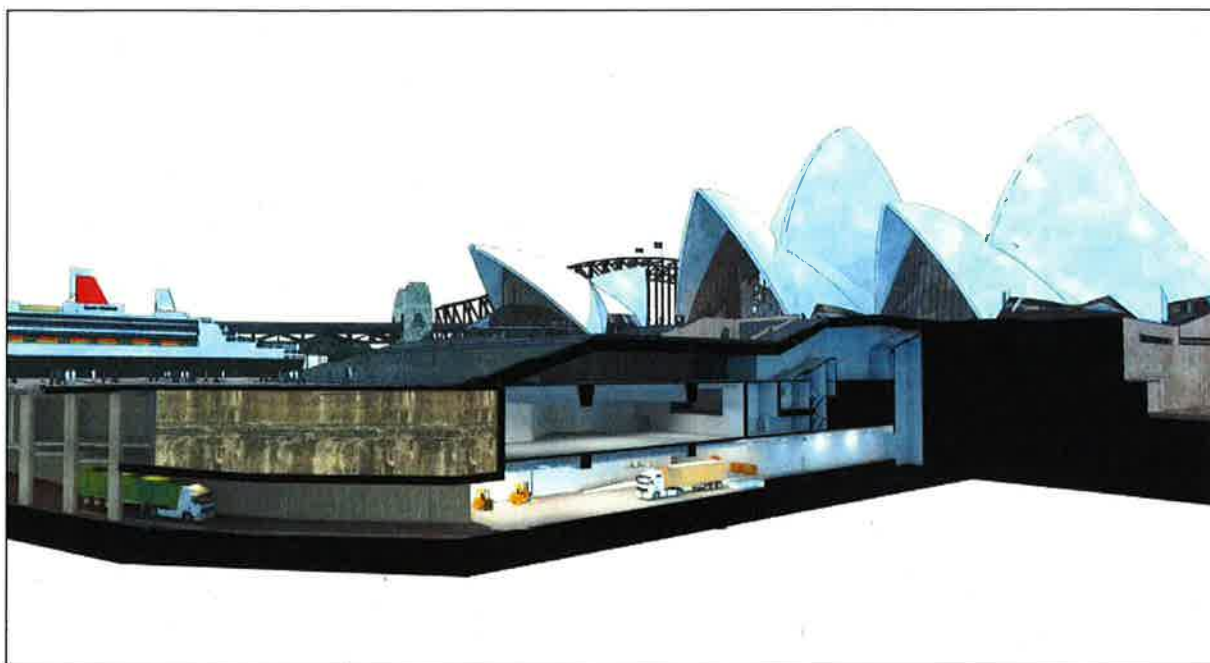




Planning &
Infrastructure

MAJOR PROJECT ASSESSMENT:
Sydney Opera House Vehicle and pedestrian Safety Project
MP09_0200 (MOD 1)



Director-General's
Environmental Assessment Report
Section 75I of the
Environmental Planning and Assessment Act 1979

February, 2012

ABBREVIATIONS

CIV	Capital Investment Value
Department	Department of Planning & Infrastructure
DGRs	Director-General's Requirements
Director-General	Director-General of the Department of Planning & Infrastructure
EA	Environmental Assessment
EP&A Act	<i>Environmental Planning and Assessment Act 1979</i>
EP&A Regulation	Environmental Planning and Assessment Regulation 2000
EPI	Environmental Planning Instrument
MD SEPP	State Environmental Planning Policy (Major Development) 2005
Minister	Minister for Planning
PAC	Planning Assessment Commission
Part 3A	Part 3A of the <i>Environmental Planning and Assessment Act 1979</i>
PEA	Preliminary Environmental Assessment
PFM	Planning Focus Meeting
PPR	Preferred Project Report
Proponent	Sydney Opera House Trust
RtS	Response to Submissions

Cover Photograph: Sectional perspective showing the relationship between the approved loading dock and proposed utility level above

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1. BACKGROUND

On 10 December 2010, the Deputy Director-General, under delegation from the then Minister for Planning, granted approval to the Sydney Opera House Trust (MP09_0200) to construct a Vehicle and Pedestrian Safety Project (VAPS) comprising the following elements:

- Construction of an underground loading dock to be located below the Sydney Opera House building and forecourt;
- Alteration of existing lifts and stairs, and construction of new lift services and underground corridors, to link the new underground loading dock with the performance areas and back-of-house facilities of the Sydney Opera House;
- Construction of a new opening on the southern side of the Forecourt to create a new vehicle access ramp, providing service vehicle access from the existing Macquarie Street roundabout down to the new underground loading dock;
- Removal of the recessed vehicle access path flanked by kerbs across the Forecourt, and replacement with a surface that is level with the surrounding paving using the same material as existing;
- Removal of the existing guardhouse and construction of a new smaller guardhouse re-located in line with the new loading dock entry;
- Improvements to Forecourt lighting;
- Removal of existing planter boxes on the southern side of the Forecourt;
- Reconfiguration of the grille to the existing car park air intake shaft against the Tarpeian Wall;
- Modifications to the roof of the pedestrian tunnel to the existing adjoining car park where it opens onto the lower concourse level;
- Relocation of various below ground site services; and
- Relocation of existing at-grade Forecourt loading facilities to the new underground loading dock facility.

The location of the approved Major Project is shown in **Figure 1** on the following page.



Figure 1: The location of the approved Major Project

2. PROPOSED PROJECT

2.1. Project Description

This application seeks to modify the existing approval. The proposed modifications are all underground and largely confined to the envelope of the approved excavation. The key components of the proposed modification are listed in **Table 1**, below.

Table 1: Key Project Components

Aspect	Description
Project Summary	<ul style="list-style-type: none"> • Minor changes to the alignment and finishes of the approved entrance ramp. • Create additional levels (1,650sqm) within the envelope of the approved excavated loading dock to provide for a new electrical substation level and a 'utility level' over the approved loading dock. • Minor changes to the internal configuration of the loading dock. • Minor changes to the approved emergency fire egress.
Ramp /entrance portal	<ul style="list-style-type: none"> • Minor changes to the alignment of the entrance portal, and profile of the access ramp, resulting in a minor reduction in the required excavation in the vicinity of the entrance portal. • The approved finishes for the ramp surface include large tiles of pink granite. The pink granite finish will be retained, but smaller tiles are now proposed to be used, which will better integrate with the forecourt, thereby assisting in the ramp appearing as part of the forecourt plane.
Additional utility level (B2) over the approved loading dock	<ul style="list-style-type: none"> • An additional level (1300 m²) is proposed within the void space over the approved loading dock. The proposed additional level allows for better use of the approved underground volume of space. There is no practical need to retain the approved loading dock area with such high ceilings. The proposed additional slab will increase the structural integrity of the walls of the excavated loading dock area. The utility area created will offer a flexible future use for the Sydney Opera House. Essentially, the area will be accommodate "back of house" facilities serving existing functions, including but not limited to in-house contractor storage; workshop and amenity; food and beverage, dry store, as well as other possible uses, including education centre, rehearsal room, studio offices.
Basement B1 Level	<ul style="list-style-type: none"> • A new electrical substation (350 m²) in part of the void area above the approved loading dock (and over the proposed B2 utility level). • Proposed new fire egress corridor, resulting in a minor increase in excavation.
Loading dock level B4	<ul style="list-style-type: none"> • Deletion of the approved fire egress corridor, resulting in a minor reduction in the area of approved excavation. • Minor reconfiguration of the garbage collection/compaction area. • An additional service lift adjacent to the approved service lift, resulting in a minor increase in excavation. • Minor additional excavation in order to accommodate the stair access immediately adjacent to the approved temporary scenery lift.

Note: The modification as lodged sought approval to change the approved guardhouse and balustrade to the ramp entrance portal. These works have been deleted from the application.

2.2. Project Need and Justification

The original Major Project Application was prompted by a need for improved pedestrian safety within the Sydney Opera House Forecourt, and the need to rationalise the back-of-house servicing by commercial vehicles, to and from the site. The project was designed to ensure the efficient and effective implementation of the Management Plan for the Sydney Opera House, the Conservation Management Plan 2003, and Utzon Design Principles.

The Department considers that the proposed modification to be minor. It is consistent with the Management Plan and Conservation Management Plan, together with the adopted design principles. There is no aspect of the proposed modification which would alter the need and justification for this Major Project.

3. STATUTORY CONTEXT

3.1. Modification of the Minister's Approval

The modification application has been lodged with the Director-General pursuant to s75W of the Act. It is not necessary to issue new DGRs as the proposal is minor.

On 14 September 2011, the Minister for Planning and Infrastructure delegated responsibility for determining a modification under s75W of the Act to Directors in the Major Projects Assessment Division where there are less than 10 public submissions in the nature of objections, the relevant local council has not objected, and where not being any political disclosure statement has not been made. The local Council has not objected to this proposal and the Proponent has not made any political disclosure statement on this or the original application. On this basis the application can be determined by the Director, Metropolitan and Regional Projects – South.

3.2. Permissibility

The site is zoned 'Parks and Community Places' under the provisions of the *Sydney Local Environmental Plan 2005*. The works are permissible with consent.

3.3. Environmental Planning Instruments

All relevant Environmental Planning Instruments were considered in the assessment of the original application and have been reviewed as part of this assessment. There is nothing in this proposed modification which alters those considerations.

3.4. Objects of the EP&A Act

Decisions made under the EP&A Act must have regard to the objects of the Act, as set out in Section 5 of the Act. The relevant objects are:

- (a) *to encourage:*
 - (i) *the proper management, development and conservation of natural and artificial resources, including agricultural land, natural areas, forests, minerals, water, cities, towns and villages for the purpose of promoting the social and economic welfare of the community and a better environment,*
 - (ii) *the promotion and co-ordination of the orderly and economic use and development of land,*
 - (iii) *the protection, provision and co-ordination of communication and utility services,*
 - (iv) *the provision of land for public purposes,*
 - (v) *the provision and co-ordination of community services and facilities, and*

- (vi) *the protection of the environment, including the protection and conservation of native animals and plants, including threatened species, populations and ecological communities, and their habitats, and*
- (vii) *ecologically sustainable development, and*
- (viii) *the provision and maintenance of affordable housing, and*
- (b) *to promote the sharing of the responsibility for environmental planning between the different levels of government in the State, and*
- (c) *to provide increased opportunity for public involvement and participation in environmental planning and assessment.*

The Department has considered the objects of the EP&A Act and considers that this proposed modification is consistent with the orderly and economic use and development of the land.

3.5. Environment Protection and Biodiversity Conservation Act 1999 (EPBC Act)

The site of the Sydney Opera House (SOH) is listed on both the World Heritage List and National Heritage List under the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act). Actions that significantly affect world or national heritage listed sites require approval under the EPBC Act.

The SOH was the subject of a Bilateral Agreement entered into between the Australian and NSW Government on 12 December 2005, pursuant to section 45 of the EPBC Act. Under the terms of this agreement, the assessment regimes under the EP&A Act are automatically accredited under the EPBC Act. The terms of the agreement require that the proposed actions be in accordance with the *Management Plan for the Sydney Opera House* in force under the Environmental Planning and Assessment Amendment (Sydney Opera House Management Plan) Regulation 2005. The bilateral agreement lapsed in December 2010, and has not been renewed.

Accordingly, separate approval under the provisions of the EPBC Act from the Australian Government may be necessary in addition to approval under Part 3A of the EP&A Act. Notwithstanding the consistency of proposed modification with the bilaterally accredited *Sydney Opera House Management Plan 2005*, separate assessment and approval under the EPBC Act is a matter for consideration by the Commonwealth Government. **Advisory Note A10** has been included in the instrument of modification to advise the proponent of its obligations under the EPBC Act.

3.6. Ecologically Sustainable Development

The EP&A Act adopts the definition of Ecologically Sustainable Development (ESD) found in the *Protection of the Environment Administration Act 1991*. Section 6(2) of that Act states that ESD requires the effective integration of economic and environmental considerations in decision-making processes and that ESD can be achieved through the implementation of:

- (a) *the precautionary principle,*
- (b) *inter-generational equity,*
- (c) *conservation of biological diversity and ecological integrity,*
- (d) *improved valuation, pricing and incentive mechanisms.*

The works comprising the proposed modification are relatively minor having regard to the scope of the Major Project Approval. There is no aspect of the proposed modification which would alter the approved project's consistency with the principles of Ecologically Sustainable Development.

3.7. Statement of Compliance

In accordance with section 75I of the EP&A Act, the Department is satisfied that the Director-General's environmental assessment requirements have been complied with.

4. CONSULTATION AND SUBMISSIONS

4.1. Exhibition

Under s75W of the Act, a request for a modification of an approval does not require public exhibition. The proposed modification involves relatively minor works within the approved excavation envelope. However, under s75X (2) (f) of the Act, the Director-General is to make publicly available requests for modifications of approvals given by the Minister. In accordance with cl. 8G of the *Environmental Planning and Assessment Regulation 2000* the modification application was published on the Department's website.

4.2. Referral to the Heritage Branch, Office of Environment and Heritage

The proposed modification was referred to the Heritage Branch for comment, who advised that the proposed modification is acceptable in principle. Heritage Branch have requested that a condition be imposed requiring the applicant to submit further architectural details of the proposed works with the Section 60 application.

In this regard, existing **Condition C10** of the project approval requires an application under Section 60 of the NSW Heritage Act to be submitted to and approved by the NSW Heritage Council prior to work commencing. Therefore no additional conditions are required.

4.3. Referral to the Council of the City of Sydney

The proposed modification was referred to the Council of the City of Sydney for comment. Council advised that they have no specific objection to the proposed below ground modifications, and that the City's position regarding the development (outlined in the letter dated 28 September 2010) is not significantly altered by the proposed modification.

5. ASSESSMENT

The proposed modification involves a minor amount of additional excavation. While the proposed additional basement levels, above the approved loading dock results in an additional 1,650 m² of floor space, this would be entirely contained within the envelope of the approved excavation. The proposed works are all below ground and would not be publicly visible or accessible. There would be no environmental impact, as a consequence of the additional floorspace.

The proposed modification does not amount to an intensification of the existing use. While the additional two levels of floorspace within the envelope of the approved excavation equate to approximately 1,650 m² of additional floorspace, the B2 utility level will provide for additional flexible floorspace, allowing the Sydney Opera House to undertake its existing operations in a significantly more efficient manner, while the proposed B1 level would be occupied by a new electricity substation. The proposed additional levels and would not create demand for additional car parking, either within the site or on the public streets in the vicinity of the site. Nor would the additional floorspace would give rise to increased deliveries/truck movements.

The only potential environmental impact which may arise from the proposed modification is the disturbance of historic relics or human remains of Aboriginal or European significance. However, the potential for disturbance of historic relics or human remains is considered to be no greater than that which was considered to be acceptable as part of the assessment of the major project.

The existing project approval contains conditions relating to Heritage Conservation and Aboriginal Heritage (existing **Conditions C9, D10** and Advisory Note AN8) which are

considered to be sufficient to ensure that proper action is taken in the event that unexpected historical archaeological evidence or unexpected aboriginal art logical evidence is encountered during site works.

Conclusion

The proposed works are within the envelope of the approved excavated loading dock and will not result in any measurable environmental impact, being contained wholly underground and not resulting in any intensification of the use. The additional levels proposed to be created within the envelope of the approved excavation would have no impact on the heritage significance of the Sydney Opera House or its setting. The proposed modification is consistent with the bilaterally agreed Management Plan for the Sydney Opera House and the statutory framework for the assessment of 'actions' in relation to the Sydney Opera House.

The proposed modification is unlikely to result in any additional environmental impact, over and above that which has already been taken into consideration as part of the assessment of the original Major Project. The proposed modification involves a very minor degree of additional excavation, relative to the extent of the approved excavation. Existing conditions within the Instrument of Approval are considered sufficient to ensure that appropriate action is taken in the event that unexpected historical archaeological evidence or unexpected aboriginal archaeological evidence is encountered.

The requirement separate approval under the provisions of the EPBC Act from the Australian Government is addressed in **Advisory Note A10**.

6. RECOMMENDATION

It is recommended that the Director, Metropolitan and Regional Projects – South, in accordance with the Instrument of Delegation issued by the Minister for Planning and Infrastructure dated 14 September 2011:

- a. Consider the findings and recommendations of this report; and
- b. Approve the modification, subject to conditions, and
- c. Sign the attached Instrument of Modification for MP09_0200.



Mark Schofield
Team Leader



Robert Byrne
Senior Town Planner

APPENDIX A MODIFICATION REQUEST

http://majorprojects.planning.nsw.gov.au/index.pl?action=view_job&job_id=4757

APPENDIX B ARCHITECTURAL PLANS

http://majorprojects.planning.nsw.gov.au/index.pl?action=view_job&job_id=4757

APPENDIX C

MODIFYING INSTRUMENT

Modification of Minister's Approval

Section 75W of the *Environmental Planning & Assessment Act 1979*

As delegate of the Minister for Planning and Infrastructure under delegation dated 14 September 2011, I approve the modification of the application referred to in Schedule 1, subject to the condition in Schedule 2.

These conditions are required to:

- prevent, minimise, and/or offset adverse environmental impacts;
- set standards and performance measures for acceptable environmental performance;
- require regular monitoring and reporting; and
- provide for the ongoing environmental management of the project.

Alan Bright
A/Director Metropolitan & Regional Projects South

Sydney

2012

SCHEDULE 1

Project Approval:

MP09_0200 granted by the Minister for Planning on 10 December 2010.

For the following:

Vehicle and Pedestrian Safety Project, including:

- Construction of an underground loading dock.
- Alteration of lifts and stairs and construction of new lift services and corridors.
- New opening in southern forecourt and construction of vehicle access ramp.
- Removal of recessed vehicle access path and existing guardhouse, and construction of new guardhouse.
- Forecourt improvement works, relocation of below ground services and modifications to the roof of the pedestrian tunnel to the existing adjoining car park.

Modification:

Modification 1

- Minor changes to the alignment and finishes of the approved entrance ramp.
- Additional levels within the envelope of the approved loading dock to provide for a new electrical substation level and 'utility level'.
- Minor changes to the internal configuration of the loading dock, Basement Level.
- Minor changes to the approved emergency fire egress.

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Alan Bright

A/Director Metropolitan & Regional Projects South

Sydney

20 FEBRUARY 2012

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- Minor changes to the internal configuration of the loading dock, Basement Level.
- Minor changes to the approved emergency fire egress.

SCHEDULE 2
CONDITIONS OF APPROVAL

PART A – ADMINISTRATIVE CONDITIONS

Condition A2 is modified as follows:

A2 *Development in Accordance with Plans and Documents*

The development shall be in accordance with the following plans, documentation and recommendations made therein:

A. Environmental Assessment Report (Volumes 1, 2 & 3) and Appendices prepared by Byrnes & Associates Pty Ltd on behalf of Sydney Opera House Trust, dated July 2010.			
B. Submissions Report and Appendices prepared by Byrnes & Associates Pty Ltd on behalf of Sydney Opera House Trust, dated 25 October 2010			
C. Archaeological Management Plan and Heritage Impact Assessment report prepared by GML in January 2010.			
D. Statement of Commitments prepared by Byrnes & Associates Pty Ltd on behalf of Sydney Opera House Trust, dated 25 October 2010 contained in Schedule 3.			
E. Architectural Drawings prepared by Johnson Pilton Walker Pty Ltd.			
F Conservation Management Plan 2003 – (3rd edition 2003) by James Semple Kerr.			
Drawing No.	Revision	Name of Plan	Date
EA-010	00	Locality Plan	2 June 2010
EA-050	00	Site Plan Existing	2 June 2010
EA-055	00	Site Plan Proposed	2 June 2010
EA-100	00	Basement 4 (Level -0.38')	2 June 2010
EA-130	00	Basement 1 (Level +/-001')	2 June 2010
EA-140	00	Ground (Level +012')	2 June 2010
EA-200	00	Basement 4 (Level -038') Reflected Ceiling Plan	2 June 2010
EA-300	00	Section X70_N	2 June 2010
EA-305	00	Section X48_N	2 June 2010
EA-310	00	Section X38_N	2 June 2010
EA-315	00	Section X30_N	2 June 2010
EA-320	00	Section X09_N	2 June 2010
EA-325	00	Section Y21_E	2 June 2010
EA-330	00	Section Y25_E	2 June 2010
EA-335	00	Section Y29_E	2 June 2010

EA-340	00	Section Y34_E & Proposed Vehicle Ramp	2 June 2010
EA-406	00	Vehicle Ramp Section B Proposed	2 June 2010
EA-415	00	Vehicle Ramp Section D	2 June 2010
EA-420	00	Vehicle Ramp Section E	2 June 2010
EA-440	00	Section JJ Vehicle Ramp and Pedestrian Tunnel	2 June 2010
EA-450	00	Delivery Dock_Elevation North	2 June 2010
EA-455	00	Delivery Dock_Elevation East	2 June 2010
EA-460	00	Delivery Dock_Elevation South	2 June 2010
EA-465	00	Delivery Dock_Elevation West	2 June 2010
EA-900	00	Existing Image 01 – From Macquarie St Roundabout	2 June 2010
EA-905	00	Proposed Image 01 – From Macquarie St Roundabout	2 June 2010
EA-910	00	Existing Image 02 – From Monumental Stairs	2 June 2010
EA-915	00	Proposed Image 02 – From Monumental Stairs	2 June 2010
EA-920	00	Existing Image 03 – From Monumental Stairs Detail	2 June 2010
EA-925	00	Proposed Image 03 – From Monumental Stairs Detail	2 June 2010

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B. Architectural Drawings prepared by Scott Carver Pty Ltd.			
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49-FV-SC001-EA -100	0	Environmental Assessment Basement Level B4 Plan	25/11/2011
49-FV-SC001-EA -110	0	Environmental Assessment Basement Level B2 Plan	25/11/2011
49-FV-SC001-EA -120	0	Environmental Assessment Basement Level B1 Plan	25/11/2011
49-FV-SC001-EA -310	0	Environmental Assessment Sections W-E Sheet 3(X38_N & X30_N)	25/11/2011
49-FV-SC001-EA -320	0	Environmental Assessment Sections W-E Sheet 4 (X09_N)	25/11/2011
49-FV-SC001-EA -325	0	Environmental Assessment Sections N-S Sheet 1 (Y21_E)	25/11/2011
49-FV-SC001-EA -330	0	Environmental Assessment Sections N-	25/11/2011

		S Sheet 2 (Y25_E)	
49-FV-SC001-EA -338	0	Environmental Assessment Sections S-N Sheet 4 (Y29_W)	25/11/2011
49-FV-SC001-EA -340	0	Environmental Assessment Sections N-S Sheet 5 (Y34_E)	25/11/2011

Except for:

- (1) any modifications which are 'Exempt and Complying Development' or as may be necessary for the purpose of compliance with the BCA and any Australian Standards incorporated in the BCA; or
- (2) otherwise provided by the conditions of this approval.

Advising Note A10 to be inserted after existing A9 as follows:

A10 Separate approval under the Environment Protection and Biodiversity Conservation Act 1999

The proponent must obtain separate approval under the Environment Protection and Biodiversity Conservation Act 1999, as a consequence of the lapsing of the Bilateral Agreement between the Australian Government and the State of New South Wales relating to Actions approved and taken in accordance with the Bilaterally Accredited Management Plan for the Sydney Opera House. The proponent should contact Mahani Taylor, Director of the NSW Assessment Branch of Department of Sustainability, Environment, Water, Population and Communities by phone (02) 6274 1428 or email Mahani.Taylor@environment.gov.au to request the assessment requirements of the Australian government.

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EA-315	00	Section X30_N	2 June 2010
EA-320	00	Section X09_N	2 June 2010
EA-325	00	Section Y21_E	2 June 2010
EA-330	00	Section Y25_E	2 June 2010
EA-335	00	Section Y29_E	2 June 2010

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49-FV-SC001-EA -310	0	Environmental Assessment Sections W-E Sheet 3(X38_N & X30_N)	25/11/2011
49-FV-SC001-EA -320	0	Environmental Assessment Sections W-E Sheet 4 (X09_N)	25/11/2011
49-FV-SC001-EA -325	0	Environmental Assessment Sections N-S Sheet 1 (Y21_E)	25/11/2011
49-FV-SC001-EA -330	0	Environmental Assessment Sections N-	25/11/2011

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49-FV-SC001-EA -340	0	Environmental Assessment Sections N-S Sheet 5 (Y34_E)	25/11/2011

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