

2 February 2017

File Number: 2017/050492
Our Ref: R/2016/31/A

Cameron Sargent, Team Leader, Key Sites Assessments
NSW Department of Planning and Environment
Sydney NSW 2000

Attention: Ben Eveleigh
Email: ben.eveleigh@planning.nsw.gov.au

Dear Ben,

State Significant Development 7945 – Sydney Opera House Building Renewal Program - Under the Steps, Creative Learning Centre, and Southern Foyers

I refer to your correspondence dated 29 November 2016 inviting Council to make a submission regarding the State Significant Development (SSD) Application SSD 7945 relating to the Sydney Opera House at 2 Circular Quay East, Sydney. The City strongly objects to this proposal and its relationship to related proposals.

The SSD application is seeking consent for three packages of work, including:

- Upgrades to the area under the Monumental Steps (vehicle concourse), involving:
 - o removal of existing furniture, light fittings, and digital display panels;
 - o removal of the bitumen roadway, precast granite paving panels and traffic island;
 - o repaving of the whole area with precast pink granite paving panels;
 - o construction of a tilted and raised section of paving panels along the southern edge of the concourse space;
 - o installation of large clear glass digital 'art walls';
 - o installation of new service beams incorporating concealed lighting, services, staging anchor points, and acoustic absorption; and
 - o Installation of bronze coloured hoop bicycle racks.
- The provision of a new Creative Learning Centre in the current location of offices and staff meeting in the north western corner of the site adjacent to the Concert Hall (CH), involving:

- o removal of existing fitout, including wall and ceiling white birch plywood 'wobbly' panels;
- o relocation of doors within recessed entry from the Western Broadwalk and modified precast paving slabs to provide a step ramp;
- o installation of a new pair of bronze framed glass doors to Northern Broadwalk within existing continuous glazed wall;
- o cutting of openings and removal of minor internal walls and partitions to create new larger spaces and connections;
- o provision of new internal public entry to Creative Learning Centre at the north end of Western Foyers;
- o construction of storage and facilities elsewhere in spaces utilising salvaged white birch wobbly wall panels;
- o construction of new accessible toilet and other facilities;
- o fit-out of new entry passage with mirrored wall panels; and
- o Lining concrete ceilings where exposed with thin acoustic panels and fitout of suspended ceiling grid.
- Modifications to the southern foyers of the Concert Hall (CH), and Joan Sutherland Theatre (JST), involving:
 - o removal of patron seating within side foyers of both the CH and JST and provision of new seating;
 - o removal of existing circular granite clad bars, associated services and centre lighting 'trees' in both southern foyers and repaving to match adjacent precast granite paving;
 - o modification of the existing brush box auditorium / stage carcasses of both the CH and JST, to accommodate increased storage and support facilities for enlarged bar and merchandising areas; and
 - o Construction of new bars and seating islands within both foyers.

The City has reviewed the information provided as part of this public exhibition, and strongly objects to components of the proposal which are considered to have serious and detrimental impacts to the Opera House's World Heritage Status as an architectural monument and world class state of the art performing arts centre.

Serious concern is raised to the fact that a series of development applications have or are being made for the Opera House in an ad-hoc nature; separate applications being made and the interrelationships between have not been properly assessed as a 'whole'.

The cumulative impacts of all the separate applications on the heritage significance of the Opera House which includes impacts on the 'aesthetic' of both the Utzon and Hall work significantly and detrimentally impact on the overall spatial qualities of the

interiors. In order to properly assess the impacts this piecemeal approach to the site should be abandoned so that the works can be properly understood as a whole.

An assessment of the three packages of works provided in this application is provided below. This submission refers to the hierarchy of levels of significance within the endorsed Conservation Management Plan - *"Sydney Opera House: A Revised Plan for the Conservation of the Sydney Opera House and its Site"* (3rd edition 2003) (CMP 2003).

The levels of significance identified in the CMP 2003 are as follows:

- (A) items of exceptional significance in a broad context;
- (B) items of considerable significance which would warrant inclusion on any national or state register of places of significance; and
- (C) items that reach the threshold for entry onto such registers.

The grading of heritage significance within the CMP 2003 and in the draft 4th edition that are most relevant to this application are as follows:

- Items graded as (A) or (a), being of exceptional significance include:
 - o the podium clad and paved with monumental precast granite;
 - o the solid character of side walls with precast granite slabs of monumental size, including hoods to openings;
 - o the broad-walk;
 - o the open character of the broad-walk surrounding the Opera House;
 - o vehicle concourse including the undercover pedestrian arrival 'foyer';
 - o foyers surrounding the major auditoria including primary circulation, bar and foyer spaces; and
 - o External lighting including the character and level of floodlighting of shells counterpointed with softer lighting of forecourt, broad-walk steps and podium areas sufficient for public safety.
- Items graded as (B) or (b), having considerable significance that would warrant inclusion on any national or state register of places of significance, include the curved corridors and suites north of the curved east-west passage on level 30.

Under the Monumental Steps

The EIS states that the works proposed under the Monumental Steps seek to redefine the concourse as a primarily pedestrian space through improvements to its overall appearance including lighting, furniture, interpretive elements, signage and the removal of non-essential vehicle movements. The works package goes to far.

While the objective of making the concourse more pedestrian friendly is supported, the design that is currently proposed will result in a significant detrimental heritage impact, which are not supported. Additional detail is provided below.

Demolition of fabric beneath the beams

The proposal to demolish significant original fabric beneath the beams supporting the monumental steps, including the original precast granite plinth beneath the steps, and the original precast granite wall panels, is not supported. It is an unacceptable level of change to the significant fabric of the place and it is not considered reversible.

This existing plinth responds to the orthogonal geometry of the space and the powerful lineal geometry of the folded beams supporting the monumental steps. By contrast, the curvilinear forms of the proposed seating platforms do not relate to the powerful and significant geometry of the folded beams above or to the rectilinear plan form of the former vehicular entry space. Whilst the monumental beams have a subtle curvature to their diminishing width at the centre span, this curvature is restrained, and arises out of a structural logic, expressing the changes in the structural forces across the span. The draft 4th edition of the CMP, Policy 5.36 states *'The vehicle concourse should remain uncluttered, offer generous pedestrian space...No permanent or long stay structure or installation should be permitted to encumber or diminish this space'*. This proposal is non-compliant with the CMP in this regard.

Further, City staff consider that the detail of the concave shaped precast granite panels where they intersect with the ground plane will be difficult to achieve as drawn on the submitted plans.

'Art wall'

The proposed clear glass digital screen is not supported as it will alter the character of the space. It cannot be justified on the basis of Utzon's original intention for two large murals by modern masters. The proposed use of the space for 'occasional simulcasts and performances' suggest that this digital wall will be utilised for screening purposes and advertising rather than for public art. If it is to be used for advertising, its size and scale is such that it should be classified as a digital billboard. As a digital billboard, it will be a visually distracting element that will detract from the arrival experience of patrons to performances. The City requests further detail and clarification regarding the purpose of this 'art wall'.

Further to the above, due to the World Heritage Significance of the site, the City will not endorse the use of the 'art wall' as a billboard for advertising under any circumstances and strongly objects to its use for such a purpose. Although we acknowledge the *Sydney Development Control Plan 2012* does not apply, Section 3.16.17 of the DCP generally does not permit commercial advertising and billboards and only considers them in exceptional circumstances as part of a public art project or community event.

If the 'art wall' is proposed to be used for any kind of advertising an assessment against the provisions of SEPP 64 is required to be submitted with the application, however this has not been provided. It should also be noted that under SEPP 64 a public benefit is required to be provided in connection with advertisements for which, amongst other things, the Minister for Planning is the Consent Authority. If the Department was to consider recommending approval for advertising, which the City strongly opposes, a commensurate public benefit should be provided.

Temporary events

The proposed use of the space for 'temporary events' is not supported by a plan of management that outlines the type and frequency of these events, the anticipated numbers of patrons and whether food and beverages, and additional lavatory facilities will also be required to service the events envisaged.

Such events are likely to require temporary structures within this space, foreshadowed by the proposed staging anchor points. Additional temporary structures will add to the visual clutter, inhibit views through the space, and detract from the arrival experience of patrons to performances in the JST and CH. Suspended elements have the potential to inhibit views to the folded beams.

The proposed use of this area is an additional function that was not designed to be provided, and is inconsistent with the Utzon Design Principle (UDP) - *Concourse was intended as foyer: The idea of the drop-off was that it was a foyer*. Further, the UDPs provide important guidance on the intended role of particular spaces and elements and on how they should be treated. Relevant to this application is the following design principle: *Danger in too many functions – building has limited size “But the inherent danger in large buildings, which have become popular, is that there is a tendency to want to fill too many functions and rooms into those buildings.” “It is not a good idea to fit more rooms inside the building... more functions than it can hold”* (UDP page 50). The use of the vehicle concourse as a foyer is reinforced in the 4th edition of the CMP which states that the undercover pedestrian arrival 'foyer space' is of exceptional significance.

Lighting

The proposed lighting is consistent with the UDP - *Concourse was intended as foyer: The idea of the drop-off was that it was a foyer*, which identifies that there are opportunities to “*increase the overall lighting*.” Notwithstanding this, the intention was that prototypes of the proposed lighting would need be erected and the impact of their lighting levels, in terms of the appreciation of the Opera House as a whole, would be further assessed by all consent authorities including NSW Heritage and the City of Sydney. There is a need to ensure that the character of external lighting, whereby the level of floodlighting of shells counterpointed with softer lighting of the forecourt, broad-walk steps and podium areas is retained, and that the lighting levels remain sufficiently low. The existing lighting is sufficient for public safety and is graded as of exceptional significance in the CMP. The City recommends that original areas of lighting be retained.

If the Department was to consider recommending approval, the removed Hall's Balls light fittings should be catalogued in an inventory, tagged and stored. A copy of the inventory and details of the storage should be submitted to all consent authorities, including NSW Heritage and the City of Sydney.

Creative Learning Centre

The EIS states that the proposed Creative Learning Centre is required to improve visitor experiences and expand the delivery of learning programs. The City does not support this proposal, as the overall amount of change appears to be more than necessary contrary to Policy 1.5 of the draft 4th edition of the CMP. More specifically, the City objects for the reasons outlined below.

Removal of original fabric

The EIS does not provide information regarding the numbers of children to be accommodated in any single session to justify why the Primary Learning space needs to be of the size and dimensions proposed.

The proposed length necessitates the removal of a large section of the curved concrete wall, which is an irreversible change. The width of the portion of the curved concrete wall proposed to be removed appears to be unnecessarily broad given part of the new opening will be fettered by the proposed storage cupboards and by the two pairs of entrance doors in the open position. If the Department was to consider granting approval for this component, which the City does not support and objects to; the width of the opening should be reduced and the new width justified on the basis of spatial requirements.

The proposed removal of sections of the original north and south walls that form the recessed entry is an unnecessary change when alternate access to the digital learning space and washing up space is possible through existing door openings in the western wall of the primary leaning space. However, should this removal be approved contrary to the City's objection and advice, the precast granite wall panels should be stored on site for future reinstatement. They should not, under any circumstances, be ground up as proposed in the Sustainable Design Report.

The removal of any remnant of the form of the curved corridor, and its dropped ceiling, does not allow for the interpretation of this original curved corridor space, which is graded in the CMP as (B).

Impact of new additions

The proposed relocation of the entry doors relocated further west to allow an entry lobby requires glazed sidelights. The impact of this change cannot be assessed without detailed drawings, which have not been provided.

The relocation of the original western entrance doors appears to be too far westward, such that the deep shadow of the existing entry will be reduced.

The proposed fit-out of the new entry passage with mirrored wall panels and stretched 'Barisol' ceiling lining introduces a new palette of materials that is not representative of the Opera House interiors and is not supported.

Southern Foyers of the Concert Hall and Joan Sutherland Theatre

The EIS states that the works proposed are primarily to provide bar and merchandising facilities and improved accessibility and patron comfort. The City strongly objects to the proposed package of works due to significant heritage impacts, as outlined below.

Removal of original fabric

The proposed removal of the Hall's original circular granite clad bars and centre lighting 'trees' in both southern foyers is not supported. These existing structures are part of an overall approach and palette of the Hall's interiors. The removal has flow on impacts such as requiring new precast granite paving to be made.

The proposed removal of the original bench seating is not supported. It is noted that original furniture and other movable items are scattered throughout the building, and that these should be catalogued into an inventory and the significance and condition of each item assessed. This should form an appendix to the CMP.

Enlargement of retail functions

The proposed enlargement of food, beverage and show merchandising needs to be carefully balanced and evaluated against the heritage impacts. Show merchandising is non-essential to the southern foyers, and alternatives such as relocating it to the lower foyers should be considered to avoid the need to increase the counter space in the southern foyers. This proposal promotes additional queuing of patrons that could occur elsewhere. The Utzon design principle: '*Relocate non-essential functions*' should be used as a guide.

In addition, the level of change to the bars risks being based on changes in aesthetic taste and fashion contrary to Policy 1.3 of the draft 4th edition of the CMP.

Works to auditorium walls

The proposed lineal bar against the wall of the CH auditorium and the proposed digital screens are not supported, as they will become the main visual focus as patrons ascend into the space from the lower foyers. Their placement results in the merchandising becoming the primary function of the space, whereas the main function is, and should remain as, a gathering space. The proposed digital merchandising display screens will detract from the character of the place, and the proposed materials of the counters do not relate to the original palette of materials in the foyers.

The proposed linear counters are not supported in the submission by an analysis of pedestrian numbers and movements. It would appear that the counters will partially restrict patron movement from the southern foyers into the CH western foyer and the JST eastern foyer, whereas the original freestanding bars permit the free flow of patrons. It is noted that the original circular bar in the concert hall southern foyer, if relocated slightly to the south of its current location, would increase the width of passage around into the western foyer.

Elevator and escalator materials

The materials for the visible non-structural metal components such as the floor surrounds, access panels, hardware (and the like) for the lift should be bronze or bronze coloured stainless steel where bronze is considered too soft. The existing escalator surrounds should be reconstructed in bronze to match.

Project need

The amount of change contemplated to the southern foyers, which are graded as being of exceptional significance, appears to be unnecessary and requires reconsideration consistent with the Utzon Design principles '*Need to take a long-term view*': *There is a need to take a long-term view of important sites and care needed before change - "So I really advise the future decision makers to carefully contemplate all aspects of the intended modifications before changing the Opera House as such"*.

Construction Management

Construction Noise

Works are planned during closure periods to mitigate disruption to the ongoing operations of the Opera House. The works are proposed to be undertaken 24 hours a day and 7 days a week. More specifically:

- 18:00-23:30 – planning and quiet activities which are compatible with live performances occurring in other venues within the site;
- 23:30-10:30 – works which would otherwise be disruptive to Opera House operations; and
- 10:30-18:00 – no major noise but general construction, allowing daily Opera House operations (i.e. matinees).

If the Department was to consider recommending approval, the City recommends that intrusive appliances should not be permitted for external demolition works:

- after 7.00pm and before 7.00am Monday to Friday;
- after 5.00pm and before 7.00am Monday; and
- Sundays and public holidays.

Waste

Some of the waste removed from the site may be considered hazardous and should be removed in accordance with *Protection of the Environment Operations Act 1997*, *Protection of the Environment Operations (Waste) Regulation 2014* and *Protection of the Environment Operations (Illegal Waste Disposal) Act 2013*. Conditions of consent should be applied accordingly.

Third Party Consultation

It is noted that minutes of discussions with, or advice from, the Eminent Architects Panel (EAP) and Conservation Council have not been provided as part of this application. It is not known to what extent the project has their support.

The City notes that when a meeting was set up at the City's request with a member of the EAP (as Minutes of meetings were refused to be provided) for SSD 7665 7881 the panel member supported the City's suggestions – which appeared to be in conflict with the view of Opera House staff.

If the project was to proceed in its current format, which the City does not support, further design resolution and detailing on the project should be carried out in close consultation with the Opera House's heritage architect, Eminent Architects Panel, and Conservation Council. Any proposal should have their full support before development consent is granted.

Further consultation should also be conducted with other major stakeholders including the NSW Heritage Office and the City of Sydney. Design excellence and adherence to the UDPs and the policies within the CMP 2003 should be paramount considerations.

Conflict of Interest

The EIS is co-authored by an employee of the Department of Planning who is employed as a contractor at the Department in a role that involves the assessment of State Significant Development Applications, reporting to the Director and Executive Director. This is a clear conflict of interest, and warrants the application being assessed independently by a third party to ensure the applicant does not have undue influence over the assessment of the application.

Department must to clarify its policy regarding this matter.

Cumulative impacts

The City reiterates that the cumulative impact of the proposed alterations arising out of this application, combined with other recent and forthcoming applications relating to the 'Sydney Opera House Building Renewal Programme' need to be assessed as a whole. The division of this programme of works into discreet applications serves a practical purpose, however it does not permit a comprehensive overview and assessment of the final outcome. Accordingly there is a risk that the building's significance will be diminished by an accumulation of adverse impacts, that in isolation appear to be less consequential.

Conclusion

The City objects to the proposal and is unable to provide recommended conditions of consent.

Should you wish to speak with a Council officer about the above, please contact Christopher Ashworth, Senior Planner, on 9246 7757 or at cashworth@cityofsydney.nsw.gov.au.

Yours sincerely,



Graham Jahn AM
Director
 City Planning | Development | Transport