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24 May 2016

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  
OVERSEAS PASSENGER TERMINAL (TENANCY 5)  
CIRCULAR QUAY**

This report has been prepared by *Michael Woodland Consulting Pty Ltd* and *Dan Keary Urban Planning Pty Ltd* on behalf of the Mantle Group. This report provides a preliminary environmental assessment of the proposed alterations and additions and fitout of Tenancy 5 of the Overseas Passenger Terminal for a new restaurant and micro-brewery (the project).

This report supports an application to the Department of Planning and Environment (DP&E) requesting the proposal be assessed as State significant development (SSD) under the provisions of the *State Environmental Planning Policy (State and Regional Development) 2011* (SRD SEPP).

It is requested that DP&E issue the Secretary's Environmental Assessment Requirements (SEARs) under section 78A(8A) of the EP&A Act and Clause 3 of Schedule 2 of the *Environmental Planning and Assessment Regulation 2000* (EP&A Regulations) to enable the preparation of an Environmental Impact Statement (EIS) for the project.

**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 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: Locality Map - indicative site location in RED: (Source Six Maps 2016)

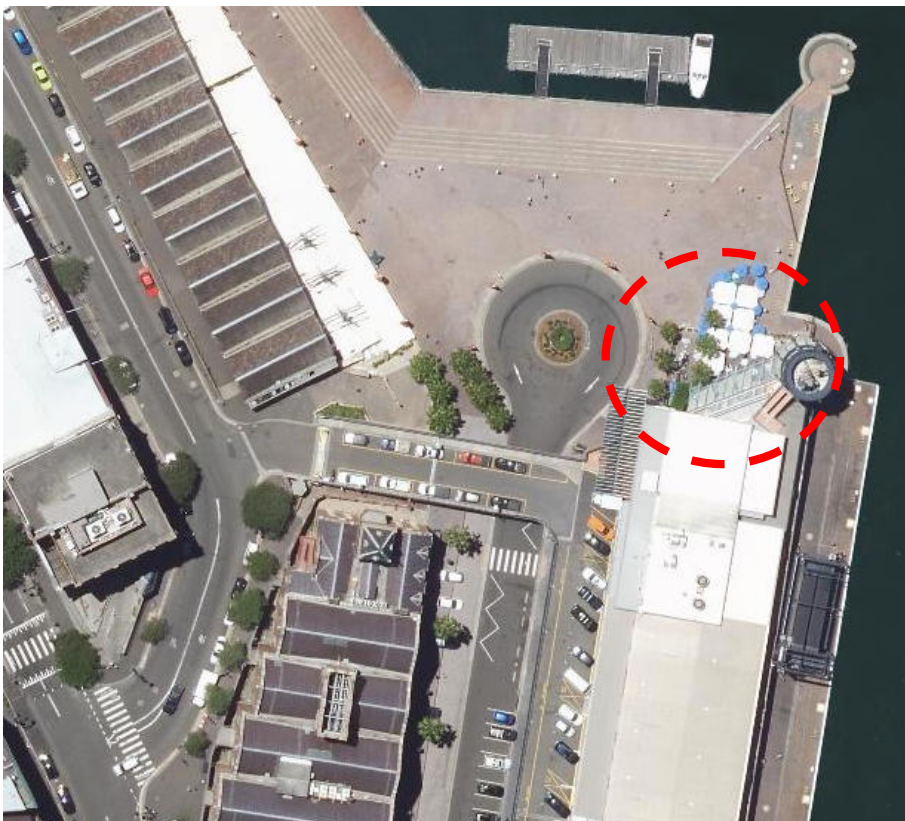


Figure 2: Tenancy 5 Location Map - indicative site location in RED: (Source Six Maps 2016)

## 2. Land ownership

The OPT and immediately surrounding land, including the existing outdoor seating area, is owned by Sydney Ports Corporation. The regularisation of the outdoor seating area may include land owned by the Sydney Harbour Foreshore Authority (SHFA). This will be further investigated as part of the design development in close consultation with Sydney Ports and SHFA during the preparation of the EIS.

## 3. The project

The project seeks to use the tenancy as a restaurant and micro-brewery.

The proposal will provide a World Class venue that celebrates the site's outstanding location and recognises its critical role in the activation of the Harbour and Campbell's Cove. The proposal will be designed to respect the State heritage value of the Rocks, Sydney Opera House and views from surrounding buildings.

The proposed new venue is a joint venture by the Mantle Group and James Squire. The proposal can be described in 2 main components as follows:

### *Fitout, alterations and additions for use as a restaurant*

- Fitout of Level 1 and Level 2 of the existing tenancy for use as a bar and restaurant incorporating a micro-brewery.
- Internal alterations within the existing OPT building including amendments to the layout and internal stairs.
- External amendments to the OPT building including:
  - replacement of existing glazing on the northern and eastern elevations, with new window and door openings
  - New ground floor terrace treatment and regularisation of existing outdoor seating areas
  - Proposed new first floor balcony on the western elevation
  - Proposed new outdoor decks on level 1 on the east and north elevations and within the tower drum providing additional outdoor seating.

### *Micro-brewery pod*

- Proposed raised micro-brewery element located outside the OPT building. The applicant is currently investigating options relating to the form and location of the micro-brewery element
- The final location of the micro-brewery will be based on a comprehensive analysis of heritage issues, view lines and the World Heritage Listed Sydney Opera House
- An indicative location for the micro-brewery pod is provided in this report showing a lightweight elevated glass structure with links to the OPT building (Figure 5)
- The final location of the structure will likely to be located outside of the OPT building envelope of and will be outlined in the Environmental Impact Statement (EIS)

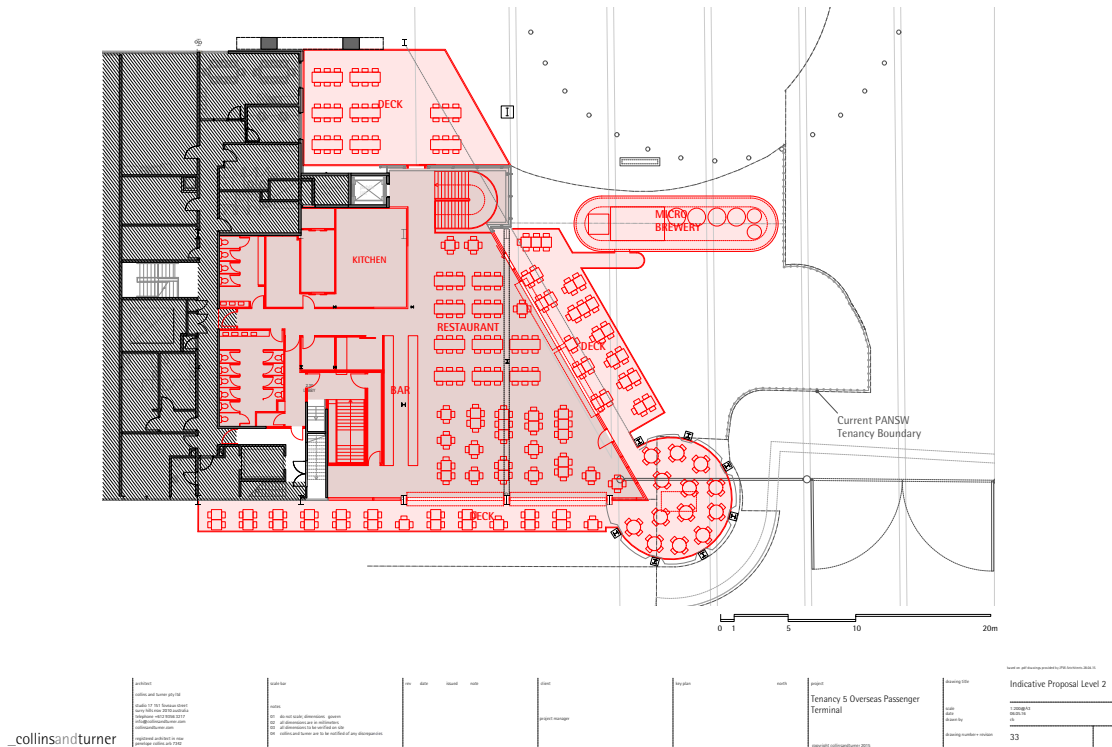


Figure 3: Tenancy 5 – Concept draft fitout – Level 2 (Source Collins and Turner)

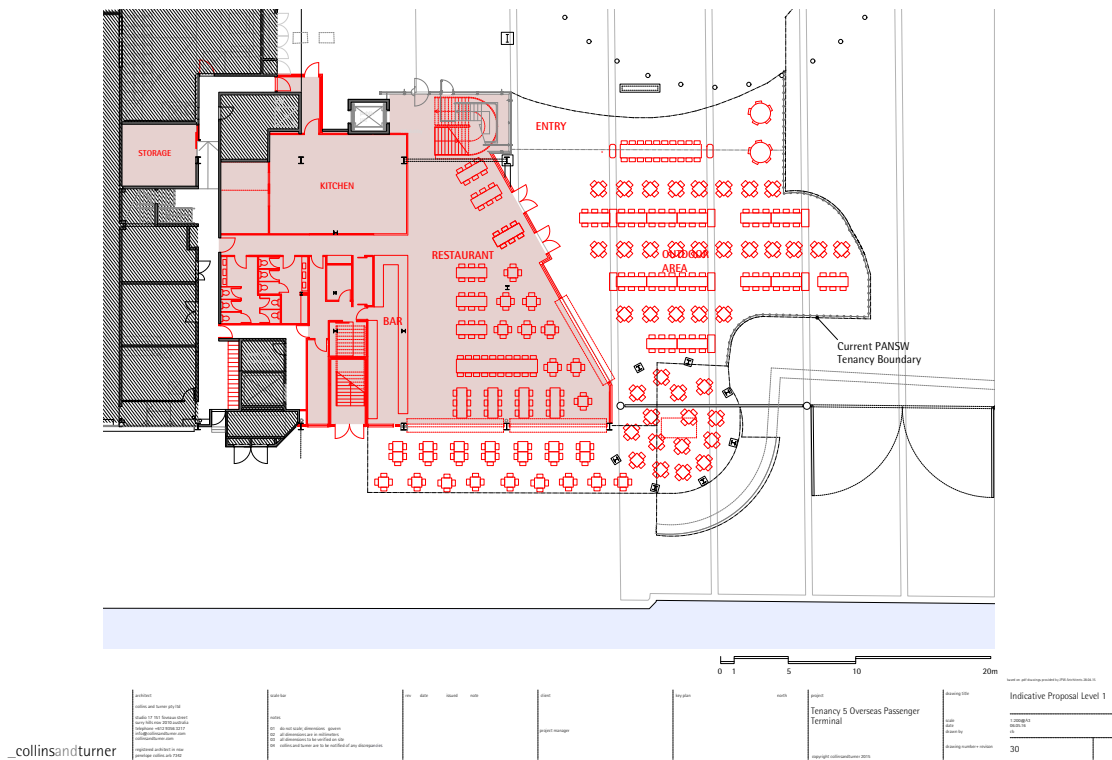


Figure 4: Tenancy 5 – Concept draft fitout – Level 1 (Source Collins and Turner)

## 4. Key Strategic Plans

### 4.1 NSW Making it Happen

*NSW Making it Happen* sets out the NSW Premier's priorities to grow the economy, deliver infrastructure, and improve health, education and other services across NSW. It includes the State Priority of Increasing Cultural Participation and the specific target of increasing attendance at cultural venues and events in NSW by 15% in 2019. It notes that increasing attendance at cultural venues will have flow-on benefits for job creation, the visitor economy and education.

The proposed development is consistent with this State Priority as it will contribute to the enhancement and modernisation of facilities, including the provision of contemporary, world class theatres at the Opera House, as well as improved accessibility opportunities.

### 4.3 A Plan for Growing Sydney

*A Plan for Growing Sydney* sets out the NSW Government's vision for Sydney to be "a strong global city, a great place to live" and includes a number of supporting directions and actions.

The proposal is consistent with a number of directions and actions including:

#### **Direction 1.1** *Grow a more internationally competitive Sydney CBD*

*A Plan for Growing Sydney* notes under this direction that ... *providing a mix of commercial and retail activity, arts and culture, public spaces and parks, along with the overseas passenger terminal, contribute to Sydney's global reputation ...*

The proposal is consistent with this direction as it will activate a currently unused part of the overseas passenger terminal, which occupies a prominent waterfront position which will contribute to visitation to this key area of Sydney's waterfront.

Accordingly, the proposal is also consistent with the following actions:

#### **Action 1.1.3** *Diversify the CBD by enhancing the Cultural Ribbon*

**Action 1.1.4** *Deliver the Government's Vision for Sydney Harbour, incorporating Sydney's Cultural Ribbon including the new and revitalized precincts of Barangaroo, Darling Harbour, Walsh Bay, The Bays Precinct and surrounding foreshore land*

## 5. Relevant legislation

### 5.1 Environmental Planning and Assessment Act 1979

The EP&A Act provides the statutory framework for planning in NSW. Section 89C of the EP&A Act enables certain developments to be declared SSD by means of a State Environmental Planning Policy (SEPP) or by order of the Minister for Planning.

As outlined in Section 5.4, the proposal is SSD. Accordingly, the Minister for Planning is the consent authority and the project will be assessed under Part 4 Division 4.1 of the EP&A Act.

This report requests the issue of the SEARs for the project under section 78(8A) of the EP&A Act and Clause 3 of Schedule 2 of the EP&A Regulations.

The Minister (or the Minister's delegate) is required to take into consideration the matters listed under section 79C of the EP&A Act when determining the development application.

## 5.2 Environmental Planning and Assessment (Sydney Cove) Savings and Transitional Regulation 1999

The *Environmental Planning and Assessment (Sydney Cove) Savings and Transitional Regulation 1999* sets out the process for varying the Sydney Cove Redevelopment Authority (SCRA) Scheme.

The proposal requires a variation to the SCRA scheme as described in Section 5.4. The applicant is submitting a separate application to vary the SCRA scheme in relation to the proposal.

## 5.3 Heritage Act 1977 & National Parks and Wildlife Act 1974

The Heritage Act 1977 makes provisions to conserve the State's environmental heritage. It provides for the identification, registration and protection of items of State heritage significance and constitutes the Heritage Council of New South Wales.

The OPT is not listed on the State Heritage Register. However, there are a number of listed State Heritage Register Items in The Rocks in the vicinity of the OPT, including the Sailor's Home (former) at 106-108 George Street, The Rocks, and English Scottish & Australian Chartered Bank (former) - Amo Roma Restaurant at 131- 135 George Street, The Rocks.

Given the distance of these items from the subject site, it is anticipated that the proposal will not adversely impact on the items. However, a Heritage Impact Statement (HIS) will be prepared in support of the EIS to properly address potential heritage impacts.

The HIS will also consider aboriginal and historical archaeological potential of the site including proposed mitigation measures under the *National Parks and Wildlife Act 1974*.

## 5.4 Liquor Act 2007

The proposed use of the site as a restaurant and micro-brewery will require application for the relevant liquor licences. The EIS will consider the licence process to ensure consistency and ensure provide certainty of the use and its on-going operation.

## 5.5 Environmental Planning Instruments

### *State Environmental Planning Policy (State and Regional Development) 2011*

The SRD SEPP declares certain types of development and infrastructure to be of State and regional significance.

Clause 8 of SRD SEPP declares development to be SSD where a development is not permitted without consent and is listed in Schedule 1 or 2 of the SRD SEPP.

The proposal seeks to vary the *Sydney Cove Redevelopment Authority Area Scheme* (SCRA Scheme) and is therefore is SSD in accordance with Clause 6 of Schedule 2 of the SRD SEPP, which states:

### **6 Development in The Rocks**

*Development on land identified as being within The Rocks Site on the State Significant Development Sites Map if:*

- (a) *it has a capital investment value of more than \$10 million, or*
- (b) *it does not comply with the approved scheme within the meaning of clause 27 of Schedule 6 to the Act.*

### **State Environmental Planning Policy (State Significant Precincts) 2005**

The SSP SEPP seeks to broadly facilitate the development, redevelopment and protection of State significant precincts and to ensure the service delivery outcomes for a range of public purposes. The SSP SEPP identifies a number of State significant precincts and provides planning controls relating to the carrying out of development in these precincts.

The SPP SEPP identifies The Rocks as being within the Sydney Harbour and Foreshores Sites and states that the consent authority for development that is not SSD within this area is the City of Sydney Council. As stated above, the proposal is SSD and the Minister for Planning is the consent authority.

### **Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005**

The Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005 (Harbour SREP) sets out objectives and planning principles for the Sydney Harbour Catchment. The site is within the Sydney Harbour Catchment Area designated in the SREP. It is within the Foreshores and Waterways Area and City Foreshore Area designated as a Strategic Foreshore Site.

The following provisions will be relevant to this project and be addressed in the EIS:

- **Clause 13 – Planning principles for the Sydney Harbour Catchment.** These principles generally relate to the protection of the natural environmental qualities and scenic character of the harbour and its catchment.
- **Clause 14 – Planning principles for the Foreshores and Waterways Area.** These principles generally relate to the protection of the natural environment and scenic character of the harbour and its catchment, the enhancement of public access to and along the foreshore, and opportunities for maritime related uses of the foreshore.
- **Clause 15 – Planning principles for heritage conservation.** These principles relate to the protection of heritage items and places and views associated with heritage items in and around Sydney Harbour.
- **Part 3, Division 2 – Matters for consideration in the Foreshores and Waterways Area.** These are matters to be addressed by consent authorities prior to granting consent. Relevant matters include public access to and use of the foreshores, scenic quality, and protection of views.
- **Part 5 – Heritage provisions.** These provisions relate to the protection of heritage items and include specific provisions (Division 3A) relating to the Opera House. These provisions establish a buffer zone around the Opera House which is based on the views and vistas between the Opera House and other public places around the harbour foreshore. It also includes specific matters relating to the protection of the World Heritage values of the Opera House to be considered in relation to development within the buffer zone. As the site is located within this buffer zone, these matters will be specifically addressed in the EIS.

### **Sydney Cove Redevelopment Authority Scheme (SCRA Scheme)**

The OPT is located on land identified on Building Site Central Drawings XLVI A & B in the SCRA Scheme. The SCRA Scheme 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.*

As the proposed micro-brewery pod (or similar structure) will be located outside of the existing OPT building envelope identified in the SCRA Scheme, this building element requires an amendment of the SCRA Scheme. An application to vary the SCRA Scheme will be lodged under separate cover.

## 5 Potential Environmental Issues

### 5.1 Proposed use

The proposal relates to the fitout and use of Tenancy 5 in the OPT for the purposes of a micro-brewery and restaurant. This use is consistent with the previous use of the tenancy as a restaurant and other dining and entertainment uses in the broader Rocks precinct and as noted in Section 4.3, is consistent with metropolitan planning objectives by providing a mix of uses and increased visitation to Sydney's CBD and its waterfront.

The proposal will be licensed under the Liquor Act 2007, with applications sought for the appropriate licencing as required.

### 5.2 Heritage

The OPT is not listed on the State Heritage Register. However, the site is located within the *The Rocks Heritage Conservation Area* and listed on SHFA's section 170 Heritage and Conservation Register under the *Heritage Act NSW 1977* 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 EIS to address any potential heritage impacts, in addition to an analysis of critical view lines to and from the Sydney Opera House and other relevant items.

### 5.3 Built form and view impacts

The proposed built form will be subject to detailed design analysis that carefully considers surrounding landuses and the site's harbourside location. The fitout will respect the form and function of the existing OPT building, while investigating innovative design elements to activate the building and adjoining areas of public domain.

Any proposed built elements outside of the existing building envelope of the OPT building will be subject to a detailed view analysis in terms of heritage items as well as surrounding buildings. In particular, the proposed additional balconies and micro-brewery element will be designed to maintain and/or enhance existing view lines within the locality, in particular from key areas of public domain and other relevant public places.

### 5.5 Public Domain

The OPT plays a key role in the successful activation of this area of The Rocks. The location of Tenancy 5 and the existing outdoor seating area provides 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 *Rocks Public Domain Strategy* (prepared by SHFA, March 2016) by activating this space to complement upgrades 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 by improving connections and creating a new destination in this iconic but underutilised location.

The interface with adjoining public domain under the care and control of SHFA, Sydney Ports Corporation and others will be a key consideration in the EIS. The proposal will seek to activate this area in consultation with these agencies to ensure a coherent public domain response while ensuring the continued operation of the OPT.

## 5.5 Access and amenity

The EIS will include consideration of required access and delivery arrangements to service both the restaurant and mirco-brewery elements. This will utilise existing facilities within the OPT building and include careful consideration of the micro-brewery requirements.

A detailed assessment of the proposed restaurant and micro-brewery element will demonstrate that it will not result in any adverse amenity impacts in terms of noise and odour to surrounding landuses.

## 6 Conclusion

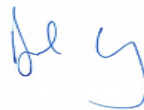
We trust that this report provides a sufficient preliminary environmental assessment to enable the DP&E to issue SEARs for the preparation of an EIS.

If you have any questions, please do not hesitate to contact Michael on 0448 726 214 or email [michael@michaelwoodlandconsulting.com.au](mailto:michael@michaelwoodlandconsulting.com.au) in the first instance.

Yours sincerely



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Director



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