

## Tower Crane Policy

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### 1. Scope

- 1.1 This Policy applies to the installation and operation of Tower Cranes within the City of Parramatta Council (**Council**) Local Government Area (**LGA**), which, while carrying out hoisting and slewing activities, will overhang or weathervane over Public Roads.
- 1.2 Tower Cranes moving and slewing wholly within the confines of private property undergoing construction, are not subject to this Policy and do not require Council approval to operate.

### 2. Purpose

- 2.1 The purpose of this Policy is to establish a framework for ensuring the safe installation and operation of Tower Cranes in the LGA, including for the purposes of maintaining safe public and private passage, and high amenity around worksites using Tower Cranes.

### 3. Policy

- 3.1 Council recognises that Tower Cranes are often a necessary part of development activity. When used within the LGA, Tower Cranes must be installed and operated in a manner which:
  - (a) minimises impact on the safe and convenient passage of pedestrians, bicycle riders, and vehicles past worksites;

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- (b) maintains safe passage and high amenity, including safe walking surfaces past worksites; and
  - (c) minimises impacts on Council's infrastructure.
- 3.2 Tower Cranes must not be installed on or operated over a Public Road, public property, and/or a neighbouring private property in the LGA, unless prior approval has been obtained from Council and the owners of the public property and neighbouring private property.
  - 3.2.1 If approval is not granted by a private property owner for a proposed Tower Crane to aerial rotate over their property, the applicant will need to either apply to the Local Court for an access order, pursuant to Part 2 of the *Access to Neighbouring Land Act 2000* (NSW), or consider seeking a court order from the NSW Supreme Court, for the granting of an easement pursuant to section 88K of the *Conveyancing Act 1919* (NSW).
- 3.3 Council approval for the installation and operation of a Tower Crane is granted pursuant to section 68 of the *Local Government Act 1993* (NSW) (**LG Act**) and section 139 of the *Roads Act 1993* (NSW) (**Roads Act**).
- 3.4 The following requirements for the installation of Tower Cranes will be taken into consideration during Council's assessment and determination of Tower Crane applications:
  - (a) Applications must satisfy the design and construction requirements as set out by Council's Tower Cranes Guidelines (**Guidelines**).
  - (b) Applicants must maintain adequate public liability insurance, as specified in the Guidelines.
- 3.5 Any Approval granted by Council does not endorse or approve the design or structural adequacy for a hoisting device, system, or operation for the purposes of satisfying a person's responsibilities under the *Work Health and Safety Act 2011* (NSW), and the provisions of clauses 34, 35, 54, 55, and 235 of the *Work Health and Safety Regulation 2017* (NSW).
- 3.6 Approved Tower Cranes must be installed, certified, operated, and removed in accordance with the procedures set out in the Guidelines and any conditions contained in the Approval.

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- 3.6.1 An installation certification must be lodged within 72 hours of completing the Tower Crane installation. The Tower Crane must not be used until the required certification is provided to and accepted by Council.
- 3.6.2 Applicants must provide engineering certificates to confirm installation and, if installed over 6 months, subsequent certificates to confirm the ongoing installation, structural integrity, and operation.
- 3.7 A Tower Crane must not be used to convey material over a public way unless a Type B Hoarding is in place. A separate Hoarding Approval must be obtained from Council, in accordance with Council's Hoarding Policy.
- 3.8 Approval to install a Tower Crane does not permit the use of a Public Road for general loading and unloading to and from vehicles. A separate Works Zone Application must be lodged and approval obtained from Council where use of a Public Road in this manner, is required.
- 3.9 Council may, upon request, determine to extend an Approval under section 107 of the LG Act if it is satisfied there is good cause for doing so. An extension requires the submission of a further application to Council.
- 3.9.1 An Approval will not be extended by Council where a Tower Crane is:
- (a) structurally unsound;
  - (b) not being satisfactorily maintained in accordance with the Guidelines;
  - (c) non-compliant with the Approval; or
  - (d) not maintaining a current public liability insurance policy for a structure, including where the policy has been withdrawn by the insurer.
- 3.10 Council may revoke an Approval under section 108 of the LG Act for any circumstance set out in section 109 of the LG Act. An Approval may also be revoked for any reason under section 140 of the Roads Act. Council may exercise its powers under these Acts to revoke an Approval where any of the following apply:
- (a) The person holding an Approval fails to act on directions to rectify a Tower Crane, particularly in relation to structural inadequacy or other public safety risks.
  - (b) An Approval has lapsed, and an application has not been lodged to extend an Approval.

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- (c) The person holding an Approval fails to comply with that Approval, including conditions of the Approval.
- (d) A public liability insurance policy for a structure/Approval is not current or has been withdrawn by the insurer.
- (e) Any other circumstance as determined by Council.

3.10.1 In circumstances where an Approval has been revoked, Council reserves the right to take action to have the unauthorised Tower Crane removed and recover all associated costs.

3.11 An Authorised Person may issue a direction, give an Order, issue a penalty infringement notice (**PIN**), or initiate court action for non-compliance with or breaches of this Policy, an Approval, or other related legislation, including the LG Act, Roads Act, or *Environmental Planning and Assessment Act 1979* (NSW), and prosecute for associated breaches.

3.11.1 Section 672 of the LG Act establishes that non-compliance with an Approval issued under the LG Act is a breach of the LG Act.

3.11.2 Parties not acting in accordance with this Policy or an Approval may be given notice in writing to comply, before a PIN is issued. However, Council reserves the right to immediately issue a PIN or Order, without first issuing a written notice to comply, depending on the seriousness of the non-compliance or breach, and at the Authorised Person's discretion.

## 4. Delegations

4.1 There are Administrative and/or Legislative Delegations applicable to this Policy, which are provided for in Council's Delegations Manual.

## 5. Procedure

5.1 This Policy must be read in conjunction with Council's Tower Crane Guidelines, which provide specific procedures regarding Tower Crane design, installation, and operation. Applicants should have regard to the Guidelines when completing an application for an Approval, as Council will refer to the Guidelines when assessing such applications.

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- 5.2 Conditions set out in an Approval must be read in conjunction with any conditions of development consent pertaining to the development of the particular site.
- 5.3 Approval to install a Tower Crane is subject to payment of an application fee and a monthly fee, as set out in Council's Schedule of Fees and Charges. Fees are also applicable for applications to extend an Approval. Applicable fees will be determined as part of Council's assessment of an application.
- 5.4 All applications to install a Tower Crane must be submitted to Council via the Council website. Applications must be lodged at least three weeks prior to the date of the proposed installation.
- 5.4.1 All applications to install a Tower Crane must include the required supporting documentation, as set out in clause 3.9 of the Guidelines.

## 6. Definitions

Approval	Refers to a permit issued by Council for the installation and operation of a Tower Crane which, while carrying out hoisting and slewing activities, will overhang or weathervane over Public Roads.
Authorised Person	An employee of Council generally or specially authorised by 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.
Hoarding	The use of suitable materials and/or other standing structures fit for purpose to secure the boundary of a construction site, adjacent to and above a Public Road, ensuring the safety of pedestrians, cyclists, and vehicle operators.
Order	An authoritative direction or instruction given by Council.
Public Road	A road opened or dedicated for the free right of passage of the public on foot, in a vehicle, or otherwise, and declared to be a Public Road for the purposes of the Roads Act, and includes a Road Related Area.
Road Related Area	As defined in section 4 of Part 1.2 of the <i>Road Transport Act 2013</i> (NSW), includes but is not limited to: (a) an area that divides a road; (b) a footpath or nature strip adjacent to a road;

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	(c) an area that is open to the public and is designated for use by cyclists or animals; (d) an area that is not a road and that is open to or used by the public for driving, riding, or parking vehicles; or (e) a shoulder of a road.
Tower Crane	For the purpose of this Policy, refers to a tower crane that is installed via fixation to the ground and/or a building, during the course of the construction or maintenance of a multi-level building.
Type B Hoarding	Refers to a typically prefabricated modular steel gantry Hoarding structure installed and assembled in segments, to form an integrated overhead protective structure allowing pedestrians and vehicles to pass safely beneath.

<b>REFERENCES</b>	<i>Access to Neighbouring Land Act 2000 (NSW)</i> <i>Conveyancing Act 1919 (NSW)</i> <i>Environmental Planning and Assessment Act 1979 (NSW)</i> <i>Local Government Act 1993 (NSW)</i> <i>Roads Act 1993 (NSW)</i> <i>Road Transport Act 2013 (NSW)</i> <i>Work Health and Safety Act 2011 (NSW)</i> <i>Work Health and Safety Regulation 2017 (NSW)</i>
<b>ASSOCIATED POLICIES</b>	City of Parramatta Schedule of Fees and Charges Hoarding Policy Regulatory Enforcement Policy
<b>ATTACHMENTS</b>	Tower Crane Guidelines

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