

Overseas Passenger Terminal Circular Quay (Tenancy 5) Statement of Environmental Effects Section 4.55(1A) Modification



**Prepared for Jimmy's on the Mall Pty Ltd
Submitted to the Department of Planning and Environment**

**SSD 7683
Modification No. 1**

October 2018

Contact



Cover image: View west towards the site (Source: Collins and Turner)

Dan Keary
Director
E: dan@keylan.com.au

Michael Woodland
Director
E: michael@keylan.com.au

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1 Introduction

This Statement of Environmental Effects (SEE) has been prepared by Keylan Consulting Pty Ltd to accompany a Section 4.55(1A) application to modify the State significant development (SSD) consent SSD 7683 for a new restaurant and micro-brewery at Tenancy 5 of the Overseas Passenger Terminal (OPT), Circular Quay West in The Rocks.

The SEE has been prepared on behalf of Jimmy's on the Mall Pty Ltd and is submitted to the Department of Planning and Environment (the Department) pursuant to Section 4.55(1A) of the *Environmental Planning and Assessment Act 1979* (EP&A Act).

SSD 7683 was approved by the Acting Executive Director, Key Sites and Industry Assessments (as delegate of the Minister for Planning) on 25 August 2017. This application is the first modification sought to the consent.

The proposal seeks approval for minor modifications to the approved signage at the site, including:

- the relocation of an approved business identification sign from Level 1 (ground floor) to the Level 2 awning beam with the sign now illuminated (halo lit) and dimensions increased from 1285 mm x 220 mm (approved) to 2440 mm x 380 mm (proposed);
- a new illuminated business identification sign positioned on the underside of the Level 2 balcony;
- a new non-illuminated vinyl signage/logo on the ground floor entry door; and
- the inclusion of 5 new freestanding illuminated menu stands of 1667 mm (height) x 501 mm (width) x 80 mm (depth) positioned the restaurant entry points.

The proposed modification is considered minor in nature and will result in substantially the same development for which consent was originally granted.

2 The site and locality

The subject site is known as Tenancy 5 and is located within the OPT, Circular Quay West, The Rocks in the City of Sydney local government area (LGA). The legal description of the site is Lots 1-3 DP 876516.

The OPT is a rectangular four storey building located on the western side of Circular Quay, south of Campbell's Cove and directly opposite the Sydney Opera House across Sydney Cove. The OPT fronts Circular Quay West, which is a dual carriageway private road that terminates in a roundabout at Campbell's Cove. The location of the site is shown at **Figure 1**.

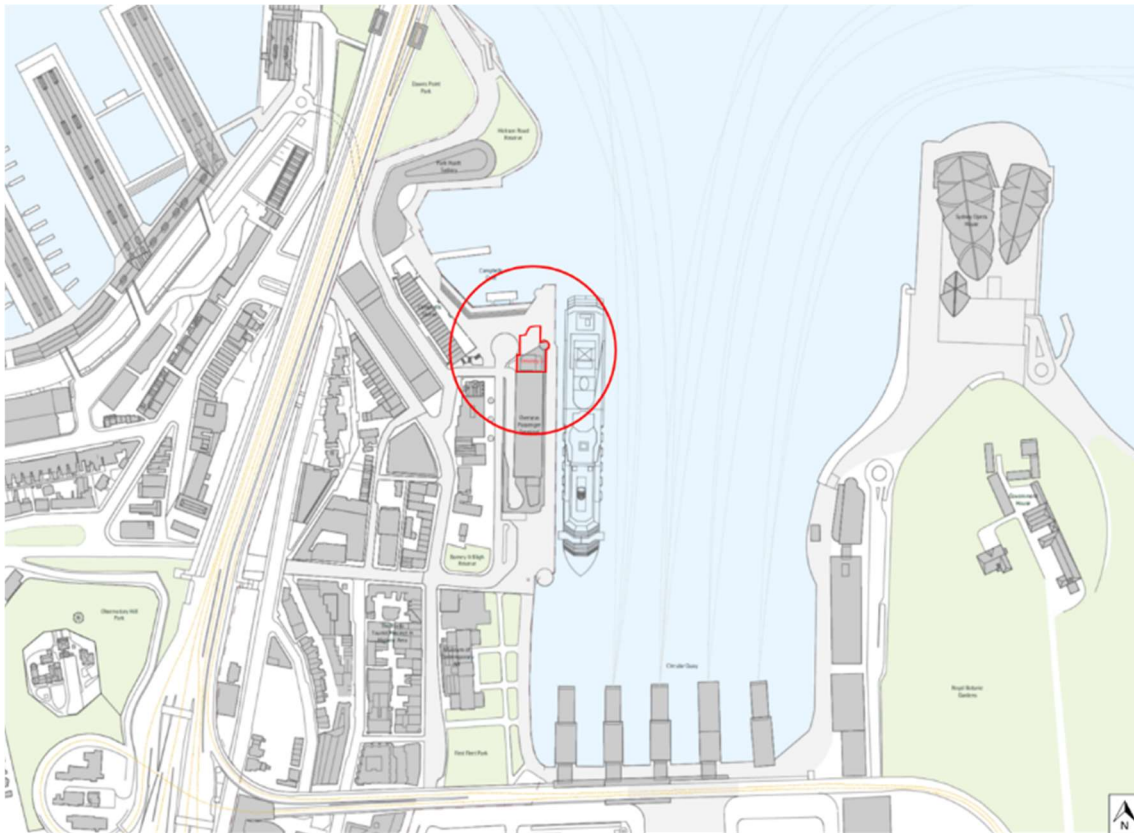


Figure 1: Site location (Base source: Collins and Turner)

The OPT plays a significant role as an international and domestic Port for cruise ships as well as activating the Harbour and Circular Quay with a range of restaurants and temporary private and state endorsed events. In addition, the OPT provides essential public access along the foreshore linking Circular Quay to Campbell's Cove. It adjoins significant areas of public domain acting as passive gathering spaces as well as facilitating public events such as the Sydney Vivid Festival.

Tenancy 5 is located at the northernmost end of the OPT and is approximately 1,080m² in size. It occupies the ground and first floor levels and includes an adjoining outdoor seating area. Tenancy 5 was previously occupied by *Doyles Restaurant*, which operated at the site between 1987 and 2014. As discussed below, the site has approval for a new restaurant and micro-brewery with outdoor dining. The restaurant and micro-brewery are currently operational.

Application background

On 25 August 2017, the Acting Executive Director, Key Sites and Industry Assessments (as delegate of the Minister for Planning) granted development consent for SSD 7683. Consent was granted for:

The use of Tenancy 5 of the Overseas Passenger Terminal (OPT) as a restaurant and:

- *external alterations to the OPT building;*
- *new elevated micro-brewery pod to the north of the OPT;*
- *outdoor dining area to the north of the site; and*
- *business identification signage.*

A copy of the original Development Consent is provided at **Appendix 1**. A copy of the approved plans are provided at **Appendix 2**.

3 Description of the proposed modification

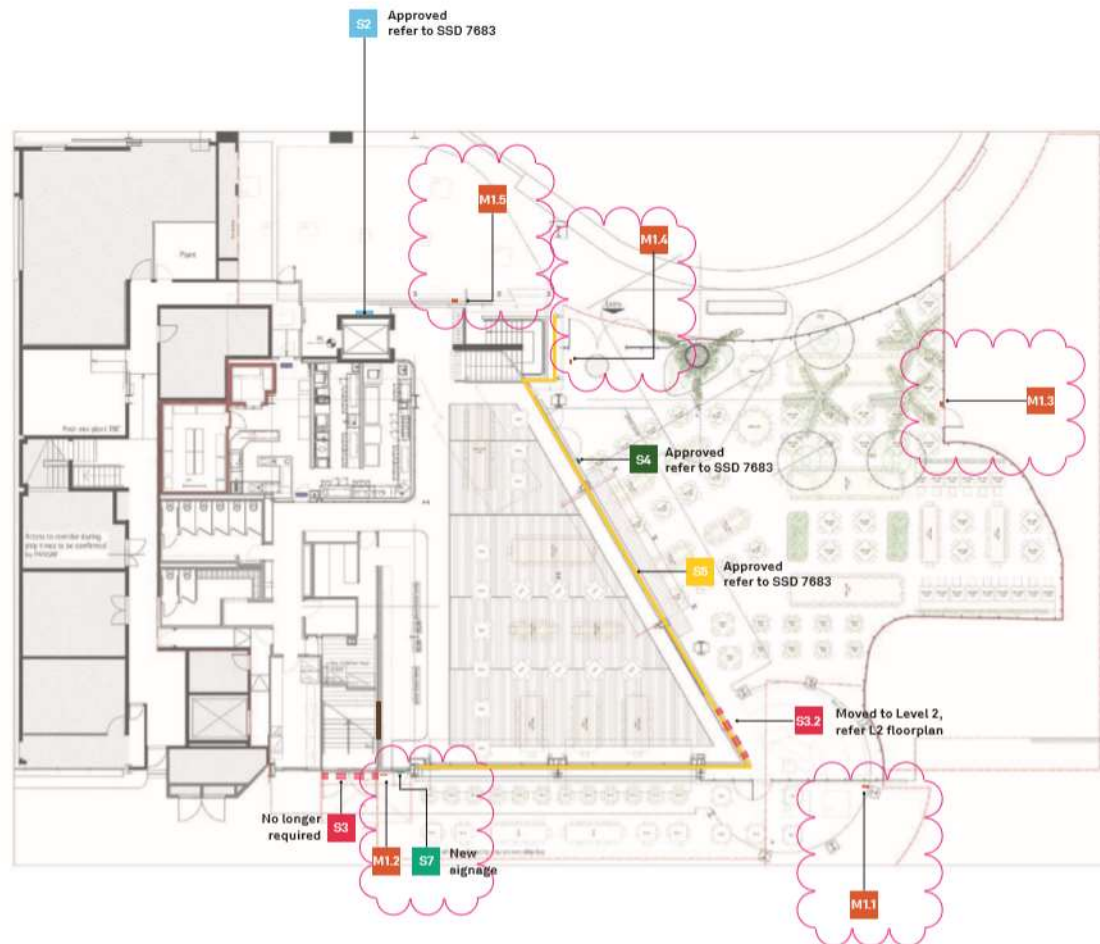
The modification proposes minor amendments to the approved signage and the inclusion of 5 freestanding illuminated menu stands at the restaurant entry points. The proposed modification is described below:

- relocation of an approved business identification sign (sign **S3.2** on the modified plans), from Level 1 (ground floor) to the Level 2 awning beam with the sign now illuminated (halo lit) and dimensions increased from 1285 mm x 220 mm (approved) to 2440 mm x 380 mm (proposed);
- a new business identification sign (illuminated) on the underside of the Level 2 balcony (sign **S6** on the modified plans);
- new vinyl signage/logo on the ground floor entry door (non-illuminated) on the eastern elevation (sign **S7** on the modified plans); and
- inclusion of 5 new freestanding illuminated menu stands of 1667 mm (height) x 501 mm (width) x 80 mm (depth). The menu stands will be positioned at the restaurant entry points (signs **M1.1**, **M1.2**, **M1.3**, **M1.4** and **M1.5** on the modified plans).

The proposed signage modifications are shown in **Figure 2** and **Figure 3**.

The proposed signage plans, including elevation plans, are provided at **Appendix 3**.

Level 1 Floorplan



Approved signage

-  **S2** James Squire Signature + Cross Shovels identification
Illuminated – to wall
Approved refer to SSD 7683
- S3** James Squire Signature + Cross Shovels identification
non-illuminated – ground floor low level building spandrel
Approved refer to SSD 7683
- S4** Licensee Information (statutory requirement)
on wall or glazing at main entry point
Approved refer to SSD 7683
- S5** Glazing compliance strip (statutory requirement)
on glazing
Approved refer to SSD 7683

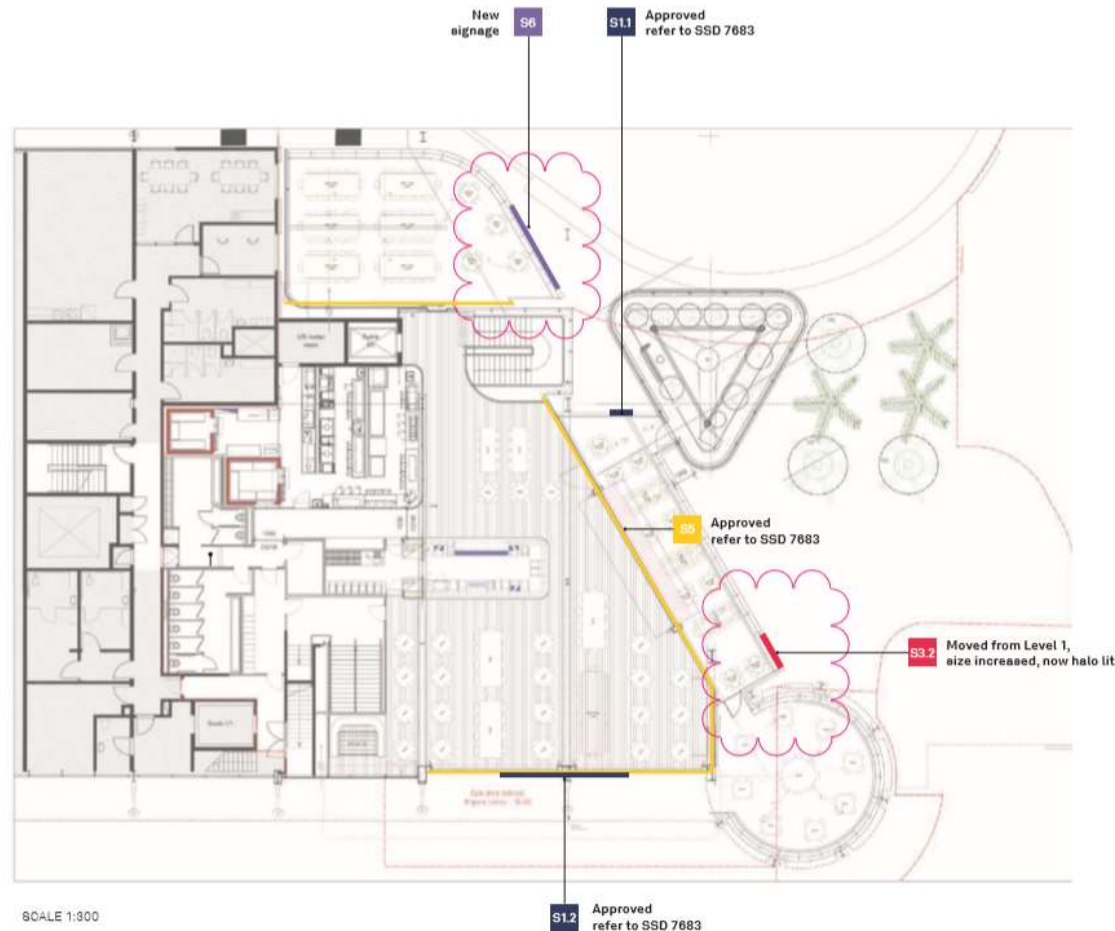
Modifications

- S7** The Squire's Landing logo window vinyl
Non-illuminated – ground floor external door.
New vinyl signage – as this door is being used by customers as an entry point
- S3.2** James Squire Signature + Cross Shovels identification
moved to Level 2, refer L2 floorplan
-  **M1.1 to M1.5** Menu Stand
Freestanding menu stand with illuminated logo and menu
Modification
Five new menu stands see construction below



Figure 2: Proposed Level 1 floorplan amendments (Source: Mantle Group)

Level 2 Floorplan



Approved signage

- S11 James Squire Signature + Cross Shovels identification**
Non-illuminated – ground floor low level building spandrel
Approved refer to SSD 7683
- S12 The Squire's Landing Identification**
(linear logo) illuminated – building entrance high level
Approved refer to SSD 7683
- S6 Glazing compliance strip** (statutory requirement)
on glazing
Approved refer to SSD 7683

Modifications

- S3.2 James Squire Signature + Cross Shovels identification**
S3.2: relocation from ground floor low level building spandrel to Level 2 awning beam. Size increases from 1285 x 220mm to 2440x380mm. Sign now halo lit.
- S6 The Squire's Landing Identification**
New sign Level 2 balcony. Sign is illuminated.

Figure 3: Proposed Level 2 floorplan amendments (Source: Mantle Group)

Need for the modification

The modification will improve the visibility of business identification signs for the existing restaurant, which recently commenced operations, whilst ensuring that all signage remains of a high quality design and architecturally integrated with the building. The inclusion of freestanding menus is for the benefit of potential clientele prior to entering the restaurant.

Section 4.55(1A) consideration

Section 4.55(1A) of the EP&A Act states:

A consent authority may, on application being made by the applicant or any other person entitled to act on a consent granted by the consent authority and subject to and in accordance with the regulations, modify the consent if:

Section 4.55(1A) Provision	Response
(a) <i>it is satisfied that the proposed modification is of minimal environmental impact, and</i>	The modification proposes minor amendments to the size and location of the approved business identification signage and the addition of 5 freestanding menu stands. The relatively minor nature of the modification would result in minimal environmental impact. Further, the modification would not introduce any additional environmental impacts, beyond that already assessed by the Department as part of the original application for SSD 7683. An assessment of the proposed modification is provided at Section 5 of this report.
(b) <i>it is satisfied that the development to which the consent as modified relates is substantially the same development as the development for which the consent was originally granted and before that consent as originally granted was modified (if at all), and</i>	The development, as proposed to be modified, is considered substantially the same development as the development for which consent was originally granted. The modification seeks minor amendments to the approved business identification signage and the addition of 5 freestanding menu stands. The modification, if approved, would not detract from the development's primary approved use as a restaurant with associated micro-brewery and outdoor dining area.
(c) <i>it has notified the application in accordance with:</i> i. <i>the regulations, if the regulations so require, or</i> ii. <i>a development control plan, if the consent authority is a council that has made a development control plan that requires the notification or advertising of applications for modification of a development consent, and</i>	It is anticipated the Department will notify the application in accordance with the requirements of the <i>Environmental Planning & Assessment Regulations 2000</i> .
(d) <i>it has considered any submissions made concerning the proposed modification within any period prescribed by the regulations or provided by the development control plan, as the case may be.</i>	Consideration will be given to any submissions (if required) to the application should the Department deem it necessary to advertise and/or notify the proposal.

Table 1: Section 4.55(1A) consideration

4 Conditions proposed to be modified

In order to formalise the proposed modifications described at Section 3, changes are required to the approved conditions of consent. Specifically, Condition A3 under Schedule 2, Part A – Administrative Conditions requires amendments.

The words proposed to be inserted to Condition A3 are shown in **bold underline** while the words proposed to be deleted are shown in **~~bold strikethrough~~**.

Terms of Consent

- A3. The Applicant, in acting on this consent, must carry out the development:
- in compliance with the conditions of this consent;
 - in accordance with all written directions of the Secretary;
 - generally in accordance with the State Significant Development Application SSD 7683 Environmental Impact Statement entitled 'SSD 7683: Overseas Passenger Terminal Circular Quay (Tenancy 5), prepared by Keylan Consulting Pty Ltd dated November 2016;
 - generally in accordance with the Response to Submissions entitled 'SSD 7683: Overseas Passenger Terminal Circular Quay (Tenancy 5), Response to Submissions, prepared by Keylan Consulting Pty Ltd dated 29 May 2017; **and**
 - generally in accordance with the Section 4.55(1A) Modification Application entitled 'Overseas Passenger Terminal Circular Quay (Tenancy 5), Statement of Environmental Effects, Section 4.55(1A) Modification prepared by Keylan Consulting Pty Ltd dated October 2018;**
 - the following drawings, except for:
 - any modifications which are Exempt or Complying Development
 - as otherwise provided by the conditions of this consent.

Architectural (or Design) Drawings prepared by <i>Collins and Turner</i> :			
Draw No.	Revision	Name of Plan	Date
257_ADA_001	B	Location Plan	7/4/2017
257_ADA_002	B	Location Plan	7/4/2017
257_ADA_010	F	Level 1 Demolition	7/11/2016
257_ADA_011	G	Level 2 Demolition	7/4/2017
257_ADA_012	H	Level1 Floor Plan	7/4/2017
257_ADA_013	H	Level 2 Floor Plan	7/4/2017
257_ADA_020	D	Elevation East	7/4/2017
257_ADA_021	D	Elevation West	7/7/2017
257_ADA_022	D	Elevation North	7/4/2017
257_ADA_023	B	Elevation East (Demolition)	7/4/2017
257_ADA_024	B	Elevation West (Demolition)	7/4/2017
257_ADA_025	B	Elevation North (Demolition)	7/4/2017
257_ADA_030	D	Section 01	7/4/2017
257_ADA_060	C	Micro-brewery Plans	7/4/2017
257_ADA_062	A	Micro-brewery Pod Section	11/4/2017
LD-SK-01	C	Public Domain	2/5/2017

OPT_MP_100 OPT_EX- SIGNAGE_V1_001_LEVEL 1 FLOORPLAN	-4	Level 1 External Signage Masterplan Level 1 Floorplan	1/5/2017 30 July 2018
OPT_MP_101 OPT_EX- SIGNAGE_V1_002_LEVEL 2 FLOORPLAN	-4	Level 2 External Signage Masterplan Level 2 Floorplan	1/5/2017 30 July 2018
OPT_S1_121 OPT_EX- SIGNAGE_V1_003_EAST ELEVATION	-3	Identification Signage — East Elevation East elevation	9/5/2017 30 July 2018
OPT_S1_S2_110 OPT_EX- SIGNAGE_V1_005_WEST ELEVATION	-3	S1_S2 Identification Signage West Elevation	9/5/2017 30 July 2018
OPT_S1_111 OPT_EX- SIGNAGE_V1_007_NORTH ELEVATION	-3	Identification Signage — North Elevation North elevation	9/5/2017 30 July 2018
OPT_S1_200	2	Identification Signage - Detail	9/5/2017
OPT_S1_201	1	Identification Signage - Detail	9/5/2017
OPT_S2_115	3	Identification Signage - West Elevation Detail	9/5/2017
OPT_S2_116	1	Identification Signage - West Elevation Detail	9/5/2017
OPT_S3_500	3	Identification Signage - North Elevation	1/5/2017

5 Modification assessment

The Department's assessment of the original application considered the business identification signs proposed on the Level 1 and Level 2 of the northern, eastern and western facades to be appropriately sized and located to ensure they integrated into the overall building design. The Department concluded that that signage would not overwhelm the building or have an adverse impact on the heritage significance of nearby heritage items.

The Department subsequently recommended a condition requiring external lighting associated with any signage to comply with AS 4282:1997 – *Control of the obtrusive Effects of Outdoor Lighting* and for it to be certified by an independent certified practitioner (required under Condition F13).

The proposed modifications to the approved signage arrangement will continue to provide appropriately sized signage that is integrated into the overall building design and will not impact on the heritage significance of surrounding heritage items.

The five freestanding illuminated menus are proposed to be located at the restaurant entry points, would remain architecturally integrated with the existing building and would not adversely impact on nearby heritage items.

The freestanding menus are proposed to be a maximum of 1680 mm in height and 500 mm in width. Freestanding illuminated menu stands at restaurant entry points are common in the City of Sydney LGA and particularly in tourist/entertainment precincts with high levels of pedestrian activity. The dimensions of the freestanding menu are shown at **Figure 4**. A photomontage of the menu stand is shown in **Figure 5**.

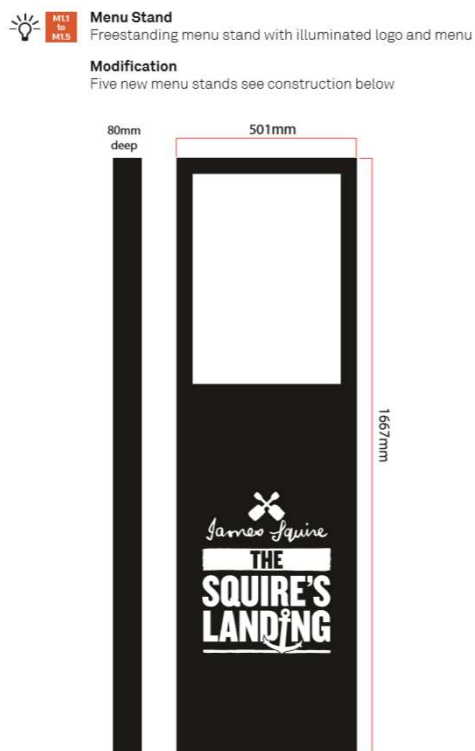


Figure 4: Example of a freestanding menu stand (Source: Mantle Group)



Figure 5: Photomontage of freestanding menu stand (Source: Mantle Group)

An assessment against the criteria of *State Environmental Planning Policy No. 64 – Advertising and Signage* (SEPP 64) is provided in **Table 2**.

Assessment criteria	Comments	Compliance
1 Character of the area		
Is the proposal compatible with the existing or desired future character of the area or locality in which it is proposed to be located?	The proposed signage is appropriately located on the building facades and ensures that the signage is capable of being integrated into the design and appearance of the existing building.	Yes
Is the proposal consistent with a particular theme for outdoor advertising in the area or locality?	Other establishments within the OPT building and in adjoining and nearby buildings have business identification signs. Signage of all shapes and sizes is common within The Rocks precinct. The proposed signage is consistent with what currently exists throughout the surrounding precinct and which has already been approved as part of SSD 7683.	Yes
2 Special areas		
Does the proposal detract from the amenity or visual quality of any	The proposed signage is appropriately sized, located and with subdued illumination to ensure the signage does not detract from the	Yes

Assessment criteria	Comments	Compliance
environmentally sensitive areas, heritage areas, natural or other conservation areas, open space areas, waterways, rural landscapes or residential areas?	amenity or visual quality of the surrounding area or the historic importance of the OPT building and surrounding heritage items.	
3 Views and vistas		
Does the proposal obscure or compromise important views?	The signage will be integrated with the building facade. Signage will not result in any obstruction of significant views towards the Sydney Opera House.	Yes
Does the proposal dominate the skyline and reduce the quality of vistas?	Signage is located at ground and first floor level, significantly below the parapet/roof line of the building and would therefore not dominate the skyline or reduce the quality of vistas.	Yes
Does the proposal respect the viewing rights of other advertisers?	The proposed signs do not impact upon the viewing rights of other advertisers.	Yes
4 Streetscape, setting or landscape		
Is the scale, proportion and form of the proposal appropriate for the streetscape, setting or landscape?	The scale, proportion and form of the signage is considered to be proportionate to the scale of the building.	Yes
Does the proposal contribute to the visual interest of the streetscape, setting or landscape?	The signage would contribute to the visual interest of the building by contributing to the identification and recognition of the site.	Yes
Does the proposal reduce clutter by rationalising and simplifying existing advertising?	Proposed signage is considered to be sympathetic to the architectural treatment of the building.	Yes
Does the proposal screen unsightliness?	The proposal is not required to screen unsightliness.	Yes
Does the proposal protrude above buildings, structures or tree canopies in the area or locality?	The signage does not propose to protrude above the parapet line of the building.	Yes
Does the proposal require ongoing vegetation management?	No vegetation management is required.	Yes
5 Site and building		
Is the proposal compatible with the scale, proportion and other characteristics of the site or building, or both, on which the	Modified and new signage has been designed to be fully compatible with the proposed building and its architecture. Importantly, the placement of signage has allowed for a suitable level of business identification without causing visual clutter.	Yes

Assessment criteria	Comments	Compliance
proposed signage is to be located?		
Does the proposal respect important features of the site or building, or both?	All signage has been located in the most architecturally appropriate locations for business identification and protection of the architectural importance of the building.	Yes
Does the proposal show innovation and imagination in its relationship to the site or building, or both?	The signage has been designed to integrate with, and complement, the overall design and appearance of the OPT building. In addition, the freestanding menu stands would not obstruct sightlines and are similar to other menu stands in this area.	Yes
6 Associated devices and logos with advertisements and advertising structures		
Have any safety devices, platforms, lighting devices or logos been designed as an integral part of the signage or structure on which it is to be displayed?	The proposal will not require any safety devices, platforms, rigging or external lighting devices.	Yes
7 Illumination		
Would illumination result in unacceptable glare? Would illumination affect safety for pedestrians, vehicles or aircraft?	The modified signage includes a mixture of illuminated and non-illuminated signs. The new freestanding menu stands will be illuminated but would not affect the safety of pedestrians, vehicles or aircraft.	Yes
Would illumination detract from the amenity of any residence or other form of accommodation?	The proposed illumination is subdued in its intensity. The proposal therefore would not result in unacceptable glare, affect safety, or impact on residential amenity.	Yes
Is the illumination subject to a curfew?	The intensity of the illumination cannot be adjusted. However, due to its low intensity a curfew is not required necessary.	Yes
8 Safety		
Would the proposal reduce safety for pedestrians, particularly children, by obscuring sightlines from public areas?	The modified and new freestanding menu stands will be located at the restaurant entry points and will not result in reduced safety for pedestrian or obscure sightlines from public areas.	Yes
Would the proposal reduce safety for any public road?	Signage has been designed to ensure that any illumination would not consist of flashing, blinking or intermittent lights or reduce safety for any public road.	Yes

Table 2: SEPP 64 Compliance Table

In summary, the proposed modification is considered to satisfactorily comply with the provisions of SEPP 64. The proposed signage rearrangement and inclusion of freestanding menus will not result in any adverse environmental impacts, including any impacts on the heritage significance of nearby heritage items such as the Sydney Opera House.

6 Conclusion

The modification proposes amendments to the location of the approved business identification signs, inclusion of one new business identification sign on the underside of the Level 2 balcony, inclusion of new vinyl signage/logo on the ground floor entry door and the inclusion of 5 freestanding illuminated menu stands at the restaurant entry points.

The proposed modification warrants approval on the basis that:

- there will be no adverse environmental impacts;
- there will be no impact on the heritage significance of nearby heritage listed items;
- the signage will not overwhelm the existing building;
- the signage will comply with AS 4282:1997 (external lighting requirements enforced under existing Condition F13); and
- the proposed freestanding menus will be of benefit to the general public.

Appendix 1

Development Consent for SSD 7683

Appendix 2

Copy of Approved Plans for SSD 7683

Appendix 3

Plans as proposed to be modified