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Request for Secretary's
Environmental Assessment Requirements

Sydney Opera House Building Renewal Concert Hall Projects



Prepared for the Sydney Opera House Trust

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Contact

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1 Introduction

The purpose of this report is to provide a preliminary environmental assessment of certain works proposed under the *Sydney Opera House Building Renewal Program*.

It is proposed to lodge a development application under section 89E of the *Environmental Planning and Assessment Act 1979* (EP&A Act) for works known as *Concert Hall Projects*.

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) and 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* (EPAR) to enable the preparation of an Environmental Impact Statement (EIS) for the project.

2 The site and locality

The Sydney Opera House is located on the peninsular on the eastern side of Circular Quay known as Bennelong Point, as shown in Figure 1. The site is legally described as Lot 5 in DP 775888 and Lot 4 in DP 787933.



Figure 1. Location Map (Source: Six Maps)

The Opera House comprises three main structures, being:

- The Concert Hall on the western side of Bennelong Point;
- The Opera Theatre (Joan Sutherland Theatre) on the eastern side; and
- The Bennelong Restaurant, to the south of the two venues.

To the south of the above three structures are the main podium steps and the southern forecourt. The Opera House precinct adjoins the Royal Botanic Gardens to the east and East Circular Quay to the south.

The Opera House is listed on the NSW State Heritage Register and the National and World Heritage Lists (further discussed in Section 4.3 below). It is the Nation's premier tourist attraction, hosting more than 8 million visitors each year, with more than 1.4 million attending about 1,900 performances and more than 350,000 people taking a guided tour of the building.

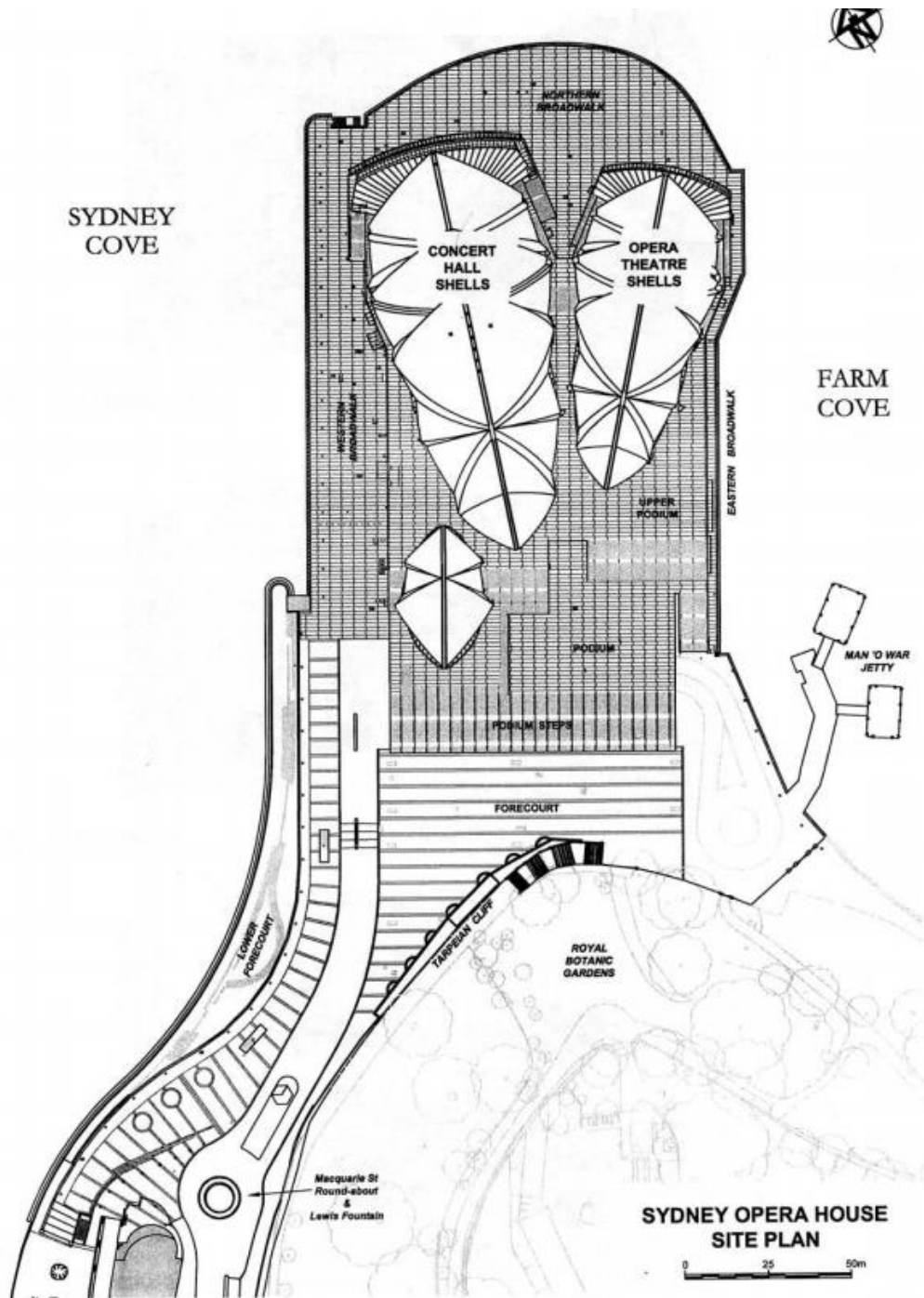


Figure 2. Sydney Opera House Site Plan (Source: SOH Conservation Management Plan)

3 The Project

3.1 Sydney Opera House Building Renewal Program

The Sydney Opera House Trust (SOHT) has developed a Building Renewal Program to guide the transformation of the building over the next decade and which includes a range of works aimed at maximising the Opera House's economic and cultural contribution to NSW and Australia as the nation's premier tourist destination and one of the world's pre-eminent performing arts centres.

It is also aimed at improving the operational efficiency of the building and ensuring compliance with modern building, accessibility and work health and safety (WH&S) requirements. The Renewal Program works will support the evolution of the Sydney Opera House as a key element of the overall renewal process in preparation for the building's 50th birthday in 2023.

The Building Renewal Program comprises 3 key Works Packages:

- Joan Sutherland Theatre (JST) Combined Projects comprising of:
 - *Theatre Machinery Project Works* (SSD 7639) – approved on 25 October 2016;
 - *Safety, Accessibility and Venue Enhancement Works and Entry Foyer refurbishment* (SSD 7665) – DA/EIS lodged with DP&E on 8 September 2016; and
 - *Function Centre and Related Works* (SSD 7881) – SEARs issued 30 August 2016. DA/EIS lodged with DP&E on 7 October 2016.
- *Under the Steps, Creative Learning Centre and Southern Foyers* – SEARs issued 30 September 2016. DA/EIS to be lodged shortly.
- *Concert Hall Projects* – subject to this SEARs request.

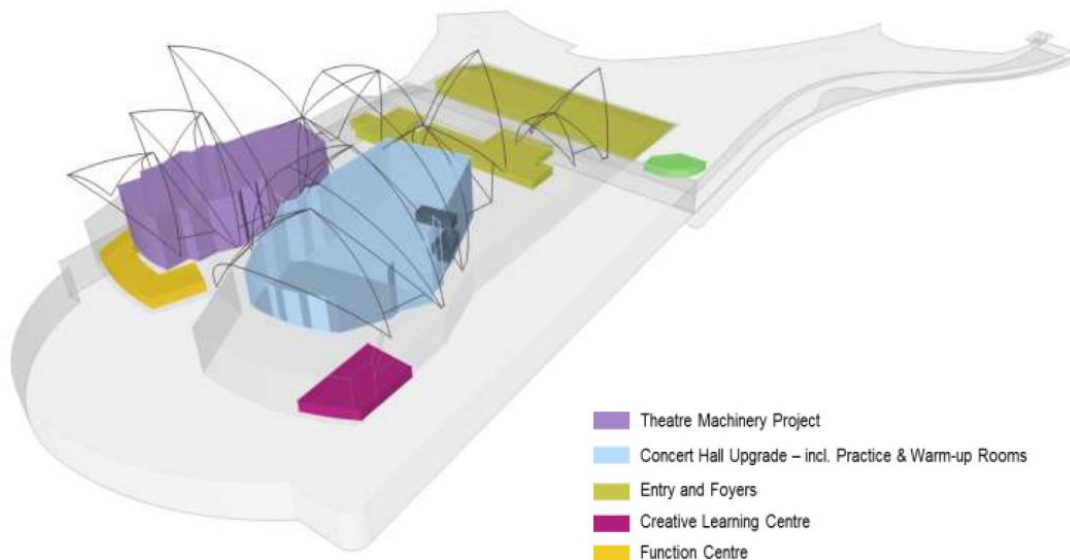


Figure 3. Sydney Opera House Building Renewal Program (Source: Sydney Opera House)

3.2 Project description

This SEARs request relates to works known as **Concert Hall Projects** as described below.

Concert Hall Projects	
Concert Hall Projects	<p>The proposal involves significant technical improvements and alterations to the existing building fabric which are largely hidden from view but are essential for the future operational requirements of the Sydney Opera House and visitor and patron experience. It also involves architectural changes to the Concert Hall interior and the Concert Hall foyers. The proposed scope for the Concert Hall is summarised as below:</p> <p><i>Concert Hall Interior:</i></p> <ul style="list-style-type: none"> • New Concert Hall Stage and Stage Risers • Expanded Stage Wings, enlarged stage area and rear stage assembly area • New Over-stage and Side-wall Acoustic Reflectors • New Acoustic Treatment to the Stage Surround, Box Fronts and Rear Wall • New Automated Acoustic Drapes • Upgrade of existing equipment rooms at level 3 to be viewing rooms for Opera House visitors to remotely view orchestra rehearsals or concerts • Creation of two new musician rehearsal rooms at Ground mezzanine level <p><i>Concert Hall Technical Upgrade:</i> Upgrade of theatre machinery to accommodate a wider range of acoustic and amplified music performances, including:</p> <ul style="list-style-type: none"> • expansion of available winching capacity within a dedicated winch room above the Concert Hall ceiling • an expanded theatre grid level above the Concert Hall ceiling • all new winches, theatre equipment and control systems <p><i>Concert Hall Accessibility:</i></p> <ul style="list-style-type: none"> • New Accessibility Tunnel within the Eastern Foyer stairs to provide on-grade access from Level 2 of the Southern Foyer to Level 2 Northern Foyer • Wheelchair accessible lift access from Level 1 Front of House to Level 2 Southern Foyer • Wheelchair accessible lifts from the east and west at Level 2 of the Northern Foyer to the Level 4 Concert Hall entries including access to the intermediate levels of the Northern Foyer (levels 2A, 3 and 3A) • Increase number of wheelchair accessible positions within the Concert Hall • Introduction of two new accessible toilet facilities at Level 3 in the Northern Foyer

Table 1: *Concert Hall Projects*

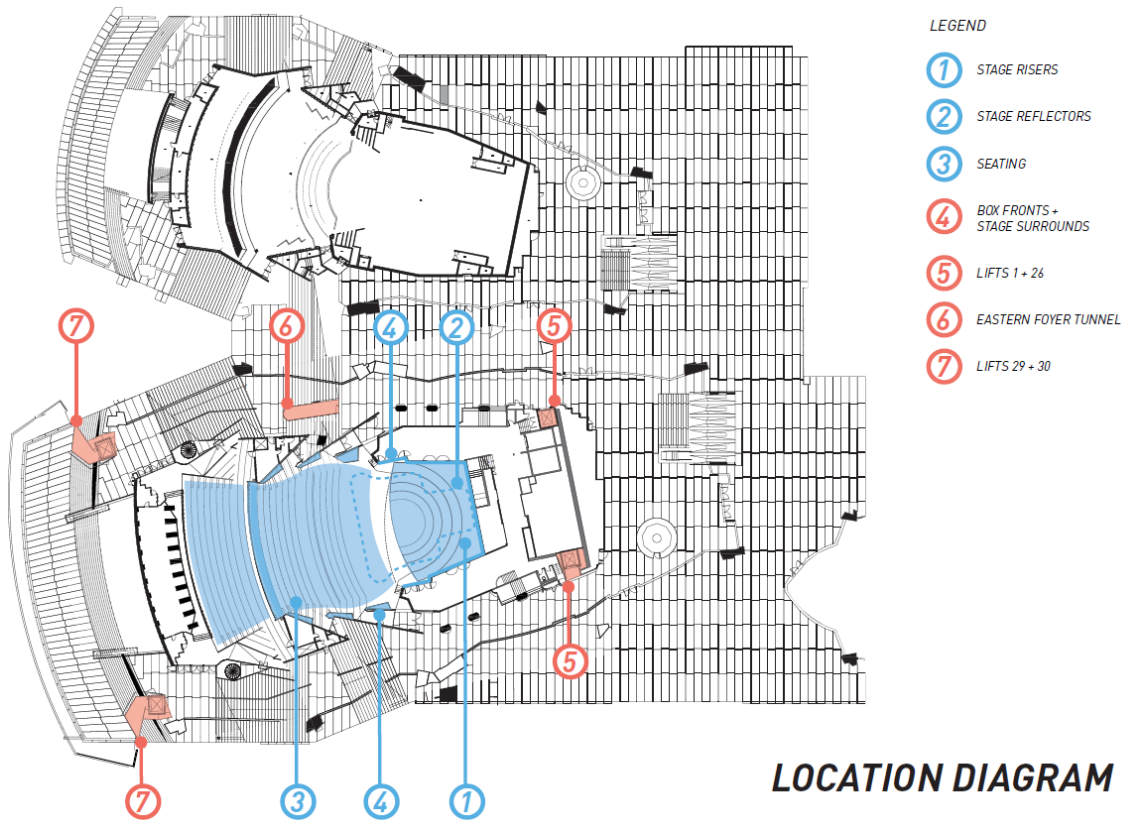


Figure 4. Indicative upgrades to Concert Hall (Source: ARM Architecture)

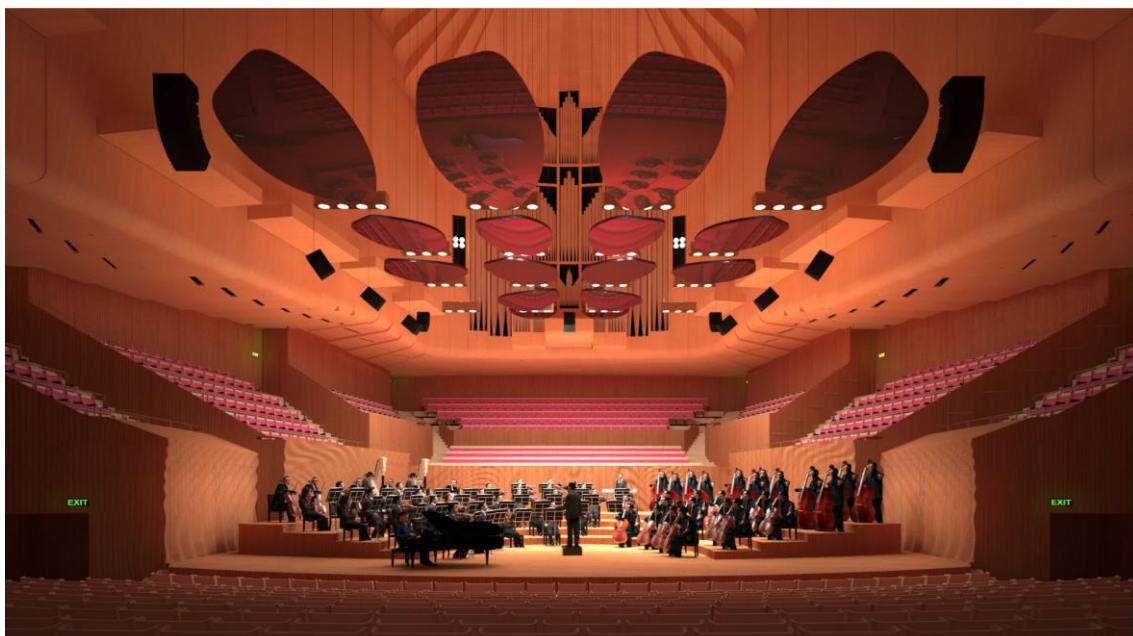


Figure 5. Stage Risers - Design Render (Source: ARM Architecture)



Figure 6. Eastern Foyer looking north to proposed Tunnel (Source: ARM Architecture)

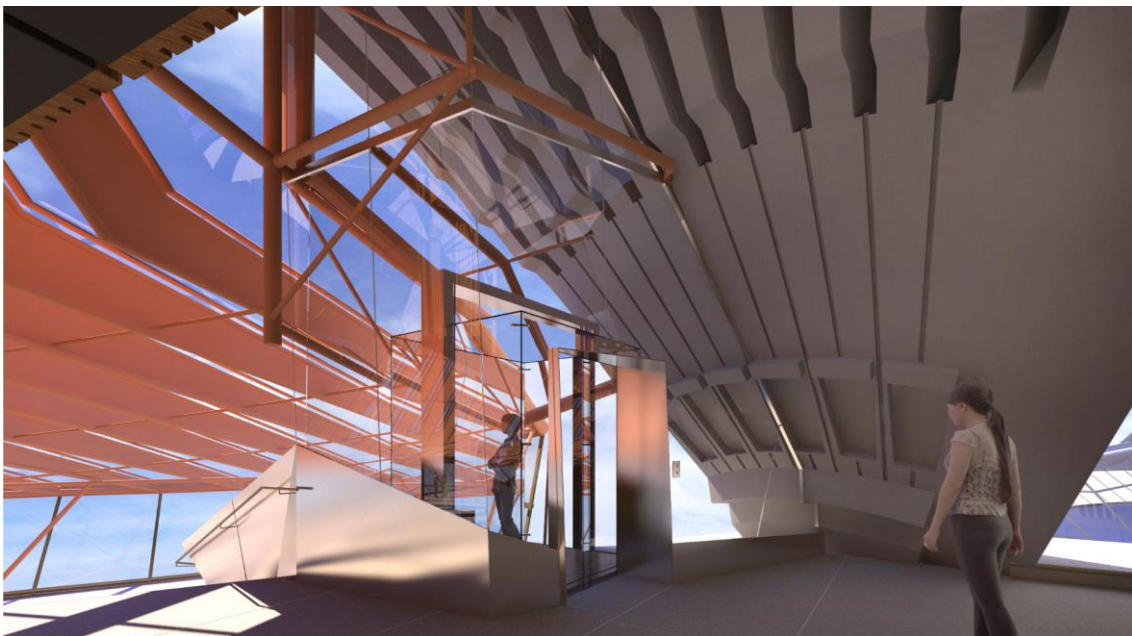


Figure 7. Proposed Lift 30 Level 4 (Source: ARM Architecture)



Figure 8. Proposed Lift 30 Entry – Level 2 (Caves) (Source: ARM Architecture)

4 Relevant Legislation

4.1 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.

The project is SSD as Clause 1 of Schedule 2 of the SRD SEPP states that all development on land identified as being within the Sydney Opera House site is SSD. Based on the review process to date, it is considered that the proposed works described in this report do not meet the exempt development categories of the SSP SEPP (see Section 4.4.2) they are considered to be SSD.

The project will be assessed under Part 4 Division 4.1 of the EP&A Act. The Minister for Planning is the consent authority for SSD.

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 EPAR.

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.

4.2 Heritage Act 1977

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 Sydney Opera House is listed on the State Heritage Register.

Notwithstanding that the development comprises SSD, clause 90 of Schedule 6 and Clause 16A of Schedule 6A of the EP&A Act provide that approval under section 57(1) of the Heritage Act is required for development at the Opera House.

An Order under section 57(2) of the Heritage Act provides that a range of works at the Opera House are exempt from the requirement for approval under section 57(1). The proposed Concert Hall Projects subject to this SEARs request are considered to be beyond the scope of these exemptions and will therefore require approval under section 57(1) of the Heritage Act.

4.3 Environment Protection and Biodiversity Conservation Act 1999

The *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act) provides for the protection of Matters of National Environmental Significance, including National and World Heritage listed sites.

The Sydney Opera House was inscribed on the National Heritage List in 2005 and the World Heritage List in 2007.

Actions that will or are likely to have a significant impact on matters of environmental significance under the EPBC Act require the approval of the Commonwealth Minister for the Environment. The proposed *Concert Hall Projects* will be referred to the Commonwealth Department of the Environment for advice on whether approval under the EPBC Act is required.

The NSW and Commonwealth Governments have entered into a bilateral agreement covering the assessment process, which allows the Commonwealth to rely on specified NSW environmental impact assessment processes in assessing actions under the EPBC Act.

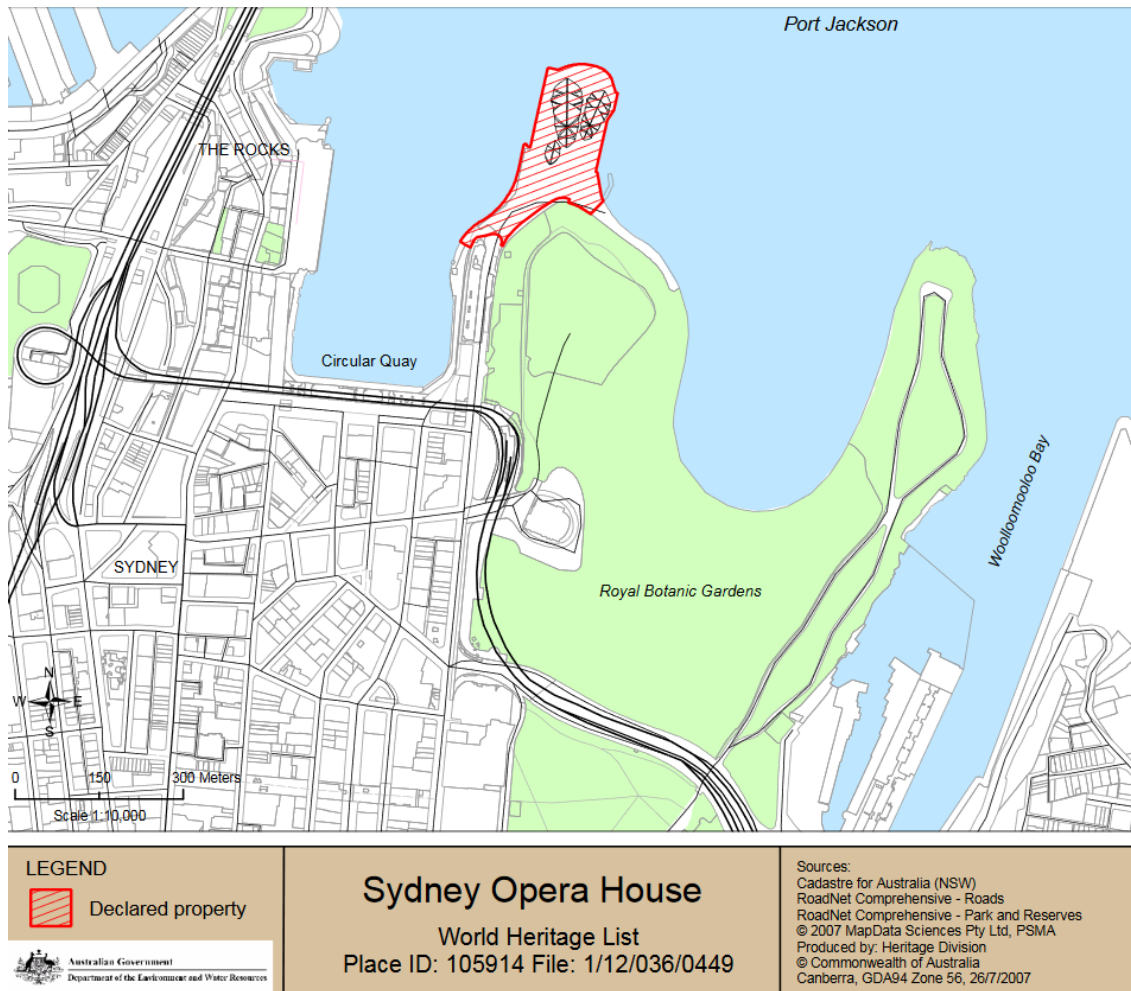


Figure 9. Sydney Opera House World Heritage Listing (Source: Commonwealth DoE)

4.4 Environmental Planning Instruments

4.4.1 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 is SSD in accordance with Clause 1 of Schedule 2 of the SRD SEPP, which states:

1 Sydney Opera House

All development on land identified as being within the Sydney Opera House Site on the State Significant Development Sites Map

4.4.2 State Environmental Planning Policy (State Significant Precincts) 2005

The *State Environmental Planning Policy (State Significant Precincts) 2005* (SSP SEPP 2005) seeks to broadly facilitate the development, redevelopment and protection of state significant precincts and to ensure the service delivery outcomes for a public purpose. 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 SOH as a state significant precinct and provides exempt development provisions for the precinct.

Due to the scope of works and their potential heritage impacts, the proposed Concert Hall Projects are not considered to fall within the *exempt development* provisions of the SSP SEPP and therefore require development consent.

4.4.3 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 Sydney Opera House 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. It is also identified as a Heritage Item and is in the SREP.

Consequently, the SREP contains a number of provisions relevant to this project and which will be addressed in the EIS, including:

- 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.

4.4.4 Sydney Local Environmental Plan 2011

The proposal is located on land zoned B8 Metropolitan Centre under the *Sydney Local Environmental Plan 2012* (SLEP 2012). The relevant provisions of the B8 zone are detailed below:

Zone B8 Metropolitan Centre

1 Objectives of zone

- *To recognise and provide for the pre-eminent role of business, office, retail, entertainment and tourist premises in Australia's participation in the global economy.*
- *To provide opportunities for an intensity of land uses commensurate with Sydney's global status.*
- *To permit a diversity of compatible land uses characteristic of Sydney's global status and that serve the workforce, visitors and wider community.*
- *To encourage the use of alternatives to private motor vehicles, such as public transport, walking or cycling.*
- *To promote uses with active street frontages on main streets and on streets in which buildings are used primarily (at street level) for the purposes of retail premises.*

2 Permitted without consent

Nil

3 Permitted with consent

Child care centres; Commercial premises; Community facilities; Educational establishments; Entertainment facilities; Function centres; Information and education facilities; Passenger transport facilities; Recreation facilities (indoor); Registered clubs; Respite day care centres; Restricted premises; Roads; Tourist and visitor accommodation; Any other development not specified in item 2 or 4

4 Prohibited

Nil

As the proposed works relate to development for the purposes of an “entertainment facility” they are permissible with consent in the *B8 Metropolitan Zone*.

In relation to *Sydney Development Control Plan (DCP) 2012*, which supplements SLEP 2012 and provides more detailed guidance, clause 11 of the SRD SEPP states that DCPs do not apply to SSD.

5 Key Strategic Plans and Documents

5.1 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 proposal 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, enhanced visitor experience and related spaces to support the Arts through the renewal of the Concert Hall foyers, visibly impacting patron and visitor experience of the building.

5.2 State Infrastructure Strategy

The *State Infrastructure Strategy* sets out the NSW Government's Rebuilding NSW Plan, which involves the investment of \$20 billion in new infrastructure across the state.

The Strategy states that as part of a new cultural infrastructure plan, the Government will focus future investments on creating an arts precinct in the Sydney CBD. This is aimed at re-affirming Sydney as a major centre for the arts. The Strategy states that priority will be given to investment in the Sydney Opera House, Walsh Bay Arts Precinct, and the Art Gallery of NSW.

The proposed works are consistent with this strategic action of creating an arts precinct in the Sydney CBD.

5.3 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. Relevant directions and actions include:

Direction 1.1: Grow a more internationally competitive Sydney CBD

- *Action 1.1.3: Diversify the CBD by enhancing the cultural ribbon which connects new and revitalised precincts including Barangaroo, Darling Harbour, Walsh Bay and the Bays Precinct.* This action references the creation of an arts precinct in the Sydney CBD and notes that the Opera House forms part of a broader cultural ribbon, which covers a collection of iconic buildings and attractions extending from the Australian Museum in the east, along the inner harbour foreshore, to Darling Harbour in the west.

Direction 3.4: Promote Sydney's heritage, arts and culture

- *Action 3.4.1 Continue to grow global Sydney's CBD as an international arts and cultural destination.* This action notes that the Government will support Sydney's world-class cultural institutions and venues by developing links between venues, adding vibrancy to arts and cultural life in Sydney's CBD.

5.4 Sydney Opera House Plans and Policies

5.4.1 Sydney Opera House Management Plan

The *Management Plan for the Sydney Opera House* was prepared in 2005 aims to:

- *protect and conserve the National and World Heritage values of the Sydney Opera House;*
- *minimise duplication in the environmental assessment and approval of actions that may impact on the National and World Heritage values of the Sydney Opera House;*
- *ensure there will be adequate environmental assessment of actions that may impact upon the National and World Heritage values of the Sydney Opera House; and*
- *ensure that actions that will have unacceptable or unsustainable impacts on the National and World Heritage values of the Sydney Opera House will not be approved*

The Management Plan incorporates the *Sydney Opera House Conservation Management Plan*, the *Utzon Design Principles* and the *Statement of National Heritage Values of the Sydney Opera House* (these documents are discussed separately below). It is given legal effect through clause 288 of the (EPAR), which requires consideration of the management plan in the assessment of any development at the Opera House under section 79C(1) of the EP&A Act, including consideration of the proposal with the objectives of the Management Plan.

5.4.2 Sydney Opera House Conservation Management Plan, 2003

This document provides an understanding of the place and its history. It also assesses the significance of the place, and provides conservation policies based on the identified heritage values of the Sydney Opera House.

There are a number of conservation policies in the CMP relating to the building's setting and exterior, access issues, internal spaces including the Concert Hall interiors and foyers, and the removal or alteration of fabric.

The current adopted version of the CMP is the '3rd Edition', which was developed in preparation for the listing of the Sydney Opera House on the NSW State Heritage Register, on 3 December 2003. The CMP 3rd Edition will be fully addressed in a Heritage Impact Statement (HIS) that will be prepared in support of the EIS.

A draft CMP 4th Edition dated June 2015 has been prepared, however, as this document is still at draft stage it is not the applicable document for the purposes of the EIS. This draft has been on public exhibition and reviewed by the NSW Heritage, but has not yet been finalised or formally endorsed.

Whilst the HIS assessment supporting this EIS will be based on the 3rd edition, it will be informed by knowledge gained in preparing the 4th edition.

5.4.3 Utzon Design Principles, 2002

The Utzon Design Principles outline Jørn Utzon's vision for the building and its setting, his comments on the future of the building, and the fundamental principles underlying his designs. It is a permanent reference document for the conservation of the building and its setting and to clarify original design intent, manage proposals for change and influence planning controls for the precinct.

These Design Principles will be fully considered in the EIS.

5.4.4 Statement of National Heritage Values of the Sydney Opera House

This document describes the heritage significance of the Opera House and details its history. Its focus is construction of the main buildings on the design of Jørn Utzon that took place between 1957 and 1973. The relevant provisions of this document will also be considered in the HIS and EIS.

5.4.5 SOH Accessibility Masterplan 2015

The *SOH Accessibility Master Plan (AMP)* outlines accessibility initiatives for the Renewal Program in order to ensure that the SOHT and provides an overall plan for accessibility upgrades that can then be progressively implemented via discrete Renewal Projects.

The AMP demonstrates the SOHT's commitment to the implementation of the *NSW Government Disability Policy Framework*, which is underpinned by the *Commonwealth Disability Discrimination Act 1992*, the *NSW Anti-Discrimination Act 1977*, the *NSW Disability Inclusion Act 2014*, *Australian Standard AS 1428 Design for Access and Mobility*, and the *Disability (Access to Premises - Buildings) Standards 2010*.

The *Concert Hall Projects* is proposed in accordance with the AMP.

6 Potential Environmental Issues

6.1 Heritage

The EIS will be supported by a HIS prepared by a qualified heritage consultant and will outline how the proposed works have regard to and will not impact on the site's significant heritage values, including its World and National Heritage status.

This will include a detailed assessment of each of the key elements of the *Concert Hall Projects* works which will demonstrate consistency with relevant documents and provisions including the Management Plan, CMP, Utzon Design Principles and Statement of National Heritage Values.

6.2 Built form and visual impact

The proposed works are predominantly internal and therefore will not result in any built form or visual impacts. The proposed new lifts in the Northern Foyers (Lifts 29 and 30) will require some external alterations to glass facades of the building, however their location has been carefully positioned to minimise their visual and material impact on the existing external stairs and glazing. Materials will be architecturally sympathetic to, and minimise any alteration to, the existing external glazing.

The proposed works will be carefully considered in the context of the Sydney Opera House World Heritage status and with reference to the relevant documents detailed in Section 5 of this report.

6.3 Accessibility works

The Concert Hall projects include a range of critical design response to improve accessibility for patrons and visitors of the Opera House, in accordance with the SOH AMP. Key components of improved accessibility works include:

- **Seating** - existing Concert Hall seating will be refurbished in order to refresh its appearance, meet the required acoustic performance and comply with regulatory fire engineering requirements. Proposed changes to seating will increase wheelchair positions and allow for removable and more flexible seating arrangements.
- **Lifts** – upgrading of existing Lifts and introducing new Lifts as proposed by the AMP will significantly improve access for patrons and visitors.
- **Eastern Foyer Tunnel** - an on-grade access tunnel is proposed through the Eastern Foyer stairs at Level 2 to allow and improve access from the Level 2 Southern Foyer to and from the Northern Foyer levels and the Level 4 Concert Hall entries. The tunnel will provide access to the Northern Foyer lifts (No 29 & No 30) to provide users with an obvious path of travel while keeping the existing stairs as wide as possible on either side of the tunnel entry.
- **Increase number of wheelchair accessible positions within the Concert Hall**
- **Introduction of two new accessible toilet facilities at Level 3 in the Northern Foyer**

The EIS will be supported by detail access reports which will review the proposed works against relevant legislation, codes and standards.

6.4 Natural environment

As much of the proposed works are internal and external elements are minor of a minor nature only, the proposal will have no impacts on the natural environment.

6.5 Building Code of Australia

The EIS will be supported by a report prepared by an appropriately qualified consultant confirming compliance with relevant provisions of the Building Code of Australia (BCA). Works will be the subject of a Crown Building Works Certificate in accordance with Clause 98 of the EPAR and Section 109R of the EP&A Act

6.6 Construction management

The proposed construction activity will have a number of potential environmental impacts, including:

- Traffic – truck and other vehicle movements associated with the transportation of workers, machinery and equipment and waste.
- Noise and vibration – noise and vibration associated with the use of machinery and equipment for building works.
- Waste – generation of building material and other waste and the need for appropriate disposal.

The EIS will clearly identify all such potential impacts and relevant mitigation and management measures.

7 Conclusion

This request for SEARs describes the proposed works known as *Concert Hall Projects*, an overview of relevant legislative requirements and key strategic plans and documents and a preliminary assessment of potential environmental issues.

The proposed works are part of the SOHT's Building Renewal Program, which is aimed at maximising the Opera House's economic and cultural contribution to NSW, improving the operational efficiency of the building and ensuring compliance with modern building, accessibility and WHS requirements.

All potential environmental impacts of the proposal, both at the demolition and operation stage, will be comprehensively addressed in the EIS, in accordance with relevant legislation, guidelines and the SEARs.