



Planning &
Environment

***Modification:
Sydney Slipways Marine Maintenance
Facility, Rozelle
(MP05_0187 MOD 3)***



Secretary's
Environmental Assessment Report
Section 75W of the
Environmental Planning and Assessment Act
1979

June 2015

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1. INTRODUCTION

On 22 December 2006, the Minister for Planning granted project approval to Sydney Slipways Pty Ltd for the construction and operation of a marine maintenance facility at Rozelle Bay. The facility was approved across two sites (Lots 31 and 34), site one comprising of boat maintenance facilities and vessel refit yards, and site two comprising of marine retail/office space for marine contractors and retailers. The modification application (referred to as Modification 3) seeks approval for construction of a light box for business identification signage on top of the approved building on Lot 34 ('Longitude Building').

1.1 The Site

The Sydney Slipways Marine Maintenance Facility is located on Lots 31 and 34, James Craig Road Rozelle. This modification specifically relates to the building located on Lot 34 ('Longitude Building'). The site is bounded by James Craig Road to the west and south-east, a sandstone escarpment and Sommerville Road along the north, and the Glebe Island Bridge embankment to the north-east. The south-west boundary of the site is located directly beneath the ANZAC Bridge (refer to **Figure 1**).

The site is predominantly surrounded by port related industrial uses to the north of the site and maritime uses to the west. The closest residences are located 400 metres to the south of the site at Glebe Point and 450 metres to the east of the site at Pyrmont.



Figure 1: Site Location

1.2 Approval History

The project application (MP05_0187) for the Sydney Slipways Marine Maintenance Facility was approved by the then Minister for Planning on 22 December 2006 for the construction and operation of a new marine maintenance facility comprising of the following elements:

The project application has since been modified twice. In particular:

- on 9 January 2008, the Minister for Planning approved a section 75W modification application (Modification 1) to alter the approved buildings and to allow the construction of a new building; and
- on 4 September 2008, the Minister for Planning also approved a section 75W modification (Modification 2) to extend the length of the marine work bays and create an additional marine work bay to the south of the site.

2. PROPOSED MODIFICATION

On 5 January 2015, Longitude Rozelle Bay Pty Ltd lodged a modification application (Modification 3) under section 75W of the EP&A Act to modify the Sydney Slipways Marine Facility approval (MP05_0187). Modification 3 seeks approval to modify Condition 2 of the project approval to allow the construction of a light box feature on the north-eastern end of the commercial building on Lot 34 ('Longitude Building') as shown in **Figure 2**.

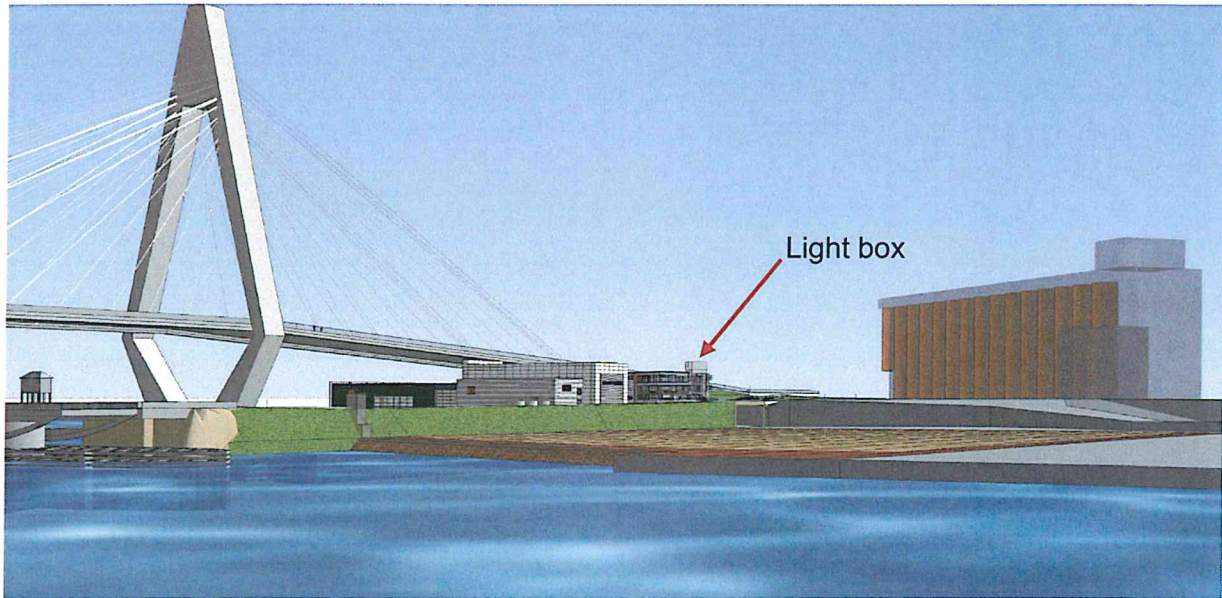


Figure 2: Proposed lightbox located above existing stairwell

The light box would be installed above the stairwell of the existing building. The proposed light box would be 3 metres high and 4.7 metres wide on the north-east and south-west faces of the building, and 5.1 metres wide on the north-west and south-east faces (**Figure 3**). The proposed light box would consist of aluminium framing and acrylic panels with lighting fixtures inside the light box structure for illumination (until 1am daily). The light box would be used for business identification signage on the south-west and south-east faces and would be leased to the building tenant.

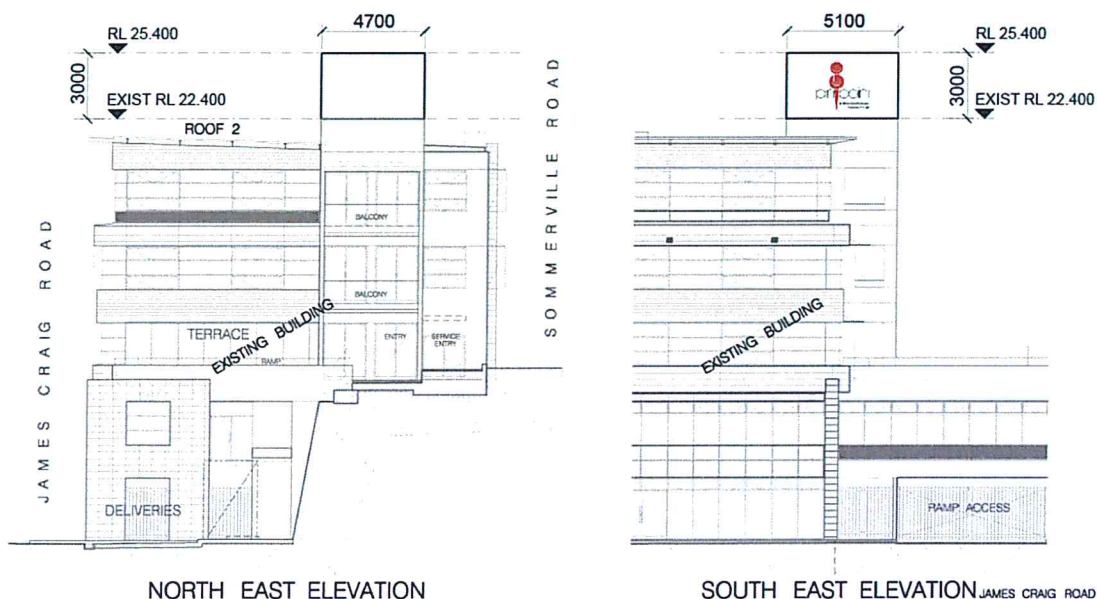


Figure 3: North-east and south-east elevations of proposed light box

Additionally, the modification also seeks approval to change the content of the signage contained within the lightbox feature without further approval, providing that the sign:

- displays the logo and/or name of a tenant within the building only;

- does not contain content that can be confused with traffic or maritime information; and
- remains static and does not flash or move.

3. STATUTORY CONTEXT

3.1 Modification of Approval

Section 75W(2) of the EP&A Act provides that a Proponent may request the Minister to modify a project approval. The Minister's approval of a modification is not required if a project, as modified, would be consistent with the existing approval. As the proposed modification seeks to alter Condition 2 of the approval, the modification requires the Minister's approval.

The Department has considered the matters outlined in clause 8B of the *Environmental Planning and Assessment Regulation 2000* (EP&A Regulation). These matters are addressed in this report.

3.2 Secretary's Environmental Assessment Requirements

Section 75W(3) of the EP&A Act provides the Secretary with scope to issue Environmental Assessment Requirements (SEARs) that must be complied with before the matter will be considered by the Minister. SEARs were not issued for this modification as the Proponent has addressed the key issues related to the modification.

3.3 Permissibility

The site is located within the Leichardt local government area and is subject to the provisions of *Sydney Regional Environmental Plan No. 26 – City West* (SREP 26). The site is zoned 'Port and Employment' and 'Waterfront Use' under the provisions of SREP 26. The modification is consistent with the objectives of these zones to facilitate maritime development and port related uses. The site is also subject to the provisions of *Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005* (SREP (Sydney Harbour Catchment)) as it falls within the Foreshores and Waterways Area Boundary. The Department is satisfied that the proposal is consistent with the aims of SREP (Sydney Harbour Catchment).

3.3 Environmental Planning Instruments

In accordance with section 75I(2) of the EP&A Act, the Department's consideration of relevant Environmental Planning Instruments (EPIs) and master plan is provided in **Appendix E**, including:

- *Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005* (SREP Sydney Harbour);
- *Sydney Regional Environmental Plan No. 26 – City West* (SREP 26);
- *State Environmental Planning Policy No. 64 (Advertising and Signage)*; and
- *Glebe Island and White Bay Master Plan*

The Department is satisfied that the modified proposal generally complies with the relevant provisions of these instruments and plans.

3.4 Delegation

Under the instrument of delegation dated 16 February 2015, the Minister's function to determine modification requests under section 75W of the EP&A Act has been delegated to the Director, Key Site Assessments where:

- the relevant local council has not made an objection; and
- a political disclosure statement has not been made; and
- there are no public submissions in the nature of objections.

As Leichardt Council did not object to the modification, a political disclosure statement has not been made, and no public submissions were received, the Acting Director, Key Site Assessments may determine the modification request under delegated authority.

4. CONSULTATION

4.1 Exhibition

Under section 75X(2)(f) of the EP&A Act, and clause 8G of the *Environmental Planning and Assessment Regulation 2000* (EP&A Regulation), the Secretary is required to make the modification

application publicly available. In accordance with these provisions, the Department publicly exhibited the modification request from 18 February 2015 to Wednesday 4 March 2015 on the Department's website and at the following locations:

- Department of Planning and Environment: Information Centre, 23-33 Bridge Street, Sydney; and
- Leichhardt Municipal Council: Administration Centre, 7-15 Wetherill Street, Leichhardt.

The Department also advertised the public exhibition in the *Inner West Courier* on 3 February 2015.

During the exhibition period, two submissions were received from public authorities and a summary of these is provided below.

4.2 Public Authority Submissions

Leichhardt Municipal Council raised no objections to the proposal, however, provided comments on the appropriateness of the modification with regards to relevant environmental planning instruments such as SREP 26 and SREP Sydney Harbour Catchment. The Department has considered these in Section 5 and **Appendix E** of this report.

Roads and Maritime Services (Transport and Maritime divisions) did not object to the proposed modification.

4.3 Response to Submissions

On 14 April 2015, the Department requested a Response to Submissions (RTS) report from the Proponent to address the matters raised in submissions. The Proponent submitted the RTS report on 30 April 2015.

5. ASSESSMENT

The Department has assessed the modification application and considers the key environmental issues related to the modification are:

- Illumination;
- Views and vistas;
- Height;
- Bulk and scale; and
- Compliance with SEPP 64.

Illumination

The proposed modification to erect a light box structure on top of the 'Longitude Building' would include an internally illuminated rectangular box. The Proponent is seeking approval to illuminate the light box until 1am daily for business identification signage. The Proponent's Environmental Assessment indicated that the light box would project light up to 5 metres from the structure.

The Department has considered the impact of illumination on the amenity of surrounding land uses and safety. Consideration has been given to the illumination and safety requirements provided in SEPP 64 (see **Appendix E**). Overall, the Department considers that there would be no impact on the safety of pedestrians, water vessels and road vehicles as a result of illumination.

Additionally, it is not anticipated that illumination of the light box would not result in unacceptable night time glare, causing sleep disruption, as the nearest residential receiver is approximately 400 metres from the proposed light box. However, the Department has included a condition of approval restricting the illumination of the light box after 1am daily.

Therefore, the Department considers that the illumination of the light box would not result in adverse light spill or glare or detract from the amenity of the area.

Views and vistas

Leichhardt Municipal council raised concern regarding the obstruction of views and vistas as a result of the proposed modification. The Department's consideration of impacts on views and vistas required in SEPP 64 is provided in **Appendix E**. The Master Plan for Rozelle and Blackwattle Bays Maritime Precincts (the Master Plan) and the Sydney Harbour Foreshores Area Development Control Plan (the DCP) identify various view corridors or viewpoints to be maintained.

The proposed siting of the light box does not fall within any of the viewpoints or view corridors identified in the Master Plan for Rozelle and Blackwattle Bay Maritime Precincts. However, the DCP states that views from public places to the water and to landmarks should not be obstructed by development. The EA indicates that the proposed light box would obstruct views from the ANZAC Bridge towards the Sydney Harbour Bridge. Based on a 60 degree horizontal view limit, the light box would shield 3.94 degrees (6.66%) of the horizontal view from the closest point of the ANZAC Bridge to the light box, as shown in **Figure 4** (below).

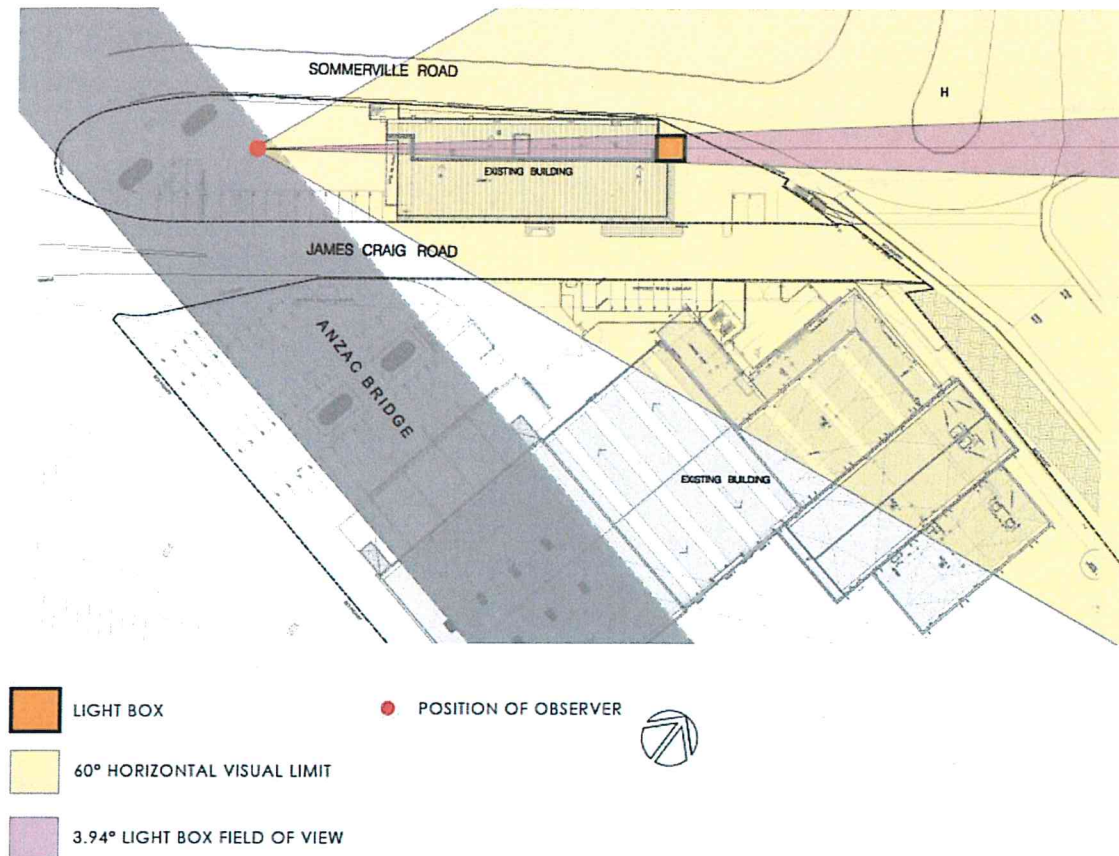


Figure 4: Horizontal view impact from ANZAC Bridge to Sydney Harbour Bridge

However, the Department notes that the degree of view obstruction by the light box would reduce with distance and that the likely observers from the ANZAC Bridge would be travelling at speed. Therefore, the Department concludes that the light box would not significantly impact on views and vistas between the ANZAC Bridge and Sydney Harbour Bridge.

Height

The relevant Master Plan applying to the site is the Master Plan for Rozelle and Blackwattle Bay Maritime Precincts (the Master Plan) and provides a maximum height for the subject site of RL 23 metres. The existing height of the 'Longitude Building' is RL 22.4 metres and the erection of the proposed light box of 3 metres would increase the height to 25.3 metres (this would exceed the maximum building height by 2.4 metres). However, the provisions of the Master Plan stipulate that changes to building envelopes may be considered if it can be demonstrated that it is necessary to the operational requirements of the proposed use and meets the urban design principles that underpin the building envelopes in the Master Plan.

The Proponent has indicated that the light box is required for business identification signage to assist customers navigating to the site and that the additional height is required to ensure visibility. The Department acknowledges that this would assist in meeting the objectives of the 'Waterfront Use' and 'Port and Employment' zones of SREP 26 and the accompanying Master Plan.

Similarly, the Department considers that the exceedance of the building height by 2.4 metres would be consistent with the urban design principles that underpin the building envelopes in the Master Plan, including:

- step down building heights to respect landforms and viewing sharing;
- built form must not present a wall of development to the public domain;
- maintain existing views to landmarks to reinforce the diverse visual quality of the area;
- provide flexibility for the location of maritime buildings and structures; and
- ensure that development within the sites achieves a high standard of urban design and contributes to a high quality public domain.

Additionally, the Department notes that the light box is small in size, relative to the building, and therefore would not increase the overall bulk and scale of the building. Therefore, the Department is satisfied that the modification would remain generally consistent with the key provisions of the Master Plan which apply to the site.

Bulk and scale

The proposed light box would be erected above the stairwell on the north-eastern side of the 'Longitude Building' and would consist of aluminium framing and acrylic panels. The Sydney Harbour Foreshores Area Development Control Plan (the DCP) controls building bulk, scale and design for the site. The Department considers that the proposed modification is generally consistent with the aims and objectives of the DCP as discussed above.

Although the light box would protrude above the existing building envelope, the design of the light box fits with the character of the existing building, as well as the surrounding industrial character of Glebe Island.

The light box would not present excessive bulk or scale despite the proposed location of the light box on top of the building. The architectural drawings demonstrate that the light box would occupy only 9% of the length of the existing building.

Compliance with SEPP 64

Pursuant to clause 13(2) of SEPP 64, prior to granting approval, the Minister must ensure that the proposed signage is consistent with the objectives of SEPP 64 and the assessment criteria in Schedule 1 of SEPP 64. The Department considers that the proposal is consistent with the objectives of SEPP 64 and has undertaken a detailed assessment of the proposal against the assessment criteria, which is provided in **Appendix E**. The assessment concludes that the signage is consistent with the character of the area and would not significantly impact on views or road and maritime safety.

Advertising

The Proponent has indicated that the light box sign would be used for business identification signage for the building tenant. The Department recommends a condition of approval restricting the use of the light box for business identification signage and prohibiting the use of the sign for general advertising, by a third party or otherwise.

6. CONCLUSION

The modification application has been assessed in accordance with section 75W of the EP&A Act and the matters for consideration outlined in clause 8B of the EP&A Regulation.

The Department has assessed the proposed modification with regards to illumination, views and vistas, compliance with the Master Plan for Rozelle and Blackwattle Bay Maritime Precincts, bulk and scale, and compliance with SEPP 64. Consideration has also been given to other relevant EPIs.

The Department considers that the proposed modification and would not result in adverse impacts on the surrounding locality. Additionally, the Department is satisfied that the modified proposal complies with the relevant provisions of EPIs.

Therefore, it is recommended that the modification application be approved, subject to conditions, as recommended by the Department.

7. RECOMMENDATION

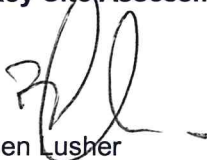
It is RECOMMENDED that the Acting Director:

- approve the proposed modification subject to conditions; and
- sign the attached instrument of approval (**Appendix A**).



9/6/15

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Team Leader
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APPENDIX A INSTRUMENT OF APPROVAL

APPENDIX B ENVIRONMENTAL ASSESSMENT

See the Department's website at

http://majorprojects.planning.nsw.gov.au/index.pl?action=view_job&job_id=6887

APPENDIX C SUBMISSIONS

See the Department's website at

http://majorprojects.planning.nsw.gov.au/index.pl?action=view_job&job_id=6887

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APPENDIX E CONSIDERATION OF ENVIRONMENTAL PLANNING INSTRUMENTS

Sydney Regional Environmental Plan No.26 – City West

The proposed modification is located on land subject to SREP 26. The site is zoned 'Waterfront Use' and 'Ports and Employment'. The provisions of SREP 26 require to the consent authority to give consideration to the objectives of the zones. The Department is satisfied that the modification would remain generally consistent with the objectives of these zones. SREP 26 also requires the consent authority to take into consideration the aim of the SREP that development within the City West area should be consistent with the planning principles for City West. The Department is satisfied that the proposed modification would remain consistent with the planning principles for City West.

Sydney Regional Environmental Plan No.55 – Remediation of Land

The proposed sign is located on the roof of an existing building and no excavation works are proposed. Consequently, the site is considered suitable for the proposed sign.

State Environmental Planning Policy No. 64 (Advertising and Signage)

Consideration of the relevant clauses in SEPP 64 are addressed in **Table 1** below:

Table 1: Consideration of SEPP 64

Design Criteria	Compliance	Comment
Character of the area	✓	The area is characterised by port and maritime uses. The Master Plan for Rozelle and Blackwattle Bays Maritime Precincts encourages the continuation of mixed land uses. The proposal would not detract from the existing or desired future character of the area. The proposed signage is also consistent with the theme of advertising present on the Glebe Island Silos.
Special areas	✓	The area is characterised by commercial and industrial uses and would not detract from the amenity or visual quality of surrounding areas or viewpoints, beyond the impact of the existing building.
Views and vistas	✓	The proposal does not fall within the line of sight of special viewpoints and view corridors identified in the Master Plan for Rozelle and Blackwattle Bay Maritime Precincts. Additionally, the modification would not significantly result in a reduction in quality of vistas or dominate the skyline due to its scale. The proposal would not affect the viewing rights of other advertisers in the area.
Streetscape, setting or landscape	✓	The Department considers the proposed scale of the light box is appropriate in the industrial setting and is not likely to dominate the area due to the scale of surrounding built structures such as the Glebe Island Silos and ANZAC Bridge. The modification would not replace any existing signage and is proposed to act as a way finding feature to the building.
Site and building	✓	The light box would form part of the existing building and respect the proportion and characteristics of the existing building. The light box would be utilised for business identification signage and would not possess any distinguishing characteristics.
Associated devices and logos with advertisements and	✓	The proposal does not include any safety devices or logos.

advertising structures		
Illumination	✓	The illumination of the light box would not result in adverse light spill or glare or detract from the amenity of the area. Illumination of the light box would have a 1am curfew.
Safety	✓	The proposed light box would be visible to motorists on the ANZAC Bridge however the Proponent has indicated that the light box lease agreement would ensure that the signage would not include flashing lights and movable parts which would have the potential to impact on road safety. Therefore, the Department considers that the proposal would not reduce road safety. The proposal would not reduce the safety of pedestrians or bicyclists.
<i>Transport Corridor Outdoor Advertising & Signage Guidelines</i>	N/A	The site is not within a transport corridor and therefore the <i>Transport Corridor Outdoor Advertising & Signage Guidelines</i> are not relevant to this proposal.

Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005

Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005 identifies aims with respect to the Sydney Harbour Catchment to which the SREP applies. The Department is satisfied that proposal is not inconsistent with the aims of the SREP.

Division 2 of the SREP outlines matters for consideration by the relevant consent authority prior to granting approval within the Foreshore and Waterways Area, including Glebe Island. The matters of consideration relevant to this modification include protection of views and scenic quality of foreshore and waterways. Section 5 of this report addresses these matters for consideration. In accordance with clause 29(3), the modification application was not referred to the Foreshores and Waterways Planning and Development Advisory Committee due to its minor nature and negligible impact on Sydney Harbour.

Master Plan for Rozelle and Blackwattle Bay Maritime Precincts (the Master Plan)

The existing height of the 'Longitude Building' is RL 22.4 metres and the erection of the proposed light box of 3 metres would increase the height to 25.3 metres (this would exceed the maximum building height by 2.4 metres). The provisions of the Master Plan stipulate that changes to building envelopes may be considered if it can be demonstrated that it is necessary to the operational requirements of the proposed use and meets the urban design principles that underpin the building envelopes in the Master Plan.

The Proponent has indicated that the light box is required for business identification signage to assist customers navigating to the site and that the additional height is required to ensure visibility. The Department acknowledges that this would assist in meeting the objectives of the 'Waterfront Use' and 'Port and Employment' zones of SREP 26 and the accompanying Master Plan.