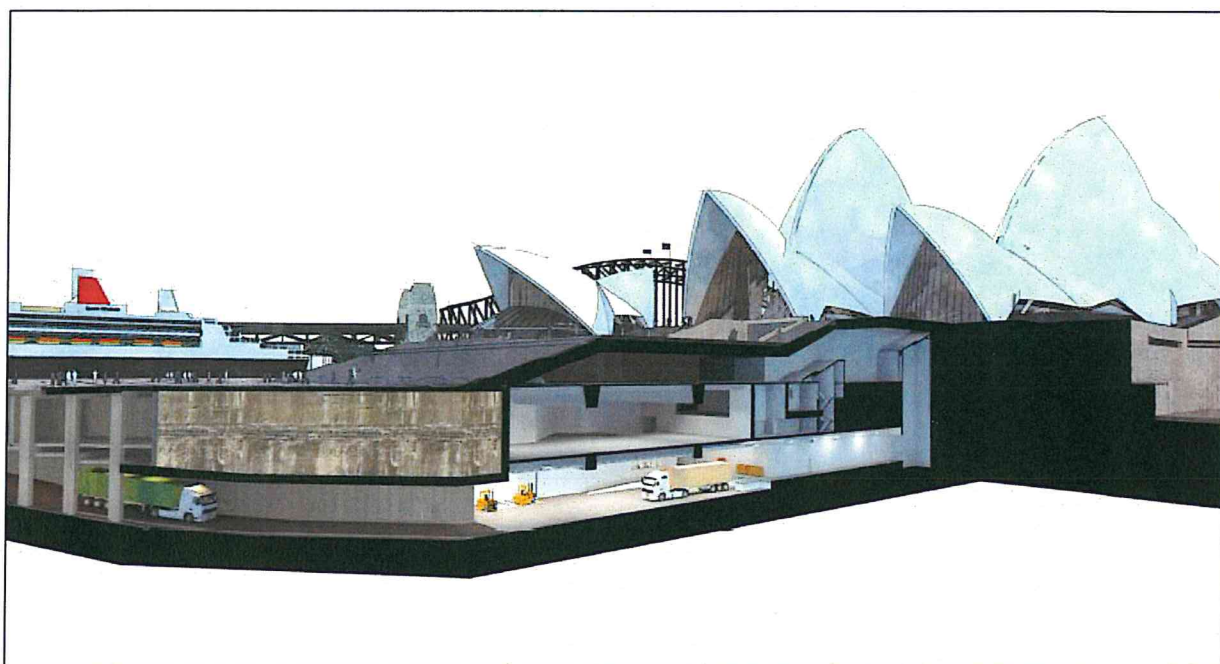




Planning &  
Infrastructure

**MAJOR PROJECT ASSESSMENT:**  
**Sydney Opera House Vehicle and Pedestrian Safety Project**  
**MP09\_0200 (MOD 2)**



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

February, 2013

## 1. BACKGROUND

### 1.1 The Site

The Sydney Opera House Trust (the proponent), has lodged a section 75W application (MOD 2) to modify the Sydney Opera House Vehicle and Pedestrian Safety Project (Sydney Opera House VAPS project). The site is known as The Sydney Opera House and is legally described as Lot 5 in Deposited Plan 775888 and Lot 4 in Deposited Plan 787933 (see **Figure 1** below).

The Sydney Opera House sits raised above a large forecourt area (the Forecourt) paved with cobblestones and precast and etched pink reconstituted granite. Immediately north, east and west of the site is Sydney Harbour and Circular Quay. To the immediate south of the Forecourt is the Royal Botanic Gardens which is elevated above the Sydney Opera House forecourt via the Tarpeian Wall.

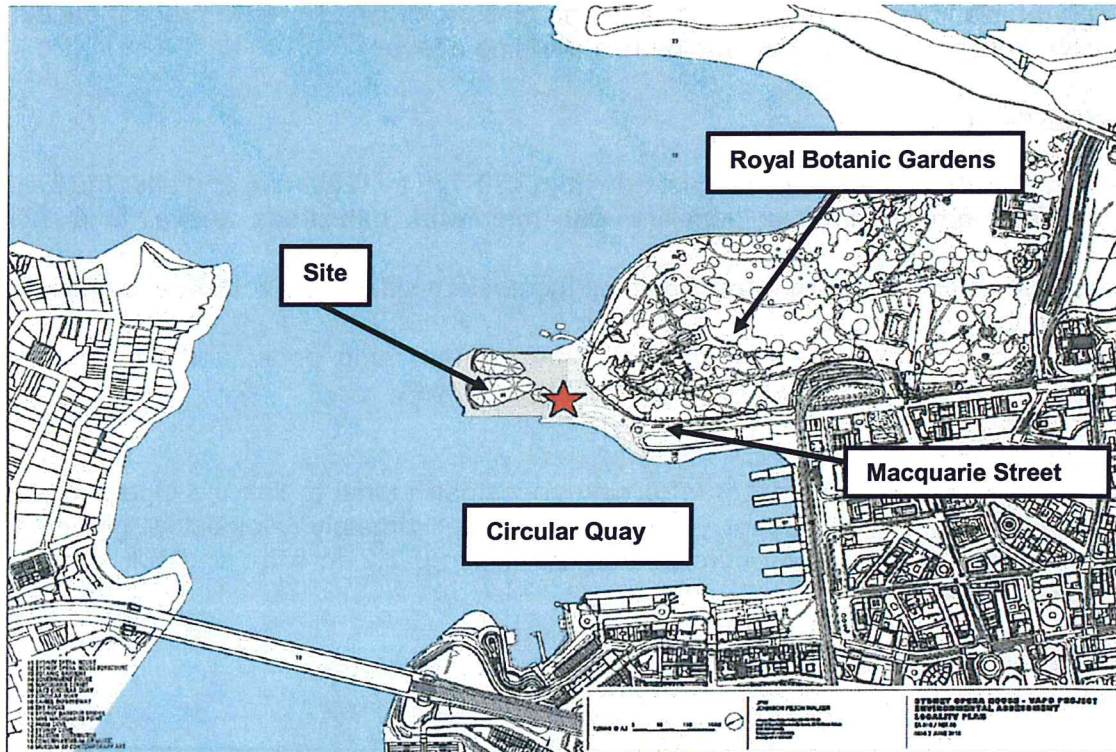


Figure 1: Location of the Subject Site

### 1.2 Approval History

On 10 December 2010, the Deputy Director-General, Development Assessment and Systems Performance approved a project application for the Sydney Opera House VAPS project (MP09\_0200). The approval provided for:

- construction of an underground loading dock;
- alteration of lifts, stairs, and construction of new lift services and corridors;
- a new opening in the southern forecourt and construction of a vehicle access ramp;
- removal of the recessed vehicle access path and the existing gatehouse, and construction of a new gatehouse; and
- forecourt improvement works, relocation of below ground services and modifications to the roof of the pedestrian tunnel to the existing adjoining car park.

The A/Director, Metropolitan & Regional Projects North, approved a modification to the project application (MOD 1) on 20 February 2012. MOD 1 permitted minor changes to the alignment and finishes of the entrance ramp, additional levels within the loading dock, changes to the internal configuration of the loading dock at basement level, and changes to the emergency fire egress arrangements.



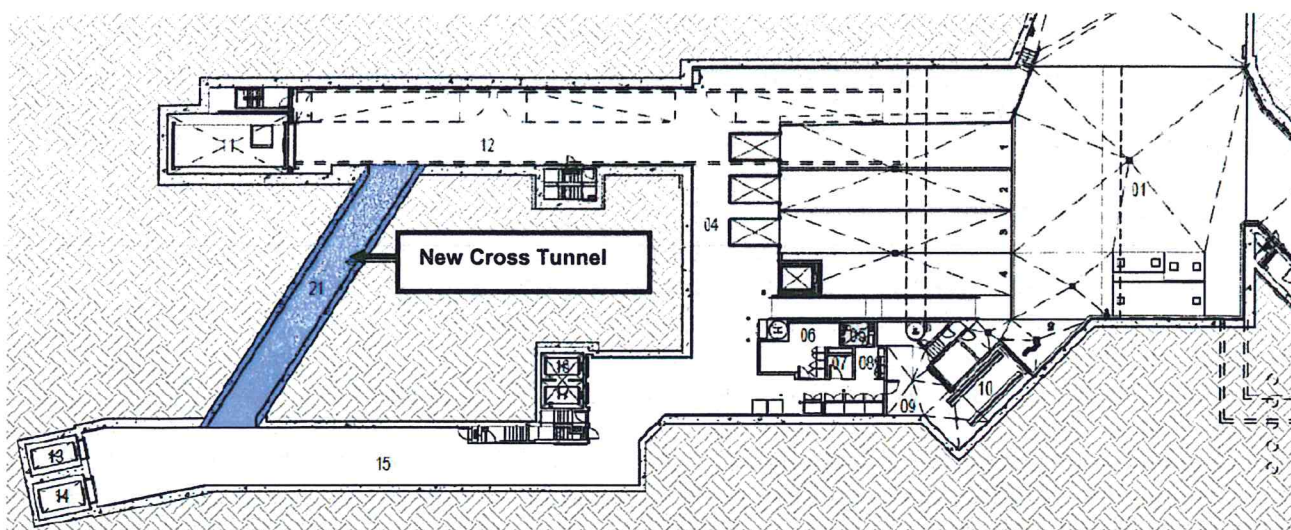


Figure 4: Proposed Pedestrian Tunnel

## 2.2 Modification Justification

Modifications to the gatehouse are proposed to improve passive surveillance of the forecourt area and vehicle circulation, and provide a more sympathetic response to the national and world heritage values of the Opera House through the use of a more simplified design scheme, and the incorporation of materials that are consistent with the 'Utzon' design principles.

Changes to the vehicle entry ramp balustrade and pre-cast cladding are proposed to provide compliance with the balustrade height requirements of the Building Code of Australia (BCA).

The additional pedestrian tunnel is proposed to provide an alternate egress route and improve back-of-house functionality during event bump-in and bump-out periods. In addition, the tunnel will allow for the movement of construction equipment between the Opera Theatre and Concert Hall corridors during the basement excavation works, and will provide the added benefit of reducing the length of the construction program by providing an alternate access route for the tunnelling equipment required to construct the new basement levels.

## 3. STATUTORY CONTEXT

### 3.1 Continuing Operation of Part 3A to Modify Project Approvals

In accordance with clause 3 of Schedule 6A of the *Environmental Planning and Assessment Act 1979* (EP&A Act), as in force immediately before its repeal on 1 October 2011, and as modified by Schedule 6A, continues to apply to transitional Part 3A projects.

Consequently, this report has been prepared in accordance with the requirements of Part 3A and the associated regulations, and the Minister (or his delegate) may approve or disapprove the modifications under section 75W of the EP&A Act.

### 3.2 Modification of the Minister's Approval

Section 75W(2) of the EP&A Act provides that a proponent may request the Minister to modify the Minister's approval for a project. The Minister's approval of a modification is not required if the project, as modified, would be consistent with the original approval. As the proposed modification seeks to alter approved drawings, the modification will require the Minister's approval.

### 3.3 Environmental Assessment Requirements

Section 75W(3) of the EP&A Act provides the Director-General with scope to issue Environmental Assessment Requirements (DGRs) that must be complied with before the matter will be considered by the Minister. DGRs were not issued for the proposed modification as the proponent addressed the key issues in the modification request.



### Council

Raised no objection to the application and advised that the modifications are minor in nature and do not affect its original comments.

### SEWPAC

SEWPAC advised that the proposed modifications to the loading dock and gatehouse will have an impact on the setting of the Opera House, and as such will have impacts on its world and national heritage values. Notwithstanding, SEWPAC advised that it considers that the application has been designed to mitigate these impacts via the use of an appropriate materials palette.

### Heritage Council

The Heritage Council advised that the scope of works outlined in the application are unlikely to have an unacceptable impact on the State, National or World heritage values of the Opera House.

### Australian Institute of Architects

The Institute commended the design of the gatehouse and advised that it considers the proposed modifications will reduce the intrusiveness of the gatehouse in comparison to the approved project.

## **4.3 Public Submissions**

No submissions were received from the public.

## **5. ASSESSMENT**

---

The department considers the key issues for the proposed modification to be:

- impacts on the State, National and World heritage values of the Opera House;
- structural and archaeological impacts associated with additional excavation; and
- traffic impacts.

### **5.1 Impacts on the State, National and World Heritage Values of the Sydney Opera House**

The *Sydney Opera House Management Plan (2005)* was prepared by the NSW Government for accreditation under the EPBC Act to ensure that the State, National and World heritage values of the Opera House are protected and conserved. The Plan predominantly sets out the legislative framework for assessing and determining future development proposals within and surrounding the Opera House. Section 6 of the Plan specifies that the provisions of *A Plan for the Conservation of the Sydney Opera House and its Site (Third Edition)* (the "CMP") and the *Utzon Design Principles*, should be relied upon to determine the impact of a project on the heritage values of the site.

The proponent's section 75W report includes a Heritage Impact Statement (HIS) prepared by Design 5 Architects which assesses the impacts of the proposed modifications on the values of the Opera House in accordance with the policies outlined in the CMP and the *Utzon Design Principles*. The HIS concluded that:

- the design modifications to the gatehouse are a substantial improvement on the approved scheme, both in terms of aesthetics and functionality. The proposed materials, textures and language of the gatehouse retain and respect the existing values of the place and are consistent with the Utzon Design Principles. Furthermore, the revised scheme will enhance the setting of the building;
- the proposed changes to the parapet and balustrade around the loading dock entry portal will have a significant impact on the setting of the forecourt because of their solidity and height, however these impacts can be mitigated by their simple design and use of elements consistent with the Utzon Design Principles. Furthermore, the open and unencumbered character of the forecourt and Tarpeian Wall as defining elements in the iconic presentation of the Opera House will not be diminished as a result of these changes; and
- The proposed cross tunnel at basement level B4 will have no adverse impacts on the heritage values of the site. Furthermore, the HIS notes that the tunnel may improve the functionality of

The department considers the proposed modifications to the VAPS project acceptable, as it will enhance the visual quality of the pedestrian forecourt and operational capacity of the Sydney Opera House. Accordingly, approval of the modification is recommended.

## 7. RECOMMENDATION

---

It is recommended that the Director, Metropolitan and Regional Projects North:

- a) Consider the findings and recommendations of this report;
- b) Approve the modification, subject to conditions, and
- c) Sign the attached Instrument of Modification (**Tag A**).



06.02.13

Kate MacDonald  
**Senior Planner**  
Metropolitan and Regional Projects North



11/2/13

Heather Warton  
**Director**  
Metropolitan and Regional Projects North

## APPENDIX B SUBMISSIONS

---

<http://majorprojects.planning.nsw.gov.au>

## **APPENDIX C      MODIFYING INSTRUMENT**

---