

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

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| Attachment A. | Local Approvals Policy for Hoisting and Construction Activities On and Above Roads |
| Attachment B. | Code of Practice - Hoisting and Construction Activities On and Above Roads |
| Attachment C. | 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.

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