

Subject: FW: Response to Submissions - Darling Harbour Live Interactive Signage Display System (SSD 7047)

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Dear Michelle,

The City of Sydney (the City) has reviewed the Applicant's Response to Submissions (RtS) for the proposed "Interactive Display System" within the Darling Harbour Live development.

The overwhelming majority of the issues raised within the City have not been addressed or satisfied by the response.

The City's submission and objection still stands. In summary, the City's issues remain:-

- The proposal will lead to unnecessary visual clutter within the precinct through overdevelopment of signage. Overall, the proposal does not demonstrate public benefit and is not in the public interest. In staying steadfast to the proposed signage locations and designs, the signage, if approved, will not resemble human scale in any way and will be a blight on an otherwise generally pleasant contemporary public domain.
- Questionable public benefits arising from the proposal:
 - In this regard, the third-party advertising content allocation for the signage is generally either 50% or 75% depending on the sign. This large-format billboard advertising is not permitted by the City's planning controls. The proposal is an unreasonable request. A reduction in the number and scale of the signage is necessary for greater contextual fit and reduced unnecessary third-party branding. In this regard the Department should not be naïve in its approach to the signage- when in reality what is being proposed is large format 3rd party advertising i.e. Billboards. Notwithstanding should the Department accept the Applicant's advertising content proposals, the impacts the signage should be mitigated through appropriate selection of signage volume, scale and design. Greater free community content should form part of any conditions recommended. The signage should also be turned off at a nominated time.
- Inappropriate use of LED signage for building identification. In this regard, the planning report contends that sign T-09 on the southern elevation of The Theatre, being an LED building identification sign, is supposed to be *"an attractive feature for the people of Sydney and Australia to be proud of"*. This is questionable justification at best for staying with an LED concept when the building can be identified by a conventional backlit or other illuminated sign of lesser environmental impact. The LED sign should not be capable of being used for advertising content, as appears the long term strategy.
- An Independent assessment of the application is necessary as one arm of the NSW Government is determining an application where another arm of the government is raising revenue through "corporate partner" (third party) advertising content. The Applicant's and the government's anticipated financial returns appear to be outweighing reasonable amendments to the development.

The only matters addressed by the RtS are:-

- Confirmation that signs are capable of achieving luminance levels of 2 lux or less at sensitive residential receivers during curfew hours.
- Dwell time for one highly visible sign from the Western Distributor has been increased from 10 seconds to 45 seconds in line with transport agency requirements.

A reduction in size of Sign T-17 has occurred so that it no longer has to address Clause 19 of State Environmental Planning Policy 64. It is noted that the amendment was driven by the Applicant's desire to avoid a compliance issue rather than a reasonable reduction in the bulk and scale of such a prominent sign.

In addition, the City notes that requests made by NSW Planning and Environment to reduce the number and size of signage have not been carried out.

If the Department is minded to determine the application with conditions; it should be noted that there is not a strong track record of either compliance action or the effectiveness of operative conditions for signage. Granting an approval subject to conditions is not as effective a strategy as reductions before a determination through amendments to the development.

The department has stated publically that "Community consultation is an integral part of the planning process and the applicant will have to respond to the feedback we receive ... this feedback is taken into consideration when we develop our recommendations".

The City notes, most alarmingly, that the instrument of delegation (Schedule 4 – Part 1) which is part of this "planning process" means that the City can only make a submission to be 'considered' and that this is in no way determinative (from past experience) and that this does not trigger the need for the proposal to go to the Planning Assessment Commission.

The City notes from previous experience that any advice in regard to planning matters in this location have not been taken into proper consideration by Department staff and have been summarily dismissed owing to "what the Applicant wants" - the City maintains its strong objection to the development.

Regards,

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Planning Assessments



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