

**MODIFICATION (MOD 86-11-2007) OF DEVELOPMENT CONSENT TO
DEVELOPMENT APPLICATION NO. DA 43-2-2004**

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

**PURSUANT TO SECTION 80 AND SECTION 96(2) OF THE *ENVIRONMENTAL
PLANNING AND ASSESSMENT ACT, 1979***

(FILE NO. S07/01794)

I, Jason Perica, Executive Director Strategic Sites and Urban Renewal, as delegate for the Minister for Planning, under the Instrument of Delegation dated 5 April 2006, pursuant to Section 80 and Section 96(2) of the *Environmental Planning and Assessment Act, 1979* **approve** the application to modify the development consent referred to in the attached Schedule 1 in the manner set out in the attached Schedule 2.

The reasons for the imposition of conditions are:

- (1) To amend the wording of conditions to reflect the additional plans and documentation; and
- (2) To ensure additions to the Sydney Opera House are sympathetic to and compatible with its existing heritage fabric;



Jason Perica
Executive Director
Strategic Sites and Urban Renewal

28/12/07

Sydney, 2007

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:	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.
Section 96 (2) Application	MOD 86-11-2007 to modify DA 43-2-2004 in the following manner: Erection and use of a temporary marquee at Sydney Opera House for 2 separate 6-month periods during construction.
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 modifying DA 43-2-2004 under Section 96(2) of the Act on 7 March 2007.

PART B—NOTES RELATING TO THE MODIFICATION MOD 86-11-2007 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.

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

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 86-11-2007) OF DEVELOPMENT CONSENT TO DEVELOPMENT APPLICATION NO. DA 43-2-2004

The development consent is modified as follows:

ADMINISTRATIVE CONDITIONS

2. Development in Accordance with Plans

Insert the following text and tables below the existing tables in Condition 2:

"Except where amended by the following documents and drawings:"

The Section 96(2) modification application (86-11-2007) lodged by Sydney Opera House Trust on 29 October 2007, including the following documents:

1. Erection and Use of a Temporary Marquee at the Sydney Opera House – Planning Report to Accompany a Section 96 Application to Modify Development Consent No 43-2-2004, Prepared by Byrnes & Associates on behalf of the Sydney Opera House Trust, October 2007.
2. SYDNEY OPERA HOUSE WESTERN FOYER UPGRADE PROJECT – WESTERN FOYERS TEMPORARY MARQUEE Section 96 Application – DA 43-2-2004 Western Loggia and Unified Foyer – HERITAGE IMPACT ASSESSMENT OF PROPOSAL, Prepared by Design 5 Architects for the Sydney Opera House Trust, 22 August 2007.

Design drawings prepared by Byrnes & Associates as follows:

Drawing No.	Version	Name of Plan	Date
N/A	3	Staging Plan – Phase 2 – 28 Jan 2008 – 13 April 2008.	June 2007
N/A	3	Staging Plan – Phase 3 – 14 April 2008 – 8 June 2008..	June 2007
N/A	3	Staging Plan – Phase 9 – 9 Feb 2009 – July 2009.	June 2007
Sht 1 of 2	4	Temporary Marquee Arrangements Western Broadwalk Layout Details – Stage 2 & 3: 28 Jan 2008 – 8 June 2008.	N/A
Sht 2 of 2	4	Temporary Marquee Arrangements Western Broadwalk Layout Details – Photo Concept.	N/A

PRIOR TO ISSUE OF CONSTRUCTION CERTIFICATE

No amendment to approved conditions.

PRIOR TO COMMENCEMENT OF WORKS

No amendment to approved conditions.

DURING CONSTRUCTION

Insert the following condition:

17. Marquee Requirements

- a) The temporary marquee along the Western Broadwalk should only be erected for the duration of the works as follows:
 - a. Phases 2 & 3 construction – 6 months duration;
 - b. Phase 9 of construction – 6 months duration.
 - c. The Marquee must be dismantled immediately in between these periods and at the completion of Phase 9.
- b) An adequate number of signs are to be placed on the marquee and other area in the vicinity of the Opera House to inform the general public that the marquee is temporary, including the dates when it will be taken down;
- c) The marquee is to be self supported and no attachments of any kind should be made between the existing fabric of the Sydney Opera House and proposed structures, particularly the unpainted concrete of the Western Loggia;
- d) The detail of the marquee where it abuts the Loggia structure must be carefully resolved to avoid contact with and water runoff onto the unpainted concrete structure in order to avoid consequent potential damage or staining;
- e) The marquee must be located such that it has no potential to damage or disfigure the fabric of the Sydney Opera House due to any chemicals leaching out of the marquee material;
- f) The arrangement of the marquee structure and all services must not allow or encourage soiling or disfiguring, deliberate or accidental, of the unpainted concrete elements of the Western Loggia;
- g) The structural grid of the marquee should, if possible, closely follow the grid of the Western Loggia, particularly along its western face, and as seen from the west;
- h) The temporary marquee should not extend any further south than where it is shown in the approved Plan. Its vertical profile must also not exceed the dimensions shown in these drawings. With regard to the general configuration, it should follow as close as possible that shown in these drawings.
- i) All opaque fabric covering the frame, should be a colour which is in tone and harmony with the existing granite cladding; and
- j) Reticulation of electrical cabling will require careful consideration and concealment.

PRIOR TO OCCUPATION OR COMMENCEMENT OF USE

Insert the following condition:

25. Removal of Marquee

The temporary marquee along the Western Broadwalk is to be dismantled and removed on completion of construction Phase 9 and prior to commencement of use.

ADVISORY NOTES

No amendment to Advisory Notes.