

Modification of Development Consent

Section 4.55(1A) of the *Environmental Planning and Assessment Act 1979*

As delegate of the Minister for Planning and Public Spaces, I approve the modification application referred to in Schedule 1, subject to the conditions in Schedule 2.



Anthony Witherdin
Director
Key Sites Assessments

Date: 12 December 2019 Sydney

SCHEDULE 1

Development Approval:	DA 43-2-2004 granted by the Minister for Infrastructure and Planning on 29 June 2004
For the following:	Upgrade and refurbishment of Western Broadwalk and Western Foyer, including a new loggia, new framed openings to the western podium walls, unified foyer space and lift access from the lower concourse, podium and box office foyer levels.
Applicant:	Sydney Opera House Trust
Consent Authority:	Minister for Planning and Public Spaces
The Land:	2 Circular Quay East, Bennelong Point, Sydney Lot 5 in DP 775888 and Lot 4 in DP 787933
Modification:	DA 43-2-2004 (MOD 5): Modifications to the development consent, including: • re-purposing an existing back-of-house space to provide digital tours of the Concert Hall and other ancillary uses

SCHEDULE 2

The above consent is modified as follows:

1. Administrative Conditions – Condition 1 is amended by the deletion of the struck out words and the insertion of the **bold and underlined** words as follows:

1. ***Development Description***

Development consent is granted only to carrying out the development described in detail below:

Upgrade and refurbishment of the Western Broadwalk and Western Foyer space, involving a new external loggia, new framed openings to the western podium walls, unified foyer space and lift access from the lower concourse, podium and box office foyer levels, **and re-purposing an existing back-of-house space to provide virtual tours of the Concert Hall and other ancillary uses whilst it is closed for refurbishment and beyond.**

2. Administrative Conditions – Condition 2 is amended by the insertion of the **bold and underlined** words as follows:

2. ***Development in Accordance with Plans***

The development shall be generally in accordance with development application number DA 43-2-2004 submitted by the applicant on 18 February 2004, and in accordance with the supporting documentation submitted with that application, including, but not limited to, the following:

Section 4.55(1A) Modification Report for DA 43-2-2004 Modification 5 for the Tours Immersive Digital Experience at the Sydney Opera House and accompanying appendices, prepared by the Sydney Opera House Trust, dated September 2019.

Response to Submission for DA 43-2-2004 Modification 5 for the Tours Immersive Digital Experience at the Sydney Opera House and accompanying appendices, prepared by the Sydney Opera House Trust, dated 19 November 2019.

Architectural Plans prepared by Scott Carver

<u>Sheet No.</u>	<u>Revision</u>	<u>Name of Plan</u>	<u>Date</u>
SK800	A	White Box Area Calculation	03/09/2019
DA000	A	Cover Sheet	16/08/2019
DA002	A	Location Plan	16/08/2019
DA101	A	Demolition Plan & Section	16/08/2019
DA120	A	Proposed Plan & Section	16/08/2019
DA200	A	Proposed Sections	16/08/2019
DA210	A	Bennelong Passage Elevations	16/08/2019
DA900	A	Material Boards	16/08/2019

3. Prior to Commencement of Works – Condition 6(d) is added by the insertion of the **bold and underlined** words as follows:

6(d). Construction Environmental Management Plan

Prior to the commencement of the works approved under Mod 5, the applicant must submit a Construction Environmental Management Plan to the satisfaction of the PCA including:

- **measures to prevent the obstruction of access through the Bennelong Passage;**
- **arrangements for complaints handling procedures during construction;**
- **measures to address the management of construction waste; and**
- **measures to control dust and noise.**

Prior to the commencement of works, a copy of the CEMP must be submitted to Council and the Planning Secretary.

4. Prior to Commencement of Works – Condition 6(e) is added by the insertion of the **bold and underlined** words as follows:

6(e). Archival Photographic Recording

An archival photographic recording of all the affected areas is to be undertaken prior to the commencement of works, in accordance with the Heritage Division document entitled, Photographic Recording of Heritage Items using Film or Digital Capture. The original copy of the archival record shall be submitted to the Heritage Division.

5. During Construction – Condition 9 is amended by the deletion of the struck out words and the insertion of the **bold and underlined** words as follows:

Hours of Work and Noise

9. Construction Noise

Noise associated with any construction work, including demolition, excavation and building work must comply with 'The City of Sydney Code of Practice for Construction Hours/Noise 1992' and the Australian Standard 2436:1984 **2010** 'Guide to Noise Control on Construction, Maintenance and Demolition Sites' **and the Interim Construction Noise Guideline (Department of Environment and Climate Change, 2009).**

6. During Construction – Condition 11 is amended by the deletion of the struck out words and the insertion of the **bold and underlined** words as follows:

11. Hours of Internal Construction Work

The hours of construction for internal works shall be permitted to be carried out at any time during any 24 hour period, on any day of the week for the ~~period specified in Condition No 12~~ **duration of the works approved in MOD 5**, providing the work does not unreasonably impact on the amenity of the patrons of the Sydney Opera House or surrounding residents.

7. During Construction – Condition 12 is amended by the deletion of the struck out words as follows:

12. ~~Limited Period for Hours of Internal Construction Work~~

~~Consent for a 24-hour working period set out in Condition No 11 shall be limited to 18 months from the date of commencement of works. Prior written approval of the Senior Planner, Urban Assessments, shall be obtained before these extended hours continue beyond the 18 month period. Should the applicant not be granted this extension, all construction work after this trial period shall occur only between the hours specified within the 'City of Sydney Code of Practice for Construction Hours/Noise 1992'.~~

NOTE: ~~Any submission to extend the 24 hour working period beyond the permitted 18 months should address any likely impacts the 24 hour working period may have on amenity of the patrons of Sydney Opera House or surrounding residents. It should also include details of any complaints received in relation to construction works, and appropriate mitigation measures undertaken to address these complaints.~~

8. During Construction – Condition 14(b) is added by the insertion of the **bold and underlined** words as follows:

14(b). Heritage Division requirements

1. **Significant building fabric and elements approved to be removed are to be carefully removed, catalogued, safely stored and able to be readily reinstated, including the 1973 doors.**
2. **Detailing of the new opening within the 1968 podium structure must be finished to complement the character, quality and design aesthetic of the Opera House.**

3. Installation of the new ceiling must ensure existing fabric, including the concrete slab beams, are not impacted by the works and are reversible.
4. Where elements are proposed to be removed, including the floor spring door closers within the Bennelong Passage, fabric is to be made good.
5. All significant structures, fabric and elements are to be protected during the works from potential damage. Protection systems must ensure they are not damaged or removed.
6. All tradespeople and workers on site must be made aware of the significant fabric on site.
7. Lighting to the TIDE entry space is to be indirect and baffled 'warm' lighting around the edge of the space.
8. Door finishes are to match existing finishes of adjacent and related spaces.
9. Door hardware must adopt the established design hierarchy, being bronze within the Bennelong Passage and proposed new digital tours entry space, and chrome/stainless steel for doors fronting back-of-house areas. Door frames must be painted steel (black or bronze) within the digital tours space, and white within back-of-house areas. Bronze coverings on frames are not acceptable.
10. Additional signage, such as the proposed hearing loop, must comply with the Sydney Opera House Signage Manual and the Conservation Management Plan. Other temporary or permanent signage (including wayfinding signage) within the Bennelong Passage, associated with a particular use of the digital tours space, is not considered to be appropriate.
11. Furniture is to be simple in design, visually recessive and compliment the character, quality and design aesthetic of the Sydney Opera House in accordance with the Conservation Management Plan. Input and feedback must be sought from the Sydney Opera House heritage architect.

Insert new part entitled 'Post Operation or During Use' by the insertion of **bold and underlined** words/numbers as follows:

Post Operation or During Use

9. Post Operation or During Use – Condition 27 is added by the insertion of **bold and underlined** words/numbers as follows:

27. Hours of Operation

The hours of operation of the digital tours venue are 7 am to 11 pm seven-days-a-week.

10. Post Operation or During Use – Condition 28 is added by the insertion of **bold and underlined** words/numbers as follows:

28. Maximum Patron Capacity

The maximum number of persons (including staff, patrons and performers) permitted in the digital tours venue at any one time is up to 100 persons.

Management is responsible for ensuring the number of patrons in the premises does not exceed the approved capacity.

11. Post Operation or During Use – Condition 29 is added by the insertion of **bold and underlined** words/numbers as follows:

29. Digital Tours Venue Use

The digital tours venue is not to be used for weddings, private parties/functions or the like. The digital tours venue may be used for private functions or other events such as talks,

exhibitions, presentations and small performances only if they are associated with performances and events at the Sydney Opera House.

12. Advisory Notes – AN5 is added by the insertion of **bold and underlined** words/numbers as follows:

AN5 Heritage

Prior to the commencement of any works, an application under section 60 of the *Heritage Act 1977* must be submitted to and approved by the Heritage Council of NSW or its delegate.

13. Advisory Notes – AN6 is added by the insertion of **bold and underlined** words/numbers as follows:

AN6 Heritage

As part of the Section 60 application under the *Heritage Act 1977*, the Applicant is to further resolve the design of the following:

- (a) **installation of furniture;**
- (b) **lighting**
- (c) **signage.**

to the satisfaction of the Heritage Council of NSW or its delegate.

End of Modification (DA 43-2-2004 MOD 5)

