



Signage amendments and additions at the Overseas Passenger Terminal, The Rocks

State Significant
Development
Modification Assessment
(SSD 7683 MOD 1)



March 2019

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Glossary

Abbreviation	Definition
AHD	Australian Height Datum
BCA	Building Code of Australia
CIV	Capital Investment Value
CIP	Community Involvement Plan
Consent	Development Consent
Council	City of Sydney Council
Department	Department of Planning and Environment
DPI	Department of Primary Industries
EIS	Environmental Impact Statement
EPA	Environment Protection Authority
EP&A Act	<i>Environmental Planning and Assessment Act 1979</i>
EP&A Regulation	<i>Environmental Planning and Assessment Regulation 2000</i>
EPBC Act	<i>Environment Protection and Biodiversity Conservation Act 1999</i>
EPI	Environmental Planning Instrument
EPL	Environment Protection Licence
ESD	Ecologically Sustainable Development
FRNSW	Fire and Rescue NSW
LEP	Local Environmental Plan
Minister	Minister for Planning
OEH	Office of Environment and Heritage
OPT	The Overseas Passenger Terminal
RMS	Roads and Maritime Services
RtS	Response to Submissions
SCRA Scheme	Sydney Cove Redevelopment Authority Scheme
SEARs	Secretary's Environmental Assessment Requirements
Secretary	Secretary of the Department of Planning and Environment
SEPP	State Environmental Planning Policy
SRD SEPP	State Environmental Planning Policy (State and Regional Development) 2011
SSD	State Significant Development
SSI	State Significant Infrastructure



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1. Introduction

This report is an assessment of an application that seeks approval to modify the State significant development (SSD) consent (SSD 7683) for the use of Tenancy 5 of the Overseas Passenger Terminal (OPT) as a restaurant, external alterations, a new micro-brewery, an outdoor dining area and business identification signage.

The modification application has been lodged by Jimmy's on The Mall Pty Ltd (the Applicant) pursuant to section 4.55(1A) of the *Environmental Planning and Assessment Act 1979* (EP&A Act). The modification application seeks approval for amendments and alterations to the approved signage, including:

- two new illuminated, free standing menu signs
- relocation, illumination and increased size of a business identification sign
- a new illuminated business identification sign
- new vinyl logo sign.

1.1 Background

Tenancy 5 (the site) is located within the OPT at Circular Quay, The Rocks, in the City of Sydney local government area (LGA) (**Figures 1 and 2**). Tenancy 5 is used as a restaurant and micro-brewery known as 'Squires Landing' and encompasses a northern portion of both the ground level (known as level 1) and level two of the OPT (**Figure 3**). The site also includes an outdoor dining area (405 m²) to the immediate north of the OPT that can accommodate 293 people (**Figure 4**).

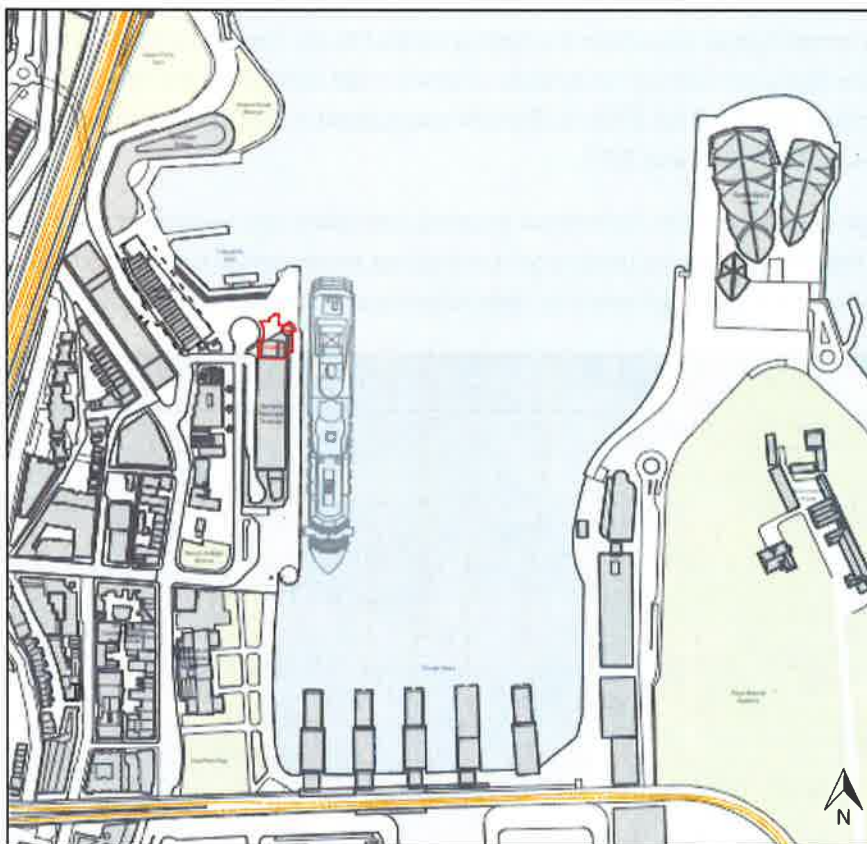


Figure 1 | Location Plan showing Tenancy 5 of the OPT by the red outline (Source: EIS)

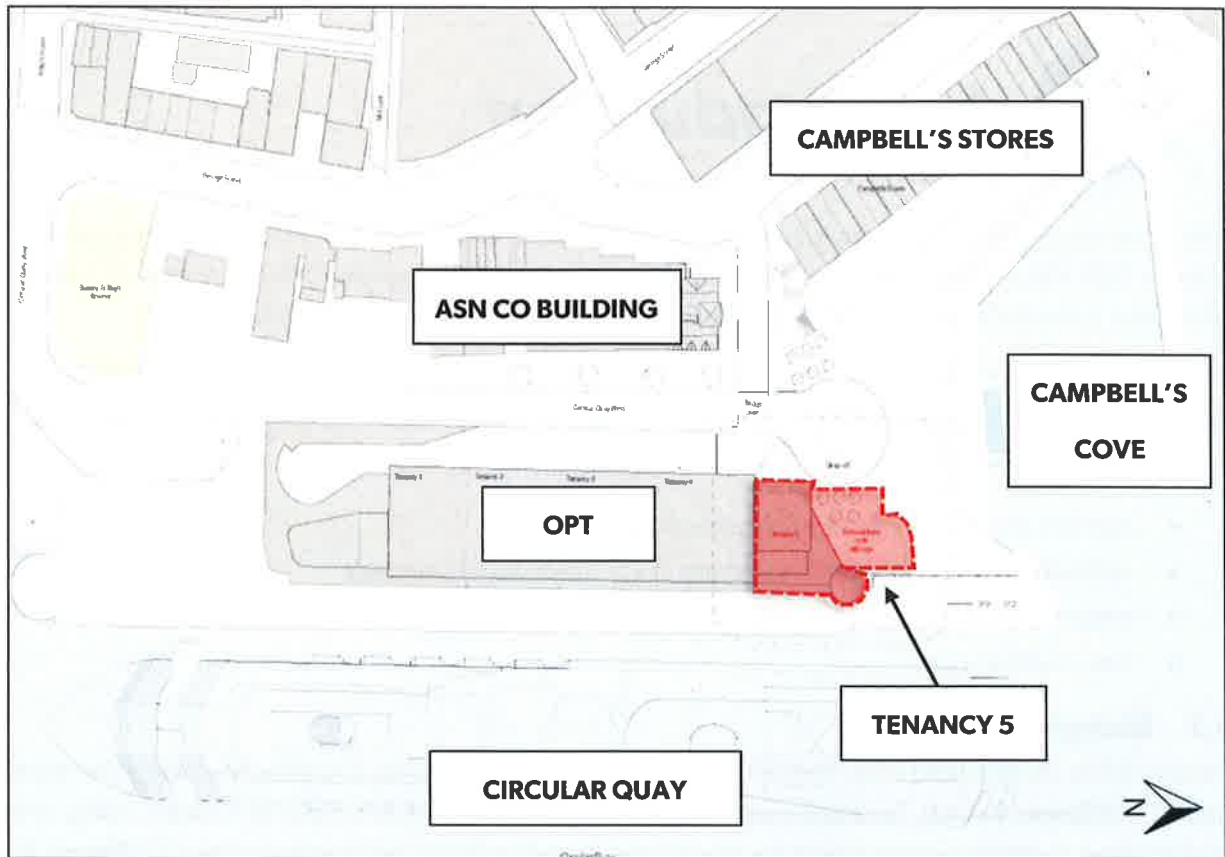


Figure 2 | Tenancy 5 of the OPT shown by the red shading (Base source: EIS)

The OPT is a rectangular, four storey building located on the western side of Circular Quay, south of Campbell's Cove and directly across Sydney Cove from the Sydney Opera House. The OPT is situated between the western foreshore of Circular Quay and Circular Quay West, a service road connecting the OPT with Hickson Road. The site is legally described as Lots 1-3 DP 876516. The OPT was opened in 1960 and has undergone major additions and refurbishments in 1988, 2001 and 2015.

The OPT was originally designed for commercial shipping operations and is primarily used for servicing cruise passenger ships. The OPT enables the ships to berth and allows passengers to board and disembark as required. The OPT continues to play a significant role as an international and domestic port for cruise ships.



Figure 3 | Tenancy 5 viewed from the north (Source: James Squire)

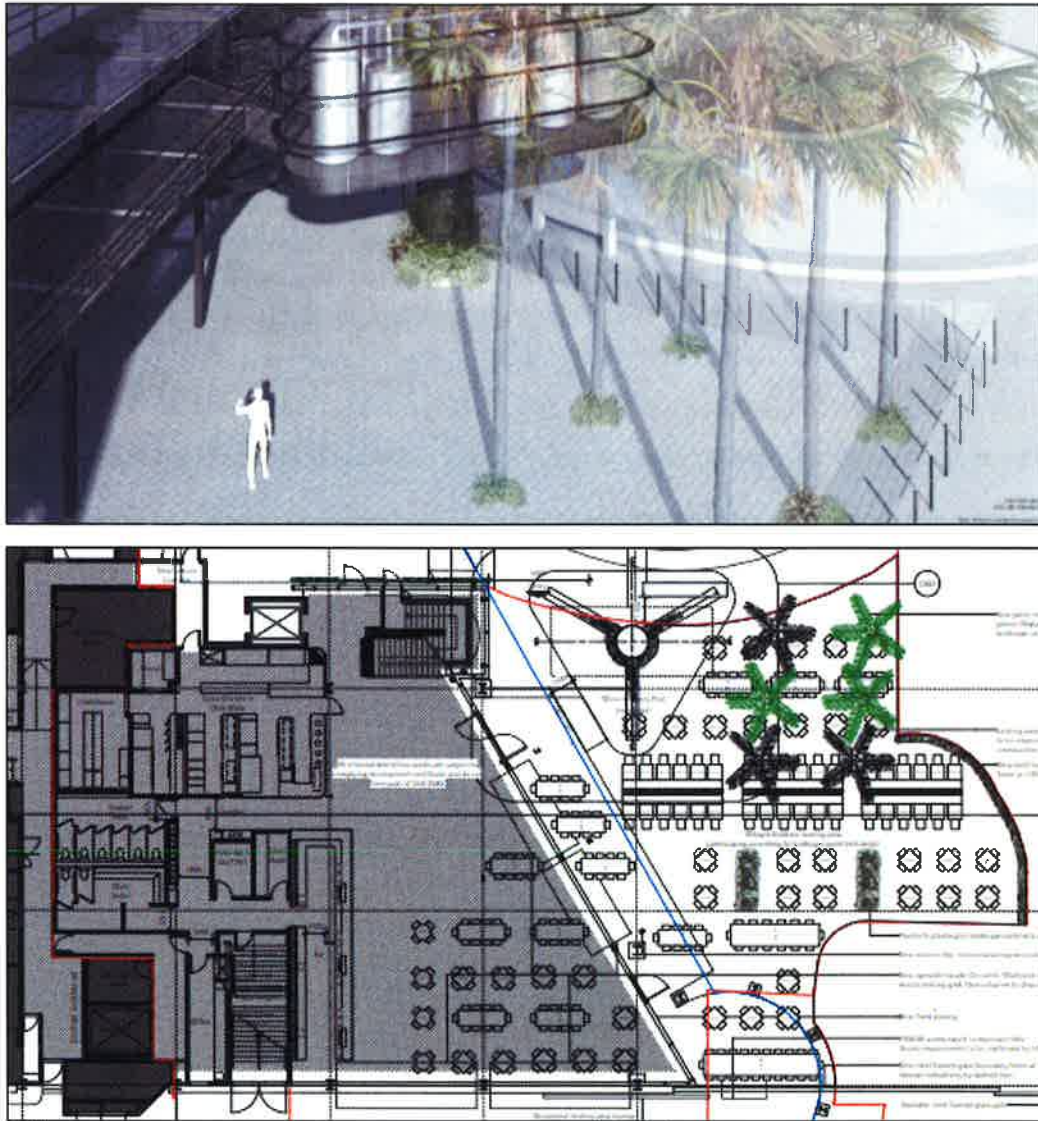


Figure 4 | An aerial-oblique view of the outdoor dining area (above) and the layout plan for the outdoor dining area (below) associated with Tenancy 5 (Source: EIS)

1.2 Approval History

On 25 August 2017, the Acting Executive Director, Key Sites and Industry Assessments, approved SSD 7683 for the use of Tenancy 5 as a restaurant and for alterations to the OPT building. The approval included construction of a new microbrewery, outdoor dining area and business identification signage.

The approval has not previously been modified.



2. Proposed Modification

On 15 November 2018, the Applicant lodged a modification application (SSD 7683 MOD 1) seeking approval, under section 4.55(1A) of the EP&A Act, for amendments and additions to the business identification signage at Tenancy 5 of the OPT.

The proposed modification was revised through the Response to Submissions (RtS) process. The key amendment to the modification, as exhibited in the EIS, was the reduction in the number of menu signs from five to two.

The proposed modification, as refined in the RtS, includes:

- two new illuminated, free standing menu signs positioned at the main restaurant entry points. The proposed menu signs are 1.68 m in height and 0.5 m in width and contain information relation to menu options and pricing. The upper portion of the sign is illuminated.
- relocation of one approved business identification sign (Sign 3.2) from the ground floor to the level two awning beam on the northern elevation. The modification application proposes to illuminate the sign and increase its size from 0.22 m x 1.285 m to 0.38 m x 2.44 m.
- one new illuminated business identification sign (Sign 6) (0.525 m in height and 6.1 m in width) on the level 2 balcony of the western façade.
- one new vinyl logo sign affixed to the ground floor entry door on the eastern façade. The signage would be 0.5 m in height and 0.4 m in width.

The proposed development is shown below in **Figures 5 to 8**.

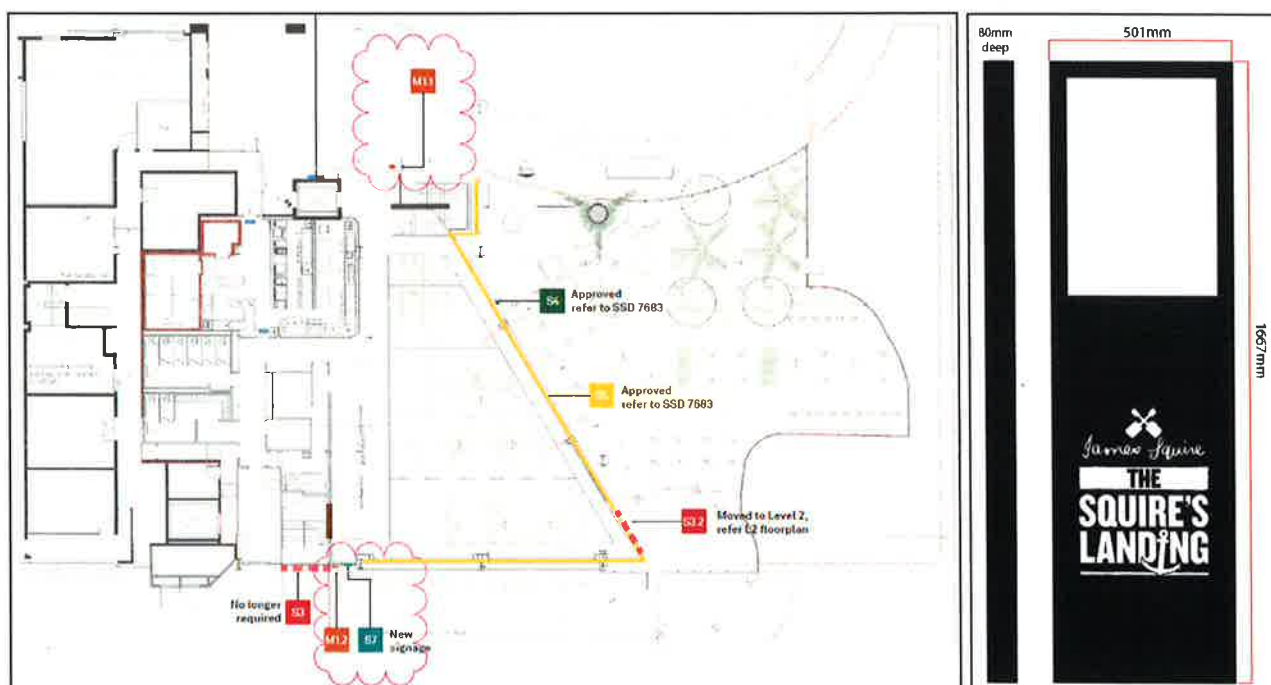


Figure 5 | The locations of the two proposed illuminated, free standing menu signs shown by the pink clouding (left) and the proposed dimensions (right) (Source: Mantle Group)

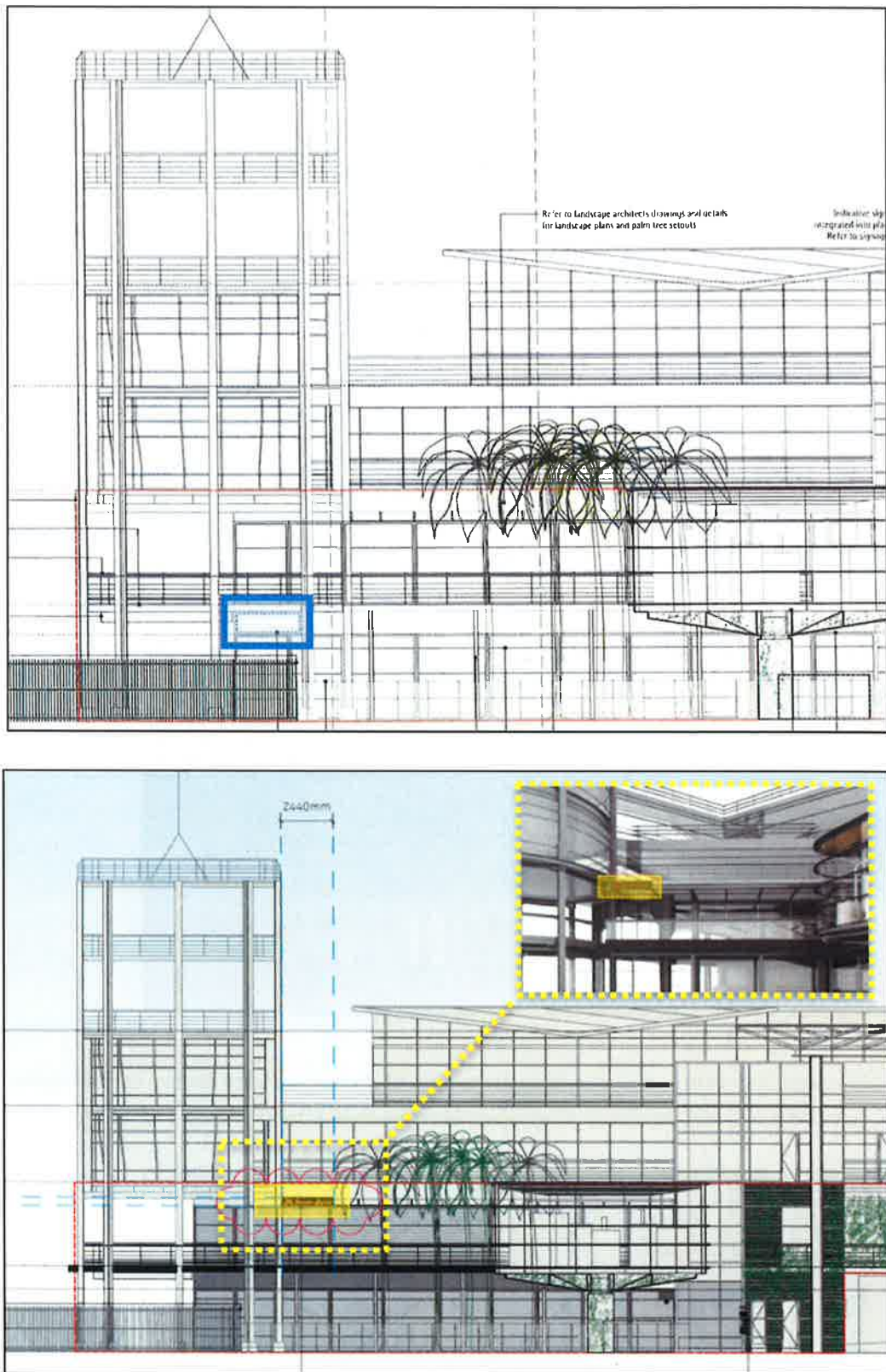


Figure 6 | The approved northern elevation (above) showing the original location of the business identification sign (Sign 1.1) outlined in blue. The proposed location (below) is shown outlined in yellow
(Base source: Mantle Group)

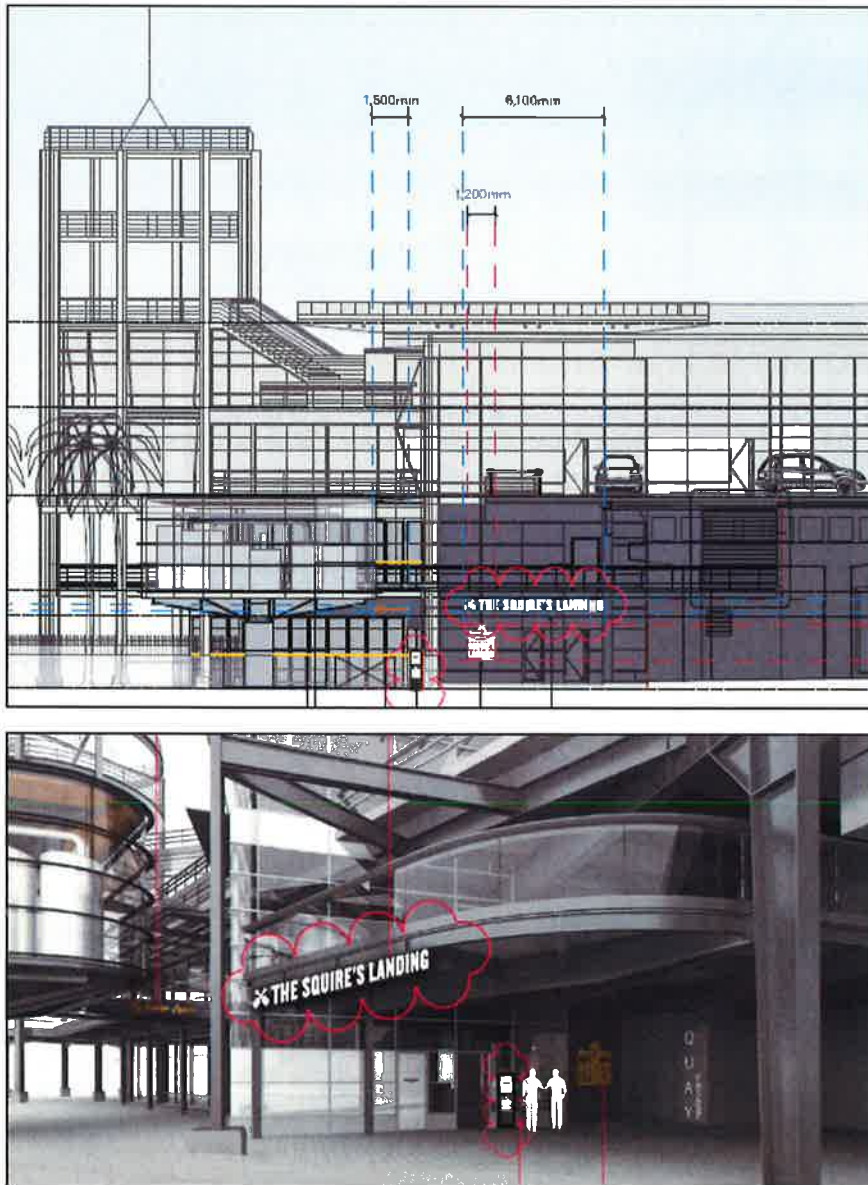


Figure 7 | The proposed western elevation (above) and view of western entrance (below) identifying the proposed illuminated business identification sign (Sign 6) on the level 2 balcony (Base Source: Mantle Group)



Figure 8 | The proposed vinyl logo sign at the eastern entry door on ground floor, shown by the yellow shape (Base Source: Mantle Group)



3. Strategic Context

Greater Sydney Regional Plan

The 'Greater Sydney Regional Plan – A Metropolis of Three Cities' sets out the NSW Government's 40-year vision and establishes a 20-year plan to manage growth for Greater Sydney and includes 10 directions. The Plan's key directions are to provide:

- a city supported by infrastructure – infrastructure supporting new developments
- a collaborative city – working together to grow a Greater Sydney
- a city for people – celebrating diversity and putting people at the heart of planning
- housing the city – giving people housing choices
- a city of great places – designing places for people
- a well-connected city – developing a more accessible and walkable city
- jobs and skills for the city – creating conditions for a stronger economy
- a city in its landscape – valuing green spaces and landscape
- an efficient city – using resources wisely
- a resilient city – adapting to a changing world.

The City of Sydney local government area is located within the East Harbour City. The proposed development supports the directions and objectives of the Plan, in particular by:

- ensuring Greater Sydney's harbour central business district is stronger and more competitive
- ensuring Greater Sydney attracts investment and business activity in centres
- ensuring Greater Sydney is a great place that brings people together.

Eastern City District Plan

The Greater Sydney Commission's (GSC) role is to coordinate and align planning to shape the future of Metropolitan Sydney. The GSC has prepared District Plans to inform local council and planning and influence the decisions of State agencies. The aim of the District Plans is to connect local planning with the longer-term metropolitan planning for Greater Sydney.

The Eastern City District Plan covers the City of Sydney LGA. The modification application is consistent with the Eastern City District Plan, in particular by creating and renewing great places (Planning Priority E6) and growing a stronger and more competitive Harbour CBD (Planning Priority E7) through the orderly development and operation of the Overseas Passenger Terminal building.



4. Statutory Context

4.1 Scope of Modifications

A consent authority may modify a consent if it is satisfied the proposed modification application meets the requirements of section 4.55(1A) of the *Environmental Planning and Assessment Act 1979* (EP&A Act). An assessment of the proposed modification application against the requirements of section 4.55(1A) of the EP&A Act is provided in **Table 1**.

Table 1 | Consideration of section 4.55(1A) of the EP&A Act

Section 4.55(1A)	Assessment
That the proposed modification is of minimal environmental impact, and	Business identification signage was approved at the site under SSD 7683. The Department considers the amendments and additions to the approved signage to be minor and would result in minimal environmental impact. Section 6 of this report provides an assessment of the impacts associated with the proposed modification application.
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	The modification application seeks amendments to the business identification signage pertaining to Tenancy 5 and would result in a development that is substantially the same to what was approved under SSD 7683. No changes are proposed to the use, operation or extent of the site.
The application has been notified in accordance with the regulations, and	Section 5 of this report demonstrates that the application followed the consultation requirements as outlined in the <i>Environmental Planning and Assessment Regulation 2000</i> (EP&A Regulation)
Any submission made concerning the proposed modification has been considered.	The Department received a submission from Council in relation to the modification application. The submission did not object to the revised modification application and is considered in Section 5 of this report. Office of Environment and Heritage (OEH) also provided a submission to confirm they raised no concern with the application.

4.2 Consent Authority

The Minister for Planning is the consent authority for the application under section 4.5(a) of the EP&A Act.

Under the Minister's delegation dated 11 October 2017, the Director, Key Sites Assessments, may determine the application as:

- the relevant local council has not made an objection

- a political disclosure statement has not been made
- there are no submissions in the nature of an objection.

4.3 Environmental Planning Instruments

The following Environmental Planning Instruments (EPIs) apply to the site:

- Sydney Cove Redevelopment Authority Scheme (SCRA Scheme)
- State Environmental Planning Policy (State and Regional Development) 2011 (SRD SEPP)
- State Environmental Planning Policy No. 33 – Hazardous and Offensive Development
- State Environmental Planning Policy No.55 – Remediation of Land (SEPP 55)
- State Environmental Planning Policy No. 64 – Advertising and Signage (SEPP 64)
- Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005 (SREP 2005).

The Department's detailed consideration of the revised modification application against the applicable EPIs are provided in **Appendix B** of this report. In particular, the Department has assessed the proposed signage having regard to SEPP 64 in **Appendix B**. Each proposed signage amendment and addition has been assessed in **Section 6**.

The Department is satisfied the revised modification application has adequately addressed the relevant provisions and is consistent with the EPIs.

4.4 Objects under the Act

The Minister or delegate must consider the objects of the EP&A Act when making decisions under the Act. The Department is satisfied the proposed modification is consistent with the objects of the EP&A Act.



5. Engagement

5.1 Department's Engagement

Clause 117(3B) of the EP&A Regulation specifies that the notification requirements of the EP&A Regulation do not apply to State significant development. Accordingly, the application was not exhibited. However, it was made publicly available for submissions on the Department's website between 20 October 2018 and 3 December 2018 and was referred to City of Sydney Council (Council), NSW Office of Environment and Heritage, Property NSW and Ports Authority NSW.

5.2 Summary of Submissions

The Department received one submission from Council and one submission from OEH. No submissions were received from members of the public.

Council's original submission supported two freestanding menu signs but objected to three freestanding menu signs due to the potential for visual clutter.

Council's submission also sought further detail regarding the proposed illumination of the menu signage and requested additional information be provided to demonstrate how the proposed business identification signs (Sign 3.2, **Figure 6** and Sign 6, **Figure 7**) were compatible with the surrounding locality.

Council also raised concern with the accuracy of documentation associated with further business identification signage (Sign 1.2) located on the eastern elevation as it was constructed outside the signage zone approved under SSD 7683. Council noted the sign was also constructed 0.8 m² larger than what was originally approved. The Department notes Sign 1.2 does not form part of the modification application and referred the matter to the Department's compliance team. A recommended condition also states that no consent is granted or implied for Sign 1.2.

OEH provided a submission confirming they had no comments relating to the modification application.

5.3 Response to Submissions

Following the exhibition of the modification application, the Department placed copies of all submissions received on its website and requested the Applicant provide a response to the matters raised in Council's submission.

The Applicant provided a Response to Submissions (RtS) on 17 January 2019 and an addendum Response to Submissions on 8 February 2019. The Applicant removed the three proposed menu signs that Council had objected to that were not located at entrances to the site. The Applicant also clarified the menu signs would not be used for general advertising and that only the upper portion of the sign would be illuminated. The Applicant also identified the dimensions of Sign 7 and provided additional justification for Sign 6 and Sign 3.2.

Correspondence received on 31 January 2019 confirmed Council supported the two proposed freestanding menu signs located at the main entrances to the site.



6. Assessment

6.1 Section 4.15(1) Matters for consideration

Under section 4.55(3) of the EP&A Act, the consent authority must consider the matters referred to in section 4.15(1) that are of relevance to the development. **Table 2** identifies the matters for consideration under section 4.15 of the EP&A Act that apply to the proposed modification.

Table 2 | Consideration of section 4.15(1) of the EP&A Act

Section 4.15(1) Matters for consideration	Department's assessment
(a)(i) any environmental planning instrument	The revised application complies with the relevant environmental planning instruments identified in Section 4 . Refer to Appendix B .
(a)(ii) any proposed instrument	Not applicable.
(a)(iii) any development control plan	Under clause 11 of the SRD SEPP, Development Control Plans (DCPs) do not apply to SSD.
(a)(iia) any planning agreement	Not applicable.
(a)(iv) the regulations	The modification application satisfactorily meets the relevant requirements of the <i>Environmental Planning and Assessment Regulation 2000</i> , including the procedures relating to applications (Part 6), the requirements for notification (Part 6, Division 6) and fees (Part 15, Division 1AA) (refer to Section 5 of this report).
(b) the likely impacts of that development including environmental impacts on both the natural and built environments, and social and economic impacts in the locality,	The Department considers that any environmental impact arising from the development has been assessed in Section 6 and mitigated by the proposed conditions of consent in Appendix C .
(c) the suitability of the site for the development	The site remains suitable for business identification signage.
(d) any submissions	The Department has considered the submissions received (refer to Section 5 of this report).
(e) the public interest	The Department considers the application to be in the public interest.

6.2 Addition of freestanding menu signage

Two new, illuminated and free-standing menu signs are proposed to be located at the ground level entrances to the site (**Figure 5**). The Applicant considers the proposed menu signage would integrate with the architectural style of the OPT and would not adversely impact on nearby heritage items.

The Department has assessed the proposed menu signage with and considers:

- the two menu signs are proposed only at entrances to the site and would not result in visual clutter of the public domain
- the signage would be consistent with the local character of the area as there are several restaurants and commercial premises in proximity to the site
- the signs are located adjacent to the OPT building and would not compromise any views to or from heritage items in the surrounding area
- the scale and proportion of the menu signs are appropriate and would not affect the safety of pedestrians.

The Department notes a portion of the menu signage is illuminated and that compliance with *AS4282: 1997 Control of Obtrusive Effects of Outdoor Lighting* is required under Condition F13 of SSD 7663. The condition requires certification from an independent and qualified practitioner.

The Department therefore considers the proposed menu signage to be acceptable.

6.3 Relocation, illumination and increased size of a business identification sign

The modification application seeks to relocate a business identification sign (Sign 3.2) from the ground floor to the level two awning beam on the northern elevation (**Figure 6**). The Department has reviewed the revised sign and considers:

- the increase in size from 2.83 m² to 9.27 m² represents a signage area increase of 6.44 m². In the context of the northern elevation, the increase in size is minor and would not reduce the visual amenity of the area or compromise the architectural integrity of the OPT
- the revised location of the signage is within the building envelope and does not protrude out from the awning beam and disrupt any views to or from heritage items
- the awning sign is in an appropriate location and of a suitable scale to clearly identify the building to members of the public.

The Department therefore considers the relocation and increased size of the signage to be acceptable.

6.4 New illuminated business identification sign

The modification application seeks to include one new illuminated business identification sign (Sign 6) on the level two balcony on the western façade (**Figure 7**). The Department notes the sign is located adjacent to the northern entrance to the site and clearly identifies the entrance to the tenancy. The sign is consistent in both style and scale with other signage at the site and provides an acceptable level of visual interest without detracting from the visual amenity of the area.

The Department therefore considers the relocation and increased size of the sign to be acceptable.

6.5 New vinyl logo sign affixed to the entry door on the eastern elevation

The modification application seeks approval for one new vinyl logo sign affixed to the ground floor entry door on the eastern façade (**Figure 8**). The Department notes this type of business identification signage is minor in scale, is consistent with the other signage at the site and is unlikely to result in any adverse visual impacts. The Department

considers the sign to be in the public interest as it would clearly identify the premises to members of the public entering from the eastern side of the OPT.

The Department therefore concludes the vinyl logo sign to be acceptable.

Further consideration of the above signs against SEPP 64 is provided in **Appendix B**.



7. Evaluation

The Department has reviewed the proposed modification application and assessed the merits of the application.

The Department is satisfied the modification application would facilitate the proposed amendments and additions to business identification signage at the site and would not result in any adverse environmental impacts. The Department therefore considers the development is in the public interest and should be approved.



8. Recommendation

It is recommended that the Director, Key Sites Assessments, as delegate of the Minister for Planning:

- **considers** the findings and recommendations of this report;
- **determines** that the application SSD 7683 MOD 1 falls within the scope of section 4.55(1A) of the EPA Act;
- **accepts and adopts** all of the findings and recommendations in this report as the reasons for making the decision to grant approval to the application;
- **modify** the consent SSD 7683; and
- **signs** the attached approval of the modification (Appendix C).

Recommended by:

Tim Green
Planning Officer
Key Sites Assessments

Recommended by:

Cameron Sargent
Team Leader
Key Sites Assessments



9. Determination

The recommendation is **not adopted/adopted** by:

David McNamara

Director

Key Sites Assessments



Appendices

Appendix A – Documentation

The following supporting documents and supporting information to this assessment report can be found on the Department of Planning and Environment's website as follows:

1. Environmental Impact Statement
http://www.majorprojects.planning.nsw.gov.au/index.pl?action=view_job&job_id=9736
2. Submissions
http://www.majorprojects.planning.nsw.gov.au/index.pl?action=view_job&job_id=9736
3. Applicant's Response to Submissions
http://www.majorprojects.planning.nsw.gov.au/index.pl?action=view_job&job_id=9736

Appendix B – Environmental Planning Instruments

Environmental Planning Instruments

EPIs considered as part of the assessment of the modification are:

- Sydney Cove Redevelopment Authority Scheme (SCRA Scheme)
- State Environmental Planning Policy (State and Regional Development) 2011 (SRD SEPP)
- State Environmental Planning Policy No.55 – Remediation of Land (SEPP 55)
- State Environmental Planning Policy No. 64 – Advertising and Signage (SEPP 64)
- Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005 (SREP 2005).

Compliance with controls

Note: Clauses within the above EPIs that are not relevant to the application have been omitted from the below assessment.

Sydney Cove Redevelopment Authority Scheme

The Sydney Cove Redevelopment Authority Scheme (SCRA scheme) is the relevant environmental planning instrument (EPI) regulating development in the Rocks and prescribes building height limits, building envelopes and permissible uses. The OPT is located on Drawings XLV1A and XLV-B of the SCRA scheme

SSD 7683 identified the use of Tenancy 5 at the OPT was classified, under the SCRA scheme, as 'restaurant and other food outlets'. The Department considers the proposed and amended signage to be ancillary to this permissible commercial use and therefore remains compliant with the SCRA scheme.

State Environmental Planning Policy (State and Regional Development) 2011 (SRD SEPP)

The SRD SEPP aims to identify developments that are of State Significance due to size, economic value or potential impact. The original development was deemed State significance in accordance with Clause 6 of Schedule 2 of the SRD Sepp as it seeks to vary the Sydney Cove Redevelopment Authority Area Scheme.

State Environmental Planning Policy No.55 – Remediation of Land (SEPP 55)

SEPP 55 requires a consent authority to consider whether the land is contaminated, and if so, whether the land would be remediated before the land is used for the intended purpose.

The Department has considered the potential contamination issues under the assessment of the original application. As the site does not have a history of contamination and the proposal does not involve a change of use, the Department is satisfied the proposal would not raise any additional issues with regards to contamination.

SEPP 64 – Advertising and Signage

SEPP 64 applies to all signage that under an EPI can be displayed with or without development consent and is visible from any public place or public reserve. Under clause 8 of SEPP 64, consent must not be granted for any signage application unless the proposal is consistent with the objectives of the SEPP and with the assessment criteria which are contained in Schedule 1. **Table A** below demonstrates the consistency of the proposed signage with these assessment criteria

Table A | SEPP 64 Compliance Assessment

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 signs are appropriately located and integrated into the design and appearance of the building. Business identification signage was approved under SSD 7683.	Y
Is the proposal consistent with a particular theme for outdoor advertising in the area or locality?	The proposed signs follow a consistent style and theme throughout the development.	Y
2 Special areas		
Does the proposal detract from the amenity or visual quality of any environmentally sensitive areas, heritage areas, natural or other conservation areas, open space areas, waterways, rural landscapes or residential areas?	The proposed signage does not detract from the amenity, views to surrounding heritage items or from views to and from the harbour.	Y
3 Views and vistas		
Does the proposal obscure or compromise important views?	The proposed signs are integrated with the proposed building and would not result in any obstruction of views.	Y
Does the proposal dominate the skyline and reduce the quality of vistas?	The proposed signs would in locations and of a scale that do not dominate the skyline or reduce the quality of vistas around the site.	Y
Does the proposal respect the viewing rights of other advertisers?	The proposed signs do not impact upon the viewing rights of other advertisers.	Y
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 proposed signs are proportionate to the scale of the building and are consistent with the style of the surrounding area.	Y
Does the proposal contribute to the visual interest of the streetscape, setting or landscape?	The proposed signage would contribute to the visual interest of the public domain by contributing to the identification and recognition of site.	Y
Does the proposal reduce clutter by rationalising and simplifying existing advertising?	The proposed signage is sympathetic to the architectural style of the surrounding area. The freestanding menu signs are only located at entrances to the site to avoid visual clutter.	Y
Does the proposal screen unsightliness?	The proposal does not screen unsightliness.	Y
Does the proposal protrude above buildings, structures or tree canopies in the area or locality?	The signs do not protrude above the building.	Y
Does the proposal require ongoing vegetation management?	The signs would not require ongoing vegetation management.	Y
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 proposed signage is to be located?	The signs have been designed to be fully compatible with the proposed building and its surroundings. The signs have been placed to avoid causing visual clutter.	Y
Does the proposal respect important features of the site or building, or both?	The signs have been located in the most architecturally appropriate locations to assist in place identification and wayfinding.	Y
Does the proposal show innovation and imagination in its relationship to the site or building, or both?	The proposed signs have been fully integrated with the building's architecture.	Y
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?	Some of the proposed signage would be internally illuminated. The Department has recommended a condition of consent requiring the signage to comply with the luminance levels in the Australian Standards.	Y
7 Illumination		
Would illumination result in unacceptable glare? Would illumination affect safety for pedestrians, vehicles or aircraft?	The illumination of signs and signage zones would not result in unacceptable glare.	Y
Would illumination detract from the amenity of any residence or other form of accommodation?	The illumination would not detract from existing amenity.	Y
Can the intensity of the illumination be adjusted, if necessary? Is the illumination subject to a curfew?	Some of the signage would be illuminated. Given the location of the site, within a CBD environment, the illumination would not be subject to a curfew.	Y
8 Safety		
Would the proposal reduce safety for pedestrians, particularly children, by obscuring sightlines from public areas?	The signs would not obscure sightlines to or from public areas.	Y
Would the proposal reduce safety for any public road?	The signage would not reduce safety for any public road	Y

Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005 (SREP 2005).

Consideration of the relevant clauses in the SREP (Sydney Harbour Catchment) 2005 is addressed in **Table B** below.

Table B | Consideration of SREP (Sydney Harbour Catchment)

SREP (Sydney Harbour Catchment) 2005	Criteria	Department Comment / Assessment	Complies
Part 1, clause 3 (2)(c1)	Land to which the plan applies.	The proposed works are located within the SOH Buffer Zone as identified on the relevant map.	Y

	Within the Sydney Harbour Catchment, particular provisions of this plan apply to the Sydney Opera House Buffer Zone, as shown on the Sydney Opera House Buffer Zone Map.		
Part 3, clause 17 Zoning W1 Maritime Waters	Land is divided into a number of zones as shown on the zoning map. However, the SCRA Scheme does not zone the land.	Although the W1 Maritime Waters zone is adjacent to the site, no works would be carried out in the zone.	N/A
Part 3, clause 20 Matters for Consideration	The matters referred to in Division 3 must be considered by the consent authority.	The Department has considered the relevant matters below.	Y
Part 3, clause 21 Biodiversity, ecology & environmental protection	The consent authority must take into consideration the matters listed in the clause in relation to biodiversity, ecology and environmental protection.	The proposal would have a negligible impact on biodiversity, ecology or the natural environment.	Y
Part 3, Clause 22 Public access to, and use of, foreshores and waterways	The consent authority must take into consideration the matters listed in this clause in relation to public access to, and use of, the foreshores and waterways.	Public access along the foreshore and to the waterway would remain unchanged.	Y
Part 3, Clause 23 Maintenance of a working harbour	The consent authority must take into consideration the matters listed in relation to the maintenance of a working harbour.	The proposal would not impact on the maintenance of a working harbour.	N/A
Part 3, Clause 24 Interrelationship of waterway and foreshore uses	The consent authority must take into consideration the matters listed in this clause in relation to the interrelationship of waterway and foreshore uses.	The proposal does not include any opportunities for waterway access and would not impact on the use of the waterway.	N/A
Part 3, Clause 25 Foreshore and waterways scenic quality	The consent authority must take into consideration the matters listed in relation to the maintenance, protection and enhancement of the scenic quality of foreshores and waterways.	The proposed works would improve the scenic quality of the foreshore and waterway.	Y
Part 3, Clause 26 Maintenance, protection and enhancement of views	The consent authority must take into consideration the matters listed in relation to the maintenance, protection and enhancement of views.	The proposal would generally allow the retention of views enjoyed from surrounding public space areas west of the site towards the SOH and other views would remain unaffected.	Y

Part 3, clause 29 Foreshores & Waterways Development Advisory Committee	A consent authority must not grant consent to a DA unless it has referred and considered the views of the Advisory Committee.	The proposed development is of a type that does not require referral to the Advisory Committee.	N/A
Part 4, clause 40 Strategic Foreshores Areas	- Division 1 - Requirements for Master plans. - This Division applies to development that is carried out on a strategic foreshore site.	The site identified as a strategic foreshore site on Sheet 3 (City Foreshore Area). The Minister has not directed a master plan for the land be prepared.	Y
Part 5 Division 3A Sydney Opera House	- Clause 58A outlines this division applies to the Sydney Opera House buffer zone, as outlined on the Sydney Opera House Buffer Zone Map. - Clause 58B outlines matters taken into consideration for development in the Sydney Opera House buffer zone to protect the World Heritage Value of the site. - Clause 58C outlines parameters for minor development in which this division does not apply.	The modification application would not adversely impact on the world heritage significance of the SOH.	Y

Appendix C – Modification Instrument

The Consolidated Consent can be found on the Department of Planning and Environment's website as follows.

http://www.majorprojects.planning.nsw.gov.au/index.pl?action=view_job&job_id=9736

