

CONSOLIDATED CONDITIONS OF CONSENT
DA 445-10-2003
SOUTHERN BROADWALK, SYDNEY OPERA HOUSE

[As amended by MOD 61-1-2005 on 5 January 2005]
[As amended by MOD 90-12-2007 on 14 November 2007]
[As amended by MOD 52-6-2008 24 July 2008]
[As amended by DA 445-10-2003 MOD 4 on 14 October 2016]

SCHEDULE 1

PART A—TABLE

Application made by:	Sydney Opera House Trust Bennelong Point, Sydney NSW 2000
Application made to:	Minister for Infrastructure and Planning
Development Application:	No. 445-10-2003
On land comprising:	Sydney Opera House Southern Forecourt, Monumental Steps and Broadwalk Areas.
For the carrying out of:	Development described in Condition 1, Schedule 2
Estimated Cost of Works	NA
Type of development:	State Significant Development
S.119 Public inquiry held:	No
BCA building class:	9B
Approval Body / Bodies:	Not Integrated
Determination made on:	
Determination:	A development consent is granted subject to the conditions in the attached Schedule 2.
Date of commencement of consent:	This development consent commences on the date identified in the letter accompanying the Determination.
Date consent is liable to lapse	This consent will lapse 5 years from the date of commencement of consent, unless: ▪ a shorter period of time is specified by the Regulations or a condition in Schedule 2, or ▪ the development has physically commenced.

PART B—NOTES RELATING TO THE DETERMINATION OF DA NO. 445-10-2003

Responsibility for other approvals / agreements

The applicant is solely responsible for ensuring that all additional consents and agreements are obtained from other authorities, as relevant.

Appeals

The applicant has the right to appeal to the Land and Environment Court under Section 97 of the *Environmental Planning and Assessment Act, 1979*. The right to appeal is only valid:

- (1) for a development application, within 12 months after the date on which the applicant received this notice, or

Appeals—Third Party

A third party right to appeal to this development consent is available under Section 123, subject to Section 101, of the *Environmental Planning and Assessment Act, 1979*.

Legal notices

Any advice or notice to the consent authority shall be served on the Director-General.

PART C—DEFINITIONS

In this consent,

Accredited Acoustical Consultant means an acoustical consultant who is a member of one or more of the following organisations: The Association of Australian Acoustical Consultants; The Australian Acoustical Society; or the Institution of Engineers Australia.

Applicant means the Sydney Opera House Trust or any party acting upon this consent.

Approval Body has the same meaning as within Division 5 of Part 4 of the Act.

BCA means the Building Code of Australia.

Bump-in means a period in which temporary infrastructure is assembled prior to the commencement of an event.

Bump-out means the period in which temporary infrastructure is dismantled at the conclusion of an event.

Council means City of Sydney Council.

DA No. 445-10-2003 means the development application and supporting documentation submitted by the applicant on 17 October 2003 and as amended.

DEC means the Department of Environment and Conservation

Department means the Department of ~~Planning and Environment Infrastructure, Planning and Natural Resources or its successors.~~

~~**Director** means the Director of the Urban Assessments (or its successors) within the Department.~~

~~**Director-General** means the Director-General of the Department.~~

EA Environmental Assessment entitled 'Section 75W Modification Application to DA 445-10-2003 – Sydney Opera House – Use of the Southern Forecourt and Monumental Steps for Performing Arts / Community Events and Corporate Functions' prepared by JBA Urban Planning Consultants Pty Ltd, dated 8 August 2016 and the accompanying appendices.

EPA Environment Protection Authority

~~**Event** means an event / performance as defined under Type C — High impact performing arts/community event within the Statement of Environmental Effects. An event or function as described in the EA and RTS.~~

~~**Function** means an MICE/Corporate Function as defined under Type C — High Impact functions, within the Statement of Environmental Effects. A function as described in the EA and RTS.~~

Heritage Office *Office of Environment and Heritage (Heritage Office)*

~~L_{Amax} means the A — weighted maximum Root Mean Square (RMS) sound pressure level measured at any time during an event or function;~~

~~L_{Cmax} means the C — weighted maximum Root Mean Square (RMS) sound pressure level measured at any time during an event or function~~

Minister means the Minister for ~~Infrastructure and~~ Planning.

RTS Response to Submissions Report entitled 'Section 75W Modification Application to DA 445-10-2003 – Sydney Opera House – Use of the Southern Forecourt and Monumental Steps for Performing Arts / Community Events and Corporate Functions – Applicant's Response to Submissions' prepared by JBA Urban Planning Consultants Pty Ltd, dated 13 September 2016 and accompanying appendices.

Secretary *The Secretary of the Department (or nominee)*

Sensitive Receiver means places such as residences, nursing homes, hospitals and schools

TNSW Transport for NSW

Trust Has the same meaning as applicant.

CONSOLIDATED CONDITIONS OF CONSENT

SCHEDULE 2

CONDITIONS OF CONSENT

DEVELOPMENT APPLICATION NO. 445-10-2003

GENERAL

1. Development consent is granted only to carrying out the development described in detail below:
 - (1) Use of Sydney Opera House Southern Forecourt and Monumental Steps for temporary performing arts / community events and functions.
2. The development shall be generally in accordance with development application number No.445-10-2003 submitted by the applicant on 17 October 2003, **as modified by MOD 6-1-2005, MOD 90-12-2007, MOD 52-6-2008 and DA 445-10-2003 MOD 4.** The development shall be carried out generally ~~and~~ in accordance with the supporting documentation submitted with ~~that application~~ **those applications**, including, but not limited to, the following:
 - (i) **the** Statement of Environmental Effects entitled Sydney Opera House – Forecourt and Site DA prepared by City Plan Services, dated October 2003, including revised Table 1 (Site Event Schedule) amended 21 May 2004; **and**
 - (ii) **the** EA and RTS for DA 445-10-2003 MOD 4.

[Proposed DA 445-10-2003 MOD 4]

- 2A. The stage configuration and front-of-house noise monitoring location/s for events and functions are to be in generally accordance with the plans referenced in the table below, unless otherwise amended by the approved Noise Management Plan (refer to Condition 45A of this consent).

Figure Number	Name of Plan	Document	Author	Date
2	Typical forecourt event configuration	Acoustic Report in the RTS (Appendix A)	Auditoria Pty Ltd	6 September 2016
3	Australia Day event configuration	Acoustic Report in the RTS (Appendix A)	Auditoria Pty Ltd	6 September 2016
4	Opera on the stairs event configuration	Acoustic Report in the RTS (Appendix A)	Auditoria Pty Ltd	6 September 2016
4	Indicative Western Broadwalk event footprint	Acoustic Assessment in the RTS (Appendix A)	Acoustic Studio	September 2016

3. ~~The development consent hereby approved shall lapse three (3) **four (4)** years after the determination date in Schedule 1 of this consent. Development may be carried out in accordance with the consent, until 31 December 2009. Deleted.~~

[As amended by MOD 90-12-2007 on 14 November 2007]
[As amended by MOD 52-6-2008 24 July 2008]

PREScribed CONDITIONS

4. The Applicant shall comply with the prescribed conditions of development consent under clause 98 of the Regulation.

MAXIMUM NUMBER OF EVENTS AND FUNCTIONS

5. The maximum number of events and functions shall be as follows:

	MAXIMUM NUMBER OF DAYS PER YEAR (Inclusive of set-up and clean-up)
Performing Arts / Community Events	4 events (maximum of 7 days per event, and 24 days per annum)
Corporate Functions	4 functions (maximum of 7 days per function, and 24 days per annum)

	MAXIMUM NUMBER OF DAYS PER YEAR (Inclusive of set-up and clean-up)
Performing Arts / Community Events	26 events (maximum of 11 days per event, and 99 days per annum)
Corporate Functions	6 functions (maximum of 7 days per function, and 28 days per annum)

[As amended by MOD 61-1-2005 on 5 January 2005]

	MAXIMUM NUMBER OF EVENTS AND DAYS PER YEAR (Inclusive of bump-in and bump-out)	MAXIMUM NUMBER OF EVENT DAYS PER YEAR
Performing Arts / Community Events and Corporate Functions	5 events (maximum of 11 days per event)	Up to a maximum of 99 days per year
	3 events (maximum of 20 days per event)	
	1 event in 2016 (maximum of 25 days)	

[DA 445-10-2003 MOD 4]

MAXIMUM CAPACITY OF EVENTS AND FUNCTIONS

6. (a) Performing Arts / Community events shall not accommodate more than a maximum of 6,000 people per event.
- (b) Corporate Functions shall not accommodate more than a maximum of 2,000 people per function.

HOURS OF OPERATION FOR EVENTS AND FUNCTIONS

7. (a) The hours of operation for performing arts / community events and corporate functions shall be limited as follows:

COMMENCEMENT TIME	CESSATION TIME
8am	11pm 12 midnight

- (b) The hours of operation for corporate functions shall be limited as follows:

COMMENCEMENT TIME	CESSATION TIME
8am	12 midnight

NOTE: Any amplification during the performing arts / community impact events and corporate functions must comply with the relevant noise limits as set out in Condition Nos. 42. —44 (inclusive).

[DA 445-10-2003 MOD 4]

OUTDOOR LIGHTING

8. Outdoor lighting shall comply with, where relevant, AS/NZ1158.3: 1999 *Pedestrian Area (Category P) Lighting* and AS4282: 1997 *Control of the Obtrusive Effects of Outdoor Lighting*.
9. Lighting associated with events and functions shall not have an adverse impact on the area surrounding the site.
- 9A. The applicant shall ensure that a suitably qualified and experienced expert such as a lighting engineer is employed to set up the lighting for all events and functions. The applicant shall exercise ultimate control of event lighting including in response to any complaints received.

[DA 445-10-2003 MOD 4]

PUBLIC ACCESS

10. Public access shall be maintained at all times to the lower concourse via the southern escalators, southern stairs and ramp.
11. Public access shall be maintained at all times around the Opera House along the western, northern and eastern broadwalks to the Botanic Gardens.
12. Unobstructed access between the bottom of the Tarpeian Steps and Royal Botanic Gardens Opera House Gate along the forecourt shall be provided except during events.

DESIGN OF FOOD PREMISES

13. All facilities associated with food catering shall be in accordance with the National Code for the Construction and fit out of food premises.

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14. All forms of food functions or events must be notified to NSW Health either manually or on line at www.foodnotify.nsw.gov.au. Food businesses may be exempt from this requirement if they meet the criteria listed by the NSW Department of Primary Industries, Food Authority.

[DA 445-10-2003 MOD 4]

WASTE MANAGEMENT

15. The applicant must prepare and implement a Waste Management Plan for events and functions. The plan shall follow the seven steps to a waste wise function as outlined in the publication, Waste Boards NSW (1999) 'The Seven Steps to a Waste Wise Function'.

PARKING AND TRANSPORT

16. The applicant shall ensure that patrons are encouraged to use public transport when attending any events or functions.

NOISE AND RELATED CONDITIONS

17. The applicant or the operator of the event or function shall ensure that the behaviour of patrons entering and leaving the premises does not detrimentally affect the amenity of the surrounding neighbourhoods. In this regard, the management shall be responsible for the control of noise, loitering and litter generated by patrons of the premises and shall ensure that people leave the premises and area in an orderly manner.

THE APPLICANT TO RETAIN ULTIMATE CONTROL

18. The applicant must at all times retain ultimate control of the noise level caused by any sound amplification equipment operated outdoors (including under or within a tent, marquee or similar structure).
19. During all events and functions, the applicant must ensure that an employee or agent of the applicant is present, and is able to exercise ultimate control of the noise levels from the sound amplification equipment operated during the event or function.
20. During all events and functions, the applicant must ensure that the employee or agent nominated in Condition 19 of this consent can be contacted in real time (ie mobile phone or two way radio) by the person(s) operating the telephone hotline for complaints in Condition 40.

SOUND AMPLIFICATION EQUIPMENT

21. Sound amplification equipment used during events and functions shall be selected, installed and maintained to minimise the emission of noise to areas outside of the Sydney Opera House forecourt area.
22. Following installation and orientation of sound amplification equipment, an accredited acoustic consultant shall certify to the applicant that the installation and orientation has been undertaken using all practical (reasonable and feasible) measures to limit the emission of noise to areas outside of the event or function area.
23. Practical measures in Condition 22 shall include but not be necessarily limited to;
- a) Use of diffuse speaker array systems to limit main speaker noise output (ie diffuse speaker coverage patterns).
 - b) Optimisation of the direction and array of speaker to limit noise propagation to sensitive receivers.
 - c) Treatments to the rear of the stage to limit escape of fold back speaker noise.

MONITORING POINTS AND ACOUSTICAL CONSULTANT

24. ~~At least once each calendar year for the duration of the consent, noise levels must be continuously monitored in real time, by an accredited consultant, throughout an entire corporate function; Deleted.~~
25. For all ~~performing arts/community~~ events and functions with amplified music, noise levels must be continuously monitored in real time, by an accredited consultant, throughout ~~an the entire performing arts / community~~ event or function.
26. The ~~monitoring of~~ noise levels ~~required by in~~ Condition ~~Nos 24 and~~ 25 of this consent must be monitored at the ~~specified front-of-house~~ locations ~~set out~~ specified in Condition ~~42 32~~.
27. ~~Events and functions monitored in Condition Nos 24 and 25 must be representative of the various events and functions held on the site. Deleted.~~
28. In addition to the noise monitoring requirements set out in Condition Nos ~~24 and~~ 25 and 26, the ~~Secretary Director, Urban Assessments,~~ may at any time require noise monitoring to be carried out should complaints be received in relation to noise.

[DA 445-10-2003 MOD 4]

29. During the entire event or function, the applicant must ensure that a Trust employee or agent is present at the sound-mixing desk for the event or function and is able to exercise ultimate control of the noise levels from the sound amplification equipment during the event or function; and
30. The Trust must ensure that, during the entire event or function, the employee or agent nominated in Condition 29 can be contacted in real time (i.e. mobile phone or two way radio) by all acoustic consultants monitoring noise from the event or function.
31. When the noise level reaches 5dB(A) below the relevant noise limit(s) set in the consent at any of the monitoring locations the acoustic consultant is to initiate immediate contact with the applicant employee or agent nominated in Condition 29. The consultant shall advise the Trust employee or agent that the event or function noise is approaching the noise level limit to allow regulation of the noise output to comply with the noise level limits.

NOISE MONITORING LOCATIONS

32. ~~Where the consent requires noise measurements, the monitoring must be undertaken at the following locations:-~~
 - ~~a) At Beulah Street Wharf (off Waruda Street), Kirribilli;~~
 - ~~b) At a point within one (1) metre of the residential boundary nearest to the Sydney Opera House at Bennelong Apartments, East Circular Quay.~~
 - ~~c) At other locations nominated from time to time which are the subject of complaint and where in the opinion of the DIPNR or the Trust may be experiencing noise levels that exceed the relevant noise level limits in the consent. Deleted.~~

NOISE MONITORING METHODS

33. ~~Where the consent requires noise measurements, the noise measurements must be taken using a Type 1 Sound Level Meter set to "fast" time response, 'A' and/or 'C' weighting network as specified; and Deleted.~~

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34. ~~The L_{Amax} and L_{Cmax} must be measured:~~
- ~~a) in the absence of any influential sound, that is audibly distinguishable and extraneous to the sound from the amplification equipment associated with the event or function; and~~
 - ~~b) with the sound level meter microphone placed between 1.5 and 1.6 metres above the ground. Deleted.~~

[DA 445-10-2003 MOD 4]

COMPLAINT MANAGEMENT

35. A legible record of all complaints made to the applicant, or any employee or agent of the applicant, must be kept in relation to noise arising from any activity to which the consent applies.
36. The record of complaint must be kept for at least two (2) years after the complaint is made;
37. The applicant must consider any relevant complaints when planning and managing events and functions.
38. The record must include details of the following:
 - a) The date and time of the complaint;
 - b) The method by which the complaint was made;
 - c) Any personal details of the complainant which were provided by the complainant or, if no such details were provided, a note to that effect;
 - d) The nature of the complaint;
 - e) The action taken by the applicant in relation to the complaint, including any follow-up contact with the complainant; and
 - f) If no action was taken by the applicant, the reasons why no action was taken.

NOTIFICATION OF DETAILS OF EVENTS AND FUNCTIONS

39. (a) The applicant is to maintain a record of all event and function details, and must include these details within the monitoring report as set out in Condition No 57 of this consent.
- (b) At least seven (7) days prior to the commencement date of all performing arts / community events, the applicant must provide event details, including the time and dates, to the relevant person within the following authorities:
 - DIPNR
 - City of Sydney Council
 - North Sydney Council
 - Department of Environment and Conservation
 - Police
- (c) The applicant must provide the name and contact details of a general liaison person for the purposes of communication in connection with events or functions, including notification of any changes to these details, to the relevant person within the following authorities:

- DIPNR
- City of Sydney Council
- North Sydney Council
- Department of Environment and Conservation
- Police

TELEPHONE HOTLINE FOR COMPLAINTS

40. During all events and functions, the applicant must operate a telephone complaints line for the purpose of receiving any complaints from members of the public in relation to noise generated from any event or function. An employee or agent of the applicant must be available to address any noise issues arising from the event or function and associated activities.

NOTIFICATION OF EVENT AND FUNCTION DETAILS TO SENSITIVE RECEIVERS

41. The applicant must submit details of their community consultation process within 2 months after the date of this consent, for the approval of the Senior Planner, Urban Assessments. The policy must provide reasonable notification to sensitive receivers of event and function details including, but not limited to, general information regarding event or function, relevant contact persons including contact phone numbers whereby enquiries and complaints can be directed.

NOISE LIMITS FOR SOUND AMPLIFICATION FOR PERFORMING ARTS/COMMUNITY EVENTS AND CORPORATE FUNCTIONS

42. The applicant must ensure that amplified music is only be played between the hours of 10 am and 11 pm (all days) and meets the front-of-house (FOH) noise limits specified in the table below when measured at the FOH.

Event	Leq _(5 minute) dB(A)	Leq _(5 minute) dB(C)	Stage Configuration and FOH Noise Monitoring Location
Typical Forecourt Event	92	102	Refer to Condition 2A of this consent
Australia Day	88	98	
The Opera on the stairs	80	90	
Western Broadwalk A – North End	90	100	
Western Broadwalk B – South End	85	95	

Note: If the FOH to stage distance is different to 40 metres, the above noise limits shall be adjusted in accordance with the table in Section G.1 of Acoustic Report in the RTS (Appendix A) or equivalent methodology.

43. Where the applicant determines an event to be held on the Monumental Steps and/or Southern Forecourt cannot achieve reasonable patron experience by meeting the noise limits in Condition 42, the noise levels may be increased by up to 5 dB subject to:
- A total performance duration of not more than 4 hours on any given day; and
 - All amplified music ceasing by 10 pm.

Note: This condition does not apply to events held on the Western Broadwalk.

44. The applicant must ensure that between the hours of 8 am and 12 midnight noise from bump-in and bump-out activities (e.g. site pack-up) and temporary noise generating plant and equipment meets the noise limits specified in the table below when measured at the nearest residential receivers.

Location	Leq _(15 minute) dB(A)
Nearest residential receivers (external)	60

42. ~~Between the hours of 10am – 11pm on any day, the noise levels must not exceed the lesser of the following limits at the noise monitoring locations specified in Condition No 32;~~
- a) ~~Sunday to Thursday: The noise levels measured at the Bennelong Apartments must not exceed L_{Amax} 65 dB(A) and L_{Cmax} 85dB(C). The noise levels measured at any other location specified in this consent must not exceed L_{Amax} 60 dB(A) and L_{Cmax} 80 dB(C).~~
 - b) ~~Friday to Saturday: The noise levels measured at the Bennelong Apartments must not exceed L_{Amax} 70 dB(A) and L_{Cmax} 90 dB(C). The noise levels measured at any other location specified in this consent must not exceed L_{Amax} 65 dB(A) and L_{Cmax} 85 dB(C).~~

Noise Limits for Sound Amplification for Corporate Functions

43. ~~Between the hours of 10am – 11pm on Sunday to Thursday, and between the hours of 10am to 12midnight on Friday, Saturday and the eve of a public holiday, the noise levels must not exceed the lesser of the following limits at the noise monitoring locations specified in Condition No 32;~~
- a) ~~Sunday to Thursday: The noise levels measured at the Bennelong Apartments must not exceed L_{Amax} 65 dB(A) and L_{Cmax} 85dB(C). The noise levels measured at any other location specified in this consent must not exceed L_{Amax} 60 dB(A) and L_{Cmax} 80 dB(C).~~
 - b) ~~Friday to Saturday: The noise levels measured at the Bennelong Apartments must not exceed L_{Amax} 70 dB(A) and L_{Cmax} 90 dB(C). The noise levels measured at any other location specified in this consent must not exceed L_{Amax} 65 dB(A) and L_{Cmax} 85 dB(C).~~
44. ~~For all other times not specified within Condition Nos 42 and 43, noise levels must not exceed background noise levels at the noise monitoring locations specified in Condition No 32.~~

[DA 445-10-2003 MOD 4]

FINAL COMPLIANCE REPORT TO ~~DIPNR~~ THE DEPARTMENT

45. The applicant must provide a report in writing to ~~DIPNR~~ the Department and the EPA prepared by an accredited acoustical consultant by not later than twenty-eight (28) days after the completion of each events and function monitored under Condition Nos ~~24~~ 25 – 31 (inclusive). The report must contain the following:
- a) The date and times the monitoring occurred;
 - b) The activities that were occurring on land administered by the applicant during the

monitoring;

- c) The sound pressure levels recorded, including any exceedences of the noise level limits specified in ~~Condition Nos 42–44 (inclusive)~~ of this consent;
- d) If any exceedences did occur, what measures were implemented to ensure they did not re-occur during the event or function;
- e) The details of any complaints made during the event or function, including the details required by Condition Nos 35-38 (inclusive) of this consent; and
- f) Any other information relevant to the consideration of the noise impact on residents or other sensitive receivers.

NOISE MANAGEMENT PLAN

- 45A. Within two months of the date of this consent, the applicant shall prepare and implement an overarching Noise Management Plan for the carrying out of outdoor events and functions. The Plan must:
- (a) be prepared by a suitably qualified and experienced expert.
 - (b) be reviewed by the EPA and document how its concerns have been addressed;
 - (c) be consistent with the Acoustic Assessment and Acoustic Report in the RTS (Appendix A);
 - (d) detail the stage configuration and front-of-house location for all types of events and functions;
 - (e) detail the noise limits and goals for events;
 - (f) describe all reasonable and feasible measures to be implemented to minimise noise from the operation of outdoor events and comply with the noise limits in this consent;
 - (g) include procedures for carrying out sound checks prior to and during events and rehearsals to ensure compliance with the noise limits in this consent;
 - (h) include measures to ensure quick and orderly patron departure, minimisation of patron noise and identification and minimisation of noisy bump-in and bump-out practices;
 - (a) include a suitable noise monitoring program;
 - (b) include an early warning system and reactive management procedure to ensure corrective actions are implemented prior to exceedences of noise limits in this consent;
 - (c) include a suitable complaints management system;
 - (d) include a suitable community consultation program including early notification of residents, prior to the commencement of events; and
 - (e) include a program of continuous improvement for noise management and adoption of lessons learnt from events and functions held at the site.

The Proponent shall submit the final copy of the Plan to the Secretary for approval within 7 days of its completion.

NOISE MANAGEMENT REVIEW

- 45B. One year from the date of this consent and three years thereafter, the applicant shall undertake a review of the noise emissions from all outdoor events and functions held during the preceding period. The review must:
- be undertaken in consultation with the EPA;

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- document and consider all noise monitoring data recorded, and compliance report submitted, in accordance with the requirements of this consent;
 - document and consider any identified exceedances of the noise limits in this consent and any complaints received; and
 - evaluate the appropriateness of the noise limits and hours of operation for amplified music in this consent based on the review.

Each review must be submitted to the Secretary and the EPA within 7 days of its completion.

- 45C. The Secretary may direct the applicant to undertake noise attention works at any time in the event significant community noise complaints are received due to the operation of outdoor events and functions, or the applicant is found to be exceeding the noise limits in this consent. These works must be undertaken to the satisfaction of the Secretary.

[DA 445-10-2003 MOD 4]

TEMPORARY STRUCTURES

46. All temporary structures related to events and functions shall be confined to the event and performance areas on the southern forecourt and the Monumental Steps, as identified in Figure 5 of the Statement of Environmental Effects.
47. The visual impact of temporary structures on the vista to the Opera House shall be minimised. Back of house areas at the East Circular Quay/Macquarie Street entry shall be carefully designed. Fencing and gates shall be of high quality, and provide artwork and visual interest/public information in appropriate places. Neutral colours for furniture and fixtures shall be used.
48. An application under Section 68 of the Local Government Act 1993 must be obtained from the City of Sydney Council for the erection of the temporary structures. The application must be supported by a report detailing compliance with the provisions of the Building Code of Australia.
49. Structural certification from an appropriately qualified practicing structural engineer must be submitted to the City of Sydney with the application under Section 68 of the Local Government Act 1993 to certify the structural adequacy of the design of the temporary structures.
50. The early fire hazard properties of the structures must comply with Specification C1.10 of the Building Code of Australia.
51. A detailed egress analysis report must be prepared to justify that the proposed structures will not have an adverse impact on the means of egress from the permanent venues within the Opera House. This report must be submitted to the City of Sydney with the application under Section 68 of the Local Government Act 1993.
52. No structure shall be erected within 6 metres of any egress path from a fire isolated exit from the Opera House.
53. Sanitary facilities for the temporary structures must be provided in accordance with F2 of the Building Code of Australia.

~~PLACE OF PUBLIC ENTERTAINMENT~~

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- ~~54. The applicant shall obtain approval under Section 68 of the Local Government Act 1993 for a Place of Public Entertainment Licence prior to the use of the premises commencing.~~
- ~~55. The applicant shall comply with the requirements in relation to Places of Public Entertainment.~~

TEMPORARY STRUCTURES CONTINUED

54. Temporary structures associated with events and functions shall comply with the following:
- (a) infrastructure associated with any event or activity should be designed and sited to minimise intrusion into primary view lines on the southern approach to the site and to maximise public access to the Forecourt and Monumental Steps;
 - (b) all structures, containers, scaffold towers and the like should be covered in a suitable screening material with appropriate graphics or artwork that reduces their visual impact and does not detract from or compete with the Sydney Opera House itself;
 - (c) no infrastructure element should be highly reflective, white or off-white, but a more neutral colour that does not compete with the Sydney Opera House shells or Podium;
 - (d) potentially intrusive items, or those that inhibit public access should be installed at the last possible opportunity and removed as soon as possible and practicable after the event;
 - (e) all event infrastructure and installations, including fencing and signage, should be of high quality design and execution that does not diminish or detract from the setting and presentation of the World Heritage Listed site;
 - (f) stage, rear and side-stage trucks and props for the one-off opera event in 2016, when not in use and between blocks of performances should, where possible, be moved to the eastern end of the monumental steps to minimise visual intrusion and to maximise public access to these steps; and
 - (g) all temporary event structures shall comply with the relevant provisions of applicable Australian Standards and the Building Code of Australia.

Note: The requirement for no white or off-white infrastructure in subsection (c) of this condition may take up to 12 months from the date of this consent to implement.

SITE PROTECTION AND WORKS

55. The applicant shall ensure significant building fabric and elements are protected from potential damage during all works associated with events and functions. Protection systems must ensure significant fabric is not damaged or removed.

NOMINATED HERITAGE CONSULTANT

- 55A. The applicant shall ensure a suitably qualified and experienced heritage consultant is to be nominated to provide advice for all temporary events and functions in relation to potential impacts on heritage values, including the impact on significant fabric.

[DA 445-10-2003 MOD 4]

COMPLAINTS

56. A person nominated by the event or function operator shall be available to address concerns and complaints by residents, designated authorities (ie Sydney City Council, the DEC, the Rocks Police, emergency services etc) and / or site management. The name and contact number of the nominated person shall be provided to DIPNR and

Council, and shall be prominently and clearly displayed at site security gates or equivalent locations near each event or function.

MONITORING REPORT

57. The applicant shall submit a monitoring report to the Director, Urban Assessments once every calendar year, commencing one year from the date of the commencement of this consent. The report should include the program of events and functions and findings of these events and functions in relation to operation, pedestrian circulation, vehicular traffic, crowd control, security, noise and should include any complaints received by the applicant, Police, DEC or Council from the public. The report must also include details of the number and type of events and functions held each year.

COMPLIANCE

58. The applicant shall ensure that operators of events and functions are made aware of the conditions of this consent.
59. Events and functions subject to this consent shall be operated at all times in accordance with the requirements of the ~~above~~ conditions of this consent.

[DA 445-10-2003 MOD 4]

SAFETY AND SECURITY

60. The applicant shall ensure that all appropriate safety and security measures are implemented for the duration of all events and functions.

TEMPORARY FOOD SALES – SET UP AND OPERATION

61. If required, all temporary food stalls or temporary food vendors associated with Sydney Opera House events must have a current Approval from the City of Sydney in accordance with the requirements of the *Local Government Act 1993*. Approval numbers (Temporary Food Permit numbers) for all food operators must be submitted to the City 14 days prior to the event.
62. The set up and operation of any temporary food stall or vendor and associated equipment must comply with relevant sections of the City of Sydney fact sheet –"Requirements for the Operation of a Temporary Food Stall" and Standard 3.2.2, Food Safety Practices and General Requirements of the Australia and New Zealand Food Standards Code.

Note: The "Requirements for the Operation of a Temporary Food Stall, City of Sydney" and the "Temporary Food Stalls Event Register" and "Details of Temporary Food Stall " forms can be obtained from the City of Sydney website <http://www.cityofsydney.nsw.gov.au>

HERITAGE GUIDELINES

63. All events and functions are to be undertaken in accordance with the latest version of the *Sydney Opera House Outdoor Events and Activities Heritage Guidelines*.

Within 2 months of the date of this consent, the Proponent shall prepare an updated version of the draft *Sydney Opera House Outdoor Events and Activities Heritage Guidelines* (dated August 2016) in Appendix C of the RTS in consultation with the Heritage Division.

The Proponent shall submit the final copy of the Guidelines to the Secretary no later than 7 days after its completion.

OUTDOOR EVENT GUIDE

64. All events and functions are to be undertaken in accordance with the latest version of the *Sydney Opera House Outdoor Event Guide*.

Within 4 months of the date of this consent, the Proponent shall prepare an updated version of the *Sydney Opera House Outdoor Event Guide* (dated 24 September 2015) in Appendix C of the RTS in consultation with Council, NSW Police, TNSW, the Heritage Division and the EPA.

The Proponent shall submit the final copy of the Guide to the Secretary no later than 7 days after its completion.

EVENT MANAGEMENT PLANS

65. All events and functions are to be undertaken in accordance with an Event Management Plan. The Plan must:
- (a) be tailored/specific to the event and/or function being undertaken;
 - (b) be consistent with the latest versions of the *Sydney Opera House Outdoor Event Guide* and the *Sydney Opera House Outdoor Events and Activities Heritage Guidelines*;
 - (c) describe the staging and timeline of events including key performances and activities, site establishment, bump-in and bump-out;
 - (d) describe all statutory approvals required and obtained to undertake the event;
 - (e) describe the roles and responsibilities of key employees involved in overseeing the event;
 - (f) details how the environmental performance of the event would be monitored and managed, and identify what actions would be taken to address potential impacts;
 - (g) comprehensively address the following:
 - operational transport and traffic management;
 - pedestrian access management;
 - noise management, including reactive noise management measures and noise monitoring;
 - heritage and conservation management;
 - security and staff management;
 - lighting management;
 - emergency management/evacuation and incident response protocols;
 - alcohol and food management;
 - occupational health and safety;
 - infrastructure and services management;
 - operational waste management;
 - water management; and
 - community consultation and complaints management.
 - (h) incorporate a Noise Management Sub-Plan (Condition 66).

The Proponent shall submit the final copy of this Plan to the Secretary no later than 7 days prior to the commencement of the event.

NOISE MANAGEMENT SUB-PLAN

66. All events and functions are to be undertaken in accordance with a tailored Noise Management Plan. The Plan is to be prepared by a suitably qualified and experienced expert and reviewed by the EPA. The Plan must:
- be consistent with the Noise Management Plan required in Condition 45A and all other conditions of this consent;
 - detail the speaker arrangement, stage configuration, front-of-house (i.e. mixing desk) location and all controls to be implemented to ensure compliance with the noise limits in Condition 42; and
 - be certified (signed-off) by a suitably qualified and experienced expert confirming the event set up has the ability to comply with all noise limits in this consent.

The Proponent shall submit the final copy of this Plan to the Secretary no later than 7 days prior to the commencement of the event.

THE OPERA EXEMPTIONS

67. The one-off 25 day event to be undertaken in 2016 (Sydney Opera House – The Opera) is exempt from the requirements of Conditions 65 to 69 of this consent. This event shall be carried out in accordance with all documentation submitted in support of the application, in particular the recommendations made within:
- the Heritage Impact Statement prepared by Design 5 Architects in Appendix K of the EA;
 - the Acoustic Assessment prepared by Acoustic Studio and the Acoustic Report prepared by Auditoria in Appendix A of the RTS;
 - the Lighting Impact Assessment prepared by Opera Australia in Appendix H of the EA; and
 - the Traffic Management Plan prepared by Event Services International Pty Ltd in Appendix L of the EA.

[DA 445-10-2003 MOD 4]

ADVISORY NOTES

AN1 Noise Generation

Any noise generated during set up and clean up shall not exceed the limits specified in the *Protection of the Environment Operations Act, 1997* or exceed approved noise limits for the site.

AN2. Commonwealth Environment Protection and Biodiversity Conservation Act 1999

The Commonwealth *Environment Protection and Biodiversity and Conservation Act 1999* provides that a person must not take an action which has, will have, or is likely to have a significant impact on a matter of national environmental significance (NES) matter; or Commonwealth land, without an approval from the Commonwealth Environment Minister.

This application has been assessed in accordance with the New South Wales *Environmental Planning & Assessment Act 1979*. It is the Applicant's responsibility to consult the Australian Commonwealth Department of Environment to determine the need for Commonwealth approval and you should not construe this grant of approval as notification to you that the Commonwealth Act does not apply. The Commonwealth Act may have application and you should obtain advice about this matter. There are severe penalties for non-compliance with the Commonwealth legislation.

AN3. Heritage Act 1977

It is advised that the application may require separate approval under the *Heritage Act 1977*.

This application has been assessed in accordance with the New South Wales *Environmental Planning & Assessment Act 1979*. It is the Applicant's responsibility to consult the Office of Environment and Heritage (Heritage Division) and the NSW Heritage Council to determine the need for separate approval under the *Heritage Act 1977* and you should not construe this grant of approval as notification to you that this Act does not apply.

[DA 445-10-2003 MOD 4]