



New South Wales Government
Independent Planning Commission

TRANSCRIPT OF PROCEEDINGS

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

APPLICANT MEETING

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

OFFICE OF THE IPC: CASEY JOSHUA
 JANE ANDERSON
 COURTNEY COLEMAN
 JAMES INNES

APPLICANT ANITA BURGERMEISTER
REPRESENTATIVES: MICHAEL CALI
 BELINDA BARNETT
 NICOLAS BRUNTON
 KRISTA MACPHERSON
 SAMANTHA POLKINGHORNE
 JANE MAZE-RILEY
 DONN SALISBURY
 RYAN BENNETT

LOCATION: VIA VIDEO CONFERENCE

DATE: 11.00AM, FRIDAY, 12 AUGUST 2022

TRANSCRIBED AND RECORDED BY APT TRANSCRIPTIONS

PROF. MACKAY: Well, 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 the Country from which we meet virtually today and pay my respects to their Elders past and present.

Welcome to the meeting today to discuss the Glebe Island Silos Pt 4 Signage DA Project, that is DA-21/13182, which is currently before the Independent Planning Commission for determination. The Applicant, Eye Drive Sydney Pty Ltd, is seeking approval for the ongoing use of two existing advertising signs on the Glebe Island Silos.

My name is Professor Richard Mackay and I'm the Chair of the Commission Panel. I'm joined by fellow Commissioner Dr Peter Williams. We're also joined by Casey Joshua, Jane Anderson, Courtney Coleman and James Innes 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.

It is important for the Commissioners to ask questions of attendees and to clarify issues whenever it is considered appropriate. If you are asked a question and are not in a position to answer, please feel free to take the question on notice and to provide any additional information in writing, which we will then put up on the Commission's website.

I would be grateful if all of the participants today would introduce themselves, going round the table, just name and organisation, please, before we begin and then it would be helpful, given the number of participants, if before you speak you could also state your name and ensure that we don't speak over the top of each other to ensure the accuracy of the transcript.

So, thank you, and we will now begin, and I would invite the Applicant's team to introduce themselves, please.

MS BARNETT: Thank you, Commissioner. I'd like to begin by acknowledging the traditional custodians on the land on which meet, the Gadigal of the Eora Nation, and I pay my respects to their Elders past, present and emerging. My name is Belinda

Barnett and I'm the planning consultant on the project and I'm from Urban Concepts and I'll now go around the table and introduce the other members of the team.

Joining me from the Applicant, we have Michael Cali and Anita Burgermeister. Representing legal consultant Norton Rose Fulbright, we have Nicholas Brunton and Krista MacPherson. Joining us from Urbis, who is our visual planning – visual impact assessment consultant, we have Jane Maze-Riley. Joining us from NBRIS, who are our heritage consultants, we have Samantha Polkinghorne. Joining us online, not with us in the room today, from Electrolight, who are our lighting impact consultant, we have
10 Donn Salisbury, and representing the Port Authority we have Ryan Bennett, who is their planning and sustainability manager.

PROF. MACKAY: Thank you for those introductions. We have a pre circulated a brief dot-point agenda for today's meeting. It usually works best if we keep things reasonably informal and so please feel free to interject or use the raised hands if there's things that might be added along the way. Obviously the Department has prepared an assessment report that has been published. There have been a large number of submissions in this matter. The Commissioners have read all of the submissions, and we've had the benefit of being able to look at them, geo-registered,
20 so we can see the location from which each of the submitters, particularly the objectors, have their viewpoint.

We have also met with both Inner West Council and City of Sydney representatives, as well as with the Department, and the transcripts of all of those meetings will be shortly published on the Commission's website.

So I'd invite the Applicant's team now perhaps to make a short presentation with a response to the Department's assessment report and the recommended conditions.

30 So we are expecting the Applicant to be making some comments at this point. I'm not getting any audio, if there's anything happening.

Okay. I think we will need to wait for the Applicant's audio issues to be sorted.

MS JOSHUA: Yes. We can just hold for a few minutes. I'll just pause our recording until it's sorted.

SHORT ADJOURNMENT

[11.13am]

40 **RESUMED**

[11.16am]

MS JOSHUA: Thank you. We can now start again.

MS BARNETT: Not a problem.

PROF. MACKAY: Well, thank you. Now that we seem to have the audio reconnected, we'd be very pleased to hear from the Applicant and team.

MS BARNETT: Thank you, Commissioner. Belinda Barnett talking. The Applicant acknowledges the Department's report is thorough and addresses the pertinent issues associated with its application and we broadly accept the Department's assessment and recommended conditions.

During the course of this meeting, we'd like to walk through the agenda items, and we'd like to – as we're doing that, we'd like to make a number of observations for the benefit of the panel. With the Commissioner's agreement, I would like to ask Nick Brunton from Norton Rose Fulbright to clarify our position in respect to matters pertaining to the duration of the consent being imposed by condition A5, and the public benefit offer being made under conditions A29, A30 and A31.

DR BRUNTON: Good morning, Commissioners. For the transcript, my name is Dr Nick Brunton from Norton Rose Fulbright. Commissioners, I might first just address this issue about the ability of the IPC to grant consent to a three- and a 10-year term. We, the Applicant, accept that there is a master plan that dates from year 2000 which relates to the subject site, and that enlivens your discretion to grant a three-year term. Our position is, you also have the authority to grant consent for a 10-year term, and later on we will segue back to Belinda Barnett to talk about the merit issues why we think are good reasons available to you both to grant consent for a 10-year term.

The second issue that I'd just like to raise concerns one of the conditions in the draft suite of conditions provided by the Department, and that relates to conditions A29 to 31. The current draft refers to a planning agreement being proposed between the Applicant and Inner West Council. Commissioners, we haven't proposed a planning agreement with Inner West Council. The public benefit offer has been proposed to be implemented via what's called a contributions deed, and that deed has been executed by the Applicant and provided to the Inner West Council.

So we raised this issue with the Department of Planning, and they accepted our view that a contribution deed could be entered into. It's just that the drafting of the conditions currently refer to a planning agreement. And because we haven't offered to enter into a planning agreement, then technically a condition can't be imposed requiring an Applicant to enter into a VPA when they haven't offered to do so.

So just on those conditions, some minor wording changes would be necessary. We've raised that with the Department and we understand the Department agrees that some minor changes are necessary, they just haven't found their way into the final document on the draft conditions that are before you.

10 PROF. MACKAY: It's Richard Mackay here. Dr Brunton, just to kind of close that off, would the Applicant care to submit some suggested wording, which obviously the Commission would need to publish on the website, but is that a quick way to resolve that technical issue?

DR BRUNTON: Absolutely, Commissioner. No problem at all. We could do that this afternoon.

20 PROF. MACKAY: We'd certainly welcome that. And can I also note that in some of the representations that have been made to us, there have been comments that there should be some closer connection between the public benefit and the affected sites. The suggestion that was made, and the Commission hasn't yet turned its mind to it, is some kind of interpretive sign in the pedestrian areas of the Anzac Bridge, which explains a little more about the history, significance and operations of the silos. I just simply mention that in terms of the ability to incorporate something like that in the amended conditions.

DR BRUNTON: Commissioner, what we have is, in the proposed agreement with Inner West Council, a clause that Council is to apply the contributions in any of the following heritage conversation in the Inner West Local Government Area, plus also improvements in community services, traffic, road transport, public amenity and so on.

30 What we could propose is writing to the Inner West Council and taking that suggestion from the community onboard and asking Council to apply some of their contributions directly to that suggested outcome. And if that was satisfactory, we could revert to you this afternoon, again, with perhaps a draft letter that we would write to Inner West Council suggesting that outcome.

PROF. MACKAY: Well, thank you, Dr Brunton. I think that would be very helpful.

40 DR BRUNTON: Thanks, Commissioner. Well, I'll now hand back to Belinda Barnett, who will walk through some of the merit issues why we think a 10-year consent term can and should be imposed. Over to you, Belinda.

MS BARNETT: Thanks, Nick. Commissioners, in progressing the application, we examined in detail, in association with the Port Authority, the operational, I guess, requirements for Glebe Island, both in the short- and longer-term, and the strategic intent for Port land under the Bays work strategy.

10 Over the next 10 years, we do not consider that the signage is incompatible with the land uses in the precinct, which will continue to be used as an active port and which will be the subject of state-significant construction, including works associated with the Bays station site of Sydney Metro West and we note that the silos are currently operational and are the subject of commercial leases.

As outlined in section 5.2 of the Department's development application assessment report, the signage forms part of the existing skyline, and indeed it has done so for 30 years. It's become an intrinsic part of the character of the area and the physical form of the signage accords with the original design controls that were set down in the Glebe Island Advertising and Signage DCP in 2004. The signage provides a point of visual interest and enhances the role of the silos as a landmark and as a reference point in the skyline for the Port.

20 Importantly, this application proposes no physical change to the signage, other than to its illuminations, where, in response to community concerns, we have reduced its night curfew from 1am to 11pm.

When we consider the strategic intent for Bays West and the merits arguments associated with its future role, the Bays West strategy clearly outlines that a key direction of the strategy is to retain, manage and allow the essential strategic port and maritime industry uses to grow and evolve.

30 The Port Authority has actively collaborated in the formulation of the Bays West strategy, and under that strategy, precincts 3, 4 and 5, which relate to the Glebe Island land holdings, indicate a long-term intent for the port to remain operational. The strategy does not anticipate the repurposing of the silos till at least 2040.

We understand that Precinct 1, which immediately adjoins the silos to the west, and which includes the White Bay Power Station and the Sydney Metro station, both have a 2030 redevelopment vision and we know that works on the Metro station are well underway. We also understand that detailed master planning for Sub-Precinct 1 is progressing, and likely to include high-density residential and hotel uses.

40 And so we fully appreciate that once this new mix of land uses occurs to Precinct 1 by 2030, the viewing context of the signage will change, and so we consider a 10-year

consent term responds to this future land-use transition and the anticipated timeframe for the delivery of Precinct 1 works.

Further, put forward in our application, as a mitigation measure, we've indicated that we would accept a condition of consent which recognised that if Glebe Island was redeveloped as a part of the urban renewal of the Bays precinct, prior to the expiry of the consent, the Applicant was to gain the approval of the secretary to continue the use of the advertising signs. In fact, we have a very similar, if not exactly the same worded condition, condition B7, imposed on the existing consent instrument.

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Another key merit argument for this application are the public benefits that are associated with it. Importantly, the signage provides a significant income stream to the Ports Authority through its rent, and this is used by the Port Authority to fund many of the community and environmental programs associated with its work on Sydney Harbour. And as we've already touched on, it also is accompanied by a public benefit contribution to Inner West Council, which is equivalent to a payment of \$127,000 per annum for the duration of the consent for local community services, including heritage conservation.

20 I'd now like to ask Ryan Bennett to provide an overview, I guess, of the long-term role of the Port from an operation standpoint.

PROF. MACKAY: It's Richard Mackay here. Could I just intervene for a moment. I'm not sure whether it's intended that Dr Brunton will come back and speak about the, if you like, the legal basis for that conclusion that the discretion is enlivened. Is that intended?

DR BRUNTON: Yes, Commissioner.

30 PROF. MACKAY: I mean, or if I can put the question in these terms. The original application was made under SEPP 64. The application is being assessed under the Industry and Employment SEPP, so could perhaps the Applicant please just clarify the basis on which, I guess, firstly that discretion for three years is enlivened, and why 10 years is allowable, please, and I think it's probably best to complete dealing with that duration issue before moving on to other matters, please.

DR BRUNTON: Sure, Commissioner. Just for the transcript, my name is Dr Nick Brunton. Commissioner, we accept the discretion is enlivened under clause 3.19 of division 3 of part 3.3 of the Industry SEPP. The reason is that prior to the
40 commencement of, firstly, SEPP 64, there was a development control plan – sorry – a master plan in place for the subject site. The name of the master plan is the Glebe

Island and White Bay Master Plan, dated November 2000. This document, Commissioner. And that is a master plan which deals with the time period of advertising in the subject area. Clause 2.62 of that document contains a heading called “Third-Party Advertising” and the provisions in that document state, going back, “Due at the Department of Urban and Affairs and Planning” as it was called at the time “or the Minister for Planning is the consent authority for advertising.” The second bullet point under that heading states “Development consent for advertising is limited to a period of three years.” Then it goes on to talk about some merit issues. It encourages simple advertisements and so on, simple images, et cetera.

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So we accept that this policy applied prior to the commencement of SEPP 64 and also as a result of transition provisions, it applies to the current operation, clause 3.19, under the Industry and Employment SEPP.

So turning to that clause, we accept the clause is enlivened and as a result the Commissioners have, on behalf of the Minister, the power now to grant development consent for a period less than the 10-year period specified in clause 3.19(3).

20 Now, that doesn't mean, of course, that the Commissioners must grant consent for three years. It just enlivens the discretion to grant consent for a period less than 10 years. Our view is that the Commissioners still have the power to grant consent for a term of 10 years and Belinda Barnett was previously discussing the merit reasons why the Applicant is of the view that the Commissioners should grant consent for a period of 10 years.

30 The issue raised by the City of Sydney concerning the transition from SEPP 64 to the IESEPP largely falls away because the Department brought to our attention the existence of this much older document, the Glebe Island and White Bay Master Plan, dated 2000. That pre-dated SEPP 64 and it still applies, and therefore that document enlivens the discretion for a three-year consent term. It's not the 2004 DCP which does that, it's rather this document.

So the technical debate about our advice early on, referring to the 10-year consent must be imposed, that falls away, because we now accept you do have the discretion to grant consent for a three-year term, or a 10-year term, and those are the two only discretions that you have. We don't believe you have the power to grant, for example, an eight-year term, because this master plan applies, and because clause 2.62 did state that for third-party advertising, there is a policy for a three-year consent term.

40 I hope I've answered your question in a clear and concise manner. Let me know if you don't, I can elaborate further.

PROF. MACKAY: Thank you. It's Richard Mackay. Thank you for that clarification. Could I just ask a question? The master plan, the 2000 master plan, is that a state government master plan or a Council master plan? Whose master plan is it, please?

DR BRUNTON: It's a good question. It is a state government master plan. It's branded, in fact, interestingly, Sydney Ports, and it might be more appropriate if I segue to Ryan Bennett, who is the current senior manager for planning for Sydney
10 Ports to talk about the context of this master plan, because it was his predecessor organisation that I think is the author of the document. Ryan?

PROF. MACKAY: Thank you for that. Just before we do, I thought I saw Commissioner Williams had a question earlier, and I didn't come back there immediately. Are you all right, Dr Williams?

DR WILLIAMS: Thanks, Richard. It's just a question earlier with Dr Brunton, if that's okay if I may refer back to that. Dr Brunton, when you were talking about the conditions relating to the contributions deed, conditions A29 to A31, just to be clear,
20 Inner West Council is very clear that that is a contributions deed, it's not a planning agreement?

DR BRUNTON: That's correct, Commissioner. We did discuss with the – and there has been a previous deed, under the previous consent, for many years, and we did talk to them, and they agreed a contributions deed could be entered into in this situation - -
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DR WILLIAMS: All right.

30 DR BRUNTON: - - - and we have in fact provided them with an executed version from the Applicant of that contributions deed. Council haven't, of course, executed it, pending the grant of consent, but they accept it can be entered into and are willing to enter into it.

DR WILLIAMS: All right. Thank you. And also, could you just explain why the preference for a contributions scheme rather than a planning agreement?

DR BRUNTON: Look, it's not one of those die-in-a-ditch matters. The options are either of them. It was just simply that the Council were happy to enter into this form
40 of agreement because it was practically easier and there didn't have to be a concurrent advertising of a VPA by the Council prior to the execution of the documents. And

given the DA itself is publicly notified, it was thought that that was largely unnecessary.

DR WILLIAMS: Great. Thanks, Dr Brunton.

PROF. MACKAY: I think we intervened off and cut Mr Bennett off, so very happy to hear from you, Mr Bennett.

10 MR BENNETT: Yes, thank you. Ryan Bennett from Port Authority of New South Wales. So just to clarify, Sydney Ports Corporation is a predecessor organisation of Port Authority of NSW. Port Authority of NSW, as a State-owned corporation, was formed by the amalgamation of three remnant port corporations, including Sydney Ports Corporation, following the long-term lease arrangements by government of Port Botany, Port Kembla and Port of Newcastle. Port Authority of NSW is also the relevant landowner and the owner of the Glebe Island Silos.

20 I wish to speak a little bit about the Bays West place strategy. So the Bays West place strategy clearly outlines, as Belinda has mentioned previously, that a key direction is to retain, manage and allow the essential strategic port and maritime industry uses to grow and evolve. Port Authority is actively working and planning for the long-term retention, growth and evolution of the Port and integration of the Port, as part of Bays West, and as confirmed in the place strategy. This includes the planned retention of the Glebe Island Silos as an operational port facility.

This is a collaborative whole-of-government process that Port Authority is leading as a consequence of the Bays West place strategy, and we continue to work collaboratively with the Department of Planning and Environment, Transport for NSW, and other parts of government on this.

30 In terms of the duration, I think what I could add is that by 2030, and as alluded to previously, the Bays Metro Station, as part of Sydney Metro West, is scheduled to be complete, with some ancillary development. However, the remainder of what they call the stage 1 sub-precinct of the Bays West place strategy will be planned and under development as a mixed-use precinct, but will not be complete. It will be a large – remain as a construction area at that stage.

40 In terms of a – if we think about a potential three-year consent, what the likely land use is around, or what the land uses will be, around the Glebe Island Silos, we will have active construction and construction support sites in relation to that major infrastructure project, Sydney Metro West, as well as Western Harbour Tunnel, which

is due to commence construction of their state-significant infrastructure project. A lot of that construction will be based and supported by works on Glebe Island.

In addition, of course, there is the approved Hanson state-significant development, which has consent until 2040. Within three years, that is expected to be well under construction, if not operational. There is an approved multiuser port facility as well, next to the Hanson facility, at what we call Glebe Island Berth 2, so another port facility development will be, is planned to be under construction and/or operational within three years.

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So I think that just provides a little bit of context of what 2025 will look like. And I – yeah, if there’s any questions, I’m happy to take them, but I think that probably provides the necessary context.

PROF. MACKAY: Thank you for the background context, Mr Bennett. I don’t have any questions. Dr Williams? No. Well, I think at that point we can probably move on to just the more merits-based questions of the visual impact. One of the questions that the Commission wanted to ask is about any provision for control over the appearance of the signs, in terms of content, colour and the like, and obviously the Applicant’s

20 team will have seen the representations have been made about the lighting considerations, so very happy to hear from the Applicant on both those matters, please.

DR BRUNTON: Commissioner, I might just first – it’s Nick Brunton again – comment about the content of the sign. There is a draft condition in part B of the Department’s conditions of consent, condition B2, which regulates, in quite substantive detail, that the content of signage, in that it’s not meant to have and cannot have flashing or flickering lights and content, be electronically changeable, animated displays, et cetera.

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There’s also some detailed conditions around colour. For example, condition B2(g) says it “must not have or use or dominant colours of red or green, and there must also be no signs that replicate traffic control devices through use of colours, shapes, words,” et cetera. And also “The method of illumination cannot distract or dazzle.” So there is a proposed condition regarding the display of the advertising content but the actual content itself is required to be broad, because our client doesn’t control the nature of the ad industry that places ads on the signs.

In terms of luminance and visual impact, I’ll perhaps hand over to other members of the team to address those issues, Commissioner. Thank you.

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PROF. MACKAY: Thank you.

MS BARNETT: So I'll ask Ms Jane Maze-Riley, Commissioners, to address visual impact.

MS MAZE-RILEY: Hello, Commissioners. My name is Jane Maze-Riley. I'm from Urbis. I do specialise in visual impact assessment and view sharing. Obviously you will have read some of the evidence as it is. I was tasked with doing a peer review of an existing VIA and to add additional information regarding particular issues in the response to submissions, particularly around potential impacts on private views, but in
10 doing so, I undertook a significant amount of field work, revisited some of the locations to establish the extent of visibility, the predominant character of the visual context of the site and its surroundings, and that really translates to what would be visible in the majority of views to the signs and to the silos, and as part of that work, obviously consider its compatibility in the short- and longer-term.

Others have already spoken about this but from my perspective one of the most important things is to consider the existing compatibility with the predominant visual character and then the desired future character, and obviously we know that the desired future character is endorsed by many different levels of government and
20 strategy, which we've spoken about, DCP, Bays West precinct plans and strategies, et cetera. So we understand that there will be significant visual change to view compositions to the signs and to the silos over the next 10 years, up to 2030, and then beyond to 2040. And those sorts of changes obviously anticipate significant uplift over station developments, above Metro, mid- to high-rise residential flat buildings, so many, many things that will change the composition of all existing views to the north from the visual catchment, which is predominantly to the south.

Those sorts of changes most likely would include associated lighting, so lit at night, those sorts of visual effects. So all of those things, as I understand it, are already
30 contemplated and anticipated in future developments for the site. I might just sort of summarise by looking at the private-view impacts, having investigated the residential flats buildings from which objections were received. I look at the locations, I look at the distance, I look at the orientation of their facing elevation, I look at the room heights, I look at the window openings, the balconies, and I, looking at all those things and aerial imagery and sometimes internal floor plans, estimate the types of compositions that most people would have access to, and I determine after that investigation that the majority of residences within 500 metres to a kilometre will have limited views access directly to the sign and those views most likely are only available
40 from balconies.

Internal views from living areas are often constrained by many things, such as walls and window frames and curtains and various things. So, in my opinion, private-view impacts would be extremely limited, low, and quite acceptable in the context of relevant planning principles such as Tenacity when looking at reasonableness of view impacts.

10 And just the other thing, as I mentioned earlier, I think the other key thing to consider is, the sign in situ obviously doesn't create the (not transcribable) as it is. There's no plans for any change in the extent of visual change proposed, so the catchment won't extend, the context won't change as a result of retaining the signs in situ, it will remain an important visual landmark for the public. It's a sign located adjacent to a major road corridor, which is exactly the type of context where these sorts of visual features would be anticipated and commonly installed. And lastly, I think it's highly compatible with the desired character of the area in visual terms. So on that basis, and on the information I observed during fieldwork, I think the proposed development is entirely compatible and entirely supportable. Thank you.

20 PROF. MACKAY: Thank you, Jane. I don't have any question arising from that. Dr Williams?

DR WILLIAMS: Sorry. Thank you, Richard. I think just on the points made earlier about the signage itself, content, colours, materials and so on, I presume the Applicant is happy with those particular draft conditions?

MS MAZE-RILEY: Yes, the Applicant is happy with those conditions, Commissioner.

DR WILLIAMS: All right. Thank you. Thank you very much.

30 PROF. MACKAY: Thank you, all. Could we perhaps move to the lighting considerations. A number of the submissions and the representations made to the Commission by the City of Sydney raised concerns about the lighting levels, and there's some commentary about the effect of viewing of night sky. There are also some comments that suggest that while an 11pm curfew would be welcome, a 10pm commencement for the curfew would be better. So I would invite the Applicant to respond to any of that content, please.

40 MS BARNETT: It might be an appropriate time, Commissioner, for me to ask now Donn Salisbury from Electrolight to address the illumination requirements.

MR SALISBURY: Yes. Sure. Thanks, Belinda. Yes, look, we've gone through an exercise which is essentially a formal lighting impact assessment for this site. Now, there's a number of requirements that we carry out under that process. Some of them relate to the amount of brightness that the sign is exhibiting as a visual surface. There are other elements to that which impact visibility for the transport systems, so particularly the approaching bridge and other vehicular ways that have this sign in their field of view, and lastly, and probably more importantly, the impact of AS4282, which is the obtrusive lighting code, which relates more to spill light and light falling on - and on the residents' residences in the proximity of the site.

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So all of those components make up the lighting impact assessment. Now, our experience with lighting impact assessments, we carry out roughly about 90 per cent of lighting impact assessments around the country, so we're obviously well versed in what sites require, and where they sit, and we're extremely - we try to be extremely careful with the way sites are treated in our responsibility to making sure Dark Sky Association and intrusive lighting codes are adhered to absolutely. That's our responsibility.

20 This site ticks all the boxes quite easily, and I will take you through this very briefly. So from a signage brightness perspective - now, bearing in mind the way these calculations are modelled, putting aside the site measurements, we look at worst-case, so the signage is always studied as a simple white surface, which is as reflective as it possibly could be. So it's absolute worst case, and the reason why we do it is, visibility of signage generally is usually relating to contrast, and contrast of light surfaces to dark surfaces. So once you put graphics and signage on a surface like this, once you have the contrast and add black surfaces that add less brightness, it becomes extremely easily for the eye to navigate that that is visually.

30 So that gives us a really good measure, and it also gives us a great measure for light spill and intrusive light as a result of that, obviously because it is worst-case, and it is almost impossible for any signage to have a full white surface - it'd be ludicrous. But that's our worst-case scenario.

So the signage luminance of this sign, based on the levels that we've set in the LAA reaches a maximum allowance of - or it's 17 per cent of the maximum allowance under 4282, so it's a fair way under what it could otherwise be, so it's well within the guidelines from that perspective.

40 From a spill-light perspective, as Jane has explained the residents established around this site are a fair distance away, so there's no surprise that that is extremely low - we're talking less than one lux. It's actually closer to point 1 lux of effective

illuminance anywhere near those residences. So it's very nearing zero, and so that's well within the barriers of 4282.

Now, just to get into context, as a pre-curfew measure, it would be deemed inappropriate to have an illuminance level of 25 lux at a dwelling window. So we're less than 1 per cent, or less than even, you know, half a per cent to those levels at the distance we're dealing with here.

10 Just as an add-on to that, we have done a site assessment of the potential future development that might be very well nearby, that has been identified as a zone 1, and that sits well within the margins and barriers set amongst 4282 as well.

The last item to that is the effect on the transport systems around the site. So there's a few measures to that, but predominantly luminance, and then the effective threshold increment, which is, as a very brief explanation, the ability to recognise contrast when driving, and the impact of a source of light and/or an element that has been illuminated to create a veiling luminance that inhibits visibility. Again, it's essentially just glare, in very simplistic terms, but that's quite a complex complication of modelling that brings about those figures.

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This sign, based on the – again, the luminance levels that we've set for the lighting for this sign, that threshold increment, it sits roughly about or just under 7 per cent of its maximum allowance. So it's – again, it sits well within the limits in terms of the technicalities of what this sits as an illuminated sign.

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In terms of the method of lighting for the sign, it's, I guess, fast becoming a less common occurrence to be a front-lit sign, but no different to any other signs, be them digital or otherwise. In this instance, it's utilising a number of LED floodlights that are – you know, the new installation of the lighting is quite, from what we've seen, quite well advanced, in terms of its technologies. We're talking very finely tuned and accurate lensing of the LED sources, so it's, the lighting is directed onto the sign and doing that very well, with extremely efficient sources.

The typical lighting for signs of this volume and this area would be anywhere from 200 to 500 watt – you know, mercury vapours, metal halides and those sorts of light sources, which, although inefficient, also exhibit a level of spill light just based on the fact they're very hard to control. These are 120-watt fixtures, which have very controlled optics, so it's very fine-tuned as a lighting application.

Yes, so that's, I guess, the guts of what we're dealing with. Again, it's well within the limits in terms of the requirements and guidelines, both from Transport for NSW and for the AS4282.

PROF. MACKAY: Mr Salisbury, thank you for that systematic run-through, and for that explanation. Dr Williams, do you have any questions or clarifications?

DR WILLIAMS: Thank you, Richard. Sorry, Donn, so what – by taking your measurements against worst-case scenario, which is that white surface, the inference, so far as I could draw from that, is, within the range of controls, for example, in the conditions that could be imposed, any potential variations in colours – I presume materials won't change, it's all the same material for the signage, would remain the same, from sign to sign, I guess – but as the signs change, one sign comes down, a new one comes up, there shouldn't be any significant deterioration or variation in the impact of the lighting, with the change of the actual sign itself?

MR SALISBURY: No, I guess it's all relative to how much of the sign is applied with other colours, and what those colours are, but it's almost only going to go darker as a full source of light, be it through reflection. So white is as close as you can get - apart from mirror, of course, which you definitely don't want, but a white surface is as close as you're going to get to a full-value reflector. Obviously you're going to get the most impact from a full white surface. So, yes, it will only be less impact with the application of graphics and/or colours. Obviously the darker the colours, the less reflectants and resultant spill light as an effect.

DR WILLIAMS: All right. Thanks very much, Donn. Thank you.

PROF. MACKAY: And I see, Mr Bennett, you have your hand up. Did you wish to make a point or ask a question?

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MR BENNETT: Thank you, yes. Ryan Bennett. Just quickly, in terms of lighting, I think it's important to note that the port is operational 24/7 as required, so there are port operations occurring at night, including ships coming and going from berth and remaining at berth.

PROF. MACKAY: Thank you for that additional clarification. And could I just again offer an opportunity to the Applicant? My understanding from the response to submissions is that the Applicant is accepting of the Department's proposed condition, which would have the night-time curfew commence at 11pm, not 1am, but there is some suggestion in submissions that a 10pm curfew commencement would be more acceptable. Does the Applicant wish to comment on that, please?

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MS BARNETT: Yes, Commissioner. Belinda Barnett. Yes, we do accept an 11pm curfew. I guess in terms of the 10pm curfew, I think it's good to maybe provide some historic context to this sign. Up until 2018 this sign was actually illuminated on a 24-hour basis. As a part of the 2018 consent, a 1.00am curfew was brought into play, and now with this application, we've reduced it another two hours.

10 I think, for the reasons outlined, and given the full compliance – in fact, you know, of the sign, with the current illumination controls and the 24-hour operation of the port, the Applicant would be very hesitant to move to a 10pm curfew, and, yes, we feel that 11pm curfew is appropriate.

PROF. MACKAY: Thank you for that response. Could I also just raise, it's not on our agenda, but it did come up in the meeting with the City of Sydney? It's a heritage issue, and I note that Ms Polkinghorne from NBRIS is present. The city showed us a number of images of analogous silos from around the state, and we will post those images on the website when we receive them from the city, and made the point that the horizontal conveyor and the roof form of that in such silos, that that is above the silos themselves rather than the vertical conveyor was very characteristic and
20 important to an understanding of the operations of the silos. So the City's position, as I understand it, was that the continued presence of the sign itself served to obscure an understanding of the function of the silo, particularly the role of the horizontal conveyor and the Commission would just like to put that before the Applicant and provide you with an opportunity to comment in the context of this meeting, please.

MS POLKINGHORNE: Samantha Polkinghorne, NBRIS. Just regarding the conveyor, there's a couple of aspects of it. The first aspect is, the silos are still operating, and certainly from the elevations where there aren't signs, you can see all of the equipment, which includes a large – the large sloped conveyor carrying either
30 cement or sugar at the moment from ships up into the silos, you can see the various ventilation ducts, and when the sign was originally put up, it was negotiated to be shorter than original intended so that the large shed on the eastern end is still clearly visible.

And the other thing to understand is, to be able to see the conveyor belt shed with the signs, you would actually need to lift the sign up, because it just sits neatly behind it. The sign sits at the top of the silos, so it doesn't obscure any of the actual silo form itself and so to try and have the conveyor shed completely visible all the way around, it would require (a) you know, physical changes to the sign, but also it would be
40 difficult to see, because the height of the conveyor shed can't be seen, because it's located along the centre of the silos, can't be seen from sort of closer views, and the

further views where you might see it, the scale of it against the silos – you can see an element at the top, it doesn't necessarily explain the operations of the silos on its own. Whereas on the sides where there is no signage, you can see the complete linking of the conveyor, from the ships to the top of the silos and along the top.

So I understand the comment. However, I would argue that in putting forward physical changes to the signage, which I'd add, there are no physical changes proposed as part of this application, it wouldn't effectively enhance how the conveyor operations are actually viewed from further afield. Thank you.

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PROF. MACKAY: Thank you for that, and it does rather seem to me - and I appreciate the comment about the close views and the angles, that there may be other mechanisms such as the interpretive sign that was also raised by Council, that would better facilitate an understanding of that mechanics and operations.

I think we're close to the end of our scheduled agenda. The last listed item just related to the works that are required to remove the sign and to restore the site, presumably at the end of consent. Could I invite the Applicant team to comment there as well, please? Actually before we do that, I've just seen that Mr Bennett again has his hand up.

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MR BENNETT: Yes, Ryan Bennett, Port Authority. I just wanted to say that Port Authority has also committed to installing some interpretive heritage signage at a public viewing area that overlooks Glebe Island. So that's something that we will be undertaking in the coming months and that will no doubt talk about the continuing use of that port facility, the history of it as a heritage item and you know, its function. So I think that's – will, you know, assist in that interpretive element.

PROF. MACKAY: Thank you for that further information. Okay. Which takes us to the works required to move the sign and restore the silo.

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MS POLKINGHORNE: Yes. I'll speak to that, Commissioners – Samantha Polkinghorne. I did prepare sort of a more detailed understanding of what the works would be. However, I don't think we've got time to go through it in detail, but in short, there will be three stages to it.

The first one will be preliminary investigations, which would give you a closer understanding of the current environment of the structure to be affected, because we're talking about a marine environment. We would carry out an audit into all the parts of the structure, what the options are for removal, because it's, you know, over 180

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metres long, it's quite a substantial element. That would then form the second stage, which would be putting together a detailed deconstruction plan.

And then following that, once it has been carefully deconstructed, and the elements removed from site, there would then be another review of where the fixings have been carefully cut, the exact nature of the repairs required, because given that we're talking about heritage fabric, again, in a marine environment, each element would need to be assessed for the type of repair, whether it's a timber-based repair, a metal-based repair, a concrete- or render-based repair, again, I think there's no simple answer, because it's
10 very much an inspection, carry out the works, and review process. That's the short version. Thank you.

PROF. MACKAY: No, thank you. That's - - -

MS BARNETT: Commissioner, Belinda Barnett. I did – sorry, I was just going to ask the Commission – the actual lease agreement between the Port Authority and oOh!Media requires oOh! to remove the sign and make good, so it would – the responsibility would fall on the Applicant.

20 PROF. MACKAY: Yes, understood, and thank you, it is very helpful to the Commission to have an understanding of that outline process and its focus on both the marine environment and the conversation requirements for the historic fabric, so thank you for that. Dr Williams, do you have any other questions or comments?

DR WILLIAMS: No, thanks. Thanks, Richard. Thank you very much.

PROF. MACKAY: Okay. Could I just invite the Applicant, is there anything that has arisen during the meeting or otherwise where the Applicant wants to put anything further before the Commission during this meeting?
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DR BRUNTON: Commissioner, Dr Nick Brunton again. Just very briefly, I've sent to Casey Joshua some proposed wording for conditions A29 to 31, and we will be sending a short email to Inner West Council this afternoon, requesting they consider using some of the funds under the contribution deed, as Commissioner Williams requested, for the purpose of heritage interpretation signage in the vicinity of the silos. Other than that, Commissioners, thank you for your time. The Applicant greatly appreciates the time and consideration the Commissioners have put into the assessment process, and we look forward to hearing from you in due course.

40 PROF. MACKAY: Thank you to Dr Brunton, but thank you to all of the participants in the meeting. Can I just double-check there is nothing from the Commission

Secretariat, from the offices there? I'm getting shaking heads. Thank you. I'd just remind everyone that the engagement part of the Commission's process will continue and then conclude next Wednesday, 17 August, when we have a public meeting, and I believe the Applicant has been invited, or if not, will be invited to attend that meeting. It remains only for me to thank everyone for your contributions and to wish you all the best for the rest of the day. Thank you. I will declare the meeting closed.

MEETING CONCLUDED

[12.08pm]