

Attachment D

Original Assessment Report

Item 4.**Development Application: 4-6 York Street, Sydney - D/2025/1053****File Number:** D/2025/1053**Summary**

Date of Submission:	29 October 2025
Applicant:	Apparition Media Pty. Ltd.
Architect/Designer:	Rob Pickett Design
Developer:	Apparition Media Pty. Ltd.
Owner:	4 York Street Pty. Ltd.
Planning Consultant:	Keylan Consulting Pty. Ltd.
Heritage Consultant:	James Phillips (Weir Phillips Heritage)
Cost of Works:	\$5,000
Zoning:	SP5 Metropolitan Centre
Proposal Summary:	Consent is sought to install a hand painted advertising sign on the northern elevation of the existing building, measuring 7.2 metres in width and 3.3 metres in height for a period of 5 years, with the sign to change monthly. According to the applicant, at any one time, no more than 5% of the total sign area will contain third party advertisements. Additionally, the sign space will be dedicated to promoting community and charity uses for one month per year. The size of the advertising sign departs by more than 10% from a development standard under State Environmental Planning Policy (Industry and Employment) 2021 which limits the size of wall signs to 20% of the size of an elevation. Whilst the applicant has submitted a document in accordance with 35B of the Regulations relating to a departure from a development standard, the grounds for its proposed departure are not agreed with. The proposed sign is excessive in size and is inconsistent with the

character of the area which seeks to enhance terminating vistas at the southern end of York and Carrington Streets.

Summary Recommendation: This proposal is recommended for refusal.

Development Controls:

- (i) Sydney Local Environmental Plan 2012 (Gazetted 17 October 2012, as amended)
- (ii) Sydney Development Control Plan 2012 (in force on 18 December 2012, as amended)
- (iii) SEPP (Resilience and Hazards) 2021
- (iv) SEPP (Industry and Employment) 2021
- (v) SEPP (Biodiversity and Conservation) 2021

Attachments: (A) Clause 4.6 Variation Request - Wall Advertisements

Recommendation

It is resolved that consent be refused for Development Application Number D/2025/1053.

Reasons for Recommendation

The application is recommended for refusal for the following reasons:

- (A) Based upon the material available to Panel at the time of determining this application, including a document provided pursuant to Regulation 35B of the Environmental Planning and Assessment Regulation 2021, the Council is satisfied that the applicant has not demonstrated that compliance with the development standard in s3.20(2)(b)(iii) of State Environmental Planning Policy (Industry and Employment) 2021 is unreasonable or unnecessary in the circumstances and that there are sufficient environmental planning grounds to justify the contravention of the development standard in accordance with the requirements of clause 4.6(3) of the Sydney LEP 2012. The assessment carried out pursuant to clause 4.6(3) of the Sydney LEP 2012 is as recorded in this report.
- (B) The proposal is inconsistent with the aims of SEPP (Industry and Employment) 2021, as the scale and prominence of the sign are not compatible with the desired visual character of the area and would detract from the terminating vistas of Carrington Street and York Street, undermining the heritage streetscape, the formal park setting of Wynyard Park, and the special character of the precinct, which relies on preserving visual coherence and the prominence of key public domain and heritage elements.
- (C) The application is accompanied by insufficient information to demonstrate Design Excellence.
- (D) The development is not in the public interest.

Background

The Reason the Application is Reported to the Local Planning Panel

1. The application is reported to the Local Planning Panel for determination as it is identified in Schedule 3 of the Local Planning Panels Direction of 3 March 2024 as being within the following category:
 - Departure from Development Standards
2. The development application falls within the category of Departure from Development Standard as it proposes an 82% departure to a development standard contained within s3.20(2)(b)(iii) of SEPP (Industry and Employment) 2022. Specifically, the development standard restricts the maximum advertising area to no more than 20% of the above-ground elevation for wall advertisements.

The Site and Surrounding Development

3. The site has a legal description of Lots 13, 14, 15 and 16 of Section 1 DP 939718, commonly known as 4-6 York Street, Sydney. It is rectangular in shape with area of 599sqm. It has a primary street frontage of 22m to York Street and a secondary street frontage of 25m to Wynyard Street.
4. The site contains a single storey detached building which is currently vacant as well as an at-grade carpark located behind the building.
5. The site sits within the Wynyard and Lang Park Special Character Area which forms a historic and visually cohesive part of Central Sydney, characterised by Victorian-era parkland, consistent urban built form, and a role as a major transport node. The area creates an important northern gateway to the city. The site sits at the southern fringe of Wynyard Park, with the relevant northern elevation of the site being visible from both York and Carrington Streets looking southbound.
6. Sydney Development Control Plan (DCP) 2012 envisages development in this area will reinforce the heritage and public-domain significance of Wynyard Park, Lang Park and St Philip's Church, protecting sun access, key vistas, and the established sense of urban enclosure.
7. One of the principles to guide development is to enhance terminating vistas along Carrington Street and York Street to the south at their corners with Wynyard Street.
8. Current vistas along Carrington and York Streets contain a significant number of digital advertising displays which are placed on the bus shelters located along the Wynyard Park side of the street.
9. The site also sits within the Wynyard Signage Precinct which aims to ensure signage is restrained, supports wayfinding in a major transport interchange, minimises visual clutter, respects heritage significance, and avoids expressive or dynamic content unless it serves a clear civic purpose or achieves design excellence.
10. A site visit was carried out on 5 November 2025. Photos of the site and surrounds are provided below:



Figure 1: Aerial view of site and surrounds



Figure 2: Detailed site plan



Figure 3: Site when viewed from the north side of Wynyard Street (south end of Wynyard Park)



Figure 4: Site when viewed from York Street at Wynyard Park (south end of Wynyard Park)



Figure 5: Terminating vista along York Street



Figure 6: Terminating vista along Carrington Street

History Relevant to the Development Application

Development Applications

11. The following applications are relevant to the current proposal:

- D/2022/1208 - Development consent granted for demolition of the site and construction of a 13-storey mixed use development on site. This consent lapses on 20 December 2029.
- D/2017/954/A - Development consent granted on 28 April 2020 for a modification to condition 2 of the determination notice to allow for a 30-month period, lapsing on 19 May 2021.
- RD/2017/954/A – Development consent granted on 13 November 2018 by the NSW Land and Environment Court for a hand-painted third-party advertising sign on the northern facade of existing single storey commercial building for a period of 18 months, lapsing on 19 May 2020.
- **D/2017/954** – Development consent refused on 6 September 2017 for the installation of painted advertising sign on northern facade of existing single storey commercial building. The determination found the proposal to be inconsistent with the assessment criteria of the relevant SEPP, the LEP and the DCP.

12. The most relevant determination to the current proposal is RD/2017/954/A which was approved by the NSW Land and Environment Court following an appeal.

13. NSW Land and Environment Court determination:

Consent was granted by the NSW Land and Environment Court on 12 November 2018 for a hand-painted third-party advertising sign. In granting consent, the Court placed weight on the following matters:

- (a) Sign area: The size of the sign was originally proposed as 25.92sqm and was reduced to 24.1sqm.
- (b) Restrictions: Approval was granted subject to conditions relating to the time limiting of the consent to 18 months, compliance with a Plan of Management (PoM) and design requirements relating to the content of the sign including a restriction on the size of corporate branding and logos to no more than 5% of the sign area.
- (c) SEPP Assessment: The signage was assessed against clause 22 of State Environmental Planning Policy No 64—Advertising and Signage (2001), including a restriction of a wall sign to no more than 20% of the above ground elevation of a building. The judgement found this control to be a development standard able to be varied through clause 4.6 of the SLEP 2012 and that the applicant's written request adequately demonstrated that compliance would be unreasonable or unnecessary and that there were sufficient environmental planning grounds to warrant a departure from the standard.

- (d) Zoning: The signage was assessed against the objectives of the B8 Metropolitan Zone which the site was then zoned. It was found to be consistent with the zone objectives through the activation of the street frontage and contribution to the diversity of land uses.
- (e) Public Interest: The Court found the sign to be in the public interest, noting that it would present as public artwork, enhance the termination of vistas along Carrington and York Streets and be consistent with the objectives of SEPP 64 and the B8 Metropolitan Centre zone.

14. Relevance of the Court Approval to Current Proposal:

- (a) Sign area: The size of the sign proposed is identical to the area of the Court-approved sign.
- (b) Restrictions: The subject development application is accompanied by a Plan of Management (PoM) which describes the applicant's internal processes for artist selection, artwork production and quality control. While the PoM provides a general overview of how signs are painted and managed by the applicant, it does not include sufficient detail to enable the Panel to be satisfied that the proposed signage would present as public art or achieve a positive planning outcome. The PoM does not include any of the following:
 - (i) Intended nature, theme or artistic intent,
 - (ii) design principles, curatorial framework or assessment criteria,
 - (iii) limits on the extent of corporate logos or branding,
 - (iv) objective metrics to establish that the outcome would be consistent with public art outcomes.
- (c) SEPP Assessment: SEPP 64 was repealed and its contents incorporated into SEPP (Industry and Employment) 2021 which came into force on 2 December 2021. Section 3.20 of State Environmental Planning Policy (Industry and Employment) 2021 is identical in wording to clause 22 of SEPP 64. The subject application proposes an identical departure from the development standard approved by the Court.

The subject application is accompanied by a document submitted pursuant to s35B of the Regulations relating to a departure from a development standard. An assessment of this document has failed to satisfy the Panel of the acceptability of the proposed departure. A full assessment of this document follows within this report.

- (d) Zoning: Since the judgement was issued, the site has been rezoned to SP5 Metropolitan Centre. A comparison between the old and new zone objectives follows:

B8 Metropolitan Zone	SP5 Metropolitan Centre
To recognise and provide for the pre-eminent role of business, office, retail,	To recognise and provide for the pre-eminent role of business, office, retail,

B8 Metropolitan Zone	SP5 Metropolitan Centre
entertainment and tourist premises in Australia's participation in the global economy. • To provide opportunities for an intensity of land uses commensurate with Sydney's global status. • To permit a diversity of compatible land uses characteristic of Sydney's global status and that serve the workforce, visitors and wider community. • To encourage the use of alternatives to private motor vehicles, such as public transport, walking or cycling. • To promote uses with active street frontages on main streets and on streets in which buildings are used primarily (at street level) for the purposes of retail premises.	entertainment and tourist premises in Australia's participation in the global economy. • To provide opportunities for an intensity of land uses commensurate with Sydney's global status. • To permit a diversity of compatible land uses that are characteristic of Sydney's global status and that serve the workforce, visitors and wider community. • To encourage the use of alternatives to private motor vehicles, including public transport, walking and cycling. • To promote land uses with active street frontages within podiums that contribute to the character of the street. • To promote the efficient and orderly development of land in a compact urban centre. • To promote a diversity of commercial opportunities varying in size, type and function, including new cultural, social and community facilities. • To recognise the important role that central Sydney's public spaces, streets and amenity play in a global city. • To promote the primary role of the zone as a centre for employment and permit residential accommodation and serviced apartments where the accommodation complements employment-generating land uses.

The Court judgement found the proposal to be consistent with the objectives of the zone through activation of the streetscape and contribution to a diversity of uses within the zone. The subject application remains consistent with the objectives which applied to the B8 zone and is not inconsistent with new objectives which apply to the SP5 zone.

- (e) Public Interest: The Court judgement relied heavily on several restrictions and limitations to the signage. Central to the Court's findings was that the sign would present predominantly as public art rather than as conventional third-party advertising. This is demonstrated in the judgement's reference to the hand-painted nature of the signage, limitation of corporate branding and expectation of high-quality artistic outcomes that would enhance the terminating vistas from Carrington and York Streets.

The subject development application differs materially from the previous judgement. While a PoM has been submitted, it does not include enforceable restrictions or assessment criteria that would ensure signage presents as public art. Further, in considering the weight to be afforded to the applicant's PoM, it is relevant to note the realised outcomes of the previously approved signage under RD/2017/954/A. Photographic evidence of some of the installed signage (shown below) indicates that the final outcome did not consistently and clearly reflect the attributes relied upon by the Court, including presentation as public art, a discernible hand-painted quality when viewed from a distance, and a clear distinction from conventional third-party advertising.



Figure 7: Advertisement - March 2019



Figure 8: Advertisement - May 2019

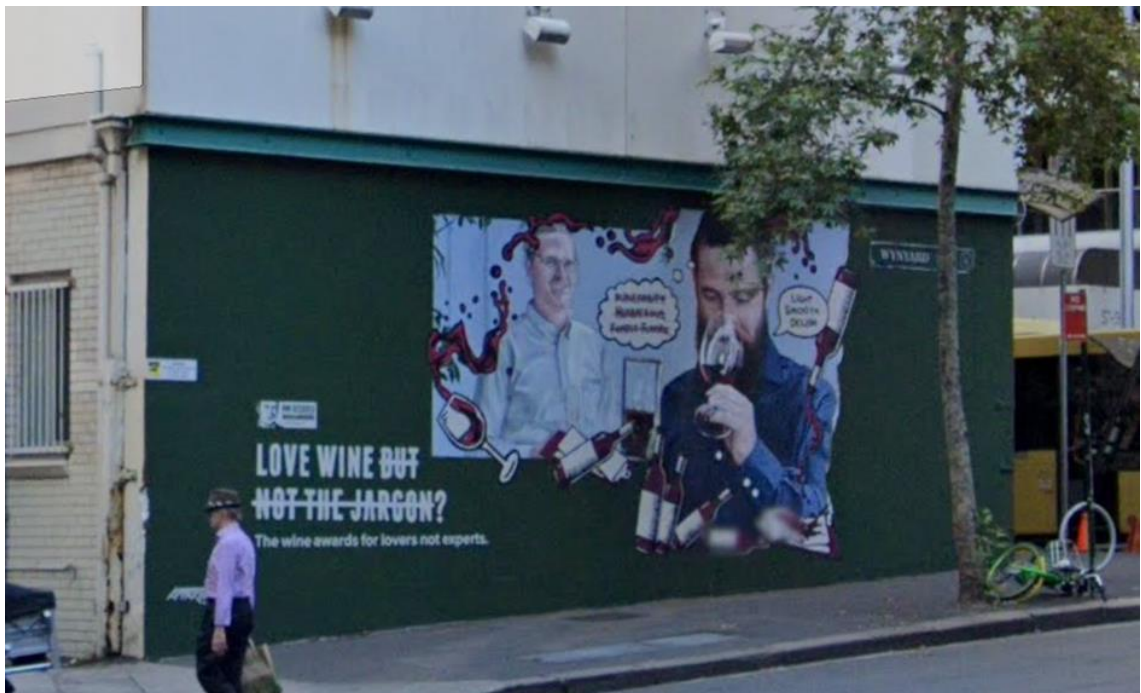


Figure 9: Advertisement - March 2020



Figure 10: Advertisement - January 2021



Figure 11: Advertisement - March 2021



Figure 12: Advertisement - May 2021

While the Court's approval was contingent on strict limitations and controls to secure a positive public domain outcome, the observed implementation demonstrates the limitations of relying on broad management measures and the ability of a month-by-month change of signage to maintain a high-standard of urban design. In this context, and noting the same applicant is involved, the absence of detailed and enforceable controls in the current PoM undermines confidence that the subject proposal would achieve the public interest outcomes asserted and supports the conclusion that the proposal is unsuitable.

Compliance Action

15. The site has previously been subject to several complaints relating to graffiti and bill posting along the north elevation of the building, but no compliance action has been initiated. Signage continued to be displayed once the consent granted by the Court had lapsed, and only ceased once Council issued a letter to the owner notifying them of the lack of consent for signage.

Proposed Development

16. The application seeks consent for the following:
 - Installation of a hand-painted advertising sign with an area of 24.1sqm on the north elevation of the existing building on site, for a 5-year period. The sign is proposed to be subject to the following limitations:
 - no more than 5% of the sign's area would contain third-party advertisements (corporate markings, logos, branding, etc)
 - maintenance in accordance with a plan of management

- use of the space will be dedicated to a community or charity use for 1 month of each year (8.3% of the time)

17. An elevation of the proposed development is provided below.

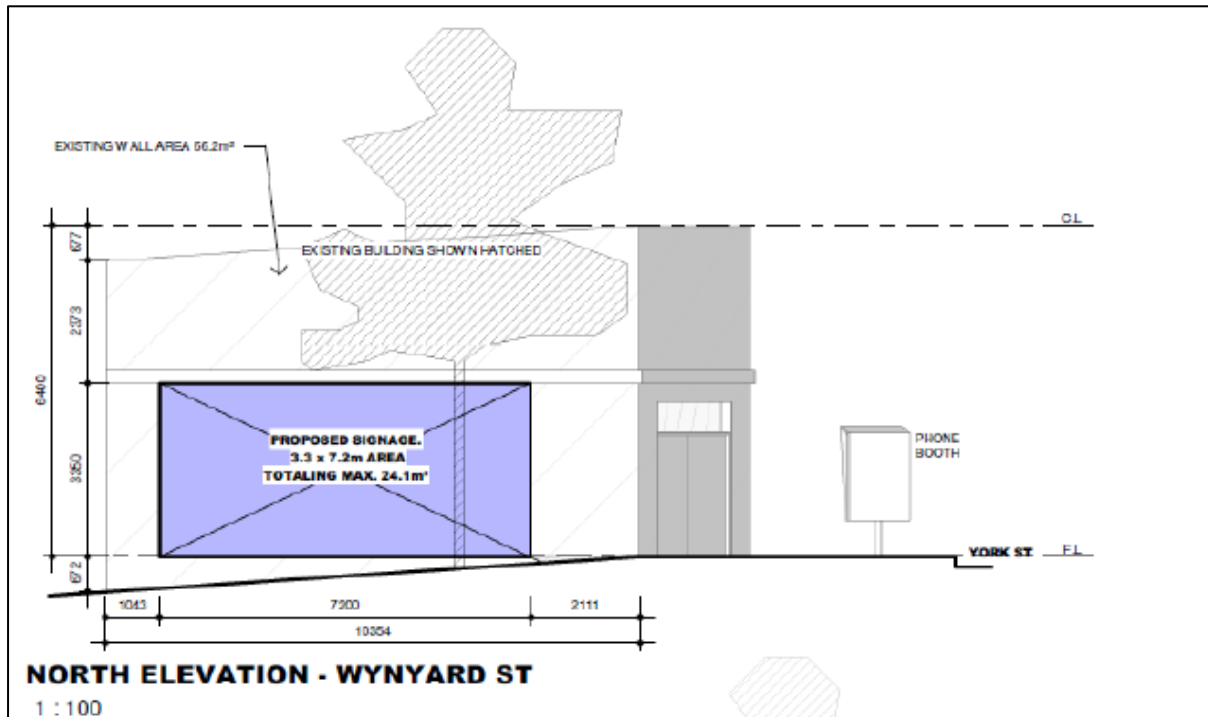


Figure 13: Proposed North Elevation

Assessment

18. The proposed development has been assessed under Section 4.15 of the Environmental Planning and Assessment Act 1979 (EP&A Act).

State Environmental Planning Policies

State Environmental Planning Policy (Resilience and Hazards) 2021 – Chapter 4 Remediation of Land

19. The aim of SEPP (Resilience and Hazards) 2021 – Chapter 4 Remediation of Land aims to promote the remediation of contaminated land for the purpose of reducing the risk of harm to human health or any other aspect of the environment.
20. No change of land use or earthworks are proposed, and the site is considered suitable for the proposed use in its current state.

State Environmental Planning Policy (Industry and Employment) 2021 – Chapter 3 Advertising and Signage

21. The aims of SEPP (Industry and Employment) 2021 – Chapter 3 Advertising and Signage are in part to ensure that outdoor advertising is compatible with the desired amenity and visual character of an area, provides effective communication in suitable locations and is of high-quality design and finish.

22. The proposal is subject to consideration of Chapter 3 as it is signage which is visible from any public place.
23. S3.6 prohibits the consent authority from granting consent for signage unless the signage is consistent with the objectives set out within Chapter 3 and unless the signage satisfies the assessment criteria specified in Schedule 5.
24. S3.8 prohibits signage on land zoned for open space. The site is zoned SP5 Metropolitan Centre under SLEP 2012. The signage would face land zoned RE1 Public Recreation, being Wynyard Park, but does not sit on land zoned for open space.
25. S3.20 relates specifically to wall advertisements, which is the type of advertisement proposed through the subject application. The section restricts the size of a wall advertisement to no more than 20% of an elevation area in the case of a ground elevation of less than 100sqm. The subject north elevation of the structure on site is 66.2sqm. As a result, the maximum area of a sign on this elevation is 13.24sqm. The proposed signage has an area of 24.1sqm, representing an 82% departure from the development standard. The applicant has submitted a document in accordance with s35B of the regulations seeking to justify this departure. This document is addressed in detail further within this report.
26. The proposal complies with all other restrictions imposed by s3.20 of SEPP (Industry and Employment) 2021.
27. The proposed signage has also been considered against the assessment criteria set out in Schedule 5 is provided in the table below:

Provision	Compliance	Comment
1. Character of the area	No	The signage is not consistent with the character of the Special Character Area within which it is located (refer below). The relevant controls seek to enhance terminating vistas at the end of Carrington Street.
2. Special areas	No	The proposed sign would be visually prominent within views from the southern termini of York and Carrington Streets (figures 5 and 6) and would detract from the terminating vistas, resulting in an outcome inconsistent with the Wynyard Park/Lang Park Special Character Area which is defined by its heritage buildings, formal Victorian park layout, and strong urban enclosure, where advertising should be carefully designed to avoid detracting from the park's greenery, the historic streetscape, and the prominence of surrounding heritage elements.

Provision	Compliance	Comment
3. Views and vistas	No	The SEPP refers to the management of important views and vistas, and while the proposed sign would not dominate the skyline or affect the viewing rights of other advertisers, the terminating vistas along Carrington and York Streets are identified in the DCP as a key element of the area's character. As such, the sign is inconsistent with the desired outcome for these vistas, interrupting the visual focus and detracting from the heritage and public domain qualities that define the Wynyard Park/Lang Park Special Character Area.
4. Streetscape, setting or landscape	No	The signage would be out of scale with other advertising structures in the area, being substantially larger than the digital displays adjacent the bus shelter infrastructure on York and Carrington Streets.
5. Site and building	No	The lack of clarity on the artistic merit of the signage demonstrates that the advertisement is unlikely to exhibit innovation or imagination in relationship to the site.
6. Associated devices and logos	Yes	Not applicable.
7. Illumination	Yes	The signage is not proposed to be illuminated.
8. Safety	Yes	The proposed signage will not reduce the safety for pedestrians, cyclists or vehicles on public roads or areas.

28. The proposed signage is inconsistent with aim (i) of Chapter 3 in that its size is inconsistent with the existing and desired future character of the area. The area contains several other advertising structures, all of which are of generally consistent sizing and compositions. The uncertain nature of the artistic merit and composition of the signage proposed prohibits acceptance that the signage would be of high quality design and finish, demonstrating a failure to adhere to aim (iii).
29. The proposal fails to comply with the maximum permitted size of an advertising sign for the site and as outlined within this report, the accompanying document submitted pursuant to s35B of the Regs fails to demonstrate that the departure would result in a suitable planning outcome.

30. The proposal, being inconsistent with the aims of Chapter 3 and failing to comply with s3.20(2)(b)(iii) is therefore not supported.

Sydney Environmental Planning Policy (Biodiversity and Conservation) 2021 – Chapter 2 (Vegetation in Non Rural Areas) 2017

31. No removal of vegetation is proposed, and the application is consistent with the aims of Chapter 2.

Sydney Environmental Planning Policy (Biodiversity and Conservation) 2021 – Chapter 6 Water Catchments

32. The site is located within the designated hydrological catchment of Sydney Harbour and is subject to the provisions of the above SEPP. The SEPP requires the Sydney Harbour Catchment Planning Principles to be considered in the carrying out of development within the catchment.
33. The site is within the Sydney Harbour Catchment and eventually drains into Sydney Harbour. However, the site is not located in the Foreshores Waterways Area or adjacent to a waterway and therefore, with the exception of the objective of improved water quality, the objectives of the SEPP are not applicable to the proposed development.

Local Environmental Plans

Sydney Local Environmental Plan 2012

34. An assessment of the proposed development against the relevant provisions of the Sydney Local Environmental Plan 2012 is provided in the following sections.

Part 2 Permitted or prohibited development

Provision	Compliance	Comment
2.3 Zone objectives and Land Use Table	Yes	The site is in the SP5 Metropolitan Centre zone. The proposed development is defined as an advertisement and is permissible with consent in the zone. The proposal is generally consistent with objectives of the zone.

Part 4 Principal development standards

Provision	Compliance	Comment
4.6 Exceptions to development standards	No	The proposed development seeks to vary the development standard prescribed under s3.20 of SEPP (Industry and Employment) 2021. A document in accordance with s35B of

Provision	Compliance	Comment
		the Regulations has been submitted with the application. See further details in the 'Discussion' section below.
6.21C Design Excellence	No	Development consent must not be granted unless, in the opinion of the consent authority, the proposed development exhibits design excellence. In the absence of information relating to the intended nature, theme or artistic intent of the sign, it cannot be considered to demonstrate design excellence. See further details in the 'Discussion' section below.

Development Control Plans

Sydney Development Control Plan 2012

35. An assessment of the proposed development against the relevant provisions within the Sydney Development Control Plan 2012 is provided in the following sections.

Section 2 – Locality Statements

36. The site is located within Central Sydney, specifically the Wynyard Park / Lang Park Special Character Area. The proposed development is not in keeping with the unique character and the design principles of the locality.
37. Of note is principal (e) of the locality statement which directs development to enhance the terminating vistas along Carrington Street and York Street to the south at their corners with Wynyard Street (Figures 5 and 6). This proposed advertising sign would be excessively visible to southbound pedestrian traffic along Carrington Street and York Street and would not result in a suitable termination of the vista owing to the scale of the proposal as well as its unknown contents.

Section 3 – General Provisions

Provision	Compliance	Comment
3.9 Heritage	Yes	The application is accompanied by a Heritage Impact Statement which outlines the items of heritage significance within the vicinity of the proposal.

Provision	Compliance	Comment
		The site is adjacent to a state heritage item at 341 George Street, known as the Bank of NSW former head office (I1769). This item is described as an exceptional item of cultural significance within its Conservation Management Plan (2003) with its exterior also being declared an exceptional level of significance as it is intact. An approximately 14m separation distance would exist between the heritage item and the proposed advertisement. Given the commercial nature of the area, the separation distance and the expected contents of the advertisement, the proposal would not detrimentally impact on the heritage value of any of the nearby properties.
3.16 Signage and Advertising	No	See discussion below.

Discussion

Clause 4.6 Request to Vary a Development Standard

38. The site is permitted a maximum wall sign area of 20% of the relevant elevation of the building in accordance with s3.20(2)(b)(iii) of SEPP (Industry and Employment) 2021. The northern elevation of the building has an area of 66.2sqm, which would permit a wall sign of 13.24sqm. The proposed development includes a wall sign with an area of 24.1sqm which equates to 36% of the elevation area, or an area 10.86sqm larger than permitted, representing a departure of 82% to the standard.
39. A document pursuant to s35B of the Regulations has been submitted to Council seeking to justify the contravention of the development standard by demonstrating that:
 - (a) compliance with the development standard is unreasonable or unnecessary in the circumstances of the case, and
 - (b) there are sufficient environmental planning grounds to justify contravening the standard

Applicant's Document - Clause 4.6(3)(a) and (b)

40. The applicant seeks to justify the contravention of the development standard on the following basis:
- (a) That compliance with the development standard is unreasonable or unnecessary in the circumstances of the case:
 - (i) Wehbe Test 1: The objectives of the standard are achieved notwithstanding non-compliance with the standard:
 - (ii) There are no objectives relevant to the control. The proposal is consistent with the aims of Chapter 3 of the SEPP, providing a visual point of interest at the termination of a vista along Carrington Street.
 - (iii) Wehbe Test 2: The underlying objective or purpose of the standard is not relevant to the development and therefore compliance is unnecessary:
 - (iv) The control seeks to restrict the size of signage on an elevation to an area that is proportionate to the elevation. While proposing a variation to this restriction in area, the document argues that the proposal will provide a better urban design outcome than a compliant sign.
 - (v) Wehbe Test 3: The underlying object or purpose would be defeated, thwarted or undermined if compliance was required and therefore compliance is unreasonable:
 - (vi) Compliance with the control would thwart the proposal's ability to comply with objectives of SEPP (Industry and Employment) 2021 through a restriction in size of the sign which would leave much of the elevation of the building blank, despite the elevation being at ground level in a highly pedestrianised environment which would otherwise benefit from activation of the visual realm.
 - (b) That there are sufficient environmental planning grounds to justify contravention of the standard:
 - (i) The activation generated by the advertisement of a currently underutilised elevation in a heavily pedestrianised environment is consistent with objective 6 of the SP5 Metropolitan Centre zone which seeks to promote the efficient and orderly development of land in a compact urban centre.

Consideration of Applicant's Document - Clause 4.6 (3)

41. Development consent must not be granted unless the consent authority is satisfied that that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case, and that there are sufficient environmental planning grounds to justify contravening the standard.

Does the document adequately address those issues at Clause 4.6(3)(a)?

42. The document argues that compliance is unreasonable or unnecessary due to the proposal satisfying three (3) elements of the Wehbe Test as discussed above. These are inadequately addressed in the following ways:
- (a) Wehbe Test 1: The objectives of the standard are achieved notwithstanding non-compliance with the standard:

- (b) The lack of objectives of the development standard does not negate the need to comply with the standard. The proposal is inconsistent with aim (1)(a)(i) of 3.1 of SEPP (Industry and Employment) 2021 in that the proposed sign would negatively impact the amenity and visual character of the area, with views from Carrington and York Streets both terminating at the site.
 - (c) Wehbe Test 2: The underlying objective or purpose of the standard is not relevant to the development and therefore compliance is unnecessary:
 - (d) The underlying purpose of the development standard is to limit the coverage of walls by advertisements so that they are proportionate to the elevation. The applicant argues that a compliant sign would leave much of the elevation blank, which is the aim of the restriction on the size of advertising permitted. Failure to adhere to the restriction demonstrates that the advertisement is disproportionate in scale and would dominate the northern elevation of the building, resulting in unreasonable impacts on the terminating vistas from Carrington Street and York Street.
 - (e) Wehbe Test 3: The underlying object or purpose would be defeated, thwarted or undermined if compliance was required and therefore compliance is unreasonable:
 - (f) A compliant design would achieve similar outcomes as the proposed design, allowing for the provision of advertising along a blank wall within a high pedestrian activity area.
43. The document inaccurately lists the departure from the standard as 16%.
44. The document inaccurately lists the height of building control as the control sought to be varied.

Conclusion

45. The Panel cannot be satisfied that the applicant has demonstrated that compliance with s3.20(2)(b)(iii) of State Environmental Planning Policy (Industry and Employment) 2021 is unreasonable or unnecessary in the circumstances and that there are sufficient environmental planning grounds to justify the contravention of the development standard in accordance with the requirements of clause 4.6(3) of the Sydney LEP 2012.

SDCP - Section 3.16.12.4 Wynyard Signage Precinct

46. Signage in this precinct should be restrained and carefully designed to support its role as a major transport interchange, reinforce clear wayfinding, and respect the heritage significance and setting of surrounding items. Any signage must minimise visual clutter, complement nearby heritage buildings, and avoid dynamic content unless it is directly associated with a civic or public interest use or demonstrably achieves design excellence.
47. While not using dynamic content, the proposed sign is inconsistent with the expected outcome for the precinct in that regardless of its artistic treatment or merit, the advertisement would be distracting from the precinct where signage is to be minimised to highlight the heritage significance of surrounding buildings.
48. Signage within the precinct must also demonstrate design excellence in accordance with cl. 3.16.6.2.

49. The proposed sign does not demonstrate design excellence when assessed against relevant controls as there is insufficient information to persuade the consent authority that the sign would enhance the streetscape or architecture of the host building or nearby buildings. Without an artistic concept, colours materials, or palette, the sign cannot be shown to positively contribute to the public domain or differentiate itself from a standard printed third-party advertisement. This is inconsistent with the expected outcome within the Wynyard Signage Precinct and within the Sydney CBD overall, where a high standard or urban design and visual appeal are anticipated.
50. The application fails to demonstrate creativity, innovation or artistic quality as required. The PoM does not provide any objective framework to ensure high quality outcomes which is especially concerning given the monthly changes to the sign proposed. There is no assurance that on any month-to-month basis, a high-quality, artistically worthy design can be delivered as has been previously demonstrated in Figures 7-12.
51. The proposal does not meet the threshold to demonstrate design excellence necessary to justify its form, function, location or size within the Wynyard Signage Precinct.

SDCP - Section 3 - cl. 3.16.7 Advertising structures and third-party advertisements.

52. The DCP restricts new third-party advertisement signs except in the following circumstances:
 - Whether the sign is advertising a civic or community event in the City of Sydney area.

Comment: The advertisement will not include details for a civic or community event within the city area. The applicant's Statement of Environmental Effects notes that for one month of the year the signage would promote a community or charity use but does not indicate that this use would cover events. Rather, the SEE refers to long-standing relationships with the not-for-profit sector and groups like the Red Cross. Promotion of a charity or community group is not advertising for a civic or community event.
 - Whether the sign can be considered as public art in accordance with the City's policies in relation to public art.
 - Comment: Due to the private nature of the proposal, it cannot be classified as public art. The application posits that its hand-painted nature and artistic merit support its inclusion as quasi-public art.

- While the PoM provides a general overview of how signs are painted and managed, it does not include sufficient detail to allow Panel to be satisfied that the proposed signage would present as public art or achieve a positive planning outcome. Key information is missing regarding the intended artistic concept, theme, or curatorial intent of the signage, and the PoM does not describe how artists would be selected, what criteria would guide that selection, or how the quality of the artwork would be assessed. Clear selection criteria and a defined process are essential to ensure that each iteration of the sign consistently meets a high standard of public art, particularly given the temporary nature of the signage and the proposal to change the artwork monthly. Without these safeguards, there is no certainty that the sign would maintain artistic integrity over time, and there is a risk that commercial or promotional elements could dominate, undermining the intended public art outcome and the character of the area.

- Whether the signs are consistent with the provisions for signage in this DCP;

Comment: Wall signs are permitted by the DCP where they are on blank side elevations and improve the elevation and contribute to the public domain. The subject advertisement is on a blank side elevation, but the proposal includes insufficient information to demonstrate that the signage would contribute to an improvement of the public domain by way of artistic merit or visual interest.

The proposed sign complies with the maximum height above ground level of 4.5m, being 4m in height.

- Whether part of the sign occupied by corporate markings, logos, branding or similar is not more than 5% of the total sign area;
- Comment: The application's Statement of Environmental Effects notes that a maximum 5% of the sign would be dedicated to markings, logos, branding or similar, however, previous instances of signage at this location as shown within this report demonstrate (Figures 7-12) that this restriction has not always been complied with.
- Whether the number of existing signs on the site and in the vicinity do not cumulatively create unacceptable visual clutter;
- Comment: No advertisement currently exists on the north elevation though the area already contains several advertising structures as shown in Figures 5 and 6.
- Whether the sign is associated with the surrender of a consent for an existing sign on a heritage item or on a contributory building in a heritage conservation area.
- Comment: Not applicable.

53. While the previous appeal (RD/2017/954/A) relied on the expert testimony of Council's and the Applicant's planners that the proposal was consistent with the DCP, there was no certainty within the judgement that the DCP was complied with. Further the judgement was reached with the aid of a more thorough proposal with clearer guidelines around the form and content of the signage proposed. In this instance, insufficient information has been provided to demonstrate that compliance with the relevant criteria of the DCP can be achieved.

54. A new third-party advertisement is not permitted in this instance.

Advertising and Notification

55. In accordance with the City of Sydney Community Participation Plan 2019, the proposed development was notified for a period of 14 days between 11 November 2025 and 16 November 2025. A total of 107 properties were notified and no submissions were received.

Financial Contributions

Levy under Section 61 of the City of Sydney Act 1988

56. The cost of the development is below \$200,000. The development is therefore not subject to a levy under the Central Sydney Development Contributions Plan 2013.

Levy under Section 7.12 of the Environmental Planning and Assessment Regulation 2000

57. The Central Sydney Development Contributions Plan 2020 applies to the site. However, as the cost of the development is less than \$250,000, a contribution is not payable.

Housing and Productivity Contribution

58. The development is not subject to a Housing and Productivity Contribution under the Environmental Planning and Assessment (Housing and Productivity Contribution) Order 2023.
59. While the site is located with the Greater Sydney region, the development is [not a type of development to which the Housing and Productivity Contribution applies.

Relevant Legislation

60. Environmental Planning and Assessment Act 1979.

Conclusion

61. The application is recommended for refusal as it proposes a new third-party advertisement sign without exceptional circumstances, and proposes a departure from a development standard without demonstrating that compliance is either unreasonable or unnecessary or that there are sufficient environmental planning grounds to warrant the departure.

ANDREW THOMAS

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