

ENVIRONMENTAL PLANNING & ASSESSMENT ACT 1979

MODIFICATION NO. 57-8-2008 OF DEVELOPMENT CONSENT NO. 43-2-2004

**SYDNEY OPERA HOUSE – UPGRADE AND REFURBISHMENT OF WESTERN
BROADWALK AND WESTERN FOYER, BENNELONG POINT, SYDNEY**

**PURSUANT TO SECTIONS 80 AND 96(1A) OF THE
ENVIRONMENTAL PLANNING AND ASSESSMENT ACT, 1979**

(FILE NO. S08/01264)

I, Jason Perica, Executive Director – Strategic Sites and Urban Renewal, in accordance with the Instrument of Delegation issued by the Minister for Planning on 19 December 2007, pursuant to Sections 80 and 96(1A) of the *Environmental Planning and Assessment Act, 1979* and Clause 122(2) of the *Environmental Planning and Assessment Regulations, 2000*, modify the development consent referred to in the attached Schedule 1 in the manner set out in the attached Schedule 2.



Jason Perica
Executive Director
Strategic Sites and Urban Renewal

18/8/08

SCHEDULE 1

PART A — TABLE

Application Number:	DA 43-2-2004
Application made by:	Sydney Opera House Trust, Bennelong Point, Sydney
On land comprising:	Sydney Opera House, Bennelong Point, Sydney
Local Government Area	City of Sydney
For the carrying out of:	Erection of a temporary structure on the Southern Forecourt for 31 days during October and November 2008.
Section 96 (2) Application	MOD 57-8-2008 to modify DA 43-2-2004 in the following manner: To extend the hours of operation of the Spiegeltent approved under Condition 18(a) and (b).
Development consent granted by:	Minister for Planning
On:	DA 43-2-2004 determined on 26 July 2004
Type of development:	State Significant Development
S.119 public inquiry held:	No
As modified:	MOD 136-11-2006, approved under Section 96(2) of the Act, by the Executive Director, Strategic Sites and Urban Renewal as delegate for the Minister for Planning on 7 March 2007. MOD 86-11-2007, approved under Section 96(2) of the Act, by the Executive Director – Strategic Sites and Urban Renewal as delegate for the Minister for Planning on 28 December 2007. MOD 16-5-2008, approved under Section 96(2) of the Act, by the Director-General as delegate for the Minister for Planning, on 23 June 2008.

PART B — NOTES RELATING TO THE MODIFICATION MOD 16-05-2008 OF DEVELOPMENT CONSENT NO. 43-2-2004

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, for a development application, within **12 months** after the date on which the Applicant received this notice.

Legal notices

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

PART C — DEFINITIONS

The definitions within this modification are consistent with the definitions in Schedule 1 of the consent to development application DA 43-2-2004.

SCHEDULE 2

MODIFICATION (MOD 57-8-2008) OF DEVELOPMENT CONSENT TO DEVELOPMENT APPLICATION NO. DA 43-2-2004

The abovementioned development consent is modified as follows:

ADMINISTRATIVE CONDITIONS

No amendment to approved conditions.

PRIOR TO ISSUE OF CONSTRUCTION CERTIFICATE

No amendment to approved conditions.

PRIOR TO COMMENCEMENT OF WORKS

No amendment to approved conditions.

DURING CONSTRUCTION

Delete Condition 18 (a) and (b) and replace with the following:

18. *Spiegel tent Requirements*

- (a) The Spiegel tent will be operational over a total of 31 days through October and November 2008 including 5 weekends opening 7 days a week.
- (b) The venue will open no earlier than 10am in the morning, with evening performances concluding as follows:
 - Sunday to Thursday – Evening performances to finish by 11pm and venue cleared by 11.30pm; and
 - Friday to Saturday – Evening performances to finish by 11.30pm and venue cleared by 12am.

PRIOR TO OCCUPATION OR COMMENCEMENT OF USE

No amendment to approved conditions.

ADVISORY NOTES

No amendment to Advisory Notes.