

Local Planning Panel

Meeting No 76

Wednesday 23 November 2022

Notice Date 16 November 2022

minutes

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Present

Mr Steven Layman (Chair), Mr Tony Caro, Ms Megan Jones and Associate Professor Amelia Thorpe.

At the commencement of business at 5.06pm, those present were:

Mr Layman, Mr Caro, Ms Jones and A/Prof Thorpe.

The Executive Manager Planning and Development was also present.

The Chair opened the meeting with introductory comments about the purpose and format of the meeting and an acknowledgement of country.

Item 1 Disclosures of Interest

In accordance with section 4.9 of the Code of Conduct for Local Planning Panel Members, all panel members have signed a declaration of interest in relation to each matter on the agenda.

No members disclosed any pecuniary or non-pecuniary interests in any matter on the agenda for this meeting of the Local Planning Panel.

Item 2 Confirmation of Minutes

The Panel noted the minutes of the Local Planning Panel of 2 November 2022, which have been endorsed by the Chair of that meeting.

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

Speakers

Christopher Skyner (Authority Creative) – on behalf of the applicant, and Jim Tsirimiagos (Macroplan) – on behalf of the applicant.

The meeting of the Local Planning Panel concluded at 5.41pm.

CHAIR