

Environmental Impact Statement

Overseas Passenger Terminal, Circular Quay Shade Structures for Tenancy 5 – The Squire’s Landing

State Significant Development Application

SSD 9334



**Prepared for Jimmy’s on the Mall Pty Ltd
Submitted to the NSW Department of Planning and Environment**

March 2019

Certification of Environmental Impact Statement

Authors

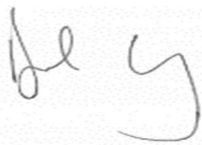
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Proposed development

Applicant	Jimmy's on the Mall Pty Ltd
Applicant's address	GPO Box 2866 Brisbane QLD 4001
Land to be developed	Overseas Passenger Terminal (Tenancy 5), Circular Quay West, The Rocks City of Sydney local government area
Legal description	Lots 1 to 3 DP 876516
Project description	Erection of shade structures at Tenancy 5 of the Overseas Passenger Terminal

Declaration

We certify that the contents of the Environmental Impact Statement, to the best of our knowledge, has been prepared in accordance with the requirements of clauses 6 and 7 of Schedule 2 of *Environmental Planning and Assessment Regulation 2000*; contains all available information that is relevant to the assessment of the development and that to the best of our knowledge the information contained in this report is neither false nor misleading.



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Cover image: View toward the Overseas Passenger Terminal, Circular Quay (Source: Greenlight Design)

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List of Abbreviations

DP&E NSW Department of Planning and Environment
 EIS Environmental Impact Statement
 EPBC Act *Environment Protection and Biodiversity Conservation Act 1999*
 EP&A Act *Environmental Planning and Assessment Act 1979*
 EP&A Regulation *Environmental Planning and Assessment Regulation 2000*
 EPI Environmental Planning Instrument
 ESD Ecologically Sustainable Development
 LGA Local Government Area
 OPT Overseas Passenger Terminal
 SCRA Scheme Sydney Cove Redevelopment Authority Scheme
 SRD SEPP State Environmental Planning Policy (State and Regional Development) 2011
 SEARs Secretary's Environmental Assessment Requirements

Executive Summary

This Environmental Impact Statement (EIS) has been prepared by Keylan Consulting Pty Ltd (Keylan) on behalf of Jimmy's on the Mall Pty Ltd (the Applicant) to support a development application for the installation of shade structures at Tenancy 5 of the Overseas Passenger Terminal (OPT). The OPT is located on Circular Quay Way at The Rocks, in the City of Sydney local government area (LGA).

The development meets the criteria of State significant development (SSD) under Schedule 2, clause 6 of *State Environmental Planning Policy (State and Regional Development) 2011* (SRD SEPP) as it comprises development in The Rocks that does not comply with the *Sydney Cove Redevelopment Authority Scheme* (SCRA Scheme).

A SCRA Scheme variation has been prepared concurrently as part of this application to enable development consent to be granted. The Minister for Planning is the consent authority for the application and is also responsible for the making of the SCRA Scheme variation.

The EIS has been prepared in accordance with the Secretary's Environmental Assessment Requirements (SEARs) issued by the Department of Planning and Environment (DP&E) on 4 June 2018 and in accordance with Schedule 2, Part 3 of the *Environmental Planning and Assessment Regulation 2000* (EP&A Regulation). The EIS should be read in conjunction with the appended supporting information and plans.

The site and locality

The subject site is referred to as Tenancy 5 and is located within the OPT building at Circular Quay West, The Rocks. The legal description of the site is Lots 1 to 3 DP 876516.

The OPT building plays a significant role as a port for international and domestic cruise ships as well as activating Sydney Harbour and Circular Quay with a range of restaurants and temporary events. Tenancy 5 is located at the northern end of the OPT building comprising the ground and first floor levels and is occupied by the Squire's Landing Restaurant and Brewhouse.

Adjoining land uses include the remaining parts of the OPT building above and to the south of Tenancy 5, Sydney Cove and the OPT port ship berth to the east, Campbell's Cove to the north and north-west and a variety of retail and restaurant/bars to the west.

There are a number of heritage items in the vicinity of the site including the Sydney Opera House, Sydney Harbour Bridge, ASN Co. building, Campbell's Stores, Metcalfe Bond Stores, the OPT building and The Rocks Conservation Area. The site is also located within the buffer zone around the World Heritage listed Sydney Opera House for views and vistas.

The proposal

On 25 August 2017, DP&E approved an SSD application for the use of Tenancy 5 of the OPT building as a restaurant (SSD 7683). Consent was granted for:

- external alterations to the OPT building;
- new elevated micro-brewery pod to the north of the OPT;
- outdoor dining area to the north of the site; and
- business identification signage.

Condition A5(d) of the consent states that approval is not granted for drop-down blinds, shading devices, awnings, umbrellas or the like in the outdoor seating area or the new deck in the tower drum.

It is now proposed to install the following to provide essential patron amenity for the approved restaurant:

- two shade structures within the outdoor dining area; and
- a folding arm awning on the northern façade and western façade of Tenancy 5.

Permissibility

The SCRA Scheme is the relevant environmental planning instrument (EPI) regulating development in The Rocks. The SCRA Scheme prescribes building height limits, building envelopes and permissible uses for development in The Rocks.

Shade structures are not specifically identified as elements that are permitted to exceed the building envelope on Drawing XLV1A-1B of the SCRA Scheme (Building Site Control Plan). While the proposed shade structures are located within the site boundary identified on Drawing XLV1A-1B and within the existing Tenancy 5 lease area, DP&E has previously advised that it considers areas outside of the building envelope to comprise “Open Space and Public Domain”.

Accordingly, a SCRA Scheme variation has been prepared concurrently with the application to amend the Building Site Control Plan to include shade structures within the list of elements that are permitted to exceed the building envelope. Should the SCRA Scheme be supported, the project would be wholly permissible.

Strategic context

Strategic justification for the proposal is outlined in Section 5 of the EIS. The application proposes the establishment of shade structures and will not detract from the broader aims and objectives of the relevant strategic plans and policies including the NSW State Priorities, Greater Sydney Region Plan and Eastern City District Plan.

Statutory context

The relevant statutory requirements that relate to the development, including environmental planning instruments (EPIs) are addressed at Section 6 of the EIS.

Environmental assessment

A detailed assessment of the potential environmental impacts of the proposal is contained in Section 0. Issues relating to heritage, built form and design, contamination, wind and construction noise have been addressed. The assessment concludes the proposed development:

- comprises minor built form elements that have been architecturally designed to ensure they are sympathetic to the surrounding location;
- is modest in scale and will not visually dominate the site or impact on views to and from the World Heritage listed Sydney Opera House;
- is proposed in an area that has low archaeological potential and is unlikely to impact on any significant archaeological remains;
- complies with *State Environmental Planning Policy No. 55 – Remediation of Land*
- will have a negligible impact on local wind conditions; and

- will not have a greater acoustic impact (during construction) than the works previously assessed and subsequently approved under SSD 7683 (use of Tenancy 5 as a restaurant).

Conclusion

This EIS provides a comprehensive assessment of the potential impacts associated with the proposed installation of operable shade structures at Tenancy 5 of the OPT building. The proposed works are minor in nature and comprise essential shade structures to ensure adequate patron amenity at the approved and operational restaurant at Tenancy 5.

The conclusions and recommendations provided in the accompanying technical reports confirm the proposal will not have a detrimental impact on the surrounding environment including views and vistas to and from the development site. The application is therefore considered to be in the public interest and warrants approval.

1 Introduction

This Environmental Impact Statement (EIS) has been prepared by Keylan Consulting Pty Ltd (Keylan) on behalf of Jimmy’s on the Mall Pty Ltd (the Applicant) to support a development application for the installation of permanent shade structures at Tenancy 5 of the Overseas Passenger Terminal (OPT).

The OPT is located on Circular Quay Way at The Rocks, in the City of Sydney local government area (LGA). The site formally described as Lots 1 to 3 DP 876516.

The development meets the criteria of State significant development (SSD) under Schedule 2, clause 6 of *State Environmental Planning Policy (State and Regional Development) 2011* (SRD SEPP) as it comprises development in The Rocks that does not comply with *the Sydney Cove Redevelopment Authority Scheme* (SCRA Scheme).

This EIS provides a comprehensive environmental assessment of the proposed development. In doing so, it identifies the subject site, the proposed development, project justification and public benefits and assesses the proposal against matters set out in relevant State legislation, environmental planning instruments (EPIs) and strategic planning policies.

The structure of this EIS is summarised below:

Section Number	Section Heading	Description
	Executive summary	A summary of the EIS and its findings.
1	Introduction	Overview of the EIS, the proposed development and project objectives.
2	Site analysis	Description of the site and surrounding locality.
3	Proposed development	Description of the project and consultation undertaken with key stakeholders
4	Project justification	Need for the proposal and strategic framework.
5	Statutory planning framework	Identifies the key legislation that this EIS must address and the legislative criteria the project must comply with.
6	Environmental assessment	Provides an assessment of the key environmental issues associated with the proposal.
7	Conclusion	A summary of the key findings.

Table 1: Structure of the EIS

1.1 Project Overview

An overview of the project is provided in the table below:

Address	Tenancy 5 of the OPT building – Circular Quay West, The Rocks
Legal description	Lot 1 to 3 DP 876516
Local government area	City of Sydney
Project	<p>Installation of shade structures at Tenancy 5 of the OPT building, involving:</p> <ul style="list-style-type: none"> • two operable (retractable) solar shade structures within the forecourt/outdoor dining area. These are column mounted steel structures with extendable fabric awnings; • an operable (folding arm) awning on the northern façade; and • an operable (folding arm) awning on the western façade.
Zoning	N/A – the land is subject to the SCRA Scheme.
Permissibility	Shade structures are not identified as elements that are permitted to exceed the building envelope on Drawing XLV1A-1B of the SCRA Scheme (Building Site Control Plan). A SCRA Scheme variation has been prepared concurrently with the application to amend the Building Site Control Plan (Appendix B).
Capital investment value	\$230,195

Table 2: Project Overview

1.2 Secretary’s Environmental Assessment Requirements

The Department of Planning and Environment (DP&E) issued Secretary’s Environmental Assessment Requirements (SEARs) for the proposal on 4 June 2018 (SSD 9334). The SEARs are included at **Appendix A** and shown in Table 3 below.

Secretary’s Environmental assessment Requirement	EIS reference	Technical report
General Requirements		
<p><i>The Environmental Impact Statement (EIS) must be prepared in accordance with, and meet the minimum requirements of clauses 6 and 7 of Schedule 2 of the Environmental Planning and Assessment Regulation 2000 (the regulation).</i></p> <p><i>Notwithstanding the key issues specified below, the EIS must include an environmental risk assessment to identify the potential environmental impacts associated with the development.</i></p> <p><i>Where relevant, the assessment of the key issues below, and any other significant issues identified in the assessment, must include:</i></p> <ul style="list-style-type: none"> • adequate baseline data • consideration of potential cumulative impacts due to other development in the vicinity (completed, underway or proposed) • measures to avoid, minimise, and if necessary, offset the predicted impacts, including detailed contingency plans for managing significant risks to the environment. <p><i>The EIS must be accompanied by a report from a qualified quantity surveyor providing:</i></p>	<p>The EIS meets the requirements of the EP&A Regulation, as discussed at Section 6.2.</p>	<p>Capital Investment Value report (Appendix J)</p>

Secretary's Environmental assessment Requirement	EIS reference	Technical report
<ul style="list-style-type: none"> a detailed calculation of the capital investment value (CIV) of the development (as defined in clause 3 of the Regulation), including details of all assumptions and components from which the CIV calculation is derived an estimate of the jobs that will be created by the development during construction and operation verification that the CIV was accurate on the date that it was prepared. 		
Key Issues		
<i>The EIS must address the following specific matters:</i>		
<p>1. Environmental Planning Instruments, Policies & Guidelines</p> <ul style="list-style-type: none"> The relevant statutory provisions applying to the site, contained in the relevant EPIs, including: <ul style="list-style-type: none"> State Environmental Planning Policy (State and Regional Development) 2011 Sydney Cove Redevelopment Authority Scheme State Environmental Planning Policy 55 - Remediation of Land Draft Remediation State Environmental Planning Policy State Environmental Planning Policy (Infrastructure) 2007 State Environmental Planning Policy 64 - Advertising and Signage Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005 Draft State Environmental Planning Policy - Environment o State Environmental Planning Policy (Coastal Management) 2018. Any variation to the Sydney Cove Redevelopment Authority (SCRA) Scheme, including the Environmental Planning and Assessment (Sydney Cove) Savings and Transitional Regulation 1999. The relevant provisions, goals and objectives in the following: <ul style="list-style-type: none"> NSW State Priorities Towards out Greater Sydney 2056 Greater Sydney Region Plan Eastern City District Plan Sustainable Sydney 2030 NSW Long Term Transport Master Plan 2012 and, the Future Transport 2056 Strategy. 	<p>Consistency with relevant statutory provisions contained in the relevant EPIs is discussed at Section 6.</p>	<p>N/A</p>
<p>2. Built form and urban design</p> <ul style="list-style-type: none"> Outline the design process leading to the shade structures and any specific design features, including, materials, finishes and colours. This is 	<p>Built form and urban design are discussed at Section 7.2.</p>	<p>Architectural Design Drawings (Appendix C)</p>

Secretary's Environmental assessment Requirement	EIS reference	Technical report
<p><i>to include detail of any design alternatives that were considered as part of the design process.</i></p> <ul style="list-style-type: none"> • <i>Consider the site, the outdoor seating area, layout, architectural design, materials, detailing, amenity, views and vistas, open space, public domain, connectivity and street activation.</i> • <i>Clearly outline the proposed additions compared to the previously approved works.</i> 		
<p>3. Heritage</p> <ul style="list-style-type: none"> • <i>Prepare a Heritage Impact Statement (HIS) (in accordance with the guidelines in the NSW Heritage Manual) which identifies:</i> <ul style="list-style-type: none"> ○ <i>all heritage items (state and local) within, and in the vicinity of, the site, including built heritage, landscapes and archaeology, and detailed mapping of these items, and why the items and site(s) are of heritage significance</i> ○ <i>detailed mitigation measures to offset potential impacts on heritage items</i> ○ <i>compliance with the policies of any relevant Conservation Management Plan, including the 'The Rocks Heritage Management Plan' (2010).</i> • <i>The HIS is to assess heritage impacts of:</i> <ul style="list-style-type: none"> ○ <i>the proposed works on the heritage significance of the site</i> ○ <i>the visual impacts of the proposed development on views to and from surrounding heritage items with specific reference to the Sydney Opera House and the buffer zone, the Sydney Harbour Bridge, Campbell's Stores, the Australian Steam Navigation Building and the Metcalfe Bond Stores</i> ○ <i>the proposed materials and finishes.</i> • <i>The HIS must be supported by detailed drawings to illustrate the impact assessment. In addition, photographs of the existing site and photo montages showing the proposed, are also required.</i> • <i>If the HIS identifies potential impact on archaeology, an historical archaeological assessment should be prepared by a suitably qualified and experienced historical archaeologist in accordance with the Heritage Division, Office of Environment and Heritage Guidelines 'Archaeological Assessment' 1996 and 'Assessing Significance for Historical Archaeological Sites and Relics' 2009. This assessment is to identify the following;</i> <ul style="list-style-type: none"> ○ <i>the relics, if any, that are likely to be present, assess their significance and consider the impacts from the proposal on this potential resource</i> ○ <i>appropriate mitigation strategies where harm is likely to occur</i> 	<p>Heritage is discussed at Section 7.1.</p>	<p>Heritage Impact Statement (Appendix D)</p>

Secretary's Environmental assessment Requirement	EIS reference	Technical report
<ul style="list-style-type: none"> ○ <i>in the event that harm cannot be avoided in whole or part, an appropriate Research Design and Excavation Methodology should also be prepared to guide any proposed excavations.</i> 		
<p>4. Building use</p> <ul style="list-style-type: none"> ● <i>Outline the current use and operational details for the tenancy, including but not limited to:</i> <ul style="list-style-type: none"> ○ <i>hours of operation</i> ○ <i>patron capacity (indoor and outdoor)</i> ○ <i>extent and use of outdoor areas, including outdoor seating (numbers of tables and chairs)</i> ○ <i>details of any music to be provided on the premises and location of any proposed speakers in the outdoor dining area</i> ○ <i>details of weather protection devices.</i> ● <i>Provide an updated Plan of Management where required in accordance with the relevant City of Sydney Council guidelines.</i> ● <i>Provide details on how the awnings will be maintained and kept clean on an ongoing basis.</i> 	<p>Building use is discussed at Section 2.5.</p>	<p>N/A</p>
<p>5. Visual and view impacts</p> <ul style="list-style-type: none"> ● <i>Identify important sight lines and visual connectivity to and from the site.</i> ● <i>Provide a visual impact assessment to identify the visual changes and impacts on the site and its surrounds when viewed from key public domain areas, the Sydney Opera House and the harbour foreshore. This is to include photomontages of the existing and proposed development.</i> 	<p>Visual and view impacts are discussed at Section 7.2.</p>	<p>Architectural Design Drawings (Appendix C)</p>
<p>6. Public domain and access</p> <ul style="list-style-type: none"> ● <i>Provide detail on the interface of the development (e.g. outdoor seating) and the public domain, street activation, the harbour foreshore and other surrounding development.</i> ● <i>Provide detail of the proposals relationship with the proposed public domain works at Campbell's Cove (refer to SSD 7246).</i> 	<p>Public domain and access is discussed at Section 2.6.</p>	<p>N/A</p>
<p>7. Amenity</p> <ul style="list-style-type: none"> ● <i>Outline and address the proposed development's impacts in terms of safety and security, including consideration of Crime Prevention through Environmental Design principles.</i> ● <i>Provide detail any external lighting or illumination and consider the impacts of this lighting/illumination to surrounding properties and the public domain.</i> 	<p>Amenity is discussed at Section 7.3.</p>	<p>N/A</p>
<p>8. Noise and vibration</p> <ul style="list-style-type: none"> ● <i>Provide a noise and vibration assessment in accordance with the relevant EPA guidelines. This assessment must detail noise impacts on nearby noise sensitive receivers and outline</i> 	<p>Noise and vibration is discussed at Section 7.3.</p>	<p>Construction Noise Assessment (Appendix G)</p>

Secretary's Environmental assessment Requirement	EIS reference	Technical report
<i>proposed noise mitigation and monitoring procedures.</i>		
<p>9. Transport and accessibility (Construction)</p> <ul style="list-style-type: none"> • Provide information on traffic and transport during construction including: <ul style="list-style-type: none"> ○ assessment of cumulative impacts associated with other construction activities ○ an assessment of road safety at key intersection and locations subject to heavy vehicle construction traffic movements and high pedestrian activity ○ details of construction program detailing the anticipated construction duration and highlighting significant and milestone stages and events during the construction process ○ details of anticipated peak hour and daily construction vehicle movements to and from the site ○ details of construction vehicle parking and access arrangements, including haulage routes ○ details of temporary cycling and pedestrian access during construction, in particular any establishment of work zone required on public domain ○ details of any potential impacts to general traffic, public transport, cyclists and pedestrians within the vicinity of the site from construction vehicles during the construction of the proposed works, including mitigation measures 	Construction traffic is discussed at Section 7.3.	Traffic Management Plan (Appendix H)
<p>10. Signage</p> <ul style="list-style-type: none"> • Provide detail on the location, size and content of any proposed signage. 	No signage is proposed.	N/A
<p>11. Contamination</p> <ul style="list-style-type: none"> • Demonstrate compliance with the requirements of SEPP 55. 	Contamination is discussed at Section 7.3.	Contamination Preliminary Investigation (Appendix E)
<p>12. Ecologically Sustainable Development (ESD)</p> <ul style="list-style-type: none"> • Demonstrate that ESD principles (as defined in clause 7(4) Schedule 2 of the EP&A Regulation 2000) will be incorporated in the design, construction and operation of the development. 	Ecologically Sustainable Development (ESD) is discussed at Section 7.3.	N/A
<p>13. Construction, Environmental Management Plan</p> <ul style="list-style-type: none"> • Provide an Construction, Environmental Management Plan and site management plan for the proposed works, and include: <ul style="list-style-type: none"> ○ community consultation, notification and complaints handling ○ impacts of construction on adjoining development and proposed measures to mitigate construction impacts ○ noise and vibration impacts on and off site ○ dust control measures 	Construction noise and construction traffic are discussed at Section 7.3.	Construction Environmental Management Plan (Appendix I)

Secretary's Environmental assessment Requirement	EIS reference	Technical report
<ul style="list-style-type: none"> ○ construction waste classification, transportation and management methods in accordance with DECCW's Know Your Responsibilities: Managing Waste from Construction Sites Guideline ○ identification, handling, transport and disposal of any asbestos waste, lead-based paint and PCBs that may be encountered during demolition, site preparation and construction ○ practical opportunities to minimise consumption of potable water and energy efficiency measures, including passive solar design. 		
<p>14. Infrastructure</p> <ul style="list-style-type: none"> ● Identify the existing infrastructure on-site and any possible impacts of the construction and operation of the proposal on this infrastructure. 	<p>Potential impacts of the proposal on existing infrastructure is discussed at Section 7.3.</p>	<p>N/A</p>
<p>15. Biodiversity</p> <ul style="list-style-type: none"> ● Provide an assessment of the proposal's biodiversity impacts in accordance with the requirements of the Biodiversity Conservation Act 2016, including the preparation of a Biodiversity Assessment Report where required under the Act. 	<p>The proposal will not result in any biodiversity impacts.</p> <p>On 20 June 2018, a waiver to the requirement to prepare a biodiversity assessment report under the Biodiversity Conservation Act 2016 was granted under delegation by the Director, Key Sites Assessments, DP&E (Section 6.4, Appendix K).</p>	<p>N/A</p>
Consultation		
<p>During the preparation of the EIS, you must consult the relevant local, State and Commonwealth Government authorities, service providers, community groups and affected land owners. In particular, consultation is required with the following agencies:</p> <ul style="list-style-type: none"> ● City of Sydney Council ● Transport for NSW including the Sydney Coordination Office ● NSW Office of Environment and Heritage – Heritage Division ● NSW Office of Environment and Heritage ● Environmental Protection Authority ● Roads and Maritime Services ● Port Authority of New South Wales. 	<p>Consultation is discussed at Section 3.2.</p>	<p>N/A</p>

Secretary's Environmental assessment Requirement	EIS reference	Technical report
<p><i>The EIS must describe the consultation process and the issues raised, and identify where the design of the development has been amended in response to these issues. Where amendments have not been made to address an issue, a short explanation should be provided.</i></p>		

Table 3: Secretary's Environmental Assessment Requirements – SSD 9334

2 Site analysis

2.1 Site description

The subject site is known as Tenancy 5 and is located within the OPT building at Circular Quay West, The Rocks in the City of Sydney LGA. The legal description of the site is Lots 1 to 3 DP 876516.

The OPT is a rectangular four storey building located on the western side of Circular Quay, southern side of Campbell’s Cove and directly opposite the Sydney Opera House across Sydney Cove. The OPT fronts Circular Quay West, which is a dual carriageway private road that terminates in a roundabout at Campbell’s Cove. The site location is shown in Figure 1.

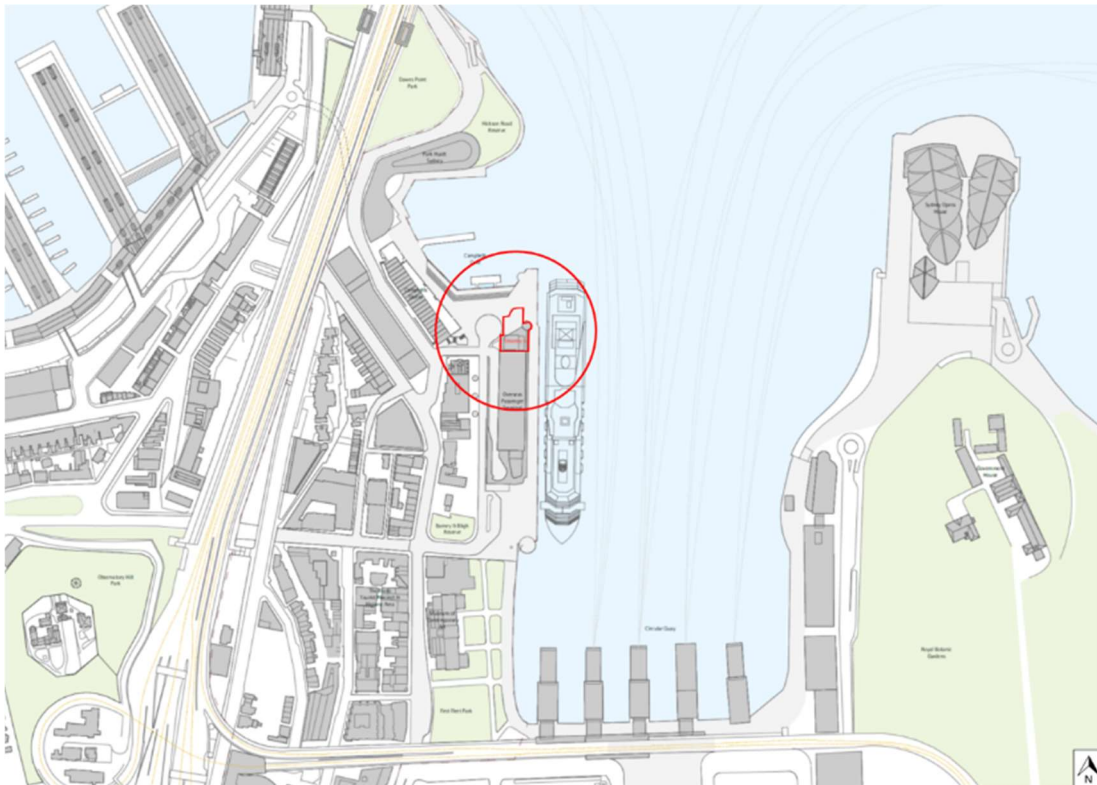


Figure 1: Site location – Tenancy 5 of the OPT building (Source: Collins and Turner)

The OPT plays a significant role as an international and domestic Port for cruise ships as well as activating the Harbour and Circular Quay with a range of restaurants and temporary private and state endorsed events. In addition, the OPT provides essential public access along the foreshore linking Circular Quay to Campbell’s Cove. It adjoins significant areas of public domain acting as passive gathering spaces as well as facilitating public events such as the Sydney Vivid Festival.

Tenancy 5 is located at the northernmost end of the OPT and is approximately 1,080m² in size. It occupies the ground and first floor levels and includes an adjoining 405m² formalised outdoor seating area.

Tenancy 5 was previously occupied by *Doyles Restaurant* which operated at the site between 1987 and 2014. In August 2017, development consent was granted (SSD 7683) for a restaurant on the site. In accordance with the consent, the site now operates as the *Squire’s Landing Restaurant and Brewhouse*. The approval is discussed further at Section 0. A photograph of Tenancy 5 of the OPT building is provided at Figure 2.

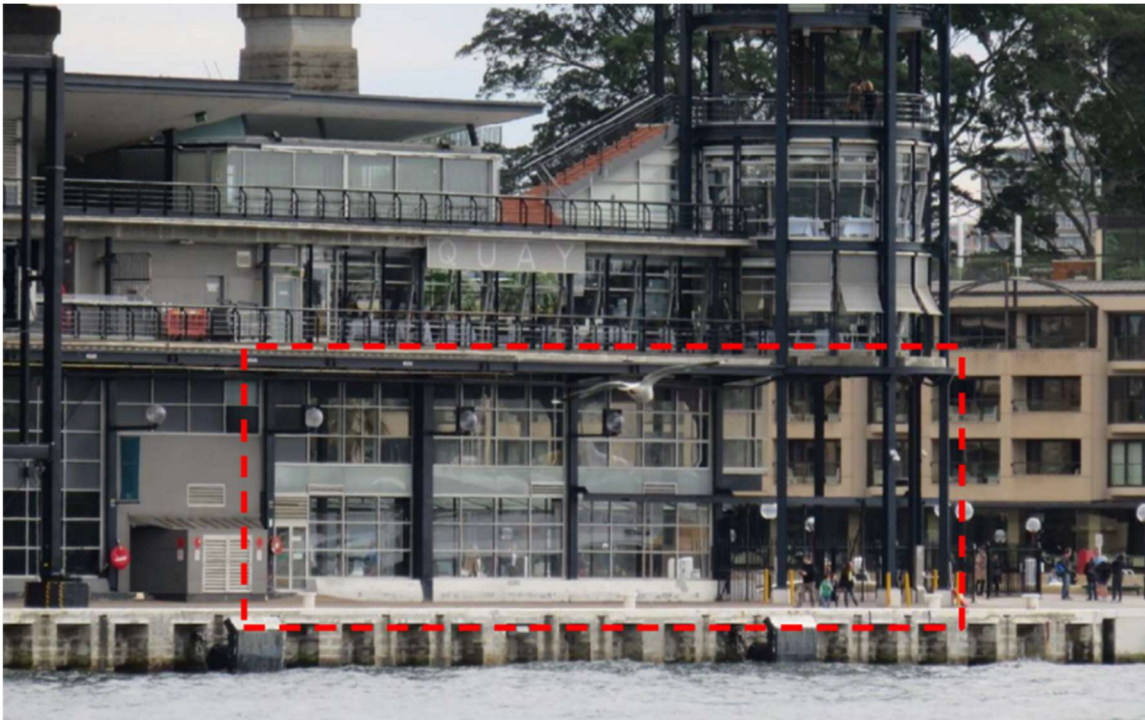


Figure 2: View west towards Tenancy 5 of the OPT building (Source: GML Heritage)

2.2 The Overseas Passenger Terminal

The OPT was constructed in 1959/60 with the ground floor dedicated to cargo while the first floor contained customs and passenger facilities. The facility was redesigned in the mid-1980s with further enhancements made in 2000 and 2014, including the creation of Tenancy 5 and improved terminal facilities and operational capacity.

Over the last 16 years Sydney has seen strong growth of the cruise ship industry. As a consequence, cruise ship berthing at the OPT has grown from 17 ships in the 2000/01 financial year to approximately 185 ships in the 2015/16 financial year.

The OPT port is now the most significant international and domestic cruise ship port in Australia and forms a key component of Sydney's tourist economy and contributor to Sydney's status as a global city.

The OPT's primary function as a cruise ship terminal is supported by four restaurant tenancies, including Tenancy 5. The OPT also provides valuable public space in areas surrounding the building and hosts functions and events of various types both inside the building and in exterior areas. The multi-faceted nature of the OPT site and its significance as a cruise ship port make it a critical and important component of Circular Quay and of the *Cultural Ribbon* along the harbour foreshore.

2.3 Site location and context

The site enjoys iconic views across Sydney Harbour including the World Heritage listed Sydney Opera House to the east and the Harbour Bridge to the north. Due to its location, the OPT building is highly visible from the eastern foreshore of Circular Quay, northern foreshore of Campbell's Cove and from vessels traversing Sydney Cove.

Tenancy 5 is located at the northern end of the OPT building at the ground and first floor levels. The remainder of the OPT building is located to the south and above Tenancy 5 and comprises:

- a central loading dock and Arrival Hall adjoining Tenancy 5 at ground and first floor levels (levels 1 and 2) and customs and passenger halls at levels 3 and 4;
- Quay restaurant (Tenancy 6) located above Tenancy 5 on levels three and four and also occupies the feature tower drum component of the OPT at level 3;
- consolidated Tenancies 1 & 7 (Cruise Bar) occupy three levels at the southern end of the OPT building and include a ground floor level outdoor seating area. All floors are occupied by Cruise Bar;
- Yuki’s Restaurant (Tenancy 8) occupies a space on level four towards the southern end of the OPT building; and
- various publicly accessible exterior areas of the OPT, including balconies at the southern end and along the eastern side on levels 3 and 4 and an observation level at level 5 of the feature tower drum.

To the east of the site is Sydney Cove and the OPT ship berth and promenade, which runs along the full length of the OPT building. Public access is only allowed to the ground level promenade, located between the OPT building and the water, when the maritime security zone is not active (i.e. when a cruise ship is not at berth).



Figure 3: View south across Campbells Cove towards the OPT (Source: Collins and Turner)

The immediate area surrounding Tenancy 5 is characterised by a variety of buildings of differing ages and architectural designs and public spaces, including:

- to the west of the site is the five storey Australian Steam Navigation Company (ASN Co) building, three storey Campbell’s Stores buildings and the five storey Metcalf Bond Store building, which include a variety of retail, restaurant and bar uses. On 19 April 2017, the Planning Assessment Commission granted consent to SSD 7056 involving the remediation, restoration and adaptive re-use of the Campbell’s Stores;
- a paved area is located to the north and north west of the site. This area includes the Circular Quay West roundabout and the Campbell’s Cove waterfront promenade. This

area is principally accessed via Circular Quay West and the Customs Officer's Stairs, which are located adjacent to the Campbell's Stores. On 9 March 2018, the Department of Planning and Environment (DP&E) granted consent to various public domain improvements at Campbell's Cove; and

- further north, beyond the hard paved area, is Campbell's Cove, which comprises a circular shaped body of water and central jetty ringed by a foreshore promenade and a small wharf. The five storey Park Hyatt frames the western and northern sides of the cove and the three storey Campbell's Stores and outdoor dining area frame the south western side; and
- to the east of the site is Sydney Cove, the Sydney Opera House is located on the opposite side of Sydney Cove to the OPT.

The site is located within easy walking distance of key destinations including tourist and cultural venues and facilities within The Rocks, Campbell's Stores and Campbell's Cove, Circular Quay, Sydney Harbour Bridge, the Sydney Opera House and the northern end of the Sydney CBD. The site is situated approximately 350 metres north of the Circular Quay transport interchange (railway station, ferry wharf, bus and future light rail services) and therefore enjoys excellent levels of accessibility for Sydney locals, interstate and international tourists.

There are a number of Heritage Items within the vicinity of the site, including the:

- Sydney Opera House (World Heritage List, National Heritage List and State Heritage Register and Sydney Local Environmental Plan);
- Sydney Harbour Bridge (National Heritage List and State Heritage Register and Sydney and North Sydney Local Environmental Plans);
- ASN Co building (State Heritage Register);
- Campbell's Stores (State Heritage Register); and
- Metcalfe Bond Stores (State Heritage Register).

The OPT building is identified as a heritage item on the Sydney Ports Corporation section 170 register. *The Rocks Heritage Conservation Area* is identified as heritage item on the Sydney Harbour Foreshore Authority's (SHFA) section 170 register.

The site is also located within the buffer zone of the World Heritage listed Sydney Opera House for views and vistas.



Figure 4: View north west across Campbell's Cove (Source: Keylan)

2.4 State significant development approval (SSD 7683)

On 25 August 2017, the Acting Executive Director, Key Sites and Industry Assessments (as delegate of the Minister for Planning) granted SSD approval for the use of Tenancy 5 of the OPT as a restaurant and:

- external alterations to the OPT building;
- new elevated micro-brewery pod to the north of the OPT;
- outdoor dining area to the north of the site; and
- business identification signage.

Condition A5(d) of the consent states that no approval is granted for shading devices or awnings in the outdoor dining area or new deck in the tower drum:

Limits on Consent

A5. *This consent in no way implies or grants approval for the following:*

- a) *internal building works*
- b) *removal of any palm trees (note: the relocation of the three existing palm trees is permitted by this consent)*
- c) *subdivision of the site*
- d) *drop-down blinds, shading devices, awnings, umbrellas or the like in the outdoor seating and in the new deck within the double height space in the tower drum.*

2.5 Building use

The Squire's Landing Restaurant and Brewhouse occupies Tenancy 5 of the OPT building. Approval for operation of the restaurant was granted as part of SSD 7683.

The hours of operation for the restaurant are:

- 10 am to 12 am Monday to Thursday;
- 10 am to 1 am Friday;
- 8 am to 1 am Saturday; and
- 8 am to 12 am Sunday.

Patron capacity for the restaurant remains as approved under SSD 7683, with a maximum capacity of 353 patrons.

The outdoor seating area has been designed to form an integral component of Tenancy 5, providing an exciting and welcoming threshold to the principal elevation of the tenancy and provide patrons with a unique visual and memorable dining experience. Further, the development provides a significant opportunity to activate the public domain at the south eastern extent of Campbell's Cove.

The proposed shade structures have no bearing on the approved operating hours or patron capacity of the restaurant.

2.6 Campbell's Cove Foreshore and Public Domain Improvements

On 9 March 2018, the Executive Director, Key Sites and Industry Assessments (as delegate of the Minister for Planning) granted SSD approval for public domain improvements to Campbell's Cove, including promenade upgrade, a shared plaza/pedestrian square and improved connections from the Campbell's Cove promenade, Hickson Road and The Rocks.

The Applicant consulted with Property NSW (as part of SSD 7683) with regards to the public domain improvement works. The restaurant approved under SSD 7683 was designed to appropriately integrate with the project. The proposed outdoor seating area of Tenancy 5, including the proposed shade structures, will complement the surrounding public domain.

3 Proposed Development

3.1 Project description

The proposal involves the construction of four retractable shade structures at Tenancy 5 of the OPT building. A description and physical dimensions of the structures are further described in Table 4.

Structure	Description	Dimensions
A1	Column mounted steel shade structure with retractable fabric awnings located within the outdoor dining area.	43 m ² (8.6 m x 5 m) Height of 4.15 m
A2	Column mounted steel shade structure with retractable fabric awnings located within the outdoor dining area.	49.7 m ² (7.1 m x 7 m) Height of 4.15 m
A3	Retractable shade awning mounted to the existing Level 1 deck on the northern façade.	42.4 m ² (10.6 m x 4 m)
A4	Retractable shade awning mounted to the northern façade and covering the Level 1 balcony below.	19.2 m ² (8 m x 2.4 m)

Table 4: Tenancy 5 OPT building shade structures

The location of each shade structure is shown in Figure 5 (ground floor – Structures A1, A2 and A3) and Figure 6 (first floor – Structure A4).

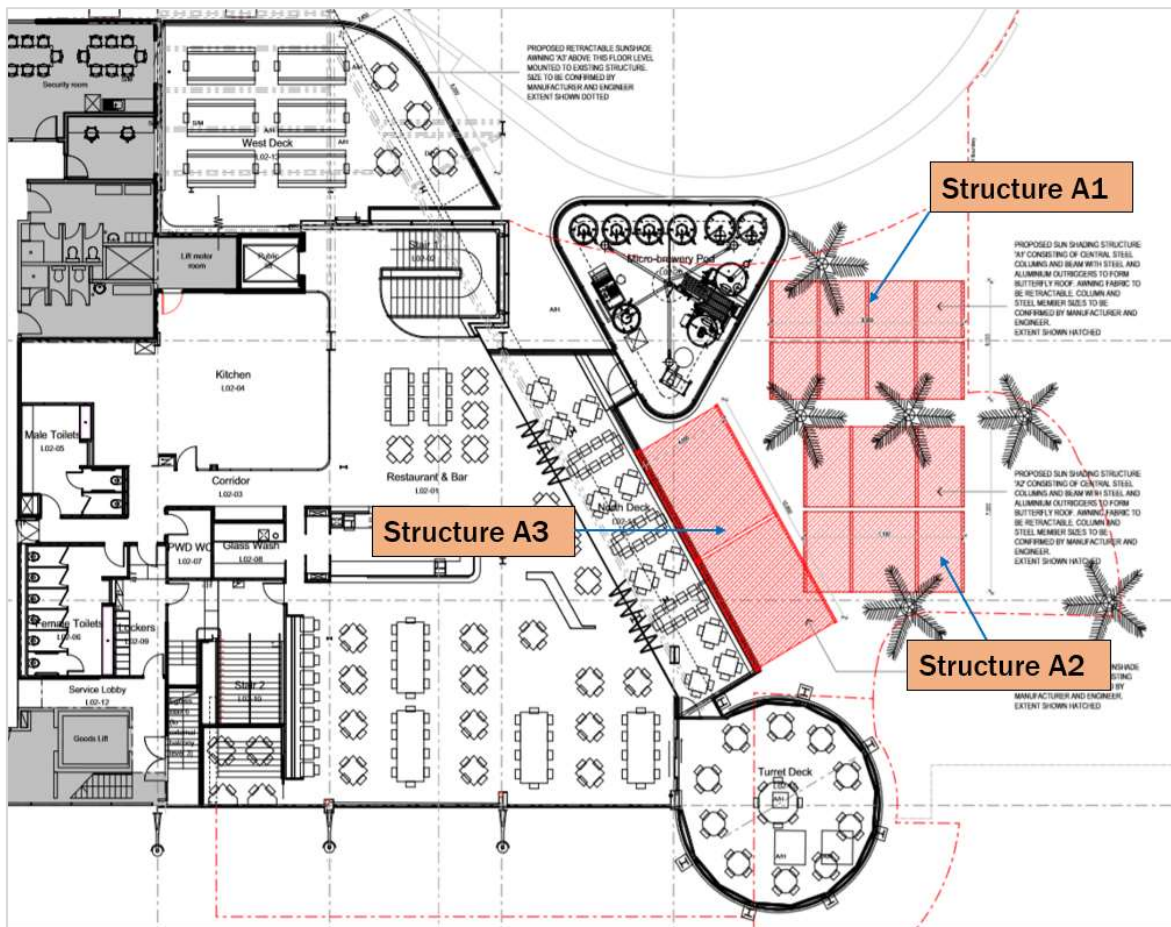


Figure 5: Location of Tenancy 5 OPT building shade structures – ground floor (Source: Greenlight Design)

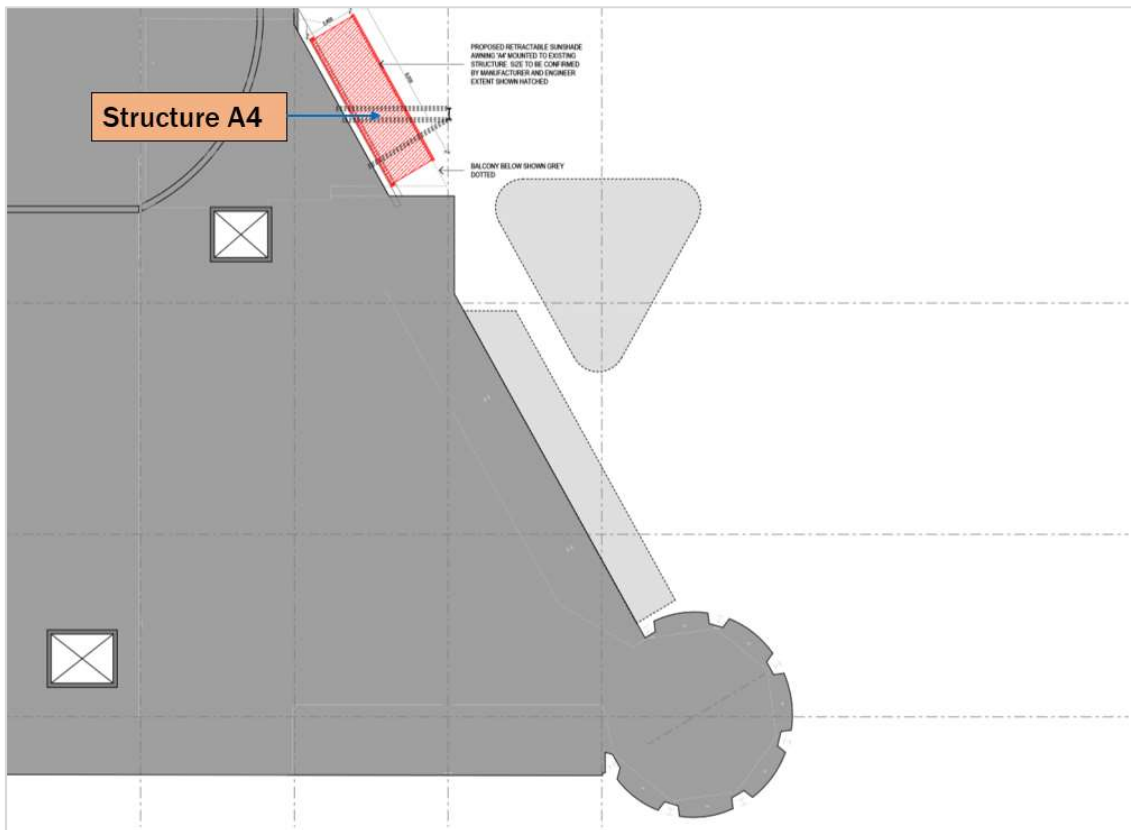


Figure 6: Location of Tenancy 5 OPT building shade structures – first floor (Source: Greenlight Design)

The proposed shade structures are required to provide appropriate amenity and comfort for patrons of the approved restaurant, given its northern aspect. The recent approval and subsequent operation of the restaurant has provided much needed reactivation of this currently underutilised area of the Sydney Harbour foreshore. The proposed shade structures will improve the quality of the restaurant experience and therefore foster the economic and cultural contribution to the surrounding tourist precinct and Sydney as a global city.

The proposed works have been designed to sensitively integrate with the OPT building and to read as minor, low impact structures that will not create visual clutter or lead to impacts on key views including views to and from the Sydney Opera House.

Photomontages of proposed shade structures are provided at Section 7.2.

3.2 Consultation

The EIS has been prepared following detailed consultation with a range of key stakeholders in accordance with the SEARs. The comments provided in response to the consultation have been carefully considered and have informed the design of the proposed development and operation of the proposed use.

A summary of the consultation undertaken is detailed in Table 5 below:

Stakeholder	Consultation Summary
Department of Planning and Environment	Meetings were held with DP&E on 12 December 2017 and 20 February 2018 to discuss the proposal, confirm the approvals process and identify key issues to be addressed as part of the application. In response to the issues raised by DP&E, proposed shade structures A1

Stakeholder	Consultation Summary
	and A2 were reduced in size to avoid them projecting into the view line to the Sydney Opera House from the base of the Customs House Stairs.
City of Sydney Council	Council advised via email on 16 August 2018 that given the nature of the proposal, a formal meeting to discuss the application was not required during preparation of the EIS and that any comments (if necessary) would be provided during the public exhibition period.
Transport for NSW – Sydney Coordination Office	Due to the minor nature of the works involving minor and short-term construction traffic movements (and no ongoing operational traffic impacts), TfNSW was specifically consulted. However, TfNSW will be formally notified of the development once the application is publicly exhibited. Any concerns raised by TfNSW will be considered as part of the Response to Submissions (RtS) report.
NSW Office of Environment and Heritage (Heritage Division)	The NSW Office of Environment and Heritage (Heritage Division) will be formally notified of the development once the application is publicly exhibited. Any concerns raised by the Heritage Division will be considered as part of a RtS report.
Environment Protection Authority	Due to the minor nature of the works with no additional impacts in terms of noise, air quality, contamination assessed as part of the original DA, the Environment Protection Authority (EPA) was not specifically consulted. The EPA will be formally notified of the development once the application is publicly exhibited. Any concerns raised by the EPA will be considered as part of a RtS report.
Roads and Maritime Services	Roads and Maritime (RMS) will be formally notified of the development once the application is publicly exhibited. Any concerns raised by RMS will be considered as part of a RtS report.
Port Authority of New South Wales	Port Authority of NSW, as the land owner, has been closely consulted by the Applicant on the proposal and has provided land owner’s consent to the lodgement of the application.

Table 5: Stakeholder consultation

4 Project justification

4.1 Need for the proposal

The proposal will provide essential patron amenity for the approved landmark restaurant and micro-brewery The Squire's Landing. The restaurant plays a critical role in the activation of the surrounding public domain on the western side of Circular Quay.

4.2 Proposal alternatives

Schedule 2, Part 3 of the EP&A Regulation requires an analysis of any feasible alternatives to the carrying out of the development. The alternatives to the proposal include:

1. Do nothing

The Squire's Landing Restaurant and Brewhouse occupies Tenancy 5 of the OPT building and provides a role in activating the public domain area along the western side of Circular Quay. The 'do nothing' option would result in no weather protection for the outdoor dining area, potentially impacting on the comfort and amenity of restaurant patrons. The 'do nothing' option undermines the ability to make use of the outdoor space that has been approved for external dining (as part of SSD 7683) and therefore provide for activation of this part of the harbour foreshore.

2. Provision of shade structures in other forms

There is the potential to provide shade structures in other forms (such as drop-down blinds or retractable umbrellas). This is considered a sub-optimal outcome for the site and would potentially impact on the views and vistas to the World Heritage listed Sydney Opera House and other surrounding heritage features including Sydney Harbour Bridge. The permanent shade structures proposed as part of this application have been architecturally designed to ensure they are sympathetic to the surrounding location, do not create visual clutter and will not impact on the surrounding heritage sites. Further, the potential for alternate shade structure forms would potentially detract from the architectural quality of the existing OPT building.

5 Strategic Planning Framework

5.1 NSW State Priorities

NSW Making it Happen sets out the NSW Premier's State priorities to grow the economy, deliver infrastructure, and improve health, education and other services across NSW. It includes the State Priorities of:

Encouraging Business Investment: This priority seeks to encourage strong business confidence to enable NSW to attract and grow businesses, creating jobs and prosperity to improve living standards.

The proposed development is consistent with this State Priority as it supports a recently established restaurant in a key Harbour Foreshore location.

Increasing Cultural Participation: This priority sets the specific target of increasing attendance at cultural venues and events in NSW by 15% in 2019. It notes that increasing attendance at cultural venues will have flow-on benefits for job creation, the visitor economy and education.

The proposed development is consistent with this State Priority as it supports a recently established restaurant in a key Harbour Foreshore location.

5.2 Towards our Greater Sydney 2056

Towards our Greater Sydney 2056 was prepared by the Greater Sydney Commission in November 2016 and is a draft amendment to update *A Plan for Growing Sydney*, the former metropolitan plan for Greater Sydney.

The proposal, involving the installation of shade structures, does not detract from the priorities of the TGS 2056.

5.3 Greater Sydney Region Plan

The *Greater Sydney Region Plan* outlines how Greater Sydney will manage growth and change in the context of social, economic and environmental matters. It sets the vision and strategy for Greater Sydney, to be implemented at a local level through District Plans.

The Region Plan replaces *A Plan for Growing Sydney* as the leading region plan for Greater Sydney.

The overriding vision for Greater Sydney in the Region Plan is to rebalance Sydney into a metropolis of three unique but connected cities; an Eastern Harbour City, the Western Parkland City and the Central River City with Greater Parramatta at its heart.

The Region Plan provides broad *Priorities and Actions* which focus on the following 4 key themes:

- *Infrastructure and collaboration*
- *Liveability*
- *Productivity*
- *Sustainability*

The proposed shade structures contribute to the activation of the outdoor dining space into a usable space providing UV protection and thermal comfort. This is consistent with the

strategic justification of the restaurant, which contributes to Sydney's entertainment, cultural and tourist assets, supporting the Harbour CBD's global role.

5.4 Eastern City District Plan

The *Eastern City District Plan* manages growth in the context of economic, social and environmental matters in the Eastern City. It provides the district level framework to implement the goals and directions outlined in the *Greater Sydney Region Plan* for the Eastern City District.

The proposal will contribute to the usability of the restaurant, further activating the public domain area surrounding the OPT building. The further activation of the restaurant contributes to growing a stronger and more competitive Harbour CBD.

5.5 Sustainable Sydney 2030

Sustainable Sydney 2030 is the vision for sustainable development of the City of Sydney to 2030 and beyond. The document outlines the vision for a green, global and connected city. It includes 10 strategic directions to guide the future of the City of Sydney.

The proposal is not inconsistent with the plan's strategic directions. The shade structures further activate the restaurant located at Circular Quay, contributing to the activation of Sydney's entertainment and tourism sector.

5.6 NSW Long Term Transport Master Plan 2012

The NSW Long Term Transport Master Plan 2012 establishes a framework for the Government to deliver an integrated, modern transport system. The Master Plan identifies what challenges the transport system needs to address to help foster economic and social performance in NSW. It provides guidance and actions (reforms, service improvements and investments) to address expected challenges over the next 20-year period.

The Master Plan is not relevant to the proposed development as the shade structures will not result in any traffic or transport issues beyond those assessed under the approved restaurant in SSD 7683.

5.7 Future Transport 2056 Strategy

The Future Transport Strategy 2056 builds on the achievements of the NSW Long Term Transport Master Plan 2012 and acknowledges the vital role transport plays with regards to land use, tourism, and economic development. The Strategy is supported by a suite of plans to achieve a 40-year vision for transport in NSW to cater for the estimated increase in population to 12 million by the year 2056.

The Strategy is not relevant to the proposed development as the shade structures will not result in any traffic or transport issues beyond those assessed under the approved restaurant in SSD 7683.

6 Statutory planning framework

6.1 Environmental Planning and Assessment Act 1979

The EP&A Act aims to promote the orderly and economic use and development of land and to facilitate ecologically sustainable development by integrating relevant economic, environmental and social considerations in decision-making about environmental planning and assessment.

Section 4.15 of the EP&A Act outlines the matters that a consent authority is to take into consideration in determining a development application. The following assessment of the proposal is provided, based on the heads of consideration contained in Section 4.15 of the EP&A Act.

Section 4.15 provisions	Comment
(a) <i>the provisions of:</i>	The relevant environmental planning instruments are addressed at Section 6.3.
(i) <i>any environmental planning instrument, and</i>	
(ii) <i>any proposed instrument that is or has been the subject of public consultation under this Act and that has been notified to the consent authority (unless the Secretary has notified the consent authority that the making of the proposed instrument has been deferred indefinitely or has not been approved), and</i>	The relevant draft environmental planning instruments are addressed at Section 6.3.
(iii) <i>any development control plan, and</i>	Development control plans do not apply to SSD.
(iiia) <i>any planning agreement that has been entered into under section 7.4, or any draft planning agreement that a developer has offered to enter into under section 7.4, and</i>	Not applicable.
(iv) <i>the regulations (to the extent that they prescribe matters for the purposes of this paragraph), and</i>	The EP&A Regulation is addressed at Section 6.2.
(v) <i>(Repealed)</i>	Not applicable.
(b) <i>the likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality,</i>	Environmental impacts of the proposal are discussed at Section 7.
(c) <i>the suitability of the site for the development,</i>	The proposal has been designed to integrate with the design of the existing restaurant and micro-brewery.
(d) <i>any submissions made in accordance with this Act or the regulations,</i>	Any submissions made on this subject development application will be considered and addressed as part of a Response to Submissions Report. In addition, DP&E will consider any public submissions relating to the proposal during its assessment of the application.
(e) <i>the public interest.</i>	The proposal is in the public interest as it will provide comfort and protection for patrons, without adversely impacting the surrounding environment.

Table 6: Section 4.15(1) provisions of the EP&A Act

6.2 Environmental Planning and Assessment Regulation 2000

The EP&A Regulation contains key operational provisions for the NSW planning system. This includes procedures relating to development applications, requirements for environmental assessments, environmental impact assessments, building regulations and other miscellaneous matters.

This EIS has been prepared in accordance with the form and content requirements outlined under Schedule 2, Part 3 of the EP&A Regulation.

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

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

Under section 4(1) of the Regulation, an application may be made to the Minister for a variation of the approved SCRA Scheme to enable development consent to be granted to a proposed development.

A variation to the SCRA Scheme is required as shade structures are not specifically identified as elements that are permitted to exceed the building envelope on Drawing XLV1A-1B of the SCRA Scheme (Building Site Control Plan).

The request to vary the approved SCRA Scheme is included as part of this application at **Appendix B**. In order to comply with section 4(2) of the Regulation, the request describes the variation from the approved SCRA Scheme, sets out the reasons for the variation and addresses the matters referred to in clause 9(2).

DP&E advised in a letter dated 30 January 2019 that it has formed the view it is appropriate to prepare a draft variation to the SCRA Scheme for the proposal at the OPT Building. A copy of the letter received from DP&E is included at **Appendix B**.

Section 6 of the Regulation further requires any proposed variation to be publicly exhibited with the development application to which it relates. The SCRA Scheme variation provided at **Appendix B** will be publicly exhibited and assessed as part of this SSD application.

6.4 Biodiversity Conservation Act 2016

On 15 June 2018, Keylan, on behalf of the Applicant, wrote to DP&E requesting a waiver of the requirement for a “biodiversity development assessment report” under section 7.9(2) of the *Biodiversity Conservation Act 2016* (BC Act).

On 20 June 2018, a waiver was granted under delegation by the Director, Key Sites Assessments, DP&E (Appendix K).

6.5 State Environmental Planning Policies

6.5.1 State Environmental Planning Policy (State and Regional Development) 2011

The SRD SEPP aims to identify development that is SSD, State significant infrastructure (SSI), critical SSI and regionally significant development.

The development is SSD as it meets the relevant criteria under Schedule 2, clause 6 of the SRD SEPP – development in The Rocks that does not comply with the SCRA Scheme.

A SCRA Scheme variation has been prepared concurrently as part of this application to enable development consent to be granted. The SCRA Scheme variation is discussed at Section 6.3.

6.5.2 State Environmental Planning Policy No. 55 – Remediation of Land

State Environmental Planning Policy No. 55 – Remediation of Land (SEPP 55) applies to the State and aims to promote the remediation of contaminated land for the purpose of reducing the risk of harm to human health or any other aspect of the environment by specifying when consent is required, and when it is not required, for a remediation work.

In accordance with SEPP 55, a consent authority must not consent to the carrying out of any development on land unless it has considered whether the land is contaminated and, if the land is contaminated, it is satisfied that the land is suitable in its contaminated state for the purpose for which the development is proposed to be carried out.

Previous contamination investigations carried out as part of SSD 7683 considered the site suitable for the proposed use (restaurant and micro-brewery). EMM Consulting (EMM) has reviewed the previous investigations and conclusions made in relation to SSD 7683 as part of this application (see **Appendix E**). EMM's review states that only minor excavations are required to establish the shade structures and that the previous investigations and conclusions made in relation to approved SSD 7683 remain applicable.

The site is therefore considered suitable for the proposed use (being for shade structures) and in compliance with the requirements of SEPP 55. Contamination is further discussed at Section 7.3 of this report.

6.5.3 State Environmental Planning Policy No. 64 – Advertising and Signage

State Environmental Planning Policy No. 64 – Advertising and Signage applies to all signage that is visible from any public place or public reserve. The SEPP aims to ensure that signage (including advertising) is compatible with the desired amenity and visual character of an area, provides effective communication in suitable locations and is of high quality design and finish.

The proposal does not include the provision of any signage. Therefore, SEPP 64 does not apply.

6.5.4 State Environmental Planning Policy (Infrastructure) 2007

State Environmental Planning Policy (Infrastructure) 2007 aims to facilitate the effective delivery of infrastructure across the State by improving regulatory certainty and efficiency, providing greater flexibility in the location of infrastructure and service facilities, allowing development of surplus government owned land, identifying environmental assessment categories and matters to be considered in assessments, and providing for consultation with relevant public authorities.

Clause 104 requires DAs for certain traffic generating development, as set out in Schedule 3, to be referred to RMS and that any submission from the RMS be considered prior to the determination of the application. The proposed development is not a traffic generating development. Notwithstanding, it is expected that DP&E will formally notify RMS of the development once the application is publicly exhibited. Any concerns raised by RMS will be addressed as part of a RtS report.

6.5.5 Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005

The *Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005* (Harbour SREP) applies to land within the Sydney Harbour Catchment, which includes Circular Quay. The Harbour SREP aims to ensure the catchment, foreshores, waterways and islands of Sydney Harbour are recognised, protected, enhanced and maintained.

The proposal is consistent with the relevant provisions of the Harbour SREP as it:

- will not have an adverse impact on the natural environment, including water quality and scenic qualities of the harbour and its catchment;
- will not impede pedestrian movement along the waterfront promenade or from Circular Quay West to the waterfront promenade or Campbell's Cove;
- will not impede on-going maritime port functions of the OPT;
- will not threaten or diminish the Outstanding Universal Values that enshrine the Sydney Opera House on the World Heritage List (refer Section 7.1)

6.5.6 Draft State Environmental Planning Policy (Remediation of Land)

Draft *Remediation of Land State Environmental Planning Policy* (Remediation SEPP) aims for better management of remediation works by aligning the need for development consent with the scale, complexity and risks associated with the proposed works.

Once adopted, the Draft Remediation SEPP will:

- provide a state-wide planning framework for the remediation of land
- require consent authorities to consider the potential for land to be contaminated when determining development applications
- clearly list the remediation works that require development consent
- introduce certification and operational requirements for remediation works that can be undertaken without development consent.

As discussed in Section 6.5.2, the development will require only minor excavations to establish the shade structures and the development is considered appropriate from a contamination perspective. Contamination is further discussed at Section **Error! Reference source not found.** of this report.

6.5.7 Draft State Environmental Planning Policy (Environment)

The draft Environment SEPP aims to promote the protection and improvement of key environmental assets for their intrinsic value and the social and economic benefits they provide. Once adopted it will consolidate the following existing EPIs:

- *State Environmental Planning Policy No.19 – Bushland in Urban Areas*
- *State Environmental Planning Policy (Sydney Drinking Water Catchment) 2011*
- *State Environmental Planning Policy No.50 – Canal Estate Development*
- *Greater Metropolitan Regional Environmental Plan No.2 – Georges River Catchment*
- *Sydney Regional Environmental Plan No.20 – Hawkesbury-Nepean River (No.2-1997)*
- *Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005*
- *Willandra Lakes Regional Environmental Plan No.1 – World Heritage Property*

The proposed shade structures will not impact on the continued protection and improvement of key environmental assets in proximity to the site.

6.5.8 Sydney Local Environmental Plan 2012

As the land is subject to the SCRA Scheme, the *Sydney Local Environmental Plan 2012* is not a relevant EPI for the site and does not apply to the proposal.

7 Environmental assessment

Key issues associated with the project relate to heritage, built form and design. These issues are assessed at Section 7.1 and Section 7.2 respectively.

Other minor environmental issues relating to contamination, wind, construction noise and construction traffic are addressed in Table 9 at Section 7.3.

7.1 Heritage

There are several heritage listed items that relate directly to the subject site or are in proximity to the OPT. A Heritage Impact Statement (HIS) has been prepared by GML Heritage and forms part of this EIS at **Appendix D**. The relevant heritage items potentially impacted by the development and their significance status are outlined in Table 7.

Heritage Item	Significance	Register(s)
Directly related to the site:		
The Rocks Conservation Area	State	State Heritage Register
Sydney Cove Passenger Terminal	Local	State Heritage Inventory (Listing No. 4560023)
In proximity to the site:		
Sydney Opera House	World	<ul style="list-style-type: none"> World Heritage List National Heritage List (ID 105738) State Heritage Register (Listing No. 01685) Sydney Local Environmental Plan 2012 (Item No. 1064)
Sydney Harbour Bridge, approaches and viaducts (road and rail)	National	<ul style="list-style-type: none"> National Heritage List (ID 105888) State Heritage Register (Listing No. 00781) Sydney Local Environmental Plan 2012 (Item No. 1064) North Sydney Local Environmental Plan 2013 (Item No. I10530)
Campbell's Stores	State	<ul style="list-style-type: none"> State Heritage Register (Listing No. 01536)
ASN Co Building	State	<ul style="list-style-type: none"> State Heritage Register (Listing No. 01526)
Metcalfe Bond Stores	State	<ul style="list-style-type: none"> State Heritage Register (Listing No. 01562)

Table 7: Listed heritage items

The site is also located within the Sydney Opera House Buffer Zone, as identified in the *Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005*.

The listed heritage items in context to the site are shown at Figure 7. The extent of the Sydney Opera House World Heritage buffer zone is shown in Figure 8.

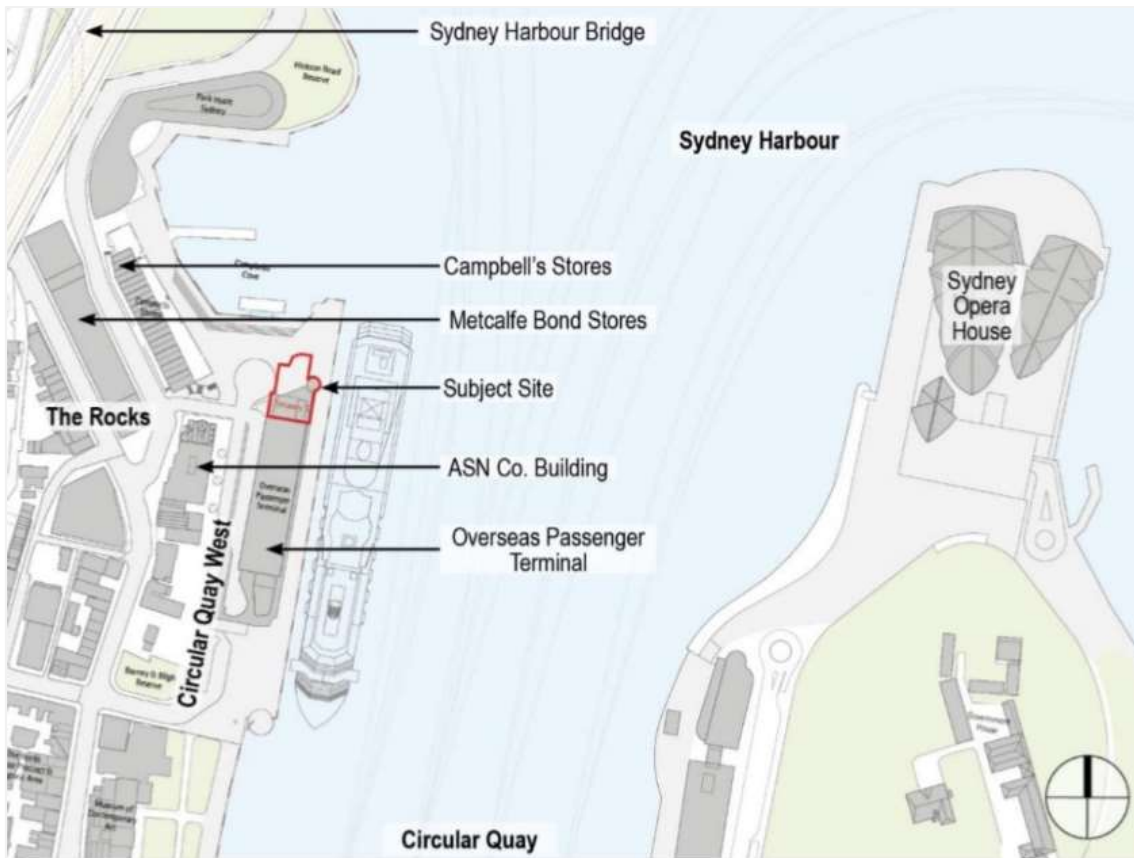


Figure 7: Listed heritage items in the vicinity of the OPT (Source: GML Heritage)

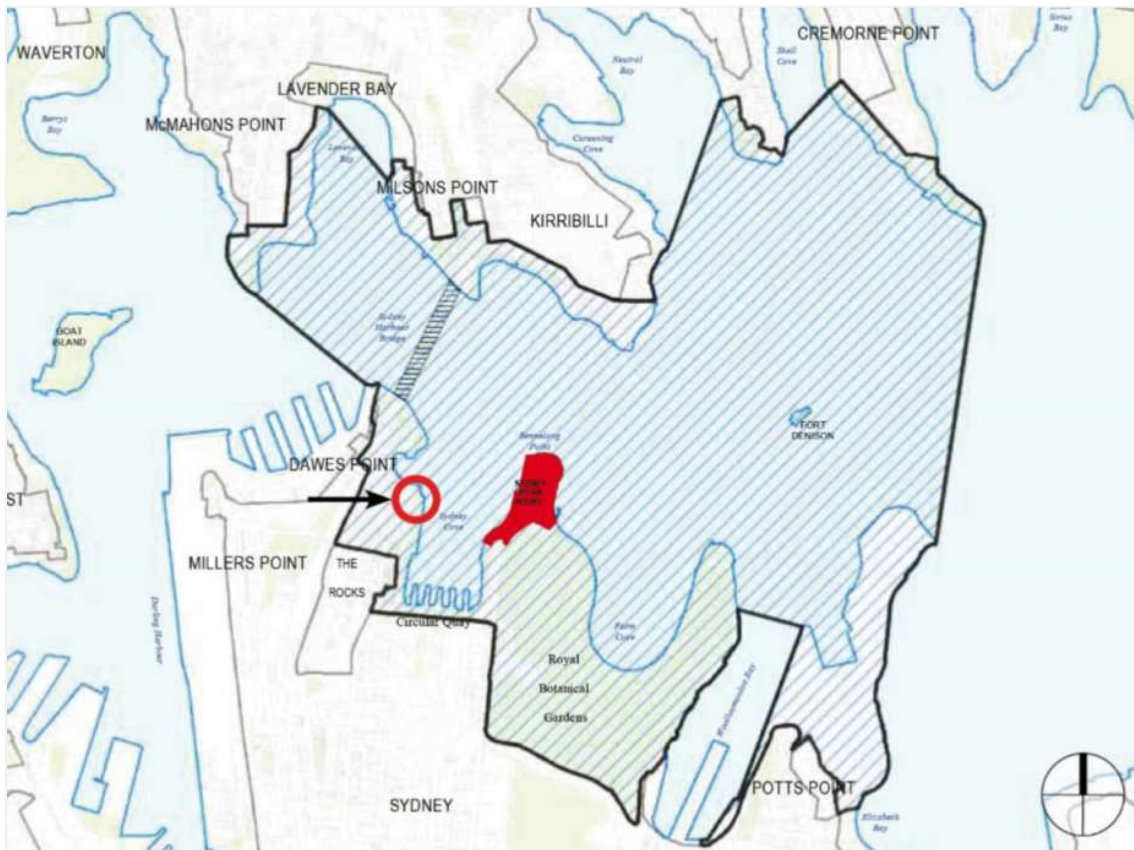


Figure 8: Extent of the Sydney Opera House World Heritage buffer zone (Base source: GML Heritage)

An assessment of impacts on the relevant heritage items is provided at Table 8.

Heritage Item	HIS conclusion (GML Heritage)
Sydney Cove Passenger Terminal	<p><i>The proposed sunshades will have a minor impact on the significance of the OPT. They will partially obstruct views of the north elevation of the building, and sunshades A1 and A2 will be partially visible from the east, as they project farther north beyond the building's existing tower element.</i></p> <p><i>However, this potential impact will be mitigated through the design of the sunshades. The form and materiality of the freestanding sunshading structures (A1 and A2) are sympathetic to the architecture of the OPT.</i></p> <p><i>The retractable awning sunshades A3 and A4 will have a minimal visual impact on view of the OPT due to their narrow horizontal form when open and closed.</i></p>
The Rocks Conservation Area	<p><i>The potential impact of the sunshades on the heritage significance of The Rocks will be minimal due to their small scale and simplicity of form. They will not be visually prominent from vantage points around the harbour, and will no diminish the setting, topography, urban form historic character of The Rocks. The sunshades will not be readily visible from parts of The Rocks beyond Campbell's Cove.</i></p> <p><i>As the proposed sunshades represent change within The Rocks Conservation Area, their potential impact on the visual catchment of The Rocks has been assessed. The Rocks Heritage Management Plan (RHMP) is a non-statutory document which provides guidance for the conservation and management of The Rocks. The relatively small size and simple design qualities of the proposed sunshades will result in a minimal impact on views from areas within the visual catchment of The Rocks. They will be almost indiscernible from harbour vantage points, and will be even harder to see from the north shore.</i></p>
Sydney Opera House	<p><i>The subject site is located outside the National and World Heritage boundary of the Sydney Opera House, but is within the World Heritage buffer zone for the site.</i></p> <p><i>The proposed sunshades will not significantly alter or impact the views and vistas to and from the Sydney Opera House. It is our view that the proposal would not be considered a controlled action under the EPBC Act and would not</i></p>

Heritage Item	HIS conclusion (GML Heritage)
	<i>require referral as such to the Federal Minister for the Environment.</i>
Sydney Harbour Bridge, approaches and viaducts (road and rail)	<i>The modest scale of the proposed sunshades and their distance from the Sydney Harbour Bridge will result in minimal impact on the setting of the bridge. Due to its height and elevated position, views of the Sydney Harbour Bridge will only be impacted from Tenancy 5, and will remain unaffected from spaces in public realm surrounding Circular Quay and the SOH. The proposed sunshading structures will not alter significant views from the bridge due to their low scale and location.</i>
Campbell's Stores	<i>Due to their location, the proposed sunshades will not interrupt the relationship between Campbell's Stores, they are sufficiently distant from the Stores building to have minimal impact on the setting of the building. Any potential impacts will be mitigated through the architectural character of sunshades A1 and A2, which reference the form and character of the OPT.</i>
ASN Co Building	<i>The wide distance between the proposed sunshades and the ASN Co Building, plus the physical separation provided by the raised roadway, mean that the sunshades will have a minor effect on the setting of the ASN Co Building. The sunshades will not impact views of the building from the harbour or from the Sydney Opera House, and the building will retain its landmark status.</i>
Metcalf Bond Stores	<i>The modest scale of the proposed sunshades and their distance from the Metcalfe Bond Stores will result in minimal impact on the setting of this building. Due to its height and elevated position, views of Metcalfe Bond Stores from Sydney Harbour and from the SOH will not be impacted.</i>

Table 8: Heritage impact assessment

In summary, the HIS concludes that the sunshading structures and awnings will have minimal impact on the OPT by partially obstructing views of the building from the north. However, views of the overall form of the building and its tower – and their landmark qualities – will remain intact. Potential impacts will be mitigated through the design of the sunshades through reference to the architecture of the OPT and will visually harmonise with the larger building. They are modest in scale and will not visually dominate the OPT building.

Regarding potential archaeological impacts, the HIS concludes that the footings for sunshades A1 and A2 are in an area that has been assessed as having low archaeological potential and are unlikely to impact significant archaeological remains. If archaeological remains are present, they will likely be twentieth-century wharves and/or seawalls.

The HIS provided the following recommendations to minimise the heritage impact of the proposed development:

- the structure of the proposed sunshades should be finished to match the structure of the OPT in colour;
- the shade fabric should be visually recessive and not contain any logos, text or advertisements;
- all materials and finishes should be selected for durability in a harbourside environment; and
- should any archaeological features be uncovered, such as seawalls or in situ wharves, works should stop immediately and a qualified archaeologist should be contacted to appropriately record any features before removal.

7.2 Built form and design

The built form of the shade structures will be designed to sensitively integrate with the OPT building and to read as lightweight, low impact structures. They will not create visual clutter that arises from the use of alternative solar shade structures (such as umbrellas) and will not impact on key views, including to and from the Sydney Opera House. As previously noted, following pre-lodgement consultation with DP&E, the size of structures A1 and A2 were reduced to not project into the view line of the Sydney Opera House from the base of the Customs House Stairs.

The two freestanding shade structures (A1 and A2) located in the Tenancy 5 forecourt will be steel framed with retractable shading fabric, resulting in a butterfly roof form. The retractable sunshades (A3 and A4) will be fixed to a vertical surface – A3 to the edge of the level 1 deck and A4 to the level 2 building structure. When open, each awning will cantilever from the support surface without columns.

Figure 9 and Figure 10 show the existing view toward the Sydney Opera House (looking east) with and without proposed shade structures A1 and A2, respectively.



Figure 9: Existing view (looking east) to the Sydney Opera House without the proposed shade structures (Source: Greenlight Design)



Figure 10: View (looking east) to the Sydney Opera House with the proposed shade structures (Source: Greenlight Design)

Figure 11 and Figure 12 show the existing view (looking south) with and without proposed shade structures A1 and A2, respectively.



Figure 11: Existing view (looking south) without the proposed shade structures (Source: Greenlight Design)



Figure 12: View (looking south) with the proposed shade structures (Source: Greenlight Design)

As shown in Figure 10 and Figure 12, the built form and design of the shade structures will integrate with the existing built form of the OPT building. The shade structures have been architecturally designed to ensure they are sympathetic to the surrounding location and will not impact on the surrounding heritage sites including views to and from the Sydney Opera House. This is further supported in the HIS provided at **Appendix D**.

7.3 Other issues

Other issues associated with the development relate to contamination, wind, construction noise and construction traffic. These issues are addressed at Table 9.

Environmental impact	Consideration
Contamination	<ul style="list-style-type: none"> • A Preliminary Contamination Investigation was previously undertaken by EMM as part of SSD 7683. The previous investigation found there to be a range of potential contaminants at the site. As only be minor excavations were proposed, the site was considered suitable for the proposed development and in compliance with the requirements of SEPP 55. • Potential contamination impacts have been further considered by EMM (see Appendix E) as part of this application. EMM's review notes that only minor excavations are required to establish the shade structures (A1 and A2) and that the previous investigations and conclusions made in relation to approved SSD 7683 remain applicable. • The site is considered suitable for the proposed use (shade structures) and complies with the requirements of SEPP 55.
Wind	<ul style="list-style-type: none"> • Wind impacts at the site were previously assessed by Cermak Peterka Petersen (CPP) as part of SSD 7683. The assessment determined that the wind conditions around the site would not be significantly affected by the development and that the wind conditions around the site would be similar to existing conditions. • Only minor architectural amendments are proposed to the previously assessed development including the installation of four horizontal shade structures. • Local wind conditions have been further assessed by ARUP (see Appendix F). ARUP's assessment concludes there will be a negligible impact on local wind conditions as a result of the proposed horizontal structures.
Construction noise	<ul style="list-style-type: none"> • An acoustic assessment was previously undertaken by EMM as part of SSD 7683. The previous assessment considered the requirements of the <i>Interim Construction Noise Guideline</i> (ICNG) (DECCW, 2009). • The acoustic assessment assumed minor excavations would be carried out in the area surrounding the OPT building as part of SSD 7683 including for shade structures for the outdoor seating areas. The assessment predicted the construction noise levels would satisfy the ICNG criteria at all residential assessment locations, with only minor exceedances at some commercial assessment locations. • Noise monitoring was carried out during the period of construction for SSD 7683. No complaints were received during the construction period. • Construction noise impacts have been further considered by EMM (see Appendix G) as part of this application. EMM's review concludes that the noise generated from works associated with the construction of the shade structures (including minor excavations for the structure footings) would be no greater than the works assessed in the previous acoustic assessment. • Further, the shade structures are not expected to increase operation noise of the site.
Construction traffic	<ul style="list-style-type: none"> • A Traffic Management Plan has been prepared by Xenia Constructions which outlines traffic management responsibilities during construction of the project (see Appendix H).

	<ul style="list-style-type: none"> • The site is bound by Circular Quay West / Service Road and Public Footpaths to all other sides. The Service Road is elevated above Circular Quay West and provides access to Level 1 of the site. • An average of 3 to 4 vehicles per day (of different vehicle class/type) will service the site during construction. • Circular Quay West will be the primary source of access/egress and will provide access to the Tenancy 5 forecourt. • Construction works will be scheduled to ensure minimal impact to Port Authority NSW operations and where possible, works will be scheduled on non-ship days. • Works are scheduled to commence following completion of the Campbell Cove development to ensure cumulative construction traffic impacts are minimised. • Traffic Control will be engaged to manage all vehicle types. Further, a Traffic Control Plan will be implemented during the works.
Ecological sustainable development	<ul style="list-style-type: none"> • A variety of sustainability measures were devised as part of SSD 7683 to ensure Tenancy 5 is developed and operated in a sustainable manner, the key sustainable initiatives include increased natural light, operable windows to facilitate cross-ventilation and the use of recyclable materials. • The proposed shade structures will not detract from the ESD principles incorporated as part of the original restaurant approval.
Crime Prevention through Environmental Design	<ul style="list-style-type: none"> • The SEARs require the EIS to address the development's impacts in terms of safety and security including consideration of Crime Prevention through Environmental Design. • The restaurant approved as part of SSD 7683 incorporated CPTED principles of surveillance, access control, territorial reinforcement and space management. The proposed development involving the erection of shade structures will not impact on safety and security and will not detract from the CPTED principles implemented as part of the original restaurant approval.

Table 9: Other environmental issues

8 Conclusion

This EIS addresses the matters outlined in the SEARs issued by DP&E on 4 June 2018 and has been prepared in accordance with the requirements of Schedule 2 of the EP&A Regulation.

The proposed works are minor in nature and will complement the SSD approval (SSD 6734) for the use of Tenancy 5 of the OPT as a restaurant by improving patron comfort and the usability of the outdoor dining area. The works will improve the quality of the restaurant experience and therefore provides an economic and cultural contribution to the surrounding tourist precinct.

The proposed works have been designed to sensitively integrate with the OPT building and will not impact on key views, including to and from the World Heritage listed Sydney Opera House. The proposed development is considered appropriate for the site and is in the public interest. It is therefore requested the application be granted approval.

Appendix A

Secretary's Environmental Assessment Requirements

Appendix B

SCRA Scheme Variation

Appendix C

Architectural Design Drawings

Appendix D

Heritage Impact Statement

Appendix E

Contamination Preliminary Investigation

Appendix F

Wind Report

Appendix G

Traffic Management Plan

Appendix H

Construction Environmental Management Plan

Appendix I

Traffic Management Plan

Appendix J

Capital Investment Value