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29 May 2017

Ben Lusher
Director
Key Sites Assessments
NSW Department of Planning and Environment
GPO Box 39
SYDNEY NSW 2001

Dear Ben

**NEW RESTAURANT AND MICRO-BREWERY
TENANCY 5, OVERSEAS PASSENGER TERMINAL, CIRCULAR QUAY
(SSD 7683)**

RESPONSE TO SUBMISSIONS

This Response to Submissions (RTS) has been prepared on behalf of *Jimmy's On The Mall Pty Ltd* (the applicant) to address submissions received on the above development application (DA) and issues raised in your letter dated 22 March 2017.

We note that the DA received submissions from the City of Sydney (Council), Sydney Water, Transport for NSW (TNSW), Licensing, Liquor & Gaming NSW, the Office of Environment and Heritage, Property NSW and NSW Police. We also note that the DA received one public submission objecting to the proposal.

We have reviewed the submissions and have provided a response at **Attachment 1**, with additional supporting information at **Attachments 2 to 13**.

A response to the matters requiring further consideration and request for additional information by the Department is provided below.

Matters requiring further consideration

Siting and Design of the Micro-Brewery Pod

The Department has carefully considered the proposed location of the micro-brewery pod and in conjunction with the advice provided by Mr Peter Webber (Attachment B) wishes to advise it would result in significant visual and heritage impacts. Consideration of a more appropriate and sympathetic location having regard to visual and heritage impacts is therefore required.

The Department appreciates that an alternate location for the micro-brewery pod has been presented which has been reviewed by Mr Peter Webber (Attachment C) and which appears to be a more suitable location. Although, further

consideration should be given to the proposed alternate siting and design of the micro-brewery pod in the RTS having regard to:

- *view impacts, which include a broader range of vantage points and those within the Sydney Opera House buffer zone;*
- *impacts on the public domain and landscaping;*
- *public access in and around the site;*
- *material selection; and*
- *access, maintenance and operation.*

The Department notes that any relocation of the micro-brewery pod may, depending on its location, require a variation to the SCRA Scheme. The Department requests that further consideration is also undertaken in respect of the SCRA Scheme controls and the RTS include a SCRA Scheme variation, if required.

Response

The micro-brewery pod has been relocated to a more discreet location with reduced dimensions which significantly reduces any impacts on views, particularly to the Sydney Opera House. The revised pod design results in a reduction in the floorspace of 5m² and reduced side elevation of 5.2 metres from the original proposal due to its triangular form.

The pod has been carefully re-designed in a triangular form which better integrates with the form and character of the OPT. The revised design also maintains 3 of the existing palm trees, the other 3 palm trees relocated on the site.

The re-designed pod is in response to the independent report prepared by Professor Webber and meetings with Professor Webber, Department and Council staff. An updated Design Report supporting the revised design including a view impact analysis has been prepared by Collins and Turner and is provided at Attachment 2.

The RTS is also supported by an updated Heritage Impact Statement (Attachment 5). This report finds that the revised proposal preserves key pedestrian views east to the Opera House and other vantage points around Circular Quay.

The report also concludes that the revised proposal does not have an unacceptable adverse impact on the OPT building or the surrounding public domain due to the revised built form and materials to match the existing building.

Hours of Operation and Patron Numbers

The Department notes the proposal seeks to increase the hours of operation from those identified in the current liquor licence for the Overseas Passenger Terminal and cater up to approximately 1200 patrons. The Department also notes the draft Plan of Management identifies different hours than those proposed in the EIS.

The Department requests the RTS provide further consideration of the proposed hours of operation, patron numbers and the likely impacts of the extended hours on the amenity of the surrounding area.

Response

There is no inconsistency between the proposed operating hours outlined in the EIS and the Plan of Management (POM). As outlined in the EIS (Section 9.4.2), the proposed restaurant trading hours are:

- 6:00am to 12:00 midnight Sunday to Thursday inclusive;
- 6:00am Friday to 1:00am Saturday;
- 6:00am Saturday to 1:00am Sunday; and
- 6.00am to 2.00am on January 1.

Separate to the trading hours, Tenancy 5 also benefits from an existing *On Premises Liquor Licence* for a restaurant, as discussed at Sections 5 and 8.1.6 of the EIS. No change is proposed to the hours of operation under that Licence, which permits the sale of alcohol during the following times:

- 10:00am to 12:00 midnight 7 days a week.

Should Development Consent be granted for the proposal, the applicant may consider seeking approval to extend the operating hours of the above licence. However, this will be subject to a separate future application to the *NSW Independent Liquor & Gaming Authority*.

The proposed trading hours are not inconsistent with other restaurants and hotels within the vicinity of the site, including *Cruise Bar*, *Orient Hotel*, *Pancakes on the Rocks*, *Observer Hotel* and *Munich Brauhaus*. In addition, we understand that the former occupant of Tenancy 5, *Doyles Restaurant* was not subject to any controls over its trading hours. As concluded by the EIS, the proposal trading hours are considered reasonable and acceptable in this location.

The applicant commits to complying with the approved hours of operation pursuant to the development consent for the restaurant at all times. Amenity impacts associated with the proposal have been comprehensively addressed in the EIS and supporting reports in this RTS.

The patron capacity of the restaurant will be for a total capacity (indoor and outdoor) of 800 patrons.

Additional Information

Use of the Micro-Brewery

The Department requests that detailed information is provided about the use of the micro-brewery, including its hours of operation, brewing, storage, types of beer/alcohol to be produced and quantities anticipated to be sold on site.

Response

A letter has been prepared by Lion Beer Australia (Attachment 7) which confirms the design and brewing requirements, odour considerations, micro-brewery pod hours of operation and storage of materials.

The proposed operation of the micro-brewery will be undertaken with the operating hours of the restaurant with appropriate measures to address any potential odour impacts. The proposed materials have also been considered by EMM in the SEPP 33 Report (Attachment 9), which are considered appropriate and meet the relevant requirements.

This additional information on the operation of the micro-brewery confirms its role as a subservient use to the restaurant as well as demonstrating that it will not lead to any significant adverse amenity impacts on the surrounding locality.

Storage of Materials associated with the Micro-Brewery

The Department has identified the use of the micro-brewery potentially requires the storage of dangerous goods on site. The Department considers that further consideration should be undertaken about the storage of potentially dangerous and hazardous materials and goods on site and their quantities. Any such consideration should be made using the Department's Hazard and Offensive Development Application Guideline (Applying SEPP 33).

Response

A State Environmental Planning Policy 33 Potentially Hazardous Development (SEPP 33) Report has been prepared by EMM Consulting (Attachment 9), which concludes that:

- the storage and handling of substances on the site does not qualify as a potentially hazardous development under SEPP 33; and
- the generation of noise and odour at the site will not qualify as potentially offensive development under SEPP 55.

Signage

The EIS identifies the intensity and operation of future signage, which may be illuminated, will be determined at the detailed design stage. The Department requests that additional information is provided about the proposed illumination and number of signs proposed.

Response

The proposed signage strategy for the site has been carefully reviewed following a detailed consideration of the issues raised in the submissions. Extrablack has prepared additional information regarding signage (Attachment 10).

The revised signage strategy takes into consideration the nature of the locality, including the role of the signage in its immediate context and that of the OPT building. The revised proposal reduces the total number of signs from 13 to 5, including 3 illuminated signs and 2 statutory signs. It is considered that the proposed signage is of a high-quality design, consistent with the architectural character of the OPT building and the character of the broader Circular Quay and Rocks Precinct.

The revised signage will not lead to any adverse impacts in relation to visual impact or to diminish the dominant role of the existing OPT signage for the building or other existing tenants.

Wind Report

The Department notes the submitted Wind Report recommends the enclosure of the area beneath the pod and recommends further testing be undertaken to establish the suitability of this area for the intended use.

The Department considers the Wind Report should be amended to include revised location of the micro-brewery pod and the associated wind impacts and which outlines recommendations supported through wind tests and diagrams for any area required to be enclosed for useability.

Response

An updated Wind Report has been prepared by CPP (Attachment 12). The updated wind report has been updated to include the revised location and design of the micro-brewery pod and concludes that the proposal would result in an acceptable wind environment.

Building Code of Australia (BCA) Report

The Department notes the BCA report concludes there are several non-compliances in relation to access and egress, access for people with a disability and sanitary and other facilities. The report also concludes several aspects in which compliance is unknown as there is insufficient information including in relation to exits, access and egress and sanitary facilities.

The Department requests that the report be revised to state the proposal can achieve or reasonably achieve compliance with the BCA and which outlines the relevant works required to be undertaken. The BCA report shall also be amended to consistent with the proposed maximum capacity of the venue.

Response

An updated BCA Report has been prepared by BCA Logic (Attachment 3). The report includes additional information to address the Department's further information requirements.

Acid Sulphate Soils (ASS)

The Department notes that the site appears to be categorised as having Class 1 Acid Sulphate Soils. The Department requests that the RTS includes consideration of Acid Sulphate Soils.

Response

An Acid Sulphate Soils Report has been prepared by EMM Consulting Pty Limited (Attachment 9). The report concludes that should acid sulphate soils be encountered during testing, the site will be assessed and management measures will be implemented where necessary. Given the nature of the proposal, the previous use of the site, this is considered appropriate response in this location.

Site and Lease Boundary

The Department has identified the proposed change to the lease area extends beyond the submitted existing lease boundary. The Department requests confirmation the changes to the lease boundary are within the OPT site and Ports Authority's landownership boundary.

Response

As identified in the EIS, (Table 11 at Section 10) the proposal is contained within the current area leased from the Port Authority of NSW. There is no proposed change to the current lease boundary.

Vehicle Access Plan

The Department has identified the delivery of all goods and hazardous materials to and from the site and unloading/loading of vehicles has not been addressed in detail. The Department requests that the RTS include a detailed vehicle access plan which outlines all access, loading and unloading operations associated with the use of the premises.

Response

A Vehicle Access Plan (VAP) has been prepared by Taylor Thomson Whitting (Attachment 11). Servicing locations are available on the upper service road and also along Circular Quay West. The VAP concludes that the vehicle movements generated by the proposed restaurant and micro-brewery, due to service and delivery requirements, are not expected to impact the local road network or pedestrian movements.

Government Property NSW Works

The Department is currently assessing a State significant development application (SSD 7246) lodged by Government Property NSW for foreshore and public domain works at Campbell's Cove, which includes OPT's licensed outdoor dining area. The Department requests that further consideration of these works in relation to the works the subject of this application is provided in the RTS.

Response

We note that Government Property NSW lodged a State Significant Development Application (SSD 7246) in January 2017 for works on the foreshore and public domain at Campbell's Cove. We also note the application also includes the licensed outdoor dining area subject to this DA. The application proposes 4 separate precincts (*Plaza, Promenade, Waterfront, Bay X Stair and Pedestrian Crossing*) seeking to improve accessibility, quality and amenity of the public domain in this highly prominent part of the Harbour.

The proposed licensed outdoor dining area is located within the *Plaza* precinct of SSD 7246. This precinct proposes an improved area of public domain that caters for everyday operations and major events. The space proposes new paving design and minimal street furniture. The adjoining *Waterfront* precinct is also undergoing numerous modifications in SSD 7246 including amphitheatre seating.

We note that SSD 7246 does not recognise Tenancy 5 as an existing commercial leased area, nor does it consider the DA subject of this RTS. Further, SSD 7246 also proposes to remove all palm trees from the site (including the palm trees in Tenancy 5). This is not supported by Council or by this DA.

Notwithstanding, the key elements of SSD 7246 have been considered in this DA. The amended Tenancy 5 proposal ensures the historic character of the area remains dominant with the use of a historic architectural palette of materials and the provision of active space on the ground level for patrons and visitors to circulate, integrating with the public domain.

In line with the proposed public domain works to the waterfront, Tenancy 5 also incorporates signage with the architectural palette of maritime materials in keeping with the OPT and the maritime history of the area. Similar design materials are proposed by both DAs, including City of Sydney prescribed granite for paving and stainless steel for accents and features.

The amended micro-brewery pod integrates with the physical structure and character of the OPT building. It will remain accessible to visitors, tourists and customers as an elegant architectural feature. The proposed works are significantly less intrusive in relation to the public domain, including the proposed works to the plaza, waterfront and promenade in Campbell's Cove.

Safer by Design

The Department notes the EIS provides a very brief outline of how the proposal has been designed to meet the Crime Prevention Through Environmental Design principles. The Department considers further information should be provided which provides a clearer analysis of how the design of the proposal meets these principles.

Response

Additional information regarding *Crime Prevention Through Environmental Design* (CPTED) principles has been prepared by Collins and Turner (Attachment 4).

Air Quality Impact Assessment

The Department notes the Air Quality Impact Assessment does not appear to address potential odour impacts generated by the brewery process. The Department requests that an updated Air Quality Impact Assessment is provided which addresses likely odour generated by the proposed brewing process.

Response

An updated Air Quality Impact assessment has been prepared by Ramboll Environ (Attachment 8). The assessment concludes that the operation of the amended development will not have any adverse odour impacts on the surrounding environment.

Revised Plans

The Department advises the plans submitted as part of the application are unclear. The Department requests that revised floor plans, elevations and photomontages are required which clearly indicate all proposed works that form part of the application. Works not part of the current application and which are illustrated on the plans and which are proposed to be undertaken as Exempt and Complying Development should be outlined for information purposes. The Department also advises:

- *the notation on 257_ADA_024A regarding uncertainty of extent of demolition shall be removed from the plans or clarified;*
- *clarification of the materials to be used in the construction of the drums within the micro-brewery pod shall be noted on the plans;*
- *the relevant Finished Floor Level (FFL) shall be included on each plan;*
- *clarification is needed as to the abbreviation NMP and NIA on the plans;*
and
- *the sections shall be revised to include the extent of the proposed footings*

Response

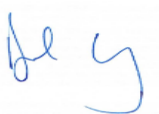
Updated and amended plans have been prepared by Collins and Turner (Attachment 2). This also includes amended SCRA drawings to support the amended proposal.

Summary

The RTS has comprehensively examined and responded to the issues raised by the Department and submissions received from state agencies and Council. We trust that it provides all information required for the Department to finalise its assessment of this DA.

Please do not hesitate to contact Dan on 0429 565 291, dan@keylan.com.au, or Michael on 0448 726 214, michael@keylan.com.au, if you wish to discuss any aspect of this submission.

Yours sincerely



Dan Keary BSc MURP MPIA
Director



Michael Woodland BTP
Director

ATTACHMENTS

ATTACHMENT 1	Response to issues raised during public exhibition prepared by KEYLAN Consulting Pty Ltd
ATTACHMENT 2	Architectural Design Report, Plans and SCRA Drawings prepared by Collins and Turner
ATTACHMENT 3	BCA Report prepared by BCA Logic
ATTACHMENT 4	CPTED Report prepared by Collins and Turner
ATTACHMENT 5	Heritage Impact Assessment prepared by GML Heritage
ATTACHMENT 6	Landscape Plan prepared McGregor Coxall
ATTACHMENT 7	Operational Statement prepared by Lion Beer Australia
ATTACHMENT 8	Odour Emissions Control Statement prepared by Ramboll Environ
ATTACHMENT 9	SEPP 33 and ASS report prepared by EMM
ATTACHMENT 10	Signage Strategy and Report prepared by Extrablack
ATTACHMENT 11	Vehicle Access Plan prepared by TTW
ATTACHMENT 12	Wind Report prepared by CPP
ATTACHMENT 13	Sample Menu prepared by the Mantle Group

ATTACHMENT 1

Response to issues raised during public exhibition

Respondent	Issue ID	Issue	Response
City of Sydney Council	COS 1	<p>Classification of the use as a 'restaurant' to circumvent the Freeze provisions of the <i>Liquor Act 2007</i>:</p> <ul style="list-style-type: none"> The EIS incorrectly classifies the proposed development as a 'restaurant' is inadequate. Classification as a restaurant would set undesirable precedent with City of Sydney LGA for other pubs to be similarly classified and circumvent the freeze provisions. The proposal should be classified as a 'pub', requiring more stringent operational controls and conditions of consent. It would also require more comprehensive Plans of Management. 	<p>In addition to the assessment and additional information in this RTS, the applicant has provided separate independent expert legal advice in relation to:</p> <ul style="list-style-type: none"> specific liquor licencing issues raised in the submissions the proper characterisation of the proposal <p>This advice was provided to the Department under separate cover for their consideration as the consent authority for the application.</p> <p>The legal advice reviewed the issues raised in the submissions and relevant case law and clearly supported the proposal as detailed in the EIS, which correctly classified the proposal as a restaurant, with the micro-brewery acting as a smaller subservient use.</p> <p>The proposed development is consistent with the restaurant definition provided in the <i>Standard Instrument - Principal Local Environmental Plan</i> (Standard Instrument) on the basis that:</p> <ul style="list-style-type: none"> the principal purpose of the proposed development is for the sale of restaurant quality food and beverages the brewing and serving of beer on-site will be a smaller subservient use which is inextricably linked to the proposed restaurant use all beer brewed on-site will only be served to restaurant patrons, and no take-away sales are proposed at no time will the premises operate solely as a bar

Respondent	Issue ID	Issue	Response
			<p>As the proposed development is consistent with the restaurant definition provided in the Standard Instrument we do not agree it would set an undesirable precedent for similar premises within the City of Sydney LGA, nor do we agree the proposed development circumvents (or seeks to circumvent) the licensing freeze provisions.</p> <p>Despite the proposed development being for the purpose of a restaurant, the Applicant has prepared a Plan of Management (POM) consistent with the requirements of the <i>Sydney Development Control Plan 2012</i> (SDCP).</p> <p>In this regard, the measures outlined in the POM are sufficient to manage any potential amenity, safety or security impacts arising from the operation of the proposed restaurant.</p>
	COS 2	<p>Classification of the development as SSD:</p> <ul style="list-style-type: none"> The proposal is not of State or regional planning significance. A technical anomaly has arisen, where delegation has not been granted to the City in circumstances where a variation to the SCRA Scheme is proposed. Recommends Minister to review the delegations applicable to the SCRA Scheme area, and nominate Council as his delegate for similar applications in the future. 	<p>As detailed in the EIS, <i>State Environmental Planning Policy (State and Regional Development) 2011</i> (SRD SEPP) declares certain types of development and infrastructure to be of State and regional significance.</p> <p>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.</p> <p>The proposal seeks to vary the <i>Sydney Cove Redevelopment Authority Area Scheme</i> (SCRA Scheme) and is therefore is SSD in accordance with Clause 6 of Schedule 2 of the SRD SEPP, which states (bold our emphasis):</p> <p style="padding-left: 40px;"><i>6 Development in The Rocks</i></p> <p style="padding-left: 40px;"><i>Development on land identified as being within The Rocks Site on the State Significant Development Sites Map if:</i></p> <p style="padding-left: 40px;">(a) <i>it has a capital investment value of more than \$10 million, or</i></p> <p style="padding-left: 40px;">(b) <i>it does not comply with the approved scheme within the meaning of clause 27 of Schedule 6 to the Act.</i></p>

Respondent	Issue ID	Issue	Response
	COS 3	Classification of the Micro-Brewery as an Ancillary Use: <ul style="list-style-type: none"> • Recommends the Department consider characterising the micro-brewery as an independent use on the same land rather than an ancillary use to the restaurant. • Cites judgment in <i>Foodbarn Pty Ltd & Ors v Solicitor General</i> ((1975) 32 LGRA 157), where the Court held that the ancillary purpose must not serve an “<i>independent purpose which does not subserve</i>” the dominant purpose for which the land is being used. 	<p>This application demonstrates that the proposal is classified as a restaurant as detailed in the response to COS 1 above.</p> <p>In addition to this response and legal advice, this conclusion is also supported by additional information provided in this RTS. This information clearly demonstrates the primary purpose of the proposal is for the use of the site as a restaurant, including:</p> <ul style="list-style-type: none"> • further detailed plans on the proposed internal and kitchen layout and hours of food service • sample menu confirmed the proposal is for a restaurant use (Attachment 13) • confirmation in the POM that patron numbers are limited to 800 (rather than 1,295 patrons which was identified in error in the original POM lodged with the EIS) • further details in the operation of the micro-brewery in terms of sales and service of alcohol, clarifying no take away sales, with beer produced only for the use of the restaurant • proposed operational matters including sample menus, seating layouts and hours of operation <p>Consideration of the issues raised objections concludes that objections had no legal basis for the following 2 key reasons:</p> <ul style="list-style-type: none"> • when one compares the scale of restaurant operations proposed to the nature of the proposed micro-brewery, and that the product of that brewery is to serve the restaurant, the only logical conclusion that can be drawn is that the dominant purpose is that of a restaurant and the incidental and subordinate activity of a micro-brewery is subsumed within the overall dominant restaurant purpose; and

Respondent	Issue ID	Issue	Response
			<ul style="list-style-type: none"> because the micro-brewery is subsumed within the dominant use there can be no independent use (i.e. independent uses of both a restaurant and a pub).
	COS 4	Permissibility of the Micro-Brewery as an Independent Use: <ul style="list-style-type: none"> A micro-brewery would be defined as an industrial activity. These activities are excluded from the definition of commercial uses in the Standard Instrument. Not appropriate to categorise the brewery use as commercial. If it was to be classified as a separate use, it would be in accordance with the special uses permissible on site which would be 'minor factory type operations' but Council does not consider the use minor. The brewery is regarded as prohibited development because it is inconsistent with the definition of 'minor factory type operations' as it is not minor and is obnoxious. 	<p>This application and additional information in this RTS (and advice submitted under separate cover to the Department) clearly demonstrates the proposal is correctly characterised as a restaurant.</p> <p>In this regard, these objections are considered to have no legal relevance. Based on our legal advice, we contend that there is no legal basis for a consent authority to lawfully conclude that the micro-brewery constitutes an independent use to that of the proposed restaurant and therefore cannot be construed as an industrial activity.</p>
	COS 5	Need for the Proposal: <ul style="list-style-type: none"> The use of the tenancy for another use, not including the micro-brewery, has not been considered City does not agree with the EIS that determines the only realistic outcomes for the site are to build the micro-brewery or leave the tenancy vacant. 	<p>The key reasons outlined at Section 4.2 of the EIS against the 'do nothing' scenario, i.e. leave this tenancy vacant, apply to the alternative option of using the tenancy as solely a restaurant use. This option would fail to realise the following significant benefits of the proposal:</p> <ul style="list-style-type: none"> creation of a new landmark destination diversify of the experience within the cultural, tourist and entertainment precinct clustered around Circular Quay and The Rocks

Respondent	Issue ID	Issue	Response
		<ul style="list-style-type: none"> Proposed micro-brewery is not critical to the operation of a restaurant. The construction of the pod will limit the range of potential future uses of Tenancy 5. 	<ul style="list-style-type: none"> fully foster of the night time economy and Sydney's status as a global city <p>The proposal, as revised by the RTS, is the best option for the site, has addressed visual and heritage impacts, and appropriately integrates into the surrounding townscape.</p> <p>As the micro-brewery pod is an external structure to the tenancy and of the highest standard of architectural design it will not hinder the future use of the tenancy.</p>
	COS 6	View Impacts: <ul style="list-style-type: none"> Will obstruct views from the public domain to the SOH, Sydney Harbour Bridge, Campbell Stores, Australian Steam Navigation Building and the Overseas Passenger Terminal. Council does not agree that the proposed structure would be considered an 'iconic' feature for the site and The Rocks. 	<p>As outlined in the updated Design Report (Attachment 2), the built form and overall design of the micro-brewery pod has been significantly revised so that it is less visually intrusive, while still maintaining an overall elegant form.</p> <p>As confirmed by the updated Heritage Impact Statement (HIS) (Attachment 5), the revised proposal preserves key pedestrian views east to the Opera House, and other vantage points around Circular Quay and the proposal does not have an adverse impact on the OPT building or the surrounding public domain.</p> <p>The HIS notes that the proposal is located within the World Heritage Buffer Zone of the Sydney Opera House and concludes that the proposal will not impact on views and vistas the Sydney Opera House.</p> <p>The Visual Impact Analysis (VIA) within the Design Report (Attachment 2) has been updated to reflect the changes to the design and built form of the micro-brewery pod and includes indicative furniture and fencing. The VIA includes images allowing the comparison between the existing, originally proposed and current revised proposal.</p> <p>The unique shape, interesting architectural design and the visibility of the internal workings of the micro-brewery pod is expected to result in a</p>

Respondent	Issue ID	Issue	Response
			<p>structure that positively contributes to the character and appearance of the OPT building and The Rocks.</p> <p>The Design Report and Heritage Impact Statement clearly demonstrate that the revised proposal would not have any adverse impacts on key Harbour or heritage views and is therefore acceptable</p>
	COS 7	<p>Non-compliance with the Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005:</p> <ul style="list-style-type: none"> • Proposal is considered to diminish the visual qualities of Sydney Harbour rather than enhance them. • Proposal also decreases the number of publicly accessible vantage points for viewing Sydney Harbour. • The proposal is consistent with the deemed SEPP in regards to Clauses 13,14, 15, 26 and 58B. 	<p>Refer to COS 6 comment.</p> <p>The revised built form of the micro-brewery pod safeguards existing key views and would not adversely impact on the Sydney Harbour foreshore or nearby heritage significant buildings and structures.</p>
	COS 8	<p>Impacts to the Overseas Passenger Terminal:</p> <ul style="list-style-type: none"> • Changing some of the framing with Tenancy 5 will detract from the architecture and undermine the coherence of the OPT building as a whole. • Council does not support the use of the proposed amber glazing on the pod. The glazing will stand out and exacerbate the intrusiveness of the pod. • View images do not correctly show the changes. 	<p>As outlined in the updated Heritage Impact Assessment (Attachment 5), it is proposed that all new external facades will match the existing in material, finish, colour and glazing articulation as such there will be no potential heritage impact on the OPT building.</p> <p>The micro-brewery pod glazing has been amended to be transparent rather than having an amber hue.</p> <p>The drawings have been updated and are included at Attachment 2.</p>

Respondent	Issue ID	Issue	Response
	COS 9	Heritage Impacts: <ul style="list-style-type: none"> • Proposal results in significant impacts to heritage items within the vicinity of the site. • The pod will block views to the SOH. Council does not find the pod to be an iconic feature. • Pod will have adverse impact on the significance of the OPT building. Will protrude into the northern forecourt extending further outwards than the prominent corner steel viewing tower. • The protrusion of the proposed pod and awnings in the northern forecourt are contrary to the aims of the OPT building. • Council objects to removal of palm trees as it is a unifying feature around Campbell Cove/Circular Quay. • Pod, awnings, and fencing will act as a physical barrier to The Rocks Conservation Area and the foreshore. • Consideration should be given to reducing area of outdoor seating area leased to the tenancy to maintain publicly accessible space. • The advice of the NSW Heritage Council should be sought to ensure that there is an appropriate methodology in dealing with the archaeological resource in the event the pod is constructed. 	<p>Refer to COS 6 comment.</p> <p>Refer to COS 12 comment.</p> <p>The proposal has been amended to delete the proposed awning / solar shade from the application.</p>

Respondent	Issue ID	Issue	Response
	COS 10	Hours of Operation: <ul style="list-style-type: none"> Council believes DP&E should consider and apply the DCP's late night management controls when assessing licensed premises. The development is clearly a brewery and pub and should be categorised as Category A – High Impact Premises. Suggests a set of operating hours if the development was to be approved. 	<p>As discussed at Section 9.4.2 of the EIS, the proposed trading hours (below) are not inconsistent with other restaurants and hotels within the vicinity of the site, in particular, Cruise Bar, Orient Hotel, Pancakes on the Rocks, Observer Hotel and Munich Brauhaus:</p> <ul style="list-style-type: none"> 6:00am to 12:00 midnight Sunday to Thursday inclusive; 6:00am Friday to 1:00am Saturday; 6:00am Saturday to 1:00am Sunday; and 6.00 am to 2.00 am on January 1. <p>Separate to the trading hours, Tenancy 5 benefits from an existing <i>On Premises Liquor Licence</i> for a restaurant, as discussed at Sections 5 and 8.1.6 of the EIS. No change is proposed to the hours of operation under that licence, which permits the sale of alcohol during the following times:</p> <ul style="list-style-type: none"> 10:00am to 12:00 midnight 7 days a week. <p>The Applicant commits to complying with the above hours of operation at all times.</p> <p>As discussed at Section 9.4.1 of the EIS, and confirmed by subsequent legal advice, the proposed use of Tenancy 5 is for a 'restaurant' as defined by the Standard Instrument, and is not defined as a 'brewery'.</p>
	COS 11	Excessive and Inappropriate Signage: <ul style="list-style-type: none"> Proposed illuminated signs are inconsistent with the character of the location. Number of signs proposed is extremely excessive. The illuminated signs to the eastern façade compete with OPT signage 	<p>Additional information regarding signage has been prepared by Extrablack and is provided at Attachment 10. The revised proposal reduces the total number of signs from 13 to 5, including 3 illuminated signs and 2 statutory signs.</p> <p>The proposed signage is appropriately sized and located. The proposed signage strategy will be discreet and capable of being appropriately integrated into the overall design of the building.</p>

Respondent	Issue ID	Issue	Response
		which should be the dominant sign on the façade.	
	COS 12	Tree Loss: <ul style="list-style-type: none"> Council objects to the removal of the palm trees due to its unifying feature around Campbell Cove/ Circular Quay. 	The 6 palm trees are now proposed to be retained (including the relocation of 3 of the palm trees) (Attachment 6).
	COS 13	Additional Information Required: <ol style="list-style-type: none"> Applicant must submit a Construction Environmental Management Plan, which includes an unexpected finds protocol for land contamination. Must prepare a lead materials remediation plan. A site-specific acid sulphate soils report should be submitted or the foundations of the new structure should be made acid sulphate soil resistant. Council's Health and Building Unit request that the applicant provide a kitchen layout plan to determine compliance. Council's Health and Building Unit request that the applicant make provision for a system designed by a qualified Engineer for the point of discharge for the mechanical ventilation servicing the food premises. 	<p>As outlined at Section 9.8 of the EIS, a draft Construction Management Plan (CMP) has been prepared by Ridgemill Project Management, which details the site construction and environmental management principles for the proposed development.</p> <p>As outlined at Section 9.9 of the EIS, a Contamination Preliminary Investigation has been prepared by EMM, which includes appropriate mitigation measures.</p> <p>A SEPP 33 Report has been prepared by EMM Consulting Pty Limited and can be found at Attachment 9. The report concludes that if acid sulphate soils are encountered during testing, the site will be assessed and management measures will be implemented where necessary.</p> <p>The Applicant would accept conditions requiring the proposed construction management, contamination and acid sulfate mitigation measures be undertaken.</p> <p>The Applicant confirms that the kitchen layout will comply with the relevant Australian Standards for food safety.</p> <p>The development will include appropriately designed and located mechanical ventilation, which will comply with relevant Australian Standards.</p>
	COS 14	Perception of Conflict of Interest: <ul style="list-style-type: none"> EIS was co-authored by a planner who is employed as a contractor at the 	This is not a relevant matter for this RTS. There has been no conflict of interest in relation to this application.

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		<p>DP&E in a role that involves the assessment of SSD applications, reporting to the Director and Exec Director.</p> <ul style="list-style-type: none"> Application should be assessed independently by a third party to ensure the applicant does not have undue influence over the assessment of the application. 	
Licensing, Liquor & Gaming NSW	LL1	<p>The Department raised no objection to the proposal.</p> <p>The Department noted that it previously provided advice to the applicants' solicitor in August 2016 indicating that in principle the proposal did not present any significant liquor regulatory issues of concerns.</p>	Noted.
Office of Environment and Heritage	OE1	<p>Micro-brewery Structure Location:</p> <ul style="list-style-type: none"> 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 	Refer to COS 6 comment.

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		<p>Campbell's Store. Therefore, the location of this proposed element is not supported.</p> <ul style="list-style-type: none"> It is considered that a better option would be to locate the micro-brewery wholly within the existing building envelope. 	
Office of Environment and Heritage	OEH 2	<p>Views:</p> <ul style="list-style-type: none"> 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. 	Refer to COS 6 comment.
	OEH 3	<p>Outdoor Area:</p> <ul style="list-style-type: none"> 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 	<p>Refer to COS 6 comment.</p> <p>The inclusion of seating within the double height tower structure was a key consideration of the HIS (Attachment 5). The HIS concludes that the proposed deck will result in a minor and acceptable change to the appearance of the tower and only have a minor and acceptable impact on views to the SOH.</p> <p>The HIS noted that the overall form of the tower will remain unchanged, its steel structure will remain visible, it will retain its landmark qualities and similar views will be possible from nearby viewpoints, looking around the tower. In addition, the changes to the appearance of the tower will be mitigated by the design of the balustrades to the new deck, which have been designed to match the existing open deck on level 5.</p>

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		(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.	<p>As discussed at Section 9.2.3 of the EIS, the use of the outdoor area north of the OPT as an outdoor seating area was established by the previous tenant (Doyles Restaurant) and previously enclosed by solid brick planters.</p> <p>As outlined in the EIS, the outdoor seating area has been designed to form an integral component of Tenancy 5. It will provide a visually welcoming threshold to the principal elevation of the tenancy and will allow the site to engage with the adjoining public domain and the broader Sydney Cove area.</p> <p>The proposal will install a clear glass balustrade to delineate the lease area and will continue the NSW public domain treatment through this part of the site. This approach, coupled with the revised micro-brewery pod design, will ensure that key sightlines through the outdoor area are not obstructed and that the space appears part of the broader public domain.</p> <p>It is considered that the proposed outdoor area represents an overall improvement when compared to the historic use of the site by Doyles Restaurant.</p>
	OEH 4	Archaeology: <ul style="list-style-type: none"> 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. 	<p>Noted.</p> <p>All archaeological investigations will be undertaken in accordance with the recommendations contained in Section 8 of the HIS.</p>

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		<ul style="list-style-type: none"> 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. 	
	OEH 5	Recommended conditions: NEW WORKS <ol style="list-style-type: none"> 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. 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. 	<p>Refer to COS 6 comment.</p> <p>Refer to OEH 2 and 3 comments.</p> <p>For the reasons provided at COS 6, OEH 2 and OEH 3 comments it is considered that the concerns raised in OEH's recommended conditions 1 and 2 have been addressed and these conditions should therefore be excluded from any future development consent.</p>
	OEH 6	Recommended conditions: ARCHAEOLOGY <ol style="list-style-type: none"> 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. 	<p>The Applicant agrees to conditions 3 to 8. Condition 9 is considered redundant.</p>

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		<p>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.</p> <p>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.</p> <p>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.</p> <p>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</p>	

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		<p>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.</p> <p>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.</p> <p>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.</p>	
Transport for NSW	TfNSW 1	<p>TFNSW requests that the applicant be conditioned to the following:</p> <ul style="list-style-type: none"> • Prepare a Construction Pedestrian and Traffic Management Plan (CPTMP) in consultation with the CBD 	The EIS includes a draft CMP which identifies measures to manage the impacts of construction traffic on the surrounding road and pedestrian networks.

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		<p>Coordination Office and the Sydney Light Rail Team within TfNSW. The CPTMP needs to specify, but not be limited to, the following:</p> <ul style="list-style-type: none"> ○ Location of the proposed work zone; ○ Haulage routes; ○ Construction vehicle access arrangements; ○ Proposed construction hours; ○ Estimated number of construction vehicle movements; ○ Construction program; ○ Consultation strategy for liaison with surrounding stakeholders; ○ Any potential impacts to general traffic cyclists, pedestrians, ferry services and bus services within the vicinity of the site from construction vehicles during the construction of the proposed works; ○ Cumulative construction impacts of projects including Sydney Light Rail Project. Existing CPTMPs for developments within or around the development site should be referenced in the CPTMP to ensure that coordination of work activities are managed to minimise impacts on the road network; and ○ Should any impacts be identified, the duration of the impacts and 	<p>The final CMP will be prepared in consultation with the Ports Authority of NSW and TNSW and will address the matters raised in TNSW's submission.</p> <p>The Applicant agrees to TNSW's condition.</p>

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		<p>measures proposed to mitigate any associated general traffic, public transport, ferry services pedestrian and cyclist impacts should be clearly identified and included in the CPTMP.</p> <ul style="list-style-type: none"> Submit a copy of the final plan to the Coordinator General, CBD Coordination Office for endorsement, prior to the commencement of any work. 	
PNSW	PNSW1	General <ul style="list-style-type: none"> PNSW was not consulted on the extension and use of the outdoor licenced area. 	There is no proposed extension to the existing lease boundary. As confirmed at Section 6 of the EIS, PNSW was consulted prior to the lodgement of the EIS on the proposal.
	PNSW2	Detailed <ul style="list-style-type: none"> PNSW was not consulted on the extension and use of the outdoor licenced area. 	As discussed at Section 6 of the EIS, PNSW was consulted on the proposal and confirmed that the proposal would fit with its vision for the activation for the area.
	PNSW3	Public Views <ul style="list-style-type: none"> The proposed micro-brewery pod sits within the view corridor of Customs Officers Stairs. It is considered that the location of a bar under the micro-pod will further obscure existing public views through the leased area of tenancy 5 to the harbour and therefore needs additional justification. Infilling of level 2 of the OPT belvedere tower within this important view corridor are considered to disrupt 	<ul style="list-style-type: none"> Refer to COS 6 comment. The ground floor level walk-up bar has been deleted from the outdoor seating area. Refer to COS 6 comment.

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		<p>this popular public view towards Sydney Harbour and Sydney Opera House.</p> <ul style="list-style-type: none"> The proposed changes to northern verandah, eastern and western elevations of the OPT restrict significant views and visual connections to Circular Quay, Circular Quay East and the Sydney Opera House and should be reconsidered. 	
	PNSW4	<p>Opera House Buffer Zone</p> <ul style="list-style-type: none"> Under the SREP Clause 58B it is considered that the proposed development would diminish existing important views to the Sydney Opera House, therefore impacting on its world heritage value by providing a visual obstruction to the Opera House when viewed from a section of western side of Circular Quay. 	<ul style="list-style-type: none"> Refer to COS 6 comment.
	PNSW5	<p>Precinct Setting and Context</p> <ul style="list-style-type: none"> The need for a "new icon" or "landmark" in a location that already houses the world heritage listed Sydney Opera House; internationally recognised Sydney Harbour Bridge and The Rocks precinct is questioned. The concept of introducing an elevated brewery in what is a prime location on the most significant part of the harbour needs further consideration and 	<ul style="list-style-type: none"> Refer to COS 6 comment. The outdoor seating area is located entirely within the lease area boundary and therefore there is no change from the existing situation. The outdoor seating area does not encroach on the turning area and therefore will not adversely impact on truck turning circles.

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		<p>justification in relation to setting and contextual grounds.</p> <ul style="list-style-type: none"> The proposed works are considered to be highly visible across the precinct and will impact negatively on the foreshore areas scenic qualities by appearing as visually obstructive and compete with the visual character of the locality. It is not clear from the EIS the how the proposed restaurant and outdoor licenced area will operate given its proximity to the proposed new OPT truck access and turning area and potential conflict in the outdoor licenced area and truck turning circle. 	
	PNSW6	<p>Proposed Illumination of Micro-Brewery</p> <ul style="list-style-type: none"> The proposed decorative lighting scheme is considered to create additional light spill in the locality which will have further impacts on night-time views of the Harbour, Circular Quay and The Rocks. The proponent should consider utilising a more subtle lighting treatment for the micro-brewery pod that ensures the micro-brewery blends into the background without attracting undue attention and competing with the surrounding World, National and State heritage items/ precincts. 	<p>The proposed lighting of the microbrewery as detailed in the EIS and report by Tim Barry (Attachment 8 to the EIS) is considered acceptable for the following reasons:</p> <ul style="list-style-type: none"> the re-design of the pod is now in a more discreet location, located closer to the OPT Building with less potential for lighting impact the proposed glazing of the pod has been amended to a clear glazing which will result in reduced visual impact use of appropriate materials to complement the existing heritage character of the building and adjoining precinct

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	PNSW7	Proposed Retractable Fabric Blinds <ul style="list-style-type: none"> The proposed retractable awnings are considered to add unnecessary visual clutter and disrupt public views towards the foreshore and Sydney Opera House. Any approval for any outdoor seating should be premised in the use of stackable tables and chairs. 	<ul style="list-style-type: none"> The proposed awning / solar shades have been deleted from the proposal. The outdoor seating area will not include permanent or fixed furniture.
	PNSW8	Glass Fencing around Outdoor Leased Area <ul style="list-style-type: none"> The proposed glass fencing alienates the public domain and restricts public access and should be reconsidered. It is recommended that the proponent consider the use of a temporary and removable "open fencing" treatment with a reduced height to delineate the proposed outdoor dining area. 	<ul style="list-style-type: none"> The relocation and reduction of the scale of the micro-brewery pod together with the deletion of the ground floor walk-up bar / service area results in a significant increase to the openness of the development. The proposed fencing is transparent, follows the lease area boundary and would not adversely impact on views across the space. In addition, the fencing serves the important function of reducing wind impacts within the outdoor seating area. It is therefore considered that the fencing is appropriate and acceptable.
	PNSW9	Removal of Existing Cabbage Tree Palms <ul style="list-style-type: none"> Cabbage Tree Palms are particularly resilient and are readily transplantable, thus they could be relocated within the vicinity of the proposed scheme. It is recommended that the need to remove the six existing cabbage tree palms be reconsidered or appropriate alternate vegetation screening options be considered 	<ul style="list-style-type: none"> Three of the palms are proposed to be retained in their current position. The other three palms will be relocated north of the proposed micro-brewery pod. We note SSD 7246 seeks to remove the trees.
	PNSW10	Proposed Signage	<ul style="list-style-type: none"> Refer to COS 11 comment.

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		<ul style="list-style-type: none"> The proposed signage is considered excessive given the highly visible nature of the site. A more subdued signage response in keeping with the adjoining Rocks locality is considered appropriate to this location. The proposed signage must be reconsidered and comply with The Rocks signage policy and The Rocks Technical Manual. 	
	PNSW11	Heritage and Archaeology Various recommended changes to the Heritage Impact Statement	<ul style="list-style-type: none"> The Heritage Impact Statement has been revised and is attached at Attachment 5.
Sydney Water	SW 1	No comments	Noted.
Urbis	U1	Inadequate Consultation: <ul style="list-style-type: none"> Campbell's Stores was not consulted. The potential impacts on the existing and future planned operations of Campbell's Stores was not considered. 	<p>As outlined in the EIS (Section 6), the Sydney Harbour Foreshore Authority (SHFA), now Property NSW (PNSW), offered its tenants the opportunity for consultation on the proposed development. We understand that PNSW did not receive any requests for consultation on this project.</p> <p>Section 3.2 considers the redevelopment of the Campbell's Stores (SSD 15_7056). The EIS and supporting attachments confirm the proposed development will not generate any adverse noise or vibration, wind, overshadowing or construction traffic impacts at the surrounding commercial or retail premises.</p> <p>In terms of visual impacts, the project has been significantly re-designed to:</p> <ul style="list-style-type: none"> minimise the visual impact of the micro-brewery pod by relocating the pod to a more discreet location, amending its form retain the palm trees that form a unifying feature around Campbell's Cove and Circular Quay

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			<p>In addition, an addendum letter to the Air Quality Report has been prepared by Ramboll Environ Australia and has provided at Attachment 8. The addendum letter confirms:</p> <ul style="list-style-type: none"> emissions from the micro-brewery would be negligible and would not cause any off-site odour impacts in response to the concerns raised, the proposed brewing unit will be fitted with a vapour condenser system. This system will convert any odorous vapour emissions from the brewing process into wastewater. As such, no odour emissions are expected to occur. <p>Accordingly, it is concluded that the proposed development will not result in any adverse odour impacts at surrounding receivers.</p>
	U2	<p>Use of the Site:</p> <ul style="list-style-type: none"> Questions validity of site as a 'restaurant' with the sale of alcohol as an ancillary use. Believes that because of the micro-brewery pod, the site will shift from its historic use of a 'restaurant' to a 'pub'. <p>Raises concerns with the associated impacts with a pub, including: proposed hours of operation; potential antisocial behaviour; public safety and security; and noise impacts of the proposed use.</p>	<p>Refer to COS 1 to 4 comments.</p> <p>Refer to COS 10 comment.</p> <p>The security and general management measures outlined in the POM are suitable to manage potential amenity and safety and security impacts at surrounding properties and within the public domain.</p> <p>The Acoustic Assessment submitted with the EIS demonstrates that noise generated by the project is predicted to comply with the City of Sydney's <i>Noise Controls for Licensed Premises</i> and entertainment venues and the Independent Liquor and Gaming Authority (IL&GA) noise criteria for patron noise.</p> <p>Given the above, it is concluded that adequate consideration has been given to the potential impacts of the project on the operation of the Campbell's Stores.</p>
	U3	Sydney Cove Redevelopment Authority Scheme:	<p>Section 8.2.4 of the EIS provides an assessment of the proposed variation to the SCRA Scheme consistent with the requirements of clause 4(2) of</p>

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		<ul style="list-style-type: none"> The justification provided for the variation to the SCRA Scheme is inadequate. The addition of an external micro-brewery pod and walk-up bar is not consistent with the general planning and design principles of the Sydney Cove Redevelopment Area. These additions will affect the heritage significance of adjacent buildings and items. <p>The proposed development will increase visual clutter and prevent views from Campbell's Cove to Sydney Harbour and the Opera House.</p>	<p>the <i>Environmental Planning and Assessment (Sydney Cove) Savings and Transitional Regulation 1999</i>.</p> <p>The SCRA Scheme drawings have been revised to reflect the new micro-brewery pod scale and location and are included at Attachment 2.</p> <p>The revised micro-brewery pod is a discreet structure that achieves a high standard of design and appearance. The revised proposal would not result in an adverse increase in visual clutter as:</p> <ul style="list-style-type: none"> the revised built form of the pod ensures that existing key Harbour and heritage views are safeguarded, as outlined in the Design Report (Attachment 2); the use of the outdoor area was established by the previous tenant (Doyles Restaurant); and existing palm trees are retained.
	U3	<p>Heritage:</p> <ul style="list-style-type: none"> The proposed development will have a significant impact on: The Opera House World Heritage Buffer Zone; Campbells Stores; The Rocks Conservation Area; and the Overseas Passenger Terminal. The visual clutter that results from the proposal will negatively impact on the ability of this major public meeting place to reach its full potential – references <i>Sydney Harbour's Cultural Ribbon Strategy</i> Dec 2016. The proposed location and design of the external pod is unsympathetic to its 	<p>Refer to COS 6 comment.</p> <p>Refer to COS 8 comment.</p> <p>Refer to COS 11 comment.</p>

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		<p>surrounds and will detract from the established character of the area.</p> <ul style="list-style-type: none"> Proposed signage is considered excessive and not consistent with the surrounding character of The Rocks precinct. <p>Statement of Heritage Impact does not adequately take account of the cumulative impacts of the overall proposal, concentrating instead on considering individual components in relative isolation.</p>	
	U4	<p>Visual Impact:</p> <ul style="list-style-type: none"> Visual impact analysis is inadequate. Photomontages produced do not accurately show the proposed development in its entirety (excludes external furniture to reduce visual clutter). Photomontages do not provide an accurate representation of the current and proposed views to and from the SOH, Sydney Harbour, Campbell's Cove, and Campbell's Stores. <p>Views of the SOH and Sydney Harbour from the eastern end of Campbell's Stores, including the Bay X public stairs, Bay 1 and Bay 2, and the outdoor dining areas will be significantly impacted by the proposed development. Furthermore, views will also be significantly impacted from the Campbell's Cove public promenade.</p>	Refer to COS 6 comment.

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	U5	Inconsistency with the Campbell's Cove Promenade Works: The proposed development (including the pod) will conflict with the initiatives proposed by Property NSW to open up views between Campbell's Cove, Sydney Harbour and the Opera House and to improve pedestrian permeability in the area.	Refer to COS 6 comment. Refer to OEH 2 comment. For the reasons provided at COS 6 and OEH 2 comments it is considered that the proposed development appropriately integrates with, and supports the initiatives of, the Campbell's Cove Promenade Works.
	U6	Change of Boundaries: Should the proposal be approved by the DP&E, the applicant will need to submit the relevant application to the Independent Liquor & Gaming Authority and follow the normal process for a change of boundaries application.	As stated in the EIS, the applicant will lodge a request to vary the licence boundaries with IL&GA following the determination of the Development Application.