

ARCHITECTURE
PLANNING AND
URBAN DESIGN

VEHICLE AND PEDESTRIAN SAFETY PROJECT
AT
THE SYDNEY OPERA HOUSE

PRELIMINARY ASSESSMENT

Prepared on behalf of
The Sydney Opera House Trust

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Introduction

This Preliminary Assessment is submitted to the Department of Planning to assist the Director General to determine the matters for consideration to be included in the Environmental Assessment required to accompany a proposal for development to be carried out on a State Significant Site, being the site of The Sydney Opera House.

The proposal includes a Vehicle and Pedestrian Safety Scheme including the provision of a new underground loading dock with associated above ground vehicle access.

Apart from its World Heritage listing, in accordance with Clauses 6, 7, and Schedule 3 of State Environmental Planning Policy (Major Development) 2005, the site is listed as State Significant site and as such all development other than exempt development is deemed Major Development under the SEPP, to which Part 3A of the Act applies.

To enable the Director General to determine the matters to be assessed in the Environmental Assessment, this preliminary report provides the following information:

- A description of the site;
- Details of the proposal;
- Planning provisions applicable to the site; and
- Identification of any possible environmental issues associated with the project.

This report should be read in conjunction with the following drawings submitted under separate cover:

- Sydney Opera House - Existing Conditions Sk 09 010 S01
- Proposed Underground Loading Dock Sk 09 010 S01 V3
- Proposed New Loading Dock + L12 overlay Sk 09 015 V1
- Perspective Drawings:
 - View to North From Macquarie Street Entrance Dwg : 00 09 027 S01 RevA
 - Aerial View of Vehicle Entering Proposed Vehicle Access Tunnel Dwg: 00 09 027 S01 RevA
 - View on Approach into Loading Dock Dwg : 00 09 027 S01 RevA \
 - Aerial View Of Sub-Surface Engineering Services Dwg :00 09 028 S01 RevA

Site Details

The site of The Sydney Opera House has the real property reference of *Lot 5 in Deposited Plan 775888* and *Lot 4 in Deposited Plan 787933*. The location of the building is usually referred to as Bennelong Point. The boundary of The Sydney Opera House under the Sydney Opera House Trust Act 1961 is shown in the following plan:

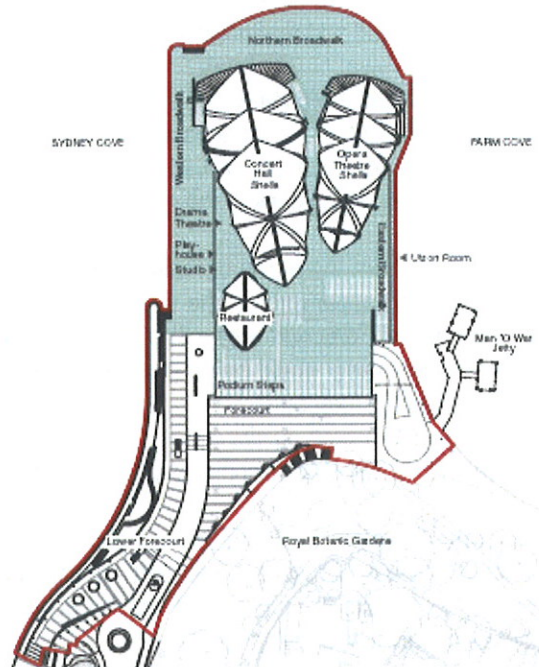


Figure 1: The Sydney Opera House Site

The Sydney Opera House serves as one of the visual buttresses to the principal entry to central Sydney via Circular Quay with the other being the Sydney Harbour Bridge. In addition, because of its location on a promontory, The Sydney Opera House constitutes an exceptionally visible and obvious component of the Sydney Harbour panorama with a background provided by the towers of the city itself.

However visitors to the site come via the Forecourt and that more intimate experience is significantly different for visitors when contrasted with the popular world-wide view of the site in its Harbour context. While adding significantly to the visibility of the buildings, the promontory location also has implications in terms of access both by pedestrians and by motor vehicle. In this regard, the forecourt of The Sydney Opera House serves as a critical point of transition between the public domain of the city proper and the public access areas of The Sydney Opera House. Large volumes of pedestrians cross the forecourt everyday in order to access the Opera House Steps, the Man 'O war Jetty or en-route to the Botanical Gardens. Those pedestrians are required in turn to cross the driveway used by all vehicles which make deliveries to or collections from the Opera House.

All loading and unloading is currently carried out from the Ground Floor Level and generally accessed circuitously via the western and northern forecourts to enter the central service passageway. Delivery areas and turning circles are limited, conflicts with pedestrians are inevitable and the area can be extremely crowded. The area of vehicle delivery being also the ground floor pedestrian entrance for The Playhouse and The Studio, and the main Stage Door entrance.

Description of the Proposal

The proposal is to facilitate an underground central loading dock below The Sydney Opera House.

The loading dock would be located well below the ground floor level and would facilitate access to the site for all delivery vehicles thereby allowing the current roadway across the forecourt to be used only by taxis and other vehicles dropping off patrons, as well as continued access to the disabled parking spaces. The service access for vehicles being considerably foreshortened and restructured to the edge of the main forecourt.

The loading dock has been designed to accommodate container vehicles to allow for deliveries of large stage props and equipment, a significant short-coming of the existing access arrangements. A turning bay is included in the design, as is an associated storage area and a vertical extension of the now to be linked existing goods and passenger lifts connecting the loading dock to the ground floor and podium levels

The only external aspect of the proposal visible from the public domain would be the entrance to the vehicle access ramp, located just beyond the main gate keeper and on the southern side of the Forecourt, more or less adjacent to the edge or corner of the general Forecourt area. The design is yet to be finalised, but it is estimated that the barrier surrounding the access ramp would be no more than 8 metres in length and would be finished in materials to complement the adjoining forecourt.

The proposal would be carried out in conjunction with two associated proposals that do not form part of this application:

- The relocation of Bennelong Drain (currently being considered as a separate application); and
- The resurfacing of the existing access roadway across the forecourt will be undertaken to make it level with the adjoining pedestrian area and to remove the trip hazard caused by the current small change in level. This work is to be carried out as an 'exempt development'.

The extent of new works is depicted on Drawing Nos Sk 09 010 S01 V3 and Sk 09 015 V1 and the 4 perspective drawings accompanying this application.

Statutory Planning Considerations

Environment Protection and BioDiversity Act (CTH) 1999

Actions that significantly affect matters of national environmental significance (including World Heritage Sites) require approval under the Environment Protection and BioDiversity Act. A bilateral agreement between the Commonwealth and NSW governments allows the assessment regimes under the *Environmental Planning and Assessment Act 1979* (Including Part 3A) to be accredited under the EPBC Act. Therefore any approval required under the provisions of the Environment Protection and BioDiversity Act would be satisfied by approval under Part 3A of the EPA Act. The accreditation requires that the application be assessed in accordance with the "Management Plan for The Sydney Opera House".

The Act and the Management Plan both require that consideration be given to the impacts on the fabric, setting, significance, and cultural function of the World Heritage listed property. The plan also gives weight to the Conservation Management Plan and Utzon Design Principles. These matters would be assessed as a matter of course under the Part 3A assessment.

Heritage Act (NSW) 1977

In accordance with the requirements of the Management Plan for The Sydney Opera House, separate approval is required under the Heritage Act for the proposed works, following the Minister's approval under Part 3A. Although not strictly relating to this application, it is worthwhile to note that the following matters would be considered by Heritage Office:

- (a) the extent to which that application, if approved, would affect the significance of any item as an item of the environmental heritage,
- (b) the representations, if any, made with respect to that application under section 61(3),
- (c) such matters relating to the conservation of that item or land as to it seem relevant, and
- (d) such other matters as to it seem relevant.

State Environmental Planning Policy (Major Projects) 2005

This SEPP designates the site as a State Significant site. Schedule 3 of the SEPP outlines planning controls and matters for consideration for various State Significant sites. However, in the case of The Sydney Opera House, there are no other provisions or controls on the carrying out of development, other than in relation to Exempt Development on The Sydney Opera House Site.

Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005 (REP)

The Sydney Opera House Site falls within the *Sydney Harbour Catchment Area* designated in the REP. It also is within the *Foreshores and Waterways area* and the 'City Foreshore Area' designated as a Strategic Foreshore Site. It is also a Heritage item under the Plan.

As such the instrument contains numerous provisions and controls relevant to the consideration of the application. A full assessment of the proposal against each of the relevant clauses can be provided in the future Environmental Assessment, but at this stage it is sufficient to summarise the relevant matters for consideration that arise as being:

- Issues of geotechnical impacts, acid sulfate soils and impacts to ground water flows arising from the excavation and below-ground works;
- Issues of public access along the foreshore;
- Visual impacts of development on the foreshore and unique visual qualities of Sydney Harbour; and
- Impacts of the development on the heritage significance and values of The Sydney Opera House and the Harbour.

Other Environmental Planning Instruments

Clause 75R(3) of The Environmental Planning and Assessment Act provides that Environmental Planning Instruments (other than State Environmental Planning Policies) do not apply to or in respect of an approved project. Other than the Major Projects SEPP, and the Sydney REP (now deemed as SEPP) which have both been discussed above, no other planning instruments are applicable to the proposal.

However, in accordance with Clause 75J(3) the Minister may take into account the provisions of an environmental planning instrument that would have governed the carrying out of the proposal had it been assessed under Part 4 of the Act. In determining possible Environmental Issues, consideration should be therefore be given to the relevant objectives of the *Sydney Local Environmental Plan 1995*:

Sydney Local Environmental Plan 2005

The site is zoned *Parks and Community Spaces* under the LEP. Relevant objectives for the zone that should be considered in the Assessment of the proposal include:

- (a) *to facilitate continued provision and enhancement of parks and community places, including places in private ownership utilised by the community, as the primary use within this zone, and*
- (c) *to facilitate the conservation of items and areas of heritage significance;*
- (d) *to provide for the expansion or redevelopment of existing uses and buildings;*
- (f) *to facilitate continued public access to land and buildings within this zone.*

The site is also a listed Heritage Item under the LEP. Objectives of the heritage provisions are:

- (a) *to conserve the heritage of Central Sydney, and*
- (b) *to integrate heritage conservation into the planning and development control processes, and*
- (c) *to provide for public involvement in heritage conservation, and*
- (d) *to ensure that any development does not adversely affect the heritage significance of heritage items, and*
- (e) *to provide greater certainty in the management of the heritage of Central Sydney, and*
- (f) *to encourage high quality design and the continued use or adaptive re-use of heritage items.*

Other Matters For Consideration: World Heritage Requirements

The primary management objectives for World Heritage properties are part of Australia's general obligations under the World Heritage Convention:

- to protect, conserve and present the World Heritage values of the property;
- to integrate the protection of the area into a comprehensive planning program;
- to give the property a function in the life of the Australian community;
- to strengthen appreciation and respect of the property's World Heritage values, particularly through educational and information programs;
- to keep the community broadly informed about the condition of the World Heritage values of the property; and
- to take appropriate scientific, technical, legal, administrative and financial measures necessary for achieving the foregoing objectives.

In achieving these primary objectives due regard must be given to:

- ensuring the provision of essential services to communities within and adjacent to a property;
- allowing provision for use of the property which does not have a significant impact on the World Heritage values and their integrity;
- recognising the role of current management agencies in the protection of a property's values; and
- the involvement of the local community in the planning and management of a property.

Preliminary Assessment of Potential Issues

Having considered the matters raised in the Planning Instruments that apply to the site, it is possible to derive the matters or issues that are most likely issues to be considered in the Environmental Assessment for the temporary marquee. These are considered to be:

- Heritage Impacts including Archaeological Impacts
- Visual Impacts
- Vehicle and Pedestrian Movements including Public access along the foreshore
- Geotechnical and Excavation Impacts including groundwater flows and acid sulfate soils;

Heritage Impacts (including Archaeological Heritage)

Given The Sydney Opera House's important Heritage status this is probably the primary matter for assessment. It should be noted that almost the entire proposal will be situated well under ground and separated from the Sydney Opera House. Other than the entrance to the vehicle access ramp, the new works will not be visible from within the Opera House itself or from any public vantage point. As such there is likely to be negligible visual heritage impact arising from the proposal. In fact the new works enhance the functioning of this important cultural heritage item and will improve the pedestrian experience of the item as enjoyed from the main Forecourt area. Given the site's World Heritage Status, a Heritage Assessment Report of the impact of the loading dock and vehicle entrance ramp is proposed to be submitted with the Environmental Assessment, covering both the building and its context. A full assessment will be made against all statutory Heritage provisions, including the Management Plan for the Sydney Opera House, the Conservation Management Plan and the Utzon Design Principles.

In addition it is possible that the proposed excavation works would reveal evidence of the history of the site – either in relation to the construction phase of The Sydney Opera House, or of earlier use of the site such as the Fort Macquarie Tram Sheds that occupied the site previously, or even evidence of earlier settlement. As such an archaeological investigation report will be prepared and submitted with the application to inform the excavation process with respect to potential archaeological remains on the site.

Visual Impacts

Visual Impacts will be considered as part of the Heritage Assessment. The entrance to the vehicle access ramp will be designed to minimise the extent of any balustrading or barrier around the entrance to the ramp. Materials will be designed to complement existing materials used within the forecourt. The design may include associated small changes to the immediately adjacent forecourt area in terms of landscape improvements between the tarpian wall and the entry ramp. In this regard the proposal is unlikely to result in any visual impacts to the views of The Sydney Opera House; views of the City of Sydney; or any significant visual impacts to the Forecourt, the foreshore or the Harbour. The visual impacts will be fully depicted in the drawings and a photomontage of the proposal. Other than consideration given to the visual impacts of the proposal in a Heritage Assessment report, and a detailed description of the proposal in the Architect's statement, it is not considered that any additional information is needed for the Department to assess the impacts of the proposal.

Vehicle and Pedestrian Movements

The proposed loading dock and new vehicle access arrangements have been designed to isolate all heavy vehicles and significantly reduce the traffic movements on the foreshore and the Forecourt area, thereby improving pedestrian safety and the pedestrian experience of this area. The proposal therefore results in a *positive* impact in this regard. A full traffic analysis of the functioning of the proposal will accompany the application to verify success or otherwise of the measureable outcomes.

Geotechnical and Excavation Impacts

Detailed Geotechnical and Structural Engineers reports will be submitted with the proposal to ensure the excavation works do not result in any adverse structural impacts to the Sydney Opera House or Forecourt area, or to any other structures in the immediate vicinity of the site. The reports will also address impacts to ground water flows and any other geotechnical impacts which may arise. Relevant reports in relation to Acid Sulfate Soils will also be provided, including a preliminary investigation, and where necessary, a management plan. A construction management plan will detail how the construction will be staged and managed to sufficiently minimise impacts on the continuity of functioning of the Forecourt and surrounding environs.

Summary

This Preliminary Assessment has been prepared to assist the Director General to determine the matters to be assessed in the Environmental Assessment.

As demonstrated by this preliminary assessment, the issues of heritage impacts and visual impacts will not be significant as the proposal primarily relates to underground work only. Above ground visual impacts will be minimised through careful design and selection of compatible materials.

Other than considerations of visual impacts, the impacts on circulation will be a significant improvement due to the reduced length of travel for all delivery and service vehicles within the Forecourt.

Any geotechnical or structural impacts can be resolved through appropriate engineering solutions, with details to be provided with the proposal.

The salient points of primary consideration are summarised as being the matters of

- The efficient operation and functioning of the Sydney Opera House facilities;
- Geotechnical aspects of excavation;
- The issues of safety arising from pedestrian vehicular conflicts at the forecourt level; and
- The pedestrian's visual experience of this World Heritage item.

All of which reflect potential for positive results than can only enhance the value of the Sydney Opera House and its setting.