



28 August 2019

Mr David McNamara
Director
Key Sites Assessment
NSW Department of Planning & Environment
GPO Box 39
SYDNEY NSW 2001

Attention: Karl Fetterplace

Dear Mr McNamara

RE: Response to City of Sydney Response to the Sydney Opera House (SOH) Response to Submissions for the SOH Building Renewal Program – Concert Hall Upgrade and new Creative Learning Centre (SSD 8663)

The SOH is pleased to make a further submission in regards to its request for exemption from payment of Development Contributions under the Central Sydney Development Contributions Plan 2013.

The SOH has considered the Council's letter to the Department, along with the Council's Administrative Guideline for Exemptions in the Central Sydney Development Contributions Plan 2013 (CSDCP).

The SOH considers that its request for exemption is justified for the following reasons:

- The Opera House is operated and maintained on behalf of the NSW Government and the people of NSW by the SOH Trust. It is a non-for-profit entity, which relies on government grants, donations, corporate sponsorship and self-generated revenue to maintain the precinct and provide cultural experiences, performances and events for the local and international communities. The current use of the site and the proposed improvements are of an inherently public nature, providing cultural, educational, and economic benefits to the community. Service to the community is intrinsic in the SOH's operations, and our published strategy includes in its mission statement "to inspire, and strengthen the community, in everything we do."
- The Guideline notes that an exemption for Not-for-profit development is available for a range of development types, which includes inter alia, community facilities. Neither the Guideline nor the CSDCP, provide a definition for the term community facilities. As noted above, the SOH's activities are inherently for the benefit of the community. It is also worth noting that the City of Sydney (CoS) on its own website, describes Community Facilities (<https://www.cityofsydney.nsw.gov.au/explore/facilities>) as including venues for hire such as rooms, halls and auditoriums that are suitable for either community meetings, conferences, functions or weddings. The SOH provides such a range of venues, that cater for a wide range of events. The Concert Hall, which is a significant part of the proposed SSD8663, is particularly important in this respect and is commonly used for community events such as school performances and speeches (e.g. Granville Schools Spectacular, Festival of Choral Music from the NSW Arts Unit, Ryde Schools Music Festival, Kambala Music Festival and



Cheltenham Girls High Speech Day), memorial services (e.g. for R/L Hawke AC, Sir Lawrence Street and the annual Wesley LifeForce Suicide Memorial), and cultural events (e.g. Australian Youth Classical Music Festival, Beijing Golden Sail Concert and the Festival of Choral Music). A majority of these events are provided at subsidised rates. In addition, the northern foyers of the Concert Hall are also available for occasional use by the community for smaller gatherings including memorial and religious services as well as pre and post event talks and briefings. The proposed accessibility upgrades which are the subject of SSD8663 will open these areas up to more of the community, providing independent wheelchair access for the first time in the Opera House's history.

- With the introduction of the Creative Learning Centre, the Opera House will have a dedicated space for children and young people to experiment and learn in a building that embodies creativity and innovation. The Creative Learning Centre will be a flexible space hosting workshops, creative-play activities, talks and performances, and will also include a separate space for a permanent digital classroom. At the Creative Learning Centre, students will learn to collaborate in ways that foster creativity, problem-solving and innovative-thinking. The Children, Families and Creative Learning program at the Sydney Opera House are provided on a not-for-profit basis, with many programs offered free of charge, or at a cost-recovery basis only.

In addition to exemptions, the CSDCP also provides for a development proponent to offer a "material public benefit" that may settle the payment of the levy. The CSDCP defines such material public benefit as: *Means settlement or part settlement of the Levy through the provision of public amenities or services which are not works listed in Appendix B of this Plan. In assessing the value of any offer by an applicant to provide a material public benefit, the City will not take into consideration the cost or value of works or dedication of land which can be or are to be required as a condition of consent. This may include, but is not limited to:*

- *the provision of public art; or*
- *public domain improvements to all frontages of the site (eg. footpath upgrade, provision of smart poles, planting of street trees, removal of redundant driveways and reinstatement of kerb and gutters etc); or*
- *minor land dedications (e.g. splay corners and land excess to the development); or*
- *land dedications and embellishments required by the planning controls; or*
- *the provision of through site links and associated easements.*

The SOH considers that the following works offer a material public benefit that would comply with this definition:

- The proposed Creative Learning Centre (to be built at an estimated cost of \$5.4m), will provide a new permanent home for the SOH's Children, Families and Creative Learning Program.
- Public domain improvements including the Site Entry Project and Under the Steps (being undertaken as exempt development) that are valued at \$15.6m.

The SOH considers that an exemption from the development contributions levy is warranted.



If you require any further information, please do not hesitate to contact Peter Doyle, Project Manager, at the Sydney Opera House on (02) 9250 7383 or at pdoyle@sydneyoperahouse.com.

Yours sincerely

A handwritten signature in black ink, consisting of a large, stylized 'I' followed by a cursive 'C' and a horizontal line.

Ian Cashen
Executive Director, Building, Safety & Security