



New South Wales Government
Independent Planning Commission

Glebe Island Silos Signage Project

DA 21/13182

Statement of Reasons for Decision

Professor Richard Mackay AM (Chair)
Dr Peter Williams

9 September 2022

September 2022 Final Report ©
State of New South Wales through the Independent Planning Commission 2022

Independent Planning Commission NSW
Suite 15.02, Level 15, 135 King Street Sydney NSW Australia
Telephone: (02) 9383 2100
Email: ipcn@ipcn.nsw.gov.au
ABN: 38755709681

Disclaimer:

While every reasonable effort has been made to ensure that this document is correct at the time of publication, the State of New South Wales, its agencies and employees, disclaim all liability to any person in respect of anything or the consequences of anything done or omitted to be done in reliance upon the whole or any part of this document.

The Independent Planning Commission NSW advises that the maps included in the report are to give visual support to the discussion presented within the report. Hence information presented on the maps should be seen as indicative, rather than definite or accurate. The State of New South Wales will not accept responsibility for anything, or the consequences of anything, done or omitted to be done in reliance upon the mapped information.

EXECUTIVE SUMMARY

Eye Drive Sydney Pty Ltd has sought consent to extend the duration of the existing advertising signage on the Glebe Island Silos, located in the Inner West Local Government Area, for an additional 10 years. No physical works are proposed as part of the application.

A whole-of-government assessment by the Department of Planning and Environment in July 2022 found the impacts of the proposal can be appropriately managed and recommended the approval of the project, subject to conditions of consent.

The Application is not State significant development but is located within a State significant precinct under the *State Environmental Planning Policy (Precincts – Eastern Harbour City) 2021*. The Minister for Planning is the consent authority for development in State significant precincts, but in this case the role of consent authority has been delegated to the Commission because more than 50 public submissions objecting to the Project were received by the Department.

Commissioners Professor Richard Mackay AM (Chair) and Dr Peter Williams were appointed to constitute the Commission Panel making the final decision.

As part of the determination process, the Commission met with the Department of Planning and Environment, the Applicant and its representatives, Inner West Council and the City of Sydney Council. The Panel conducted inspections of the site and surrounding locality on 4 August 2022 (daytime) and 12 August (nighttime) and held a public meeting on 17 August 2022.

The community expressed its views on the project through written submissions to the Commission and at the public meeting. Concerns raised by the community included visual impacts, illumination, heritage impacts, public benefits, the proposed consent duration, and daily illuminated display period of the advertising signage.

Inner West Council did not object to the project. However, City of Sydney Council, which is the council of the neighbouring Local Government Area, did object to the project. City of Sydney Council raised concerns about the duration of the proposed consent, daily illumination hours of the signage, heritage impacts, visual impacts experienced by residents within the Sydney Local Government Area, particularly the residents of Glebe, and opposition to third party signage.

Based on its consideration of the material before it and having taken into account the views of both Councils and the community, the Commission found that the retention of the advertising signage in the short term does not conflict with the strategic context for the site. The Commission found the project is consistent with the Eastern City District Plan, the Bays West Strategy and with the objectives of the subject land which is zoned 'Port and Employment' under *State Environmental Planning Policy (Precincts – Eastern Harbour City) 2021*. The Commission also found that the continued display of existing signage would not result in additional visual or heritage impacts; would not result in road safety impacts; and would not hinder the future redevelopment potential of the Site and the broader precinct.

The Commission has determined that development consent should be granted for the Application, subject to conditions. These conditions include a time limited consent period of three years, an increased lighting curfew that requires the lights to be turned off at 11pm, an obligation to ensure that the history and heritage significance of the Glebe Island Silos are interpreted to the public, and a requirement for the signage and signage structure to be removed within three months of the consent lapsing.

The Commission's reasons for approval of the application are set out in this Statement of Reasons for Decision.

CONTENTS

EXECUTIVE SUMMARY	i
CONTENTS	1
DEFINED TERMS.....	2
1. INTRODUCTION	1
2. THE APPLICATION.....	1
2.1 Site and Locality	1
2.2 Background.....	2
2.3 The Application	3
3. THE COMMISSION'S CONSIDERATION.....	5
3.1 The Commission's Meeting	5
3.2 Material Considered by the Commission.....	5
3.3 Strategic Context	5
3.4 Statutory Context	7
3.5 Mandatory Considerations.....	8
3.6 Additional Considerations.....	9
4. COMMUNITY PARTICIPATION & PUBLIC SUBMISSIONS	10
4.1 Public Meeting	10
4.2 Public Submissions.....	10
4.3 Key Issues Raised in Submissions.....	11
5. KEY ISSUES	12
5.1 Consent period.....	12
5.2 Visual Impact	13
5.3 Illumination.....	14
5.4 Heritage	16
5.5 Public Benefit.....	17
5.6 Other Issues.....	19
6. THE COMMISSION'S FINDINGS AND DETERMINATION.....	21

DEFINED TERMS

ABBREVIATION	DEFINITION
Applicant	Eye Drive Sydney Pty Ltd (a subsidiary of oOh! media)
Application	DA 21/13182
AR para	Assessment Report paragraph
CIV	Capital Investment Value
Commission	Independent Planning Commission of NSW
CoS Council	City of Sydney Council
Council	Inner West Council
DCP	Development Control Plan
Department	Department of Planning and Environment
Department's AR	Department's Assessment Report, dated July 2021
Eastern Harbour City SEPP	<i>State Environmental Planning Policy (Precincts – Eastern Harbour City) 2021</i>
EP&A Act	<i>Environmental Planning and Assessment Act 1979</i>
EPI	Environmental Planning Instrument
ESD	Ecologically Sustainable Development
First VIA	Visual Impact Assessment prepared by Group GSA, dated 22 July 2021
GISAS DCP	<i>Glebe Island Silos Advertising Signage Development Control Plan (2004)</i>
Guidelines	Transport Corridor Outdoor Advertising and Signage Guidelines 2017
HIA	Heritage Impact Assessment, prepared by NBRS Architecture and Heritage, dated 24 June 2021
IESEPP	<i>State Environmental Planning Policy (Industry and Employment) 2021</i>
IW Council	Inner West Council
LGA	Local Government Area
m²	Square metres
Mandatory Considerations	Relevant mandatory considerations, as provided in s 4.15(1) of the EP&A Act
Material	The material set out in section 3.2
Minister	Minister for Planning
Port Authority	Port Authority of NSW
Project	The ongoing display of existing advertising signage on the Glebe Island Silos
Regulations	<i>Environmental Planning and Assessment Regulations 2000</i>
RtS	Response to Submissions
Second VIA	Visual Impact Assessment prepared by Urbis, dated March 2022
SEE	Applicant's Statement of Environmental Effects dated 27 August 2021
SEPP 64	<i>State Environmental Planning Policy No. 64 Advertising and Signage</i>
SHFA	Sydney Harbour Foreshore Authority
Site	The existing silo structure comprising two parallel rows of 15 silos located in the southern portion of Glebe Island in Rozelle
SSD	State Significant Development
TfNSW	Transport for NSW

1. INTRODUCTION

1. On 25 July 2022, the NSW Department of Planning and Environment (**Department**) referred a development application (DA 21/13182) (**Application**) from Eye Drive Sydney Pty Ltd (**Applicant**) to the NSW Independent Planning Commission (**Commission**) for determination. The Application seeks approval to extend the duration of the existing advertising signage on the Glebe Island Silos (**Project**) located in the Inner West Local Government Area (**LGA**) under Part 4 of the *Environmental Planning and Assessment Act 1979* (**EP&A Act**).
2. The Minister for Planning (**Minister**) is the consent authority for the Application under Clause 2.8 of the *State Environmental Planning Policy (Precincts – Eastern Harbour City) 2021* (**Eastern Harbour City SEPP**). This is because it relates to development within the area identified as Glebe Island, White Bay, Rozelle Bay and Blackwattle Bay on the Sydney Harbour Port and Related Employment Lands Map, has a capital investment value (**CIV**) of not more than \$10 million, and is carried out by a person other than a public authority. The Minister has delegated his functions as consent authority for the Application to the Commission under delegation dated 14 September 2011.
3. Professor Mary O’Kane AC, Chair of the Commission, nominated Professor Richard Mackay AM (Chair) and Dr Peter Williams to constitute the Commission Panel determining the Application.

2. THE APPLICATION

2.1 Site and Locality

4. The Department’s Assessment Report, dated July 2022 (Department’s AR), identifies the site as the existing silo structure comprising two parallel rows of 15 silos located in the southern portion of Glebe Island in Rozelle (Site). The silos are currently used for the storage of cement and sugar and are approximately 22 metres wide, 180 metres long and 50 metres in height (AR paragraph (AR para) 1.3.1).
5. The Site is located on Glebe Island, a reclaimed peninsular located to the south of Balmain. It is surrounded by water to the north, south and east. The Anzac Bridge and the City West Link carriageways are situated adjacent to the Site to the south-east and south. Glebe Island supports a range of industrial and port related uses (AR para 1.2.1).
6. Advertising signage is located along a parapet of the southern and western elevations of the silo structure and comprises vinyl skins illuminated externally using top mount downlights (AR para 1.3.2 to 1.3.5).
7. The location of the Site is illustrated in **Figure 1** below.

Figure 1 Location Plan (Source: Department's AR Figure 1)



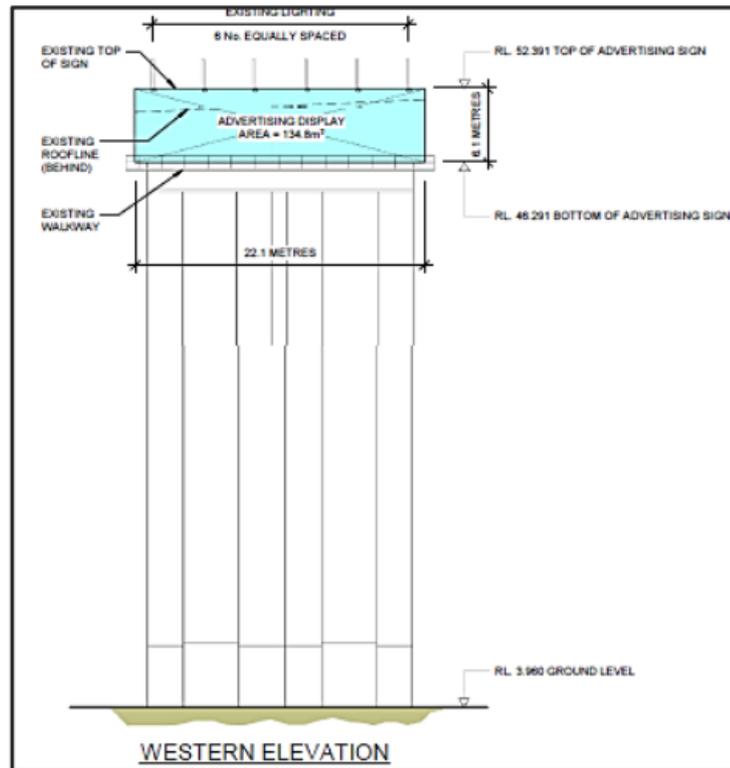
2.2 Background

8. The Commission notes the signage at the Glebe Island Silos has been subject to various development consents. The Application currently before the Commission represents the eighth occasion since 1992 that consent has been sought for the display of signage. A summary of the approval history at the Site is provided at **Table 1** below.

Table 1 Approval History (Source: AR para 1.4.1)

Date	Approval
21 May 1992	The then Minister for Planning granted development consent to an Olympic Games 2000 Mural and the provision for sponsor advertising and lighting on the Glebe Island Silos for a 10-year period.
14 October 1992	The consent was modified by way of the deletion of a condition relating to the submission of advertisement details and specifications for the approval of the Director.
2002 to 2005	Advertising structures remained on the Silos while Eye Corp Pty Ltd consulted with the Department regarding a Development Control Plan (DCP) which would allow the consideration of rooftop advertising signage on the Glebe Island Silos. The Glebe Island Silos Advertising Signage DCP (GISAS DCP), adopted in December 2004, provides design guidelines for advertisements on the signage.
30 August 2005	The Sydney Harbour Foreshore Authority (SHFA) granted development consent to retain the previously approved signage for a three-year period, in line with the GISAS DCP.
17 October 2008	SHFA granted further consent to retain the signage for three years.
11 April 2012	The Department approved an application for the display of advertising signage for an additional three years.

Figure 3 Western Elevation of Glebe Island Silo Signage (Source: AR Figure 6)



10. The main components of the signage are included in **Table 2** below.

Table 2 Main components of the Project (Source: AR Table 1)

Aspect	Southern	Western
Location	The parapet on the top of the silo structure on the southern and western elevations	
Height of signage to top of sign	RL 52.39 (48.44 metres)	
Signage display	Vinyl skins printed with the advertising copy and tensioned across the existing steel support frame	
Signage dimensions	Height: 6.1 metres Length: 170 metres	Height: 6.1 metres Length: 22.1 metres
Advertising display area	1,037 square metres (m ²)	134.8 m ²
Lighting	43 cantilevered down lights	6 cantilevered down lights
Average level illumination	665 LUX	640 LUX

3. THE COMMISSION'S CONSIDERATION

3.1 The Commission's Meeting

11. As part of its determination process, the Commission met with representatives of various parties as set out in **Table 3**. All meetings and site inspection notes have been made available on the Commission's website.

Table 3 Commission's Meetings

Meeting	Date of Meeting	Transcription/Notes Available
Site Inspections	4 and 12 August 2022	15 August 2022
Department	10 August 2022	15 August 2022
Applicant	12 August 2022	16 August 2022
Inner West Council	10 August 2022	15 August 2022
City of Sydney Council	10 August 2022	15 August 2022
Public Meeting	17 August 2022	18 August 2022

3.2 Material Considered by the Commission

12. In making its determination, the Commission has carefully considered the following material (**Material**), along with other documents referred to in the Statement of Reasons:
- the Applicant's Statement of Environmental Effects (**SEE**), dated 27 August 2021, and its accompanying appendices;
 - the Applicant's Response to Submissions (**RtS**) report, dated 18 March 2022, and its accompanying appendices;
 - the Applicant's RtS Addendum, dated 19 May 2022, accompanied by the updated Public Benefit Offer dated 25 May 2021 but provided to the IW Council 25 May 2022;
 - all agency advice to the Department;
 - all submissions made to the Department in respect to the Application during the public exhibition of the EIS, from 30 September 2021 to 27 October 2021;
 - the Department's referral letter dated 22 July 2022;
 - the Department's AR, dated July 2022;
 - the Department's draft recommended conditions of consent, received by the Commission on 25 July 2022;
 - the notes and photographic log of the Site inspection held on 4 August 2022;
 - the transcripts and presentation material from all stakeholder meetings listed in **Table 3**;
 - All written submissions received by the Commission up until 5pm on 24 August 2022;
 - correspondence from the Applicant regarding proposed changes to the Department's recommended Conditions A29 to A31, dated 12 August 2022;
 - the Department's response to questions taken on notice, dated 23 August 2022; and
 - advice from the Department on the workability and enforcement of proposed amended conditions of consent, dated 8 September 2022.

3.3 Strategic Context

3.3.1 Eastern City District Plan

13. The Site is located within the Eastern City District and is subject to the Eastern City District Plan. The Plan identifies the planning priorities and actions for implementing the Greater Sydney Region Plan at a district level over the next 20 years.

14. The Site is located within the Bays West Precinct, which is identified as part of the innovation corridor for industrial and urban services land. Glebe Island is identified as a trade gateway that is critical for maintaining the bulk construction supply chain for concrete, the cruise industry and provision of essential services for the harbour economy.
15. The Commission finds the retention of the advertising signage in the short term does not conflict with the strategic objectives identified in the Eastern City District Plan.

3.3.2 Bays West Place Strategy

16. The Department finalised the Bays West Place Strategy in November 2021. It identifies a long-term vision for the Bays West Precinct, which is to be delivered in stages. The Stage 1 Master Plan exhibition process has been completed and the Stage 1 rezoning proposal is currently on exhibition (at the time of writing this Statement of Reasons). A key direction of the Bays West Place Strategy is to retain, manage and allow the essential strategic port and maritime industry uses to grow and evolve, and includes the retention of the Glebe Island Silos as an operational port facility.
17. The Glebe Island Silos is identified as a character zone that extends from the White Bay Power Station and will comprise a sub-precinct that will enjoy both new activities and maritime heritage. In relation to the Silos, the Bays West Place Strategy identifies that this may include a continuation of existing uses and/or the introduction of new uses.
18. The Commission finds the retention of the advertising signage in the short term does not conflict with the strategic direction for this sub-precinct as identified in the Bays West Strategy.

3.3.3 Glebe Island and White Bay Master Plan 2000

19. The Glebe Island and White Bay Master Plan (**Master Plan**) provides principles, provisions and actions that aim to implement the requirements of the then *Sydney Regional Environmental Plan No. 26*.
20. The Master Plan provides controls to direct the development of port facilities. Pursuant to the Eastern Harbour City SEPP, the consent authority must take the Master Plan into consideration when determining a development application (paragraph 27).
21. Clause 2.6 of the Master Plan relates to advertising and permits third party advertising. Clause 2.6.2 identifies the then Minister for Urban Affairs and Planning as the consent authority for advertising, and allows development consent to be issued for a period of three years.
22. The Commission had regard to the Master Plan provisions in making its decision.

3.3.4 Bays West Stage 1 Rezoning Proposal

23. The Bays West Stage 1 Rezoning Proposal is currently on exhibition until 8 September 2022, and outlines planning controls to guide the development of the Bays West area around the future Bays West Metro station and White Bay Power Station.
24. The Silos are located adjacent to Bays West Stage 1, and therefore the rezoning proposal has been considered by the Commission. The Commission has reviewed the Bays West Stage 1 Rezoning Proposal and the accompanying master plan and Urban Design Framework. The Commission notes in these documents, that the Silos feature as an important heritage landmark of the area, in conjunction with the Anzac Bridge, White Bay Power Station and the Glebe Bridge. Additionally, the Silos are identified as a prominent visual feature. The master plan identifies as a priority maintaining views from key areas to the Silos and requiring all other buildings in the sub-precinct to be lower than the Silos.
25. Given this prominence in the rezoning package and master plan, and the changing context of the surrounding areas under this urban renewal project, the Commission considers that it would be appropriate to limit any consent for the signage to a period of three years.

3.4 Statutory Context

3.4.1 State Environmental Planning Policy (Precincts—Eastern Harbour City) 2021

26. The Application is not SSD, but the Site is located within a State significant precinct under clause 2.8(4) of the Eastern Harbour City SEPP. Pursuant to the Eastern Harbour City SEPP, the Site is located within the Bays West Precinct and the 'Port and Employment' zone.
27. Clause 4.21 of the Eastern Harbour City SEPP provides that only uses that are generally consistent with one or more of the zone objectives are permissible within the Port and Employment zone. Those objectives seek to facilitate the operation and concentration of commercial port uses while allowing a range of other ancillary uses and diversifying employment opportunities.
28. Clause 4.48 of the Eastern Harbour City SEPP requires the consent authority to consider the relevant Master Plan (being the Glebe Island and White Bay Master Plan). The Commission finds the Project is consistent with the Master Plan (see section 3.3.3).
29. The Commission finds the proposed use is generally consistent with the objectives of the zone. It will not hinder the commercial port uses or the functionality of the Glebe Island Silos and it provides a revenue stream for the Port Authority that will offset the cost of port operations and statutory functions (AR para 3.2.2).

3.4.2 State Environmental Planning Policy (Industry and Employment) 2021

30. The proposed signage is visible from a public place, and therefore is subject to the provisions of State Environmental Planning Policy (Industry and Employment) 2021 (**IESEPP**) (clause 3.4). State Environmental Planning Policy No. 64 – Advertising and Signage (**SEPP 64**) was the applicable policy when this Application was lodged but the relevant provisions of SEPP 64 have since been transferred into the IESEPP in March 2022 after the Application was made.
31. Section 1.4 of the IESEPP provides that, under section 30A of the *Interpretation Act 1987*, transferred provisions are to be construed as if they had not been transferred. As such, any provisions transferred directly from SEPP 64 to the IESEPP are to be interpreted as if they had not been transferred and are therefore taken to have commenced when SEPP 64 commenced (March 2001) rather than when the IESEPP commenced (March 2022).
32. The Commission agrees with the Department's assessment of the Application under Part 3 of the IESEPP, as described in Appendix C of the Department's AR, and is satisfied that the Project complies with the objectives and assessment criteria of the IESEPP.
33. The proposed signage is defined as a 'roof or sky advertisement' under clause 3.2 of the IESEPP. Under clause 3.19(2), any consent granted for roof or sky advertisements ceases to be in force after 10 years, unless the consent authority exercises its discretion to specify a lesser period.
34. Under clause 3.19(3)(a), the consent authority may specify a period of less than 10 years only if certain circumstances are met. One of those circumstances is relevantly the adoption of a policy by the consent authority, prior to the commencement of the transferred provision of SEPP 64 (in March 2001), of granting consents in relation to display advertisements for a lesser period than 10 years. If that circumstance is met, the consent authority has the discretion to grant consent for either:
 - 10 years (per clause 3.19(2)(a) of the IESEPP); or
 - for a period consistent with the policy adopted prior to March 2001 (per clause 3.19(3)(a) of the IESEPP).

35. The Commission notes that the Master Plan was adopted by the Minister on 23 May 2000. The Master Plan provides at section 2.6.2 that ‘*Development consent for advertising is limited to a period of 3 years*’. Given the Master Plan was adopted before the commencement of the now-transferred provisions of SEPP 64, the Commission considers that clause 3.19(3)(a) is satisfied, and consent can therefore be granted for a period of either 10 or three years.

3.5 Mandatory Considerations

36. In determining this application, the Commission has taken into consideration the matters under section 4.15 (1) of the EP&A Act (mandatory considerations) that are relevant to the Application.
37. The Department addressed the Mandatory Considerations at Appendix C of the AR, and the Commission is satisfied with this assessment conducted on its behalf.
38. The Commission has summarised its consideration of the relevant Mandatory Considerations in Error! Reference source not found. **Table 4** and elsewhere in this Statement of Reasons, noting the Mandatory Considerations are not an exhaustive statement of the matters the Commission is permitted to consider in determining the Application. To the extent that the Panel has considered matters other than the Mandatory Considerations the Commission has considered those matters having regard to the subject matter, scope and purpose of the EP&A Act.

Table 4 Mandatory Considerations

Mandatory Considerations	Commission’s Comments
Relevant Environmental Planning Instruments (EPI’s)	Appendix C of the Department’s AR identifies EPIs for consideration. The key EPIs include: <ul style="list-style-type: none"> • Eastern Harbour City SEPP • IESEPP • <i>State Environmental Planning Policy (Biodiversity and Conservation) 2021</i> The Commission is satisfied with the Department’s assessment with respect to the EPIs that are of relevant to the Application as set out in Appendix C of the AR.
Relevant proposed EPIs	None applicable.
Relevant Development Control Plans	The Commission agrees with the Department’s assessment of the Application against the objectives and controls of the GISAS DCP and the Master Plan provided in AR Appendix C, Table 7, which finds that the Project is consistent with those objects.
Applicable Regulations	The Commission is satisfied that the Application meets the relevant requirements of the EP&A Regulation.
Likely Impacts of the Development	The likely impacts of the Project have been considered in Section 5 of this Statement of Reasons.
Suitability of the Site for Development	The Commission has considered the suitability of the Site and finds that the Site is suitable for the following reasons: <ul style="list-style-type: none"> • the Site is located on land zoned ‘Port and Employment’ under the Eastern Harbour City SEPP and is consistent with the objectives of the zone; • no physical works are proposed;

	<ul style="list-style-type: none"> the continued display of existing signage would not result in additional visual, illumination or heritage impacts; the Project would not result in road safety impacts; and the Project would not hinder the future redevelopment potential of the Site and the broader precinct.
Objects of the EP&A Act	In this determination, the Commission has carefully considered the Objectives of the EP&A Act. The Commission agrees with the Department's assessment of the Application against the objects of the EP&A Act provided in Appendix C Table 1 of the AR, which find the Project is consistent with those objects.
Ecologically Sustainable Development	The Commission is satisfied the Project does not constitute major physical works and the potential impacts from the use of the Site can be managed to avoid threats or environmental damage. The Commission is satisfied with the Department's assessment of the Application under the ESD principles and finds the precautionary and intergenerational equity principles have been applied via a thorough assessment of the potential environmental impacts of the proposed development.
The Public Interest	<p>The Commission has considered whether the Project is in the public interest in making its determination. The Commission has weighed the benefits of the Project against its impacts, noting the proposed mitigation measures. The Commission finds the Project:</p> <ul style="list-style-type: none"> would provide for a use that is consistent with the objectives of the zone and is permissible; would lapse three years after the consent is granted, consistent with an opportunity to re-evaluate to the ongoing appropriateness of the signage, having regard to the changing character of the area; would not result in any unacceptable amenity, environmental or land use impacts, subject to the imposed conditions; can be approved subject to an earlier lighting curfew such that the illumination of the sign will cease at 11pm rather than 1am under the previous consent; and would generate a public benefit contribution to the Inner West Council. <p>For reasons above, the commission find the Application to be in the public interest.</p>

3.6 Additional Considerations

39. In determining this application, the Commission has also considered the:

- Master Plan;
- Greater Sydney Region Plan – A Metropolis of Three Cities, 2018;
- Transport Corridor Outdoor Advertising and Signage Guidelines 2017 (Guidelines); and
- Bays West Stage 1 Rezoning Proposal.

4. COMMUNITY PARTICIPATION & PUBLIC SUBMISSIONS

4.1 Public Meeting

40. The Commission conducted a Public Meeting on 17 August 2022. The Public Meeting was held electronically with registered speakers presenting to the Commission Panel via telephone or video conference. The Public Meeting was streamed live on the Commission's website.
41. The Commission heard from the Department, the Applicant and individual community members. In total, four individual community speakers presented to the Commission during the Public Meeting.
42. Presentations made at the Public Meeting have been considered by the Commission as submission and are referenced below in section 4.2.

4.2 Public Submissions

43. As part of the Commission's consideration of the Project, all persons were offered the opportunity to make written submissions to the Commission until 5pm 24 August 2022.
44. The Commission received a total of 29 written submission on the Application, comprising:
- 2 submissions in support;
 - 26 objections; and
 - 1 submission from the Applicant.
45. However, notwithstanding the breakdown identified in paragraph 44, the Commission notes the two submitters who marked their submissions as 'support' through the Commission's 'Have Your Say' portal included content that objected to the Project. Therefore, for the purpose of providing a breakdown of submissions, the Commission finds that it received 28 objections and one submission from the Applicant in support of the Project.
46. Issues raised in submissions are outlined in **Table 5** below and summarised in section 4.3.

Table 5 Summary of issues raised in submissions received by the Commission

Issue	Proportion of submissions
Visual impact	68% (19)
Should be used for public art	64% (18)
Advertising content	46% (13)
Public benefit	25% (7)
Heritage impact	18% (5)
Illumination	14% (4)
Size of the signage	11% (3)
Duration of approval	4% (1)
Traffic impact	4% (1)
Greenhouse gas emissions	4% (1)

47. The Commission notes that in a number of the submissions received the issues raised seem to relate to the presence and illumination of the Glebe Island Silos rather than being limited to the effects of the proposed signage, which is the subject of the Application.

4.3 Key Issues Raised in Submissions

Consent Period

48. The Commission received submissions objecting to the Project on the basis that the proposed 10-year consent period is excessive. Submissions noted that when first erected the signage was intended to be temporary but has now been present for 30 years through multiple applications and approvals. Submissions noted the Department's recommended 3-year approval is a better outcome, but that the total removal of the signs is preferred.
49. Objections also raised concerns that the Project is out of character with the desired amenity of the Bays Precinct as set out in the strategic planning documents and in the context of works expected to be completed in the near future.

Visual Impact

50. The Commission received submissions objecting to the Project on the basis of visual impact. These concerns predominantly related to the size of the signage and that the large-scale of the commercial advertising signage is out of proportion with the surrounds and is distracting. Submissions noted the signs are visually invasive and overwhelm the existing Silo artwork.
51. Submissions also raised objections that the signage is a dominant focal point in the locality and draws attention away from surrounding landmarks. These include the heritage listed Silos, Anzac Bridge (with Anzac statue memorials), the Sydney Harbour Bridge, and the Pymont and Lilyfield skylines. Objections stated the Project therefore adversely impacts the urban aesthetic of public areas including Balmain, Annandale, Rozelle and Glebe.
52. Submissions highlighted the visibility of the signage at night, and its contrast with the surrounding visual catchment, especially in views looking northward from Glebe Point.
53. The Commission received submissions stating the methodology of the Applicant's Visual Impact Assessment is flawed and inaccurate and, consequently, that the conclusion advanced that no mitigation is required, is unsubstantiated.

Illumination

54. Submissions objected to the lighting impacts of the existing signage. Submissions commented that the lighting is excessive and causes direct glare and other visual impacts to nearby residents. Submissions also commented on the greenhouse gas emissions created by lighting such a large structure.

Heritage

55. The Commission received submissions objecting to the Project based on its impact to the heritage of the Site. Submissions commented that the Glebe Island Silos should be returned to its original condition to enable a better understanding of the historic operation of the Silos and thereby appropriately respect the Site's heritage value.

Public Benefit

56. The Commission received submissions which raised concerns that the proposed Public Benefit Offer does not benefit the most directly impacted residents and that funding for local projects could not justify the Project. The submissions note that the impacts on heritage and the Project's detracting from iconic landmarks around the Silos (such as the Anzac Bridge) are not outweighed by the benefits which may arise from the proposed Public Benefit Offer.

Road Safety

57. Submissions raised concerns about road safety, including that the signage could be a distraction to drivers.

Signage Content

58. The Commission received submissions objecting to the Project based on the content of the commercial signage, in the context of unattractive advertising and the lack of content regulation.

Public Art use

59. Several submissions suggested that the Glebe Island Silos should be used to display public art, particularly art that celebrates Aboriginal heritage, rather than to provide space for commercial advertising signage. Objections also commented that this Project is an example of the commercialisation of public space.

5. KEY ISSUES

5.1 Consent period

60. The Application originally sought development consent to continue the proposed signage for a period of 10 years, but in the RtS the Applicant reduced this term to eight years to align with the Bays West Structure Plan.
61. The Commission received a number of objections to the Project, commenting that the signage on the Silos was intended to be temporary and should have been removed in 2002, post-Sydney Olympics and at the expiration of the original consent granted in 1992.
62. The Commission notes development consent can be granted for a time-limited period, but that the terms of any consent cannot prevent further development applications from being lodged for subsequent approvals if such applications are allowed by the applicable planning instruments and policies. In this regard, the Eastern Harbour City SEPP permits the display of advertising signage with consent on the Silos.
63. The Master Plan and the Glebe Island Silos Advertising Signage Development Control Plan 2004 (**GISAS DCP**) recognise the permissibility of the signage and provides development controls for such a use. The Master Plan specifies that development for third party advertising must be limited to a period of three years (section 2.6.2) to ensure that signage is appropriate as the character of the area changes. The GISAS DCP permits advertising on the southern and western sides of the Silos and also allows development consent to be granted for a period of three years (clause 11.1).
64. As described at paragraph 35, the IESEPP permits the consent authority to grant consent for roof and sky advertisements for a 10-year period or a lesser period if clause 3.19(3)(a) or 3.19(3)(b) is satisfied. The Commission is satisfied that under clause 3.19(3)(a) the Minister (and the IPC as the Minister's delegate) also has the discretion to grant consent for a period of three years pursuant to the Master Plan, which applies to applications for advertisements.
65. At its meeting with the Commission on 12 August 2022, the Applicant agreed that the discretion to grant consent for fewer than 10 years is enlivened under clause 3.19(3) of the IESEPP.
66. At its meeting with the Commission, the Applicant put forward a view that consent should be granted for 10 years for reasons discussed on pages 6 and 7 of the meeting transcript.
67. The Commission also met with Inner West Council (**IW Council**) and City of Sydney Council (**CoS Council**) on 10 August 2022. IW Council indicated its support for a three-year consent. CoS Council maintained its view that, considering the changing context in the area, the termination of the signs is preferable. However, in the absence of that, CoS Council agreed that a three-year extension would align with the redevelopment work that is being carried out in the Bays West locality.

68. The Department's AR recommends consent should be limited to three years (AR para 5.3.3) to ensure there is no potential conflict with the future redevelopment of the precinct, in accordance with the terms of the Master Plan.
69. The Commission finds the Project is permitted with consent for a period of three years pursuant to the relevant environmental planning instrument, and consistent with the relevant planning controls in the Master Plan and the GISAS DCP.
70. The Commission also finds the three-year term is consistent with the IESEPP and would not hinder the evolving urban renewal context of the surrounding precinct. Therefore, the Commission agrees with the Department's recommendation and has granted a time limited consent for the signage for a period of three years. The Commission has imposed a condition requiring the sign and signage structure to be removed and to restore the Site within three months of the consent lapsing.

5.2 Visual Impact

71. The Commission heard from speakers at the Public Meeting and received written submissions that raised concerns about the visual impact of the Project. Objections related to the size and proportion of the signs; concerns they overwhelm the existing artwork and are a dominant focal point that draws attention from landmarks. Objections also raised concerns that the Applicant's Visual impact Assessment is flawed by failing to assess impacts from affected residential properties.
72. The Commission understands that views from residential properties most impacted by the signage are located to the south and south-west of the Glebe Island Silos, particularly along the Rozelle Bay and Blackwattle Bay foreshores and surrounding streets within Glebe, especially in the vicinity of Glebe Point.
73. The Applicant's SEE was accompanied by a Visual Impact Assessment prepared by Group GSA, dated 22 July 2021 (**First VIA**) in support of the Application. The First VIA found that visual impact of the signage was moderate to negligible during the daytime and high-moderate to low during the night-time. The Commission notes the First VIA considered the Application on the basis that the sign was not an existing sign, and as such the higher ratings reflect the impacts of a new proposal, not one that has existed in the cityscape for some time. Notwithstanding the higher ratings, the First VIA found that no specific works are required to mitigate the impacts of the Project.
74. The RtS was accompanied by a Visual Impact Assessment prepared by Urbis, dated March 2022 (**Second VIA**), which included a further review of visual impacts and a peer review the First VIA. The Second VIA adopts a different methodology to the First VIA, which was deemed appropriate because the sign exists in-situ and the visual impacts are known.
75. The Second VIA assessed the visual effects and impacts from public locations immediately adjacent to residential properties. The Second VIA notes visual impact assessment methods internationally and domestically preference impacts on public views as being more important than private residences.
76. The Applicant's submission to the Commission dated 24 August 2022 indicates private view impacts were determined at a 'high level' only given the relatively short distance of some of the viewers from the Silos and following the Planning Principle established by the Land and Environment Court in *Tenacity Consulting v Waringah* [2004] NSWLEC 140 (**Tenacity**). Based on the Tenacity principles, the Second VIA followed a four-step process of assessing view impacts on potential views by considering the orientation of dwellings to the Site, window openings, location of balconies and assumptions made regarding living rooms and bedrooms.

77. The Second VIA found the visual effects caused by the signage and its associated lighting are minor and the predominant visual character and scenic quality of views remain available and able to be enjoyed by residents. The Second VIA also found that the Project is compatible with the character of Glebe Island and wider visual context and is a reasonable and acceptable development.
78. During its meeting with the Commission, CoS Council maintained its objection to the Project because the continued third-party advertising is visually unappealing. CoS Council confirmed its view that the signage should be completely removed, but accepted that in the absence of complete removal, a time limited consent of three years and other mitigation measures to reduce the visual impact of the signage would also be welcome, such as limits on illumination (Illumination is discussed further in Section 5.3 of this Statement of Reasons).
79. The Commission notes that IW Council did not raise any specific concerns regarding the visual impacts of the Project in its submissions on the Application or during its meeting with the Commission.
80. At AR para 5.4.4, the Department states that it has considered the visual impact assessments undertaken and issues raised in submissions and, on balance, is of the view that the visual impacts of the Project are acceptable because no physical works are proposed, the signage is located within a working industrial port area, the scale of the signage is compatible with the context of the silos, the impacts on night views will be improved by a two-hour earlier night curfew and the proposed lighting complies with relevant statutory requirements. The Department has recommended the signage be limited to a three-year consent to ensure it does not conflict or cause any adverse visual impacts to the future development within the Bays West Precinct.
81. The Commission acknowledges the visual impact concerns raised through submissions.
82. In terms of the size and proportion of the signs, the Commission finds the size of the signage to be compatible with the context of the Silos, which are in proximity to oversized machinery and warehouse buildings within the working port area. The Commission does not find that the signs overwhelm the existing Silo artwork and are not dominant enough to draw attention away from the key landmarks in the locality. The Commission acknowledges that this precinct will undergo significant change in the coming years, and considers a time-limited consent to be appropriate to ensure the signage does not adversely constrain future development.
83. The Commission also acknowledges objections that the Applicant's Visual Impact Assessment is flawed. However, the Commission notes the high to moderate rating of visual impact relates to the findings of the First VIA, not the Second VIA. The Commission accepts the Second VIA addresses the appropriate heads of consideration under the Tenacity principles and agrees with the findings that the visual impact is not unreasonable in the context of the surrounding city scape, the working port operations, the changing context of the area and the imposition of a time limit on the period of consent.
84. The Commission has also imposed conditions to limit the illumination of signage at night to mitigate night-time view impacts. This is discussed further in the following section 5.3 of this Statement of Reasons.

5.3 Illumination

85. The existing signs are externally illuminated by cantilevered downlights, including 43 lights on the southern signage elevation and six lights on the western signage elevation (AR para 5.5.1). This Application does not seek to increase or intensify the current level of illumination.

86. The previous consent (DA 041-09-2011 MOD 2) imposed a light curfew between 1am and 6am. In its request for the Applicant to respond to submissions received, the Department requested the Applicant implement additional light mitigation measures, including reducing the lighting curfew. As such, in its RtS dated 18 March 2022, the Applicant proposed to increase this curfew, to 11.00pm to 6.00am.
87. The Commission received objections to the lighting impacts of the existing signage. Submissions stated that the lighting is excessive, causes direct impacts to nearby residents and should be turned off earlier in the night, with 10pm being suggested. One submission also raised concerns about the greenhouse gas emissions created by lighting such a large structure
88. During its meeting with the Commission on 10 August 2022, CoS Council also raised concerns with the lighting of the Project, noting that the signage sits above the horizon and, when illuminated, is significantly brighter than surrounding lighting. CoS Council acknowledged that the Project is compliant with relevant statutory controls but maintained the view that the signage is inappropriately dominant in the landscape because of its elevated position and illumination at night. CoS Council noted that the impacts of night-time illumination of the signage particularly impacts residents of Glebe, within the City of Sydney LGA.
89. The Applicant's SEE was accompanied by a Light Impact Assessment dated 23 June 2021 and the RtS was accompanied by a Light Measurement Report dated 16 March 2022. The Applicant's lighting assessments have considered the brightness of the sign (the assessments were modelled on the sign being a simple white surface, which is the worst-case scenario), light spill, intrusive light, the luminance of the sign and the requirements of Australian Standard AS4282:2019 – Control of the obtrusive effects of outdoor lighting. The Applicant also considered the impact on the surrounding transport systems and the requirements of the Guidelines.
90. The Applicant's lighting impact assessments found that the light spill to existing residential properties would be below 1 lux, which is less than 4% of the maximum allowable luminance limit under AS4282:2016 (AR para 5.5.9). The Applicant's lighting impact assessments also found the proposed illumination does not result in unacceptable light spill or adverse impacts on the safety of pedestrians, residents or vehicular traffic and complies with the requirements of the Guidelines.
91. At the Public Meeting, the Department acknowledged the signage is illuminated, but noted it is important to consider the proposal in the context of the Site, which is located within a 24-hour operational port setting (Public Meeting transcript p15). The Department also noted there should be a distinction between illumination of the signs (which is part of this Application) and the illumination of the Silos (which is not part of this Application) when considering lighting impacts (Public Meeting transcript p16).
92. The Department is satisfied that the Applicant's lighting impact assessments appropriately address the requirements of AS4282:2019 and the Guidelines. The Department concludes the illumination impacts of the proposal are acceptable, subject to the recommended condition prohibiting the illumination of the signage from 11.00pm to 6.00am (AR para 5.5.10).
93. At its meeting with the Commission, CoS Council maintained its objection to the signage, but noted an increased lighting curfew was more appropriate than the 1am permitted by the previous consent. However, CoS Council commented a 10pm lighting curfew would be more appropriate and would align with CoS Council's night-time operations controls. The Commission also received several submissions noting the curfew should be implemented from an earlier time, such as 10pm, to reduce sleep disturbance impacts and to align with the curfew on the Anzac Bridge floodlights.
94. The Commission sought further information from the Department about the illumination of the Silos (as distinct from the illumination of the signage) and also about the floodlighting of Anzac Bridge.

95. In its response dated 23 August 2022, the Department had consulted with the Port Authority, which advised that there is no feature lighting of the Silos but incidental lighting occurs from the 24-hour operational lighting associated with the port and the two Silo tenancies (Sugar Australia and Cement Australia). The advertising sign also provides incidental lighting of the Silos. In making its determination, the Commission has considered the illumination impacts from the advertising signage as proposed, and not the operational lighting of the Silos nor the lighting of the port operations.
96. Regarding the floodlights on the Anzac Bridge structure (as opposed to streetlights), the Department's response dated 23 August 2022 also included advice from Transport for NSW (**TfNSW**). TfNSW advised that there are no restrictions on the illumination of the regulatory lights (such as streetlights) on the Anzac Bridge, including the side of the bridge or under the bridge, but advised the floodlights on the Anzac Bridge are "switched off prior to midnight" (Department's response, Attachment A).
97. The Commission has considered the CoS Council and public submission comments that the curfew should apply from 10pm. However, in the context of the operational port and the lighting of the Anzac Bridge structure, the Commission finds an 11pm curfew is appropriate and represents an earlier lighting curfew than the existing curfew and would typically be prior to the lights being turned off on the Anzac Bridge.
98. The Commission acknowledges the submission received regarding the greenhouse gas emissions generated from the lighting. However, the Commission finds the LED lighting used for this Project is an efficient source of lighting and will not, through the time-limited consent, create unreasonable greenhouse gas emissions.
99. In consideration of the Material above, the Commission finds the illumination impacts of the Project to be acceptable, subject to the imposed conditions.

5.4 Heritage

100. The Glebe Island Silos are identified as a local heritage item under Schedule 4 of the Eastern Harbour City SEPP and in the Port Authority Section 170 Register (AR para 5.6.1). The Silos are also in proximity to two items listed on the State Heritage Register – the White Bay Power Station and the Glebe Island Bridge. However, the Glebe Island Silos are not included on the State Heritage Register.
101. The Applicant's SEE was accompanied by a Heritage Impact Assessment (**HIA**), prepared by NBR Architecture and Heritage, dated 24 June 2021. The HIA states that, while the signage obstructs the horizontal conveyor room above the Silos, the dimensions of the signage are such that still enable the continued interpretation of the conveyor element. Therefore, the HIA concludes the proposed signage would have no adverse impact on the identified heritage significance of the Glebe Island Silos and its maritime and industrial setting (AR para 5.6.1).
102. The Applicant has proposed a Public Benefit Offer comprising an annual monetary contribution to the Inner West Council to be applied towards heritage conservation and improvements in local community services (AR para 5.6.9).
103. The Commission received submissions objecting to the heritage impacts of the Project and the potential impacts on the Glebe Point Heritage Conservation Area.
104. CoS Council also raised heritage impact concerns at its meeting with the Commission on 10 August 2022, noting the Project obscures the conveyor room above the Silos and the form of the Silos. CoS Council is of the view that an important part of the story of the historic and ongoing use of the Silos is the conveyor structure. Therefore, obscuring that component detracts from the Silos and impacts the ability to understand its heritage significance.
105. The Department considered that the proposed heritage impacts were acceptable as:
 - there are no additional physical works proposed and the proposed signs are temporary and capable of being removed;

- the Project would not detract from heritage significance as all primary components of the Silos would remain visible and while the signage obscures views of the conveyor room from the southern and western elevations, this component remains visible from the northern elevation;
 - the location and dimensions of the signage maintains the ability to interpret the conveyor room across the top of the Silos;
 - the terms of the Public Benefit Offer would provide a monetary contribution to the IW Council to facilitate heritage conservation in the Inner West LGA among other local community services (AR para 6.10).
106. At its meeting with the Commission on 12 August 2022, the Applicant responded to concerns resulting from the signs obscuring the horizontal conveyor elements of the Silos. The Applicant noted that the conveyor belt shed is located along the centre of the Silos and cannot be seen from closer views (owing to the angle of visibility). Further afield, where the conveyor shed would be visible, the scale of the conveyor shed against the silos doesn't necessarily explain the operations of the Silos on its own (Meeting transcript page 17) and the understanding of the form and operation of the Silos from those points does not rely on the conveyor shed being visible. The Applicant also noted the signs sit on top of the Silos and do not obscure any of the actual Silo form itself.
107. During the Applicant meeting on 12 August 2022, the Port Authority noted that it will install interpretive heritage signage at Monument Lookout, a public viewing area that overlooks Glebe Island to provide historical information about the Glebe Island Silos and other items within the vicinity on the Port Authority's S170 register (AR para 6.11).
108. In consideration of the Material related to the heritage impacts, the Commission agrees with the Department's assessment of the heritage impacts of the Project. The Commission has considered the heritage impacts of the signage and signage structures and also the impact of the signage on the Glebe Point Conservation Area. Subject to the imposed conditions of consent, the Commission is satisfied the Project would not substantively impact any appreciation of the scale or character of the conservation area because of its location well beyond the boundaries of the Glebe Point Conservation Area.
109. The Commission has imposed conditions limiting consent for a three-year period and requiring the signs to be removed and the site be restored within three months of the consent lapsing. In order to further minimise and offset the heritage impacts of the Project, the Commission has also imposed a condition which requires the Applicant provide interpretation of the history and heritage significance of the Silos, at a public place within the vicinity of the Site, to the satisfaction of the Planning Secretary. This interpretation must be provided unless the Applicant can satisfy the Planning Secretary that the Port Authority of NSW has, is or will undertake that work.
110. Therefore, the Commission finds the heritage impacts of the Project are satisfactory subject to the imposed conditions.

5.5 Public Benefit

111. As the Department describes in AR para 5.7.1, the IESEPP requires the consent authority to be satisfied the Project provides for a public benefit in connection with the display of advertising signage. The Department also notes, in 2019 the IW Council adopted an *Interim Policy for the Assessment of Proposals for Outdoor Advertising and Structures in Transport Corridors*, which requires monetary contributions to be linked to nominated local community services (AR para 5.7.2).
112. The Applicant's SEE includes a proposed Public Benefit Offer to IW Council, dated 25 May 2021, which comprises an annual monetary contribution for the duration of the consent towards heritage conservation and other local community services. The Commission notes this offer is a continuation of a planning agreement formed under the previous modification application (DA 041-09-2011 MOD 2), which expired on 11 April 2022.

113. The Department concluded the Public Benefit Offer provides clear and tangible benefits to the local community through revenue to fund heritage conservation and improve local community services for the Inner West LGA (AR para 5.7.7). The Department has recommended a condition requiring the Applicant to enter into an agreement with IW Council for a public benefit contribution in accordance with the Public Benefit Offer within three months of consent being granted (AR para 5.7.8). The Commission has subsequently been advised by both the Department and the Applicant that this agreement is proposed to be in the form of a contributions deed,
114. At its meeting with the Commission on 10 August 2022, IW Council confirmed it is satisfied with the Applicant's updated Public Benefit Offer dated 25 May 2021, which accompanied the Applicant's RtS Addendum dated 19 May 2022. IW Council advised it is also satisfied with the Department's recommended conditions, but noted it received the updated Public Benefit Offer on 25 May 2022, not 2021. The Commission understands the date on the letter, 25 May 2021, is a typographical error given it was provided with the RtS Addendum dated 19 May 2022. However, for accuracy the date reference in the imposed conditions must include the date on that letter. Therefore, the Commission has imposed a condition that clarifies the updated Public Benefit Offer is actually dated 21 May 2021 and provided with the RtS Addendum dated 19 May 2022.
115. At its meeting with the Commission on 12 August 2022, the Applicant discussed some amended wording for the Department's recommended conditions A29 to A31 because, according to the Applicant, the conditions refer to a planning agreement, not a contributions deed, which was never offered by the Applicant. The Applicant provided the amended wording for those conditions on 12 August 2022.
116. The Commission notes the recommended conditions A29 to A31 provided by the Department with the referral of this Application do not refer to a planning agreement, but rather require the Applicant to enter a contributions deed with IW Council. The Commission asked the Department to comment on the Applicant's proposed amended wording. The Department provided a response dated 23 August 2023, confirming the recommended conditions were amended prior to referral to incorporate the changes outlined by the Applicant. Therefore, the Commission understands the recommended conditions are consistent with the Department's recommendation and the offer made by the Applicant to IW Council.
117. The Commission notes the Public Benefit Offer requires the contribution to be applied to heritage conservation within the Inner West LGA and also towards improvements in local community services. However, the Commission received submissions raising concerns that the Public Benefit Offer does not benefit those directly impacted – it provides benefits to those in the Inner West LGA, but those impacted residences in places such as Glebe and Pyrmont are in the City of Sydney LGA.
118. In terms of the heritage conservation components of the Public Benefit Offer, the Commission acknowledges the submissions received. The Commission has imposed a condition requiring those heritage conservation works to be undertaken in proximity to the Site to benefit those most affected by the Project. The heritage conservation components of the Public Benefit Offer therefore serve the dual purpose of assisting in minimising and offsetting the heritage impacts of this specific Application, as well as providing a public benefit in accordance with the IESEPP. This includes the installation of heritage interpretation works to reflect the Silos and the working port.
119. As discussed in paragraph 109, the Commission notes the Port Authority has indicated that it will install interpretive heritage signage at a Lookout overlooking Glebe Island. Therefore, the Commission has imposed a condition that requires the Applicant provide interpretation of the history and heritage significance of the Silos, at a public place within the vicinity of the Site, to the satisfaction of the Planning Secretary, unless the Applicant can satisfy the Planning Secretary that the Port Authority of NSW has, is or will undertake that work.

120. The Commission notes the IW Council and the Department are satisfied with the Public Benefit Offer. In consideration of the Material, the Commission finds the proposal would result in sufficient public benefits and would generate funding for heritage conservation and / or the improvement of local community services. The Commission has imposed a condition requiring the Applicant to provide public benefits in accordance with the terms of the Public Benefit Offer that accompanied the Applicant's RtS Addendum dated 19 May 2022.

5.6 Other Issues

Road Safety

121. The Commission notes the Project is in view of a combination of State, Regional and Local Roads, managed by TfNSW, IW Council and CoS Council. The SEE included a Signage Safety Assessment that concludes the Project complies with SEPP 64 (now IESEPP) and the Guidelines.
122. The Department consulted with TfNSW, which raised no concerns about potential traffic safety impacts, but recommended a condition be included requiring the design, luminance and operation of the signs to be in accordance with the Guidelines and the relevant Australian Standards.
123. The Department was satisfied the proposal would not result in any adverse traffic safety impacts and the condition provided by TfNSW has been included in the Department's recommended conditions.
124. The Commission finds the signs are in an elevated location, they would not obstruct, interfere with, or restrict sight distances to any intersections, traffic control devices, vehicles, pedestrians or cyclists and comply with the requirements of the Guidelines and the IESEPP.
125. The Commission has imposed the Department's recommended condition that advertisements displayed on the signage must not include flashing or animated content, complex displays that hold a driver's attention or be capable of being mistaken for a traffic control device.
126. Therefore, the Commission is satisfied the Project will not result in adverse traffic safety impacts.

Signage content and public art

127. The Commission received submissions objecting to the Project based on the content of the commercial signage, in the context of unattractive advertising and the lack of content regulation. The Commission also received several submissions suggesting the Glebe Island Silos should be used to display public art, particularly art that celebrates Aboriginal heritage, rather than to provide space for commercial advertising signage.
128. The Department notes the relevant planning policies do not regulate the content of the signage, but have recommended conditions to control the animation of signs and the use of certain colours.
129. The Commission notes the Application does not include specific detail for the signage content, and that the content of the signs will change. The Commission also notes that, under clause 3.1 of the IESEPP, the IESEPP does not regulate the content of signage and does not require consent for a change in the content of the signage. The Commission notes that the content of the signage has to comply with the relevant advertising standards, which relate to codes of practice that prevents the publishing of inappropriate content.
130. The Commission has imposed the Department's recommended condition preventing the signs from being animated or flashing and from using displays resembling traffic control devices or a dominant use of colours red or green.

131. In terms of the submissions received recommending the Silos be used to display public art, particularly art that celebrates Aboriginal heritage, the Commission notes the Application relates to the signage and signage structures above the Silos only, not the art on the Silos. Therefore, the use of the Silos for public art purposes is beyond the scope of this Application.
132. The Commission is satisfied that the imposed conditions are reasonable to control the animation and colour of the signage, and that content is not regulated by planning policies.

6. THE COMMISSION'S FINDINGS AND DETERMINATION

133. The views of the community were expressed through public submissions and comments received as part of exhibition and as part of the Commission's determination process, as well as in presentations to the Commission at the Public Meeting. The Commission carefully considered these views as part of making its decision.
134. The Commission has carefully considered the Material before it as set out in section 3.2 of this Statement of Reasons. Based on its consideration of the Material, the Commission finds that the Project should be approved, subject to conditions of consent, for the following reasons:
- the retention of the advertising signage in the short term does not conflict with the strategic context for the Site as identified in the Eastern City District Plan and the Bays West Strategy;
 - the Site is located on land zoned 'Port and Employment' under the Eastern Harbour City SEPP and is consistent with the objectives of the zone;
 - the continued display of existing signage would not result in additional visual or heritage impacts;
 - the Project would not result in road safety impacts; and
 - the Project would not hinder the future redevelopment potential of the Site and the broader precinct.
135. For the reasons set out in this Statement of Reasons, the Commission has determined that the consent should be granted subject to conditions. These conditions are intended to:
- prevent, minimise and/or offset adverse environmental impacts;
 - set standards and performance measures for acceptable environmental performance;
 - require regular monitoring and reporting; and
 - provide for the on-going environmental management of the development.
136. Conditions imposed by the Commission also include a time limited consent period of three years, an increased lighting curfew that requires the signage illumination to be turned off at 11pm, an obligation to ensure that the history and heritage significance of the Glebe Island Silos are interpreted to the public, and a requirement for the signage and signage structure to be removed within three months of the consent lapsing.
137. The reasons for the Decision are given in the Statement of Reasons for Decision dated 9 September 2022.



Professor Richard Mackay AM (Chair)
Member of the Commission



Dr Peter Williams
Member of the Commission