

Everbright Industries Pty Ltd
19/44 Carrington Road
CASTLE HILL NSW 2154

D163/20
HS1 (CIS)

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

Development Application Number: 163/20

Land to which this applies: 201 Miller Street, North Sydney
Lot No.: 1, DP: 706146

Applicant: Everbright Industries Pty Ltd

Proposal: Installation of four (4) building identification signs to replace four existing “McAfee” sky signs to a heritage item.

Determination of Development Application: The development application was considered by the **North Sydney Local Planning Panel (NSLPP)** on 7 October 2020. 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.

Date of Determination: 7 October 2020

Reason for refusal:

1. Non-compliances with SEPP 64

Particulars:

- a) The proposed signage is not compatible with the desired amenity and or the visual character of the area outlined Part 1 Clause 3, subclause (a) (i) (iii) of SEPP 64 given that the size and illumination of the proposed signage will have amenity impacts to adjoining residential units located in the adjoining B4 Mixed Use Zone.

- i) The proposed white coloured light box upon which the logo is displayed is not of a high quality design/finish. The design is to reflect the existing 'McAfee' signage, which has separate lettering and is in scale with plant room wall upon which it is attached.
 - ii) The proposed building identification signage does not integrate with existing architecture of the building and does not satisfy the criteria outlined in Part 1 Clause 3, subclause (a) (i) (iii) of SEPP 64
- b) The proposed building identification signage does not satisfy Schedule 1 assessment criteria outlined in SEPP 64 being:
- i) Character of an area
 - Compatible with the existing or desired future character of the area or locality.
 - ii) Streetscape, setting or landscape
 - Scale, proportion and form appropriate for the streetscape, setting or landscape.
 - iii) Site and building
 - Compatible with the scale, proportion and other characteristics of the site or building, or both, on which the proposed signage is to be located.
 - iv) Illumination
 - v) Detract from the amenity of any residence or other form of accommodation.

2. Non-compliances with the NSLEP 2013

Particulars:

- a) The illuminated signage is inconsistent with the objectives for the B3 Commercial Core, specifically bullet point 5, which aims to minimise the 'adverse effects of development on resident occupiers of existing and development'.
- b) The proposal is contrary to the objectives of NSLEP 2013 Clause 5.10 (1) (a) and (b), which aims to conserve the environmental heritage and heritage significance of heritage items including associated fabric, settings and views.

3. Non-compliances with the NSDCP 2013

Particulars:

- a) The proposal is inconsistent with the objectives outlined in Section 9.1.1 of the North Sydney DCP 2013. The proposal signage is not appropriately positioned or sized with respect to the existing plant room wall to which the signage is attached.

The proposed white coloured illuminated light box does not complement the architectural style or the colour scheme of the heritage item. The proposed illumination of the building identification signage results in amenity impacts to adjoining residential units in close proximity to the subject site.

- b) The proposal is inconsistent with Section 9.2.4 of the North Sydney DCP 2013, the North Sydney Centre limits large business identification signage on multi storey building above the first floor level to be only two per building. The proposal seeks four (4) large building identification signs.
- c) The proposal is inconsistent with objective 1, Provision 3 and Provision 4 of Section 9.4 of the North Sydney DCP 2013. The proposed white coloured light box signage is large in scale is 600mm above the overrun from the existing plant room wall, where it is seeking to be attached. The proposed signage does not integrate with the architecture of the building and the materials used do not complement the heritage item. Therefore the proposal detracts from the architecture of the existing building.
- d) Section 9.6 of the North Sydney DCP 2013 specifies that no more than one large building identification sign be allowed per building. The proposal seeks four (4) large building identification signs.
- e) Section 9.9 of the North Sydney DCP is non-compliant with O1, P1, P3 and P5. The inconsistency with the objectives and provisions is due to the vertical dimensions of the sign that project above the existing plant room wall, which creates a detracting element which is at odds with the horizontal panel of the plant room.
- f) Section 9.10 of the North Sydney DCP 2013 specifies that with regards to illumination, local amenity is to be preserved. The proposed illumination of the signage will result in amenity impacts to adjoining properties and is not in the public interest.

4. Amenity Impacts

Particulars:

- a) The illumination of the proposed building identification signage will result in amenity impacts to residential apartments within the B4 mixed use zone.

How community views were taken into account:

The development application was notified to adjoining properties and the Stanton Precinct between the 14 August 2020 and 28 August 2020. The notification of the application received Fifteen (15) submissions.

The submissions received by Council were addressed in the NSLPP report (see Council's website: https://www.northsydney.nsw.gov.au/Council_Meetings/Meetings/NSLPP/2020/7_October_2020)

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.

Endorsed for and on behalf of North Sydney Council

DATE

Signature on behalf of consent authority
LUKE DONOVAN
ACTING TEAM LEADER ASSESSMENTS
