

Relevant Information for Local Planning Panel

FILE: D/2025/1053 **DATE:** 3 February 2026

TO: Local Planning Panel Members

FROM: Andrew Thomas, Executive Manager Planning and Development

SUBJECT: Information Relevant To Item 4 – Development Application: 4 – 6 York Street, Sydney

Recommendation

That the Local Planning Panel note the information contained in this memo.

Background

The applicant has submitted additional information including an amended Clause 4.6 variation request which corrects the earlier incorrect reference to a development standard. The amended request now correctly identifies Clause 3.20(2)(b)(iii) of the State Environmental Planning Policy (Industry and Employment) 2021 as the standard to be varied and can therefore be considered for the purposes of Clause 4.6.

However, the amended request continues to mischaracterise the extent of the non-compliance, describing the proposal as a 16% departure when it represents an 80% increase over the permitted signage area. The request also does not demonstrate that compliance with the advertising area standard is unreasonable or unnecessary, nor does it establish sufficient planning grounds to justify the variation. The justification relies primarily on assertions that a larger sign would produce a better visual or urban design outcome, without explaining why the control cannot be met or why a compliant sign could not achieve an acceptable outcome.

No evidence is provided to support the claim that a compliant signage area would be difficult for the public to interpret. The applicant further relies on the proposition that the sign would comply if it were located on a larger building, which highlights that the proposed signage area is not responsive to the scale of the elevation. The additional examples of similar advertisements submitted by the applicant show that comparable signs on larger buildings often leave substantial portions of the elevation blank, which undermines the argument that the variation is necessary to address the blank facade on this site.

Overall, the planning grounds advanced are broad and largely aesthetic in nature and are not clearly linked to the specific exceedance of the signage area control. While the applicant seeks to characterise the advertisement as having qualities similar to public art, the proposal remains an advertising sign, and no clear justification is provided to demonstrate why the additional signage area is required to achieve the objectives of the control or the surrounding planning context.

Additionally, the applicant has provided a response to Council's assessment report, arguing that the proposed variation remains justified, that the planning context and merits are consistent with previous approvals for the same mural, and that the reasons for refusal are unsupported. They contend that the proposal satisfies clause 4.6, poses no unacceptable visual or heritage impacts, and is in the public interest.

Prepared by: Warren Terry, Senior Planner

Attachments

Attachment A. Amended Clause 4.6 Request

Attachment B. Examples of Apparition Media Advertising Murals in the City of Sydney

Attachment C. KEYLAN Response Letter

Approved



ANDREW THOMAS

Executive Manager Planning and
Development