



LF/GK
16043
13 March 2016

Ms Carolyn McNally
Secretary
Department of Planning and Environment
22-33 Bridge Street
SYDNEY NSW 2000

Attention: Cameron Sargent

Dear Ms McNally,

**REQUEST FOR SECRETARY'S ENVIRONMENTAL ASSESSMENT REQUIREMENTS
SYDNEY OPERA HOUSE TEMPORARY EXPERIENTIAL ACCOMMODATION**

We are writing on behalf of the Sydney Opera House Trust to request Secretary's Environmental Assessment Requirements (SEARs) for the preparation of an Environmental Impact Statement (EIS) relating to the temporary use of areas within the Sydney Opera House for experiential accommodation.

All development on the Sydney Opera House site is declared to be State significant development for the purposes of the *Environmental Planning and Assessment Act 1979* (EP&A Act) (see Schedule 2 of the *State Environmental Planning Policy (State and Regional Development) 2011* (SRD SEPP)). As such, any development application relating to the Sydney Opera House must be accompanied by an EIS.

The following information is provided to support the request for SEARs, which will guide the preparation of the EIS and Development Application (DA) for this proposal:

- 1.0 A description of the site;
- 2.0 A summary of the proposed temporary use;
- 3.0 A summary of the statutory framework;
- 4.0 An overview of the likely environmental and planning issues associated with the development; and
- 5.0 Proposed consultation to be undertaken in relation to the proposal.

1.0 THE SITE

The Sydney Opera House is a State, National and World Heritage listed performing arts centre located on the Sydney Harbour foreshore at Bennelong Point. The Sydney Opera House site is shown in **Figure 1**. The site has the real property title reference of Lot 5 in Deposited Plan 775888 and Lot 4 in Deposited Plan 787933.

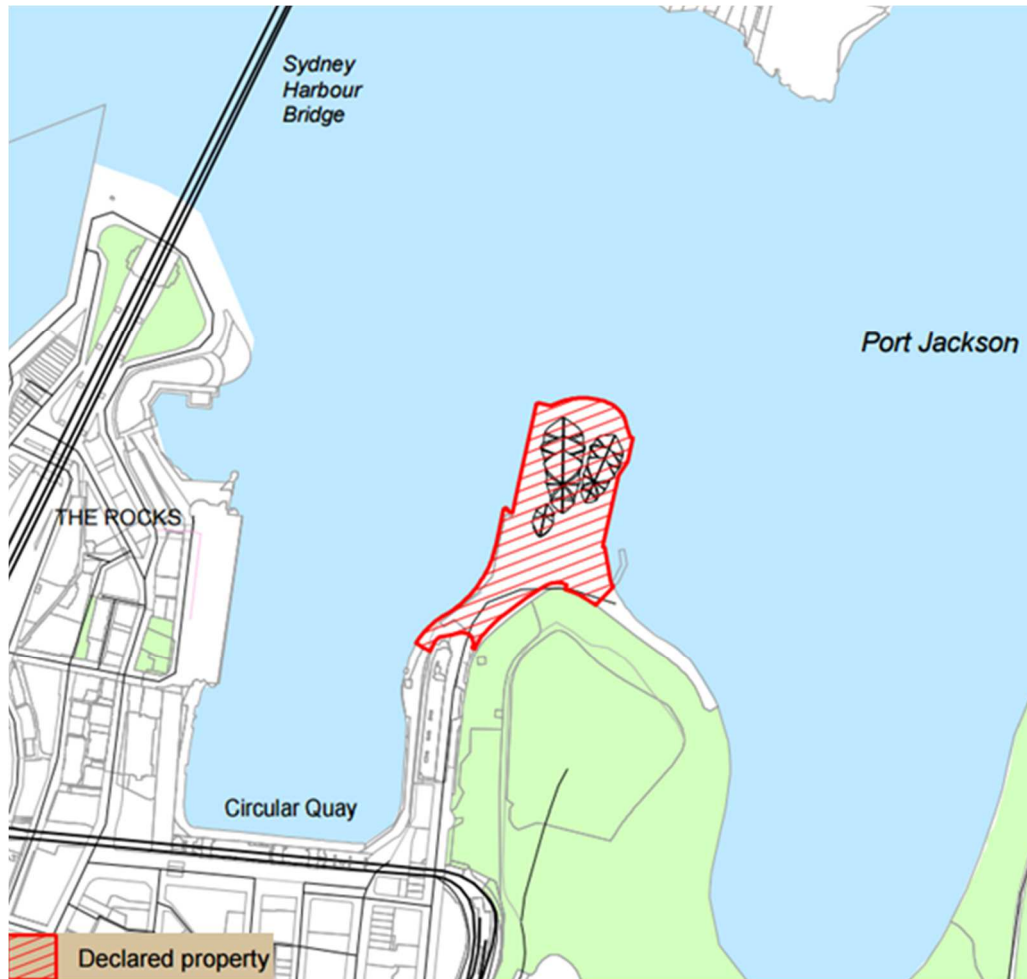


Figure 1 – Sydney Opera House World Heritage Boundary

2.0 THE PROPOSED USE

The development application will seek consent for the temporary use of select areas of the Sydney Opera House for experiential accommodation. Specifically, the accommodation would be provided by way of temporary conversion of a number of rooms and spaces within the Sydney Opera House that are currently occupied by offices or are function spaces, each with access to bathroom amenities. The proposed use would be subject to the following limits:

- number of separate occasions;
- number of consecutive nights; and
- number of visitors.

The proposed temporary use will be associated with special promotional events. The proposed use will involve the installation of temporary furnishings and fittings that will be removed immediately following an event. Any works associated with the proposed temporary use will be internal to the Sydney Opera House building.

3.0 STATUTORY FRAMEWORK

3.1 Permissibility – *Sydney Local Environmental Plan 2012*

The proposed temporary use of the Sydney Opera House for experiential accommodation:

- is not consistent with the existing use of the Sydney Opera House as a cultural institution and performing arts centre;
- is not permitted under any current development consent applicable to the Sydney Opera House;
- cannot be characterised as exempt or complying development under the provisions in either the State Environmental Planning Policy (Major Development) 2005 or State Environmental Planning Policy (Exempt and Complying Development Codes) 2008.

Therefore, development consent is required for the proposed temporary use.

The Sydney Opera House site is zoned B8 – Metropolitan Centre zone under the *Sydney Local Environmental Plan 2012*. We consider that the most appropriate characterisation of the proposed temporary use is tourist and visitor accommodation which is permissible with consent within the B8 – Metropolitan Centre zone.

3.2 Consent authority – State significant development

Any development on the Sydney Opera House site is State significant development by virtue of the site's listing in Schedule 2 of the SRD SEPP. As such, the Minister for Planning is the consent authority for the proposal.

3.3 Heritage listings

The Sydney Opera House is a State, National and World Heritage listed site.

Heritage Act 1977

Approval from the Heritage Council is required for development at the Opera House under Section 57 of the *Heritage Act 1977*, notwithstanding that the development is also State significant development (see Clause 90 of Schedule 6 and Clause 16 of Schedule 6A of the EP&A Act)..

Environment Protection and Biodiversity Conservation Act 1999

The *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act) provides protection from actions that are deemed likely to have an impact on a Matter of National Environmental Significance including sites listed as National and World Heritage Items. The EPBC Act is administered by the Commonwealth Department of the Environment. A self-assessment will be undertaken to determine whether the proposal will need to be referred to the Commonwealth.

Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005

The *Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005* (REP) sets out the objectives and guiding principles for the Sydney Harbour Catchment. It also sets out a range of matters for consideration that must be taken into account in the assessment of the EIS within the 'Foreshores and Waterways Area' defined by the REP. The Sydney Opera House falls within this area and is afforded a heritage buffer zone to protect the World Heritage values of the site.

The areas accommodating the experiential use are located internally, as such are unlikely to impact on the heritage significance of the building. Notwithstanding this, the EIS will demonstrate that the proposal:

- does not detract from the Sydney Opera House as a cultural masterpiece of human creative genius;
- does not detract from the visual prominence of the Sydney Opera House;
- minimises the impact on views and vistas to and from the Sydney Opera House; and
- maintains, protects and enhances views to the Sydney Opera House.

3.4 Site specific policies

Clause 288 of the *Environmental Planning and Assessment Regulation 2000* requires development carried out at the Sydney Opera House to be implemented in accordance with the Management Plan for the Sydney Opera House.

Sydney Opera House Management Plan

The Management Plan for the Sydney Opera House was prepared under the EPBC Act to protect and conserve the National and World heritage values of the Sydney Opera House and to ensure adequate environmental assessment is undertaken in respect of any development on site. The Management Plan (which incorporates the Sydney Opera House Conservation Management Plan and the Utzon Design Principles) must be taken into account by a consent authority when determining a development application relating to the Sydney Opera House.

Sydney Opera House Conservation Management Plan

This document provides an understanding of the site and its history. It also assesses the significance of the place, and provides conservation policies based on the identified heritage values of the Sydney Opera House. The EIS will be prepared in accordance with the conservation policies detailed in this plan.

Utzon Design Principles

The *Utzon Design Principles 2002* provides guidance from the architect of the Sydney Opera House, Jørn Utzon with regard to best practice and to guide management and development of the site. The temporary internal fit out of the experiential accommodation will respect the Utzon Design Principles.

4.0 OVERVIEW OF LIKELY ENVIRONMENTAL AND PLANNING ISSUES

The likely environmental and planning issues that are proposed to be addressed in the EIS are outlined below.

4.1 Heritage

The EIS will include an assessment of the proposed heritage impacts on the site and will outline how the proposal will be sympathetic with the Site's significant heritage features. The proposal will have no impact on the Site's exterior. A Heritage Impact Statement will be prepared by a qualified heritage consultant to accompany the EIS. This statement will also address the World Heritage significance of the site.

4.2 Building Code of Australia

The proposed temporary use will be undertaken in areas within the Sydney Opera House that are currently used for office and function space. The EIS will address the compliance of the proposed temporary use with the relevant provisions of the Building Code of Australia.

4.3 Safety and Security

Existing and any additional safety and security measures will be detailed in order to establish the appropriate management of the Site during the temporary accommodation of visitors.

5.0 CONSULTATION

The following agencies and authorities will be consulted during preparation of the EIS:

- Department of Planning and Environment;
- NSW Office of Environment and Heritage;
- Commonwealth Department of the Environment; and
- City of Sydney Council.

6.0 CONCLUSION

The purpose of this letter is to request SEARs for the preparation of an EIS, which will accompany a development application for the proposed temporary use of the Sydney Opera House for experiential accommodation.

We trust that the information detailed in this letter is sufficient to enable the Secretary to issue the SEARs for the preparation of the EIS. Should you have any queries about this matter, please do not hesitate to contact me on 9956 6962 or gkirkby@jbaurban.com.au.

Yours faithfully

A handwritten signature in blue ink, reading "Gordon Kirkby", is positioned above a light blue horizontal line.

Gordon Kirkby
Director