



planning consultants

18 December 2017  
Our Ref: 8493C.s75W\_KO\_Amended

Ms Carolyn McNally  
Secretary  
Department of Planning and Environment  
GPO Box 39  
SYDNEY NSW 2000

Dear Ms McNally

**RE: SECTION 75W APPLICATION TO MODIFY MAJOR PROJECT MP06\_0210  
Lots 29 and 30, James Craig Road, Rozelle**

### 1.0 Introduction

DFP Planning Pty Ltd (DFP) has been commissioned by Rozelle Bay Pty Ltd to prepare an application to modify Project Approval MP06\_0210 under the transitional arrangements for Part 3A projects, which continue the application of Section 75W, in accordance with Schedule 6A of the *Environmental Planning and Assessment Act 1979* (EP&A Act 1979).

This modification application seeks:

1. to amend the condition of consent to extend the timeframe for the use of the single storey temporary building;
2. approval for the use of the temporary building as a café and office;
3. approval for an additional business identification sign on the western façade of the Western Boat Store; and
4. approval for Phase 2b of Stage 1. Phase 2b is for temporary at grade car parking and boat storage on the hardstand area between the foreshore and western boat store.

This letter has been prepared in support of the s75w modification application and includes the information necessary for Department of Planning and Environment (DoPE) to assess and determine the application including:

- A background of the approved development;
- Details and reasons for the proposed modifications;
- An environmental assessment; and
- Our conclusion and recommendations.

The café design and temporary office and proposed signage are shown on the architectural drawings prepared by Micheal Fountain Architects Pty Ltd included at **Attachment 1**.

We have concluded that the proposed modification will not substantially alter the approved project and the proposed modifications are unlikely to result in any adverse or additional environmental impacts and accordingly, we are of the view that the proposed modifications are acceptable in this particular instance.

## **2.0 Background**

The Sydney Boathouse (formerly known as Rozelle Bay Marine Centre) was approved by the Minister for Planning on 21 May 2007. The approved project comprises construction of two dry boat store buildings, commercial building, marina and multi-storey car park. A total of 670 boats were approved to be stored on the site.

Since the original approval seven modifications have been lodged:

- Modification 1 sought approval for an extension of the period of approval from 3 years to 4 years. The modification application was approved on 31 March 2010.
- Modification 2 proposed minor design variations and additional stages of construction. The modification application was approved on 16 September 2010.
- Modification 3 proposed an additional construction phase, interim hardstand storage of up to 78 vessels, and interim car parking. The modification application was approved on 27 March 2012.
- Modification 4 sought a design change to the Western Boat Store and changes to the façade material to both the Western and Eastern Boat Store buildings. The modification application was approved on 19 August 2012.
- Modification 5 sought an extension of time for the use of Lot 29 for temporary car parking and a temporary building for office uses until 16 September 2015. This modification was approved on 19 March 2014. The consent for the temporary single storey building has lapsed and the building is vacant.
- Modification 6 sought design changes to the commercial tenancies within the Western Boat Store to introduce mezzanine areas. This modification was approved on 13 November 2014.
- Modification 7 sought design changes to the marina berths to expand the marina within the water license area. The modification was approved on 5 November 2015.

The project has commenced and the Western Boat Store has been constructed, along with the marina berths and temporary office facilities. Interim boat storage and car parking on the hardstand, consistent with Modification 3 has also been completed.

## **3.0 Proposed Modification**

The proposed modification seeks approval for the following:

- Retention of the temporary building for a further six years or until the construction of the Commercial Maritime building, whichever occurs first.
- Use of the temporary building for the purposes of a café and office space.
- Works to the temporary building to extend the deck area at the southern end of the building, including the provision of an access ramp. The area of the new decking is 36m<sup>2</sup>.
- Installation of an additional business identification sign on the western elevation of the western boat store.
- Introduction of Phase 2b of Stage 1.

Plans of the proposed café and office are shown **Figure 1** and **Attachment 1** and a plan of the proposed signage is shown at **Figure 2** and **Attachment 1**.

The Phase 2b plan is shown at **Figure 3** and included at **Attachment 1**.

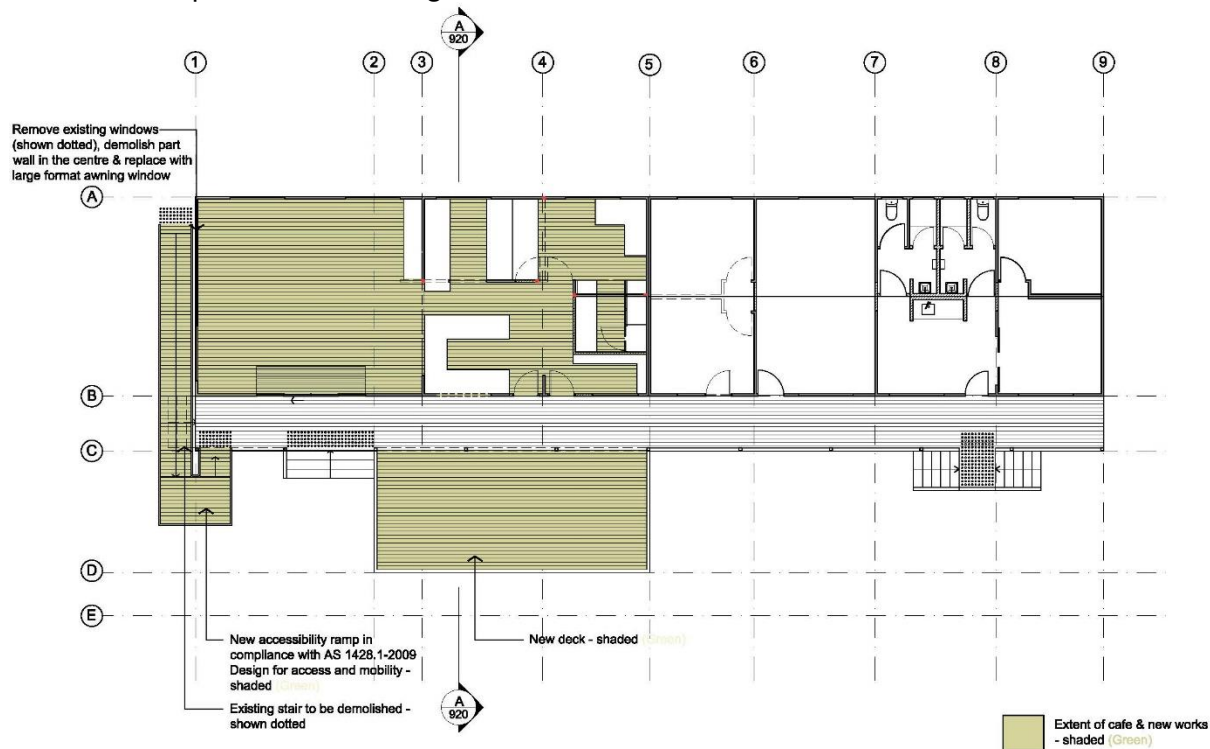


Figure 1: Proposed café and office layout in temporary building

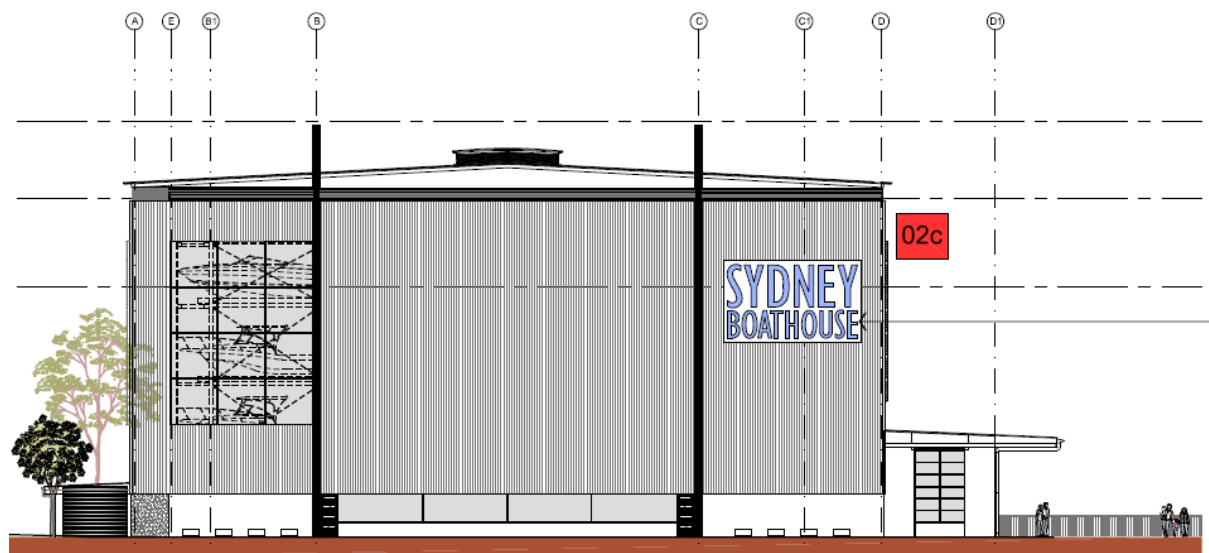
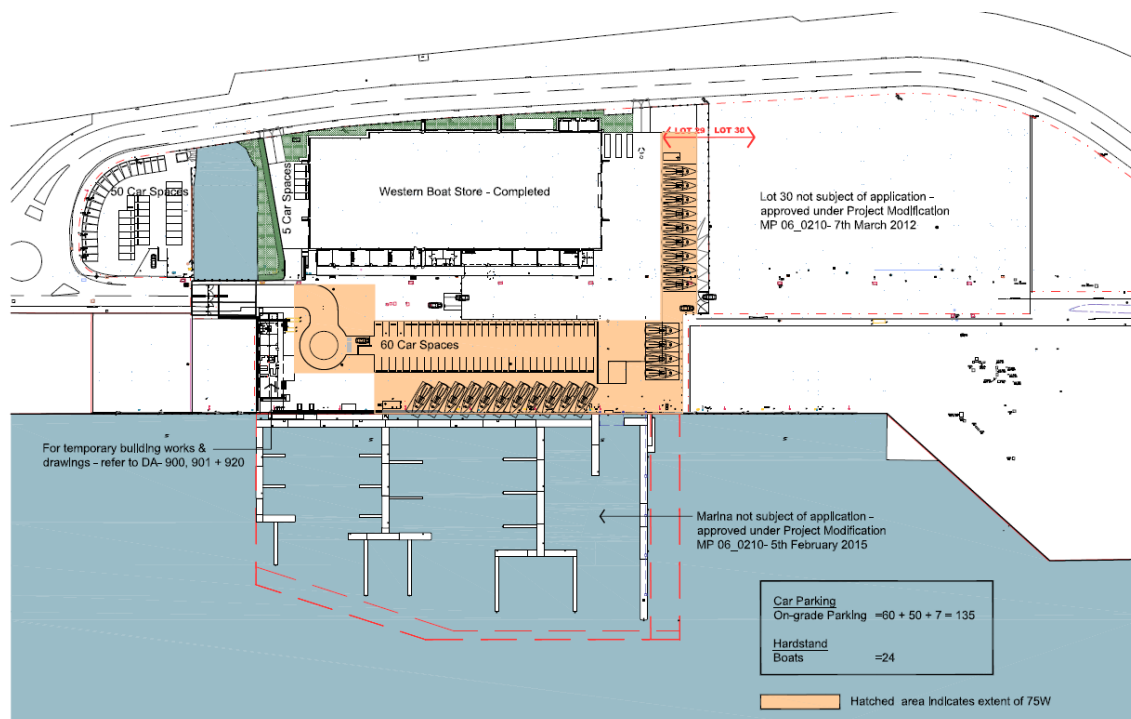


Figure 2: Proposed New Signage – Western Elevation – Western Boat Store



#### 4.0 Amendments to the Consent

It is proposed to modify the description of the approved development in Schedule 1 and the Conditions of Approval in Schedule 2. Words proposed to be inserted are shown in ***bold italics*** and words proposed to be deleted are shown in ~~**bold strike through**~~.

#### Schedule 2

It is proposed to modify Schedule 2 of the Conditions of Approval as follows:

##### A2 – Terms of Approval

It is proposed to modify Condition A2 by inserting the following additional drawing references in the table of Architectural Plans.

| Architectural Plans prepared by Michael Fountain Architects, as follows: |                               |          |          |
|--------------------------------------------------------------------------|-------------------------------|----------|----------|
| Drawing Reference                                                        | Name of Plan                  | Revision | Date     |
| DA 900                                                                   | Site Plan- New Café & Signage | Issue A  | 25.09.17 |
| DA 901                                                                   | Floor Plan- Café              | Issue B  | 25.09.17 |
| DA 920                                                                   | Section & Elevations-Café     | Issue C  | 25.09.17 |
| B700                                                                     | Western Boat Store Signage    | Issue E  | 20.7.16  |
| MP 016b-75W                                                              | Site Plan Phase 2b of Stage 1 | Issue B  | Nov 2017 |
| Café Fit Out plan prepared by Guru Hospitality                           |                               |          |          |
| CC101                                                                    | Proposed Plan                 |          | undated  |

## A9 (e) – Limits on Approval

"The use of single storey temporary ~~office~~ buildings ~~for a café and office~~ on Lot 29, James Craig Road as illustrated by *Drawings SK800 Issue K and SK 801 MP-011-DA and T0-001-DA* expires ~~on 16 September 2015~~ *six years from the date of approval of Modification 8 or until the construction of the Commercial Maritime building is completed, whichever occurs first.*"

## 5.0 Environmental Planning Assessment

### 5.1 Temporary Café Use and Office

Approval has previously been granted for a single storey temporary building on Lot 29 James Craig Road. The temporary building housed the Sydney Boathouse office as well as boat brokerage offices. The Sydney Boathouse office and boat brokerage offices are now located with the Western Boat Store and the temporary building is now vacant.

The temporary building use was originally approved for a three year period on 16 September 2010. An extension to this period was granted on 19 March 2014, which allowed the use of the temporary building until 16 September 2015.

The intention of the condition was to allow the proposed temporary uses until the completion of Phase 2 Stage 1 of the project, being construction of the Western Boat Store and Commercial Maritime building. Currently the Western Boat Store Building has been completed, however the construction of the Commercial Maritime Building is yet to commence.

The approval for the use of the temporary building has lapsed however Sydney Boathouse would like to retain the temporary building for a further period of six years or until the construction of the Commercial Maritime building is completed. The proposed uses for the temporary building include a café and office space. As noted above it is also proposed to extend the deck at the southern end of the building by 36m<sup>2</sup> to provide an additional outdoor seating area overlooking the bay. A ramp is also proposed to be provided for disability access. The proposed works are minor and will have minimal environmental impact. Plans of the café fit-out are included at **Attachment 1**.

Photographs of the temporary building are shown at **Figures 4 and 5**.

The approved Commercial Maritime Building comprises the following:

- 1,723m<sup>2</sup> commercial maritime office space;
- 676m<sup>2</sup> maritime brokerage (boat showroom) space);
- 99m<sup>2</sup> maritime workshop space;
- A 487m<sup>2</sup> restaurant; and
- 39m<sup>2</sup> café/take away outlet.

It was always contemplated that the site would accommodate office space, restaurant and café/take away food facilities and this is reflected in the Project Approval.

The use of the temporary building for a café and office space does not preclude the development of the Commercial Maritime Building as it is a temporary structure that can be removed when construction of the Commercial Maritime Building commences. The proposed use of the temporary building as a café and office space allows for uses that are intended for the site and for which Project Approval has been granted.



Figure 4: Temporary building



Figure 5: Temporary building

The proposed use of the temporary building for café and office space will have minimal environmental impact. The use of the temporary building for offices operated without any adverse impacts on the surrounding land uses and it is considered that the temporary building will continue to operate without any amenity impacts.

As noted above the approved Project included a Commercial Maritime building with a 487m<sup>2</sup> restaurant; and 39m<sup>2</sup> café/take away outlet. The provision of an 96m<sup>2</sup> café (plus approximately 36m<sup>2</sup> on the deck area for seating) is within that allowed for in the Project Approval.

The café will be located in an industrial/working waterfront location and is not expected to have any adverse impacts. The café will largely service local workers, boat owners and visitors to the site and is therefore not expected to generate adverse traffic and parking impacts.

It is noted that the current consent imposed conditions in relation to the hours of operation of the restaurant/take away food premises and it is not proposed to seek any variation to those hours.

It is therefore considered that the proposal to allow the temporary building to be retained for use as a café and office and will not substantially alter the approved project and the proposed uses are not likely to result in any adverse or additional environmental impacts.

## **5.2 Western Boat Store**

It is proposed to include an additional business identification sign on the western elevation of the Western Boat Store. The proposed sign is to be consistent with the existing business identification sign on the eastern elevation of the Western Boat Store. The proposed dimensions of the sign are 7.150m wide and 4.005m high, which is the same dimensions as the approved signage on the eastern elevation. The sign is to comprise individual internally illuminated 3D letters.

A photograph of the existing sign is shown at **Figure 6** and photographs of the existing western elevation of the Western Boat Store is shown at **Figures 7 and 8**. The proposed signage will provide a clearer identification of the Sydney Boathouse from James Craig Road being the main entry. A view of the western elevation of the building from James Craig Road is shown at **Figure 7**.



Figure 6: Existing business identification signage on eastern elevation of Western Boat Store



Figure 7: View of Western Boat Store from entry road off James Craig Road



*Figure 7: View of Western Boat Store from James Craig Road*

The sign on the western elevation however will be generally obscured to motorists on the City-West Link Road/The Crescent due to vegetation screening views to the Sydney Boathouse building (refer to **Figure 9**).



*Figure 9: View to Western Boat Store from City West Link/The Crescent*

The Western Boat Store is visible from the pedestrian overpass on City West Link (refer to **Figure 10**) however the proposed signage is not considered to have adverse visual impact or contribute to signage clutter.

The size of the sign is appropriate for the scale of the building and consistent with other Sydney Boathouse signage. It should be noted that once the multi-storey car park building is constructed the views to the sign from James Craig Road will be partially obscured.

The potential visual impact of the sign from Bicentennial Park at Glebe has also been considered. As shown in **Figures 11** and **12** distant views to the western elevation are available from western end of the park. The new sign will be visible from the park, however the sign will not dominate the landscape and appear as an integrated part of the working waterfront landscape.



Figure 10: View from City West Link Pedestrian Overpass



Figure 11: View from western end of Bicentennial Park



Figure 12: View from Bicentennial Park

Sydney Regional Environmental Plan No 26 – City West sets out planning controls that apply to the site and the City West precinct. However, there are no specific controls in relation to signage. State Environmental Planning Policy No. 64 – Advertising Signage (SEPP 64) also applies to the proposed signage and clause 8 of the SEPP requires:

- Consideration of the proposal's consistency with the objectives of SEPP under clause 3(1)(a); and
- An assessment of the proposal's satisfaction of the assessment criteria contained in Schedule 1 of the SEPP.

The proposed signage falls within the definition of business identification signage which is defined as follows:

***business identification sign*** means a sign:

(a) that indicates:

- (i) the name of the person, and
- (ii) the business carried on by the person,  
at the premises or place at which the sign is displayed, and

(b) that may include the address of the premises or place and a logo or other symbol that identifies the business,

but that does not include any advertising relating to a person who does not carry on business at the premises or place.

An assessment of the proposed sign against the objectives, assessment criteria in Schedule 1 is provided in **Table 1** below. Part 3 Advertisements of SEPP 64 does not apply to Business Identification Signage.

**Table 1 Assessment under SEPP No. 64 – Advertising and Signage**

| Provision                                                                                                                                                                                                                                                      | Assessment                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         | Consistent |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------|
| <b>Clause 3 – Aims, Objectives</b>                                                                                                                                                                                                                             |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |            |
| (a) to ensure that signage (including advertising):<br>(i) is compatible with the desired amenity and visual character of any area, and<br>(ii) provides effective communication in suitable locations, and<br>(iii) is of high quality design and finish, and | <p>The character of the locality in the vicinity of the Site consists of a light industrial, business and working waterfront land uses with a variety in signage types and a multitude of signage around the precinct.</p> <p>The proposed sign is set back from street frontage and is of a size that is considered suitable for the length and height of building and will not dominate the streetscape. The proposed sign is a simple sign providing the name of the business.</p> <p>The proposed sign will be internally illuminated in the Sydney Boathouse corporate colours, which complement the remainder of the building and surrounding landscape.</p> | Yes        |
| (b) to regulate signage (but not content) under Part 4 of the Act                                                                                                                                                                                              | Part 4 of the EP&A Act does not strictly apply to this modification application, however assessment of the relevant environmental matters is provided within this letter.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          | N/A        |
| (c) to provide time-limited consents for the display of advertisements in transport corridors, and                                                                                                                                                             | N/A                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                | N/A        |
| (d) to regulate the display of advertisements in transport corridors, and                                                                                                                                                                                      | N/A                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                | N/A        |
| (e) to ensure that public benefits may be derived from advertising in and adjacent to transport corridors.                                                                                                                                                     | N/A                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                | N/A        |
| <b>Schedule 1 Criteria</b>                                                                                                                                                                                                                                     |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |            |
| Character of the Area                                                                                                                                                                                                                                          | <p>The character of the locality in the vicinity of the Site consists of a light industrial, business and working waterfront land uses with a variety in signage types.</p> <p>The proposed sign is set back from the street frontage and is of a size that is considered suitable for the length and height of building and will not dominate the streetscape. The proposed sign is a simple sign providing the name of the business.</p> <p>The proposed sign will be internally illuminated in the Sydney Boathouse corporate colours, which complement the remainder of the building and surrounding landscape.</p>                                            | Yes        |

**Table 1 Assessment under SEPP No. 64 – Advertising and Signage**

| Provision                                                                   | Assessment                                                                                                                                                                                                                                                                                                                                                | Consistent |
|-----------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------|
| Special Areas                                                               | N/A                                                                                                                                                                                                                                                                                                                                                       | N/A        |
| Views and Vistas                                                            | <p>No views or vistas will be adversely affected by the proposed signage.</p> <p>The signage will not generally be visible from Bicentennial Park at Glebe. Limited views to the western elevation are available from western end of the park, however the signage will not dominate the view (refer to photographs at <b>Figures 11 and 12</b>).</p>     | Yes        |
| Streetscape, Setting or Landscape                                           | The proposed signs are of a scale which is considered suitable for the length and height of the building and will not dominate the streetscape. The main view to the signage will be from James Craig Road.                                                                                                                                               | Yes        |
| Site and Building                                                           | The extent of the signage is reasonable having regard to the scale, of the building and number of signs on the Site.                                                                                                                                                                                                                                      | Yes        |
| Associated devices and logos with advertisements and advertising structures | No associated devices are proposed.                                                                                                                                                                                                                                                                                                                       | Yes        |
| Illumination                                                                | <p>The signs will be internally illuminated, consistent with the sign on the eastern elevation. The illumination will not cause unacceptable glare and will not affect the safety of pedestrians, vehicles or aircraft.</p> <p>The illumination will not impact on residential land uses as there are no residential dwellings proximate to the site.</p> | Yes        |
| Safety                                                                      | The proposed signage is located well within the site and there will be no adverse public safety concerns for pedestrians, cyclists or motorists. In addition, the proposed signs will not obscure or interfere with road traffic signs and signals as it is well removed from the signalised intersection of James Craig and The Crescent.                | Yes        |

Accordingly, the proposal is considered to be consistent with the objectives of the SEPP as it is compatible with the character of the locality, provides effective communication entirely within the Site and will be of high design quality and finishes.

### 5.3 Phase 2b of Stage 1

Phase 2 of Stage 1 includes 27 at-grade car parking spaces and 33 boat spaces on the hardstand area between the Western Boat Store and the foreshore area. Temporary at-grade storage of boats (45) and car parking spaces (58) is also provided on Lot 30 (the site of the Eastern Boat Store).

Modification 3 approved Phase 3 of Stage 1, which is to comprise the construction of the Commercial Maritime Building (and 103 car parking spaces on Lot 29). Temporary at-grade storage of boats (45) and car parking (78) spaces on Lot 30 was also approved.

Phase 2b seeks to amend the layout of Phase 2 of Stage 1 to reflect the current at-grade parking and boat storage arrangements on Lot 29. The hardstand area has been line marked to provide more formal arrangement for the temporary car parking. Phase 2b provides 60 at-grade car parking spaces and 24 at-grade boat storage spaces to the south and east of the

boat store building. Phase 2b does not propose any change to the temporary arrangements for Lot 30.

Phase 2b will include the Western Boat Store, a total of 135 car parking spaces within Lot 29 and hardstand boat storage for 24 boats. No change to the temporary boat storage and temporary at-grade car parking approved for Phase 2 of Stage 1 is proposed.

The proposed total boat storage and at grade car parking for Phase 2b of Stage 1 is within the limits of the approved project which provides for the storage of 670 boats and 272 car parking spaces. The proposed interim uses for the hardstand areas will operate at a scale that is significantly smaller than that which has been approved under MP06\_210. As such it is considered the proposed temporary at-grade parking and boat storage arrangements will not result in any adverse impacts in relation to traffic, noise or visual impacts.

## 6.0 Conclusion

The proposed modification does not fundamentally change the approved Project because the modified proposal will comprise two dry boat storage buildings, a commercial maritime building and a marina. The maximum boat storage of capacity of 670 vessels remains unchanged. Further, there are no changes proposed to the hours of operation of the facility, the approved car parking or gross floor area of the commercial maritime building.

The modification seeks to allow the continued use of a temporary building for a café and offices. Additionally, the modification seeks approval for one additional business identification signage and an additional phase of Stage 1. The proposed modifications are considered to have minimal environmental impacts.

Accordingly, we are of the view that the proposed modification is acceptable in this particular instance and can be approved under the Section 75W transitional provisions. Should you have any enquiries please contact Kirk Osborne on 9473 4904 or at [kosborne@dfpplanning.com.au](mailto:kosborne@dfpplanning.com.au).

Yours faithfully

**DFP PLANNING PTY LTD**

A handwritten signature in black ink that reads 'K. Osborne'.

**KIRK OSBORNE**  
**PRINCIPAL PLANNER**

[kosborne@dfpplanning.com.au](mailto:kosborne@dfpplanning.com.au)

Reviewed: A handwritten signature in black ink, likely belonging to D. Bell, written over a horizontal line.