



DOC19/1054115

3 December 2019

Mr Karl Fetterplace  
Key Sites and Industry  
Department of Planning, Industry and Environment  
GPO Box 39,  
Sydney NSW 2001

Dear Mr Fetterplace

**Opera House Lower Concourse Minor Works and Uses (SSD 9794)  
Advice on the Environmental Impact Statement (EIS)**

I am writing to you in reply to the invitation to the Environment Protection Authority (EPA) to provide advice on the Environmental Impact Statement (EIS), including recommendations for Conditions of Consent, for the above proposal.

The EPA understands that the proposal involves the extension and realignment of an existing glass line to enclose an underutilised area between the main bar and the Meat and Cheese Room (part of the Opera Bar); replacement of existing umbrellas on the Lower Concourse with new shade structures; refurbishment of an existing back-of-house area to create a new office and cool room for the Opera Bar; and consolidation of existing uses of the Lower Concourse with a single consent.

The EPA has reviewed the EIS provided by the Department of Planning, Industry and Environment (DPIE). It is noted that the EPA is the Appropriate Regulatory Authority (ARA) for some limited functions for outdoor entertainment activities undertaken at the Opera House, under clause 90 of the *Protection of the Environment Operations (General) Regulation 2009*, but not for normal activities undertaken on the lower forecourt.

While the works themselves are minor, the proposal does involve consolidating the existing lower concourse uses into a single consent. As such, the consent needs to include all the relevant environmental controls. Therefore, the following advice is provided regarding noise and vibration, based on a review of *Operational and Construction Noise Impact Assessment (NIA)*, Rev 4, dated 05.08.19 prepared by ARUP:

- Appendix A to the NIA refers to unattended noise measurements being undertaken at four locations, however results for only two locations are presented. The applicant should confirm the extent and nature of background noise monitoring undertaken, or relied upon, for the proposal.
- The planning approval should include noise limits for mechanical plant and equipment derived from the provisions in the *Noise Policy for Industry (NPfI)* (EPA, 2017). The NIA has not established project noise trigger levels (PNTLs) in accordance with the NPfI for mechanical plant and equipment. The NIA should be amended to include the PNTLs together with an evaluation of whether the PNTLs could be satisfied and included as limits in a consent.
- Existing restrictions on the operation of the Harbour Bar and Opera Kitchen in existing consents and Liquor and Gaming NSW liquor licences in terms of hours of operation, restriction on live

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and amplified music, and noise limits should be considered for inclusion in the consolidated consent.

- The EPA recommends that any consent include a requirement for both a Construction and Operational Noise Management Plan to ensure that noise emissions from both construction and operation are effectively managed. The operational noise management plan should include a requirement for all amplified music equipment (including the proposed diffuse speaker array system to be erected with the new shade sails) be designed, constructed and operated to satisfy the normal requirements of Liquor and Gaming NSW and that Liquor and Gaming NSW be consulted.

In addition to the above, the EPA also advised that consent conditions should ensure that the development complies with standard requirements regarding waste management, water management (preventing run-off and subsequent pollution of waters) and appropriate site management to minimise air quality impacts, particularly dust.

Should you require clarification of any of the above please contact Anna Timbrell on 9274 6345 or email [anna.timbrell@epa.nsw.gov.au](mailto:anna.timbrell@epa.nsw.gov.au)

Yours sincerely



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