

# Local Planning Panel

25 February 2026

# Application details

Address: 134 Oxford Street, Darlinghurst

Application: D/2025/961

Applicant: The Trustee for Cirillo Planning Trust c/- Giovanni Cirillo

Owner: KDP Nominees Pty Ltd

Developer: Ooh! Media

Architect/Designer: Lewis Design Group Pty Ltd

Consultants: Planning Lab (planning) and Urbis (heritage)

# Proposal

The DA proposes:

- removal of existing 94.55sqm static roof advertising sign and associated floodlighting
- installation of 93.7sqm internally illuminated digital LED roof advertising sign
- associated works relating to the access and support structures
- that a condition be imposed requiring that an application be made to modify U92-00273 to reflect the subject proposal

# Recommendation

Refusal

# Reason reported to LPP

The application is reported to the LPP for determination as:

- The height of building standard is exceeded by more than 10% (27.5% variation)
- The maximum advertising display area specified in SEPP (Industry and Employment) 2021 (IESEPP) is exceeded by more than 10% (108.2% variation)
- While no public benefit offer letter submitted, DA indicates an intention to enter into a planning agreement

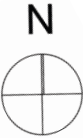
# Background

- U92-00273 - development consent granted by South Sydney Council on 29/05/92 for an externally illuminated roof sign 15.5m long x 6.1m high. This DA is the subject of this application.
- D/2014/1002 - consent refused 09/09/14 for a similar, but smaller, digital advertising sign.
- Class 1 appeal lodged in response to refusal of D/2014/1002. Appeal dismissed 22/07/15 on grounds of heritage, traffic safety and visual impacts.
- S56A appeal lodged in response to dismissal of Class 1 appeal. This appeal was dismissed on 29/04/16.

# Notification

- exhibition period 13 October 2025 to 11 November 2025
- 258 owners and occupiers notified
- no submissions received

# Site

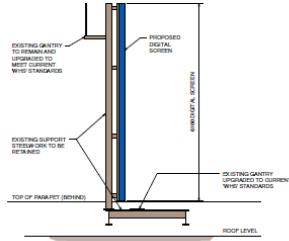


- ★ other billboard signs
- Site outlined in red

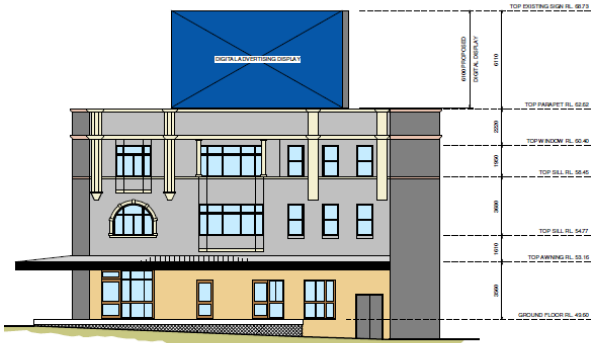
# Proposal



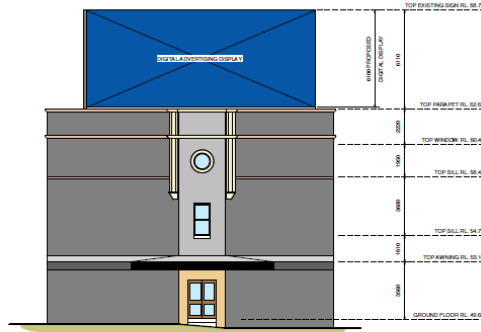
**SOUTH ELEVATION - OXFORD STREET**  
SCALE 1 : 100



**TYPICAL SECTION**  
SCALE 1 : 100



**EAST ELEVATION - TAYLOR SQUARE**  
SCALE 1 : 100



**SOUTH EAST ELEVATION - (SPAYED CORNER)**  
SCALE 1 : 100



# Compliance with key IESEPP controls

control	proposal	compliance
s3.1(1)(a) - objectives	<ul style="list-style-type: none"><li>inconsistent with design, road safety and public benefits objectives</li></ul>	no
s3.8 - prohibited advertisements	prohibited given: <ul style="list-style-type: none"><li>located within an HCA</li><li>existing use rights not established</li></ul>	no
s3.11(3) - public benefit	<ul style="list-style-type: none"><li>formal public benefit offer not submitted</li><li>planning agreement not entered into with council</li></ul>	no
s3.16 - TfNSW concurrence	<ul style="list-style-type: none"><li>size and visibility of sign requires TfNSW concurrence</li><li>concurrence not received</li></ul>	no

# Compliance with key IESEPP controls

control	proposal	compliance
s3.17 - display area 45sqm	<ul style="list-style-type: none"><li>display area exceeds 45sqm (93.7sqm)</li><li>prohibited given existing use rights not satisfactorily established</li></ul>	no
s3.19 - roof/sky advertisements	<ul style="list-style-type: none"><li>will not improve visual amenity of locality or the appearance of the building/ streetscape</li></ul>	no
schedule 5	<ul style="list-style-type: none"><li>fails to satisfy the specified design and safety assessment criteria</li></ul>	no
transport corridor guidelines	<ul style="list-style-type: none"><li>fails to meet section 2 design criteria</li><li>fails to meet section 3 road safety criteria</li></ul>	no

# Compliance with key LEP controls

control	proposal	compliance
clause 4.3 - height (max. 15m)	<ul style="list-style-type: none"><li>• 19.13m nominated</li><li>• existing ground level not established</li><li>• clause 4.6 request not supported</li></ul>	no
clause 5.10 – heritage conservation	<ul style="list-style-type: none"><li>• site is a contributory building in HCA and is to be heritage listed</li><li>• proposal fails to respect the heritage significance of the building and HCA</li></ul>	no
clause 6.21 - design excellence	<ul style="list-style-type: none"><li>• fails to exhibit design excellence</li><li>• is unacceptable in terms of its visual appearance, environmental impacts and suitability in the HCA</li></ul>	no

# Compliance with key DCP controls

control	proposal	compliance
section 2.4.10 - locality statement	<ul style="list-style-type: none"><li>• detrimental impact on character of subject contributory building</li><li>• inconsistent with character of surrounding heritage items, contributory items and HCA</li></ul>	no
3.9 - heritage	<ul style="list-style-type: none"><li>• will dominate the historic building forms in Taylor Square and the HCA</li><li>• fails to complement or enhance the heritage values of the building</li></ul>	no

# Compliance with key DCP controls

control	proposal	compliance
3.16 - signage and advertising	<ul style="list-style-type: none"><li>• does not contribute positively to the public domain or HCA</li><li>• fails to protect or enhance the significant characteristics of the subject building, streetscapes and vistas</li><li>• will detrimentally impact on road user safety</li></ul>	no
5.11 - Oxford Street cultural and creative precinct	<ul style="list-style-type: none"><li>• inconsistent with desired future character of the area given does not satisfy heritage conservation requirements</li></ul>	no

# Issues

- existing use rights not established
- permissibility
- concurrence and traffic safety
- height exceedance
- variation to maximum advertising display area
- heritage impacts and incompatibility with character of area
- visual impacts
- lack of public benefit
- inadequate and insufficient information

# Existing use rights not established

- relies on assertion that site benefits from existing use rights
- condition (5) of U92-00273 requires a licence under Ordinance No. 55 of Local Government Act
  - while Ordinance No. 55 has since been repealed, it regulated the licencing period (not more than 5 years) and essentially operated as a substitute for time-limited consent conditions
- given no evidence of continuous licensing, there is insufficient evidence to establish compliance with condition (5) of U92-00273 or lawful continuation of the sign use
- despite parties agreeing otherwise during the 2015 Class 1 appeal, existing use rights have not been adequately established as part of this DA

# Permissibility

- s3.8 of IESEPP – proposal is prohibited because it is located on land within a HCA (C17 Oxford Street)
- s3.17 of IESEPP – the consent authority must not grant consent because the advertising display area is greater than 45sqm (and the criteria to vary the control has not been met)
- given valid existing use rights have not been established, the DA is prohibited under s3.8 and s3.17 and must be refused

# Concurrency and traffic safety

- s3.15 of IESEPP – the consent authority must not grant consent because the proposal does not address the criteria in Schedule 5 and TfNSW concurrence has not been obtained
- TfNSW has not granted concurrence because the proposal is contrary to s3.2.3 of the NSW Transport Corridor Outdoor Advertising and Signage Guidelines 2017 as follows:
  - proposed sign has potential to increase driver distractions near various decision-making points at the Taylor Square intersection; and
  - proposed sign sits directly behind the overhead traffic signal lanterns and has the potential to reduce the effectiveness of the signals and distract drivers

# Height exceedance

- clause 4.6 written request not supported for following reasons:
  - existing ground level has not been established to accurately calculate the height
  - fails to appropriately respond to each objective of the standard and instead relies on there being no change to the height of the existing sign
  - council officers disagree that the proposed digitisation of the sign will have a minimal and acceptable heritage impact
  - further disagree that the proposal is characteristic of existing development along Oxford Street or the desired character of the area

# Variation to maximum advertising display area

- clause 4.6 written request not supported for following reasons:
  - s3.17 of the IESEPP is not a development standard
  - s3.17 of the IESEPP precludes the granting of development consent and cannot be varied via a clause 4.6 variation request
  - council officers disagree that the existing roof sign has existing use rights and that a variation can be considered on this basis

# Heritage impacts and incompatibility with character of area

- site located in C17 Oxford Street HCA and Oxford Street Cultural and Creative Precinct, with 4 state heritage items, 52 locally listed buildings and 132 contributory buildings in the precinct
- subject site is a contributory building and will soon be heritage listed
- digitalisation of the sign would further dominate the building's historic form
- appearance and heritage character of the building and HCA would be further diminished by the proposed digital sign
- will detrimentally alter the setting of Taylor Square
- undesirable precedent for future signage within the HCA

# Visual impacts

- regular image changes will result in intensified visual activity and additional visual pollution, especially at night
- changing content will draw more attention to the sign and will further dominate the building
- inconsistent with s.3.16.7.2(3)(a) of DCP which requires the advertising display area to be smaller than the sign it is replacing
- inconsistent with s.3.16.7.2(3)(f) of the DCP which requires a minimum dwell time of 45 seconds per advertisement, whereas a dwell time of 25 seconds is proposed

# Lack of public benefit

- s.3.11(3) of the IESEPP - consent authority must not grant consent unless public will benefit from display of the advertisement
- s.3.16.7 of DCP - 10 per cent of the advertising time is to be available free of cost for use by the City of Sydney
- SEE indicates that 20% of the time is to be shared between Council and community groups, such as Qtopia
- However, a formal Public Benefit Offer letter has not been submitted
- Given the owner has not entered into a Planning Agreement with the City the DA cannot be supported

# Inadequate and insufficient information

- inadequate and insufficient information has been submitted to support the proposed development including:
  - no details to confirm whether Council's owner's consent is required to submit the DA
  - no survey plan
  - incomplete drawings and no details of external finishes
  - no details of the possible advertising content
  - incomplete visual impact assessment
  - incomplete lighting impact assessment

# Recommendation

The application is recommended for refusal