. | <p>During the City's inspection on 24 June 2025, re-entry from the fire stairs does not comply.</p> <p>On 7 July 2025 the City issued a corrective action letter requiring re-entry to be rectified by 8 October 2025. A follow up inspection will be undertaken to ensure works are completed, addressing this issue.</p> |

6. FRNSW have recommended that the City inspect the subject premises and appropriately address noted (and other) deficiencies identified within their report.

### **Council Investigation Officer Recommendations**

7. As a result of site inspections undertaken by the Council investigation officer a corrective action letter was issued on 7 July 2025 to the building owners to address the fire safety deficiencies identified by the City and FRNSW.
8. It is recommended that the Commissioner of FRNSW be informed of the City's decision.



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File Ref. No: FRN13/902 - BFS25/886 – 8000040756  
TRIM Ref. No: D25/46703  
Contact: Mark Knowles

10 June 2025

General Manager  
City of Sydney  
GPO Box 1591  
SYDNEY NSW 2001

Email: [council@cityofsydney.nsw.gov.au](mailto:council@cityofsydney.nsw.gov.au)

Attention: Manager Compliance / Fire Safety

Dear Sir / Madam

**Re: INSPECTION REPORT  
'THE STAMFORD RESIDENCES'  
171-193 GLOUCESTER STREET, THE ROCKS ("the premises")**

In response to the Project Remediate programme being undertaken by the NSW Department of Customer Service, to remove high-risk combustible cladding on residential apartment buildings in NSW, an inspection of 'the premises' on 13 March 2025 was conducted by Authorised Fire Officers from the Fire Safety Compliance Unit of Fire and Rescue NSW (FRNSW), pursuant to the provisions of Section 9.32(1)(b) of the *Environmental Planning and Assessment Act 1979* (EP&A Act).

In this instance, the inspection revealed fire safety concerns that may require Council as the appropriate regulatory authority to use its discretion and address the concerns observed at the time of the inspection.

In this regard, the inspection was limited to the following:

- A general overview of the building was obtained without using the development consent conditions or approved floor plans as reference.
- Details of the Provisions for Fire Safety and Fire Fighting Equipment are limited to a visual inspection of the parts in the building accessed and the fire safety measures observed at the time.

Fire and Rescue NSW

ABN 12 593 473 110

[www.fire.nsw.gov.au](http://www.fire.nsw.gov.au)

Community Safety Directorate  
Fire Safety Compliance Unit

1 Amarina Ave  
Greenacre NSW 2190

T (02) 9742 7434  
F (02) 9742 7483

[www.fire.nsw.gov.au](http://www.fire.nsw.gov.au)

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On behalf of the Commissioner of FRNSW, the following comments are provided for your information in accordance with Section 9.32(4) and Schedule 5, Part 8, Section 17(1) of the EP&A Act.

**COMMENTS**

Please be advised that this report is not an exhaustive list of non-compliances. The proceeding items outline concerns in general terms, deviations from the fire safety provisions prescribed in Section 9.32(1)(b) of the EP&A Act and Clause 112 of the Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021 (EPAR 2021).

The following issues were observed at the time of the inspection:

1. Essential Fire Safety Measures

1A. Combined Fire Hydrant and Sprinkler System:

a. The booster assembly:

- i. A block plan of the fire hydrant system was not securely fixed within the booster enclosure, contrary to the requirements of Clause 7.11 of AS 2419.1-2005. Whilst a block plan was provided, it was detached from its installed location and was covered in dust and grime and was not legible.

b. The pumproom:

- i. A block plan of the fire hydrant system had not been provided within the pumproom, contrary to the requirements of Clause 7.11 of AS 2419.1-2005.

FRNSW is therefore of the opinion that the fire safety provisions prescribed for the purposes of 9.32(1)(b) of the EP&A Act, have not been complied with.

**ADDITIONAL COMMENTS**

In addition to the items identified above, relating to the Fire Safety Provisions prescribed by Clause 112 of the EPAR 2021, the following items were also identified as concerns at the time of the inspection and it would be at council's discretion as the appropriate regulatory authority to conduct its own investigation and consider the most appropriate action.

2. Generally:

2A. Access and Egress:

- A. Re-entry from fire-isolated exits – The doors to the fire-isolated stairways serving the residential levels (effective height greater than

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25m), were all locked from the inside. Whilst it appears that the doors are fitted with a failsafe device that automatically unlocks the door upon activation of a fire alarm, the intercommunication system is not provided on each level and a sign is not fixed explaining its purpose and method of operation, contrary to the requirements of Clause D3D27(2)(b) of the NCC.

**RECOMMENDATIONS**

FRNSW recommends that Council:

- a. Inspect and address item no. 1 of this report.
- b. Give consideration to the other deficiencies identified on 'the premises' identified in item no. 2 of this report.

This matter is referred to Council as the appropriate regulatory authority. FRNSW therefore awaits Council's advice regarding its determination in accordance with Schedule 5, Part 8, Section 17 (4) of the EP&A Act.

Should you have any enquiries regarding any of the above matters, please do not hesitate to contact Mark Knowles of FRNSW's Fire Safety Compliance Unit on (02) 9742 7434. Please ensure that you refer to file reference FRN13/902 - BFS25/886 – 8000040756 for any future correspondence in relation to this matter.

Yours faithfully



Mark Knowles  
Senior Building Surveyor  
Fire Safety Compliance Unit

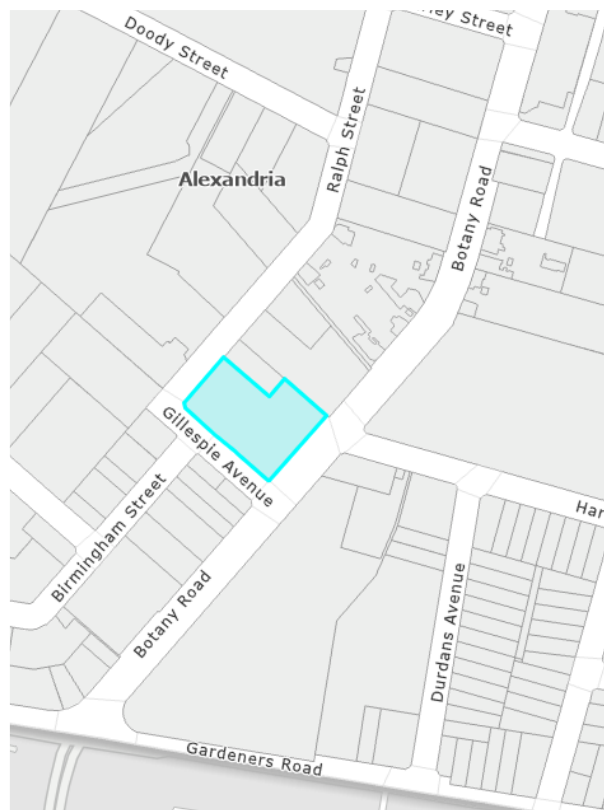
# **Attachment F**

**Inspection Report  
4 Gillespie Avenue, Alexandria**





**Figure 1:** 4 Gillespie Avenue, Alexandria, viewed from the south-east



**Figure 2:** Location map of 4 Gillespie Avenue, Alexandria

## **Council Investigation Officer Inspection and Recommendation Report; Clause 17(2) Part 8 of Schedule 5 of the Environmental Planning and Assessment Act 1979 (the Act)**

**Officer:** Joe Kalgovas

**Date:** 26 May 2025

**Premises:** 4 Gillespie Avenue, Alexandria

### **Executive Summary**

1. The City of Sydney (the City) received correspondence from the Commissioner of Fire and Rescue NSW (FRNSW) in relation to the subject premises dated 15 May 2025 with respect to matters of fire safety.
2. The premises consists of a 5 storey building used primarily for residential accommodation.
3. The City inspected the premises on 22 May 2025, accompanied by the Building Manager and a Strata Committee representative. This inspection identified fire safety provisions requiring maintenance, which can be addressed under the City's instruction.

### **Chronology**

| <b>Date</b> | <b>Event</b>                                                                                                                                                                         |
|-------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 19 May 2025 | FRNSW correspondence received.                                                                                                                                                       |
| 22 May 2025 | The City inspected the premises accompanied by the Building Manager and Strata Committee representative. The inspection identified several fire safety issues requiring maintenance. |
| 27 May 2025 | The City issued written instructions on 27 May 2025 detailing fire safety maintenance to be completed by 24 August 2025.                                                             |

### **Fire and Rescue NSW Report**

4. Fire and Rescue NSW conducted an inspection of the subject premises on 12 March 2025.

### **Issues**

5. The report from Fire and Rescue NSW detailed issues as shown in the table below.

| Ref.     | Issue                                                                                                                                                                                                                                                                                                                                                                                          | City response                                                                                                                                                                                                                                                                                                                                                                                                                               |
|----------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>1</b> | <b>Compartment and Separation</b>                                                                                                                                                                                                                                                                                                                                                              |                                                                                                                                                                                                                                                                                                                                                                                                                                             |
| 1A       | The shafts provided for services throughout the building incorporated non-fire rated access panels.                                                                                                                                                                                                                                                                                            | The City's inspection on 22 May 2025 found the only access panels were openings for the temperance valves and did not open to service shafts, addressing this issue.                                                                                                                                                                                                                                                                        |
| 1B       | The fire-isolated exit adjacent to car space 12 was penetrated by a number of electrical cables.                                                                                                                                                                                                                                                                                               | <p>During the City's inspection on 22 May 2025, temporary builder's electrical cables were found in the subject fire-isolated exit.</p> <p>The City issued written instructions on 26 May 2025, requiring all cables to be removed, and openings sealed by 24 August 2025.</p> <p>A follow up inspection is booked for 26 August 2025 to confirm works are completed in accordance with the City's instructions, addressing this issue.</p> |
| 1C       | A number of service penetrations from the car park through the first-floor slab did not comply with code requirements.                                                                                                                                                                                                                                                                         | <p>The City's inspection on 22 May 2025 identified non-compliant service penetrations.</p> <p>The City issued written instructions on 26 May 2025, requiring service penetrations to be rectified by 24 August 2025.</p> <p>A follow up inspection is booked for 26 August 2025 to confirm works are completed in accordance with the City's instructions, addressing this issue.</p>                                                       |
| 1D       | Electrical service penetrations within the main switch room appear to have been altered to attempt to achieve compliance with the requirements of Clause C4D15 of the NCC. Works in this regard do not appear to have been completed in a compliant manner and a number of large holes have been cut into the fire-rated plasterboard such that it no longer achieves a Fire-Resistance Level. | <p>Incomplete and damaged electrical service penetration works within the main switch room are to be repaired.</p> <p>During the City's inspection on 22 May 2025, incomplete and damaged electrical service penetration works were observed within the main switch room.</p>                                                                                                                                                               |

| Ref.     | Issue                                                                                                                                                                | City response                                                                                                                                                                                                                                                                                                                                                                             |
|----------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|          |                                                                                                                                                                      | <p>The City issued written instructions on 26 May 2025, requiring electrical service penetrations to be repaired by 24 August 2025.</p> <p>A follow up inspection is booked for 26 August 2025 to confirm works are completed in accordance with the City's instructions, addressing this issue.</p>                                                                                      |
| 1E       | The fire-isolated exit located adjacent to car space 38 was penetrated by what appeared to be a uPVC stormwater pipe.                                                | <p>During the City's inspection on 22 May 2025, the subject pipe was observed as defective.</p> <p>The City issued written instructions on 26 May 2025, requiring removal or separation of the pipe by 24 August 2025.</p> <p>A follow up inspection is booked for 26 August 2025 to confirm works are completed in accordance with the City's instructions, addressing this issue.</p>   |
| 1F       | The Fire Detection Control and Indicating Equipment (FDCIE) provided to active the sliding fire door in the car park has been provided with power via a power point. | <p>During the City's inspection on 22 May 2025, the power supply for the sliding fire door observed as defective.</p> <p>The City issued written instructions on 26 May 2025, requiring rectification by 24 August 2025.</p> <p>A follow up inspection is booked for 26 August 2025 to confirm works are completed in accordance with the City's instructions, addressing this issue.</p> |
| <b>2</b> | <b>Services and Equipment</b>                                                                                                                                        |                                                                                                                                                                                                                                                                                                                                                                                           |
| 2A       | Exit Signs                                                                                                                                                           |                                                                                                                                                                                                                                                                                                                                                                                           |
| A        | The exit sign assembly located above the exit door from the ground floor common area of building G5 did not incorporate a "running man" pictogram.                   | The City's inspection on 22 May 2025 noted exit signage on the ground floor had been rectified prior                                                                                                                                                                                                                                                                                      |



| Ref. | Issue                                                                                                                | City response                                                                                                                                                                                                                                                                                                                                                                                                              |
|------|----------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|      |                                                                                                                      | to the inspection, addressing this issue.                                                                                                                                                                                                                                                                                                                                                                                  |
| B    | Exit signage was not provided above the door to the exit stair from the common area providing access to unit 58.     | <p>During the City's inspection on 22 May 2025, exit signage was not observed above the door to the exit stair for the common area.</p> <p>The City issued written instructions on 26 May 2025, requiring installation of exit signage by 24 August 2025.</p> <p>A follow up inspection is booked for 26 August 2025 to confirm works are completed in accordance with the City's instructions, addressing this issue.</p> |
| 2B   | Fire Hydrant System                                                                                                  |                                                                                                                                                                                                                                                                                                                                                                                                                            |
| A    | An isolation valve was not provided immediately downstream of the boost inlets at the fire hydrant booster assembly. | <p>The City's inspection on 22 May 2025 did not identify an isolation valve as required.</p> <p>The City issued written instructions on 26 May 2025, requiring the isolation valve to be installed by 24 August 2025.</p> <p>A follow up inspection is booked for 26 August 2025 to confirm works are completed in accordance with the City's instructions, addressing this issue.</p>                                     |
| B    | The most hydraulically disadvantaged fire hydrant valve was not provided with a pressure gauge.                      | <p>The City's inspection on 22 May 2025 did not identify a pressure gauge as required.</p> <p>The City issued written instructions on 26 May 2025, requiring the pressure gauge to be installed by 24 August 2025.</p> <p>A follow up inspection is booked for 26 August 2025 to confirm works are completed in accordance with the City's instructions, addressing this issue.</p>                                        |

| Ref.     | Issue                                                                                                                                                                                                           | City response                                                                                                                                                                                                                                                                                                                                                                                                                                  |
|----------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| C        | The external fire hydrant located in the middle courtyard area of the complex was located less than 750 mm from the finished ground level.                                                                      | <p>The City's inspection on 22 May 2025 noted that hydrant installation appeared to be defective in the base building works and requires height adjustment.</p> <p>The City issued written instructions on 26 May 2025, requiring the necessary adjustment by 24 August 2025.</p> <p>A follow up inspection is booked for 26 August 2025 to confirm works are completed in accordance with the City's instructions, addressing this issue.</p> |
| <b>3</b> | <b>Egress</b>                                                                                                                                                                                                   |                                                                                                                                                                                                                                                                                                                                                                                                                                                |
| 3A       | The ground floor commercial tenancies located in building B were noted as having locks / latches attached to their exit doors and doors in the path of travel to an exit that cause a potential non-compliance. | <p>The City's inspection on 22 May 2025 found non-compliant locks and latches on doors.</p> <p>The City issued written instructions on 26 May 2025, requiring the non-compliant hardware to be removed by 24 August 2025.</p> <p>A follow up inspection is booked for 26 August 2025 to confirm works are completed in accordance with the City's instructions, addressing this issue.</p>                                                     |
| 3B       | Warning and operational signage to exit discharge doors was partially worn off and illegible in several locations.                                                                                              | <p>The City's inspection on 22 May 2025 identified damaged operational signage to exits discharge doors.</p> <p>The City issued written instructions on 26 May 2025, requiring signage to be repaired by 24 August 2025.</p> <p>A follow up inspection is booked for 26 August 2025 to confirm works are completed in accordance with the City's instructions, addressing this issue.</p>                                                      |

| Ref. | Issue                                                                                                                                                                                                                                                                                              | City response                                                                                                                                                                                                                                                                                                                                                                                                                |
|------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 3C   | Multiple electrical distribution cupboards located in paths of travel to exits were not lined with non-combustible construction or sealed against the passage of smoke.                                                                                                                            | <p>The City's inspection on 22 May 2025 found non-compliant electrical distribution cupboards that require non-combustible lining and smoke sealing.</p> <p>The City issued written instructions on 26 May 2025, requiring rectification by 24 August 2025.</p> <p>A follow up inspection is booked for 26 August 2025 to confirm works are completed in accordance with the City's instructions, addressing this issue.</p> |
| 3D   | An e-bike was noted as having been chained to a balustrade within the ground floor common area of building G5 adjacent to the stair leading up from the basement car park. In this regard, the handlebars of the e-bike were noted as encroaching on the 1 metre path of travel width to the exit. | <p>The City's inspection on 22 May 2025 found no E-bikes at the premises, addressing this issue</p>                                                                                                                                                                                                                                                                                                                          |
| 3E   | The discharge doors from the exit stair adjacent to car space 38 are not openable from a single hand pushing action on a single device. In this regard, each door leaf required a pushing action on 2 separate devices (panic bars).                                                               | <p>The City's inspection on 22 May 2025 found non-compliant door hardware.</p> <p>The City issued written instructions on 26 May 2025, requiring the door hardware be rectified by the installation of a single device by 24 August 2025.</p> <p>A follow up inspection is booked for 26 August 2025 to confirm works are completed in accordance with the City's instructions, addressing this issue.</p>                   |
| 3F   | The external gate located outside the exit door from the ground floor common area of building G5 did not incorporate a latch operating device that allowed the gate to be opened with a single hand downward action.                                                                               | <p>Single hand downward action is specified by Clause D3D26 and relates specifically to a door in, forming part, or in a path of travel to a required exit. Clause D2D15 does not regulate the latch on the subject gate. The City therefore considers that no further action is required to address this issue.</p>                                                                                                         |

| Ref.     | Issue                                                                                                                                              | City response                                                                                                                                                                                                                                                                                                                                                                            |
|----------|----------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 3G       | The handrail to the exit stair from the common area providing access to unit 58 was located close to the wall such that hand-hold would be broken. | <p>The City's inspection on 22 May 2025 identified handrail non-compliances that warrant rectification.</p> <p>The City issued written instructions on 26 May 2025, requiring handrails be rectified by 24 August 2025.</p> <p>A follow up inspection is booked for 26 August 2025 to confirm works are completed in accordance with the City's instructions, addressing this issue.</p> |
| <b>4</b> | <b>General</b>                                                                                                                                     |                                                                                                                                                                                                                                                                                                                                                                                          |
| 4A       | A current Annual Fire Safety Statement was not displayed in a prominent location within the building.                                              | During the City's inspection on 22 May 2025, the current Annual Fire Safety Statement was displayed in the main entrance lobby off Botany Road, addressing this issue.                                                                                                                                                                                                                   |

6. FRNSW have recommended that the City inspect the subject premises and appropriately address noted (and other) deficiencies identified within their report..

### **Council Investigation Officer Recommendations**

7. As a result of site inspections undertaken by the Council investigation officer a corrective action letter was issued on 27 May 2025 to the building owners to address the fire safety deficiencies identified by the City and FRNSW.
8. It is recommended that the Commissioner of FRNSW be informed of the City's decision.



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File Ref. No: FRN25/715 – BFS25/1171 - 8000040973  
TRIM Ref. No: D25/050865  
Contact: Ryan Maestri

15 May 2025

General Manager  
Council of the City of Sydney  
GPO Box 1591  
SYDNEY NSW 2001

Email: [council@cityofsydney.nsw.gov.au](mailto:council@cityofsydney.nsw.gov.au)

Attention: Manager Compliance/Fire Safety

Dear Sir / Madam

**Re: INSPECTION REPORT  
RESIDENTIAL FLAT BUILDING  
4 GILLESPIE AVENUE, ALEXANDRIA ("the premises")**

Fire and Rescue NSW (FRNSW) received correspondence on 20 February 2025 concerning the adequacy of the provision for fire safety in connection with 'the premises'.

The correspondence stated that:

- *An e-bike has been chain locked to stair rails, at various hours of the day & night, on the ground floor stair corridor between two exit doors, which are also fire exits, and in an area where the stairwell leads to the underground carpark. This is in Building G5 of 4 Gillespie Ave where I live.*

Pursuant to Section 9.32(1) of the *Environmental Planning and Assessment Act 1979* (EP&A Act), Authorised Fire Officers from the Fire Safety Compliance Unit of FRNSW inspected 'the premises' on 12 March 2025.

On behalf of the Commissioner of FRNSW, the comments in this report are provided under Section 9.32(4) and Schedule 5, Part 8, Section 17(1) of the EP&A Act.

The items listed in the comments of this report are based on the following limitations:

- A general overview of the building was obtained without using the development consent conditions or approved floor plans as a reference.

|                                                              |                    |                                                              |
|--------------------------------------------------------------|--------------------|--------------------------------------------------------------|
| Fire and Rescue NSW                                          | ABN 12 593 473 110 | <a href="http://www.fire.nsw.gov.au">www.fire.nsw.gov.au</a> |
| Community Safety Directorate                                 | 1 Amarina Ave      | T (02) 9742 7434                                             |
| Fire Safety Compliance Unit                                  | Greenacre NSW 2190 | F (02) 9742 7483                                             |
| <a href="http://www.fire.nsw.gov.au">www.fire.nsw.gov.au</a> |                    | Page 1 of 4                                                  |

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- Details of the Provisions for Fire Safety and Fire Fighting Equipment are limited to a visual inspection of the parts in the building accessed and the fire safety measures observed at the time.

**COMMENTS**

The following items were identified during the inspection:

1. Compartmentation and Separation
  - 1A. The shafts provided for services throughout the building incorporated non fire-rated access panels, contrary to the requirements of Clause C4D14 of the National Construction Code Volume 1 2022 (NCC).
  - 1B. The fire-isolated exit adjacent to car space 12 was penetrated by a number of electrical cables, contrary to the requirements of Clause C4D10 of the NCC. FRNSW officers were advised that these cables had been recently installed as a temporary measure to facilitate works being undertaken in the building.
  - 1C. A number of service penetrations from the car park through the first floor slab did not comply with the requirements of Clause C4D15 of the NCC.
  - 1D. Electrical service penetrations within the main switch room appear to have been altered to attempt to achieve compliance with the requirements of Clause C4D15 of the NCC. Works in this regard do not appear to have been completed in a compliant manner and a number of large holes have been cut into the fire-rated plasterboard such that it no longer achieves a Fire-Resistance Level.
  - 1E. The fire-isolated exit located adjacent to car space 38 was penetrated by what appeared to be a uPVC stormwater pipe, contrary to the requirements of Clause C4D10 of the NCC.
  - 1F. The Fire Detection Control and Indicating Equipment (FDCIE) provided to active the sliding fire door in the car park has been provided with power via a power point, contrary to the requirements of Clause 3.15 of AS 1670.1-2018 and AS/NZS 3000-2018.
2. Services and Equipment
  - 2A. Exit Signs
    - A. The exit sign assembly located above the exit door from the ground floor common area of building G5 did not incorporate a "running man" pictogram, contrary to the requirements of AS 2293.1-2018.
    - B. Exit signage was not provided above the door to the exit stair from the common area providing access to unit 58, contrary to the requirements of Clause E4D5 of the NCC.

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2B. Fire Hydrant System

- A. An isolation valve was not provided immediately downstream of the boost inlets at the fire hydrant booster assembly, contrary to the requirements of Clause 7.4 of AS 2419.1-2005.
- B. The most hydraulically disadvantaged fire hydrant valve was not provided with a pressure gauge, contrary to the requirements of Clause 9.3.2 of AS 2419.1-2005.
- C. The external fire hydrant located in the middle courtyard area of the complex was located less than 750 mm from the finished ground level, contrary to the requirements of Clause 3.5.1 of AS 2419.1-2005.

3. Egress

- 3A. The ground floor commercial tenancies located in building B were noted as having locks / latches attached to their exit doors and doors in the path of travel to an exit that cause a potential non-compliance with Clause D3D26 of the NCC. Access to these tenancies was not available at the time of the inspection and it is therefore unknown whether these tenancies receive an exemption under Subclause D3D26 (3) (b) (iii) due to their floor areas.
- 3B. Warning and operational signage to exit discharge doors was partially worn off and illegible in a number of locations, contrary to the requirements of Clause D3D28 of the NCC.
- 3C. Multiple electrical distribution cupboards located in paths of travel to exits were not lined with non-combustible construction or sealed against the passage of smoke, contrary to the requirements of Clause D3D8 of the NCC.
- 3D. An e-bike was noted as having been chained to a balustrade within the ground floor common area of building G5 adjacent to the stair leading up from the basement car park. In this regard, the handlebars of the e-bike were noted as encroaching on the 1 metre path of travel width to the exit, contrary to the requirements of Section 109 of the Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021.
- 3E. The discharge doors from the exit stair adjacent to car space 38 are not openable from a single hand pushing action on a single device, contrary to the intent of Clause D3D26 of the NCC. In this regard, each door leaf required a pushing action on 2 separate devices (panic bars).
- 3F. The external gate located outside the exit door from the ground floor common area of building G5 did not incorporate a latch operating device that allowed the gate to be opened with a single hand downward action, contrary to the intent of Clause D2D15 of the NCC.

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- 3G. The handrail to the exit stair from the common area providing access to unit 58 was located close to the wall such that hand-hold would be broken, contrary to the requirements of Clause D3D22 of the NCC.

4. General

- 4A. A current Annual Fire Safety Statement was not displayed in a prominent location within the building contrary to the requirements of Section 89 of the Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021.

FRNSW believes that there are inadequate provisions for fire safety within the building.

**RECOMMENDATIONS**

FRNSW recommends that Council:

- a. Review items 1 to 4 of this report and conduct an inspection.
- b. Address any other deficiencies identified on "the premises".

Please be advised that Schedule 5, Part 8, Section 17(2) requires any report or recommendation from the Commissioner of FRNSW to be tabled at a Council meeting. This matter is referred to Council as the appropriate regulatory authority. FRNSW awaits the Council's advice regarding its determination under Schedule 5, Part 8, Section 17 (4) of the EP&A Act.

Please do not hesitate to contact Ryan Maestri of FRNSW's Fire Safety Compliance Unit at [FireSafety@fire.nsw.gov.au](mailto:FireSafety@fire.nsw.gov.au) or call (02) 9742 7434 if there are any questions or concerns about the above matters. Please refer to file reference FRN25/715 – BFS25/1171 - 8000040973 regarding any correspondence concerning this matter.

Yours faithfully



Ryan Maestri  
Senior Building Surveyor  
Fire Safety Compliance Unit



# **Attachment G**

|                                                                            |
|----------------------------------------------------------------------------|
| <p><b>Inspection Report</b><br/><b>3-19 Missenden Road, Camperdown</b></p> |
|----------------------------------------------------------------------------|



**Figure 1:** 3-19 Missenden Road, Camperdown, viewed from the north-east



**Figure 2:** Location map of 3-19 Missenden Road, Camperdown

## **Council Investigation Officer Inspection and Recommendation Report; Clause 17(2) Part 8 of Schedule 5 of the Environmental Planning and Assessment Act 1979 (the Act)**

**Officer:** Andrew Porter

**Date:** 12 May 2025

**Premises:** 3-19 Missenden Road Camperdown

### **Executive Summary**

1. The City received correspondence from the Commissioner of Fire and Rescue NSW (FRNSW) in relation to the subject premises dated 29 April 2025 with respect to matters of fire safety.
2. The premises consists of a 8 storey building used for short term hotel accommodation.
3. The City inspected the premises on 7 May 2025, accompanied by the assistant manager. The inspection confirmed that fire safety works are currently in progress in accordance with the Fire Safety Order issued on 8 December 2023 and modified on 17 February 2025. No additional fire safety issues were identified during the inspection.

### **Chronology**

| <b>Date</b>   | <b>Event</b>                                                                                                                                                                                                                                                                                |
|---------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 29 April 2025 | FRNSW correspondence received.                                                                                                                                                                                                                                                              |
| 7 May 2025    | The City inspected the premises on 7 May 2025 and confirmed fire safety works are currently in progress in accordance with the Fire Safety Order issued on 8 December 2023 and modified on 17 February 2025.<br><br>No additional fire safety issues were identified during the inspection. |

### **Fire and Rescue NSW Report**

4. Fire and Rescue NSW conducted an inspection of the subject premises on 27 March 2025.

### **Issues**

5. The report from Fire and Rescue NSW did not detail any issues.

6. FRNSW have made no direct recommendation within their report other than legislative notification and advised that it is at the City's discretion to inspect and address any other deficiencies identified on the premises..

### **Council Investigation Officer Recommendations**

7. As a result of site inspections undertaken by the Council investigation officer it is recommended Council continue with its current compliance action under the current fire safety order, which is due to be completed by 5 February 2026. This order will address the issues already identified by the City.
8. It is recommended Council not exercise its powers to give a fire safety order at this time.
9. It is recommended that the Commissioner of FRNSW be informed of the City's decision.



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File Ref. No: FRN22/2526 - BFS25/1681 - 8000041395  
TRIM Ref. No: D2025/044909  
Contact: Conor Hackett

29 April 2025

General Manager  
City of Sydney  
GPO Box 1591  
SYDNEY NSW 2001

Email: [council@cityofsydney.nsw.gov.au](mailto:council@cityofsydney.nsw.gov.au)

Attention: Manager Compliance/Fire Safety

Dear Sir / Madam

**Re: INSPECTION REPORT  
RYDGES CAMPERDOWN  
3-19 MISSENDEN ROAD CAMPERDOWN ("the premises")**

Fire and Rescue NSW (FRNSW) received correspondence on 5 March 2025 concerning the adequacy of the provision for fire safety in connection with 'the premises'.

The correspondence stated that:

*I am writing to report a persistent issue with the fire safety switchboard at Rydges Camperdown, located on Marsden Street. A loud beeping noise has been coming from the switchboard door facing the street, which I understand is typically an indicator of a fault.*

*I previously reported this to the hotel, and while it was temporarily resolved, the issue has returned and has not been addressed despite further contact. Beyond the continuous noise disturbing the neighborhood, I am also concerned that this could indicate a fire safety compliance issue. A recurring fault like this should be promptly identified and resolved to ensure public safety.*

Pursuant to Section 9.32(1) of the *Environmental Planning and Assessment Act 1979* (EP&A Act), Authorised Fire Officers from the Fire Safety Compliance Unit of FRNSW inspected 'the premises' on 27 March 2025.

|                                                              |                    |                                                              |
|--------------------------------------------------------------|--------------------|--------------------------------------------------------------|
| Fire and Rescue NSW                                          | ABN 12 593 473 110 | <a href="http://www.fire.nsw.gov.au">www.fire.nsw.gov.au</a> |
| Community Safety Directorate                                 | 1 Amarina Ave      | T (02) 9742 7434                                             |
| Fire Safety Compliance Unit                                  | Greenacre NSW 2190 | F (02) 9742 7483                                             |
| <a href="http://www.fire.nsw.gov.au">www.fire.nsw.gov.au</a> |                    | Page 1 of 2                                                  |

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On behalf of the Commissioner of FRNSW, the comments in this report are provided under Section 9.32(4) and Schedule 5, Part 8, Section 17(1) of the EP&A Act.

**COMMENTS**

Council will be aware that officers from FRNSW have previously inspected the premises and provided comment in accordance with the requirements of Section 9.32(1) of the EP&A Act (*File Ref. No: BFS22/3720 (22724)*, issued 21 August 2023).

Council subsequently issued a Fire Safety Order to the owners of the premises (*Council Ref: FIRE/2023/100*) - issued 8 December 2023, with work required to be completed by 05 February 2025.

It appears that works to the premises are ongoing and that all the works specified in the terms of Council's Order have yet to be completed. In that regard, this report is provided to Council for its review and action as appropriate.

Regarding the initial correspondence received by FRNSW, it was noted at the time of the inspection of the Fire Control Room adjacent to the driveway on Marsden Street, that no 'beeping noise' could be heard and that the Fire Brigade Panel indicated that the system was operating as normal.

Please do not hesitate to contact Conor Hackett of FRNSW's Fire Safety Compliance Unit at [FireSafety@fire.nsw.gov.au](mailto:FireSafety@fire.nsw.gov.au) or call (02) 9742 7434 if there are any questions or concerns about the above matters. Please refer to file reference FRN22/2526 - BFS25/1681 regarding any correspondence concerning this matter.

Yours faithfully



Conor Hackett  
Senior Building Surveyor  
Fire Safety Compliance Unit