

Hoarding Application Approvals Beyond 5 Years

File No: X123920

Summary

The City of Sydney Council (the City) regulates temporary approvals for hoardings located on or above public roads and footpaths. The hoardings are necessary to protect the public from activities such as construction work, cladding façade replacement, dilapidated facades or other circumstances requiring protection of the public way. These temporary structures are approved pursuant to Section 68 of the Local Government Act 1993 and Section 138 of the Roads Act 1993.

Occasional circumstances require hoardings to be in place for a period exceeding 5 years. Reasons for hoardings being in place for this length of time often include financial constraints, construction delays, construction companies going into administration and the extensive scale of some large projects.

The Chief Executive Officer (CEO) does not have delegation to grant approval for a hoarding for a period exceeding 5 years.

Following a review of existing hoarding approvals it has been identified that there are 8 hoarding structures across 7 building sites which need to be in place for a period exceeding 5 years. City staff have assessed the circumstances, local impacts and suitability for each of the hoardings and have validated the need for the hoardings to remain in place.

Recommendation

It is resolved that:

- (A) Council approve current and future hoarding renewal applications for the following sites where the total period of installation is 5 years or more:
 - (i) Type-A hoarding (site fence) located at 136 Hay Street, Haymarket (Ref. B/2020/303);
 - (ii) Type-A hoarding (site fence) located at 1 Stirling Circuit, Camperdown (Ref. B/2019/310);
 - (iii) Type-B hoarding (overhead protection) located at 229-231 Macquarie Street, Sydney (Ref. B/2020/97);
 - (iv) Type-B hoarding (overhead protection) located at 55 Pitt Street Sydney (Ref. B/2021/367 and B/2021/368);
 - (v) Type-B hoarding (overhead protection) located at 88-90 Parramatta Road, Camperdown (Ref. B/2021/129);
 - (vi) Type-B hoarding (overhead protection) located at 8-10 Marlborough Street, Surry Hills (Ref. 2021/140); and
 - (vii) Type-B hoarding (overhead protection) located at 28 Broadway, Chippendale (Ref. B/2024/145); and
- (B) authority be delegated to the Chief Executive Officer to vary any approvals listed in (A) above with any further extension to be reported by way of CEO Update.

Attachments

Nil

Background

1. The City regulates hoardings located on or above public roads and footpaths. The hoardings are approved pursuant to Section 93 of the Local Government Act 1993 and Section 138 of the Roads Act 1993.
2. Hoardings are often a necessary part of construction and maintenance activities. They are typically required to isolate the work area from the public place and to provide adequate protection and safety of the public.
3. The assessment of temporary hoarding applications considers the necessity of allowing construction related activities to progress whilst prioritising public safety and minimising impacts the City's workers, visitors, businesses, road users and large pedestrian population. These structures are assessed in accordance with the City's recently adopted Code of Practice: Construction-related Temporary Structures on and Above Roads.
4. On average, the City approves approximately 300 temporary structure permits for hoardings each year.
5. City staff are aware of several hoardings that need to remain in place for more than 5 years. Each of these hoardings and sites have been checked to ensure they are structurally sound, clear of graffiti and have public artwork applied. Details are provided below:
 - (a) Type-A hoarding (site fence) located at 136 Hay Street, Haymarket, opposite and to the north of Belmore Park, installed on 26 August 2020 is required to remain in place to protect deep excavation where construction work has ceased due to financial constraints (Ref. B/2020/303).
 - (b) Type-A hoarding (site fence) located at 1 Sterling Circuit, Camperdown, at the site of the former children's hospital Camperdown, installed on 28 October 2019 is required to remain in place to protect the public from a failing retaining wall where complex and costly construction costs are involved relating to protection of significant trees (Ref. B/2019/310).
 - (c) Type-B hoarding (overhead protection) located at 229-231 Macquarie Street, Sydney, located adjacent to the Land and Environment Court NSW, installed on 13 July 2020 is required to remain in place to protect the public from unstable façade elements whilst a development application is sought, and funds are raised for façade repair works (Ref. B/2020/97).
 - (d) Two Type-B hoardings (overhead protection) located at 55 Pitt Street Sydney, along Pitt and Dalley Streets, to the north of the CBD part of the Alfred, Dalley and Pitt Streets precinct, installed 8 November 2021 and 5 April 2022. These hoardings are still required due to the ongoing extensive Mirvac development that includes the construction of a high-rise commercial building (Ref. B/2021/367 and B/2021/368).
 - (e) Type-B hoarding (overhead protection) located at 88-90 Parramatta Road, Camperdown, opposite the University of Sydney, installed 23 April 2019 is required to remain in place to protect the public due to the building being in poor condition. (Ref. B/2021/129).

- (f) Type-B hoarding (overhead protection) located at 8-10 Marlborough Street, Surry Hills to the east of Eddie Ward Park, installed 8 November 2021 is required to remain in place due to an ongoing large scale construction project with various amendments during construction (Ref. 2021/140).
 - (g) Type-B hoarding (overhead protection) located at 28 Broadway, Chippendale known as Central Park Sydney, installed 19 August 2024 is required to remain in place for an extensive period to carry out works to comply with the Modified Building Work Rectification Order issued by the Building Commission NSW (Ref. B/2024/145).
6. The hoardings listed above have been assessed by City staff for local impacts and their suitability in the circumstances and these hoardings must remain in place to protect the public and/or to enable construction related activities to progress.
 7. The City collects footway occupation fees calculated on a lineal metre per week rate for each of these structures in accordance with the City's adopted Revenue Policy.
 8. These types of applications are often renewed multiple times due to site specific considerations such as project scope changes, the expiration of insurances and cashflow considerations. It is these renewals which will take the approval beyond the 5-year approval period.
 9. Limitation 11 of the Delegations to the Chief Executive Officer (CEO) from Council states that the CEO cannot grant approvals to occupy public land which involve the erection of a hoarding for a period of 5 years or more.
 10. Council approval is sought to enable approvals to be issued for periods longer than 5 years at the sites listed in the subject report.
 11. Support for this recommendation ensures public safety, that the City's interests are protected and the financial sustainability of these projects are not put at risk.

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 report is aligned with the following strategic directions and objectives:
 - (a) Direction 3 - Public places for all - by ensuring that public places around construction sites remain safe, open and inviting day and night.
 - (b) Direction 5 - A city for walking, cycling and public transport - Ensuring our footways and cycle ways remain open, safe and accessible during construction related activities.

Organisational Impact

13. The recommendation will not have any additional internal impacts on the organisation.

Risks

14. The approach is within the City's risk appetite, which states:
 - (a) we are committed to the health, safety and wellbeing of our workers, residents, visitors and others who interact with our assets, operations and services and
 - (b) we are committed to conducting our activities in full compliance with applicable laws, regulations and relevant industry standards
15. The recommendations in this report will ensure the City continues to provide safe and lawful temporary structures to protect the public during construction related activities.

Economic

16. The hoarding locations have been assessed to enable construction work to continue while maintaining minimal impact on surrounding business activities.

Financial Implications

17. The recommendation will generate income from hoarding occupation fees in accordance with the City's Revenue Policy: Fees and Charges 2025/26. There will be no cost to the City.

Relevant Legislation

18. Local Government Act 1993.
19. Roads Act 1993.

Critical Dates / Time Frames

20. These hoarding approvals can be continually renewed until the construction project is complete.

Public Consultation

21. Public consultation has not been undertaken and is generally not carried out for hoarding proposals.

GRAHAM JAHN AM

Chief Planner / Executive Director City Planning, Development and Transport

Michael Merlino, Manager Building Certification