



Cordelia Maxwell Williams  
JC Decaux Australia Trading Pty Ltd  
Level 11, 180 George Street  
SYDNEY NSW 2000

D102/23  
MH9 (CPE)

**ENVIRONMENTAL PLANNING AND ASSESSMENT ACT, 1979 AS AMENDED  
NOTICE OF DETERMINATION – Refusal**

*Issued under Section 4.18 of the Environmental Planning and Assessment Act 1979 (“the Act”). Clause 87 of the Environmental Planning and Assessment Regulation 2021 (“the Regulation”)*

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**Development Application Number:** 102/23

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**Land to which this applies:** Land adjacent to 306 Military Road, Cremorne

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**Applicant:** Cordelia Maxwell Williams  
JC Decaux Australia Trading Pty Ltd

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**Proposal:** Installation and operation of a freestanding advertisement structure for the purposes of Council communication and third party advertising.

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**Determination of Development Application:** The development application was considered by the **North Sydney Local Planning Panel (NSLPP)** on 6 December 2023. Subject to the provisions of Section 4.16 of the Environmental Planning and Assessment Act 1979, the subject application has been refused for the reasons stated below.

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**Date of Determination:** 6 December 2023

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**Reason for Refusal:**

The Panel, on a merits assessment, considers that the proposed free standing advertising structure is not well located and the application should be refused for the following reasons:

**1. Not considered to be in the public interest or suitable for the subject site**

The proposed development is not considered suitable for the subject site nor is it in the public interest.

***Particulars:***

- a) Inconsistency with State controls, particularly the adverse impact on safety and restriction of pedestrian movement, the application is not considered to be suitable for the subject site and is contrary to Section 4.15(c) of the Environmental Planning and Assessment Act 1979 (as amended).
- b) The application results in the proliferation of signs and is not considered to be in the public's interest and is contrary to Section 4.15(e) of the Environmental Planning and Assessment Act 1979 (as amended).

**2. Failing to satisfy Chapter 3 and Schedule 5 of SEPP (Industry and Employment) 2021**

The proposal is not acceptable in terms of its impacts.

***Particulars:***

- a) The proposed digital panel has the potential to adversely affect the safety of motorists and pedestrians failing to be consistent with the objective of Chapter 3 Clause 3.1(1)(a)(i) of the SEPP (industry and Employment) 2021.
- b) Failing to satisfy Clause 3.11(1)(b) of the Industry SEPP, as the application is not considered to be acceptable in terms of its impacts resulting in a proliferation of signage and the reduction in the unobstructed path of travel.
- c) Failing to satisfy 4 Streetscape, setting or landscape of SEPP (Industry and Employment) 2021, as the panel results in visual clutter compromising the streetscape and failing to contribute to the visual interest of the streetscape.
- d) Failing to satisfy 8. Safety of Schedule 5 of SEPP (Industry and Employment) 2021, as the panel has the potential of creating a pinch point in the footpath, particularly during peak pedestrian periods, and having regard for its proximity to the school and McDonalds.
- e) The proposal fails to satisfy the sign location criteria pursuant to Section 3.2 of the Transport Corridor Outdoor Advertising and Signage Guidelines as it obstructs the movement of pedestrians and bicycle riders.
- f) The proposal fails to satisfy the sign spacing criteria pursuant to Section 3.2.4 of the Transport Corridor Outdoor Advertising and Signage Guidelines, being in close proximity to the existing McDonalds and other road signage resulting in visual clutter.

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**How community views were taken into account:**

The submissions received by Council were addressed in the NSLPP report (see Council's website: <https://www.northsydney.nsw.gov.au/downloads/file/2959/lpp08-306-military-road-cremorne-da10223-supplementary-report>)

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**Review of determination and right of appeal:**

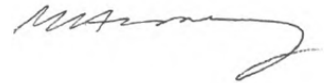
Within 6 months after the date of notification of the decision, a review of this determination can be requested under Division 8.2 of the Act or an appeal to the Land and Environment Court made pursuant to the provisions of Section 8.7 of the Act. A review of determination should be lodged as soon as possible, and preferably no later two months after the date of notification of the decision to enable the review to be completed within the six-month period.

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**Endorsed for and on behalf of North Sydney Council**

**18/12/2023**

DATE



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Signature on behalf of consent authority  
MICHAEL HORNERY  
**EXECUTIVE PLANNER**

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