

**MODIFICATION (MOD 16-05-2008) 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**

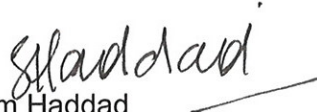
**PURSUANT TO SECTION 80 AND SECTION 96(2) OF THE *ENVIRONMENTAL  
PLANNING AND ASSESSMENT ACT, 1979***

**(FILE NO. S08/00726)**

I, the Director General, as delegate for the Minister for Planning, under the Instrument of Delegation dated 19 December 2007, 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 that the modification does not set a precedent for additional temporary structures within the setting of the Sydney Opera House;
- (3) To appropriately mitigate any environmental impacts.

  
Sam Haddad

**Director General  
Department of Planning**

Sydney

23<sup>rd</sup> June 2008.

## SCHEDULE 1

### PART A—TABLE

|                                        |                                                                                                                                                                                                                                                                                                                                               |
|----------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Application Number:</b>             | <b>DA 43-2-2004</b>                                                                                                                                                                                                                                                                                                                           |
| <b>Application made by:</b>            | Sydney Opera House Trust<br>Bennelong Point, Sydney                                                                                                                                                                                                                                                                                           |
| <b>On land comprising:</b>             | Sydney Opera House<br>Bennelong Point, Sydney                                                                                                                                                                                                                                                                                                 |
| <b>Local Government Area</b>           | City of Sydney                                                                                                                                                                                                                                                                                                                                |
| <b>For the carrying out of:</b>        | Erection of a temporary structure on the Southern Forecourt for 31 days during October and November 2008.                                                                                                                                                                                                                                     |
| <b>Section 96 (2) Application</b>      | MOD 16-05-2008 to modify DA 43-2-2004 in the following manner: <ul style="list-style-type: none"> <li>To allow for the use of part of the Southern Forecourt of the SOH for the erection of 'The Famous Spiegeltent' to correspond with closure of 'The Studio' due to development works on the Western Foyer and Studio Entrance.</li> </ul> |
| <b>Development consent granted by:</b> | Minister for Planning                                                                                                                                                                                                                                                                                                                         |
| <b>On:</b>                             | DA 43-2-2004 determined on 26 July 2004                                                                                                                                                                                                                                                                                                       |
| <b>Type of development:</b>            | State Significant Development                                                                                                                                                                                                                                                                                                                 |
| <b>S.119 public inquiry held:</b>      | No                                                                                                                                                                                                                                                                                                                                            |
| <b>As modified:</b>                    | MOD 16-05-2008 modifying DA 43-2-2004 under Section 96(2) of the Act on                                                                                                                                                                                                                                                                       |

### 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 16-05-2008) 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 (16-05-2008) lodged by Sydney Opera House Trust on 2<sup>nd</sup> May 2008, including the following documents:**

1. Erection and Use of a Temporary structure, 'The Famous Spiegeltent' 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, April 2008.
2. Sydney Opera House - Heritage Impact of the Proposed Temporary Structure (Spiegeltent) on the Southern Forecourt, prepared by Design 5 Architects for the Sydney Opera House Trust, 4 April 2008.

**Design drawings prepared by Byrnes & Associates as follows:**

| Drawing No. | Version | Name of Plan                                                              | Date     |
|-------------|---------|---------------------------------------------------------------------------|----------|
| 95 BG 21203 | C       | Studio on the Forecourt Oct/Nov 2008 – Spiegeltent Forecourt East Option. | 25/01/08 |

#### 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:

##### **18. Spiegeltent Requirements**

- a. The Spiegeltent will be operational over a total of 31 days through October and November 2008 including 5 weekends opening 6 days a week Tuesday to Sunday only;
- b. The venue will open no earlier than 11am in the morning and no later than 10.30pm Tuesday's to Friday's and 11pm Saturday's and Sunday's.
- c. The proposed temporary structure is to be erected in accordance with the Statement of Heritage Impact of the Proposed Temporary Structure (Spiegeltent) on the Southern Forecourt;
- d. The proposed tent must be self supported, no external rigging or guy ropes are permitted;

- e. No ancillary or additional structures or facilities are allowed in the forecourt during the period of the Spiegeltent's erection except for a one night event requiring a large screen as described in letter dated 27 May 2008 from Mr Richard Evans, Chief Executive, Sydney Opera House;
- f. Fencing or barriers should be low and erected only where required for public safety. Where these are required, they are to be designed to minimise their visual impact, particularly where they are placed within visually prominent locations;
- g. Unimpeded pedestrian access must be maintained to the steps on the Tarpeian cliff;
- h. An adequate number of signs must be placed in the vicinity of the proposed tent to inform the general public that this tent is temporary including the dates when it will be taken down;
- i. The proposed tent must be removed immediately upon completion of the proposed use after 31 days.
- j. Noise levels produced by the operation of the Spiegeltent must not exceed L<sub>Amax</sub> 70dB(A) and L<sub>Cmax</sub> 90 dB(C) from Friday to Saturday and L<sub>Amax</sub> 65 dB(A) and L<sub>Cmax</sub> 85 dB(C) from Sunday to Thursday.

#### **PRIOR TO OCCUPATION OR COMMENCEMENT OF USE**

No amendment to approved conditions.

#### **ADVISORY NOTES**

This approval for a temporary structure for a period of 31 days has been granted as it will serve as a replacement performance space during the construction works being carried out on the west foyer of the Sydney Opera House. It does not set a precedent or reason for other structures in the forecourt.