



Lendlease Development Pty Ltd  
Level 8, 123 Pitt Street  
SYDNEY NSW 2000

D313/23  
RW (CPE)

**ENVIRONMENTAL PLANNING AND ASSESSMENT ACT, 1979 AS AMENDED  
NOTICE OF DETERMINATION - Approval**

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| <b>Development Application Number:</b>           | <b>313/23</b>  |
| <b>Land to which this applies:</b>               | 171 Miller Street, North Sydney<br>Lot No.: 1, DP: 1288164   |
| <b>Applicant:</b>                                | Lendlease Development Pty Ltd  |
| <b>Proposal:</b>                                 | Business, building identification and wayfinding signage strategy for the Victoria Cross OSD. (Aka 189 Miller Street)  |
| <b>Determination of Development Application:</b> | Subject to the provisions of Section 4.17 of <i>the Environmental Planning and Assessment Act 1979</i> , approval has been granted subject to conditions in the notice of determination. |
| <b>Date of Determination:</b>                    | 15 February 2024   |

**Reasons for Approval**

The development application has been assessed against the North Sydney Environmental Plan 2013 and the North Sydney Development Control Plan 2013 and generally found to be satisfactory.

The signage strategy proposed is unlikely to create adverse material impacts to adjoining properties in the case of separate future development applications for individual signage.

Having regard to the provisions of Section 4.15 (1) of *the Environmental Planning and Assessment Act 1979*, the proposed development will not result in any unreasonable amenity or environmental impacts subject to conditions. The application is considered satisfactory and is recommended for approval.

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**Consent to operate from:** 15 February 2024

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**Consent will lapse on:** 15 February 2029

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**Period of Consent**

Subject to Section 4.20 of the Act, this consent becomes effective and operates from the date listed above. The consent lapses five years after the date of consent in accordance with Section 4.53 of the Act and cannot be extended. To activate this consent, works must physically commence onsite 15 February 2029.

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

No submissions were received during the notification period.

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

Within six 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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Plans endorsed by the consent authority - please refer to condition A1.

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

**15 February 2024**

DATE

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Signature on behalf of consent authority  
DAVID HOY  
**TEAM LEADER (ASSESSMENTS)**

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(i) **Conditions**

Consent is granted subject to the following conditions imposed pursuant to Section 4.17 of *the Environmental Planning and Assessment Act 1979* (“the *Act*”) and the provisions of the Environmental Planning and Assessment Regulation 2021 (“the *Regulation*”) such conditions being reasonable and relevant to the development as assessed pursuant to Section 4.17 of the *Act*.

(ii) **Definitions**

Unless specified otherwise, words have the same meaning as defined by the *Act*, the *Regulation* and the *Interpretation Act 1987* as in force at the date of consent.

**Applicant** means the applicant for this consent.

**Approved Plans** means the plans endorsed by Council referenced by this consent as amended by conditions of this consent.

**AS** or **AS/NZS** means Australian Standard® or Australian/New Zealand Standard®, respectively, published by Standards Australia International Limited.

**NCC** means the National Construction Code as published by the Australian Building Codes Board as in force at the date of issue of any *Construction Certificate*.

**Council** means North Sydney Council.

**Court** means the Land and Environment Court.

**Local Native Plants** means species of native plant endemic to North Sydney LGA.

**Stormwater Drainage System** means all works, facilities and documentation relating to:

- The collection of stormwater,
- The retention of stormwater,
- The reuse of stormwater,
- The detention of stormwater,
- The controlled release of stormwater; and
- Connections to easements and public stormwater systems.

**Owner** means the owner of the *site* and successors in title to the *site*.

**Owner Builder** has the same meaning as in the *Home Building Act 1989*.

**Principal Certifier** for building or subdivision work means the certifier appointed as the principal certifier for the building work under section 6.6 (1) or for the subdivision work under section 6.12 (1).

**Principal Contractor** for building work means the person responsible for the overall coordination and control of the carrying out of the building work.

Note: If any residential building work is involved, the principal contractor must be the holder of a contractor licence under the *Home Building Act 1989*.

**Professional Engineer** has the same meaning as in the *NCC*.

**Public Place** has the same meaning as in the *Local Government Act 1993*.

**Road** has the same meaning as in the *Roads Act 1993*.

**SEE** means the final version of the Statement of Environmental Effects lodged by the *Applicant*.

**Site** means the land being developed subject to this consent.

**NSLEP 2013** means *North Sydney Local Environmental Plan 2013*

**NSDCP 2013** means *North Sydney Development Control Plan 2013*

**Work** for the purposes of this consent means:

- the use of land in connection with development,
- the subdivision of land,
- the erection of a building,
- the carrying out of any work,
- the use of any site crane, machine, article, material, or thing,
- the storage of any waste, materials, site crane, machine, article, material, or thing,
- the demolition of a building,
- the piling, piercing, cutting, boring, drilling, rock breaking, rock sawing or excavation of land,
- the delivery to or removal from the *site* of any machine, article, material, or thing, or
- the occupation of the *site* by any person unless authorised by an *occupation certificate*.

Note: **Interpretation of Conditions** - Where there is any need to obtain an interpretation of the intent of any condition this must be done in writing to Council and confirmed in writing by Council.

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**A. Conditions that Identify Approved Plans**

**Development in Accordance with Plans/Documentation**

A1. The development must be carried out in accordance with the following drawings endorsed with Council's approval stamp and other documentation listed in the table to this clause, or cited by other conditions, and as amended by other conditions of this consent. Except when amended by notation shown clouded red on the stamped approved drawings.

| <b>Plan No.</b> | <b>Rev.</b> | <b>Description</b>              | <b>Prepared by</b> | <b>Dated</b>                               |
|-----------------|-------------|---------------------------------|--------------------|--|
| -               | 5           | Victoria Cross Signage Strategy | Urbanite           | 7/8/2023, received by Council<br>8/02/2024 |

(Reason: To ensure that the form of the development undertaken is in accordance with the determination of Council, Public Information)

**Tenant - Menu Board Signage (T10) - Deleted**

A2. No approval for any 'Tenant - Menu board' (T10) signage is granted or may be implied by this consent. The series of T10 signage in front of tenancies to Miller Street are to be deleted.

(Reason: Safety, obstruction of views; visual clutter and impact to landscape setting)

**Internal Sky Sign (B1.3) Design Requirements**

A3. The 'Sky Signage' B1.3 are to confirm with the design requirements specified on the approved drawings as follows:

- Signs are to consist of 3D sign form to be installed behind the facade glazing;
- The total sign area must not exceed 50% of the total area of the signage zone shown on the drawings; and
- Sign must be static with no flashing or moving elements.

(Reason: To ensure clarity for pedestrians in terms of wayfinding and identification of the metro station entry)

**Secondary Sky Sign (B1.2) and Internal Sky Sign (B1.3)**

A4. A separate development application for the erection of any proposed Secondary sky sign (B1.2) and internal sky sign (B1.3) must be submitted to and approved by Council prior to the erection or display of any such signs. No approval for the content or erection of any such sign is taken to be implied by this consent.

(Reason: To ensure the proposed form and design of large-scale signage comply with SEPP and DCP controls especially in regard to visual clutter)

**Building ID Sign (B2) - Berry Street**

A5. The Building ID Sign B2 to the Berry Street entry is to be non-illuminated.

(Reason: To ensure traffic safety adjacent to the traffic signals at the corner of Miller Street and Berry Street)

**Wayfinding Tenant Directory (D3) - Berry Street (North)**

A6. The Wayfinding Tenant Directory (D3) to Berry Street (North) elevation is to be non-illuminated.

(Reason: To ensure traffic safety adjacent to the traffic signals at the corner of Miller Street and Berry Street)

**Tenant - Window Signs (T9)**

A7. The Tenant – Window Signs (T9) shall comply with the following:

- font size (height and width) of the ‘Tenant-Window Sign’ (T9) must comply with the ‘Dimension Constraints’ shown on the approved plans as follows:
- The T9 signs must be installed behind facade glazing; and
- Must not exceed 50% of the total area of the signage zone as shown on the stamped approved plans.
- No sign is to contain third party advertisement or promotional advertising for products or services (for example the logos or brands of products irrespective of whether that product or service is sold or available on the site).
- All signs are to be allocated to a single tenancy.

(Reason: To ensure clarity for pedestrians in terms of wayfinding and identification of the metro development site and entry)

**Tenant - Window Sign (T9) on Laneway - North Elevation**

A8. The ‘Tenant - Window Sign’ (T9) located on the northern elevation of the laneway within Victoria Cross OSD is to be deleted as shown clouded red on the stamped approved plans.

(Reason: To mitigate visual clutter as per SEPP and NSDCP controls)

**Signs and artwork not to fully obscure glazing to tenancies**

A9. The approved signage together with any interior shelving along the shopfront interiors must be limited to the areas specified in the approved plans. Installation of any shelving is to be open-framed, see through construction must not obscure visibility into the tenancy.

(Reason: To ensure compliance with statutory and non-statutory requirements)

**Wall Sign (B2, D1, D2 & T4)**

A10. Wall sign types B2, D1, D2 and T4 are not to protrude more than 300mm from the wall to which it is attached.

(Reason: To ensure safety and compliance with Part B, s9.11 Wall Signs in NSDCP 2013)

**Shopfront Artwork (Sign Type T8)**

- A11. The vinyl graphic or 3D artwork proposed behind shopfront glazing on the concourse, laneway and Miller Street under the sign type 'T8' are to be contained wholly within the nominated signage zone and must not exceed 2 square metres in area.

The vinyl graphic or 3D artwork must comply with the requirements of the Australian Association of National Advertisers' Code of Ethics and Outdoor Media Association's Code of Ethics.

(Reason: To ensure compliance with Part B, s9.4 (P8) within NSDCP 2013 for aesthetics, line of sight and safety; and s9.7 Content)

**Signage General Requirements**

- A12. The design of the approved signage must comply with the following:-

- a) All signs should be designed in accordance with AS1428 (Building Code of Australia).
- b) The signage is not to contain highly reflective materials, colours and finishes.
- c) The signage is not to incorporate sound, vibration, odour and other emissions.

(Reason: Signage are to assist disabled access in accordance with statutory and non-statutory controls)

**E. During Demolition and Building Work**

**Erection and Maintenance of Signage**

- E1. All signs are to be erected in a secure manner and maintained to ensure safety, and the installation is not to involve measures that would cause irreversible damage to the building.

(Reason: To ensure safety)

**I. Ongoing/Operational Conditions**

**Hours of Illumination**

- I1. All illuminated signs approved by this consent must cease illumination between the hours of 1.00 pm and 7.00 am.

(Reason: To ensure appropriate forms of signage that are consistent with Council's controls and those that are desired for the locality, and do not interfere with amenity of nearby properties)

**Signage Illumination Intensity**

- I2. The sign(s) must be installed and used at all times in accordance with AS 4282-1997 control of obtrusive effects of outdoor lighting and must be restricted in accordance with the following:

- (a) At no time is the intensity, period of intermittency and hours of illumination of the sign to cause objectionable glare or injury to the amenity of the neighbourhood.



(b) The level of illumination and/or lighting intensity used to illuminate the signage must not cause excessive light spill or nuisance to any nearby residential premises.

(c) The signage illumination must not flash or contain moving elements.

(Reason: To ensure appropriate forms of signage that are consistent with Council's controls and those that are desired for the locality, and do not interfere with amenity of nearby properties)