

Local Planning Panel

Meeting No 129

Wednesday 25 February 2026

Notice Date 18 February 2026

minutes

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Present

Jan Murrell (Chair), Jocelyn Jackson and Stephen Pearse.

At the commencement of business at 5:28pm, those present were:

Ms Murrell, Ms Jackson and Mr Pearse.

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.

At 5:40pm the Chair, having closed the meeting at 5:37pm, reconvened the meeting of the Local Planning Panel.

At the reconvening of the meeting of the Local Planning Panel at 5:40pm, those present were:

Ms Murrell, Ms Jackson and Mr Pearse.

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 4 February 2026, which have been endorsed by the Panel Members and Chair of that meeting.

Item 3 Development Application: 134 Oxford Street, Darlinghurst - D/2025/961

The Panel:

- (A) did not support the variations to the LEP 'height of buildings' development standard and to the IESEPP 'maximum advertising display area' control as requested in accordance with clause 4.6 'Exceptions to development standards' of the Sydney Local Environmental Plan 2012; and
- (B) refused consent for Development Application No. D/2025/961 for the reasons outlined below.

Reasons for Decision

The application was refused for the following reasons:

Prohibited development

1. The proposed development is prohibited, as:
 - (i) It proposes the display of an advertisement within the C17 Oxford Street Heritage Conservation Area as mapped under the Sydney Local Environmental Plan 2012;
 - (ii) It proposes an advertising sign with a display area greater than 45 square metres and:
 - (a) A DCP that has been prepared on the basis of an advertising design analysis is not in force for the Oxford Street West signage precinct; or
 - (b) The proposed advertisement is not located on transport corridor land and is inconsistent with the Transport Corridor Outdoor Advertising and Signage Guidelines 2017; and
 - (iii) Valid existing use rights have not been established.

As such, the proposed development is contrary to:

- (iv) Section 3.8(1) of the State Environmental Planning Policy (Industry and Employment) 2021; and
- (v) Section 3.17 of the State Environmental Planning Policy (Industry and Employment) 2021.

Failure to establish existing use rights

2. The existing sign has not demonstrated existing use rights, as:
 - (i) Insufficient evidence has been provided to demonstrate lawful and continuous operation of the existing sign in accordance with statutory licensing requirements as specified at condition (5) of Development Consent No. U92-00273 and
 - (ii) The constructed sign has an advertising display area that exceeds that approved by development consent No. U92-00273 given that a large portion of the sign sits outside of the area depicted on the approved unnumbered, undated plan on file No. U92-00273.

As such, the proposed development is contrary to:

- (iii) Part 4, Division 4.11 'Existing uses' of the Environmental Planning and Assessment Act 1979; and
- (iv) Part 7 of the Environmental Planning and Assessment Regulation 2021.

Concurrence not granted from TfNSW

3. The proposed digital sign is unacceptable in relation to road safety impacts as:
- (i) Concurrence has not been received from Transport for NSW (TfNSW); and
 - (ii) The digital advertising sign will confuse, distract and compromise road user safety.

As such, the proposed development fails to comply with and is contrary to:

- (iii) Section 3.16 of the State Environmental Planning Policy (Industry and Employment) 2021;
- (iv) Section 3 of the NSW Transport Corridor Outdoor Advertising and Signage Guidelines 2017; and
- (v) Section 3.16 of the Sydney Development Control Plan 2012, including objective (7), and the provisions at sections 3.16.3(8)-(10) and (13), 3.16.7.2(2)(g), Section 3.16.7.2(3)(f) and 3.16.7.2(5)(c)-(i) and (l)-(n).

Landowner's consent

4. Development works are proposed to the access gantries overhanging the front facade of the building. Insufficient information has been provided, however, to determine if all relevant written landowner's consent has been provided to the lodgement of the application in accordance with Section 23 of the Environmental Planning and Assessment Regulation 2021.

Failure to provide a public benefit

5. The proposed development fails to provide a public benefit, as:
- (i) A formal letter of offer has not been submitted to allow a Planning Agreement to be negotiated and entered into with the City.

As such, the proposed development is contrary to:

- (ii) Section 3.11(3) of the State Environmental Planning Policy (Industry and Employment) 2021;
- (iii) Section 4 of the NSW Transport Corridor Outdoor Advertising and Signage Guidelines 2017; and
- (iv) Section 3.16 of the Sydney Development Control Plan 2012, including objective (11), and the provisions at sections 3.16.7.1(1), 3.16.7.2(2)(j) and 3.16.7.2(9).

Inadequate Clause 4.6 variation requests

6. The applicant's written Clause 4.6 'Height of Buildings' request is inadequate because:
- (i) It has not demonstrated that compliance with the 'heights of building' development standard is unreasonable or unnecessary and that there are sufficient planning grounds to justify contravening the development standard; and

- (ii) The existing and proposed building height has not been calculated in accordance with the building height definition under the Sydney LEP 2012, as the existing ground levels have not been nominated.

7. The applicant's written Clause 4.6 'Advertising display area' request is inadequate because:

- (i) It has not adequately demonstrated that the maximum 45 square metre advertising display area requirement specified at Section 3.17 of State Environmental Planning Policy (Industry and Employment) 2021 (IESEPP) is unreasonable or unnecessary and that there are sufficient planning grounds to justify the control being varied; and
- (ii) In the absence of valid existing use rights, Section 3.17 of the IESEPP is a prohibition and cannot be varied via a Clause 4.6 variation request.

As such, the proposed development is contrary to and fails to satisfy:

- (iii) Clause 4.6(3) of the Sydney Local Environmental Plan 2012;
- (iv) Section 3.17 of the State Environmental Planning Policy (Industry and Employment) 2021; and
- (v) Section 3.16.12(2) of the Sydney Development Control Plan 2012.

Failure to exhibit design excellence

8. The proposed development fails to demonstrate design excellence, as it:

- (i) fails to provide a high standard of architectural design, materials or detailing appropriate to the building type and location;
- (ii) has a form and external appearance that will detract from the quality and amenity of the public domain;
- (iii) detrimentally impacts on the view corridor of Oxford Street, including view lines to and within Taylor Square;
- (iv) fails to respond sensitively to heritage and streetscape constraints;
- (v) fails to satisfactorily address environmental impacts, including visual impacts, reflectivity, and luminance;
- (vi) will impact on pedestrian, cycle and vehicular movements and safety; and
- (vii) will impact on the character of the Oxford Street Cultural and Creative Precinct.

As such, the proposed development is contrary to and fails to satisfy:

- (viii) Section 3.1(1)(a)(iii) of the State Environmental Planning Policy (Industry and Employment) 2021;
- (ix) Clause 1.2(2) of the Sydney Local Environmental Plan 2012, including the aims at parts (h), (j), and (k);
- (x) Clause 6.21(1) of the Sydney Local Environmental Plan 2012, including the objective of the clause;
- (xi) Clause 6.21C(2) of the Sydney Local Environmental Plan 2012; including the matters for consideration at parts (2)(a), (2)(b), (2)(c), (2)(d)(iii), 2(d)(vii), (2)(d)(ix), (2)(d)(x) and (2)(d)(xi); and

- (xii) Section 3.16 of the Sydney Development Control Plan 2012, including the objective (4), and the provisions at sections 3.16.3(1) and (11), 3.16.7.2(3)(e).

Unacceptable heritage impacts

9. The proposal undermines the significance of the building, the conservation area and surrounding heritage items; as:
- (i) The digital sign does not respect the heritage significance of the heritage conservation area and is incompatible with the surrounding built form;
 - (ii) The digital sign fails to respond to, complement or support the architectural design of the subject contributory building and will diminish the contribution the building makes to the heritage significance of the area;
 - (iii) The digital advertising sign will detrimentally impact on views to the site;
 - (iv) The relationship and appearance between the building and the advertising structure will not be improved; and
 - (v) The signage is located above awning level and is not an integral part of the significance of the building.

As such, the proposed development is contrary to and fails to satisfy:

- (vi) Section 5.10 of the Sydney Local Environmental Plan 2012;
- (vii) Section 3.9 of the Sydney Development Control Plan 2012, including general objective (a), objectives (a)-(d) in Section 3.9.7 and the provisions at sections 3.9.7(1) and (2); and
- (viii) Section 3.16 of the Sydney Development Control Plan 2012, including the objective (5), and the provisions at sections 3.16.3(4), 3.16.7.2(2)(c), 3.16.7.2(6), 3.16.11(3)-(6), (9) and (12)-(14), and 3.16.12.11(2).

Incompatibility with locality and unacceptable visual impacts

10. The proposal is not suitable in the proposed location and will have detrimental visual impacts, as:
- (i) The digital advertising sign is not compatible with and does not contribute to the surroundings heritage items, the heritage conservation area, and the existing and desired character of the Oxford Street Darlinghurst locality and the Oxford Street Cultural and Creative Precinct;
 - (ii) The proposal does not improve the appearance of the existing advertising structure it proposes to replace;
 - (iii) The proposal does not improve the streetscape and will negatively impact on the quality of the public domain;
 - (iv) The digital sign would detract from the existing vistas into Taylors Square;
 - (v) The proposal does not have an advertising display area that improves the visual contribution of the advertising structure to the building and the area in which it is located and does not have a smaller advertising display area than the existing advertising structure it is replacing;

- (vi) The digital sign structure has not been designed to reduce the amount of vertical projection above the building's roofline; and
- (vii) The proposed development fails to protect the amenity of the area and will be illuminated on a 24-hour/7-day a week basis.

As such, the proposed development is contrary to and fails to satisfy:

- (viii) Section 3.1(1)(a)(i) and (ii) of the State Environmental Planning Policy (Industry and Employment) 2021;
- (ix) Section 3.19 of the State Environmental Planning Policy (Industry and Employment) 2021;
- (x) The Oxford Street Darlinghurst Locality Statement at Section 2.4.10 of the Sydney Development Control Plan 2012;
- (xi) The Oxford Street Cultural and Creative Precinct Locality Statement at Section 5.11.1 of the Sydney Development Control Plan 2012; and
- (xii) Section 3.16 of the Sydney Development Control Plan 2012, including the objectives (3), (6) and (13), and the provisions at sections 3.16.4(3), 3.16.7.2(2)(a), (b), (d), (e), (f), (h) and (i), and 3.16.7.2(3)(a) and (c).

Inadequate and incomplete information

11. The application fails to provide sufficient information to undertake a fully detailed assessment, as it:
- (i) provides incomplete architectural and demolition plans;
 - (ii) does not provide a survey plan showing the existing and proposed works in relation to the property boundaries;
 - (iii) provides no details of the proposed materials, colours and finishes;
 - (iv) provides no information regarding the environmental performance and energy use of the proposed illuminated sign, including any renewable energy source;
 - (v) fails to include a management plan identifying the operational, content management, maintenance and complaints handling arrangements for the advertising structure;
 - (vi) includes an incomplete Visual Impact Assessment; and
 - (vii) includes an incomplete Lighting Impact Assessment and does not consider the potential impacts on the amenity of surrounding existing and approved accommodation land uses.

As such, the proposed development is contrary to and fails to satisfy:

- (viii) Section 3.18 of the State Environmental Planning Policy (Industry and Employment) 2021; and
- (ix) Section 3.16 of the Sydney Development Control Plan 2012, including the objective (12), and the provisions at sections 3.16.3(12), 3.16.4(6), 3.16.7.1(3), 3.16.7.2(2)(k), (l), 3.16.7.2(4), 3.16.7.2(7), 3.16.7.2(8),

Not in the public interest

12. The application fails to demonstrate:

- (i) that the proposed development is in the public interest having regard to the matters above.

As such, the proposed development is contrary to and fails to satisfy:

- (ii) Section 4.15(1)(e) of the Environmental Planning and Assessment Act 1979.

Additional Panel Comments

13. The Panel concurs with the above reasons for refusal as set out in the Officer's Report. Furthermore, the Panel considers that on a merits assessment alone under the Environmental Planning and Assessment Act 1979 the development does not warrant approval, and is refused.

Carried unanimously.

D/2025/961

Item 4 Report to the Local Planning Panel - Status of Applications

The Panel received and noted the subject report.

Carried unanimously.

X019228

The meeting of the Local Planning Panel concluded at 5:41pm.

CHAIR