

Development Application No. 193/18

Notice of Determination

Section 4.18 of the Environmental Planning and Assessment Act 1979 (“the Act”)
Clause 100 of the Environmental Planning and Assessment Regulation 2000 (“the Regulation”)

Applicant’s Name

Captive Vision Pty Ltd
C/- Outdoor Consulting Pty Ltd
4 Kelly Street
HENLEY NSW 2111

Land to which this applies

287 Military Road, Cremorne
Lot No.: 55, SP: 64303

Proposal

Removal of an existing static illuminated advertising wall sign and erection of a new digital advertising wall sign on the eastern elevation of a mixed use building

Determination of Development Application

Subject to the provisions of Section 4.17 of the Environmental Planning and Assessment Act 1979, the subject application has been refused for the reasons stated below.

1. Adverse Impact on the visual character of the area

- (i) The proposed LED advertising sign is an incompatible development within Cremorne because the area is characterised by small scale signage on the lower levels of buildings as stipulated in the Advertising Design Analysis in Section 9.2.2(d) in Part 2 of North Sydney DCP 2013.
- (ii) The incompatibility of the proposed development is also contrary to the objectives in Clause 3(1) of SEPP64 – (Advertising and Signage).
- (iii) The uncharacteristic nature of the proposed LED sign is contrary to the assessment criteria (Character of Area) as contained in Schedule 1 of SEPP 64 – (Advertising and Signage).

2. Excessive height and size

- (i) The height of the modified building at up to 20.8m above the ground level is excessive because of the non-compliance with the 20m maximum building height as required in Clause 4.3(2) in NSLEP 2013.
- (ii) The proposal is excessive in terms of height because it is contrary to aim 1.2 (2)(b)(i) in NSLEP 2013.
- (iii) The proposal is excessive in size because it is contrary to section 9.6 in Part B of NSDCP 2013 limiting the area of large sign to 20sqm maximum.

3. Inappropriate Design

- (i) The design of the proposed LED sign is inappropriate as it fails to respond to the Advertising Design Analysis in Section 9.2.2(d) in Part 2 of North Sydney DCP 2013.
- (ii) The proposal is inappropriate in terms of height because it is contrary to aim 1.2 (2)(b)(i) in NSLEP 2013.
- (iii) The proposal is inappropriate in size because it is contrary to section 9.6 in Part B of NSDCP 2013 limiting the area of large sign to 20sqm maximum.

4. Public Interest

- (i) The proposal is contrary to the public interest due to the uncharacteristic nature of the proposed LED wall sign.

How were community views taken into account in making the decision

The owners of adjoining properties were notified for 14 days in accordance with the EPA Act and NSDCP 2013. The notification attracted one (1) submission raising concerns about the likely impact of the proposed LED sign in terms of excessive glare arising from the sign illumination and its impact on the streetscape.

The views of the community have been taken into account in the consideration of the application including the notification of the development application to the adjoining properties, Brightmore and Harrison Precincts and the Mosman Municipal *Council* between 13 and 27 July 2018. The notification attracted two (2) submissions objecting to the proposal.

The issues raised in the submissions received by Council have been addressed in the assessment of the application where the proposal was found to be inappropriate for the locality.

Review of determination and right of appeal

Within 6 months after the date of determination, 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. If a review is contemplated, it should be lodged within two months of the date of this determination to enable the six month period, which includes Council's review to be met.

DATE

Signature on behalf of consent authority
ROBYN PEARSON
TEAM LEADER (ASSESSMENTS)