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29 March 2018

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

Attention: Cameron Sargent

Dear Ms McNally

Application to vary the Sydney Cove Redevelopment Authority (SCRA) Scheme Overseas Passenger Terminal (Tenancy 5), Circular Quay

This letter has been prepared by **Keylan Consulting Pty Ltd** (Keylan) on behalf of the Jimmy's on the Mall Pty Ltd (the Applicant).

This letter comprises an application to vary the Sydney Cove Redevelopment Authority (SCRA) Scheme in accordance clause 4 of the *Environmental Planning and Assessment (Sydney Cove) Savings and Transitional Regulation 1999* (Sydney Cove Regulations).

The proposed variation is sought to facilitate the installation of:

- operable (retractable) solar shade structures within the outdoor dining area of the approved Tenancy 5 restaurant
- operable (folding-arm) awnings on the northern façade of Tenancy 5 of the Overseas Passenger Terminal (OPT)

A separate request for Secretary's Environmental Assessment Requirements (SEARs) for the preparation of an Environmental Impact Statement for the shade structures will shortly be submitted to the Department of Planning and Environment (DP&E) s.

1. The site and locality

The Overseas Passenger Terminal (OPT) is located on the western side of Circular Quay adjoining Campbell's Cove and directly opposite the Sydney Opera House.

The OPT plays a significant role as an international port for cruise ships as well as activating the Harbour and Circular Quay with a range of restaurants and other temporary events.

The OPT provides essential public access along the foreshore linking Circular Quay to Campbell's Cove and adjoins significant areas of public domain acting as passive gathering spaces as well as public events such as the Sydney Vivid Festival.

Tenancy 5 is located at the most northerly end of the OPT, previously occupied by *Doyles Restaurant* across levels 1 and 2 of the Terminal Building as well as an adjoining formalised outdoor area used for outdoor seating. Tenancy 5 is located in an outstanding position with direct views across the Harbour and the Sydney Opera House as well as providing important activation to the entry of Campbell's Cove.



Figure 1: The site location, Tenancy 5 of the OPT building circled in red (Source Six Maps)



Figure 2: Aerial view of the site, Tenancy 5 of the OPT building circled in red (Source Six Maps)

The OPT and immediately surrounding land, including the existing outdoor seating area, is owned by the Port Authority of NSW.

2. The SSD approval

On 25 August 2017, the Acting Executive Director, Key Sites and Industry Assessments, as delegate of the Minister for Planning, approved the redevelopment of Tenancy 5 of the OPT building for a restaurant and micro-brewery (SSD 7683), including:

- 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
- business identification signage

Condition A5(d) of the consent states that consent is not granted for shading devices within the approved outdoor seating area located to the north of OPT (Tenancy 5):

Limits on Consent

A5. *This consent in no way implies or grants approval for the following:*

- a) internal building works*
- b) removal of any palm trees (note: the relocation of the three existing palm trees is permitted by this consent)*
- c) subdivision of the site*
- d) drop-down blinds, shading devices, awnings, umbrellas or the like in the outdoor seating and in the new deck within the double height space in the tower drum.*

At the same time as approving the above SSD, DP&E also approved an amendment to the SCRA Scheme to extend the building envelope of the OPT building to accommodate the approved balconies and micro-brewery pod (**Figure 3**).

3. Proposed shade structures

The proposal comprises the installation of operable solar shade structures within the outdoor dining area and awnings on the northern façade of Tenancy 5 of the OPT.

In accordance with clause 6, Schedule 2 of State Environmental Planning Policy (State and Regional Development) 2011 (SRD SEPP), the DA is State Significant Development as it is development on land within The Rocks which does not comply with the SCRA Scheme (as outlined below).

The Applicant is currently preparing a request for SEARs for the DA.

4. Proposed variation to SCRA scheme

The OPT building is identified on Building Site Control Drawing XLV1A–1B in the SCRA Scheme.

Building Site Control Drawing XLV1A–1B (**Figure 3**) establishes a building envelope on the site, generally reflective of the existing OPT structure, and in relation to permitted uses states:

The only elements in respect to Open Space and Public Domain that will be permitted to exceed the envelope include: memorials, monuments, fountains, lighting, kiosks, flagpoles and the like.

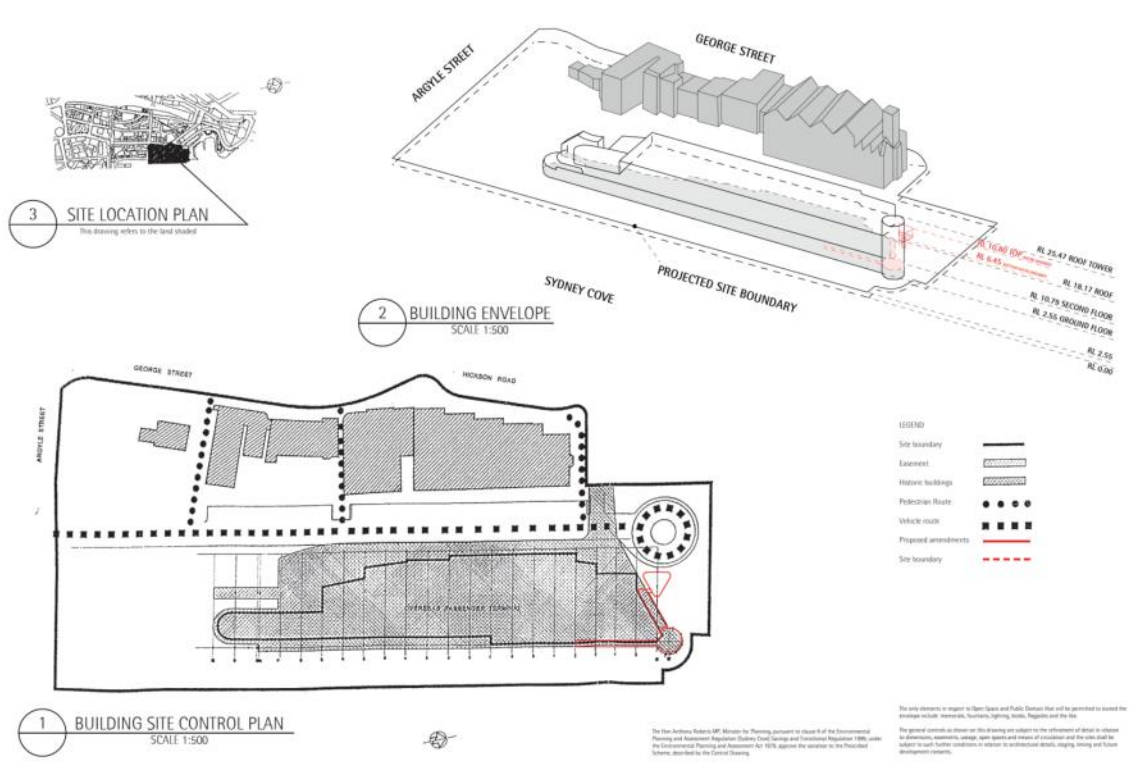


Figure 3: The existing SCRA Scheme Building Site Control Drawing (Source: SSD 7683)

Clause 4(2) of the *Environmental Planning and Assessment (Sydney Cove) Savings and Transitional Regulation 1999* requires an application to vary the SCRA Scheme to:

- (a) *describe the respects in which the proposed development does not comply with the approved scheme*

Shade structures are not specifically identified as elements that are permitted to exceed the building envelope on Drawing XLV1A-1B. Whilst the proposed shade structures are located within the site boundary identified in Drawing XLV1A-1B and within the existing Tenancy 5 lease area, the Department of Planning and Environment has previously advised that it considers areas outside the building envelope to comprises “Open Space and Public Domain.”

Accordingly, it is proposed to amend the supporting text relating to permitted uses as follows:

The only elements in respect to Open Space and Public Domain that will be permitted to exceed the envelope include: memorials, monuments, fountains, lighting, kiosks, flagpoles, shade structures and the like.

The proposed amendment to Building Site Control Drawing XLV1A-1B is included at **Attachment 1**. The SCRA Scheme drawings will be finalised in parallel with the assessment process for the State Significant DA.

An indicative elevation of the proposed shade structures is shown in **Figure 4**.



Figure 4: Proposed shade structures – Indicative north elevation (Source: C&T)

(b) *set out the reasons for the variation to the approved scheme for which the person is applying*

The proposal involves new solar shade structures and awnings. These are considered essential to the creation of a venue which capitalises on and enhances the site's outstanding location and its critical role in the activation of West Circular Quay and Campbell's Cove. In addition, the solar shade structures and awnings will:

- provide essential weather protection for future patrons
- be operable, light-weight structures that will complement the design and appearance of the OPT building
- not obstruct significant views towards the Sydney Opera House, Sydney Harbour Bridge or Sydney Harbour

Accordingly, the variation of the SCRA Scheme is proposed to facilitate the delivery of a superior design and activation outcome for the site and broader precinct, in accordance with the approved restaurant use on this site.

(c) *address the matters referred to in clause 9(2) in relation to which the Minister must form an opinion before making a variation to the approved scheme*

The matters referred to in clause 9(2) of the Sydney Cove Regulations are addressed in **Table 1**. These matters will be addressed in further detail in the DA for the proposal.

Clause	Comment
(a) <i>whether the development will adversely affect:</i> (i) <i>development on adjoining land</i> (ii) <i>the heritage significance of buildings, structures or sites in the locality</i> (iii) <i>the quality of the public domain in the locality</i>	(i) The proposed variation relates to minor, light-weight building elements that will be sensitively designed to integrate with the OPT building and minimise any impacts on development on adjoining land. The DA for the proposal will include a detailed design analysis that carefully considers surrounding landuses and the site's harbourside location, including potential impacts on the views to the Sydney Opera House. (ii) The OPT is not listed on the State Heritage Register. However, the site is located within <i>The Rocks Heritage Conservation Area</i> and listed on SHFA's section 170 Heritage and Conservation Register under the <i>Heritage Act NSW 1977</i> and listed as 'Sydney Cove Passenger Terminal' on the Sydney Ports Corporation Section 170 Heritage and Conservation Register. The site is located in the vicinity of a number of items listed on the State Heritage Register and within the designated buffer zone for the Sydney Opera House which is inscribed on the World Heritage list. A Heritage Impact Statement will be prepared to support the DA to address any potential heritage impacts. (iii) The location of Tenancy 5 and the approved improvements to the outdoor dining area provide a unique opportunity to create a catalyst development consistent with broader urban renewal plans for Circular Quay. The proposal is consistent with the principles of the <i>Rocks Public Domain Strategy</i> (prepared by SHFA, March 2016) by further supporting the activation of this space to complement upgrades to the adjoining public domain for enhanced multi-uses spaces. The proposal also promotes the broader principle of a multi-purpose waterfront as well as providing a stronger identity for this part of the OPT. The proposal would not impact on the permeability of the site.
(b) <i>whether the development will have an adverse impact on the natural or built environment or an adverse social or economic impact in the locality,</i>	As outlined above, the DA will include a detailed analysis to demonstrate that the proposal will not adversely impact the built environment of the locality and key views. In particular, the shade strictures have been specifically designed to minimise impacts on views to the Opera House. Furthermore, no adverse impacts on the natural environment are anticipated.

Clause	Comment
	The proposed installation of solar shade structures and awnings is consistent with the approved use of the tenancy as a restaurant and other dining and entertainment uses in the broader Rocks precinct. The proposal will significantly improve patron comfort within the outdoor dining area, is likely to increase visitation to the site and the waterfront and would not impact on site permeability.
(c) <i>whether the variation will conform with the general planning and design principles for the Sydney Cove Redevelopment Area,</i>	The proposal includes minor structures consistent with the approved restaurant use of this part of the OPT and which will contribute to the activation of the locality and patron comfort with no significant adverse impacts on the built form and heritage value of the locality. Accordingly, it is considered that the variation will conform with the SCRA general planning and design principles.

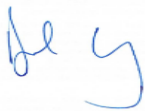
Table 1: Consideration of matters referred to in clause 9(2) of the Sydney Cove Regulations

5 Conclusion

We trust that this letter provides sufficient details of the proposal to enable DP&E to formally commence the process to vary the SCRA scheme.

Please do not hesitate to contact Dan Keary on 8459 7511 or 0429 565 291 or email dan@keylan.com.au in the first instance if you wish to discuss any aspect of this submission.

Yours sincerely



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 Director



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 Director