

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.

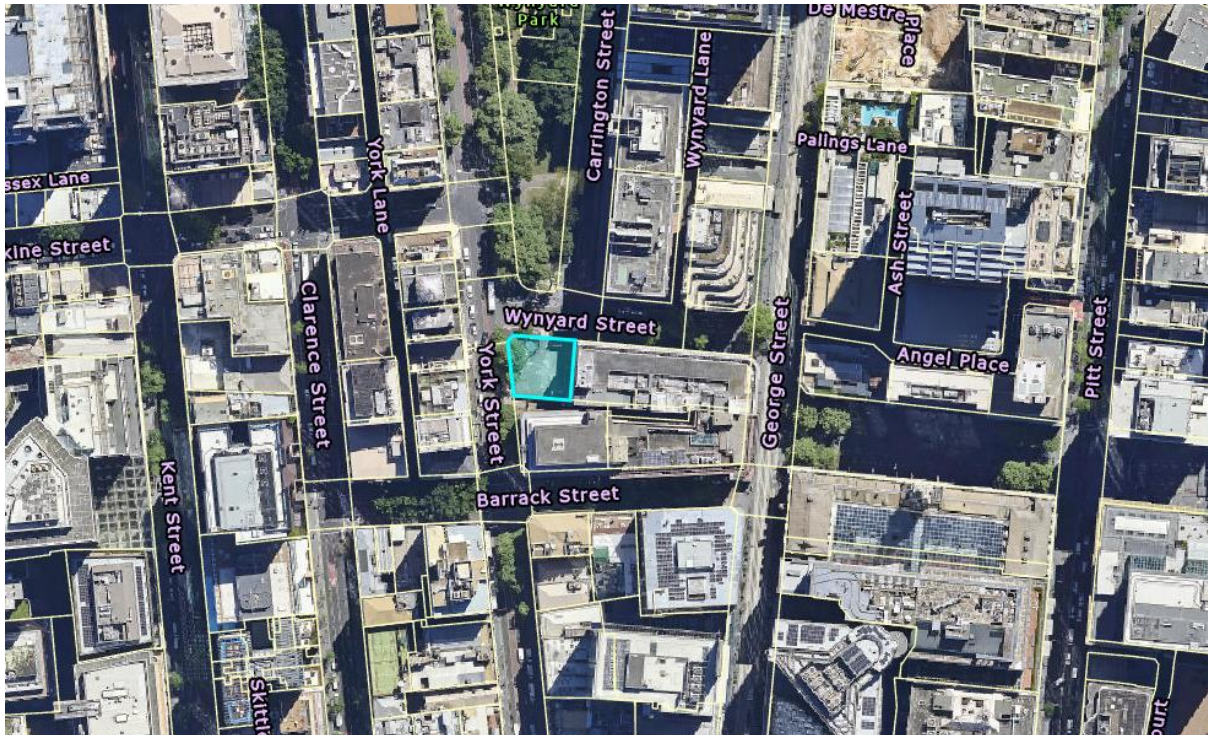


Figure 1: Aerial view of site and surrounds



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.

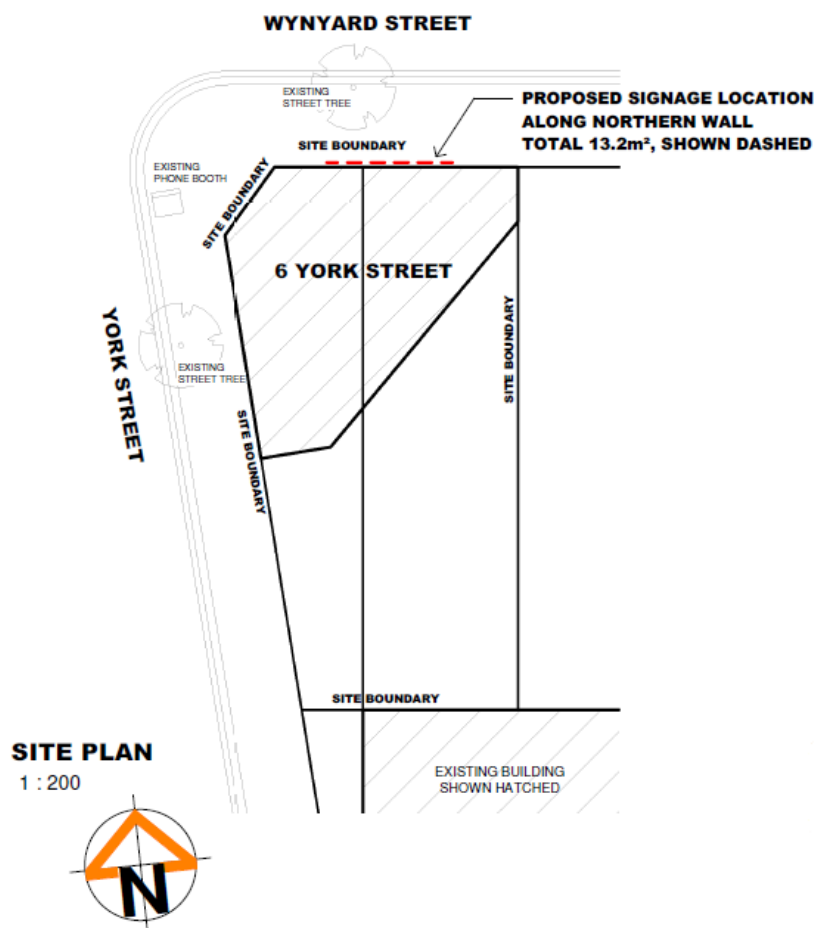


Figure 4: Proposed site plan

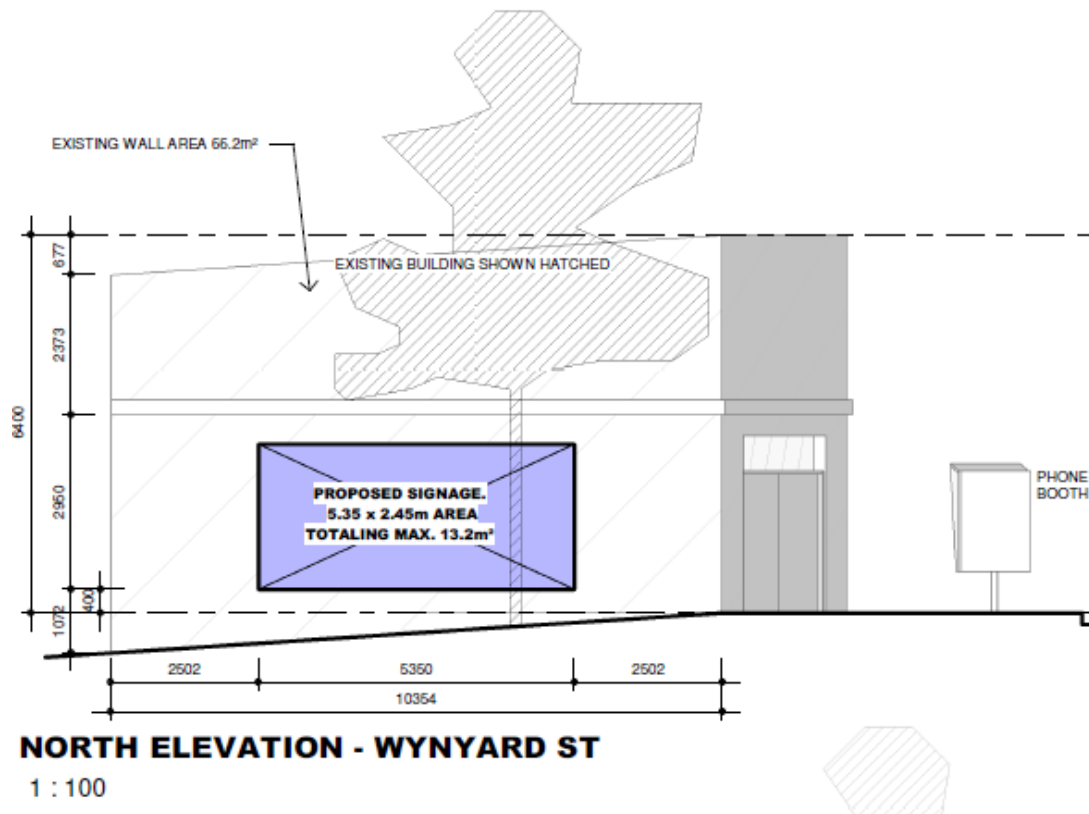


Figure 5: Proposed north elevation

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.

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