



Burwood
Inc.1874

HOARDING POLICY

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1. Purpose

The Hoarding Policy (HP) prescribes the policy to control the placement of temporary structures on or above a public road.

The HP is considered in the assessment of applications lodged by applicants seeking approval to erect a temporary structure on or above Council's infrastructure such as footways and roadways to enable construction or maintenance activity to occur on or around buildings.

Council is also seeking to increase public art and provide opportunities for artists and designers to create works for display in the public domain by requiring artwork on construction site hoardings and where appropriate, site fences.

The aims of the HP are to:

- maintain safe passage and high amenity including safe surfaces past worksites
- maintain visual openness of footways
- contribute to the visual amenity of the public domain and streetscape during construction by requiring artwork on hoardings and construction site fences
- enrich and vitalise Burwood's public places during construction with added creativity, interest and meaning including culture, vibrancy and history
- screen and secure work areas from the public space
- provide fascia to conceal site sheds on hoarding decks
- minimise pedestrian, cycleway and vehicular obstructions and inconvenience resulting from the placement of temporary structures in a public place
- control truck and worker access points in hoardings to enhance public safety
- minimise adverse impacts on street trees.

2. Scope

The HP applies to the whole of the Burwood Local Government Area (LGA) and is administered by Council's Building and Development Team.

3. Policy Application

3.1 Exemptions

There are no exemptions from the requirement to place on hoarding on or around a site. For exemptions for the provision of artwork or graphics on a hoarding see Clause 6.14 of this policy.

Note: Site perimeter chain-wire fencing located wholly within a property allotment is not regulated through this policy and does not require approval if associated with approved development or building activity that is classed as exempt or complying development. In these cases fencing must comply with the *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008*.

3.2 Determination criteria

The provisions prescribed in this HP will apply when seeking approval to erect a temporary structure on or above a public road. For a complete list of the documents and information to be provided to Council in the application for a hoarding approval, refer to **Appendix 1**.

3.3 Other matters for consideration

The provisions of the *Roads Act 1993* (Roads Act) and *Roads Regulation 2008* will be considered in the assessment and determination of applications seeking approval to erect temporary structures.

Note: The use of equipment (cranes and hoists) to swing or lift material across or over any part of a public road requires separate approvals under s68 and s94 of the *Local Government Act 1993* (The Act) and s139 of the Roads Act.

Parts of the Burwood (LGA) have very high pedestrian and traffic volumes. Footway obstructions resulting from hoardings and scaffolding are often a necessary part of construction and building maintenance activity. In allowing the installation of these structures in a public place it is essential that they have the least possible impact on residents, workers, visitors and the business community.

There are also significant visual impacts that result from development activity therefore hoardings must have quality design features to minimise these impacts. The Council therefore requires hoardings to meet prescribed minimum design standards including the display of public art and graphics. The use of public art, graphics, colour and images on hoardings and scaffolding is a means of minimising visual impacts and adding visual interest and the presence of creativity in the streetscape.

The installation of artwork on temporary structures will align with the Council's Public Art Policy which discourages graffiti and bill posting.

4. Policy Status and Legislation References

The HP is a local approvals policy under s158 of the Act. The HP is aimed at the development and construction sectors where approval is sought to erect temporary structures on, or over, a public road (an activity under s68 of the Act) in association with development sites or buildings undergoing maintenance.

The following acts, regulations and policies are the guiding legislation for hoarding matters:

- *Local Government Act 1993*
- *Local Government (General) Regulation 2005*
- *Protection of the Environment Operations Act 1997*
- *Work Health and Safety Act 2011*
- *Work Health and Safety Regulation 2011*
- *Environmental Planning and Assessment Act 1979*
- *Environmental Planning and Assessment Regulation 2021*
- *Roads Act 1993*
- *Roads Regulation 2008*
- *The Building Code of Australia*
- *Burwood Hoarding Procedures and Specifications*
- *Burwood Local Environmental Plan 2012*
- *Burwood Development Control Plan*
- *Burwood Public Art Policy*
- *Burwood Compliance and Enforcement Policy*

5. Definitions

For the purpose of this policy and unless contradicted in an above listed policy or legislative references, the following definitions apply:

Authorised person: an employee of Council 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*).

Classified road: (Roads Act 1993) includes:

- a. a main road
- b. a highway
- c. a controlled access road
- d. a secondary road

Note: A full list of classified roads is available on the Department of Transport's website.

Crossing: the portion of a driveway or vehicular accessway between the carriageway of a road (street gutter) and property boundary (frontage).

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 Council's land (footway/roadway) that separates a workplace from the public place and may also provide an overhead protective barrier to protect the public place from objects that may fall from a work area.

HPS: Council's Hoarding Procedures and Specifications.

Permit: an approval in force under the *Local Government Act 1993* and *Roads Act 1993*.

Person conducting a business or undertaking: (Section 5 of the *Work Health and Safety Act 2011*), for the purposes of these Guidelines, is the holder of a determination (Permit) for a temporary structure such as a builder; a contractor; or other person involved in placing a temporary structure in a public place.

Public liability insurance: insurance where the insurer agrees to indemnify the insured for legal liability owed to another person who suffers loss, damage, injury or death by reason of the insured's activities.

Public place: a road.

Road: (Local Government Act 1993) includes:

- a. highway, street, laneway, pathway, footpath, cycleway, thoroughfare, bridge, culvert, causeway, road-ferry, ford, crossing, by-pass and trackway, whether temporary or permanent, and
- b. any part of a *road* and any part of any thing referred to in point (a), and
- c. anything forming part of a road or anything forming part of any thing referred to in point (a).

Roadway: a road that may also include a laneway.

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. Where the word 'scaffolding' appears in the HP it refers to 'perimeter scaffolding' erected on or above the Council's property (a road). It does not apply to scaffolding erected on

private property associated with construction, demolition or maintenance activity on a building or other structure.

Temporary structures: hoardings, scaffolding and cantilevered work platforms as defined in this policy.

6. General Requirements

Hoardings must be erected where it is proposed to construct, demolish and carry out façade remedial works or maintenance to a building adjoining a public way. Hoarding fees are charged in accordance with Council's Schedule of Fees and Charges.

Hoardings shall be designed in accordance with adopted designs and specifications stipulated in Council's Hoardings Procedures and Specifications (HPS) which will result in either a Type A or Type B hoarding. The type of hoarding required to be erected will vary depending on the locality and the nature of proposed construction work. **Appendix 2** contains visual examples of each type of hoarding.

Council seeks to increase public art and provide opportunities for artists and designers to create works for display in the public domain by requiring artwork on construction site hoardings and where appropriate, site fences. Council will require artwork on hoardings and site fences in certain circumstances when applications are made to erect a hoarding on public land. Refer to Section 6.14 below for specific requirements for public art on hoardings and site fences.

A Type A hoarding is a fence that separates the worksite from the road. Due to higher pedestrian activity and the need to ensure public safety, all Type A hoardings in the B2, B4 and B6 (commercial) zones shall be of a solid closed construction. Type A (Open) hoardings will only be permitted in areas of lower pedestrian activity such as residential areas.

Type B hoardings are typically a prefabricated modular steel gantry hoarding installed and assembled in segments to form an integrated overhead protective structure allowing pedestrians to pass beneath. It may also incorporate a site fence and overhead office sheds. The structural frame of Type B hoardings must be of steel.

All materials must be solid in construction, be securely fixed and provide a smooth finish to a minimum height of 2100 mm to prevent injury to pedestrians, with the exception of Type A (Open) hoardings, where it is a minimum height of 1800 mm.

6.1 Shared pathways

When a hoarding is proposed along a shared pathway, i.e. pedestrian/cycleway, Council will evaluate hoardings and propose a solution in consultation with Council's Traffic Engineers to ensure functionality of both the shared pathway and proposed hoarding.

6.2 Prohibited hoarding materials

The following are not permitted to form part of the hoarding structure situated on Council's road reserve:

- Scaffolding
- Modified shipping containers to act as protective structures
- Reinforcing mesh
- Star pickets and Cyclone mesh
- Timber-framed Type B hoardings
- Similar structures as mentioned above that are not permanently fixed.

6.3 Lighting

Hoarding lighting, connected to mains power supply, must be provided to ensure the pedestrian pathway or footpath is well lit for pedestrians. Lighting is to be equal to the level and distribution pattern of the existing street lighting in the area. Where pedestrian hazards associated with the hoarding are present, Council will require the establishment of significantly higher lighting levels. All lighting associated with hoardings must not impact on surrounding traffic.

6.4 Office sheds

All site office and work sheds are to be located on private property. Where this is not possible, a Type B hoarding must be erected to facilitate this requirement in accordance with the HPS.

6.5 Use of cranes and hoists

A crane or similar (i.e. mobile crane, hoist, concrete pump etc.) must not be used to convey material over a public way unless an appropriate approval has been obtained from Council. Cranes, hoists, and concrete pumps shall not be used or placed on public property unless prior approval has been obtained from Council.

6.6 Protective footpath crossings

Vehicles must not cross the footpath to gain access to the site. If a vehicle crossing is required, a temporary vehicular crossing shall be constructed to the satisfaction of Council. The temporary vehicular crossing shall protect the existing footpath, be maintained and must not cause a tripping hazard or pose any danger to the public.

6.7 Utility services

Applicants must consult with the appropriate utility authority to ensure that there is no adverse impact on infrastructure from the proposed work. Hydrants, utility services and sewer manholes are not to obstruct the services and infrastructure to ensure ongoing access. If the structure is within two metres of overhead electricity wires, applicants must consult the relevant electrical authority. All electrical distribution boards required for site works are to be located within the site and not attached externally to the structure.

6.8 Footpaths and provision for people with disabilities

When required, pedestrian detours or alternative pathways must be designed to accommodate people with disabilities. These routes must provide appropriate widths, levels, gradients, tactile indicators and colour schemes to assist people with disabilities.

Pathways must be repaired immediately, if damaged to ensure pedestrian safety. Footpaths must be reinstated to their original condition to the satisfaction of Council, when a hoarding is removed. Any obstruction to the footpath from a proposed concrete pour, laying of cables, conduits, drainage pipes, service lines and the like requires Council's prior approval.

6.9 Maintenance of hoardings

Graffiti must be removed from all hoarding structures within 48 hours of detection or Council notification. Hoardings must consist of appropriate coverings to assist in graffiti removal or measures to reduce the occurrence of graffiti. In the event of non-compliance with these requirements, Council reserves the right to remove or paint over the graffiti and charge the owner in accordance with Council's Fees and Charges. It is the responsibility of the applicant/ building owner/ developer to

maintain the hoarding in a good state of repair at all times. This includes any mesh covering on the hoarding.

6.10 Protection of Council street trees

The design of a hoarding, including the type and location of posts, counter weights, crossings and overhead decking, must be designed to minimise impact on the street trees and vegetation. Tree preservation measures may be required if there is an impact on the street trees. No tree cutting, lopping or removal is permitted without the prior consent from Council.

6.11 Council assets

Council's infrastructure and assets must not be interfered with or damaged during the construction or operation of the hoarding. This includes the drainage system, kerb and gutters and footpaths. Prior approval from Council is required for any modification to Council's infrastructure.

The use of the roadway for storage of materials, loading and unloading is not permitted at any time, unless prior approval has been obtained from Council.

Council's footpaths, roadways and ancillary infrastructure assets (i.e. street furniture, signage and the like) must be reinstated to their original condition when a hoarding is removed. An initial dilapidation report must be prepared and submitted to Council prior to the commencement of works and a second dilapidation report within one week of the completion of work.

6.12 Traffic management plan

A Traffic Management Plan (TMP) must be prepared by an accredited traffic engineer if the hoarding is likely to affect pedestrian or traffic movements during the construction, operation or removal phase. The TMP must identify traffic and pedestrian issues, recommend appropriate means for dealing with such issues and must be submitted with the hoarding application for Council approval. Council's traffic engineers may provide relevant advice regarding the contents within the TMP and/or request additional permits be obtained in addition to the hoarding approval.

6.13 Obstruction to traffic lights, DoT cameras and CCTV Cameras

All hoardings must be constructed so that they will not obstruct the sight lines of either motorists or pedestrians to traffic lights and cameras. In addition, visibility from driveways, pedestrian crossings and intersections must not be obstructed.

The hoarding application site plan must set out the location of all traffic lights, DoT monitoring cameras and closed circuit television cameras. The application must ensure there is no interference in the operation of these facilities.

6.14 Artwork, graphics, images and innovative hoarding finishes

Artwork, graphics and images on hoardings will be required if the proposal meets criteria based on the location of the proposed hoarding and the period which the hoarding will be erected. A condition of consent will be included for developments that trigger the requirements for public art on hoardings.

The criteria for public art on hoardings is set out as follows:

An application for a Type A (Closed) or Type B hoarding proposed to be erected on public land which meets the following criteria will require artwork, graphics or images to be placed on the hoarding:

- A. Hoardings proposed on land zoned B2 Local Centre, B4 Mixed Use or B6 Enterprise Corridor under Burwood Local Environmental Plan 2012 that is greater than 12m wide at the frontage **AND** erected for 4 weeks or more

OR

- B. Hoardings proposed on land where there is a heritage item and/or is within a Heritage Conservation Area that is greater than 12m wide at the frontage **AND** erected for 4 weeks or more

When a hoarding application triggers a requirement for public art or graphics on the hoarding, the applicant can choose from the following options for selecting artwork:

A. Licensed artwork

Artwork that has been commissioned and licensed by Council. This artwork is made available to developers to use on hoardings free of any copyright charge. Images of the artworks currently available can be viewed on Council's website:

<https://www.burwood.nsw.gov.au/For-Residents/Our-Community/Arts-and-Cultural-Development/Public-Art>

For more information on the program, contact Burwood Council on 9911 9911

B. Historic images

Local historic photographic images that have been pre-approved and sourced from Council archives. These images are made available to developers to use on hoardings free of any copyright charge. Images of the artwork are available on Council's website:

<https://www.burwood.nsw.gov.au/Planning-Building/Heritage-in-Burwood>

C. Bespoke artwork

The developer may commission or create their own high quality, site-specific artwork for approval. Applicants must discuss their proposal with Council's Cultural Projects and Public Art Producer prior to commencing detailed artwork design and commissioning. The suitability of the bespoke artwork will be assessed having regard to the following criteria:

- suitability of the design or image to be re-created in large format
- relationship of the design or image to the area
- ability of the design or image to engage with the public and transform development sites
- artistic excellence
- stakeholder consultation - artwork designs placed on hoardings located on state roads in close proximity to signalised intersections or signalised pedestrian crossings will require input from relevant stakeholders including Transport for NSW.

At least 75% of the surface area of a hoarding including return end panels, major or large access gates and doors (wider than 2 metres) and fascia must be covered with a hoarding with artwork with the remaining surface finished and painted an approved colour according to the HPS.

The artwork and/or graphics on all Type B hoardings located in the B2, B4 and B6 zones must be displayed on both the hoarding fascia and site fence (where applicable).

In approving any graphics, other than Council supplied artwork and graphics, the Council accepts no copyright responsibilities that the applicant may need to meet.

6.15 Public indemnity insurance

Council must be indemnified during the erection and dismantling of temporary structures and also throughout the period that structures are in place. The indemnification is against any claims for injury to persons, damage to adjoining properties and/or public places, and any excess on the insurance policy arising out of any claim. Such indemnity must be expressed in the form of a public liability insurance policy with a minimum amount of \$20,000,000 for any individual claim that may be made. The insurance policy must be held in the name of the applicant holding the temporary structures approval.

The applicant holding an approval for a temporary structure must, in the case of the transfer of the project to another person or company, advise the proposed new entity to lodge a fresh application together with providing a new public liability insurance policy, to seek approval to allow the temporary structure to remain in place and for the approval to be held in the name of the new entity.

6.16 Site Fencing

Construction sites are required to be fenced for safety reasons to prevent unauthorised access to the site. Site fencing is located on or within the property boundary and does not encroach upon public land. Site fencing is normally not regulated except to provide a safe and secure barrier to the site. As a policy requirement, Council will require the following in respect of any type of on-site construction fencing to any property frontage:

- In all zones, except for single dwellings & ancillary structures, Council will require solid fencing (in lieu of open wire mesh fencing) to a site where an excavation to the site is proposed, or where a frontage to a street is 20m or greater. The fencing will be subject to clause 6.14 – ‘Artwork, Graphics, Images and Innovative Hoarding Finishes’ of Council’s Hoarding Policy. Where site fencing is proposed on private land, Council will also require the provision of artwork and/or graphics and an appropriate condition of consent will be included as part of any development approval for the site. It is recommended that early contact is made with Council’s Cultural Projects and Public Art Producer prior to the erection of any site fencing where artwork may be required.
- For all sites in Residential zones (except works relating to dwelling houses), where a site has more than one street frontage (e.g. corner allotments or prominent site location), solid fencing may be required to the site, and if required, will be subject to clause 6.14 - ‘Artwork, Graphics, Images and Innovative Hoarding Finishes’ of Council’s Hoarding Policy. In the above circumstances Council will impose conditions of consent on the relevant development applications. For complying development certificates issued by private certifying authorities, where applicable, Council will also require the provision of artwork and/or graphics on site fencing. With respect to the provision of artwork and/or graphics it is recommended that early contact is made with Council’s Cultural Projects and Public Art Producer prior to the erection of any site fencing where artwork may be required.

In the above circumstances Council will impose conditions of consent on the relevant development applications. For complying development certificates issued by private certifying authorities, where applicable, Council will pursue the provision of site fencing with the applicant through this Policy.

7. Operating Procedures

7.1 Granting an approval

An approval (permit) for the placement of a temporary structure on or over a public road (footway and/or roadway) is granted under s94 of the *Local Government Act* (the Act) and s139 of the *Roads*

Act. Where required, an approval under s115 of the *Roads Act* may also be granted. An approval is issued subject to conditions imposed through s94 of the Act and s139 (1) (d) of the *Roads Act*. An approval is granted to allow a temporary structure to be installed and used in a specified way as prescribed in this policy and the HPS and as set out in the conditions forming part of an approval.

Conditions contained in hoarding approvals must be read in conjunction with any conditions of development consent pertaining to the development of the particular site. Specific conditions in a development consent relating to the protection of Council's assets, street trees, site management and construction layout, may impact on the hoarding design, and this must be satisfied.

7.2 Amending an approval

A person to whom an approval is granted may apply to amend an approval under s87 of the Act if the amendments are minor only. The assessment for an amendment to an approval will include the following matters:

- whether the proposed amendment is substantially the same as that originally approved
- whether any prejudice will be caused to any person who made a submission concerning the original proposal
- whether consultation with another authority such as RMS is required
- an amended determination replaces the original approval from the date endorsed on the notice of determination.

7.3 Extending an approval

The Council may determine to extend an approval under s107 of the Act.

An approval may not be extended where a temporary structure:

- is structurally unsound
- is not being satisfactorily maintained in accordance with the regulations of the HP
- is non-compliant with an approval
- a public liability insurance policy for a structure/approval is not current or has been withdrawn by the insurer
- any other circumstance as determined by Council.

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

7.4 Revoking an approval

Council may revoke an approval under s108 of the Act for any circumstance set out in s109 of the Act. An approval may also be revoked, for any reason, under s140 of the *Roads Act*. Council may exercise its powers under these acts where any of the following apply:

- 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
- an approval has lapsed and an application has not been lodged to extend an approval
- a public liability insurance policy for a structure/approval is not current or has been withdrawn by the insurer
- any other circumstance as determined by Council.

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

8. Enforcement

Unless specifically varied by a condition of approval or a direction of an authorised person, the relevant provisions set out in this policy or the HPS must be satisfied when placing a temporary structure on or above a public road.

If Council becomes aware of non-compliance with the conditions relating to a hoarding approval, Council may:

- a. Issue Penalty Infringement Notices for failing to comply with the approval
- b. Issue a Court Attendance Notice at Local Court. The Local Court can impose penalties for a corporation or for an individual
- c. Issue Orders requiring compliance with the conditions of approval
- d. In circumstances where Council has issued an order requiring compliance with the approval and the terms of the Order have not been complied with, Council may commence legal action with the Land and Environment Court or Local Court to enforce the Orders and recover all associated costs.

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 and Enforcement Policy.

9. Review

This policy will be reviewed at least every four years.

10. Contact

Manager City Planning Development on 9911 9911.

11. Appendix 1 – Hoarding Application Submission Matrix

This table identifies the minimum information required for hoarding applications.

HOARDING APPLICATION SUBMISSION MATRIX		Type A (Open) Hoarding	Type A (Closed) Hoarding	Type B Hoarding
MANDATORY = ☐ MAY BE REQUIRED = 0				
ARCHITECTURAL -TYPE DRAWINGS	Two sets, fully dimensioned, 1:100 scale (min)	☐	☐	☐
	Site fence and scaffolding (where proposed) fully dimensioned including an elevation drawing		☐	☐
	Site sheds including their accurate position on Type B hoardings			0
	Proposed or approved works zone on the roadway	0	0	0
	Existing building entrances, emergency egress exits and existing sprinkler/hydrant booster connections		0	0
	Street trees (trunk diameter, canopy volume and dimensions of tree pits)		☐	☐
	Street furniture accurately plotted on drawings with clearances to site fences		☐	☐
SECTIONS & ELEVATIONS	Hoarding heights to the underside of the deck and bracing for Type B hoardings			☐
	Clear footway width dimensions and the location of the site fence including showing the proposed encroachment onto the footway.	☐	☐	☐
	Detailed written justification for any site fence encroachment on the footway	☐	☐	☐
PUBLIC LIABILITY	Copy of public liability insurance policy held in the name of the Applicant (\$20 million minimum value)	☐	☐	☐
ARTWORK/ GRAPHICS	Location of artwork or graphics proposed or required to be installed on the temporary structure (mandatory for Type A closed and Type B in commercial Zones, refer to <i>Hoardings Policy and Procedures</i>)		0	0
LIGHTING	Lighting system for Type B hoardings			☐
DURATION	Details setting out the length of time that the hoarding will be installed.	☐	☐	☐

12. Appendix 2 – Example of Hoarding Types

Type A (Open) Hoarding



Example 1: **Acceptable** in
Residential Zones only



Example 2: **Not Acceptable** in
Commercial Zones



Example 3: **Not Acceptable**
in Commercial Zones



Example 4: **Not Acceptable** in
Commercial Zones

Type A (Closed) Hoarding



Example 5: Painted - **Acceptable** in Commercial Zones



Example 6: Painted - **Acceptable** in Commercial Zones



Example 7: Graphic display – Acceptable in all zones; Mandatory in Commercial Zones



Example 8: Graphic display – Acceptable in all zones; Mandatory in Commercial Zones



Example 9: Graphic Display – **Acceptable** in all zones; **Mandatory** in Commercial Zones



Example 10: Graphic Display – **Acceptable** in all zones; **Mandatory** in Commercial Zones

Type B Hoarding



Example 11: Gantry Style – **Acceptable**
in all zones



Example 12: Extended fascia to screen
overhead sheds – **Acceptable**



Example 13: Gantry Style – **Acceptable**
in all zones



Example 14: Underside of hoarding must
be painted white



Example 15: Scaffolding Style – **Not**
Acceptable in any zones



Example 16: Scaffolding Style – **Not**
Acceptable in any zones