

09032  
19 October 2010

Mr Sam Hadad  
Director-General  
Department of Planning  
GPO Box 39  
SYDNEY NSW 2000

Attention: Daniel Cavallo

Dear Mr Hadad

**MODIFICATION TO MAJOR PROJECT MP09\_0156  
DARLING WALK FIT-OUT OF COMMERCIAL TENANCY AND ERECTION OF SIGNAGE**

We are writing on behalf of the Commonwealth Bank of Australia (CBA), to request that the Minister (or his delegate) modify the Project Application approval MP09\_0156 under section 75W of the *Environmental Planning and Assessment Act 1979* (EP&A Act). This application seeks to allow the installation of a high level building identification sign on the North building's northern facade at Darling Walk, Darling Harbour. Details of the previous project approvals on site are outlined below.

**1.0 BACKGROUND**

In July 2008 the Minister of Planning approved a Concept Plan (MP06\_0054) for the redevelopment of Darling Walk, Darling Harbour. A subsequent Project Application for the bulk excavation and construction of the basement structure and buildings (MP08\_0057), comprising 67,827m<sup>2</sup> GFA of commercial and retail uses and a children's theatre was approved in January 2009.

Since the approval of MP08\_0057, the following applications have been approved by the Department of Planning and City of Sydney Council:

- Development Applications DA 122-08-08 and DA 133-08-08, approved in October and December 2008, for the diversion of the James Street stormwater drain and remediation and piling works on the site;
- MP08\_0093, approved in March 2010, for public domain works. Two section 75W applications have since been lodged for the Harbour Street footbridge and kiosks; and
- MP09\_0156, approved June 2010, included the fit-out of the commercial buildings and building signage.

The CBA and Sydney Harbour Foreshore Authority (SHFA) have had several discussions regarding the proposed logo sign for the Northern facade of the north building. Several designs have been considered including a larger diamond which protruded above the building parapet. However the larger sign was not supported by SHFA due to its size and positioning. Following further consultation with SHFA, the size of the sign has been revised so that it now sits below the building parapet.

## 2.0 PURPOSE OF THE MODIFICATION

This modification application seeks approval for the installation of one additional sign on the northern facade of the North building (refer to **Figure 1**). The application seeks to modify the original Part 3A application and so requires assessment by the Department of Planning.

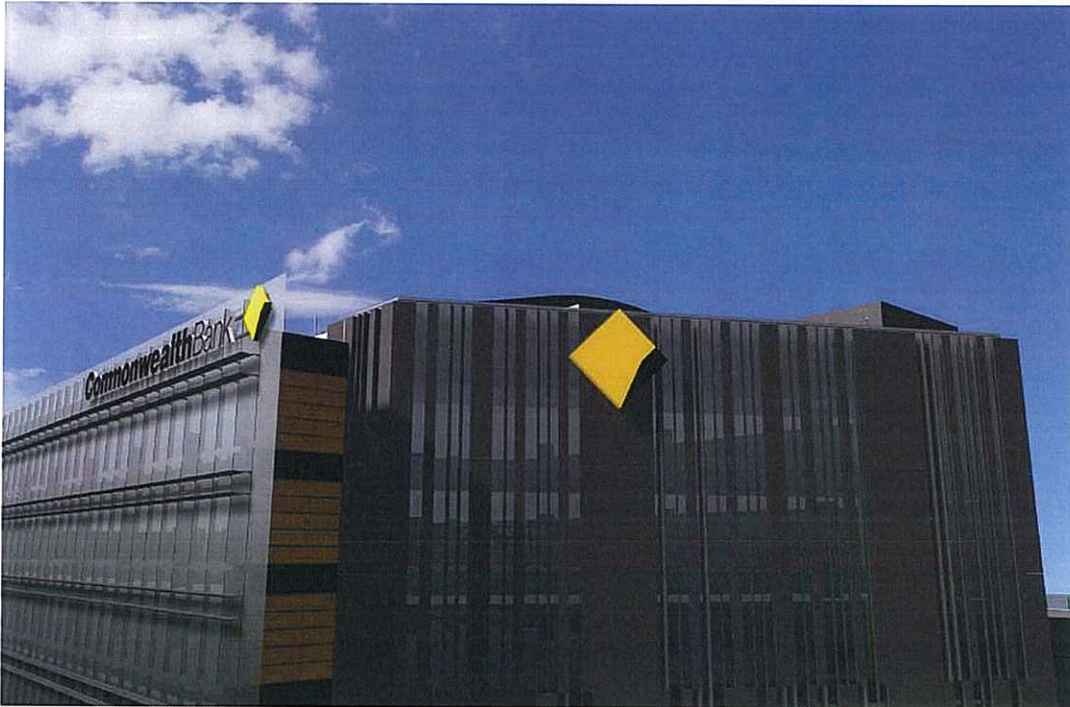


Figure 1 – Photomontage of the proposed building identification sign

## 3.0 PROPOSED MODIFICATION

Plans for the proposed sign have been prepared by Diadem and are provided at **Attachment A**. Approval is sought for the erection of one building identification sign consisting of a single, fabricated aluminium diamond logo that will be internally illuminated. The proposed diamond logo is 3.35m wide and 3.35m high and has an area of approximately 11.2m<sup>2</sup>. The proposed sign does not protrude above the building's parapet, however it will extend beyond the width of the solid vertical panel on the building's facade. The sign is 725mm wider than the panel, resulting an overhang of approximately 362mm on either side of the panel.

The use of the diamond logo in isolation differs from the previously approved signs on the building. The diamond logo is the preferred design for this location, as it avoids repetition and clustering of the approved signage format in this corner of the North building.

To implement the works described above, this application seeks to modify Condition A2 of the original consent for MP09\_0156 as shown below. The proposed amended wording of the relevant conditions is identified below. Words proposed to be deleted are shown in **~~bold strike through~~** and works to be interested are shown in ***bold italics***.

### ***Condition A2 Development in Accordance with Plans and Documentation***

The development shall be in accordance with the following plans, documentation and recommendations made therein:

**A. Environmental Assessment prepared by JBA Urban Planning Consultants on behalf of the CBA dated February 2010, including all appendices and Response to Submissions prepared by JBA Urban Planning Consultants dated 30 April 2010**

**B. Statement of Commitments prepared by JBA Urban Planning Consultants, dated February 2010, contained in Schedule 3 of the Conditions of Approval.**

**C. Architectural (or Design) Drawings Prepared by Bovis Lend Lease as follows:**

Drawing No.	Revision	Name of Plan	Date
08013-DW-DA-GR	02	Level GF	11.02.10
08013-DW-DA-01	02	Level 1	11.02.10
08013-DW-DA-02	02	Level 2	11.02.10
08013-DW-DA-03	02	Level 3	11.02.10
08013-DW-DA-04	02	Level 4	11.02.10
08013-DW-DA-05	02	Level 5	11.02.10
08013-DW-DA-06	02	Level 6	11.02.10
08013-DW-DA-07	02	Level 7	11.02.10
08013-DW-DA-08	02	Level 8	11.02.10
08013-DW-DA-09	02	Level 9	11.02.10
08013-DW-DA-E01	02	Elevations	11.02.10

**D. Architectural (or Design) Drawings prepared by Francis-Jones Morehen Thorp (FJMT) as follows:**

SK1401	-	Level 6 Roof Terrace Sections and Floor Plan	04.02.10
SK1402	-	Level 6 Roof Terrace Perspectives	04.02.10

**E. Signage Drawings prepared by Diadem as follows:**

SIGN_LOC_01b	5	Signage Placement – Signage Location	02.03.2010
SIGN-1-CLOSE-UP-01a	2	South Building: Sign 1 – Close Up	09.12.2009
SIGN-1-NIGHT-01a	2	South Building: Sign 1 – Close Up – Night	09.12.2009
STH_E-01a	1	South East View	18.11.2009
STH_E-02a	1	South East View – Enlarged	18.11.2009
STH-W-01a	1	South West View	18.11.2009
SIGN_1-02	3	South Building – General Arrangements	09.12.2009
SIGN_1-02	1	South Building – Illuminated Letters	28.10.2009
SIGN_1-03	1	South Building – Illuminated Logo	28.10.2009
SIGN-2-CLOSE-UP	1	Sign 2 – Close Up	03.12.2009
SIGN-2-NIGHT-01a	2	Sign 2 – Close Up – Night	02.12.2009
SIGN_2-04	2	South Building – General Arrangements	08.12.2009
SIGN_2-02	1	South Building – Illuminated Letters	28.10.2009
SIGN_2-03	1	South Building – Illuminated Logo	28.10.2009
SIGN-3-CLOSE UP	1	Sign 3 – Close Up	13.12.2009
SIGN-3-NIGHT-01b	3	Sign 3 – Close Up – Night	09.12.2009
SIGN_3-06	2	North Building – General Arrangements	08.12.2009
SIGN_3-02	1	North Building – Illuminated Letters	28.10.2009
SIGN_3-03	1	North Building – Illuminated Logo	28.10.2009
ENTRY_SIGN-01b	3	Entry Signs	09.12.2009

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B. Statement of Commitments prepared by JBA Urban Planning Consultants, dated February 2010, contained in Schedule 3 of the Conditions of Approval.

C. Architectural (or Design) Drawings Prepared by Bovis Lend Lease as follows:

LOC_PLAN-01	1	Sign Locations	19.02.2009
EXT_CFS-01a	1	South Building External Sign	22.02.2010
EXT_COM-01a	1	North Building External Sign	22.02.2010
<b>SIGN_4-CLOSE-UP-01</b>	<b>1</b>	<b>South Building Sign-4-Close-Up</b>	<b>05.11.2009</b>
<b>SIGN_4-ORTHO-UP-01</b>	<b>1</b>	<b>South Building Sign 4 Orthographic View</b>	<b>05.11.2009</b>
<b>S4V2-01</b>	<b>4</b>	<b>Sign 4 – General Arrangement</b>	<b>22.02.2010</b>
<b>S4V2-02</b>	<b>4</b>	<b>Sign 4 – Section Details</b>	<b>22.02.2010</b>
<b>S4V2-03</b>	<b>4</b>	<b>Sign 4 – Frame Structure</b>	<b>22.02.2010</b>

#### 4.0 PLANNING AND ENVIRONMENTAL ASSESSMENT

##### 4.1 Compliance with Relevant Signage Policy and Planning Instruments

The following planning instruments are relevant to the signage:

- Darling Harbour Development Plan;
- State Environmental Planning Policy No. 64 – Advertising and Signage (SEPP 64);
- Darling Harbour Commercial Signage Policy 2009; and
- Darling Harbour Commercial Signage Technical Manual 2009

##### ***Darling Harbour Development Plan No. 1***

The principal environmental planning instrument applying to the site is the Darling Harbour Development Plan No.1 (DHDP). Under clause 6(e) of DHDP, development incident or subsidiary to a permissible use is also allowed. Signage is considered to a permissible use in accordance with clause 6(e). However DHDP does not contain any specific controls or standards in relation to signage.

##### ***State Environmental Planning Policy No 64 – Advertising and Signage***

In accordance with Schedule 3 of the Major Development SEPP, the proposed signage has been assessed against the criteria of State Environmental Planning Policy 64 – Advertising and Signage (SEPP 64). Pursuant to clause 8 of SEPP 64 a consent authority cannot grant consent to a signage application unless the provisions of clause 3(1)(a) and Schedule 1 are satisfied. Amongst other things, SEPP 64 aims to ensure that signage is compatible with the desired amenity of an area, provides effective communication in suitable locations, and is of high quality design. The proposed building identification signage is consistent with the aims of clause 3(1)(a) as it is compatible with the character of the building, ensures that the building can be identified from within the Darling Harbour and surrounding area and is of a high quality design and finish.

An assessment of the proposed logo sign against the criteria set out in Schedule 1 of SEPP 64 is detailed in **Table 1** below.

Table 1 - Assessment against selected criteria of Schedule 1 of SEPP 64

Assessment Criteria	Comments	Compliance
<b>1 Character of the area</b>		
Is the proposal compatible with the existing or desired future character of the area or locality in which it is proposed to be located?	The proposal is consistent with the desired future character of Darling Harbour. The immediate area is characterised by various commercial offices, restaurants, entertainment and exhibition venues.	Yes
<b>2 Special areas</b>		
Does the proposal detract from the amenity or visual quality of any environmentally sensitive areas, heritage areas, natural or other conservation areas, open space areas, waterways, rural landscapes or residential areas?	The proposed sign will not materially affect amenity or visual quality of any significant landscapes or open space areas. In particular, the sign will not detrimentally impact on the foreshore character of the Darling Harbour precinct or nearby residential apartments as the existing local environment includes a variety of signs and is a lit environment at night.	Yes
<b>3 Views and vistas</b>		
Does the proposal obscure or compromise important views?	The proposed sign does not protrude above the parapet of the building and so will not obscure or compromise views.	Yes
Does the proposal dominate the skyline and reduce the quality of vistas?	The proposed sign does not dominate the skyline or reduce the quality of vistas.	Yes
<b>4 Streetscape, setting or landscape</b>		
Is the scale, proportion and form of the proposal appropriate for the streetscape, setting or landscape?	The scale, proportion and form of the sign is appropriate for the setting and the building.	Yes
Does the proposal contribute to the visual interest of the streetscape, setting or landscape?	The proposed sign will provide additional visual interest to the Harbour Street streetscape and will help to identify the Commonwealth Bank's offices.	Yes
Does the proposal protrude above buildings, structures or tree canopies in the area or locality?	The sign will not protrude above the building's parapet. The proposed sign will be mounted on the facade of the building which already protrudes above tree canopies in the area.	Yes
<b>5 Site and building</b>		
Is the proposal compatible with the scale, proportion and other characteristics of the site or building, or both, on which the proposed signage is to be located?	The proposed sign is compatible with the character of the surrounding buildings and of the public domain of Darling Harbour. There is a variety of signage in the Darling Harbour precinct including building naming signs, advertising, sponsor signs and business naming signs.	Yes
Does the proposal respect important features of the site or building, or both?	The proposed sign is complementary to the architectural design of the building.	Yes
<b>7 Illumination</b>		
Would illumination result in unacceptable glare?	Darling Harbour and the CBD are well lit environments at night. The illumination of the proposed sign will not result in unacceptable glare.	Yes

Assessment Criteria	Comments	Compliance
Would illumination affect safety for pedestrians, vehicles or aircraft?	The illumination of the proposed sign will not affect safety for pedestrians, vehicles or aircraft.	Yes
Would illumination detract from the amenity of any residence or other form of accommodation?	The illumination of the proposed sign will not affect the amenity of residents in apartment buildings on the opposite side of Harbour Street.	Yes
<b>8 Safety</b>		
Would the proposal reduce safety for any public road?	The proposed sign does not contain images, flashing lights, movable parts and the like which would impact on road safety. There is a view of the high level signs on the North building for motorists travelling west along the western distributor.	Yes
Would the proposal reduce safety for pedestrians/cyclists?	The location and scale of the proposed sign does not pose any adverse impacts on pedestrian or cyclist safety.	Yes

#### ***Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005***

The REP sets out the objectives and guiding principles for the Sydney Harbour Catchment to which SREP 2005 applies. The REP is now also a deemed SEPP in accordance with recent planning reforms.

Of relevance to the proposed Darling Walk signage, the REP also sets out matters for consideration by a consent authority prior to granting consent to an application within the Foreshore and Waterways Area which includes Darling Harbour. The matters for consideration in the Foreshores and Waterways Area generally relate to biodiversity, ecology, environmental protection, foreshore access and use, views and scenic quality as well as boat storage facilities.

The majority of the matters for consideration are not directly relevant to an application for building signage. In relation to the scenic quality of the foreshore and views, the proposal would not have any adverse impact.

#### ***Darling Harbour Commercial Signage Policy 2009 (DHCSP) and Darling Harbour Commercial Signage Technical Manual 2009 (DHCSTM)***

The Darling Harbour Commercial Signage Policy 2009 (DHCSP) and Darling Harbour Commercial Signage Technical Manual 2009 (DHCSTM) are key policies relevant to any signage application and were prepared by SHFA to:

- outline the general principles for signage strategies for venues in Darling Harbour;
- supplement the provisions of SEPP 64; and
- assist in the assessment of signage development applications.

The DHCSP and DHCSTM set out general principles for the design of signage as well as provisions for sign types. The provisions include controls and objectives in relation to sign purpose, location, number, size, content, design, materials, illumination and materials and fixing.

In accordance with the DHCSP the proposed sign is defined as 'building naming signage' as it is a large, high level sign that can be seen from key approaches. In accordance with the criteria for a building naming sign, it is indicative of the commercial function of the building and identifies the

principal tenant. Compliance of the proposed sign against the relevant criteria from the DHCS and DHCSTM is set out in **Table 2** below.

**Table 2 - Selected Darling Harbour Commercial Signage Policy Provisions**

Assessment Criteria	Comments	Compliance
<b>Common Provisions</b>		
Each building will create and seek approval from the Authority for a building signage strategy relevant to their particular building.	SHFA's approval is being sought as part of this s.75W Modification Application and will be confirmed prior to lodgement with the Department of Planning.	Yes
Signs will contribute to the legibility of Darling Harbour places through the use of clear simple messaging.	The proposed sign will contribute to the legibility of the Darling Walk building, particularly from the CBD and Chinatown.	Yes
Commercial signs will present a high standard of design through careful integration of signage into the building fabric.	The proposed sign is simple, with a high standard of design and is consistent with the proposed building and CBA corporate branding.	Yes
<b>Building Naming Signage Provisions</b>		
The building name must be the building owner of principal tenant.	CBA is the principal tenant.	Yes
Naming signs should be positioned on a parapet or on blank panel elements of the building. In no cases will a 'sky sign' be permitted.	The proposed sign is mounted on a blank vertical panel on the building's facade and does not protrude above the building's parapet.  The proposed logo is not a "sky sign".	Yes
A maximum of two high level (above ground floor) naming signs per building is permitted but only one per frontage and the maximum height of individual capital letters is 1.8m.	There will only be two high level signs on the building and only one sign per frontage.  The height of the diamond logo is 3.35m. There is no restriction on the size of logos.	Yes
Text and logos should be individually mounted, illuminated and raised off the face of the building. Colours can reflect corporate colour scheme.	The logo will be individually mounted, illuminated and raised off the face of the building. The colours of the logo sign are the corporate colours of the CBA.	Yes
A DA is required for building name signage	This s.75W Modification Application satisfies this requirement.	Yes

#### 4.2 Environmental Assessment

The Darling Harbour / CBD fringe area is characterised by buildings of varying built form and function, major transport infrastructure and public domain spaces. The sign is considered appropriate for its function, as it will assist in identifying the building and will not detract from the character of the area.

As outlined above, the proposed sign is compliant with the provisions of SEPP64, the DHCS and DHCSTM. The proposed location of the sign considered appropriate as it does not protrude above the building parapet and is mounted on the blank vertical panel. Whilst the sign extends beyond the vertical panel by a small amount (362mm on either side), this is considered reasonable given the scale of the building and the signs high-level positioning on the building's facade. The sign will have minimal environmental and visual impact.

In accordance with SEPP64, the DHCS and DHCSTM, the sign has been designed so that it is fully contained within the profile of the building so as not to impact on views or vistas beyond the Darling Walk site. In relation to the size of the sign, none of the relevant signage policies contain specific guidelines for the size of logos. In the absence of specific guidelines, consideration has been given to size of other logos in the locality and the Assessment Criteria set out in Appendix 1 of DHCS and DHCSTM. There are other signs and logos of a similar size in the vicinity of the site. Most notably, the proposed Commonwealth Bank logo is consistent with the size of the LG

logo on the IMAX building, and the potential impact is considered to be comparable (refer to **Figure 2**). As indicated on the plans at **Attachment A**, the proposed diamond logo is smaller in area than the existing LG logo on the IMAX building. Similarly, the proposed logo appears to be of a similar size as the Commonwealth Bank sign at Darling Park and the Allianz logo (refer to **Figures 3** and **4**). Given the context of the sign, and the presence of other signs of a similar size in the Darling Harbour precinct, the size of the logo is considered acceptable.

Whilst there will be long distance views of the proposed sign when looking south-east from the Pyrmont Bridge, the visual impact will be no greater than that of the existing LG logo on the IMAX building, nor any other high level building signs in the area. As shown in **Figure 5**, the proposed logo will not be visible from the Cockle Bay promenade on the eastern side of Darling Harbour, nor would the logo be visible from Tumbalong Park or Chinese Gardens when looking north.



**Figure 2** - The location of the proposed sign in relation to the location and scale of the IMAX logo.



**Figure 3** - View of the Commonwealth Bank signage and logo on the existing Commonwealth Bank building



**Figure 4** - View of the Allianz sign and logo at east of Darling Harbour.



**Figure 5** - View of Darling Walk from the eastern side of Darling Harbour

There would be a views of the high level logo sign on the North building for motorists travelling west along the Western Distributor, however the proposed sign does not contain images, flashing lights, movable parts and the like which would impact on road safety. The location and scale of the proposed sign would not also pose any adverse impacts on pedestrian or cyclist safety, nor nearby residential buildings.

We trust this request for a modification contains all the necessary information and can be processed promptly to allow the current construction program to continue unhindered consistent with the original approval.

Should you have any queries about this matter, please do not hesitate to contact me on 9956 6962 or [kosborne@jbaplanning.com.au](mailto:kosborne@jbaplanning.com.au).

Yours sincerely

A handwritten signature in blue ink that reads "K. Osborne". The signature is fluid and cursive, with a long horizontal stroke at the end.

Kirk Osborne  
*Principle Planner*