



New South Wales Government
Independent Planning Commission

TRANSCRIPT OF PROCEEDINGS

RE: GLEBE ISLAND SILOS - PART 4 SIGNAGE DA PROJECT
(DA-21/13182)

DEPARTMENT MEETING

COMMISSION PANEL: PROF. RICHARD MACKAY AM (Chair)
 DR PETER WILLIAMS

OFFICE OF THE IPC: CASEY JOSHUA
 JANE ANDERSON

DPE: CAMERON SARGENT
 LUCINDA CRAIG

LOCATION: VIA VIDEO CONFERENCE

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PROF. MACKAY: Good morning and welcome. Before we begin, I would like to acknowledge that I am speaking to you from Gadigal land and I acknowledge the traditional owners of all of the Country from which we virtually meet today and I pay my respects to Elders past and present. Welcome to the meeting today to discuss the Glebe Island Silos - Part 4 Signage DA Project, that is DA21/13182, which is currently before the Independent Planning Commission for determination. The applicant, Eye Drive Sydney Pty Limited, is seeking approval for the ongoing use of two existing advertising signs on the Glebe Island Silos.

10 My name is Professor Richard Mackay, I'm the Chair of this Commission Panel and I'm joined by my fellow Commissioner, Dr Peter Williams. We are also joined by Casey Joshua and Jane Anderson from the Office of the Independent Planning Commission. In the interests of openness and transparency and to ensure the full capture of information, today's meeting is being recorded and a complete transcript will be produced and made available on the Commission's website. This meeting is one part of the Commission's consideration of this matter and will form one of the sources of information upon which the Commission will base its determination.

20 It's important for the Commission to ask questions of attendees and to clarify issues whenever it is considered appropriate. If you're asked a question and are not in a position to answer, please feel free to take the question on notice and provide any additional information in writing which we will then put up on the Commission's website. I request that all members here today introduce themselves before speaking for the first time and for all members to ensure that they do not speak over the top of each other to ensure accuracy of the transcript. So we will now begin and I would like to begin by inviting two representatives from the Department to introduce themselves please.

30 MR SARGENT: Good morning. Thank you, Richard. My name is Cameron Sargent, Acting Director, Key Sites Assessments.

MS CRAIG: Hi. My name's Lucinda Craig, I am Planning Officer for Key Sites.

40 PROF. MACKAY: Well, thank you both. We have pre-circulated a dot-point agenda and I think unless there is any alternative suggestion I'm proposing that we just follow through that agenda but I'd certainly invite Dr Williams or others to intervene as we go just to keep things reasonably informal as we work through. So thank you, Cameron, thank you, Lucinda, and could we perhaps begin by asking you just to take us through the journey that led to the assessment of this application under the Industry and Employment SEPP and perhaps any commentary on the relevance or otherwise of SEPP 64 please.

MR SARGENT: Thanks, Richard. So this is actually the eighth occasion that consent has been sought for the display of the sign. It's got quite a long history, it's probably Sydney's most recognisable advertising signs and certainly its largest. So the Minister first approved the sign in 1992 and it formed part of a broader suite of works that also included the Olympic Games mural on the silos themselves. A subsequent development application was lodged in 2005, 2008 and 2011 and there's also been two modification applications, one of which has actually already, or previously been, determined by the IPC as well as a most recent one in 2018.

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So the current application we've got before us is for the continued display of advertising which has been place for approximately 30 years and it seeks approval for the display of signage for a further 10 years. The signs are located on the western southern sides of the Glebe Island Silos and it's important to note no works are proposed as part of this application. The application was exhibited from the 30th of September until the 27th of October, 2021. The Department received 86 submissions in total comprising 80 public objections, four that were in support, comments from Inner West Council, which is the relevant council, as well as an objection from City of Sydney Council.

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The Department considered the issues that were raised in submissions and they included impacts related to potential visual impacts, lighting impacts and heritage impacts. The Department considered the proposal against the requirements of the Industry and Employment SEPP, formerly known as SEPP 64, as well as a transport corridor and – sorry – transport corridor outdoor advertising and signage guidelines as well as other relevant EPIs. The Department considered the proposal on balance and as amended by the response to submissions was acceptable. As it was permissible with consent, it's consistent with the guidelines and would not have any impact on the future redevelopment potential of the site or broader precinct. The current lighting curfew would be increased by an additional two hours with all lighting ceasing at 11.00pm rather than 1.00am as is current.

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The illumination of the sign complies with the requirements in the guidelines as well as Australian Standards. No physical works are proposed and the continued display of signage would not result in any additional visual or heritage impacts. It would not result in any road-safety impacts and it would also provide a public benefit to the inner west community through the provision of an annual CAS contribution towards heritage conservation and local community services. The Department – there's consideration of the potential impacts or residual impacts associated with the proposal. We've recommended a number of conditions to the Commission which including that the consent be limited to three years rather than 10 years as sought by the Applicant,

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that within three months of the consent lapsing the Applicant must ensure the signage removed and the site is restored and reinstated as per the requirements of Port Authority NSW, that the illumination of signage is not permitted between the hours of 11.00pm and 6.00am Monday to Friday and the Applicant enter into an agreement with Inner West Council for a public benefit contribution.

The Department's assessment concluded that the proposal was in the public interest and approvable, subject to the conditions. The application is, as we know, referred to the IPC for determination as the department received over 50 public objections.

10 Thank you.

PROF. MACKAY: Cameron, thank you, that is a really useful and informative synopsis of the matter and just to clarify, I think, for Commissioner Williams' understanding and mine, therefore, in terms of the formal assessment, it's the Department's view that it's the Industry and Employment SEPP that is the operable instrument, not SEPP 64?

MR SARGENT: That's correct, yes. The Department undertook a review. It was pretty much a consolidation of a range of SEPPs. There's quite a number of them that were in existence and so the Department consolidated a number of SEPPs, so SEPP 64 is now known as the IESEPP which is the Industry and Employment SEPP and the provisions that were in SEPP 64 are now within a number of chapters within that broader IESEPP.

PROF. MACKAY: Thanks very much. Peter, can I just check whether you've got any follow-up question to that first agenda item.

DR WILLIAMS: No, not that stuff, I think that's clear. There's just a few matters of clarification that came out of your presentation just now, Cameron, if I - - -

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MR SARGENT: Yep.

DR WILLIAMS: Would that be all right, Richard, to ask?

PROF. MACKAY: Yes, please do.

DR WILLIAMS: You just mentioned that no work's proposed in the application. So just for clarification for my benefit, all it basically does is involve removing the actual advertising signs themselves and putting new ones up, there's no change to the structures on which the advertising signs are attached?

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MR SARGENT: That's absolutely correct, Peter, and I think it's important to note that the IESEPP does not regulate content. So the removal of the content, so it could be, you know, displaying a certain type of product and then the next month they install a new product. or they're advertising a new product, the IESEPP does not regulate the content. So it's merely just changing the sign on an as-needs basis depending on any sort of contracts that the advertiser has with relevant advertisers as well as Ports Authority.

10 DR WILLIAMS: Right. Okay. No, that's fine. Sorry, it is a related question. We've got particularly the Glebe Island Silos advertising signage DCP and also the Glebe Island White Bay Master Plan, they're called up through the auspices of the Infrastructure and Employment SEPP, I gather?

MR SARGENT: Only insofar as it relates to the Minister specifying a period less than 10 years. So it's not - and to the best of my knowledge, and I'll take it on notice, the IESEPP does not specifically refer to either of those DCPs. It certainly refers to the guidelines, that's the transport corridor guidelines, but not the master plans themselves.

20 DR WILLIAMS: Right. So I guess the question is then, how they apply then to this application, I guess.

MR SARGENT: Okay. So the Department considered - so DCPs, obviously they're not an EPI but the Department is certainly guided by any relevant DCP that might be applicable to an application. In this case the two applicable DCPs are the Glebe Island Signage DCP as well as the Glebe Island and White Bay Master Plan. The Glebe Island DCP, that specifies a three-year limit on the consent, as does the Glebe Island and White Bay Master Plan.

30 DR WILLIAMS: Okay. Thank you.

PROF. MACKAY: Could I perhaps just jump in there and segue – this is Richard Mackay again – into that second question. I think it's related, Cameron. I'd just be grateful if the Department could again just take us on the journey. The application that was made was for a 10-year period, the Department's recommendation in the assessment report is that this be a three-year approval and so I'm interested, I think, in both legs, the statutory leg that enables the three-year approval and the merits argument that underlies that decision please.

40 MR SARGENT: Yep. So the application, it is a bit confusing where they originally sought ten years and then in the response to submission they reverted to an eight-year

period and as a result of some of the information that was contained in their response to submissions, that was supported by legal advice. There were some questions raised around the Minister's ability to specify a period less than 10 years on the basis of the relevant clauses in the IESEPP. As a result of that we looked into that further and what we found was that the Minister was authorised to specify a period less than 10 years and in this case three years. Because of the clauses in the IESEPP whereby the Glebe Island to White Bay Master Plan, it was adopted by the Minister and importantly it was adopted by the Minister before the commencement of part 3, point 3 of the Industry and Employment SEPP.

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As a result of that, the master plan, it relates to third-party advertising and it provides that development consent for advertising is limited to a period of three years. So the Department found that the Minister was authorised, in fact, to specify a period on the consent for three years and that is what's recommended to the IPC.

PROF. MACKAY: Thank you for that clarification. And then the follow-up question, I think, is the merits. The basis for the Department preferring recommending three years. rather than 10 or eight please.

20 MR SARGENT: Okay. So a number of points. The first is obviously the master plan specifies three years as well as the Glebe Island and Advertising Master Plan which also says three years. There's also been a historical three-year period imposed on consents over the years, with the exception obviously of the minister's 1992 consent which was granted for a period of 10 and there was also the strategic context. The area, both the site and its surrounds, is earmarked for urban renewal and there will be some changes in the future. Specifically adjacent to the site, which is sub-precinct 3, so the play strategy that created a long term vision for the renewal of the Bays West Precinct and recently the Bays West Stage 1 Master Plan, which is called sub-precinct 1, the exhibition of that SEPP finished on the 31st of May and that informs planning
30 and development controls for the area around White Bay Power Station and Bays Metro Station.

So this is the first stage of the urban renewal of the broader precinct which anticipates the delivery of the metro station and a number of buildings around it by 2030. So the application is seeking 10 years. In the context of the changes that were happening and that are going to be happening, based on what's been proposed, the Department considered that a three-year period was appropriate.

40 PROF. MACKAY: Thank you for that. Peter, do you have any follow-up questions on any of those matters?

DR WILLIAMS: No, thanks, Richard. That's well defined and described, thank you.

PROF. MACKAY: All right. Cameron, you've been very efficient in that you've pre-answered the next question about the strategic-planning context so thank you for that.

MR SARGENT: That's okay. Sorry, I'll just add that there is a rezoning package for the sub-precinct 1 for the Bays West area, the White Bay and Bays Metro Station. So that should be publicly released shortly. So in terms of having a little bit more information, we certainly could provide that to the IPC within the next – we expect in
10 the next couple of weeks.

PROF. MACKAY: Look, Cameron, I think once it's able to be made publicly available, that would be relevant and helpful. Of course, the IPC would publish it on its own website as part of this application. So I think we need to leave that call with the Department when the rezoning package is ready to be publicised.

MR SARGENT: Okay.

PROF. MACKAY: Look, obviously there have been these 80 objections and there's a
20 fairly discrete set of matters raised. In your introductory remarks you covered some of these but would the Department briefly like to comment on the visual impact, noting that – I mean, we're in the rather helpful position of knowing exactly what this development would look like because it's already there.

MR SARGENT: That's right. So visual impacts was one of the key issues that was raised in public submissions. Approximately about 70 per cent raised visual impacts as an issue and also City of Sydney Council raised it. There's no question that the signs are visible and the application was supported by an amended visual impact analysis as a result of the issues that were raised in submissions and it stated that the
30 sign, or the continued display of the sign, would not dominate the wider views and that no changes to the signs are proposed, i.e., they weren't seeking to increase the size of the signs in any way and also that the night-time visual impacts would be mitigated by the increase in the night curfew by two hours and that's from 11.00pm to 6.00am.

The Department – we acknowledge that, yes, the signs were visual but it would not generate any additional visual impacts. We also noted that the signs have been in place for 30 years and they're also located within a working industrial port area. The scale of the signage was compatible to the size of the silos themselves and the signage itself would not result in any significant visual impacts to residential properties, i.e.,
40 amenity impacts, due to the significant separation distance and the separation distances range from half a kilometre to about 800 metres.

In addition to that there was obviously the fact that the night time visual impacts would be controlled by the guidelines, the lighting criteria, it's well below the maximum criteria specified in the guidelines and also that we considered that limiting the signage for three years would not conflict or cause any adverse visual impacts to the future development within Bays West.

10 PROF. MACKAY: Thank you for all of that. The Commissioners have had the benefit with help from the IPC Secretariat of being able to read each submission while actually looking in a GIS at exactly where that submitter is located. So, I mean, it's very helpful. I understand the issue of the separation on the 500 metres, et cetera, so thank you for that. The one question arising, I think, is just to query why an 11.00pm deadline on the curfew rather than a 10.00pm. I think insofar as there is any difference in this issue between the Department's assessment report and the representations made in the submissions, a number of them suggested 10.00pm. Is there any background to why the Department has gone with 11.00pm please?

20 MR SARGENT: That's a good question, Richard, thanks for that. The primary issue was the fact that the lighting itself was not expected to generate adverse amenity impacts on those residents due to the fact that the lighting levels are substantially below the guidelines. So the Department considered the 11.00pm to be reasonable and acceptable on that basis.

PROF. MACKAY: Okay, thank you. Peter, are there any questions arising from you?

30 DR WILLIAMS: Thanks, Richard. I think it's related to visual impact, Cameron. You mentioned that, of course, there's no regulation at all in that the application can't regulate the content but I was just wondering what controls existed perhaps in the signage DCP in relation to things like colours and the consideration that that might have some greater or lesser impact visually. Is there any control in terms of the types of colours? I mean, the current colours of the advertising signage is up there at the top of the silos at the moment fits in quite well with the colour scheme of the silos but I was just wondering if there's any regulation or control in terms of the actual – that might affect its visual impact overall in terms of particularly things like colours or, you know, using fluorescent colours or whatever.

40 MR SARGENT: That's a great question. Can I take that on notice? Certainly the controls in the guidelines relate to lux and candela per square metre. So lux is the measurement of illumination, it's the total amount of light that falls on a surface and candela measures the visible intensity of the light source. How that relates to colour, Peter, I honestly don't know. So I can take that on notice and we can get back to you

but irrespective of, I guess, whether it's a particular colour might generate a more intensive light source, the lighting impact assessment has shown to us that it would still comply with the guidelines. So we'll get back to you on that one.

DR WILLIAMS: Thanks, Cameron.

MS CRAIG: I might be able to further answer that. The applicant, as part of their RTS, provided a light measurement report where they took measurements from key locations based on the visual-impact assessment and they determined that even where
10 the signage was completely white, where it would have a greater impact, was still close to zero.

PROF. MACKAY: Thank you, Lucinda. That's a very useful additional clarification to have. Okay. Well, I think the only other item on our agenda list was to invite the Department to comment on the heritage impact, noting that there has been both a heritage-impact assessment as part of the application and heritage has been re-addressed in the response to submissions. So any further comment there, noting of course, that this site sits between two different State Heritage Register items in the form of Glebe Island Bridge and White Bay Power Station.
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MR SARGENT: So the silos, they're identified as a local item in the Eastern Harbour City SEPP, so they're not a state heritage item but you're absolutely right, Richard, that they do sit between two state-listed items. Heritage NSW considered the potential heritage impacts of the continued display of the signs, they advised that they did not consider the proposal to result in any additional impacts for the heritage values of the silos but also importantly, I should say, to nearby state heritage listed items. So the Department when we considered what the – now, noting the City of Sydney raised heritage impact concerns around, you know, the temporary nature of them and the extent to which, you know, the modification seeks to extend the duration of the
30 consent, we considered, or the Department considered, the heritage impact were acceptable because there's no additional physical works. The signs are temporary and they are capable of being removed.

The signs themselves would not obscure the majority of the silos and would only – and the extent to which they do obscure relates to views of the conveyor room from the southern and western elevations. We also considered that the locations and the dimensions of the signage allow people to interpret the silos themselves and also we noted that the public-benefit offer that is being proposed would provide a monetary contribution to Inner West Council to facilitate heritage conservation in the Inner West
40 LGA.

PROF. MACKAY: Terrific. Well, thank you for that further explanation. Again, Peter, anything further from you by way of clarification or matters that we've not covered in the agenda. You're muted. Peter, you're muted.

DR WILLIAMS: Sorry, I thought I unmuted myself, sorry. No, thanks, Richard, that's covers everything I think. Thank you.

PROF. MACKAY: And could I ask the officers form the IPC Secretariat whether there's any matters from you that we haven't raised in this discussion today please?

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MS JOSHUA: No, thank you.

MS ANDERSON: Nothing from me, Richard, thank you.

PROF. MACKAY: Okay. And look, can I extend a final invitation either to Cameron or Lucinda, is there anything further that the Department would like to add about which we've not asked as we've worked our way through the agenda?

MR SARGENT: No, thank you, Peter, I'm okay.

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MS CRAIG: No, thank you.

PROF. MACKAY: All right. Well, look, can I simply thank both Cameron and Lucinda for your attendance this morning. My understanding is that you may or may not be in a position to send us further information on the rezoning package and it would be appreciated if you could advise the IPC Secretariat either way once you know and I think there was – I'm not quite sure, that final question, or the second-last question about the visual characteristics, the colours, the lux and the candela, Lucinda provided some further clarification indicating that there was no discernible impact. Is it still intended that the Department will provide further information on notice or are you considering that we've covered that off now during this meeting?

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MR SARGENT: Richard, I'm happy for us to look into it a bit further and give you any additional information that we find.

PROF. MACKAY: Okay. Well, look, thank you for that. I think again if you could get back to us either way saying here is the additional information or having checked there's nothing to add, that would be helpful. Obviously anything that we receive goes up on the Commission's website so that it's publicly accessible. So I think then it remains for me to thank all the participants in the meeting. It's been very helpful and informative to the Commissioners to have this direct engagement and the opportunity

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to clarify some of the matters in the Department's assessment report and I think, as everyone knows, we have some further meetings today with the two councils, a meeting with the Applicant and we have a public meeting scheduled for next week, after which the Commissioners will turn their mind to the determination itself. So thank you all and enjoy the rest of your day.

MR SARGENT: Thank you.

MS CRAIG: Thank you.

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DR WILLIAMS: Thank you, everyone. Lucinda, Cameron, thank you.

MEETING CONCLUDED

[9.33am]