APPROVAL

Sydney Opera House Building Renewal Program – Concert Hall and associated works, NSW (EPBC 2017/7955)

This decision is made under sections 130(1) and 133(1) of the Environment Protection and Biodiversity Conservation Act 1999 (Cth). Note that section 134(1A) of the EPBC Act applies to this approval, which provides in general terms that if the approval holder authorises another person to undertake any part of the action, the approval holder must take all reasonable steps to ensure that the other person is informed of any conditions attached to this approval, and that the other person complies with any such condition.

Details

<table>
<thead>
<tr>
<th>Person to whom the approval is granted (approval holder)</th>
<th>Sydney Opera House Trust</th>
</tr>
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<tbody>
<tr>
<td>ABN of approval holder</td>
<td>69 712 101 035</td>
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<tr>
<td>Action</td>
<td>To undertake various projects relating to the Concert Hall (excluding Rehearsal Rooms 1 and 2) and Creative Learning Centre of the Sydney Opera House, NSW. [See EPBC Act referral 2017/7955 and requests for variations accepted on 24 August 2017 and 13 June 2018].</td>
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Approval decision

My decisions on whether or not to approve the taking of the action for the purposes of each controlling provision for the action are as follows.

Controlling Provisions

<table>
<thead>
<tr>
<th>World Heritage values of a World Heritage property</th>
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<tr>
<td>Section 12</td>
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<td>Section 15A</td>
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<th>National Heritage values of a National heritage place</th>
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<tr>
<td>Section 15B</td>
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<td>Section 15C</td>
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Period for which the approval has effect

This approval has effect until 5 February 2025.
**Decision-maker**

<table>
<thead>
<tr>
<th>Name and position</th>
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<tbody>
<tr>
<td>Louise Vickery</td>
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<tr>
<td>Assistant Secretary</td>
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<td>Environment Approvals and Wildlife Trade Branch</td>
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<td>Department of the Environment and Energy</td>
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**Signature**

![Signature](image)

**Date of decision** 21/01/2020

**Conditions of approval**

This approval is subject to the conditions under the EPBC Act as set out in ANNEXURE A.
ANNEXURE A – CONDITIONS OF APPROVAL

Part A – Conditions specific to the action

1. To minimise the impacts of the action on protected matters, the approval holder must comply with conditions A25, B17-19, B24-B25, B29, C16-C17, C38, D4 and E7 of the NSW development consent, as in force or existing from time to time, where those conditions relate to avoiding, mitigating, offsetting, managing, recording, or reporting on impacts to protected matters.

2. To minimise the impacts of the action on protected matters, the approval holder must notify the Department in writing of any proposed changes to the NSW development consent for which condition 1 applies within 10 business days of such a change being approved by the NSW Government.

3. To mitigate the impacts of the action on protected matters, the approval holder must, during construction:
   i. Display information about the evolution of the design and fabric of the building as a result of the action, in publicly accessible areas.
   ii. Provide for permanent information accessible through the Sydney Opera House website as an online archival record of the building and the renewal program.

4. To manage the impacts of the action on protected matters, the approval holder must provide copies of the documents required by conditions A25, B19, B25, B29, D4, and E7 of the NSW development consent to the Department for information.

Part B – Standard administrative conditions

Notification of date of commencement of the action

5. The approval holder must notify the Department in writing of the date of commencement of the action within 10 business days after the date of commencement of the action.

Compliance records

6. The approval holder must maintain accurate and complete compliance records.

7. If the Department makes a request in writing, the approval holder must provide electronic copies of compliance records to the Department within the timeframe specified in the request.

Note: Compliance records may be subject to audit by the Department or an independent auditor in accordance with section 458 of the EPBC Act, and or used to verify compliance with the conditions. Summaries of the result of an audit may be published on the Department’s website or through the general media.

Annual compliance reporting

8. The approval holder must prepare a compliance report for each 12 month period following the date of commencement of the action, or otherwise in accordance with an annual date that has been agreed to in writing by the Minister. The approval holder must:
   a. publish each compliance report on the website within 60 business days following the relevant 12 month period;
   b. notify the Department by email that a compliance report has been published on the website and provide the weblink for the compliance report within five business days of the date of publication;
   c. keep all compliance reports publicly available on the website until this approval expires;
   d. exclude or redact sensitive ecological data from compliance reports published on the website; and
where any sensitive ecological data has been excluded from the version published, submit the full compliance report to the Department within 5 business days of publication.

Note: Compliance reports may be published on the Department’s website.

Reporting non-compliance

9. The approval holder must notify the Department in writing of any: incident; non-compliance with the conditions; or non-compliance with the commitments made in plans. The notification must be given as soon as practicable, and no later than two business days after becoming aware of the incident or non-compliance. The notification must specify:
   a. any condition which is or may be in breach;
   b. a short description of the incident and/or non-compliance; and
   c. the location (including co-ordinates), date, and time of the incident and/or non-compliance. In the event the exact information cannot be provided, provide the best information available.

10. The approval holder must provide to the Department the details of any incident or non-compliance with the conditions or commitments made in plans as soon as practicable and no later than 10 business days after becoming aware of the incident or non-compliance, specifying:
   a. any corrective action or investigation which the approval holder has already taken or intends to take in the immediate future;
   b. the potential impacts of the incident or non-compliance; and
   c. the method and timing of any remedial action that will be undertaken by the approval holder.

Independent audit

11. The approval holder must ensure that independent audits of compliance with the conditions are conducted as requested in writing by the Minister.

12. For each independent audit, the approval holder must:
   a. provide the name and qualifications of the independent auditor and the draft audit criteria to the Department;
   b. only commence the independent audit once the audit criteria have been approved in writing by the Department; and
   c. submit an audit report to the Department within the timeframe specified in the approved audit criteria.

13. The approval holder must publish the audit report on the website within 10 business days of receiving the Department’s approval of the audit report and keep the audit report published on the website until the end date of this approval.

Completion of the action

14. Within 30 days after the completion of the action, the approval holder must notify the Department in writing and provide completion data.

Part C - Definitions

In these conditions, except where contrary intention is expressed, the following definitions are used:

Business day means a day that is not a Saturday, a Sunday or a public holiday in the state or territory of the action.
Commencement of the action means the first instance of any specified activity associated with the action including construction of any infrastructure. Commencement of the action does not include minor physical disturbance necessary to:

i. install signage and/or temporary fencing to prevent unapproved use of the project area; and

ii. install temporary site facilities for persons undertaking pre-commencement activities so long as these are located where they have no impact on the protected matters.

Completion data means an environmental report clearly detailing how the conditions of this approval have been met.

Completion of the action means all specified activities associated with the action have permanently ceased.

Compliance records means all documentation or other material in whatever form required to demonstrate compliance with the conditions of approval in the approval holder’s possession or that are within the approval holder’s power to obtain lawfully.

Compliance reports means written reports:

i. providing accurate and complete details of compliance, incidents, and non-compliance with the conditions; and

ii. consistent with the Department's Annual Compliance Report Guidelines (2014).

Construction means the erection of a building or structure that is or is to be fixed to the ground and wholly or partially fabricated on-site; the alteration, maintenance, repair or demolition of any building or structure; preliminary site preparation work which involves breaking of the ground (including pile driving); the laying of pipes and other prefabricated materials in the ground, and any associated excavation work; but excluding the installation of temporary fences and signage.

Department means the Australian Government agency responsible for administering the EPBC Act.

EPBC Act means the Environment Protection and Biodiversity Conservation Act 1999 (Cth).

Incident means any event which has the potential to, or does, impact on any protected matter(s).


Minister means the Australian Government Minister administering the EPBC Act including any delegate thereof.

NSW development consent means the conditions of consent for project SSD 8663 approved on 12 December 2019 under the Environmental Planning and Assessment Act 1979 (NSW).

NSW Government means the relevant NSW agency responsible for administering the Environmental Planning and Assessment Act 1979 (NSW).

Protected matters means the heritage values of the Sydney Opera House, the World Heritage property and National Heritage place protected under the provisions under Part 3 of the EPBC Act for which this approval has effect.

Suitably qualified person means a person who has professional qualifications, training, skills and/or experience related to the nominated subject matter and can give authoritative independent assessment, advice and analysis on performance relative to the subject matter using the relevant protocols, standards, methods and/or literature.

Website means a set of related web pages located under a single domain name attributed to the approval holder and available to the public.