



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

Our ref: SSD 7431

Dear Mr McTaggart

**SEARs for Amendments to the Lower Concourse Restaurant Area, Sydney Opera House
(SSD 7431)**

Please find attached a copy of the Secretary's environmental assessment requirements (SEARs) for the preparation of an Environmental Impact Statement (EIS) for the Lower Concourse Shade Cover Improvements, Sydney Opera House. These requirements have been prepared in consultation with relevant public authorities based on the information you have provided to date. I have also attached a copy of the public authorities' comments for your information. Please note that the Secretary may alter these requirements at any time.

If you do not lodge a development application (DA) and EIS for the development within 2 years, you must consult further with the Secretary in relation to the preparation of the EIS.

Prior to exhibiting the EIS, the Department of Planning and Environment (the Department) will review the document in consultation with relevant authorities to determine if it addresses the requirements in Schedule 2 of the *Environmental Planning and Assessment Regulation 2000*. You will be required to submit an amended EIS if it does not adequately address the requirements.

The Department wishes to emphasise the importance of effective and genuine community consultation where a comprehensive, detailed and genuine community consultation engagement process must be undertaken during the preparation of the EIS. This process must ensure that the community is provided with a good understanding of what is proposed, description of any potential impacts and they are actively engaged in issues of concern to them.

Please contact the Department at least two weeks before you propose to submit your DA and EIS. This will enable the Department to:

- confirm the applicable fee (see Division 1AA, Part 15 of the *Environmental Planning and Assessment Regulation 2000*); and
- determine the number of copies (hard-copy and CD/DVD) of the DA and EIS that will be required for reviewing purposes.

If your development is likely to have a significant impact on matters of National Environmental Significance, it will require an approval under the Commonwealth *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act). This approval would be in addition to any

approvals required under NSW legislation and it is your responsibility to contact the Commonwealth Department of the Environment to determine if an approval under the EPBC Act is required (<http://www.environment.gov.au> or 6274 1111).

If you have any questions, please contact Mr Ashley Cheong, who can be contacted on (02) 9228 2052 or via email at ashley.cheong@planning.nsw.gov.au

Yours sincerely

Ben Lusher
Director
Key Sites Assessments
as delegate for the Secretary

Secretary's Environmental Assessment Requirements

Schedule 2 of the Environmental Planning and Assessment Regulation 2000
Section 78A(8A) of the *Environmental Planning and Assessment Act 1979*

Application Number	SSD 7431
Proposal Name	Amendments to the Lower Concourse Restaurant Area
Location	Sydney Opera House, Bennelong Point
Applicant	Sydney Opera House Trust
Date of Issue	18 December 2015
General Requirements	<p>The Environmental Impact Statement (EIS) must address the <i>Environmental Planning and Assessment Act 1979</i> and meet the minimum form and content requirements in clauses 6 and 7 of Schedule 2 of the Environmental Planning and Assessment Regulation 2000.</p> <p>Notwithstanding the key issues specified below, the EIS must include an environmental risk assessment to identify the potential environmental impacts associated with the development.</p> <p>Where relevant, the assessment of the key issues below, and any other significant issues identified in the assessment, must include:</p> <ul style="list-style-type: none"> • Adequate baseline data; • Measures to avoid, minimise, and if necessary, offset the predicted impacts, including detailed contingency plans for managing any significant risks to the environment; and • The EIS must also be accompanied by a report from a qualified quantity surveyor providing: <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 Environmental Planning and assessment Regulation 2000), including details of all assumptions and components from which the CIV calculation is derived; ▪ a close estimate of the jobs that will be created by the development during construction and operation; and ▪ verification that the CIV was accurate on the date that it was prepared.
Key Issues	<p>The EIS must address the following specific matters:</p> <p>1. Environmental Planning Instruments, Policies and Guidelines</p> <ul style="list-style-type: none"> • Address the relevant statutory provisions applying to the site contained in the relevant EPIs, including: <ul style="list-style-type: none"> ◦ <i>State Environmental Planning Policy (State & Regional Development) 2011.</i> ◦ <i>Sydney Local Environmental Plan 2012.</i> ◦ <i>Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005 and Foreshores and Waterways DCP.</i> • Address the relevant provisions, goals and objectives in the following: <ul style="list-style-type: none"> ◦ <i>NSW 2021;</i> ◦ <i>Plan for Growing Sydney;</i> ◦ <i>Draft Sydney City Sub-Regional Strategy; and</i> ◦ <i>Sydney's Walking Future</i> <p>2. Heritage <u>National and World Heritage Matters</u></p> <ul style="list-style-type: none"> • The application must include a Heritage Impact Statement prepared by a qualified Heritage Consultant which assesses the proposal against the requirements of the following documents:

- *Matters of National Environmental Significance Significant Impact Guidelines 1.1;*
- *Management Plan for the Sydney Opera House;*
- *Conservation Management Plan Sydney Opera House: A Revised Plan for the Conservation of the Sydney Opera House and its Site (3rd Edition); and*
- *Utzon Design Principles.*

State Heritage Matters

- Address the impact of the proposal on the heritage significance of any heritage items and/ or conservation areas in accordance with the guidelines in the NSW Heritage Manual and relevant Council EPI's.
- Prepare an archaeological assessment (if relevant) of the likely impacts of the proposal on any Aboriginal cultural heritage, European cultural heritage and other archaeological items and outline any proposed mitigation and conservation measures.

3. Urban Design and Visual Impacts

- Detail the proposed materials, colours and finishes and outline the visual impacts of the proposed glazing realignment.
- Demonstrate design considerations aimed at mitigating any adverse impacts.

4. Gross Floor Area

The EIS shall provide details of the additional gross floor area generated by the proposal and the overall floor space ratio of the site.

5. Access

The EIS shall outline the pedestrian access and circulation impacts of the proposed glazing realignment. Design considerations aimed at mitigating any adverse impacts should also be demonstrated.

6. Lighting

- Identify the location, design and luminescence specifications for all lighting proposed on-site.
- Measures to mitigate light spill and potential impacts on the amenity of sensitive receivers surrounding the site, including the residential and commercial premises at Circular Quay.

7. Ecologically Sustainable Development (ESD)

- Identify how the development will incorporate ESD principles in the design, construction and operation phases of the development.

8. Consultation

- Undertake an appropriate level of consultation with council and State Government agencies.
- Provide details on the Community Engagement Framework to guide the public consultation process.

Plans & Documents

Plans and Documents	<p>The EIS must include all relevant plans, architectural drawings, diagrams and relevant documentation required under Schedule 1 of the Environmental Planning and Assessment Regulation 2000. Provide these as part of the EIS rather than as separate documents.</p> <p>In addition, the EIS must include the following:</p> <ol style="list-style-type: none"> 1. An existing site survey plan drawn at an appropriate scale illustrating: <ul style="list-style-type: none"> • The location of the land, boundary measurements, area (sq.m) and north point. • The existing levels of the land in relation to buildings and roads. • Location and height of existing structures on the site. • Location and height of adjacent buildings. • All levels to be to Australian Height Datum (AHD). 2. A locality/context plan drawn at an appropriate scale should be submitted indicating: <ul style="list-style-type: none"> • Significant local features such as parks, community facilities and open space and heritage items. • The location and uses of existing buildings, shopping and employment areas. • Traffic and road patterns, pedestrian routes and public transport nodes. 3. Drawings at an appropriate scale illustrating: <ul style="list-style-type: none"> • The location of any existing building envelopes or structures on the land in relation to the boundaries of the land and any development on adjoining land. • Detailed plans, sections and elevations of the development, including all temporary structures and site features. • The height (AHD) of the proposed development in relation to the land. • Any changes that will be made to the level of the land by excavation, filling or otherwise.
Documents to be submitted	<ul style="list-style-type: none"> • 1 hard copy and 1 electronic copy of all the documents and plans for review prior to exhibition. • 5 hard copies and 5 electronic copies of the documents and plans (once the application is considered acceptable). • 1 copy of all the documentation and plans on CD-ROM (PDF format), not exceeding 5Mb in size.
Consultation	<p>During the preparation of the EIS, you must consult with the relevant local, State or Commonwealth Government authorities, service providers, community groups and affected landowners. In particular, you must consult with:</p> <ul style="list-style-type: none"> • City of Sydney Council. • Commonwealth Department of Environment. • NSW Office of Environment and Heritage. • Local Aboriginal Land Council and stakeholders. • Local Heritage Group/s, if relevant. <p>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.</p>
Further consultation after 2 years	<p>If you do not lodge a development application and EIS for the development within 2 years of the issue date of these DGRs, you must consult further with the Secretary-General in relation to the preparation of the EIS.</p>

ATTACHMENT 1 – AGENCY INPUT

14 December 2015

File No: R/2015/44 and R/2015/45
Ref No: 2015/661783

Cameron Sargent
Team Leader – Industry, Key Sites and Social Projects
NSW Department of Planning & Environment
PO Box 39
Sydney NSW 2001

Attention: Ashley Cheong
Email: Ashley.cheong@planning.nsw.gov.au

Dear Ashley,

Request for SEARs for Lower Concourse Shade Cover Improvements (SSD 7430) and Amendments to the Lower Concourse Restaurant Area (SSD 7431) at the Sydney Opera House

I refer to your letters dated 7 December 2015 where you sought Council's input on the draft Secretary's environmental assessment requirements (SEARs) for two subject SSD applications.

It is understood that the two proposals involve the following:

Lower Concourse Shade Cover Improvements (SSD 7430)

- Removal of existing umbrellas over the lower concourse outdoor seating area.
- Construction of new, purpose-built shade cover structures with a maximum height of 3.34m.
- Installation of lighting, heating, speakers and dropdown screens on the underside of the shade structures.

Amendments to the Lower Concourse Restaurant Area (SSD 7431)

- Minor demolition of existing glazing and existing interior fitout of the premises known as the Opera Bar and Charcuterie.
- Construction of a new glass line and interior fitout to join the two premises, resulting in the removal of a back of house access point and an additional enclosed area of approximately 62.7m².

Draft SEARs

The City has reviewed the information and the draft SEARs and provides the following comments. Further to the draft SEARs, the City recommends the inclusion of additional planning considerations and documents as follows:

Environmental Planning Instruments, Policies and Guidelines

- Both applications must address the relevant provisions, goals and objectives of:
 - Sustainable Sydney 2030 (the City of Sydney); and
 - Sydney Development Control Plan 2012 (SDCP 2012)

Design Excellence

- Both applications must demonstrate how they exhibit design excellence, as required by Clause 6.21 of Sydney Local Environmental Plan 2012 (SLEP 2012) and Section 3.3 of SDCP 2012.

Floor Space Ratio

- SSD 7431 (restaurant amendments) should include GFA details and a calculation of FSR in relation overall compliance with SLEP 2012.

Urban Design and Visual Impacts – SSD 7430 (shade structures)

- Details of the proposed materials, colours and finishes of the structures, including masts and proposed dropdown screens should be submitted.
- Details of whether the structures are fixed or retractable.
- Plans should include construction details so as to determine how the detail of the structures will be executed.
- Photomontages must be included in the EIS that illustrates the proposal from key public viewpoints. Photomontages should include illustrations with and without the proposed dropdown screening structures.

Urban Design and Visual Impacts – SSD 7431 (restaurant amendments)

- Details of the proposed materials, colours and finishes of the new façade, including the proposals compatibility with existing.

Moral Rights

- In relation to any future application, information will be required as to whether the applicant has consulted the original architect regarding the change in the design intent, as this relates to the Commonwealth Copyright Amendment (Moral Rights) Act 2000.

Thank you for the opportunity to provide input at this stage of the proposal. The City looks forward to providing further comments when the application and detailed design for the project are submitted.

Should you wish to speak with a Council officer about the above, please contact Natasha Ridler, Specialist Planner, on 9246 7720 or at nridler@cityofsydney.nsw.gov.au

Yours sincerely



Graham Jahn AM
Director
 City Planning, Development and Transport