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Dear Mr Nixey

**RE: Heritage Council comments on New Restaurant & Micro-brewery, Overseas Passenger Terminal (Tenancy 5), Circular Quay Way, The Rocks, Sydney (SSD 7683).**

I refer to your letter dated 28 November 2016 inviting comments on the above State Significant Development application for a new restaurant and micro-brewery at the Overseas Passenger Terminal (Tenancy 5), Circular Quay Way, The Rocks.

It is understood that the proposal is for an indoor/outdoor restaurant, bar and micro-brewery within and adjacent to Tenancy 5 of the Overseas Passenger Terminal (OPT) building. Tenancy 5 is located at the northernmost end of the OPT and occupies the ground and first floor levels, including an outdoor seating area. It has direct views across the harbour to the Sydney Opera House.

It is noted that the subject site is not listed on the State Heritage Register. However, a number of sites adjacent to the proposed development are listed on the State Heritage Register including the Sydney Opera House (SHR 01685), the Sydney Harbour Bridge (SHR 00781), Campbell's Stores (SHR 01536), Australian Steam Navigation Building (SHR 01526), and Metcalfe Bond Stores (SHR 01562). The site is also located within the buffer zone of the World Heritage Listed Sydney Opera House, and located within *The Rocks Heritage Conservation Area*. In addition, the OPT is identified as a heritage item on the Sydney Harbour Foreshore Authority's section 170 register and has a high potential for archaeological remains. Therefore, consideration must be given to the impact of the proposed development on the surrounding heritage listed properties, archaeology, and in particular its visual relationship with the Sydney Opera House.

As a delegate of the Heritage Council of NSW, I provide the following comments:

- The proposed free standing micro-brewery structure (8.24m high) is a separate external element positioned to the north of the OPT. Its placement on the site will adversely impact views to the Sydney Opera House (SOH). The views and vistas to the SOH and its buffer zone are a significant element in the marine landscape of Sydney and the micro-brewery structure obscures a primary view, as illustrated in the view analysis submitted with the application. The proposed brewery is also likely to have an adverse impact on the setting of the Campbell's Store. Therefore the location of this proposed element is not supported.

It is considered that a better option would be to locate the micro-brewery wholly within the existing building envelope. Further, the applicant should give consideration to the retention and recovery of views and vistas to the Opera House when considering future proposals.

- The Statement of Heritage Impact notes that the primary views to the SOH are currently obscured by cruise ships berthing at the OPT, which implies justification for the placement of the micro-brewery structure. These intrusions into the view corridors are temporary. The micro-brewery structure would permanently obscure views. This justification is not accepted.
- The proposed works to introduce an additional outdoor dining area within the existing tower structure of the OPT will have an adverse impact on views to the SOH. Currently the tower provides an unenclosed double height space up to level two of the OPT. This allows visibility through the structure, and frames views to the Sydney Opera House, in particular to the Bennelong Shells.

The introduction of an outdoor seating area within the double height space (level one) will limit the transparency of the structure and significantly obscure views to the Opera House. Further, it is also unclear whether this outdoor seating area will utilise awning shades, as per the existing awnings on levels above. These elements would further impact on primary views to the Sydney Opera House and are not supported.

- The proposed works are located within an area of mixed archaeological potential; high on the western portion of the study area, but low on the eastern portion of the study area. Archaeological information would be related to the sea walls built in this area in 1840s and the 1870s/1880s. It is noted that impacts would be confined to the piling and pad footings for the micro-brewery as no other excavation is proposed.

The archaeological assessment recommended a program of archaeological test excavation in the areas of the footings and piling locations (wherever the micro-brewery structure is located) and if archaeological information is uncovered, protection of the 1840s sea wall and detailed recording of the removal of any later sea walls and associated historic reclaimed fills.

If approved, the following conditions are recommended:

#### New works

- 1) The proposed micro-brewery pod structure be deleted from the proposal and alternate locations explored including the placement of the element wholly within the existing building envelope.
- 2) The proposed outdoor seating area located within the double height space of the existing tower structure is to be deleted from the proposal and the open character of the tower is to be retained.

#### Archaeology

- 3) If the proposal is approved in its current form, archaeological test excavation should occur prior to the commencement of footing and piling works for the micro-brewery.
- 4) The testing shall be guided by an appropriate research design, excavation methodology and be directed by a suitably qualified and experienced excavation director who fulfils the Heritage Council's Excavation Director Criteria for the excavation of state significant archaeological sites.
- 5) The testing results shall guide the next stage of development. Areas of state significant archaeology and substantially intact archaeological evidence shall be appropriately managed and avoided wherever possible in the design.
- 6) In the event this is not possible in whole or in part, detailed full archaeological salvage shall be undertaken. This shall be guided by an appropriate research design, excavation methodology and be directed by a suitably qualified and experienced excavation director who fulfils the Heritage Council's Excavation Director Criteria for the excavation of state significant archaeological sites.
- 7) A final excavation report shall be prepared within 12 months of the completion of archaeological works on site. It should also include details of any artefacts recovered, where they are located and details of their ongoing conservation and protection in perpetuity by the land owner. Copies shall be provided to the Department of Planning and Environment, the Heritage Council and to the Sydney Local studies unit.

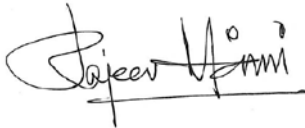
- 8) An archaeological interpretation strategy shall be prepared by an interpretation specialist to the satisfaction of the Heritage Council or its delegate and implemented as part of the proposed works prior to the issue of the occupation certificate. This strategy shall include details of the archaeological investigation of the site and how the results will be incorporated into the completed development.
- 9) If the proposal is not approved in its current form, a reassessment of the archaeological impacts from the proposal should be completed and additional recommendations made to ensure archaeological information is appropriately managed.

Please note, this review of the documentation has been limited to impacts to the State Heritage listed sites adjacent to the site and potential archaeological remains. It is advised that further consultation is conducted with City of Sydney in regards to setting, landscape, including the impact of removing the 6 (six) palm trees, and the impact of additional outdoor seating and clutter within a public space.

The Heritage Council would appreciate the opportunity to provide further comments to the Department of Planning and Environment on this State Significant Development.

If you have any questions regarding this matter, please contact David Nix, State Heritage Assets Officer, at the Heritage Division, Office of Environment and Heritage, on (02) 9895 6523 or at david.nix@environment.nsw.gov.au.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Rajeev Maini', written over a horizontal line.

**Rajeev Maini**

Acting Manager, Conservation

Heritage Division

Office of Environment & Heritage

**As Delegate of the NSW Heritage Council**

3 February 2017