

Secretary's Environmental Assessment Requirements
Section 4.12(8A) of the *Environmental Planning and Assessment Act 1979*
Schedule 2 of the *Environmental Planning and Assessment Regulation 2000*

Application Number	SSD 9794
Proposal Name	Sydney Opera House Lower Concourse Shade Covers, Minor Works and Uses
Location	Sydney Opera House, Bennelong Point
Applicant	Sydney Opera House Trust
Date of Issue	21 December 2018
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 <i>Environmental Planning and Assessment Regulation 2000</i>.</p> <p>The EIS must address matters outlined in Schedule 4 of the <i>Environment Protection and Biodiversity Conservation Regulations 2000</i>.</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; • Justification of impacts, including heritage, views and urban design impacts; • Development options considered; • Measures to avoid, minimise, and if necessary, offset the predicted impacts, including detailed contingency plans for managing any significant risks to the environment; • Assessment of the effectiveness and reliability of the measures and any residual impacts after these measures are implemented; 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 <i>Environmental Planning and Assessment Regulation 2000</i>), 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> <p>The EIS shall:</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"> ○ State Environmental Planning Policy (State & Regional Development) 2011 ○ State Environmental Planning Policy (State Significant Precincts) 2005 ○ State Environmental Planning Policy (Coastal Management) 2018 ○ State Environmental Planning Policy No. 55 – Remediation of Land ○ Draft State Environmental Planning Policy (Remediation of Land) ○ Draft State Environmental Planning Policy (Environment) ○ Sydney Local Environmental Plan 2012 ○ Sydney Regional Environmental Plan (Sydney Harbour Catchment)

2005 and Foreshores and Waterways DCP.

- Address the relevant provisions, goals and objectives in the following:
 - *Environment Protection and Biodiversity Conservation Act 1999*
 - *Environment Protection and Biodiversity Conservation Regulations 2000*
 - *NSW 2021*
 - *NSW Government Premier's Priorities*
 - *NSW State Infrastructure Strategy 2018-2038*
 - *Future Transport 2056*
 - *Better Place – An integrated design policy for the built environment of New South Wales*
 - *Draft Better Placed: Design Guide for Heritage guidelines*
 - *Greater Sydney Region Plan*
 - *Eastern City District Plan*
 - *Sustainable Sydney 2030*
 - *Sydney Development Control Plan 2012*
 - *Sydney's Cycling Future*
 - *Sydney's Walking Future.*

2. Use

The EIS shall:

- Provide details of the gross floor area of outdoor seating generated by the proposal.
- Outline operational details including but not limited to:
 - hours of operation
 - details of the back of house works
 - current and proposed total patron capacity
 - amenities
 - confirmation of the proposed number of security guards/RSA marshals
 - details of CCTV cameras
 - use of outdoor areas, including use of live music and if so, details regarding timing and frequency, proposed use of outdoor speakers
 - heaters
 - details of wet weather protection devices.
- Detail waste storage and disposal provisions.
- Discuss potential odour and emissions impacts and potential mitigation measures, including any details of any proposed solid fuel cooking.
- Provide a Plan of Management addressing potential impacts arising from the use, including impacts on adjoining and surrounding land uses and the public domain.

3. Urban Design and Visual Impacts

The EIS shall:

- Provide evidence of alternative shade cover design options considered.
- Detail the proposed materials, colours and finishes of all works and structures.
- Outline the height, bulk and scale of the shade covers and the associated visual and view impacts, and identify whether the shade covers are fixed or retractable.
- Include photomontages that illustrate the proposal from key public viewpoints, including from the water/Sydney Harbour.
- Demonstrate design considerations aimed at mitigating any adverse impacts.

4. Heritage

The EIS shall:

- Include a Heritage Impact Statement (HIS) prepared by a qualified Heritage Consultant. The HIS must identify and describe the characteristics and values that are likely to be impacted by the proposed development, with

appropriate reference to relevant management plans.

- Address any impact to the heritage significance of the Sydney Opera House and its setting, including impacts to the world heritage buffer zone and/or Aboriginal, historic or archaeological significance.
- Include details of the building works and alterations to significant building fabric, structural members, services and spaces associated with the proposal. The impacts to users of the area must be clearly identified.
- Include a visual analysis of the proposed works, including before and after perspectives. The visual analysis shall also consider how the proposed shade structures impact on the wider visual setting and consistency in presentation of Sydney Cove from Dawes Point, Campbell's Cove, West Circular Quay and further afield such as Kirribilli.
- Consider current and known future access requirements under the Building Code of Australia and the *Disability Discrimination Act 1992* and assess the heritage impact of these requirements. Details of the minimal BCA and accessibility work to achieve regulatory compliance shall be provided.
- Discuss options that have been considered and assessed in order to demonstrate that the proposed works present the best option with minimal heritage impacts.
- Assess the proposal against the requirements of the following documents:
 - *NSW Heritage Manual*
 - *Matters of National Environmental Significance Significant Impact Guidelines 1.1*
 - *Management Plan for the Sydney Opera House*
 - *Respecting the Vision: Sydney Opera House – A Conservation Management Plan (4th Edition)*
 - *Utzon Design Principles*
 - *Sydney Opera House Accessibility Masterplan 2015*.
- Include any technical data and other information used or needed to make a detailed assessment of the relevant impacts.

5. Access

The EIS shall:

- Outline the pedestrian access and circulation impacts of the proposal. Design considerations aimed at mitigating any adverse impacts should also be demonstrated.
- Detail compliance with access requirements under the Building Code of Australia and the *Disability Discrimination Act 1992*.

6. Noise and Vibration

The EIS shall:

- Include a Noise and Vibration Assessment prepared by a suitably qualified acoustic specialist in accordance with the relevant EPA guidelines. This should assess demolition, construction, and construction-related impacts (including recommended standard construction hours and intra-day respite periods for highly intrusive noise generating work) on noise sensitive receivers such as surrounding residences.
- Detail operational noise impacts associated with the proposed alterations on sensitive receivers (especially surrounding residences) arising operational activities such as entertainment and special events conducted outdoors on the lower concourse. This should include impacts associated with the shade structure sound speakers.
- Consider the additional guidance material on the Noise Policy for Industry concerning background noise assessment.

7. Lighting

The EIS shall:

- Identify the location, design and luminescence specifications for all lighting proposed on-site.

- Provide measures to mitigate light spill and potential impacts on the amenity of sensitive receivers surrounding the site.

8. Traffic and Accessibility (Operation)

The EIS shall:

- Provide an assessment of impacts on the local road network, public transport operation, parking, pedestrians and cyclists during operation.
- Provide details of access to the site, including service vehicle access, delivery and loading/unloading arrangements.
- Address the provision of bicycle parking and end-of-trip facilities.

9. Construction Impacts

The EIS shall:

- Address air quality, runoff, contamination, waste management and traffic impacts associated with the demolition and construction of the proposal.
- Undertake waste classification in accordance with EPA guidelines and off-site disposal of concrete water and rinse water.
- Identify the impacts and mitigation measures of construction to users of the site.
- Provide details of the size, location and appearance of any construction site enclosure. The location of any construction site enclosure in the southern forecourt should consider impacts to pedestrian access and sight lines to the Royal Botanic Gardens through the Queen Elizabeth II Gates.
- Provide a Construction Pedestrian and Traffic Management Plan outlining the measures to mitigate potential construction impacts for all demolition/construction activities. This Plan should include, but not be limited to, the following:
 - assessment of cumulative impacts associated with other construction activities including the construction of the AMP Quay Quarter, 71 Macquarie Street and The Sandstones developments, and the CBD and East Light Rail Project. The assessment must consider how these impacts will be mitigated for any associated traffic, bus scheduling and potential delays, pedestrians, cyclists, parking and public transport
 - assessment of road safety at key intersections and locations subject to heavy vehicle movements and high pedestrian activity
 - details of anticipated peak hour and daily truck movements to and from the site and hours of operation
 - details of access arrangements and traffic control for workers to and from the site, emergency vehicles and service vehicle movements
 - details of temporary cycling and pedestrian access arrangements during construction
 - details of construction vehicle access arrangements at all stages of construction.

10. Waste Management

The EIS shall:

- Outline how the development addresses the relevant provisions of the *City of Sydney Code for Waste Minimisation in New Developments 2005*.
- Include a Waste Management Plan.
- Include a Hazardous Materials Survey prepared in accordance with the relevant Australian Standards.

11. Contamination

The EIS shall:

- Demonstrate compliance with the requirements of SEPP 55, including identification, handling, transport and disposal of any asbestos containing material that may be encountered during demolition and construction.
- Include a Remedial Action Plan, if remediation works are required.

12. Ecologically Sustainable Development (ESD)

- The EIS shall identify how the development will incorporate ESD principles in the design, construction and operation phases of the development.

13. Biodiversity

- The EIS shall 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 Development Assessment Report where required under the Act.

14. Consultation

The EIS shall:

- 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 having regard to the Department's CCC guidelines.

Plans & Documents

<p>Plans and Documents</p>	<p>The EIS must include all relevant plans, architectural drawings, diagrams and relevant documentation required under Schedule 1 of the <i>Environmental Planning and Assessment Regulation 2000</i>. 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.
<p>Documents to be submitted</p>	<ul style="list-style-type: none"> • 4 hard copies and 10 electronic copies (USB) of the documents and plans (once the application is considered acceptable). Electronic copies of the documentation must be on a USB with documents in PDF format with file sizes not exceeding 5Mb. The hard copies should include plans printed in A3.
<p>Consultation</p>	<p>During the preparation of the EIS, you must consult with the relevant local, State or Commonwealth Government authorities, service providers, community groups, representatives of the original architect and affected landowners. In particular, you must consult with:</p> <ul style="list-style-type: none"> • City of Sydney Council • CBD Coordination Office within Transport for NSW • Roads and Maritime Services • Commonwealth Department of Environment • Office of Environment and Heritage • NSW Heritage Council • Place Management NSW (Property NSW) • Environment Protection Authority • NSW Police • Liquor and Gaming NSW • Botanic Gardens & Centennial Parklands • 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</p>

	explanation should be provided.
Further consultation after 2 years	If you do not lodge a development application and EIS for the development within 2 years of the issue date of these SEARs, you must consult further with the Secretary in relation to the preparation of the EIS.