

24 August 2022

Commissioner Richard Mackay and Commissioner Peter Williams  
Independent Planning Commission

Copy: Casey Joshua, Planning Officer

Dear Commissioners,

## **GLEBE ISLAND SILOS DEVELOPMENT APPLICATION (DA 21/13182) RESPONSE TO COMMENTS RAISED DURING PUBLIC MEETING**

We refer to the above matter and to the Public Meeting held by the Independent Planning Commission on 17 August 2022.

The letter sets out the Applicant's response to a number of the issues raised in the public submissions, in particular:

- **the intended 'Temporary' nature of the signage; and**
- **the Applicant's Visual Impact Assessment.**

### **Temporary nature of the sign**

A number of objectors have commented that the signage on the Silos was intended to be temporary. That is, that the signage should have been removed in 2002 at the expiration of the original consent granted in 1992.

In particular, the Applicant refers to the following comments at page 7 of the Transcript:

- *"it [the signage] was understood to be temporary, as indeed, were a number of other Olympic-related temporary developments in the White Bay and Blackwattle Bay areas"; and*
- *"The temporary signage has been on the silos, as pointed out, for about 30 years now. Meant to be temporary, it certainly isn't".*

When consent was first granted in 1992, it was pursuant to the Sydney Regional Environmental Plan. After the grant of development consent, the following documents were created.

- The Glebe Island and White Bay Master Plan 2000 (the **Master Plan**); and
- The Glebe Island Silos Advertising Signage DCP 2004 (**2004 DCP**).

Both the relevant environmental planning instrument and the Master Plan and 2004 DCP recognise that the display of advertising on the Silos is permissible with consent and can be continued as an ongoing use (subject to development consent being granted).

The planning controls do not provide that consent cannot and should not be granted after the expiry of the first consent. That is, the planning controls never intended that the signage be a one off land use.

The aim of the Master Plan was to control and direct the future development in the White Bay area. Section 2.6 of the Master Plan specifically states in relation to third party advertising at the Port that *"there are two types of advertising in the port: leaseholder signage and commercial third party advertising."*

The Master Plan required the preparation of signage and advertising guidelines. These guidelines were prepared by the former NSW Department of Infrastructure, Planning and Natural Resources in December 2004 and ultimately became the 2004 DCP.

The 2004 DCP further made clear that advertising on the Silos was permissible as an ongoing land use. Relevantly, Section 11 of the 2004 DCP set parameters around the placement of the signage and the dimensions of both the western and southern signs. Importantly, it provided that signage should only be displayed on these two elevations to capture the viewing audience being traffic travelling on the ANZAC Bridge.

Section 11.2 states that *'the advertising panels are to be continuously occupied by simple messaging or graphics. They should never appear vacant'*. The 2004 DCP deliberately left the eastern and northern elevations of the Silos free of signage and provided that these elevations be maintained in their 'raw' state so that the fabric of the Silos as part of the working Port could be appreciated.

With the introduction of the former State Environmental Planning Policy No.64 Advertising and Signage in March 2001 (now Chapter 3 of the Industry and Employment SEPP 2021), additional controls were introduced to ensure consistency in the assessment of development applications for advertising signage. These provisions extend to roof and sky advertisements. Specifically, Clause 3.19 provides that a consent authority should impose a time limit in development consents of 10 years or an earlier term provided criteria are satisfied. The current application was lodged having regard to the 10 year consent duration.

### Visual Impact Assessment

The Applicant notes that during the Public Meeting, a number of comments were made in relation to the Visual Impact Assessment which accompanied the Statement of Environmental Effects, being the Visual Impact Assessment dated 22 July 2021 authored by Group GSA (**Group GSA VIA**).

For clarity, in the course of preparing its Response to Submissions (**RTS**), the Applicant engaged Jane Maze-Riley of Urbis to carry out a further Visual Impact Assessment and to peer review the Group GSA VIA.

Urbis' Visual Impact Assessment dated March 2022 (the **Urbis VIA**) was attached as Attachment D to the RTS. A number of the submissions made during the course of the Public Meeting in relation to the visual impact of the Silos appeared to relate to the Group GSA VIA, without the benefit of having reviewed the Urbis VIA.

Notwithstanding this and for completeness, the Applicant's response to the specific comments made during the Public Meeting in relation to the visual impact assessment are set out in **Annexure A**.

Please do not hesitate to contact the undersigned on [REDACTED] should you wish to discuss any aspect of this letter.

Yours faithfully,

[REDACTED]

**Belinda Barnett**

Director, Urban Concepts

## Annexure A

### Responses to comments raised during the Public Meeting regarding visual impacts

| PRESENTER AND TRANSCRIPT REFERENCE                                    | TRANSCRIPT EXTRACT  | RESPONSE  |
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| <p>Mr Ian Stephenson, the Glebe Point Society</p> <p>Page 4, [40]</p> | <p>The supporting documentation for the DA includes an assessment of the visual impact of the lighting on Glebe Point. It finds that the visual sensitivity is high to moderate, visual magnitude is high to moderate and visual impact rating is high to moderate. The Statement of Environmental Effects notes that high means the visual impact on these viewers is significant and would typically require amelioration at the site</p>   | <p>We understand this comment relates to the Group GSA Visual Impact Assessment (VIA) (<b>Group GSA VIA</b>) prepared to support the Statement of Environmental Effects (<b>SEE</b>).</p> <p>As set out in the SEE, the ratings of visual effects and subsequent impacts in the Group GSA VIA included higher ratings because it proceeded on the baseline assumption that the sign was not an existing sign. As such, the high ratings reflect a <b>NEW</b>, rather than pre-existing installation.</p> <p>The Urbis VIA peer review (Urbis VIA) prepared for the Response to Submissions (RtS) adopts a method to assess the existing impacts of the signage. Given the sign is in-situ and the visual impacts are known, the ratings of effects and impacts relate to the actual views captured. The Urbis VIA method adopted considered a number of relevant methods and relevant layers of information. As such, it is objective, systematic and logical and removes subjectivity and personal opinion as much as possible in order to offer a balanced opinion and assessment.</p> <p>The author of the Urbis VIA, Jane Maze-Riley, has specialised in visual analysis for more than a decade. Methods and approaches adopted reflect the published methods of Dr Richard Lamb, the pre-eminent expert (now retired) in Visual Impact Assessments in NSW. In this regard the Applicant believes Urbis is well placed to provide peer review and expert opinion in visual matters.</p> <p>For clarity, the Urbis method, ratings and impacts differ with those in the Group GSA VIA.</p> |
| <p>Mr Ian Stephenson, the Glebe Point Society</p> <p>Page 5, [1]</p>  | <p>The report is subject to the caveat that measurements have only been taken on public land. This makes it a tokenistic rather than a systematic analysis. Having determined that the impact is high and significant and requires amelioration further measurements should've been taken from the most affected residences.</p>  | <p>The Urbis VIA includes an assessment of visual effects and impacts from public locations immediately adjacent to resident submissions. VIA methods internationally and domestically preference impacts on public views as being more important than private residences. Private view impacts were determined at a 'high level' only given the distance of viewers, following LECNSW view sharing planning principles.</p> <p>Urbis followed the Planning Principles in <i>Tenacity Consulting c Warringah Council</i> [2004] NSWLEC 140 (<b>Tenacity</b>), being a 4 step process assessing view impacts on potential views by considering the orientation of dwellings to the site, window openings, location of balconies, assumptions regarding associated living rooms and bedrooms, noting that impacts on bedroom views are given less weight. Urbis considered the formal boundary of the residential flat buildings, across which views are gained, and further the likely wide, expansive field of view that would be available, in which the sign would occupy only a short section and narrow horizontal extent.</p> <p>Page 22 of the Urbis VIA includes an assessment of potential views and view impacts from each submission RFB location.</p>  |
| <p>Mr Ian Stephenson, the Glebe Point Society</p> <p>Page 5, [20]</p> | <p>As the visual impact study established, the effect of the signage extends beyond Glebe Island to Glebe Point, the Applicant should've assessed whether the proposal is compatible with the Glebe Point Heritage Conversation Area. The application fails to do this. The proposed hours for the lighting of the signs are excessive. The associated light pollution reduces the quality of life in Glebe Point. We agree with Sydney City Council's submission that the sign was only approved for a limited time and should not be renewed. However, we note that the application recognises the impact on parts of Glebe Point is high and this requires mitigation.</p> | <p>Mr Stephenson's comments appear to relate to the GSA VIA. Please refer to Urbis VIA which includes alternate findings.</p> <p>The Urbis VIA shows the extent of the Heritage Conservation Area above regarding the objective method of the Urbis VIA that was applied. Further, the Urbis VIA did not find that any impact ratings would be high.</p>  |

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| <p>Mr Ian Stephenson, the Glebe Point Society</p> <p>Page 5, [40]</p> | <p>DR WILLIAMS: Yes, thank you, Richard. Mr Stephenson, you mentioned the curfew. Currently it's 1.00am, the proposal is for an 11.00pm curfew perhaps as an alternative if consent was to be granted. What would your views be between, say, 10.00 or 11.00pm curfew hour?</p>  | <p>View impacts have followed broadly NSWLEC Planning Principles as per Tenacity. This four step process includes a consideration of, view locations, likely room uses, boundary access and compliance reasonableness of view impact for the whole dwelling. Please see page 22 of the Urbis VIA for further detail.</p>  |
| <p>Mr John Sergeant, Glebe Point Resident</p> <p>Page 6, [30]</p>     | <p>It was only during the temporary suspension of all critical faculties during the Olympics that various strange things were allowed to happen that ordinarily wouldn't be permitted. This is one such. It has an impact on the silos themselves, on various 30 heritage-listed properties such as the one in which my family and I live but also on the heritage conservation area, as Mr Stephenson has pointed out. So if this was a new application I have every confidence that it wouldn't even get to the Commission, it would simply be rejected as laughable. I don't think a curfew of any duration is the solution for a large advertising installation on a heritage item.</p>      | <p>It is assumed this comment relates to the objection from the residence/heritage listed house at 16 Oxley Street Glebe Pt.</p> <p>Comments in relation to all private domain view impacts are included at page 22 of the Urbis VIA. This dwelling is located close to the road on a heavily treed block where an intervening mature tree canopy is likely to heavily filter or block views to the north. We refer to page 22 of the Urbis VIA for further commentary.</p>                                     |
| <p>Mr John Sergeant, Glebe Point Resident</p> <p>Page 7, [10]</p>     | <p>Okay. So I want to distinguish between the impact of lighting itself and the impact of messages and also the impact on the heritage item. I don't think this is a development capable of approval, let alone of mitigation and, therefore, I can't see that there is a sensible arrangement under which a large piece of advertising should be placed on a heritage item. If it were Parliament House or the Opera House or Pymont Bridge or the White Bay Power Station and this were a new application it would be refused out of hand and I think that there should be no extension to what was in the first place a piece of reckless insanity. That is all I want to say, thank you.</p> | <p>It is noted that an extension of the development consent is not permanent and is not a permanent change to the site views.</p> <p>The visual context and/or views of the Silos and surrounding working port are ever-changing. The entire view composition enjoyed by residents has been subject to change and renewal for the last 100 years as per the endorsed desired future character established in the 2030 and 2040 Bays West Strategy. We refer to page 19 of Urbis VIA for further commentary.</p> |
| <p>Sophia Scarpellino, Glebe Point Resident</p> <p>Page 7, [40]</p>   | <p>MS SCARPELLINO: Thank you very much to the Commission for having me here today. I am too a resident of Glebe and I think I live quite close to John. I live in the apartments that are directly across from the silos and I just wanted to say that I do agree with Mr Stephenson's comments and John's comments and particularly about the advertisement coming directly into my home, like waking up every day and looking at the ad itself. But my comments are my apartment is about one of 500 directly across from the billboard and a sign directly faces into my and my community's living rooms and bedroom windows.</p>   | <p>The Urbis VIA has not made a detailed assessment of access to views from all room types, however it has been assumed that balconies are associated with living areas.</p> <p>It is noted that visual impacts on views from bedrooms are given less weight in the NSWLEC Guidelines, which are used in the absence of all others.</p>   |
| <p>Sophia Scarpellino, Glebe Point Resident</p> <p>Page 8, [40]</p>   | <p>MS SCARPELLINO: No, it's taken using my Samsung Note 8 and I didn't do anything to enhance it, I didn't zoom in or anything like that. It's just literally the photo straight from my apartment.</p>  | <p>Like most smart phones, the photograph uses a wide angle lens equivalent to approximately 26mm Fl. All professional photos taken in the Urbis VIA Peer Review use a 35mm lens, which is not dissimilar. The image shown does not appear to be a zoomed in view and is similar to those included in the Urbis VIA. Refer to page 22 for the approach to view sharing guidelines.</p>  |

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| <p>Judy Cashmore, Save our Bays Inc</p> <p>Page 10, [20]</p>                     | <p>I'd like to address three main issues that were in our submission as well and that goes to the unattractive, dominating impact and the impact of residents and also the park views, so it's not just those who live here. We have a foreshore, Glebe foreshore and parks that are used by a lot of people and this is an important aspect and hasn't really been considered, I don't think, in the submissions.</p>  | <p>All comments made by Ms Cashmore relate to the GSA VIA.</p> <p>The Urbis VIA prepared additional information including a response to private domain view impacts and adopted an approach which used focal lengths using a method that was more suited to assessing the effects of an existing feature. The Urbis VIA states the method used, an understanding of the existing and desired endorsed future character and other relevant factors which are important in considering compatibility and acceptability.</p>   |
| <p>Judy Cashmore, Save our Bays Inc</p> <p>Page 10 &amp; 11, [30] &amp; [40]</p> | <p>Next slide please. So just going briefly to what I think are inaccurate and flawed visual-impact assessment statements and also 30 the Department of Planning's, we consider to be poorly-based conclusions. The Department considers that visual impacts are acceptable.</p> <p>Basically it boils down to the fact that they've been there for a while so we should be used to it, nothing has changed much since the previous application, that the scale is compatible. I think some of the photos show that it's not compatible with the context and the area and, lastly the overall, that it doesn't result in any significant visual impact in existing residential properties given the separation distance of approximately 500 to 800 metres. It also doesn't take account of the numbers of people who are living there. If we could go to the next slide please.</p> <p>If you look at where all the test sites were what's really significant about that is that there were no test sites in the areas that were raised but if you look to the left of that bottom yellow one around Annandale there are a number there that they are so much further away. So the areas that were most impacted are the ones that have the least tests and the least visual-impact assessment. Next slide please.</p> | <p>The Urbis VIA uses a standardised approach to all photos from all view points and includes 35mm FL photographs. It is acknowledged internationally in Visual Impact Assessments that the human eye using binocular visual takes in an approximate FOV view ranging between 50mm and 35mm. There is conjecture around this. Urbis images and fields of view are not dissimilar to that recorded by the resident day photo (right image daytime view in slide pack - no page number). The phone used for day and night photos is a Samsung Note 20 Smart which has a 3 x zoom capability and wide angle lens to take in approximately 76 degree FOV. The focal length will be a range between 15mm to 26mm with a 2.1 automatic zoom capacity. Without the original images this cannot be determined. Notwithstanding this, it is assumed that Ms Cashmore's night time view is from the same day time location and taken by the same camera (the same vessels can be seen moored below ANZAC bridge as in the day photo). However, the sign is significantly larger in the resident's night photo compared to their day photo suggesting that it is a 'zoomed in' image, using the phones zoom capability. There is no wider visual context included in the image compared to the daytime resident photo.</p> |
| <p>Judy Cashmore, Save our Bays Inc</p> <p>Page 13, [40]</p>                     | <p>MS CASHMORE: They were taken with the same - it's just my Samsung Note 20 phone. The way I did that was I actually put it up to the silos and compared it, because obviously when you put it through a phone – and I think that's what happens when these visual-impact statements or assessment photos are taken. They actually, if you look at what it looks like with the naked eye versus what was in those visual assessment photos they don't bear any resemblance to each other. They look so much further away and that was also the case with some of the issues around the super yacht marina 250 metres away. They looked as though they were, you know, kilometres away but they were actually, it's actually very close.</p>  | <p>It is believed the photos referred to in Ms Cashmore's submission refer to the GSA VIA.</p> <p>As set out above, the Urbis VIA adopted a different approach. Those photos used standardised focal lengths across the whole set so that the sign's size can be easily visually compared and understood ie when the viewer is closer to the sign it looks larger, when the viewer is further from the sign, its size and scale is smaller. For examples see Urbis VIA Figures 33 and 34 for close view location and Figures 41 and 42 for more distance view location.</p>   |