



NSW GOVERNMENT  
**Department of Planning**

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Our ref: MP 09\_0122  
File: S09/01121

Greg McTaggart  
Sydney Opera House Trust  
GPO Box 4274  
SYDNEY NSW 2001

Dear Mr McTaggart

**SYDNEY OPERA HOUSE, STATE SIGNIFICANT DEVELOPMENT PROJECT, DIRECTOR GENERAL'S REQUIREMENTS**

Thank you for your request, dated 11 June 2009, requesting confirmation that your proposal is a Major Project to which Part 3A of the *Environmental Planning and Assessment Act 1979* (the EP&A Act) applies.

I have attached a copy of the Director General's Requirements (DGR's) for the Environmental Assessment of the stormwater drain diversion proposal, which have been prepared from the information provided within your preliminary application and in consultation with relevant Government agencies.

Under section 75F(3) of the EP&A Act, the Director General may alter or supplement these requirements if necessary and in light of any additional information that may be provided prior to the proponent seeking approval for the project.

Prior to exhibiting the Environmental Assessment, the Department will review the document to determine if it adequately addresses the DGR's. If the Director General considers that the Environmental Assessment does not adequately address the DGR's, the Director General may require the proponent to revise the Environmental Assessment to address the matters notified to the proponent.

Following this review period the Environmental Assessment will be made publicly available for a minimum period of 30 days. Please contact the Department at least 2 weeks before you propose to submit the Environmental Assessment to determine the fees applicable.

If you have any enquiries about these requirements, please contact Ellie Caldwell on 9228 6410 or via e-mail at [ellie.caldwell@planning.nsw.gov.au](mailto:ellie.caldwell@planning.nsw.gov.au).

Yours sincerely,

David Kitto  
**A/Executive Director**  
**(as delegate for the Director General)**

## Director-General's Environmental Assessment Requirements

Section 75F of the *Environmental Planning and Assessment Act 1979*

Application No.	MP 09_0122
Project	Bennelong Stormwater Drain Diversion
Location	Lot 5 DP 775888 & Lot 4 DP 787933, 2 Circular Quay and Macquarie Street, Bennelong Point (The Sydney Opera House)
Proponent	Sydney Opera House Trust
Date issued	24 July 2009
Expiry date	Two (2) years from the date of issue
General requirements	<p>The Environmental Assessment (EA) for the Project Application must include:</p> <ol style="list-style-type: none"> <li>An executive summary;</li> <li>A detailed description of the project, including:- <ol style="list-style-type: none"> <li>Any development options;</li> <li>Justification for the project taking into consideration any environmental impacts of the project, the suitability of the site and whether the project is in the public interest;</li> <li>Outline of the implementation of the project; and</li> <li>Details of the maintenance and management procedures that will be put in place once the new drain is completed and in operation.</li> </ol> </li> <li>A thorough site analysis and description of existing environment;</li> <li>Consideration of all relevant statutory and non-statutory provisions, in particular relevant provisions arising from environmental planning instruments, Draft Regional Strategies and Development Control Plans (including justification for any non-compliances) as well as impacts, if any, on matters of national environmental significance under the Commonwealth <i>Environment Protection and Biodiversity Conservation Act 1999</i>;</li> <li>Where applicable, demonstrate compliance with the BCA and relevant Australian Standards;</li> <li>Details of the environmental protection measures (including air, noise, water and waste disposal matters) to be adopted during the works and a draft Statement of Commitments, outlining environmental management, mitigation and monitoring measures to be implemented to minimise any potential impacts of the project;</li> <li>An assessment of the key issues specified below and a table outlining how these key issues have been addressed;</li> <li>A Quantity Surveyor's Certificate of Cost to verify the capital investment value of the project (in accordance with the definition contained in the Major Development SEPP);</li> <li>A signed statement from the author of the EA certifying that the information contained in the report is neither false nor misleading;</li> <li>A conclusion justifying the project, taking into consideration the environmental impacts of the proposal, the suitability of the site, and whether or not the project is in the public interest; and</li> <li>The plans and documents as outlined overleaf.</li> </ol>

<p><b>Key issues</b></p>	<p>The EA must address the following key issues:</p> <p><b>1. Statutory and Other Requirements</b></p> <p>All relevant legislation and planning provisions applying to the site; including permissibility and the provisions of all plans and policies including:</p> <ul style="list-style-type: none"> <li>• Objects of the <i>Environmental Planning and Assessment Act 1979</i>;</li> <li>• State Environmental Planning Policy No. 55 – Remediation of Land;</li> <li>• Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005;</li> <li>• Sydney Local Environmental Plan 2005;</li> <li>• Management Plan for the Sydney Opera House 2005; and</li> <li>• Nature and extent of any non-compliance with relevant environmental planning instruments, plans and guidelines and justification for any non-compliance.</li> </ul> <p><b>2. Heritage and Archaeology</b></p> <p>The EA must include a detailed Heritage Impact Statement prepared by a suitably qualified person which addresses the Conservation Management Plan prepared by J.S. Kerr as well as other matters including, but not limited to:</p> <ol style="list-style-type: none"> <li>a) Details of the proposed stormwater diversion and assessment of the visual and physical impact of the proposed works on the heritage significance of the Bennelong stormwater channel, drain, seawall and Sydney Opera House;</li> <li>b) The measures undertaken to minimise and mitigate potential heritage impacts.</li> <li>c) An assessment of the likely impacts of the proposal on Aboriginal cultural heritage values and the protection measures to be adopted during the works;</li> <li>d) An assessment of how much of existing drain fabric is to be demolished or removed, level of significance and physical condition;</li> <li>e) Justification for the removal of any intrusive fabric and consideration for reuse. If historic fabric is to be demolished or removed a storage disposal strategy is required outlining preferred options and possible alternatives for the use of historic fabric;</li> <li>f) Demonstration (if applicable) of adherence to the principles, processes and practices of the Burra Charter (Australia ICOMOS);</li> <li>g) Demonstration (if applicable) of consideration of advice contained in <i>Statements of Heritage Impact</i> published by the Heritage Office; and</li> <li>h) Demonstration of compliance with Sydney Opera House Conservation Plan dated 23 June 2003.</li> </ol> <p>The EA must also include an Archaeological Assessment prepared by a suitably qualified person in accordance with Heritage Council Guidelines and should make reference to previous archaeological studies including those completed by Wendy Thorp.</p> <p><b>3. Hydrological Analysis and Infrastructure</b></p> <p>The EA must include a detailed Hydrological Analysis prepared by a suitably qualified person addressing matters including:</p> <ol style="list-style-type: none"> <li>a) An outline of the existing capacity and requirements of the stormwater network and changes arising as result of the new drainage network;</li> <li>b) Detailed design specifications for the proposed drainage design, existing drainage infrastructure being utilised and proposed connections is to be provided;</li> <li>c) Stormwater discharges, including any stormwater collection and detention system to</li> </ol>
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	<p>manage stormwater runoff.</p> <p>d) Details on the seawall outlet are to be provided.</p> <p><b>4. Water Quality and Aquatic Habitat</b>  The EA must include a detailed assessment of the water quality impacts associated with the development. This must include:</p> <p>a) A detailed assessment of altered water quality and erosion &amp; sedimentation effects from stormwater discharges on the aquatic habitat and fauna of Farm Cove;</p> <p>b) Address measures proposed to mitigate potential impacts on seagrass, algal, rocky reef, and seawall communities existing within Farm Cove.</p> <p><b>5. Geotechnical</b>  The EA must include a detailed geotechnical report assessing the suitability of the site for its proposed use, suitability of geotechnical and groundwater conditions for the proposed development, site stability, erosion hazard, proposed earthworks and retention methods.</p> <p><b>6. Demolition and Excavation</b>  The EA must include a detailed analysis of the proposed demolition and excavation works prepared by a suitably qualified person which includes:</p> <p>a) An assessment of the potential for contaminated materials;</p> <p>b) An assessment of the potential noise and vibration impacts during construction; and</p> <p>c) A Waste Management Plan for correct disposal of materials.</p> <p><b>7. Structural Engineers Report</b>  A Structural Engineers Report must be submitted on the likely impacts of the proposed stormwater diversion on the structural integrity of the Sydney Opera House and confirming the viability of the proposed drainage system.</p> <p><b>8. Safe Work Method Statement</b>  A Safe Work Method Statement must be submitted, explaining the delivery and installation of the proposed drainage infrastructure while ensuring protection of the surrounding heritage fabric.</p>
<b>Consultation</b>	Undertake an appropriate and justified level of consultation in accordance with the Department's <i>Major Project Community Consultation Guidelines October 2007</i> including relevant government agencies.
<b>Deemed refusal period</b>	60 days.

## Plans and Documents to accompany the Application

<b>Plans and Documents of the development</b>	<p>The following plans, architectural drawings and diagrams of your proposal as well as the relevant documents will be required to be submitted for the Project Application:</p> <ol style="list-style-type: none"> <li>1. The EA in accordance with the Director-General's Requirements as outlined in Attachment 1.</li> <li>2. The Architectural Drawings are to be drawn to scale and illustrate the following general features: <ul style="list-style-type: none"> <li>• Details of the proposed development relative to existing development, including plans, elevations, sections, perspectives, photomontages;</li> <li>• Communal facilities and servicing points;</li> <li>• Significant level changes; and</li> <li>• Pedestrian access to, through and within the site.</li> </ul> </li> </ol>
<b>Specialist advice</b>	<p>Specialist advice, where required to support your EA, must be prepared by suitably qualified and practising consultants.</p>
<b>Documents to be submitted</b>	<ul style="list-style-type: none"> <li>• 1 copy of the EA, plans and documentation for the Test of Adequacy;</li> <li>• 12 hard copies of the EA (once the EA has been determined as adequate);</li> <li>• 12 sets of architectural plans to scale, including one set at A3 size (to scale); and</li> <li>• 1 copy of the EA and plans on CD-ROM (PDF format), not exceeding 5Mb in size.</li> </ul>
<b>Electronic Documents</b>	<p>Electronic documents presented to the NSW Department of Planning for publication via the Internet must satisfy the following criteria:-</p> <ul style="list-style-type: none"> <li>• Adobe Acrobat PDF files and Microsoft Word documents must be no bigger than 1.5MB. Files greater than 1.5MB will need to be broken down and supplied as different files.</li> <li>• File names will need to be logical so that the Department can publish them in the correct order. Avoid sending documents that are broken down in more than 10 files.</li> <li>• Image files should not be bigger than 2MB. The file names will need to be clear and logical so the Department can publish them in the correct order.</li> <li>• Graphic images will need to be provided as [.gif] files.</li> <li>• Photographic images should be provided as [.jpg] files.</li> <li>• Large maps will need to be presented as individual files and will need to be calibrated to be no more than 2MB each.</li> <li>• Images inserted into the document will need to be calibrated to produce files smaller than 1.5MB. Large images will need to be presented as individual files and will need to be calibrated to be no more than 2MB each. The file names will need to be clear and logical so the Department can publish them in the correct order.</li> </ul> <p>Alternatively, these electronic documents may be placed on your own web site with a link to the Department of Planning's website.</p>