

## Resolution of Local Planning Panel

**23 November 2022**

### Item 3

#### **Development Application: 227 Victoria Street, Darlinghurst - D/2021/1538**

The Panel refused consent for Development Application No. D/2021/1538 for the reasons outlined below.

#### **Reasons for Decision**

The application was refused for the following reasons:

- (A) The proposal is prohibited under Clause 3.8 (advertising and signage) of the State Environmental Planning Policy (Industry and Employment) 2021.
- (B) Notwithstanding that the development is prohibited, the proposal is inconsistent with the wall advertisements development standard under Clause 3.20 of the State Environmental Planning Policy (Industry and Employment) 2021, resulting in a 900 per cent non-compliance with the standard. The submitted Clause 4.6 request for an exception to the development standard has not adequately addressed the matters required to be demonstrated by clause 4.6(3) of the Sydney Local Environmental Plan 2012.
- (C) Notwithstanding that the development is prohibited, the proposal is inconsistent with Clause 3.11 of the State Environmental Planning Policy (Industry and Employment) 2021 as no public benefits are provided in connection with the display of the advertisement.
- (D) Notwithstanding that the development is prohibited, the proposal is inconsistent with Clause 3.15(2), of the State Environmental Planning Policy (Industry and Employment) 2021, pertaining to assessment criteria. The proposal is not acceptable in terms of its impacts when assessed against the assessment criteria in Schedule 5.
- (E) The proposal results in an adverse heritage impact on the heritage conservation area and to the heritage item in the vicinity, being Darlinghurst Fire Station, and is inconsistent with Clause 5.10 of the Sydney Local Environmental Plan 2012 and Section 3.9 of the Sydney Development Control Plan 2012.

- (F) The proposal has not demonstrated design excellence in accordance with Clause 6.21C of the Sydney Local Environmental Plan 2012.
- (G) The proposal is inconsistent with the objectives and provisions of Sections 3.16.1, 3.16.3, 3.16.7, 3.16.11, 3.16.12 of the Sydney Development Control Plan 2012 relating to signage.
- (H) The proposal is not in the public interest.

Carried unanimously.

D/2021/1538