



File Ref: DA 22/14950

Council's reference: EXTERNAL/2022/0012



15 December 2022

Department of Planning, Industry & Environment
Locked Bag 5022
Parramatta
NSW 2124

Dear Sir/Madam,

New Request for Advice – Digital Advertising Signage – Hume Highway, Ashfield

Thank you for providing Council with the opportunity to comment on the development proposal.

Council has reviewed the submitted information and in summary it is considered that the proposed sign does not satisfy relevant planning objectives and controls, is inappropriate to the character of the area and does not provide a public benefit.

It is noted in the Statement of Environmental Effects (SEE) that the Department (DPIE) provided Pre-Lodgement Advice earlier this year (24 May 2022) and as part of that advice recommended that the applicant discuss this with relevant Councils, however we are not aware of any discussions held regarding the proposed signage.

1. Underlying Objectives

The SEE claims that the proposal is consistent with the Objectives of the *Environmental Planning & Assessment Act, 1979 (EP&A Act 1979)*. It is considered that the objectives of the *EP&A Act 1979* are not satisfied for the following reasons:

- The sign is not considered to promote good design within an area established by local character; and
- The sign is not considered to promote good amenity for existing local residents and future residents in close proximity.

Permissibility & Zone Objectives

The location of the sign is within SP2 – Rail Infrastructures Land, under the *Inner West Local Environmental Plan 2022 (IWLEP 2022)*, and the SEE quotes the sign is permissible within



this zone by virtue of it being ‘*ordinarily incidental or ancillary*’ to the railway. Council disagrees with this position for the following reasons:

- The sign is not identified to provide any function that would be considered ordinary incidental or ancillary to the railway;
- The sign extends above the railway line;
- The plans indicate the sign would be predominantly viewed from the surrounding street network;
- The sign is not wholly for railway usage; and
- The sign is for 24-hour use, noting that this is outside hours that the railway line operates.

As such, the signage is only permissible by way of Clause 3.14 of the SEPP (Industry and Employment) 2021. It is however disagreed with the conclusion drawn in the SEE that the sign is consistent with the Transport Corridor Advertising and Signage Guidelines which in relation to Land Use require the following:

i. The use of outdoor advertising in a given locality should not be inconsistent with the land use objectives for the area outlined in the relevant LEP.

The objectives for the SP2 – Rail Infrastructures Land, *IWLEP 2022*, read:

- *To provide for infrastructure and related uses.*
- *To prevent development that is not compatible with or that may detract from the provision of infrastructure.*
- *To protect and provide for land used for community purposes.*
- *To provide for public, community and social infrastructure.*

It is considered that the sign is inconsistent with the above land use objectives.

As a result, the Minister should not grant consent to the sign.

Signage Assessment

As indicated in the SEE, the proposal indicates that it satisfies the requirements of Chapter A: Part 10 of the *Inner West Comprehensive Development Control Plan 2016*, along with the objectives of Schedule 5 of the SEPP (Industry and Employment) 2021.

It is disagreed with the conclusions drawn in the SEE and it is considered that the sign does not satisfy the relevant objectives and controls for key following reasons:

- The sign will not achieve a high level of design quality, is not compatible with the character of the streetscape and the desired future character of the locality.
- The sign is of a scale, proportion and form that is inappropriate for the streetscape and its broader setting, as it will dominate the skyline when viewing the eastern vista from Elizabeth Street across the bridge.
- The sign will cause amenity loss and will have a detrimental effect on the built environment and appearance of a public area.
- The sign emits illumination that would result in unacceptable glare and is not subject to a curfew. This would result in a loss of amenity to surrounding residential properties, particularly to properties along Grosvenor Crescent and Liverpool Road.



- The location and design of the sign is not consistent with road safety principles, as it would reduce the safety of the Hume Highway, Liverpool Road, Grosvenor Crescent and Elizabeth Street for pedestrians and vehicles.
- The sign is inconsistent with the theme for outdoor advertising in the locality. The proposal has not demonstrated that advertising will not result in visual clutter or other visual impacts upon the locality.
- The sign does not show innovation or imagination in its relationship to the site.
- The applicant has not demonstrated a justifiable need for the signage or the merits that are associated with the proposal.

As a result, the proposal is not considered to satisfy the following objectives and controls under the Inner West Comprehensive Development Control Plan 2016 and SEPP (Industry and Employment) 2021;

SEPP (Industry and Employment) 2021

In light of the above comments, it is considered that the proposal generally does not satisfy the following requirements of Schedule 5 – Assessment criteria under the Industry and Employment SEPP:

- 1 Character of the area
- 2 Special areas
- 3 Views and vistas
- 4 Streetscape, setting or landscape
- 5 Site and building
- 7 Illumination
- 8 Safety

Transport Corridor Advertising and Signage Guidelines 2017

As indicated within the SEE, the submitted assessment of the proposal indicates that the proposal satisfies the requirements of the Transport Corridor Advertising and Signage Guidelines 2017. Council disagrees with the assessment that the proposal satisfies Part 3 of the Transport Corridor Advertising and Signage Guidelines, which state the following:

3.3.1.3 Proximity to Decision Making Points and Conflict Points

(a) A sign should not be located:

(i) Less than the safe sight distance from an intersection, merge points, exit ramp, traffic control signal or sharp curves

The SEE states that the safe stopping sight distance (SSD) from the intersection is 64 metres, with an operating speed of 60 km/h has been used to calculate the safe stopping sight distance. However, insufficient information has been provided to demonstrate how the signage is located within the safe stopping sight distance. The architectural plans demonstrate that the proposed signage is within 64 metres of the safe stopping sight distance at the Hume Highway-Elizabeth Street-Grosvenor Crescent intersection. The SEE states that the signage complies with the required SSD, and that the 15 second dwell time will address this consideration. Council disagrees with this assessment; however further details are provided under the "Traffic/Pedestrian Safety" heading below on page 5.



As previously discussed above in relation to the permissibility of the proposal, insufficient information has been provided within the SEE to confirm whether the proposed signage will be an advertisement by or on behalf of Sydney Trains. On that basis, Clause 3.14(3) has not been satisfied and therefore the Minister must not grant consent to the application.

With consideration of the matters that are addressed above, the proposal has not demonstrated that it is suitable for the subject site.

Visual impact upon Residential Properties

Insufficient documentation has been provided with the application to confirm the impacts to the surrounding residential properties, particularly to the nearest residential properties along Grosvenor Crescent, Liverpool Road and Carlton Crescent. The signage is approximately 50 metres away from the nearest residential property to the north-east at 88 Liverpool Road, 80 metres away from residential properties along Carlton Crescent which do not appear to have been considered within the assessment and is orientated in a manner where nuisance (such as glare and light spillage) may be caused to these properties. As illumination is proposed 24 hours a day, adverse impacts will be presented upon the residential amenity for properties along Grosvenor Crescent, Liverpool Road and Carlton Crescent from on-going glare and light spill caused by the proposal.

A streetscape elevation plan has not been provided with the application to confirm the visual impact of the proposal upon the nearest residential properties. Given the scale of the proposal, the information provided does not enable confirmation as to whether the scale of the proposal is of an acceptable visual impact upon residential properties that are situated along Grosvenor Crescent, Liverpool Road and Carlton Crescent.

Visual Impact Assessment

Council's assessment of the Visual Impact Assessment (VIA) has identified the following issues with the submitted documentation:

- The assessment fails to consider all vantage points that are relevant, including viewpoints from residential properties along Carlton Crescent that are not obscured by vegetation. Reference is also made to certain vantage points that have been considered, however does not provide any further details which demonstrate this. This includes views from the West Ashfield Leagues Club referred to in Figure 8.
- The VIA states that a maximum luminance of 200 cd/m² during the night-time period will be applied. However, no further details (such as elevation plans) have been submitted to provide an understanding of the sign's luminance during this period.
- Figure 16 within the VIA demonstrates that the signage will present an unacceptable visual impact upon the mixed-use development that has been approved by Council at 88 Liverpool Road.
- The viewpoints selected for the visual catchment have not been satisfactorily justified and do not appear to address the most significantly impacted viewpoints. For example, Figure 18 demonstrates that the viewpoint is significantly setback from the signage when viewed from Liverpool Road. A more appropriate viewpoint in this situation would have been from directly outside the boarding house at 83 Liverpool Road.

Furthermore, it is noted within the SEE that *'the proposed sign provides a human scale and are therefore compatible with the scale of surrounding built form and streetscape'*. Council



disagrees with this comment, given that a sign that is approximately 15sqm in area attached to a 3.4m monopole is significantly beyond human scale.

Traffic/Pedestrian Safety

It is noted that the SEE contains conflicting information to demonstrate how the proposal satisfies road safety requirements under SEPP Industry and Employment or the Transport Corridor Advertising and Signage Guidelines 2017. The SEE states that the sign would not display colours and shapes which could be mistaken for a traffic signal or would not contain interactive technology or technology that enables opt-in direction communication with motorists, yet states that “the digital sign will provide visual interest to motorist along Hume Highway” and it is yet to be demonstrated how the proposed signage satisfies the relevant road safety principles, and objectives of the applicable environmental planning policies.

The justification within the SEE regarding the acceptability of the proposal being within the safe stopping sight distance of the Hume Highway and Elizabeth Street intersection is disagreed with, for the reasons previously discussed above.

The illumination of the signage will adversely affect the safety of pedestrians and vehicles, especially since the sign is proposed within the safe stopping sight distance that is applicable to the intersection.

Impacts upon the Public Domain

The proposed sign is in a visually prominent public location. This type of signage is not in keeping with the character and scale of the neighbourhood. Liverpool Road/Hume Highway is a classified road that adjoins residential streets and forms the southern end of the Ashfield town centre.

Existing advertising is already causing significant visual clutter in the public domain that detracts from the overall experience of the streetscape in that area. An additional sign will diminish the visual quality of the public domain and the experience of Ashfield as a place.

A comprehensive signage strategy is currently being prepared for the Inner West. This type of signage is incompatible with the proposed style and scale of signage that is likely to be rolled out across the LGA. This is considered likely to result in adverse impacts to the sense of consistency that the signage would achieve within the public domain, as well as disrupt the hierarchy of places and streets.

Visual connection within streetscapes/the public domain improves the pedestrian experience, passive surveillance, and safety, and contributes to a sense of place identity. The intersection of Liverpool Road and Grosvenor Crescent/Elizabeth Street is a key arrival moment for pedestrians and drivers travelling in all directions. The proposed sign would be a visual focal point that detracts from the existing view lines in each direction, which are integral to the quality and experience of people travelling through this area.

There are already significant issues around pedestrian and vehicle conflict along Liverpool Road, Ashfield. Available crash data shows that there is a higher volume of pedestrian and vehicles crashes than other local places. Any source of distraction to drivers would decrease pedestrian safety.



Given the above, the signage would impact negatively on the look and feel of the public domain and would detract from the positive elements that contribute to the identity of Ashfield, as well as negatively impacting pedestrian and vehicle safety.

Public Benefit & Interest

As indicated above, one aim/objectives of the Industry and Employment SEPP and a matter for consideration is how the public benefits from the proposal, with the aim being:

e) to ensure that public benefits may be derived from advertising in and adjacent to transport corridors.

The Applicant has indicated that the public benefit derived from the proposal is by:

The statement confirms that all of the revenue generated by the proposed advertising signage will help fund essential Sydney Trains services to the benefit of the local community, including:

- *Benefit to the community including emergency messaging and announcements;*
- *Revenues to be directed by Sydney Trains into rail services and infrastructure projects;*
- *Emergency messaging and public service announcements (including alerts by NSW Government, Emergency Services and Police); and*
- *Community event announcements, including Sydney Trains, NSW Trains and TfNSW promotion and events (5min per hour dedicated to Sydney Trains).*

The SEE claims that the revenue generated by the sign will help fund essential Sydney Trains services. The SEE does not provide any framework and/or mechanism to support this claim, in terms of demonstrating a direct link from the revenue received. This would appear to be a fundamental requirement in terms of ensuring probity to the revenue received and the public benefit claim.

It is considered that any revenue stream could assist with all of the above perceived benefits and there is no direct public benefit to how this sign will be benefit to the local area. Furthermore, the above matters relate to benefits to train commuters upon which the signage is facing away and is directed to the road network users.

The SEE also does not provide any information to the amount of time given to 'emergency messaging and announcements' to support part of the public benefit claim. The lack of information in relation to this, provides a low level of certainty in that this could form part of any perceived public benefit.

Notwithstanding, the matters listed do not entail a public benefit to the wider community as recommended by the Transport Corridor Outdoor Advertising and Signage Guidelines. It is recommended that Sydney Trains considers alternatives to acquiring the required revenue and also a proposal which does not result in such a detrimental impact to a local area.

Should the Minister be of the opinion to approve this application, a real public benefit to the wider community should be provided; i.e. availability of signage to community groups and Council, a maintenance program for the bridge including regular graffiti removal, painting, landscaping to improve the aesthetics of the bridge & immediate surrounds, monetary contributions for upgrades to the area. These measures are considered to have a public benefit as opposed to those identified in the application.



Conclusion

As outlined above, it is considered that the proposed signage does not satisfy relevant planning objectives and controls, is not consistent with the desired future character of the area and there is no public benefit associated with the signage.

It is also considered that the documents submitted do not adequately represent the proposal and do not accurately provide a comprehensive representation of the full impacts of the proposal. As a result, it is considered that the sign should be refused.

We would invite the applicant and the DPIE Team to meet with Council to discuss this proposal and future proposals that may be considered.

If you need any further assistance in relation to the above matters, please contact me on 9392 5707 or email rachel.josey@innerwest.nsw.gov.au

Yours faithfully

A handwritten signature in black ink, appearing to read "R. Josey".

Rachel Josey
Acting Senior Manager - Planning