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Planning Officer
Department of Planning and Environment

Our reference: R/2023/11

Your reference: DA 22/14811

Subject: Advice on Development Application - Digital Advertising Sign (Inbound) -
Cleveland Street, Redfern

Thank you for your correspondence dated 2 May 2023 inviting the City of Sydney Council (the City) to comment on the abovementioned development application.

The application proposes the installation of a new digital advertising sign adjacent to the intersection of Regent Street and Cleveland Street, Redfern, at the north-east corner facing northbound (inbound) traffic. The sign measures 3.172m x 4.708m and is attached to a proposed monopole with a total height of 8.65m when viewed at street level.

There is also another new digital advertising sign concurrently under assessment, across the intersection at the south-west corner facing southbound (outbound) traffic (DA 22/6816). The sign similarly measures 3.172m x 4.708m and is attached to a proposed 8.9m high steel structure when viewed north along Regent Street.

The City has reviewed the documentation submitted with the application and **strongly objects** to the proposal on the following grounds:

Heritage Impacts

The proposed sign is located within the curtilage of a State heritage item (SHI No. 01255) known as the Sydney Terminal and Central Railway Stations Group. A key feature of this heritage item is the clock tower of the main terminus building, which has remained as a prominent landmark figure in the city. The proposed sign is also located directly adjacent to a State heritage item (SHI No. 01881) known as the Cathedral of the Annunciation of Our Lady.

The City objects to the proposed sign due to the adverse heritage impacts on these items:

- The proposed sign considerably impacts on view corridors towards these State listed items, diminishing their heritage significance. The sign will obstruct views to the Central Station clock tower, and will have a significant visual impact/competition to the Cathedral, its tower and setting.
- The height and scale of the sign is too dominant in this heritage setting and will contribute to unacceptable visual clutter in the locality. This is exacerbated with the proposed outbound sign located across the intersection.
- The sign does not complement the State heritage item it is located on, nor the State heritage item it is adjacent to.
- The proposed illuminated signage is not in keeping with this heritage context.

Given the above, the proposal is not considered to satisfy the objectives of Clause 5.10 of the *Sydney Local Environmental Plan 2012* (Sydney LEP 2012) relating to heritage conservation, including the requirement to conserve the environmental heritage of City of Sydney and to conserve the heritage significance of heritage items including associated fabric, settings and views.

Visual Impacts

The City objects to the proposed sign due to its adverse visual impacts. The City also does not consider that an adequate visual analysis has been undertaken for the proposed sign, as well as its cumulative impact with the proposed outbound sign across the intersection.

Section 5.1.8 of the Sydney Development Control Plan 2012 (Sydney DCP 2012) identifies the Central Station clock tower as a key view within, and helps define, Central Sydney. The Sydney DCP 2012 outlines that the clock tower represents a landmark particularly when approaching or departing Central Sydney, and how the clock tower was purposely composed at the alignment of several streets so as to maximise the visibility of the clock face.

The proposed sign will have adverse visual impacts by obstructing views to the clock tower. Further, it will compete with views to the Cathedral adjacent to the site. Cumulatively, this sign in addition to the outbound sign proposed across the intersection, will have a detrimental visual impact on these views and heritage setting.

As such, the proposed signage is not consistent with the objectives of Section 5.1.8 of the Sydney DCP 2012 which seeks to preserve significant views and ensure the silhouette created by existing clock towers and roof features on heritage listed items are clearly visible against the sky.

The submitted Visual Impact Assessment (VIA) and attached Addendum are inadequate in their visual analysis, due to a number of issues including, but not limited to, the following:

- The view analysis prepared in the Addendum showing the cumulative impact of both the signs together, is limited to only two (2) photomontages which is insufficient.
- The view analysis inadequately considers impacts on views of the clock tower when approaching from the south and west.
- Given the significance of this view corridor, further analysis must be undertaken along Regent Street and surrounding streets.
- Council does not accept that the views of these signs are limited to a small visual catchment.
- Council does not accept that both of these signs will not be seen together on Cleveland Street, and views should be prepared from locations along this road.
- The VIA is limited in considering vehicle users only, and not pedestrians and surrounding residential properties.
- Further view analysis is to be undertaken for pedestrians using this intersection as well as the pedestrian routes along these streets.
- Further view analysis is to be prepared for the apartments to the east and south of the site identified in the VIA to be potentially affected.

Traffic Impacts

The proposed new digital advertising sign can be seen by drivers approaching the intersection on the same side as the sign. Westbound drivers on Cleveland Street will be able to see the signage. This sign falls within the safe stopping distance for these drivers, however, there is no analysis of what impacts the sign has on them in the submitted Traffic Impact Assessment (TIA).

The application must quantify the impacts for westbound drivers on Cleveland Street and justify the safety impacts in a manner similar to how the other approaches were assessed. If the sign content is visible from the westbound direction, this is contrary to the Department's Transport Corridor Outdoor Signage and Advertising Guidelines 2017 (Guidelines) which state that signs should not be located less than the safe sight stopping distance from an intersection.

Design Excellence

In accordance with Clause 6.21C of the Sydney LEP 2012, development consent must not be granted to development unless, in the opinion of the consent authority, the proposed development exhibits design excellence.

The City considers that new inbound sign, together with the proposed outbound sign, will result in unacceptable visual clutter and does not demonstrate design excellence when having regard to the specific matters for consideration outlined in Clause 6.21C(2) of the Sydney LEP 2012. In particular, this particular proposal:

- Does not demonstrate a high standard of architectural design, materials and detailing

- appropriate to the location;
- Does not provide a form and appearance that will improve the quality and amenity of the public domain;
- Adversely impacts on view corridors;
- Does not adequately respect surrounding heritage; and
- Results in inappropriate bulk in this location.

The City emphasises that satisfaction of Clause 6.21C of the Sydney LEP 2012 is a precondition to granting development consent, as per the findings of Justice Duggan in *Landcorp Australia Pty Ltd v The Council of the City of Sydney [2020] NSWLEC 174* (Landcorp). Landcorp clearly demonstrates that when assessing an application for signage against SEPP 64 (now known as the Industry and Employment SEPP 2021), it must also be assessed against Clause 6.21C of the Sydney LEP 2012 concurrently and the consent authority must be satisfied that design excellence is exhibited in order to grant consent.

Inconsistency with key controls in State Environmental Planning Policy (Industry and Employment) 2021

Clause 3.6 of the *State Environmental Planning Policy (Industry and Employment) 2021* (Industry and Employment SEPP) outlines that the consent authority cannot grant consent unless it is satisfied that the signage is consistent with the objectives of Chapter 3 under Section 3.1(1)(a) and it is consistent with the assessment criteria in Schedule 5.

The proposed sign is not consistent with the objectives of Chapter 3 in that it is not compatible with the desired amenity and visual character of the area, as the proposal degrades the amenity and visual character of the area and poorly contributes to the public domain interface of the site.

The proposal is not consistent with Item 4 (Streetscape, setting or landscape) of the assessment criteria in Schedule 5, as follows:

- The proposal is not considered to be of a scale or form appropriate to its setting. The sign proposed directly adjacent the footpath presents overbearing bulk with a non-pedestrian friendly scale at 9m above the footpath.
- The proposal does not reduce visual clutter or propose rationalisation of existing signage. It introduces further clutter to the intersection with the addition of two large advertising structures which are visible together.

Inconsistency with key controls in Sydney Development Control Plan 2012

The proposed new digital third-party advertising sign is generally not permitted in the City in accordance with provision 3.16.7.1(1) of the Sydney DCP 2012. Further, the proposal does not meet the criteria for the exceptional circumstances where these signs are permitted, namely:

- The sign will not be advertising a civic or community event in the City of Sydney area;
- The sign is not considered as public art;
- The sign is not consistent with the DCP provisions for signage, specifically 3.16.11 relating to signs on heritage items;
- The sign, in addition to the proposed outbound sign across the intersection, will cumulatively create unacceptable visual clutter; and
- The sign is not associated with the surrender of an existing sign on a heritage item.

Public Benefit

The Transport Corridor Advertising and Signage Guidelines 2017 outlines how advertisements along railway corridors, classified roads and on bridges must meet a public benefit test to ensure that advertising will result in a positive gain or benefit for the community. The Guidelines state that Sydney Trains must demonstrate that revenue raised from advertising is directly linked to public benefit.

The submitted Public Benefit Statement states that the sign will provide a revenue stream to Sydney Trains to support a number of 'improvements and maintenance programs'. It is unclear what these improvements and programs are.

While it is appreciated that the revenue made will be invested back into the public transport network, this is an existing core responsibility of Sydney Trains. There is not a direct public benefit provided by this proposal, as required by the SEPP and the Guidelines.

In summary, the City **strongly objects** to the proposed sign due to the issues raised in this letter. It is considered that the consent authority cannot grant consent to the proposed development when having regard to the matters for consideration in Section 3.11(2) of the Industry and Employment SEPP. The proposed sign is clearly inconsistent with the objectives set out in Section 3.1(1)(a) of the SEPP and performs extremely poorly against the assessment criteria in Schedule 5 of the SEPP. Furthermore, unless the proposed development is considered to exhibit design excellence in accordance with Clause 6.21C of the Sydney LEP 2012, the consent authority cannot grant consent.

Please contact Mia Music on 02 9246 7283 or by email at mmusic@cityofsydney.nsw.gov.au if you need to discuss your request.



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