

## Section 96(1A) Application Statement of Environmental Effects



150 George Street, The Rocks

DFS Galleria - Fendi Tenancy

Submitted to Department of Planning and Environment  
On Behalf of DFS Australia Pty Limited

September 2015 ■ 15389

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## 1.0 Introduction

On behalf of DFS Australia Pty Limited, we hereby submit an application pursuant to section 96(1A) of the *Environmental Planning and Assessment Act, 1979* (EP&A Act) to modify Development Consent SSD14\_6715 relating to 145-155 George Street Sydney.

The modifications relate to the refurbishment of the Fendi brand area, located within one of the State heritage listed tenancies within the approved development.

This application identifies the consent, describes the proposed modifications and provides a planning assessment of the relevant matters for consideration contained in section 96(1A) and 79C (1) of the EP&A Act. It should be read in conjunction with the Environmental Impact Statement (EIS) prepared by JBA dated December 2014.

### 1.1 Background

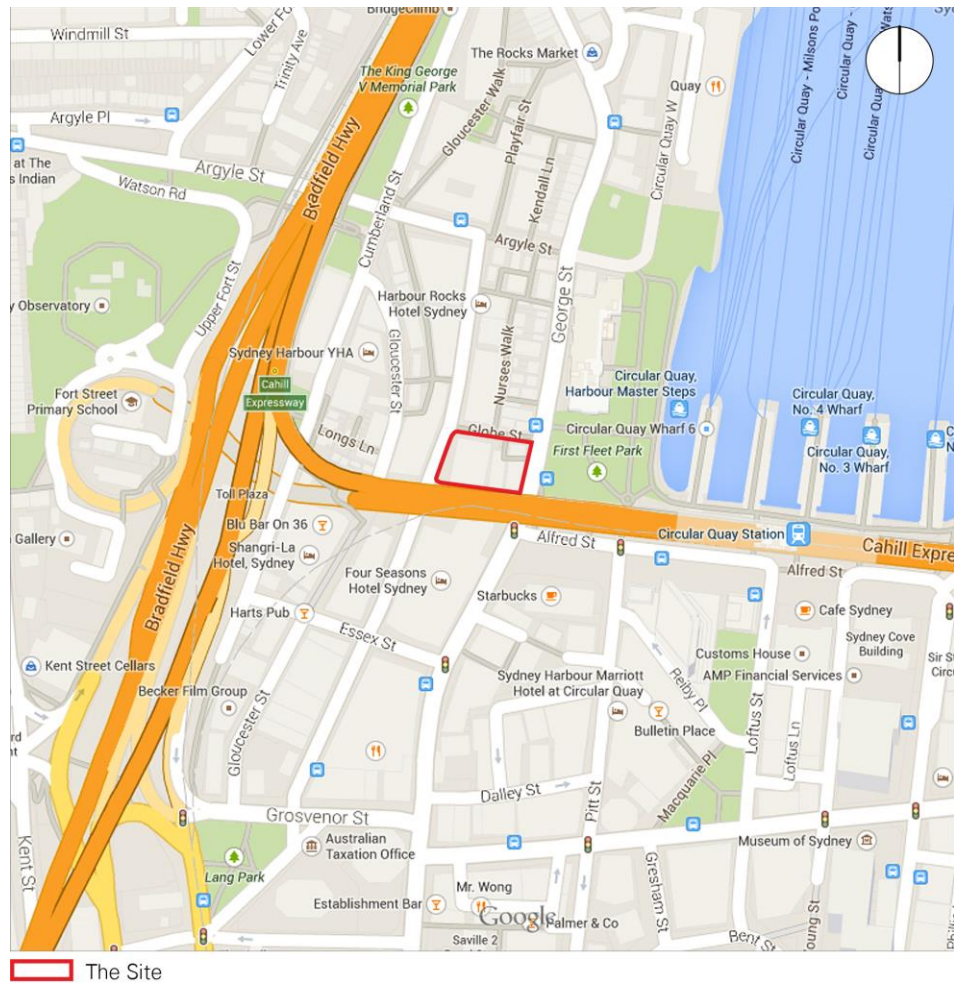
Development consent SSD14\_6715 was granted by the Department on 23 March 2015 for the refurbishment of the DFS Galleria building. A copy of the Notice of Determination for SSD14\_6715 is included at **Appendix A**. The consent has not previously been modified and it is understood that the approved works at the site have not yet commenced.

The proposed works to the ground level retail tenancies fronting George Street did not form part of this original application SSD and the individual fit out and refurbishment of individual tenancies on the George Street frontage is subject to separate s96(1A) modifications, as previously agreed by the Department. This application comprises the first of these modifications.

## 2.0 Site Location and Context

The DFS Galleria site is located at 145-155 George Street within The Rocks precinct. It is situated at the north-eastern corner of the Sydney Central Business District, opposite First Fleet Park at Circular Quay. The site is bound by the Cahill Expressway to the south, George Street to the east, Globe Street to the north and Harrington Street to the west.

The site's location is illustrated in **Figure 1** and an aerial photograph is included at **Figure 2** below.



**Figure 1 – Location Plan**  
Source: Google Maps and JBA

Existing development on the site comprises a ten storey commercial building, built in the late 1980's and four State heritage listed buildings, which are linked by a three storey glass covered courtyard. This application relates to the fit out of the building at 153-155 George Street (refer to **Figure 2** and **3**).





**Figure 2 – Components of the existing building**  
Source: NearMap

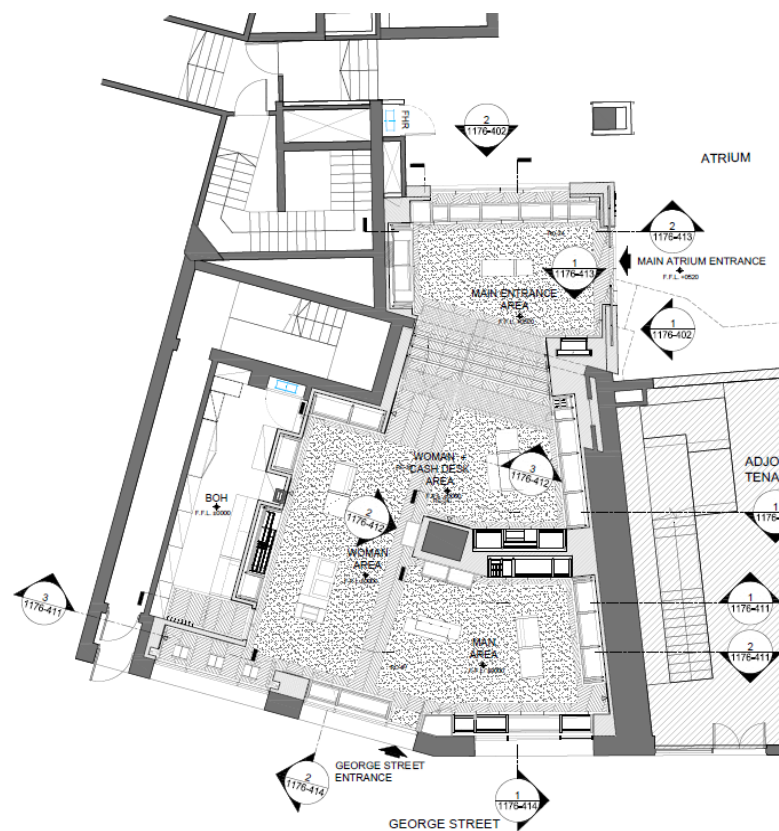


**Figure 3 – George Street frontage**

### 3.0 Proposed Modification to Consent

The proposed modification to the development consent comprises the refurbishment and fit out of the retail tenancy for the use by Fendi, as per the plans included at **Appendix B** (replicated in **Figure 4** below). The application also includes signage on the George Street façade and at the rear of the store within the atrium of the DFS building. The proposed signage is described below and full details are provided within the architectural plans at **Appendix B**.

The proposed modifications necessitate amendments to the consent conditions to insert the additional ground floor plans and supporting documentation for the Fendi tenancy into section *A2 Development in Accordance with Plans and Documentation* of the consent.



**Figure 4** – Proposed fit out  
Source: Atelier Pacific

### 3.1 Proposed Signage

The proposed signage for the tenancy includes:

- 1 x window sign (applied to glass interior) on the George Street façade;
- 3 x signs (applied to glass interior) on the George Street façade;
- 1 x backlit (metal face with halo effect) sign inside the tenancy;
- 1 x under awning sign (within existing structure) at the George Street frontage; and
- 1 x backlit (metal face with halo effect) sign located within the atrium at the rear of the store.

Figures 5 and 6 below show the proposed signage at the George Street frontage and at the rear of the retail tenancy.

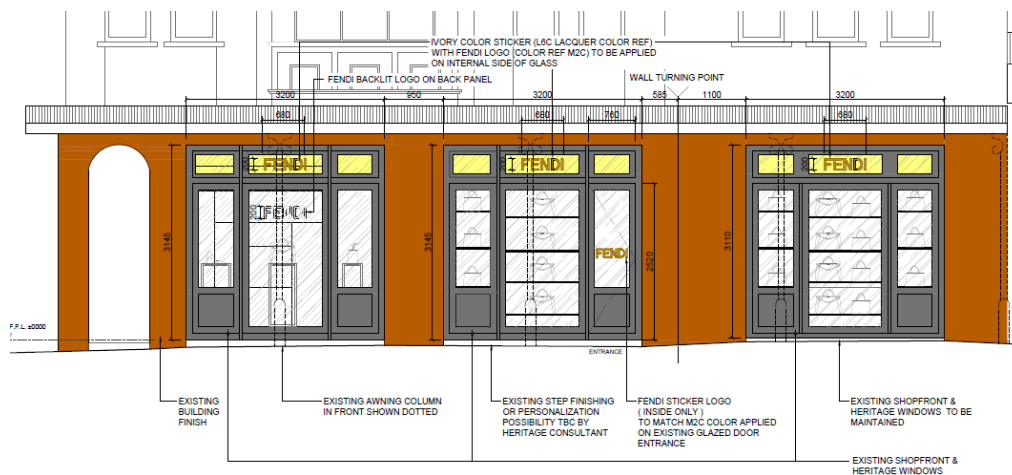


Figure 5 – George Street signage

Source: Atelier Pacific

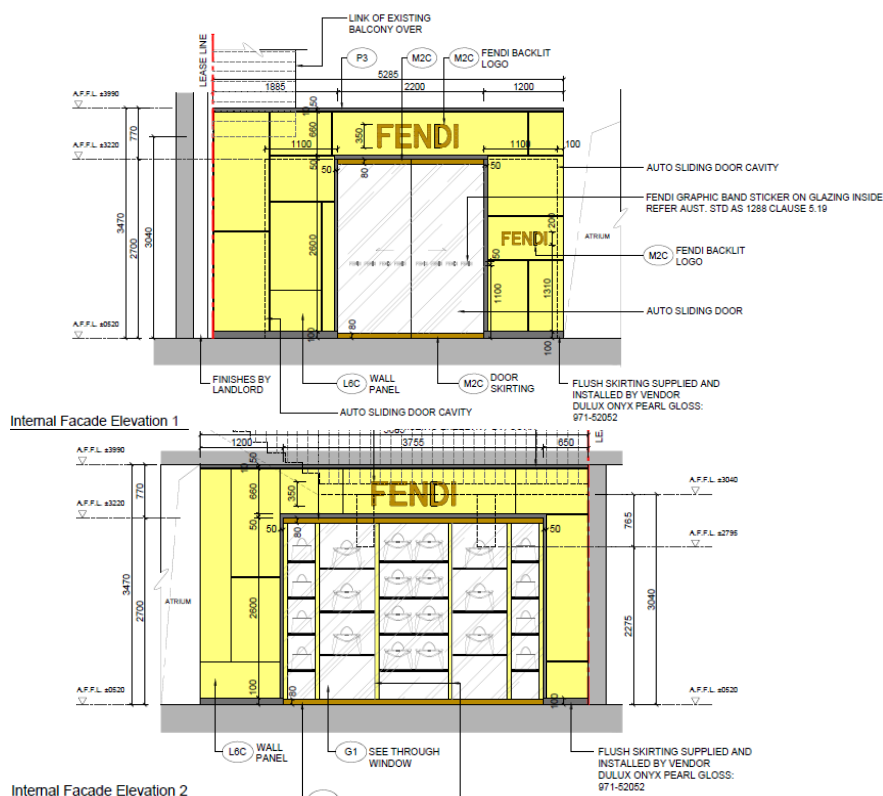


Figure 6 – Internal signage

Source: Atelier Pacific

## 3.2 Substantially the Same Development

Section 96(1A)(a) of the EP&A Act states that a consent authority may modify a development consent if *“it is satisfied that the development to which the consent as modified relates is substantially the same development as the development for which consent was originally granted and before that consent as originally granted was modified (if at all)”*.

The development, as proposed to be modified, is substantially the same development as that originally approved in that it facilitates the fit out of the retail tenancy only, and is in accordance with the original intent of the consent. The proposed modification will not alter the overall built form or character of the development, and will continue to ensure the development is carried out in an orderly manner.



## 4.0 Planning Assessment

### 4.1 Matters for Consideration under Section 79C (1)

Section 96 of the EP&A Act requires a consent authority to take into consideration such of the matters referred to in Section 79C(1) as are of relevance to the development the subject of the application. The EIS submitted with the original DA addressed the following environmental impacts:

- Compliance with statutory and strategic plans;
- Design;
- Heritage;
- Accessibility;
- Construction impacts;
- Hazardous materials;
- Waste management;
- Ecologically sustainable development;
- BCA compliance;
- Environmental risk;
- Social and economic impacts; and
- Site suitability and public interest.

The planning assessment of the proposed modified development remains largely unchanged with respect to the above matters. It is important to recognise that in submitting a modification application, only those matters that are potentially impacted by the proposal are required to be addressed.

Accordingly, this SEE undertakes further assessment of the proposed modification application to demonstrate that the proposed development will not have an adverse environmental impact on surrounding land uses.

As established in the original EIS submitted, we consider the site is highly suited to the proposed development and that it is in the public interest to encourage the ongoing retention and refurbishment of a significant heritage item.

### 4.2 Compliance with Statutory Plans

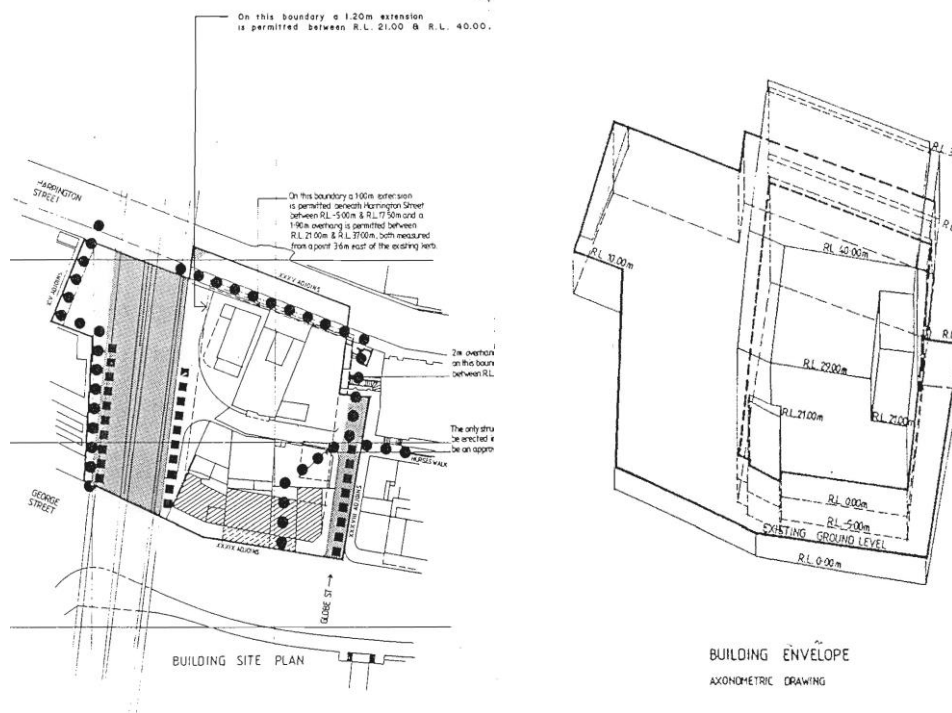
#### 4.2.1 Sydney Cove Redevelopment Authority Scheme

The key planning instrument relevant to The Rocks precinct is the Sydney Cove Redevelopment Authority (SCRA) Scheme. This instrument is generally limited to identifying a building site control drawing for specialised sites, including building envelope, permitted uses, easement and pedestrian and vehicular routes.

The Site is located on Building Site Control Drawing XXXVII (refer to **Figure 7**). The proposed development does not alter the approved building envelope and the proposed retail use by Fendi is consistent with the permitted 'commercial uses'.<sup>1</sup>

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<sup>1</sup> Commercial uses are defined in the Sydney Cove Redevelopment Authority Scheme as 'offices, and their associated facilities, caretakers accommodation, wholesale and retail outlets, premises licensed under the Liquor Act 1982, restaurants and other food outlets, the parking



**Figure 7 – Building Site Plan and Building Envelope of Building Site Control Drawing XXXVII under the SCRA Scheme**

Source: Sydney Cove Redevelopment Authority

### 4.3 Heritage

A Section 57(2) exemption under the Heritage Act 1977 has been requested for the proposed works. A copy of the exemption is included at **Appendix C**.

A letter prepared by CCG Architects includes that the proposed fit out works are unlikely to adversely impact the State heritage listed building and therefore meet the criteria of Standard Exemptions 7 and 8. Importantly, all of the fit out works are reversible and do no physically impact on the significant components of the building. As such, the proposed works are considered appropriate for the site.

CCG Architects have also prepared a Supplementary Heritage Impact Assessment (**Appendix D**) to the DFS Galleria refurbishment that assess the physical and visual impacts of a proposed Fendi fit out.

## 4.4 Signage

#### 4.4.1 State Environmental Planning Policy 64 – Advertising and Signage

State Environmental Planning Policy 64 – Advertising and Signage (SEPP 64) applies to all signage that under an environmental planning instrument can be displayed with or without development consent and is visible from any public place or public reserve. The Architectural Drawings at **Appendix B** illustrate the indicative location of the future signage on the tenancies facade.

*of vehicles for a fee, club rooms, portrait painting and photographs, printing services and the like.*

Under clause 4 of SEPP 64, a consent authority must not grant consent for any signage application unless the consent authority is satisfied that the proposal is consistent with the aims and objectives of the SEPP and with the assessment criteria which are contained in Schedule 1.

To ensure compliance with the aims and objectives of the SEPP, the signs are compatible with the proposed development and will be of a high quality design and finish. **Table 1** below demonstrates that the proposed signage satisfies the assessment criteria within Schedule 1 of SEPP 64.

**Table 1 – SEPP 65 Assessment**

Schedule 1 Assessment Criteria	Comments	Compliance
<b>Character of the area</b>		
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 development is compatible with the desired character of The Rocks precinct.	Y
Is the proposal consistent with a particular theme for outdoor advertising in the area or locality?	The proposed development is generally consistent with the nature and siting of building signage within The Rocks precinct, and provides a consistent approach to signage within the Site.	Y
<b>Special areas</b>		
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 is consistent with the provision of signage within the Sydney CBD, Circular Quay and The Rocks and will not detract from the amenity or visual quality of any environmentally sensitive area, heritage areas, open space or waterways.	Y
<b>Views and vistas</b>		
Does the proposal obscure or compromise important views?	The proposed signage is integrated with the existing buildings and therefore will not result in any obstruction of views, and the location and content of signage will not otherwise compromise important views within the precinct.	Y
Does the proposal dominate the skyline and reduce the quality of vistas?	The proposed signage is limited in size and located so that it will not dominate the skyline of The Rocks area.	Y
Does the proposal respect the viewing rights of other advertisers?	The proposed signage does not impact upon the viewing rights of other advertisers.	Y
<b>Streetscape, setting or landscape</b>		
Is the scale, proportion and form of the proposal appropriate for the streetscape, setting or landscape?	The scale, proportion and form of the proposed signage is consistent with the setting of the core facilities within an established tourism precinct within The Rocks.	Y
Does the proposal reduce clutter by rationalising and simplifying existing advertising?	The proposed signage contributes to the visual interest of the streetscape by contributing to the identification and recognition of the retail tenancy.	Y
Does the proposal screen unsightliness?	The proposed signage is integrated with the architecture of the existing buildings and will be applied to the shopfront.	Y
Does the proposal protrude above buildings, structures or tree canopies in the area or locality?	The proposed signage does not protrude above the building.	Y
Does the proposal require ongoing vegetation management?	The proposed signage will not require ongoing vegetation management.	Y
<b>Site and building</b>		
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 proposed signage has been designed to be fully compatible with the existing buildings and is compatible with the architecture of the building.	Y

Schedule 1 Assessment Criteria	Comments	Compliance
Does the proposal respect important features of the site or building, or both?	The proposed signage has 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 signage has been fully integrated with the building architecture.	Y
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?	No safety devices, platforms, lighting devices or logos are incorporated as an integral part of the signage.	Y
Illumination		
Would illumination result in unacceptable glare?	Illumination of signage will not result in unacceptable glare, and the location of the proposed signage which is below the height of nearby road viaducts.	Y
Would illumination affect safety for pedestrians, vehicles or aircraft?		Y
Would illumination detract from the amenity of any residence or other form of accommodation?	The location and orientation of signage is such that it will not impact on nearby residential receivers.	Y
Can the intensity of the illumination be adjusted, if necessary?	The Rocks is an established tourism precinct which will accommodate activity well into the evening and night time. As such it is not considered necessary or appropriate to impose a curfew on the illumination of signage.	Y
Is the illumination subject to a curfew?		Y
Safety		
Would the proposal reduce the safety for any public road?	The proposed signage has been located in order to avoid any impacts on public roads, and views to building signage will generally be limited to pedestrianised areas.	Y
Would the proposal reduce the safety for pedestrians or bicyclists?	The proposed signage will be located above ground level and will not distract from essential sight lines for pedestrian and cyclists.	Y
Would the proposal reduce the safety for pedestrians, particularly children, by obscuring sightlines from public areas?	The proposed signage will be integrated with the existing buildings and will not obscure sight lines from public area.	Y

#### 4.4.2 The Rocks Signage Policy 2013

The SHFA signage policy outlines a number of policies for signage within The Rocks. **Table 2** below provides an assessment of the proposal against these policies.

**Table 2 – The Rocks Signage Policy Assessment**

Policy	Comments	Compliance
<b>Wayfinding and commercial signage</b>		
Policy 1: Signage is to respond to the heritage significance of The Rocks precinct, including consistency with Burra Charter principles relating to the introduction of new materials into an historically significant area.	It is considered that the proposed signage responds to the heritage significance of the Rocks precinct. The Burra Charter principles establish a framework for the conservation of heritage items. It is not considered that the proposed materials compromise the heritage fabric of the site.	Y
Policy 2: Signage is not to replicate past styles but is to be a contemporary interpretation of traditional signage and of the highest standard in design and fabrication. The Authority is supportive of innovation to deliver effective signage outcomes.	The proposed signage is for a high-end brand and will reflect this through the use of quality materials and design.	Y
Policy 3: Signs are to complement the overall character of the precinct or locality, as well as the historic character of the building or place.	The scale, proportion and form of the proposed signage is consistent with the setting of the core facilities within an established tourism precinct within The Rocks.	Y



Policy	Comments	Compliance
Policy 4: Signage fixings are to be designed to be unobtrusive, robust and reversible i.e. capable of being removed without damage to historically significant fabric.	The proposed signage is capable of being removed without damage.	Y
Policy 5: Proposals for new or additional signage are to be considered in terms of the cumulative impact of all signage on the building or place.	The proposed development is generally consistent with the nature and siting of building signage within The Rocks precinct, and provides a consistent approach to signage within the Site.	Y
Policy 6: Signage design is to consider persons with disabilities, especially those with vision or mobility impairments. (See the Australian Standard 1428.2, 1992 Design for Access and Mobility Part 2).	It is considered that the signage is appropriate for the locality and reflects the typical nature of signage for retail tenancies in the Rocks.	Y
Policy 7: Third party advertising is not permitted on any permanent signage.	No third party advertising is proposed.	Y
Policy 8: Third party advertising is permitted on public event promotional signage and only where the third party is a sponsor of the event.		N/A
Policy 9: English should be used for all signage text, but to assist tourism small secondary non-English text may also be used.	The signage is in English and limited to the brand name.	Y
Policy 10: Freestanding mobile type signs such as A-frames are not permitted within the public domain nor in positions within lease areas that might constitute a safety hazard for passing pedestrians or shoppers.	No freestanding signage is proposed	Y
<b>Commercial signage</b>		
Policy 1: Commercial signage is not to obscure or damage the architectural features or fabric of the building or place.	The proposed signage is capable of being removed without damaging to the building.	Y
Policy 2: The position, size and proportion of signs for different buildings typologies, are to be generally in accordance with the Commercial Signage Technical Manual 2012.	The proposed signage is generally in accordance with the Technical Manual. Refer to Section 4.4.3 below.	Y
Policy 3: The style, font and colour of the business name can reflect the corporate or business colours of the tenancy but should be framed and fixed to the building in a way that is respectful to the character of the building on which it is mounted and existing commercial signage on adjoining businesses.	The proposed signage will be applied to the glazed area of the façade and the colour and design is sympathetic to the existing shop frontage. The proposed signage is capable of being removed without damaging the building.	Y
Policy 4: Signage materials can be selected from a broad range of traditional noble materials that are characteristic of The Rocks, for example metal sheet, painted masonry, carved and painted or stained wood, engraved metal plaque, glass, enamelled steel or cast metal.	The proposed signage materials are considered appropriate for the site. While traditional materials are not used, the proposed signage reflects the corporate branding and will not adversely impact upon the heritage significance of the site.	
Policy 5: External type sign illumination is permitted including discretely located down lights, and back-lit type halo lights subject to the type and placement of fittings proposed, the visual impact on the character of the building when seen from the public domain and the impact of cabling on the fabric of the building.	An internal sign that will be visible from the footpath is proposed to be back-lit (metal face with halo effect). The sign is not a dominant feature when viewed from the public domain and the cabling will not impact on the fabric of the building.	Y

Policy	Comments	Compliance
Policy 6: Light boxes, neon lights, moving or sequenced lights, strobe lights, video screens, digital displays, laser advertising and the like are not permitted either externally or within shop front windows facing the public domain.	Only the back-lit (metal face with halo effect) sign will be viewable from the public domain. No neon lights, light boxes, moving or sequenced lights, strobe lights, video screens, digital displays, laser advertising are proposed.	Y
Policy 7: The Authority's banner poles offer the opportunity for major tenants to utilise the banners for brand messaging. The banners are also available for special events and government endorsed community events which are either internal or external to the precinct.		N/A

#### 4.4.3 Sydney DCP

Section 6.5 of Schedule 6 of the Sydney DCP 2012 includes information to guide appropriate signage for The Rocks. Specifically, Part E – Shopfronts permits the proposed sign typologies, including;

- *TS1 – painted transom panel above shop entry door (text should not exceed 80% of the available height and should be limited to business name or street number)*
- *SW1 – shingle sign on shop window (field area of the sign can occupy up to 10% of glazed surface area)*
- *HS1 – hamper signage – field area of the sign can occupy up to 80% of the hamper's glazed surface area)*

The proposal includes 1 x SW1 sign, 3 x HS1 signs, one internal backlit sign, and 1 x under awning sign (existing structure) at the George Street frontage. Although the DCP limits signage to one of each sign type per shopfront, it is considered that the provision of 3x HS1 sign is consistent with the policy as the branding is limited in size and the overall area occupied is considerably less than 80% of the surface area (less than 17%).

The DCP also states that illumination should be limited to ambient street and under awning lighting and from inside the shop window. Only internal signage will be illuminated and the proposal is therefore consistent with this policy.

Overall, it is considered the proposed signage meets the objectives of SEPP64, The SHFA signage policy and the Sydney DCP. The signage is sympathetic to the heritage significance of the site and will not adversely affect the character of The Rocks precinct.

#### 4.5 BCA

A statement of BCA compliance has been prepared by McKenzie Group and is included at **Appendix E**. The statement concludes that the proposed works are capable of meeting the relevant BCA and DDA requirements. Further details will be provided within the construction drawings.

#### 4.6 Fire Safety

The Fire Safety Statement, prepared by Arup, confirms that the design is capable of meeting the requirements of the applicable BCA and relevant Australian Standards. A copy of the Fire Safety Statement is included at **Appendix F**.

## 4.7 Social and Economic Impact

The proposed modification will generate a number of positive social and economic benefits for the local area in that it will:

- ensure the ongoing protection of a significant heritage building;
- facilitate development in accordance with the approved commercial use of the building;
- provide a 'luxury' shopping experience for patrons of The Rocks; and
- provide employment opportunities in the Sydney CBD.

## 4.8 Site Suitability and Public Interest

The site is considered suitable for the proposed development as:

- the retail use is a long standing use the site;
- The Rocks is an established tourism/commercial precinct;
- the site is well serviced by existing transport, tourism and business infrastructure; and
- local environmental impacts as a result of the proposal are negligible and capable of being managed and mitigated.

The proposed development is considered suitable for the site in that it:

- the proposed retail and office uses are permissible under the SCRA Scheme;
- provides for the ongoing, orderly and co-ordinated use of the existing building through the provision of a luxury retail store and better quality environment, without any significant alteration to the exterior appearance of the building;
- ensures the ongoing preservation of a State heritage listed building;
- continues to provide job opportunities and provides the opportunity for indirect construction related jobs;
- will cause few or no environmental impacts arising from the construction and operation of the development, and none that cannot be managed.

For the reasons set out above, the proposed development is considered to be in the public interest.

## 5.0 Conclusion

The proposed modifications are required to facilitate the fit out and refurbishment of the Fendi brand area of the State heritage listed tenancy.

The proposed changes are relatively minor in the context of the approved development and as such, the original assessment remains relevant and valid in terms of the environmental impact. As a result, no further mitigation measures are required to be imposed.

In accordance with section 96(1A) of the EP&A Act, the Department may modify the consent as the:

- the consent, as proposed to be modified, is substantially the same development as that originally approved;
- the proposed works will have minimal environmental impact;
- the proposed works are generally in accordance with the relevant environmental planning instruments; and
- the development will ensure the ongoing protection of a State heritage listed item through the orderly fit out and refurbishment works that will allow for its ongoing economic use.

In light of the above, we therefore recommend that the proposed modification is supported by the Department of Planning and Environment.