

1 July 2026

At 5.00 pm

Local Planning Panel



Agenda

- 1. Disclosures of Interest**
- 2. Confirmation of Minutes**
- 3. Review of Determination: 4-6 York Street, Sydney - RD/2025/1053/A**



As part of our democratic process, the City invites members of the community to speak directly to Members of the Local Planning Panel (LPP) about items on a meeting agenda.

Webcast

In accordance with the *Environmental Planning and Assessment Act 1979* and the *City of Sydney Local Planning Panel Operational Procedures*, LPP meetings are audio visually recorded and webcast live on the City of Sydney website at www.cityofsydney.nsw.gov.au.

Members of the public attending a LPP meeting may have their image, voice and personal information (including name and address) recorded, publicly broadcast and archived.

Consent

By attending a LPP meeting, members of the public consent to this use of their image, voice and personal information.

Disclaimer

Statements made by individuals at a LPP meeting, and which may be contained in a live stream or recording of the meeting are those of the individuals making them, and not of the City/LPP. To be clear, unless set out in a resolution, the City/LPP does not endorse or support such statements.

The City/LPP does not accept any liability for statements made or actions taken by individuals during LPP meetings that may be contrary to law, including discriminatory, defamatory or offensive comments. Such statements or actions are not protected by privilege and may be the subject of legal proceedings and potential liability, for which the City/LPP takes no responsibility.

To enable the LPP to hear a wide range of views and concerns within the limited time available, we encourage people interested in speaking at meetings to:

1. Register to speak by calling Secretariat on 9265 9702 or emailing secretariat@cityofsydney.nsw.gov.au before 10.00am on the day of the meeting.
2. Check the recommendation in the LPP report before speaking, as it may address your concerns so that you just need to indicate your support for the recommendation.
3. Note that there is a three minute time limit for each speaker and prepare your presentation to cover your major points within that time.
4. Avoid repeating what previous speakers have said and focus on issues and information that the LPP may not already know.
5. If there is a large number of people interested in the same item as you, try to nominate three representatives to speak on your behalf and to indicate how many people they are representing.

At the start of each LPP meeting, the Chair may re-order agenda items so that those items with speakers can be dealt with first.

LPP reports are on line at www.cityofsydney.nsw.gov.au

Item 1.

Disclosures of Interest

In accordance with section 4.9 of the Code of Conduct for Local Planning Panel Members, all Panel members are required to sign a declaration of interest in relation to each matter on the agenda.

Pursuant to the provisions of Clause 15 of Schedule 4B of the Environmental Planning and Assessment Act 1979, members of the Local Planning Panel are required to disclose pecuniary interests in any matter on the agenda for this meeting of the Local Planning Panel.

Panel members are also required to disclose any non-pecuniary interests in any matter on the agenda for this meeting of the Local Planning Panel.

In both cases, the nature of the interest must be disclosed.

Item 2.

Confirmation of Minutes

Minutes of the following meeting of the Local Planning Panel, which have been endorsed by the Panel Members and Chair of that meeting, are submitted for noting:

Meeting of 10 June 2026

Item 3.**Review of Determination: 4 - 6 York Street, Sydney: RD/2025/1053/A****File Number:** RD/2025/1053/A**Summary****Date of Submission:** 29 April 2026**Applicant:** Apparition Media Pty. Ltd.**Architect/Designer:** Rob Pickett Design**Developer:** Apparition Media Pty. Ltd.**Owner:** 4 York Street Pty. Ltd.**Planning Consultant:** Sammy Hamilton
Keylan Consulting Pty. Ltd.**Heritage Consultant:** James Phillips
Weir Phillips Heritage**Cost of Works:** \$5,000.00**Zoning:** SP5 Metropolitan Centre**Proposal Summary:** Section 8.2 review of determination regarding a hand painted advertising sign on the northern elevation of the existing building.

The original development application was refused by the Local Planning Panel at its meeting on 4 February 2026. The area of the proposed advertising sign has been reduced to comply with the relevant development standard in SEPP (Industry and Employment) 2021 and no longer requires a written clause 4.6 variation request.

In accordance with the provisions under Section 8.2 of the Environmental Planning and Assessment Act 1979, the review of determination must also be determined by the Local Planning Panel.

Summary Recommendation: The development application is recommended for approval, subject to conditions.

Development Controls:

- (i) Sydney Local Environmental Plan 2012 (Gazetted 14 December 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. Recommended Conditions of Consent
- B. Selected Drawings
- C. Plan of Management
- D. Original Assessment Report
- E. Original Resolution of Local Planning Panel

Recommendation

It is resolved that consent be granted to Development Application Number RD/2025/1053/A subject to the conditions set out in Attachment A to the subject report.

Reasons for Recommendation

The application is recommended for approval for the following reasons:

- (A) The development, subject to conditions, is consistent with the objectives of the SP5 Metropolitan Centre zone.
- (B) The development responds appropriately to the scale of the subject site.
- (C) The development will not unreasonably compromise the amenity of nearby properties or public spaces.
- (D) The development accords with objectives of relevant planning controls.

Background

The Reason the Application is Reported to the Local Planning Panel

1. This application is required to be determined by the City of Sydney Local Planning Panel in accordance with section 8.3(4)(a) of the Environmental Planning and Assessment Act 1979, as the original development application was identified in Schedule 3 of the Local Planning Panels Direction (3 March 2024), and section 8.3(1A) of the Act requires that the review be undertaken by the same body that made the original determination.
2. The original application was identified in Schedule 3 of the Local Planning Panels Direction of 3 March 2024 as being within the following category:
 - (a) Departure from Development Standards
3. The original development application fell within the category of Departure from Development Standard as the advertising signage proposed departed by more than 10% from a development standard contained within State Environmental Planning Policy (Industry and Employment) 2021 which limits the size of wall signs to 20% of the size of a building elevation.

The Site and Surrounding Development

4. 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 an area of 599 sqm. It has a primary street frontage of 22m to York Street and a secondary street frontage of 25m to Wynyard Street.
5. The site contains a single storey detached building which is currently vacant as well as an at-grade carpark located to the building's east.
6. 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 Wynyard Park as well as both York and Carrington Streets looking southbound.
7. Sydney Development Control Plan (DCP) 2012 envisages that 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.
8. One of the principles to guide development in this area is to enhance terminating vistas along Carrington Street and York Street to the south at their corners with Wynyard Street.
9. 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 sides of the streets.
10. 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.

11. Photos of the site and surrounds are provided below.

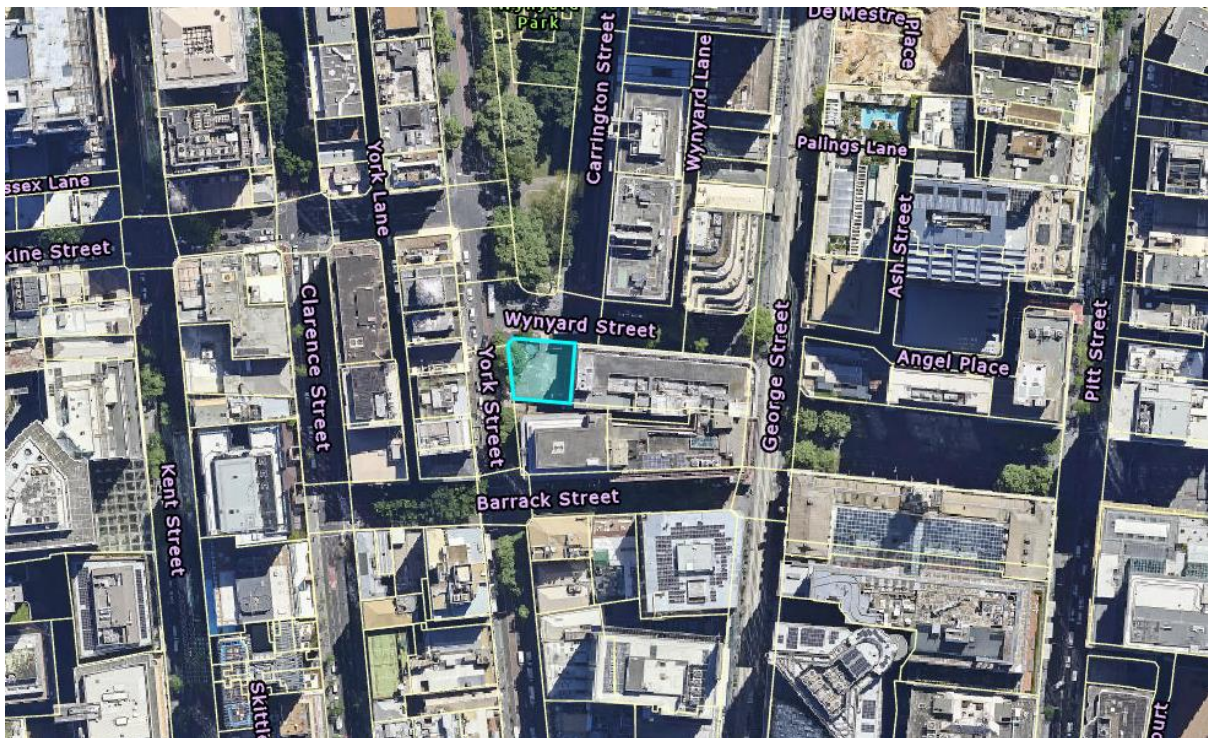


Figure 1: Aerial view of site and surrounds



Figure 2: Site viewed from the north



Figure 3: Site viewed from the northeast

History Relevant to the Development Application

Development Applications

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

- D/2025/1053 - Development consent was refused by the Local Planning Panel on 4 February 2026 for the installation of 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.
- D/2022/1208 - Development consent was granted by Council 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 was granted by Council 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 was granted by the NSW Land and Environment Court on 13 November 2018 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 was refused by Council 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.
13. The site has an established history of applications for third-party advertising signage. Notably, consent was granted by the NSW Land and Environment Court in November 2018 (RD/2017/954/A) for a hand-painted wall advertisement on the northern elevation, subject to stringent controls relating to sign size, content, management and a time-limited approval. That decision followed earlier refusals and was supported by a Clause 4.6 variation to permit a departure from the maximum sign area, with the Court finding that, under those particular controls, the proposal would read as public art, enhance terminating vistas and be in the public interest.
14. More recently, Development Application D/2025/1053 proposed an advertising sign and relied on a further variation to the applicable development standard for sign area. That application was refused by the Local Planning Panel, with primary concerns relating to the excessive scale of the signage, the reliance on an unjustified development standard variation, and the absence of sufficient controls to ensure an appropriate design outcome, resulting in adverse impacts on visual character and the public interest.
15. The current review of this determination relates to a materially amended proposal which directly addresses the reasons for the prior refusal while remaining substantially the same development. The signage has been reduced in scale to achieve full compliance with the applicable development standards under SEPP (Industry and Employment) 2021, thereby removing the need for any variation to the maximum sign area.
16. In addition, the application is supported by a revised and strengthened Plan of Management (POM), which provides a framework for the design, curation, delivery and ongoing management of the advertising signage. The updated POM introduces clearer requirements for design quality, limits on branding presence, and formalised review and compliance mechanisms aligned with consent conditions.
17. Having regard to these amendments, while the current proposal is substantially the same as the original (being a hand painted advertising sign on the north facade of the building), the changes result in an improved outcome worthy of consideration for approval. The resolution of the key issues of scale and governance results in a development that can achieve an appropriate urban design outcome, maintain the character of the locality, and deliver a positive contribution to the public domain. Accordingly, the proposal warrants a different planning conclusion and is considered supportable on its merits as is further discussed within this report.

Compliance Action

18. 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.
19. Signage continued to be displayed once consent granted by the Court (RD/2017/954/A) had lapsed and only ceased once Council issued a letter to the owner notifying them of the lack of consent for signage. No further action was required.

Proposed Development

20. The application seeks consent for the installation of a hand-painted, non-illuminated third-party advertising sign with a display area of 13.2 square metres on the northern elevation of the existing single-storey building at 4–6 York Street for a period of 5 years with changes to the content of the sign every month (60 potential signs proposed over a 5 year period).
21. Plans and elevations of the proposed development are provided below.

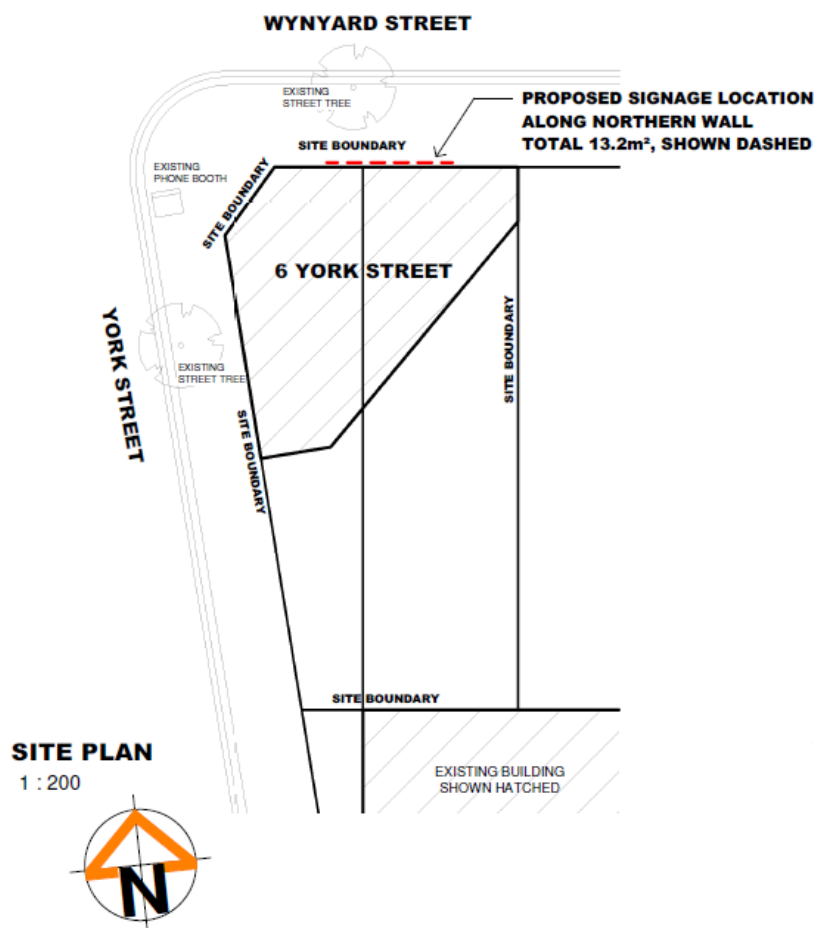


Figure 4: Proposed site plan

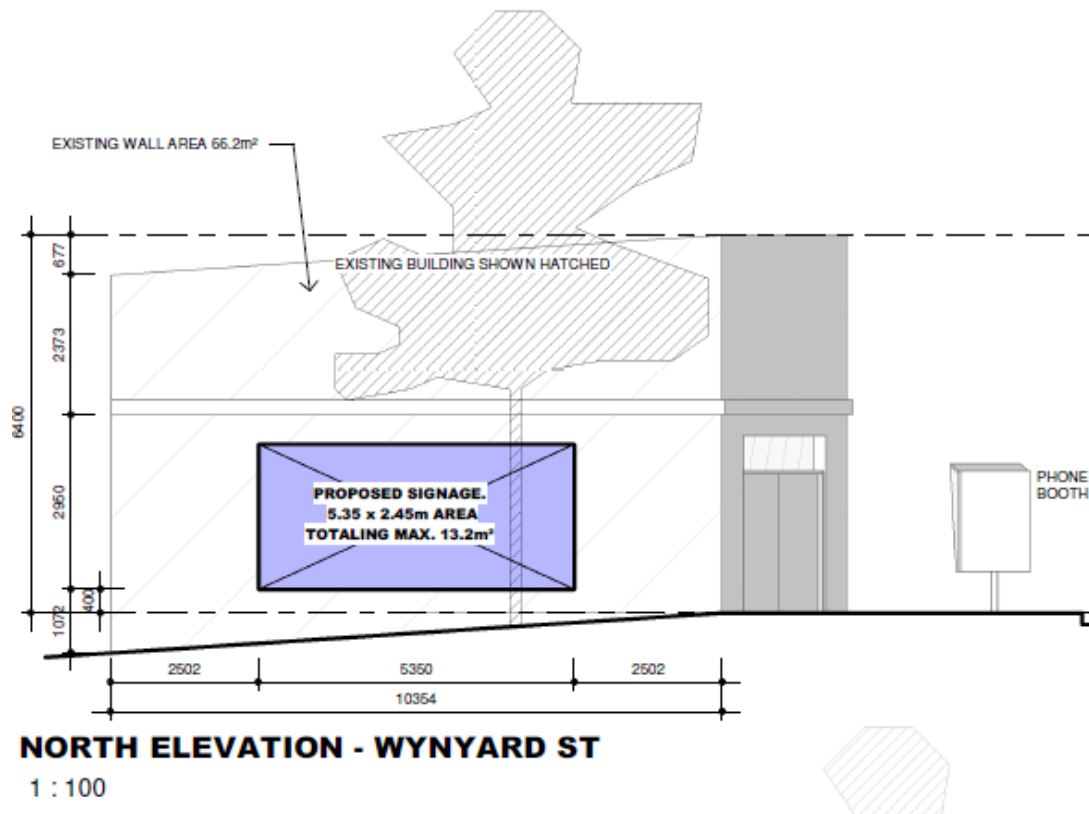


Figure 5: Proposed north elevation

Assessment

22. 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

23. 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.
24. No change of land use or earthworks are proposed, and the site is considered suitable for the proposed development in its current state.

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

25. The aim of SEPP (Industry and Employment) 2021 – Chapter 3 Advertising and Signage is 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.
26. The proposal is subject to consideration of Chapter 3 as it is signage which is visible from any public place.
27. Clause 3.6 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.
28. Clause 3.8 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.
29. Clause 3.20 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 13.2sqm, complying with the development standard.
30. The proposal complies with all other restrictions imposed by Clause 3.20 of SEPP (Industry and Employment) 2021.
31. The proposed signage has also been considered against the assessment criteria in Schedule 5 and is provided in the table below.

Provision	Compliance	Comment
1. Character of the area	Yes	The proposed signage is generally consistent with the character of the area which currently contains several advertising signs associated with the major transportation node. Subject to conditions relating to the size of the advertisement and restriction on how much of the advertisement can display branding, the proposal will result in an acceptable outcome that does not detract from the character of the area.
2. Special areas	Yes	The proposed signage does not detract from the amenity or visual quality of the locality or the Wynyard Park / Lang Park Special Character Area subject to conditions. Notably, the signage is

Provision	Compliance	Comment
		painted, non-illuminated and compliant with the maximum size permitted meaning that it will not overwhelm the existing building elevation or detract from terminating vistas at the ends of Carrington and York Streets at Wynyard Street.
3. Views and vistas	Yes	The proposed signage does not obscure or compromise any important views. Its scale is proportional to the north elevation of the building on site, resulting in an acceptable presence on the streetscape. It does not dominate the skyline and has no impact on the viewing rights of other advertisers.
4. Streetscape, setting or landscape	Yes	The proposed signage is of an appropriate scale, proportion and form and is not considered to adversely impact the streetscape and setting of the area.
5. Site and building	Yes	The scale, proportion and positioning of the proposed signage is acceptable, and the materiality is compatible with the building and surroundings. The accompanying Plan of Management notes that the design of the advertisement will be shaped by the attributes of the site itself to ensure the design compliments the character of the locality. Subject to conditions of consent restricting the maximum proportion of branding on the advertisements, the proposal will appropriately respond 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.

32. The proposed signage is consistent with the objectives of SEPP (Industry and Employment) 2021 – Chapter 3 Advertising and Signage as set out in Clause 3.1 and satisfies the assessment criteria specified in Schedule 5.

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

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

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

34. 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.
35. 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. The proposal complies with the relevant objective and with the SEPP as a whole.

Local Environmental Plans

Sydney Local Environmental Plan 2012

36. 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 6 Local provisions – height and floor space

Provision	Compliance	Comment
Division 4 Design excellence		
6.21 Design excellence	Yes	The proposed advertising signage is of a high standard, being hand-painted and is intended to be artistic in nature. The signage will be compatible with the existing development along the street and will contribute positively to the character of the area. The accompanying Plan of Management identifies that all advertisement designs will be created by professional designers and will be responsive to the attributes of the site and character of the area. Subject to conditions of consent, the proposal will exhibit design excellence.

Development Control Plans**Sydney Development Control Plan 2012**

37. 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

38. The site is located within Central Sydney, specifically within the Wynyard Park and Lang Park Special Character Area.
39. Principle (e) of the locality statement seeks to enhance the terminating vistas along Carrington Street and York Street at their intersections with Wynyard Street. This establishes a clear expectation that development at these locations contributes positively to the visual quality and legibility of these key urban markers.
40. The proposal will introduce visual interest to an existing blank facade at the terminating vista of these streets, thereby responding directly to the above principle. The submitted POM outlines a design-led and controlled approach to content delivery, demonstrating that the advertising is intended to operate more as a curated mural outcome rather than strictly a conventional advertising display. The POM requires that artwork be prepared by suitably qualified designers through a site-specific briefing process, and executed by experienced artists in accordance with an approved methodology.

41. The POM further establishes governance and compliance mechanisms, including design verification processes aligned with consent conditions and requirements that the signage maintains a primary artistic focus with limited corporate branding. These provisions, together with ongoing review and approval protocols, are capable of ensuring that the signage maintains a high standard of visual quality and contributes positively to the public domain and streetscape character of the Special Character Area.

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. 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	Yes	The proposed development includes the provision of a single hand-painted wall advertisement located on the north elevation of the existing building. Subject to conditions of consent, this signage is considered appropriate. See discussion below.

Discussion

3.16 Signage and Advertising

42. The application proposes a hand-painted wall sign to be painted directly onto the external wall of the existing building. The design and content of the sign would be periodically updated (indicatively on a monthly basis) in accordance with the submitted POM.
43. The proposed advertising signage is consistent with the general signage provisions of the DCP. In particular, it is compatible with the host building and surrounding streetscape, will not contribute to unacceptable visual clutter, will not detract from road safety, and does not incorporate illumination or other potentially distracting elements.
44. While the DCP's detailed controls for wall signs are directed to business identification signage, Section 3.16.7.1 permits third-party advertising signage where it is consistent with the broader signage objectives and controls. On this basis, it is appropriate to assess the proposal against the applicable wall signage provisions.
45. The DCP provides that wall signage should contribute positively to the public domain and improve the presentation of the building facade. The subject elevation is presently blank and lacks articulation. The proposed mural-style advertising signage would provide visual interest and activation, resulting in an improved streetscape outcome. In addition, wall signage within business zones (with SP5 Metropolitan Centre being analogous) is limited to a maximum height of 4.5m above ground level. The proposed sign is wholly contained below the 4m datum of the northern elevation and therefore satisfies this control.
46. Section 3.16.12.4 (Wynyard Signage Precinct) requires that signage avoids visual clutter, does not detract from public domain legibility and wayfinding, and responds appropriately to the significance of surrounding heritage items. The proposal, located on a blank facade at the terminating vistas of Carrington and York Streets, is of a scale and presentation that matches with these principles and is compatible with the character of the precinct, being limited in size to not overwhelm the north facade of the building in a way that would detract from the character of the area or the heritage significance of nearby buildings. Compliance with SEPP (Industry and Employment) 2021 relating to the size of the sign demonstrates that the outcome of this proposal is consistent with what can be expected for an advertising sign at this locality.
47. Having regard to the objectives of Section 3.16 (Signs and Advertisements) and the specific provisions for flat-mounted wall signage under Clause 3.16.6.3, the proposal achieves an appropriate and acceptable planning outcome for the site.

Advertising and Notification

48. In accordance with the City of Sydney Community Participation Plan 2025, the proposed development was notified for a period of 14 days between 30 April 2026 and 15 May 2026. A total of 176 properties were notified and no submissions were received.

Financial Contributions

Levy under Section 61 of the City of Sydney Act 1988

49. 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

50. 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

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

Relevant Legislation

53. Environmental Planning and Assessment Act 1979.

Conclusion

54. The proposal is recommended for approval, having demonstrated compliance with the applicable wall advertising development standards under the SEPP (Industry and Employment) 2021 and consistency with the relevant provisions of the LEP and DCP. Unlike the previously refused application which relied on a variation to the development standard and was considered excessive in scale, this application is fully compliant and presents a more proportional response to the site. The proposal is now appropriately integrated into the host building and will not provide for adverse impacts on the character of the area, heritage significance of surrounding buildings or the visual setting of Wynyard Park.

55. The proposal will activate a currently blank facade at a prominent terminating vista and is expected to deliver a positive contribution to the public domain. In contrast to the previously refused application, the submitted Plan of Management establishes an appropriate governance framework to ensure high-quality, artistically led content, limited commercial expression, and ongoing compliance over the life of the development.
56. Subject to the recommended conditions, the proposal addresses key shortcomings of the previously refused application, achieves an acceptable planning outcome and is in the public interest.

ANDREW THOMAS

Executive Manager Planning and Development

Warren Geyer, Senior Planner

Attachment A

Recommended Conditions of Consent
--

SCHEDULE 1

GENERAL CONDITIONS

(1) APPROVED DEVELOPMENT

- (a) Development must be in accordance with Development Application No. RD/2025/1053/A dated 29 April 2026 and the following drawings prepared by Apparition Media:

Drawing Number	Drawing Name	Date
A01	Site Plan	28-4-2026
A02	North Elevation – Wynyard St.	28-4-2026

and as amended by the conditions of this consent.

- (b) In the event of any inconsistency between the approved plans and supplementary documentation, the drawings will prevail.

Reason

To ensure all parties are aware of the approved plans and supporting documentation that applies to the development.

(2) TIME LIMITED CONSENT

- (a) The period during which the use is approved to operate is restricted to 1 June 2031. The use must cease and the advertising sign removed after that time. A further development application may be lodged before the end of that period for Council's consideration of the continuation of the use.
- (b) Council's consideration of this further application will consider the compliance of the use by reference to matters including, but not limited to, the following conditions of consent.

Reason

To ensure the approved use is operated on a temporary basis only.

(3) CONTENT OF PAINTED ADVERTISING SIGN

- (a) The sign must have artistic merit and be readily identified as street art, mural or the like. The sign must be bespoke and be an artistic interpretation that displays technical skill, and includes a conceptual contribution of the artist.

- (b) No more than 5% of the total sign area is to contain corporate markings, logos or branding. Corporate markings, logos or branding include a website address, but do not include written slogans not ordinarily associated with any brand or product.

(4) SIZE OF SIGNAGE

The advertisement must always be restricted to a maximum size of 13.2sqm in area.

Reason

To ensure consistency with the stamped plans.

(5) PLAN OF MANAGEMENT

The advertisement must always be selected and prepared in accordance with the Plan of Management prepared by Apparition Media, titled Plan of Management – 4 York Street Sydney NSW, that has been approved by Council. In the event of any inconsistency, the conditions of this consent will prevail over the Plan of Management.

The Plan of Management can be revised at any time through the submission of a Section 4.55 modification application.

Reason

To ensure all parties are aware of the approved supporting documentation that applies to the development.

(6) ADVERTISING GENERAL REQUIREMENTS

The design of the approved advertising must comply with the following:

- (a) The advertising is not to contain highly reflective materials, colours and finishes.
- (b) The advertising is not to incorporate sound, vibration, odour and other emissions.

Reason

To ensure advertising is designed in accordance with Council's DCP.

(7) LOADING AND UNLOADING DURING CONSTRUCTION

The following requirements apply:

- (a) All loading and unloading associated with painting the sign must be accommodated on site.

Reason

To protect the amenity of the public domain.

(8) HOURS OF WORK AND NOISE – CBD

The hours of work on the development must be as follows:

- (a) All work, and activities in the vicinity of the site generating noise associated with preparation for the commencement of work (eg loading and unloading of goods, transferring of tools etc) in connection with the proposed development must only be carried out between the hours of 7.00am and 7.00pm on Mondays to Fridays, inclusive, and 7.00am and 5.00pm on Saturdays, and no work must be carried out on Sundays or public holidays.
- (b) All work must comply with the *City of Sydney Code of Practice for Construction Hours/Noise 1992* and Australian Standard 2436-2010 *Guide to Noise Control on Construction, Maintenance and Demolition Sites*.

Reason

To protect the amenity of the surrounding area.

(9) OTHER APPROVALS

Any activity which is proposed to be undertaken in, on or above a road reserve or the public domain (including a public footway) must have separate approval(s) obtainable through the lodgement of an application under Section 68 of the Local Government Act 1993 and/or Section 138/139 of the Roads Act 1993 prior to the commencement of work/activities within the road reserve/public domain. Such activities include but not limited to:

- (a) installation of construction-related temporary structures including hoardings/scaffolding;
- (e) temporary works (e.g. barricading, road openings, mobile hoisting devices); and
- (f) works zones (for loading and unloading from the roadway).

A Temporary Works Application must be applied for and received for any instance where all or part of the footpath in front of the site is required for the painting of the advertisement. A Temporary Works Application form can be found on Council's website.

Reason

To ensure use of a public place is managed appropriately.

(10) SIGN ILLUMINATION

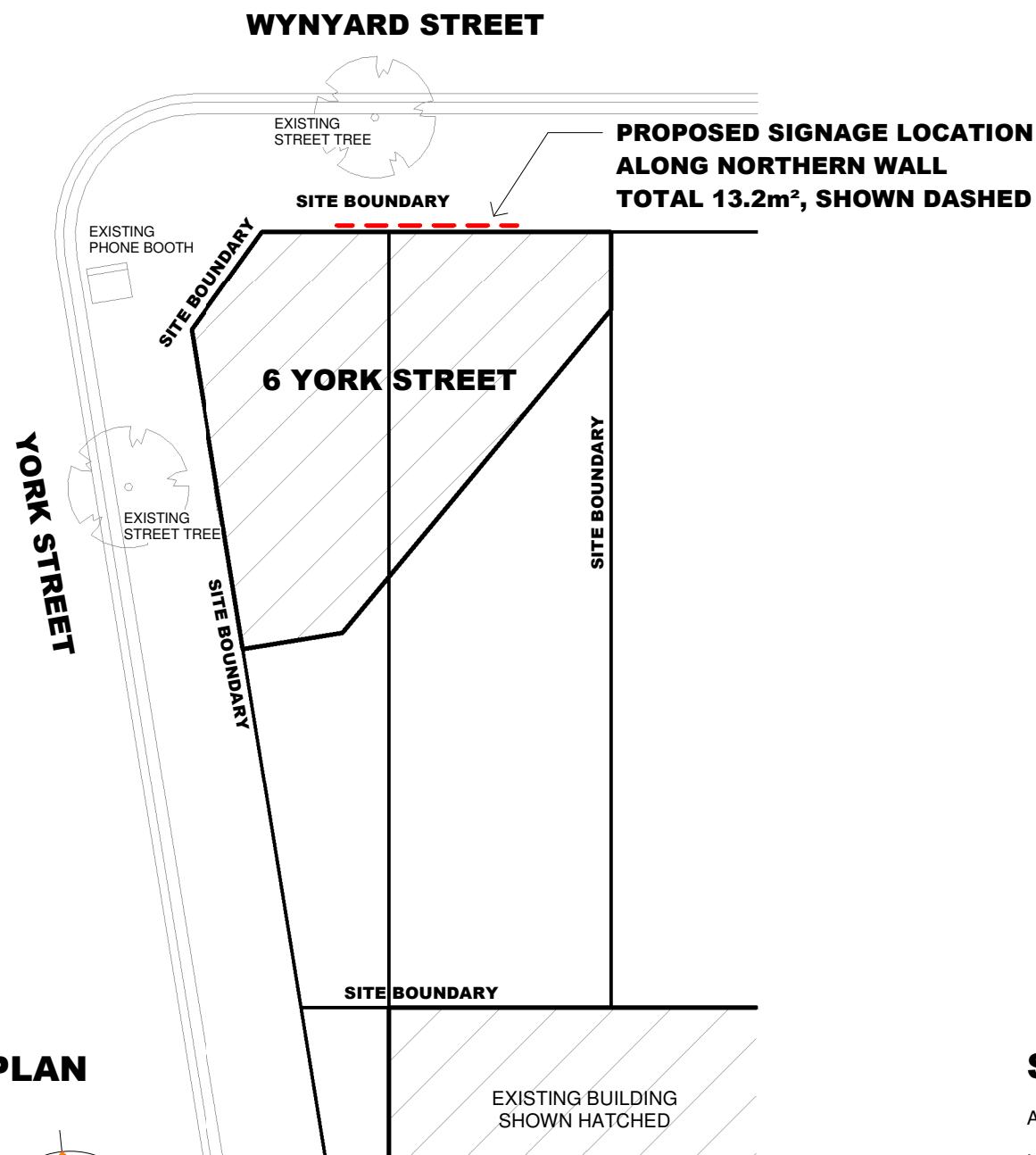
No illumination of the sign is permitted.

Reason

To ensure signage illumination is designed in accordance with the Australian Standards and Council's DCP.

Attachment B

Selected Drawings



LOCALITY



SITE DATA:-

ADDRESS: ...4-6 York Street
Sydney NSW 2000
LOT NUMBER: ...14
DP NUMBER: ...939718
SITE AREA: ...161m²

COPYRIGHT RESERVED. NO PORTION OF THESE DRAWINGS MAY BE REPRODUCED BY ANY PROCESS WITHOUT THE WRITTEN CONSENT OF ROB PICKETT DESIGN.

PROPOSED ADVERTISING SIGNAGE

For: APPARITION MEDIA

At: 4-6 YORK STREET, SYDNEY NSW 2000

ROB PICKETT DESIGN

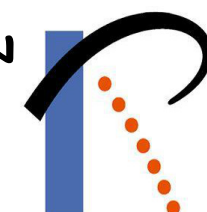
PO Box 3054 Albury NSW 2640

Fax 02 6021 1754

Email euan@rpdesign.com.au

PHONE 02 6021 1355

INCREDIBLE IDEAS PTY. LTD. ABN 72 003 725 246



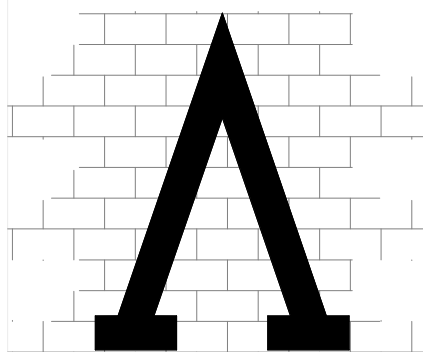
SHEET SIZE "A3"

Sketch: FOUR

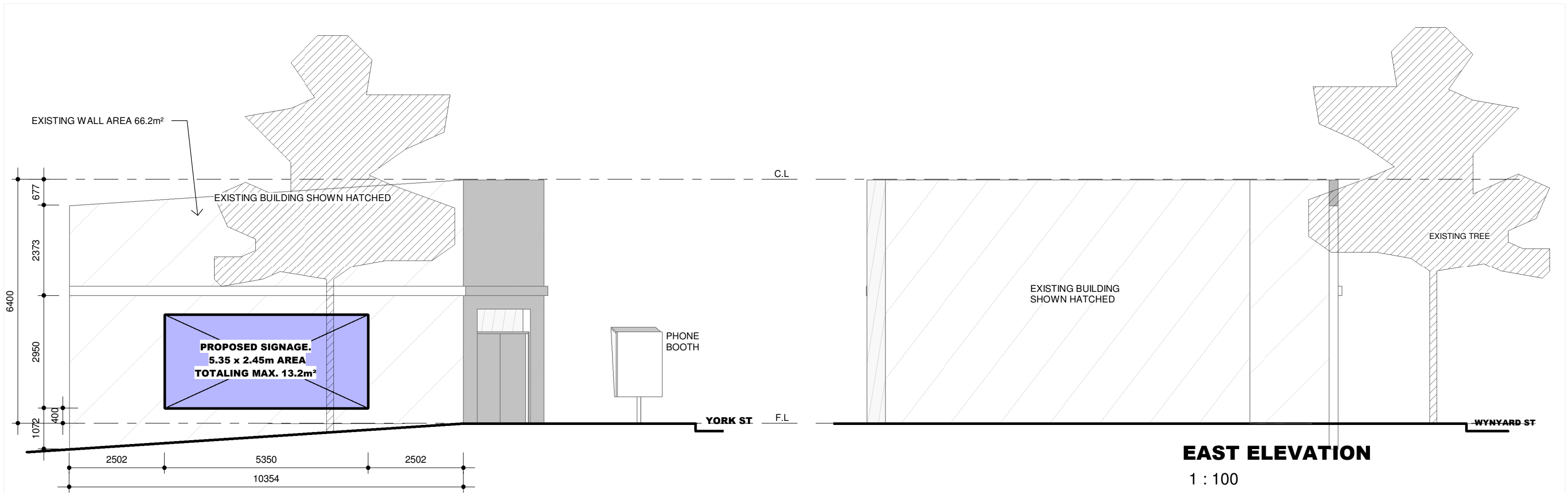
Sheet: A01

Date: 28-4-2026

Job No: 5948

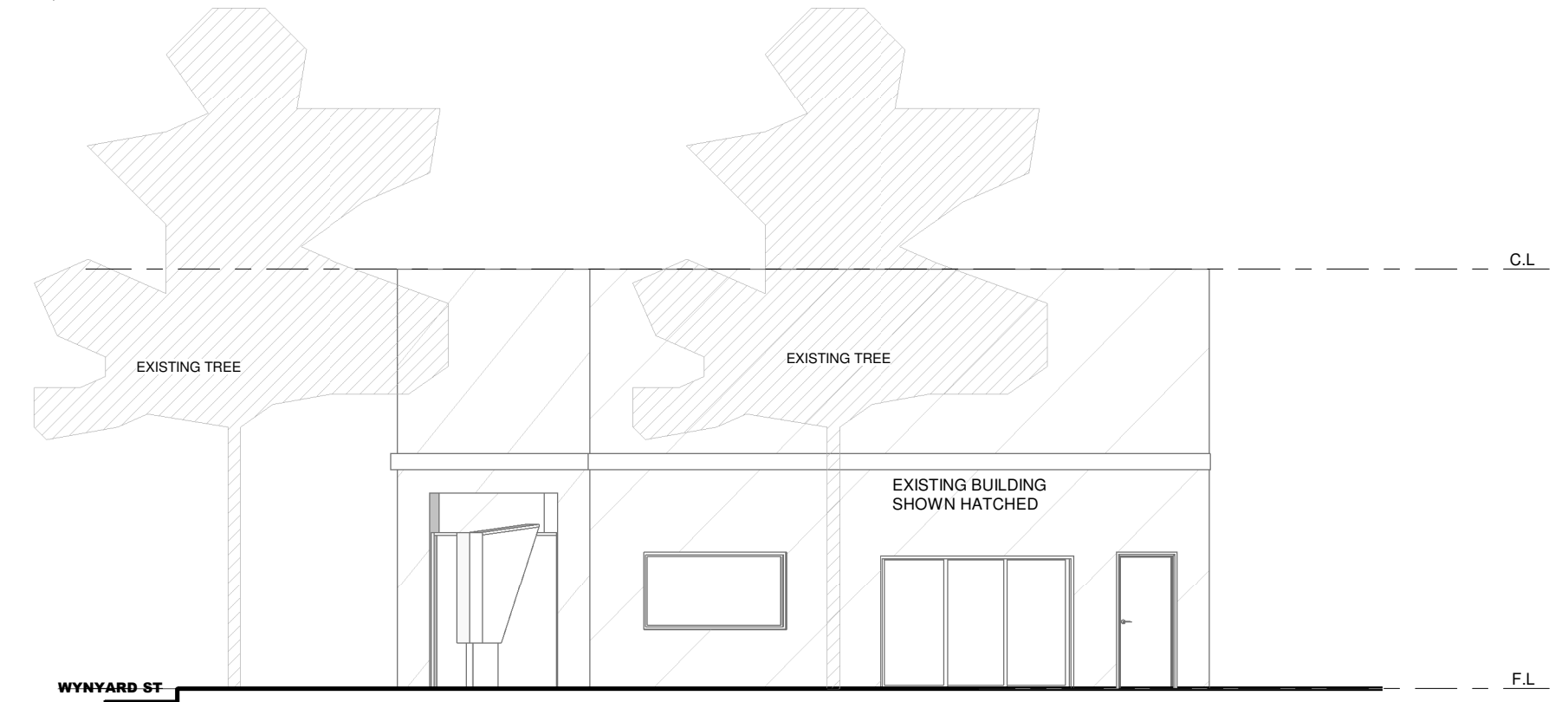


APPARITION MEDIA

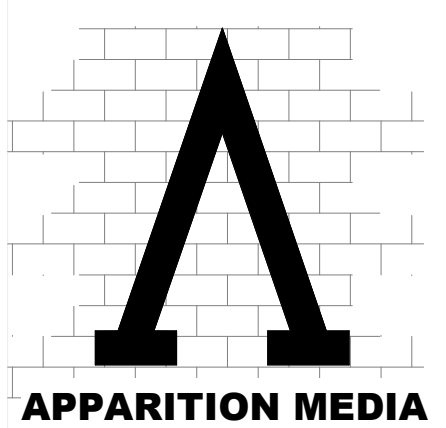


NORTH ELEVATION - WYNYARD ST
1 : 100
24

EAST ELEVATION
1 : 100

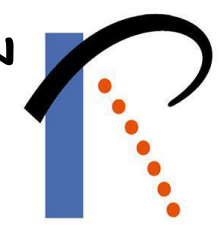


WEST ELEVATION - YORK STREET
1 : 100



PROPOSED ADVERTISING SIGNAGE
For: APPARITION MEDIA
At: 4-6 YORK STREET, SYDNEY NSW 2000

ROB PICKETT DESIGN
PO Box 3054 Albury NSW 2640
Fax 02 6021 1754
Email euan@rpdesign.com.au
PHONE 02 6021 1355



SHEET SIZE "A3"
Sketch: FOUR
Sheet: A02
Date: 28-4-2026
Job No: 5948

Attachment C

Plan of Management

PLAN OF MANAGEMENT

4 YORK ST
SYDNEY NSW



ARTIST SELECTION PROCESS AND PAINTING

At Apparition Media we use staff artists to paint all our murals.

We start by searching for talented local artists who are skilled in painting using a brush and acrylics on canvas. Once we hire a new artist they go through a period of training to learn how to paint using our method. Over the past 5 years we have developed a specific process that ensures that what is painted matches exactly the artwork that has been designed.

Our process begins in the studio by line drawing the artwork and creating pounce patterns. We then pre mix paint and print our reference. We use water based paint and brushes rather than aerosol cans because it allows us to be more accurate with our painting, it's easy to clean up and there are no fumes.

Once a project is prepped we then schedule artists to paint the mural. While all of our artists are highly skilled in a diverse range of technical painting areas, they do have strengths and weaknesses, so we try to match the painting to the artist's strengths.

The key element of the artist selection and painting process is that we guarantee that the painted sign is highly accurate to the design that they are provided. This will ensure that we have a high level control over the final outcome, rather than permitting an artist to paint their own interpretation of a design.

ARTWORK BRIEF AND DESIGN

Before painting commences, the artwork is created through a careful design process.

All the artwork that we paint is created by professional designers either in-house, by the clients or commissioned through a third party.

Once the campaign is booked we contact the designer and discuss through the site. Each site has attributes that lend itself to different artwork design. With respect to the site, we would brief the designer to ensure that the design omplements the character of the locality.

The design brief is then sent to the designer which includes a scale template and mandatories such as; file format, resolution, dimensions, colour profile and any additional information such as the conditions of consent.



COMPLIANCE PROTOCOL: ENSURING MURAL COMPLIES WITH COUNCIL CONDITIONS

When managing artwork for murals with specific conditions we follow the process below:

1. In early discussions of site selection with clients we explain that there are conditions imposed under our development consents on specific sites and compliance with the Advertising Code is needed.
2. After site preferences are identified, we provide to the client the conditions of the development consent that are relevant to the installation and presentation of the mural.
3. Before booking a particular site, we reiterate that there are conditions of development consent that apply to the installation of the mural and receive confirmation that the client is acknowledges and agrees to meet them.
4. On booking, we share an artwork template which outlines the specific artwork conditions for each site. The artwork template is annexed to this document.
5. Once the artwork is booked, we make the necessary arrangements for the relevant licences, for example footpath occupancy licences.
6. We meet with artwork designers and client to discuss any amendments to the design to ensure the artwork requirements, conditions of development consent and other regulatory requirements (Advertising Codes) are met.
7. Once the artwork is completed, the Directors of Apparition are notified and confirm compliance with regulatory requirements. If the Directors are satisfied that the conditions of consent are met, then it will be approved. If the Directors are not satisfied, the Directors will instruct the artists to amend the artwork to comply with any regulatory requirements that have not been satisfied.





SCHEDULE OF WORKS

Each campaign generally lasts for 4 weeks. During the first week, the sign is being painted.

For the remaining 3 weeks, the artwork remains as a static sign. When that period is completed we paint over it with the next advertising campaign.

Depending on the complexity of the artwork, the painting process itself takes 3-5 days with 2-3 artists.

Working from the footpath requires a “Temporary Works Application” to be made to City of Sydney’s Construction Regulation Team. The application includes the time and dates that the footpath will be occupied, as well as a pedestrian control plan that has been prepared by an RMS accredited person. The pedestrian control plan is attached to this document and will be enforced by Council rangers rangers.

COMPLAINTS MANAGEMENT

All complaints will be taken seriously.

If a complaint is raised against the artwork content, Apparition takes the following steps:

1. Confirm whether the advertising standards are correctly applied.
2. Inform the client, and
3. Apparition’s directors commence an internal review in consideration of advertising standards, applying the consent and internal requirements.

Complainant’s are also welcome to lodge a complaint with the Advertising Standards Bureau for expert review.

If the complaint relates to the size or content of the sign, then Apparition will review the conditions of consent and ensure that the sign is in compliance with the development consent. If the sign is non-compliant with the development consent, then the sign will be rectified within 14 days..



CONTACT

TYSON HUNTER

TYSON@APPARITIONMEDIA.COM.AU

PH (02) 8321 8849 | M 0421 973 439



5.35 x 2.45m

BON JOVI

SUPPLY

- Templates is accurate to site dimensions.
- 10% Scale.

ARTWORK REQUIREMENTS

- Fonts Provided.
- Logos vector.
- 300 DPI PDF.
- Colour Profile embedded.
- Artwork to dimensions of this template.

CITY OF SYDNEY REQUIREMENTS

City of Sydney have strict requirements around the use of this space for advertising.

As part of our agreement we must comply with the following:

- The area highlighted in light purple must be a single colour. This may be incorporated into the design if you wish to use the space
- Bespoke artwork unique in the campaign
- Readily identifiable Street Art without branding
- Must have artistic style and merit
- Max. 5% corporate branding, logos, website, and slogans ordinarily associated with the brand



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

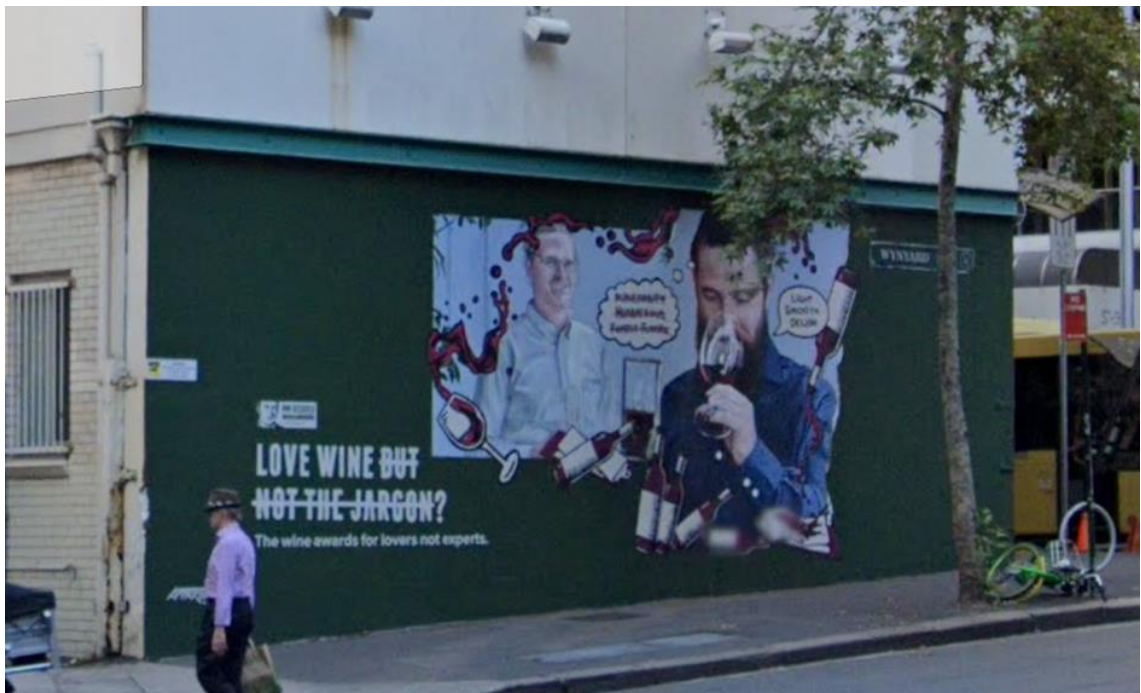


Figure 9: Advertisement - March 2020



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.

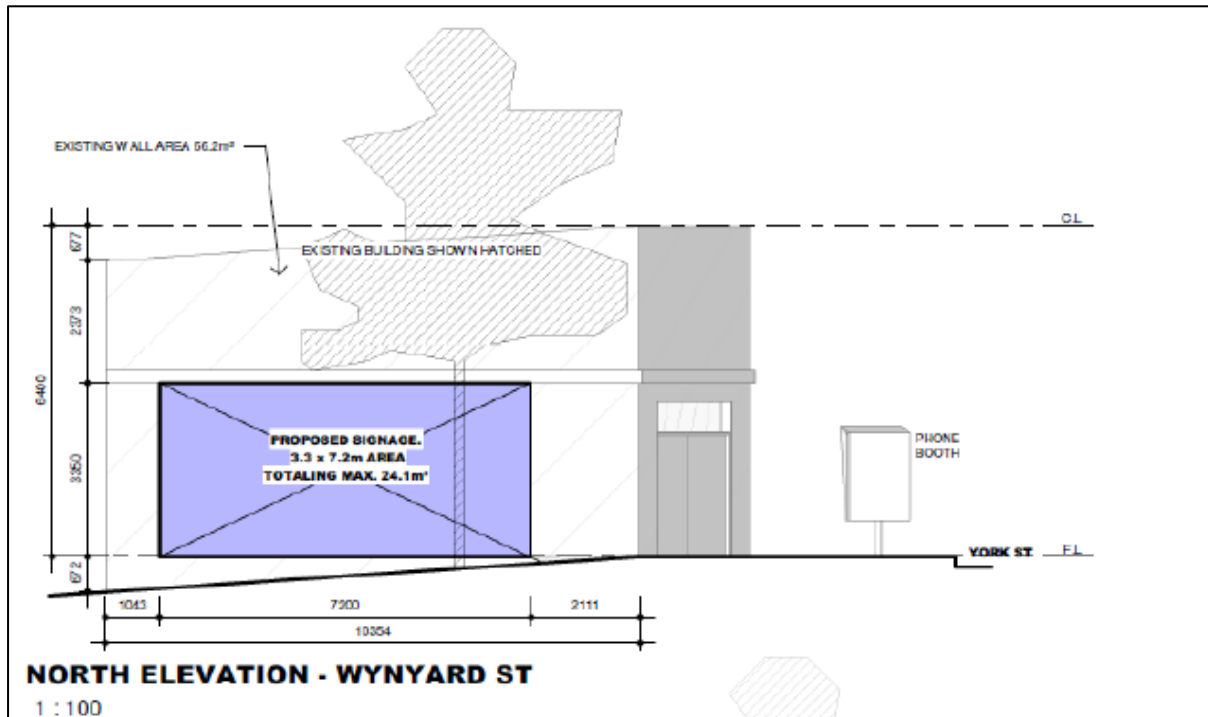


Figure 13: Proposed North Elevation

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

Executive Manager Planning and Development

Warren Terry, Senior Planner

Attachment E

Original Resolution of Local Planning Panel

Resolution of Local Planning Panel

4 February 2026

Item 4

Development Application: 4-6 York Street, Sydney - D/2025/1053

The Panel refused consent for Development Application Number D/2025/1053.

Reasons for Decision

The application was refused 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.

Carried unanimously.

D/2025/1053