



Ms Carolyn McNally
Secretary
Department of Planning and Environment
GPO Box 39
SYDNEY NSW 2001

12 February 2016

Dear Ms McNally

Subject: Section 96(2) modification application for the Glebe Island Silos Advertising Signage (DA 041 09 2011 MOD 1)

I refer to your Department's letter of 25 January 2016 referring the above modification application to the Planning Assessment Commission for determination under the Ministerial delegation of 14 September 2011. The modification application seeks an extension of the duration of the consent for the display of advertising signage on the Glebe Island Silos for an additional three years (to 11 April 2018), and ancillary maintenance works associated with the ongoing display of signage.

Ms Lynelle Briggs AO, Chair of the Commission, nominated me to constitute the Commission for the project as chair, along with Mr Gordon Kirkby.

The Commission has considered the Secretary's Environmental Assessment Report and noted that the relevant State government agencies have reviewed the application and had no objection to the proposed extension of time for the signage. However, the Commission has noted that both Leichhardt Municipal Council and the City of Sydney have objected to the proposal.

As part of its decision making process, the Commission was briefed by Departmental representatives as well as Leichhardt Municipal Council and the City of Sydney. The Commission also met with the Port Authority of NSW as landowner along with the Applicant (Eye Drive Sydney Pty Ltd).

Departmental staff provided an overview of the history of the signage, the assessment framework, including the Glebe Island and White Bay Masterplan (2000) and Glebe Island Silos Advertising Signage DCP (2004); permissibility of the application and time limit for the application.

Leichhardt Municipal Council confirmed their strong objection to the signage as per their submissions, and noted also at the meeting and in subsequent correspondence (attached) that the signage was counter to the intent of their DCP (2013) and would not meet the public benefit test from their point of view. Moreover Council noted the prominence of the signage and its visual impact on their area as well as the poor image it portrays as a gateway in and out of the city.

City of Sydney Council also confirmed their strong objection to the signage as per their submissions and noted at the meeting that the high visibility of the signage was counter to the image of a global city and inconsistent with renewal taking place across the city, and in the local context. In correspondence following the meeting (attached), Council advised that they consider the proposal to also be inconsistent with the Sydney DCP 2012 signage and advertising controls, inadequately justified in terms of the public benefit test and negligent in failing to consider the desired future character of the area as required by SEPP 64.

Sydney Ports Corporation and the Applicant spoke in support of the application, and noted that while plans for the renewal of Glebe Island were being developed, the site was complicated by existing leases, land uses, contamination, and actual works on site could be anticipated in the long term only.

On the basis of the information available to the Commission, the following matters were considered key and investigated in detail:

- Legality

The Commission notes that both Councils contested the legality of the application. The Commission notes however that the application seeks an extension of three years for existing signage and considers this consistent with Section 96(2) of the EP&A Act and clause 21 of SEPP 64.

- Urban renewal

The Commission notes the views of both Councils that the area is undergoing transformation and that the large, high visibility signage on a heritage item is inappropriate to the changing context. The Commission observes however that Urban Growth, the agency leading the urban renewal process, did not object to the proposal and that in the Bays Precinct Sydney Transformation Plan (2015) the area is flagged for long-term change only. This timing was confirmed by the Port Authority of NSW. Similarly, the Commission acknowledges that the area has been relatively static for the last 20 years.

In view of this information, the Commission supports the Department's recommendation for the approval of the signage for a further three years. However, the Commission notes that the area will be subject to significant change in the forthcoming years, and that the planning framework for the signage is outdated. There are also contradictions between the existing Masterplan and DCP. The Commission encourages updating of this framework, including integration of plans for the wider renewal of the area, prior to consideration of any future signage applications for the silos.

- Visual Amenity

Both Leichhardt Municipal Council and the City of Sydney objected strongly to the visual impact of the signage, which is highly visible by virtue of its size and gateway location between the two municipalities. Both Councils also objected to the signage being situated on a heritage item. The Commission acknowledges the visual impact of the signage and notes that a rigorous visual impact assessment should be required if future applications are received. Such an assessment must be explicit in its consideration of the Assessment Criteria provided in Schedule 1 of SEPP 64, including the requirement to take into account the current local area, as well as the wider context of the visual impact, and desired future character.

- Public Benefit

Both Leichhardt Municipal Council and the City of Sydney asserted that the application did not adequately address the Public Benefit Test. The Commission notes that with the exception of proposed improvements to access to the area, the public benefits outlined by the Port Authority are largely business-as-usual activities. While the Commission finds that public access is an

appropriate community benefit consistent with Clause 13 of SEPP 64 as well as the *Transport Corridor Outdoor Advertising and Signage Guidelines* (SEPP 64 Guidelines), it asserts that any future applications require rigorous assessment against the Public Benefit Test, which also requires that the application of expenditure by other public authorities receiving contributions from signage and advertising be recorded and reported.

- Heritage

The Commission notes that the Office of Environment and Heritage did not object to the proposal although the Glebe Island Silos are identified as a local heritage item in Schedule 4 of the SREP 26 and as a heritage item on the Port Authority of NSW Section 170 register.

The Commission acknowledges that the modification application is for existing signage. However it recommends that rigorous and credible assessment of the heritage impact of the signage be required should future applications be received.

The Commission also notes an inconsistency in the wording of the draft SEPP 64 Guidelines (currently on exhibition) and SEPP 64 in relation to the permissibility of signage on 'heritage items', and that the Department has raised this matter internally for address prior to finalisation of the SEPP.

Overall, the Commission is aware that the modification does not involve a change in size, position or presentation of the signage. It supports the recommendation of the Department for approval for a three year period, noting however that the planning framework against which this modification is required to be assessed is now outdated and in need of a review to reflect the current and proposed context of the Glebe Island Silos, and contemporary policy settings with regard to signage of this nature. Any future applications to further extend the approval for the signage should require rigorous assessment taking into account in particular, visual impact, urban renewal, and heritage impact.

The modification application is approved as recommended subject to conditions. The signed instrument of approval is returned herewith.

Yours sincerely



Ms Abigail Goldberg
Commission Member
Planning Assessment Commission

Attached:

- Meeting notes
- Supplementary submissions: Leichhardt Municipal Council and City of Sydney

cc. The Hon. Rob Stokes, MP
Minister for Planning
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SYDNEY NSW 2001