

# Local Planning Panel

23 November 2022

# Application details

227 Victoria Street, Darlinghurst

D/2021/1538

Applicant: Authority Presents Pty Ltd

Owner: Strata Plan No 70059

Consultant: Authority Creative

# Proposal

- display of an advertisement - 640sqm on northern wall of building
- changing every 12 weeks for 24 months
- described by applicant as ‘an evolving hand-painted mural’
- Gucci ‘Art Walls’ series occurring worldwide alongside release of Gucci collection

# Recommendation

Refusal

# Notification

- exhibition period 4 January to 24 January 2022
- 469 owners and occupiers notified
- 7 submissions received
- 2 in support and 5 objections

# Submissions



## Support

- creativity, renewal and vibrancy of the area

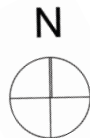
## Objection

- visual pollution
- advertising, not art
- inappropriate location
- advertising purpose to gain revenue
- would be difficult to stop once established



-  subject site
-  submitters

# Site





intersection of William Street, Darlinghurst Road, Victoria Street

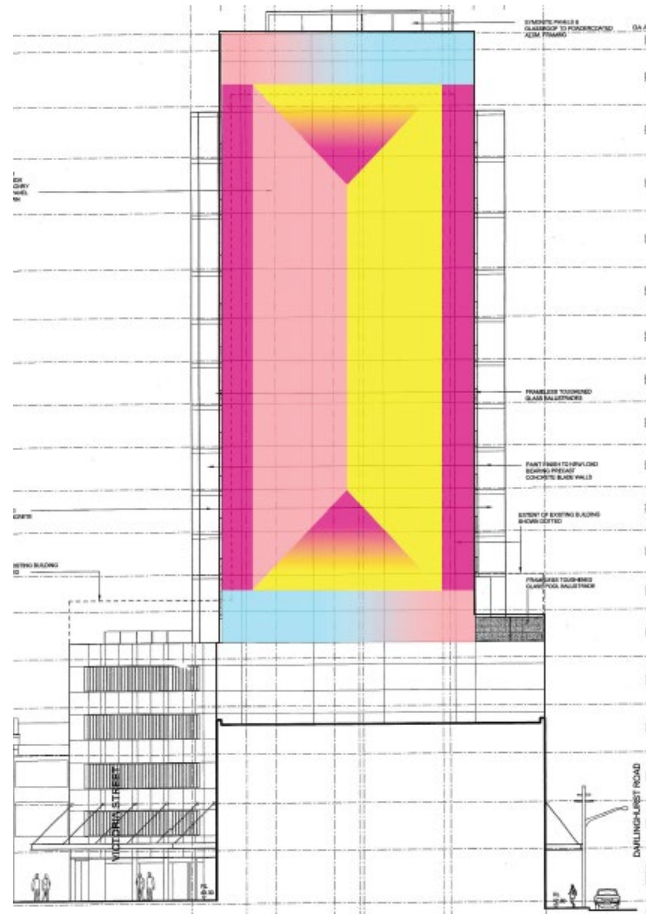




Victoria Street



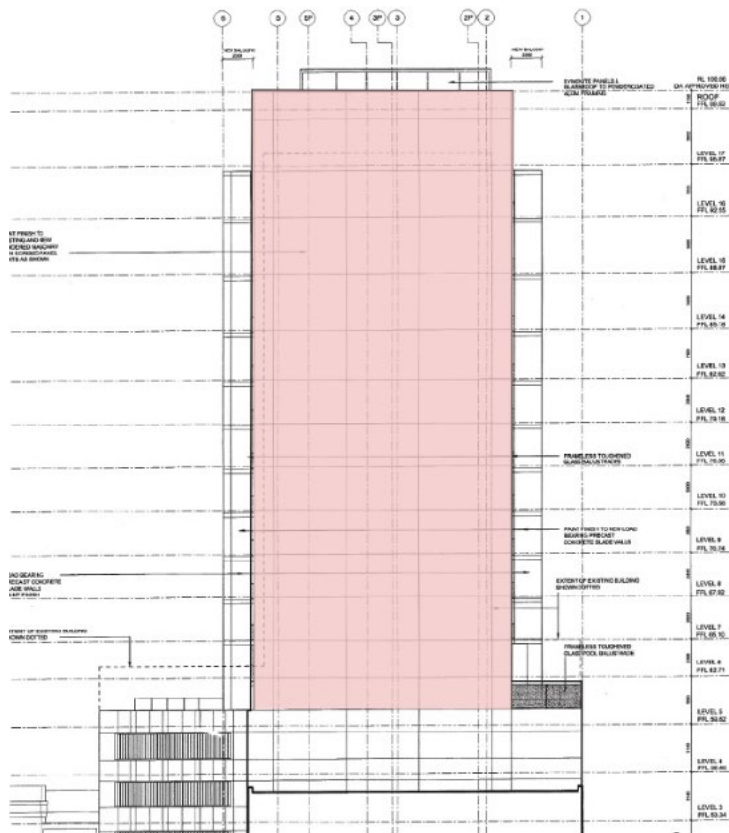
Darlinghurst Road



approved artwork 'As One Door Closes, Another Opens'



# Plans



proposed location of advertisement



examples of type of artwork/signage from elsewhere



examples of type of artwork/signage from elsewhere



examples of type of artwork/signage from elsewhere

# Compliance with SEPP (Industry & Employment)

	control	proposed	compliance
3.8 prohibited advertisements	prohibits display of an advertisement in a heritage area	site located in a heritage conservation area	no proposal is prohibited
3.11 matters for consideration	public benefits to be provided for display of an advertisement	no public benefits	no
3.15 advertisements greater than 20sqm	assessment criteria under Schedule 5	unacceptable against sections 1 to 5 of criteria	no



# Compliance with SEPP (Industry & Employment)

	control	proposed	compliance
3.16 Advertisements within 250sqm of classified road	TfNSW concurrence required	TfNSW has granted concurrence	yes
3.17 Advertisements greater than 45sqm	DCP to be prepared on the basis of an advertising design analysis	as advertisements are prohibited, advertising design analysis not prepared	no

# Compliance with SEPP (Industry & Empl)

	control	proposed	compliance
3.20 Wall advertisements	for building with an elevation of 200sqm or more, the advertisement does not exceed 10% of the elevation	advertisement is 100% of the wall  Clause 4.6 request provided 900% variation	no  Clause 4.6 not supported

# Issues

- characterisation of development as an advertisement
- Advertisement prohibited
- Clause 4.6 request – wall advertisements

# Characterisation as an advertisement

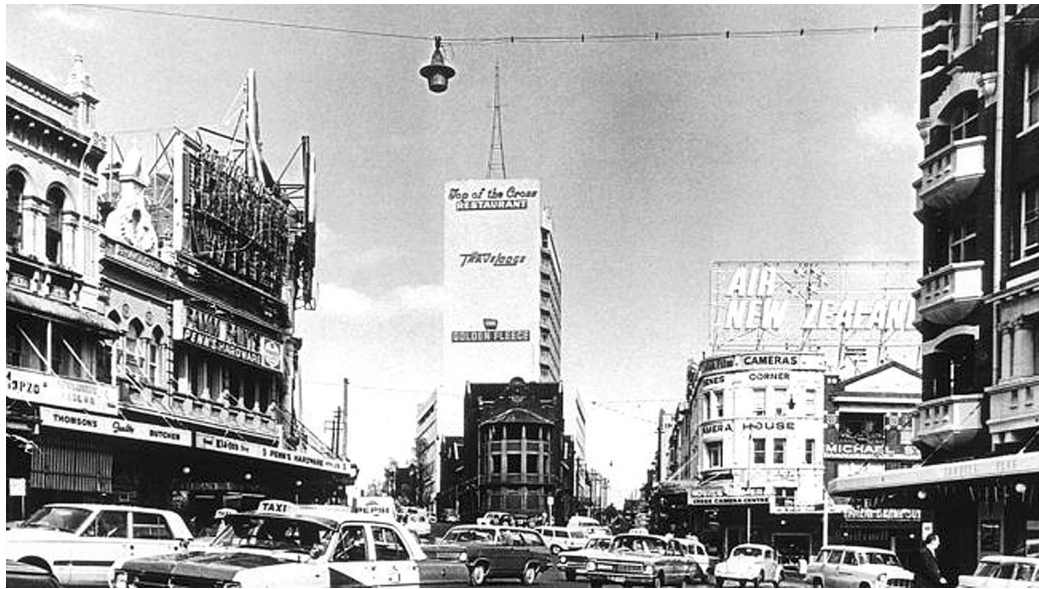
- Proposal is defined as an advertisement
- advertising a brand 'Gucci'
- example images associated with Gucci brand – fashion items, Gucci name
- not public art under council's policy
- existing public art supported by the City's Public Art Advisory Panel

# Prohibition of an advertisement

- Clause 3.8 of SEPP (Industry and Employment 2021) prohibits advertisements in a heritage area
- site in a heritage conservation area and the development is prohibited
- applicant has not put forward justification on planning grounds in relation to the prohibition

# Prohibition of an advertisement

- no record of any advertisements being approved for the site
- historic photos show business identification signage relating to hotel, restaurant and garage uses that operated on site
- previous business identification signage does not overcome the prohibition



previous business identification signage

# Prohibition of an advertisement

- other advertising signs in the vicinity benefit from existing use rights
- signs associated with Council street furniture
- advertising sign on 169-173 Darlinghurst Road (facing William Street) was initially approved in 1977





existing advertisement on William Street

# Clause 4.6 request – wall advertisements

- Clause 3.20 is a development standard
- requires building with an elevation of 200sqm or more, the advertisement does not exceed 10% of the elevation
- proposal is 100% of the elevation
- results in 900% variation of the development standard

# Clause 4.6 request – wall advertisements

- Clause 4.6 request submitted – applicant accepts proposal is an advertisement
- Clause 4.6 not supported
- not justified that compliance is unreasonable and unnecessary
- not demonstrated that there are sufficient environmental planning grounds to contravene the standard
- not in the public interest

# Recommendation

Refusal