

SUBMISSION ON DRAFT CHANGES TO PLANNING RULES FOR OUTDOOR ADVERTISING AND SIGNAGE – SEPP 64

The presence of parked trailers in the residential streets of my Electorate of Ku-ring-gai, either featuring advertising or not, has been an increasing concern for both me and my constituents for at least the last 12 months.

These trailers are not only visually unattractive and contrary to the amenity of our area but they also occupy public parking spaces, which are in high demand, particularly in the vicinity of railway stations by commuters and around sports fields. Put simply, the presence of parked trailers is unsightly, dangerous (because of their size and the resultant loss of visibility and carriageway width) and discouraging the use of public transport because commuters who drive to stations and do not have access to dedicated car parks find that there is nowhere to leave their vehicles.

As an example, one person has been parking up to four trailers in one of the most heritage-rich residential streets of my Electorate (Ku-ring-gai Avenue), where he himself does not reside, which contains several historic houses, such as the former home of the celebrated artist, Grace Cossington-Smith. The street is also favoured by commuters for parking and at least two of the four trailers feature advertising. The trailers are hardly ever moved, if at all.

I met with representatives of Ku-ring-gai Council in late December 2016 to bring to their attention examples of trailers, many of them advertising trailers, parked in the public streets of Ku-ring-gai and to discuss possible ways to address what is unquestionably a growing problem.

Regrettably, the Council's response was that the existing laws do not give it the ability to deal with all matters (such as the trailers in Ku-ring-gai Avenue) satisfactorily or effectively because:

1. The current State Environmental Planning Policy in respect of Advertising and Signage does not apply to vehicles;
2. A breach of the *Environmental Planning and Assessment Act 1979 (EPA Act)* – for the failure to obtain a development consent for advertising – can only occur if the relevant advertising trailer is “used principally for the purpose of advertising”, as opposed to, for example, transporting motorbikes and trikes; and
3. The *Impounding Act 1993* does not apply to advertising trailers.

They did, however, believe that they could deal with advertising vehicles on major roads under the EPA Act.

The NSW Government, of course, has not been slow to act in the past in respect of problems caused by parked trailers. Concerns raised, as I understand it, by residents and council in coastal areas of the State, including the eastern and southern suburbs of Sydney,

about the parking of boat trailers for extended periods in suburban streets were a major driver for the enactment of the *Impounding Amendment (Unattended Boat Trailers) Act 2015*.

Interestingly enough, during the debate in respect of the Bill in the Legislative Council that followed the Second Reading Speech on 15 September 2015, and in Committee on the following day, a number of amendments were proposed. The effect of those amendments would have been to give to local councils the same powers to deal with advertising trailers as the legislation now gives them to deal with boat trailers that compete for on-street parking and clutter the streetscape.

While the Government expressed its sympathy at that time for the amendments proposed, ultimately they were not supported by the Government, Opposition or the Christian Democrats, due to the fact that no community consultation on the issue had yet taken place.

I am therefore heartened by the fact that discussion in respect of this issue has advanced and that public consultation is now taking place, albeit not in the context of the *Impounding Act*. Further, subject to what appears below, I support in principle the proposed new clause 27A of SEPP No. 64, as a means of addressing amenity and safety concerns related to the growing proliferation of trailer-based advertising within roads and road-related areas.

I say "in principle" because, regrettably even the introduction of the new clause 27A will not satisfactorily address the issue in its entirety. To use the example of the trailers parked in Ku-ring-gai Avenue, two do not carry advertising. While that does not make them any less of a problem, that characteristic means that they would not be caught by the proposed amendment.

There is a further difficulty: sub-clause (3) of the new clause 27A expressly does not apply to "an advertisement that is ancillary to the dominant purpose of the trailer". I can well envisage a substantial number of owners of parked trailers arguing compellingly that the dominant purpose of their trailers is not advertising but transportation and/or storage.

Further, even if the owner of the two "advertising" trailers in Ku-ring-gai Avenue were not able to argue that the dominant purpose of the trailer is to transport motor bikes, my understanding is that he could simply conceal the advertising by rolling up the canvass sides of the trailers, allowing him to keep the trailers where they are.

The real evil in these circumstances is in the long-term parking of trailers in residential or inappropriate places, whether they have advertising or not. I acknowledge that an amendment to SEPP 64 may not be the appropriate way to address that. Nonetheless, if there is to be a meaningful change to what has become a significant problem, then it cannot continue to be ignored.

A number of possible solutions have been suggested, including:

- (a) Suitable amendments to the *Impounding Act 1993* to put all trailers on the same footing as boat trailers;

(b) A Resident parking permit scheme and/or a Commuter parking permit scheme

Given the general availability of on-site parking for residents in Ku-ring-gai, I believe that the former would require amendment to the current Permit parking Guidelines issued by Roads & Maritime Services.

(c) The introduction of parking restrictions

I see some merit in subjecting all areas in Ku-ring-gai designated as commuter parking being subject to a 12-hour parking limit on Monday-Friday.

However, recognising that restricting the time of parking may be problematic in respect of some commuters and residents, I have been informed by the Minister for Roads, Maritime and Freight that Councils are now able to use a parking sign that restricts the type of vehicle that is permitted to park. The sign reads as follows:

"No Parking – Motor Vehicles Excepted"

I respectfully submit that Government and local councils must work together to achieve a solution to an issue that is adversely affecting the proper regulation of on-street parking, making it more difficult for commuters to travel and making life unreasonably and unfairly difficult for residents.

A handwritten signature in blue ink, appearing to read 'Alister Henskens', followed by a stylized flourish.

Alister Henskens SC MP
30 June 2017