



12 February 2020

Mr Anthony Witherdin  
Director  
Key Sites  
Planning, Industry and Environment  
GPO Box 39 Sydney 2001

### **Lower Concourse Minor Works and Uses (SSD 9794) – Response to Submissions**

SSD 9794 proposes the following minor works to improve the amenity and function of the Lower Concourse of the Sydney Opera House:

- Adjustment and extension of the glazing line to the north of the food and beverage venue (currently trading as the Opera Bar);
- Removal and replacement of all existing shade structures; and
- Refurbishment to the existing back of house area near the Opera Bar.

SSD 9794 also proposes to consolidate the existing uses on the Lower Concourse – being food and beverage, retail, ticketing and tours within a single, consolidated consent.

The proposal does not include extensions or changes to the existing operations on the Lower Concourse including to activities, entertainment, operating hours, patron capacity or noise restrictions. There will be no increased impact on the amenity of adjoining residents as a result of the application. Existing, appropriate safeguards to public amenity and safety will be retained.

The public exhibition of the Environmental Impact Statement (EIS) supporting SSD 9794 ended on 11 December 2019. During the exhibition of the proposal the NSW Department of Planning, Industry and Environment (DPIE) received 9 submissions including 4 public authority submissions and 5 from community stakeholders.

These submissions can be viewed at:

<https://www.planningportal.nsw.gov.au/major-projects/project/9861/submissions/13111/3251>

The public authority submissions were received from:

- NSW Environment Protection Authority (EPA);
- Heritage Council of NSW;
- Transport for NSW (TfNSW) (previously Roads and Maritime Services); and
- City of Sydney.

Each submission has been carefully reviewed and the relevant responses are provided in **Appendix A**. A response to the request for additional information by DPIE is provided below.

DPIE request	Response
An updated Noise Impact Assessment addressing the matters raised by the EPA and City of Sydney (CoS)	An updated Noise Impact Assessment (NIA) has been prepared by Arup (v5, dated 21 January 2020) and is at <b>Attachment B</b> .
Confirm the internal and external patron capacity of the premises	<p>Patron capacity for the <b>Lower Concourse is 2700 persons</b> as detailed on page 31 of the EIS.</p> <p>Presently this is divided into the following areas:  Opera Bar: 1800 (1400 external, 400 internal)  Opera Kitchen and surrounds: 570  Other: 330 (e.g. patrons waiting to depart for a Tour).</p> <p>Patron capacity (2700 persons) on the Lower Concourse is limited by the provision of amenities, with the exception of the indoor area of the Opera Bar, where 400 persons are permitted only with the 4m wide sliding doors open.</p> <p>The lease boundaries of the Food and Beverage venues on the Lower Concourse may be reviewed and adjusted from time to time depending on the requirements of the Sydney Opera House Trust (SOHT). Accordingly, it is requested that the consolidated consent for the Lower Concourse limit maximum capacity to 2700 (including a maximum of 400 in the internal bar area currently occupied by the Opera Bar). Limits which focus on the current lease areas of the Opera Bar and Opera Kitchen would not provide future flexibility for the SOHT.</p>
Provide copies of the Plans of Management (POM)	<b>See Attachment C</b>
Provide copies of any liquor licenses	<b>See Attachment D</b>

CoS also noted an inconsistency with the architectural plans and the Heritage Impact Statement (HIS) (prepared by Design 5 for the EIS) in terms of how many shade structures will be removed and replaced at the Opera Kitchen. Accordingly, the HIS has been updated to confirm that four new shade structures will replace the existing four shade structures at the Opera Kitchen. The updated HIS is at **Attachment E**.

Given the Lower Concourse has been operating since 1988 in accordance with the existing uses and approvals summarised in the EIS, it is requested that the trigger for the commencement of the consolidated consent is the surrender of the Welcome Centre consent SSD 6353 in accordance with section 4.63 of the EP&A Act.

We trust the Response to Submissions (RTS) has suitably responded to the issues raised and provides all the information required for DPIE to finalise its assessment of the proposal. Please contact Kerry Hamann, Planning Manager on (02) 9250 7505 if you have any questions about the RTS.

Yours sincerely,



Kya Blondin  
Director, People and Government

Attachments:

<b>Attachment A</b>	Response to Submissions (RTS) prepared by Sydney Opera House
<b>Attachment B</b>	Updated Noise Impact Assessment (NIA v5), prepared by Arup dated 21 January 2020
<b>Attachment C</b>	Plans of Management (PoM) for the Lower Concourse food and beverage venues
<b>Attachment D</b>	Liquor licences for the Lower Concourse food and beverage venues
<b>Attachment E</b>	Updated Heritage Impact Statement (HIS), prepared by Design 5 dated 29 January 2020