

# Sydney Opera House

## EPBC Approval 2017/7955 Annual Compliance Report 2 Period: 26 February 2022 to 25 November 2022

Report Date: 30 November 2022



## 1. Declaration of accuracy

In making this declaration, I am aware that sections 490 and 491 of the *Environment Protection and Biodiversity Conservation Act 1999* (Cth) (EPBC Act) make it an offence in certain circumstances to knowingly provide false or misleading information or documents. The offence is punishable on conviction by imprisonment or a fine, or both. I declare that all the information and documentation supporting this compliance report is true and correct in every particular. I am authorised to bind the approval holder to this declaration and that I have no knowledge of that authorisation being revoked at the time of making this declaration.

Signed:

Ian  
Cashen

Digitally signed by  
Ian Cashen  
Date: 2022.11.30  
14:20:59 +11'00'

Full name:	Ian Cashen
Position:	Director, Building, Safety and Security
Organisation:	Sydney Opera House (ABN: 69 712 101 035)
Date	30/11/2022

## 2. Document Version Control

Date	Version	Prepared by	Approved by	Filename/path
22 Nov 2022	2022 Draft	Peter Doyle		20221122 EPBC 2017_7955 Annual Report 3 DRAFT.docx
30 Nov 2022	2022 Final	Peter Doyle	Ian Cashen	20221130 EPBC 2017_7955 Annual Report 3 FINAL.docx

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## 4. Description of Activities

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### 4.1. EPBC Number:

2017/7955

### 4.2. Project Name:

Sydney Opera House Building Renewal Program – Concert Hall and associated works

### 4.3. Approval Holder:

Sydney Opera House

### 4.4. Approval Holder ABN:

69 712 101 035

### 4.5. Approved Action:

To undertake various projects relating to the Concert Hall (excluding Rehearsal Rooms 1 and 2) and Creative Learning Centre of the Sydney Opera House, NSW.

### 4.6. Location of the Project:

2 Circular Quay East, Bennelong Point, Sydney.

Lot 4 DP 787933 and Lot 5 DP 775888

### 4.7. Reporting Period:

26 February 2022 to 25 November 2022

### 4.8. Report Date:

30 November 2022

### 4.9. Activities during Current Period:

The current period is the third period following commencement of the action. During this period the following activities have occurred:

- Completion of all works associated with the Concert Hall
- Official re-opening of the Concert Hall (20 July 2022)
- Completion of defects rectification

## 5. Compliance Table

Condition Number	Condition	Is the project compliant with this condition? Compliant/ Non-Compliant/ Not applicable	Evidence/Comments
1)	<p>To minimise the impacts of the action on protected matters, the approval holder must comply with conditions A25, B17-19, B24-B25, B29, C16-C17, C38, D4 and E7 of the NSW development consent, as in force or existing from time to time, where those conditions relate to avoiding, mitigating, offsetting, managing, recording, or reporting on impacts to protected matters.</p> <p>A25. <i>Within 12 months of the commencement of the works, the Applicant shall submit to the Department a new Interpretation Strategy for the works approved as part of this consent. The Interpretation Strategy shall be prepared in consultation with the nominated heritage consultant (condition 824) and Heritage Council (or delegate), and shall address the areas to be modified by the proposed works and the alterations that have occurred.</i></p> <p><i>A copy must be submitted to the Secretary and Certifying Authority. The works outlined in the Heritage Interpretation Strategy must be completed within one year of the completion of works.</i></p>	Compliant	This was reported as completed in a prior Annual Report (Report 1).
	B 17. <i>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.</i>	Compliant	Supplied with prior Annual Reports
	<p>B 18. <i>As part of the Section 60 application under the Heritage Act 1977, the Applicant is to further resolve the design of the following:</i></p> <ul style="list-style-type: none"> <li>(a) <i>the final finishes for the passageway and south wall of the Caves area;</i></li> <li>(b) <i>northern foyer lift, including the detail of the extension of the two cranked beams connecting to the new lift;</i></li> <li>(c) <i>handrails and the 'kit of parts';</i></li> <li>(d) <i>the final colour and design of the over-stage reflectors, to be prototyped in situ in the Concert Hall and approved by the Opera House's Conservation Council, Design Advisory Panel, and heritage architect;</i></li> <li>(e) <i>clarification of the extent of removal of box fronts including the rear wall of side boxes, rear wall of stalls and upper and lower circles to understand whether samples of 1973 box fronts can be retained in situ and if new panels can overlay original materials and forms, and clarification of the final detail design of the laminated brushbox panels;</i></li> <li>(f) <i>clarification on the extent of the original bronze guard rail proposed to be removed to make way for accessible seating and retention of this, where possible;</i></li> <li>(g) <i>details of the construction methodology for the sidewall reflector panels and acoustic drape mechanisms;</i></li> <li>(h) <i>details of the final speaker system;</i></li> <li>(i) <i>air conditioning cannon port openings, including a full-sized mock-up to be assembled before these works commence;</i></li> <li>(j) <i>details of the penetrations in the Concert Hall ceiling;</i></li> <li>(k) <i>reconfiguration of the side foyers;</i></li> <li>(l) <i>final finishes to be used in the anteroom and orchestra assembly room;</i></li> <li>(m) <i>the Creative Learning Centre ramp and doors at the entry from the western broadwalk;</i></li> <li>(n) <i>concrete finishes throughout the various areas of the proposal, subject to the endorsement of the Heritage Architect, in consultation with the Design Advisory Panel (DAP), Conservation Council (CC) and Heritage Council delegate;</i></li> <li>(o) <i>significance assessments of equipment proposed to be removed to determine what pieces will be retained in the Sydney Opera House's collections;</i></li> <li>(p) <i>fixtures and fittings in dressing room facilities to determine retention, reuse and incorporation of significant elements into new areas.</i></li> </ul>	Compliant	Supplied with prior Annual Reports
	B 19. <i>A copy of the Heritage Council's approval and additional information required above must be submitted to the Planning Secretary and Council for information.</i>	Compliant	Submitted 29 January 2020
	B 24. <i>Prior to the commencement of works, a suitably qualified and experienced heritage consultant must be nominated for this project. The nominated heritage consultant must inspect the demolition and removal of material to ensure there is no unapproved removal of significant fabric or elements, provide input into the detailed design, provide heritage information to be imparted to all tradespeople during site inductions, and oversee the works to minimise impacts to heritage values. The nominated heritage consultant must be satisfied that all work has been carried out in accordance with the conditions of this consent.</i>	Compliant	Notified DAWE 30 January 2020

	B 25. Evidence and details of the engagement of a nominated heritage consultant in accordance with condition B24 shall be submitted to the Planning Secretary and Council, prior to the certification of Crown Building Works.	Compliant	Notified DAWE 30 January 2020
	B 29. Prior to the certification of Crown Building Works, a photographic archival record of all areas undergoing works, including the removal of theatre machinery equipment, air conditioning cannon port openings and plant, and existing acoustic reflectors, and identification of any significant pieces for interpretation, must be prepared in accordance with the document How to Prepare Archival Records by the Heritage Council of NSW, and submitted to the Heritage Council and the Department.	Compliant	Archival record prepared and supplied to DPIE(20 February 2020) and Heritage Council (18 February 2020).
	C 16. Significant building fabric and elements approved to be removed are to be carefully removed, catalogued, safely stored and able to be readily reinstated.	Compliant	Register of heritage items and fabric was prepared prior to commencement, copy can be supplied on request.
	C 17. To avoid unnecessary wastage, as much of the removed seating as possible is to be used in the new position.	Not applicable	Seating has been reinstated in the same positions wherever possible. Every second row of seats in the Stalls has been treated for fire resistance. Seat covers have been cleaned. Damaged fabric replaced where necessary (like for like). A small amount of seating has been removed/reconfigured to provide for accessible seating locations, and to accommodate the new stage configuration.
	C38. The Nominated Heritage Consultant is to regularly inspect the site and provide ongoing advice to the contractor representative undertaking the works for the duration of construction to ensure that there is no unapproved removal of elements, significant fabric is not damaged and that all work is being carried out in accordance with the conditions of this consent.	Compliant	The nominated Heritage Consultant inspected the works on a regular basis (nominally fortnightly) since the commencement. Inspection reports can be supplied on request.
	D4. Prior to occupation or commencement of use, the Applicant shall provide a report to the Planning Secretary and the Heritage Council prepared by the Nominated Heritage Consultant certifying all heritage works have been carried out in accordance with the relevant terms of this consent outlined in condition A2.	Not applicable	Heritage Consultant final reports submitted to DCCEEW 15 July 2022.
	E7. Within one year of the completion of works, the Applicant shall submit to the Heritage Council for approval an updated Conservation Management Plan for the Opera House, which is to address, inter alia, the "at rest" mode developed for the Concert Hall. A copy shall be provided to the Planning Secretary.	Not applicable	Not triggered in this period. Revision of the CMP is currently underway.
2)	To minimise the impacts of the action on protected matters, the approval holder must notify the Department in writing of any proposed changes to the NSW development consent for which condition 1 applies within 10 business days of such a change being approved by the NSW Government.	Not applicable	No change to the consent has been made.
3)	To mitigate the impacts of the action on protected matters, the approval holder must, during construction: <ul style="list-style-type: none"> <li>i. Display information about the evolution of the design and fabric of the building as a result of the action, in publicly accessible areas.</li> <li>ii. Provide for permanent information accessible through the Sydney Opera House website as an online archival record of the building and the renewal program.</li> </ul>	Compliant	Refer to <a href="http://www.sydneyoperahouse.com/our-story/Renewal.html">www.sydneyoperahouse.com/our-story/Renewal.html</a>
4)	To manage the impacts of the action on protected matters, the approval holder must provide copies of the documents required by conditions A25, B19, B25, B29, D4, and E7 of the NSW development consent to the Department for information.		
	A25. Within 12 months of the commencement of the works, the Applicant shall submit to the Department a new Interpretation Strategy for the works approved as part of this consent. The Interpretation Strategy shall be prepared in consultation with the nominated heritage consultant ( <b>condition 824</b> ) and Heritage Council (or delegate), and shall address the areas to be modified by the proposed works and the alterations that have occurred.  A copy must be submitted to the Secretary and Certifying Authority. The works outlined in the Heritage Interpretation Strategy must be completed within one year of the completion of works.	Compliant	Submitted to Department of Planning, Industry & Environment 22 January 2021. Copy was submitted to DAWE, 6 May 2021. Submission acknowledged by DAWE 10 May 2021.
	B 19. A copy of the Heritage Council's approval and additional information required above must be submitted to the Planning Secretary and Council for information.	Compliant	Supplied with prior Annual Reports. Submitted 29 January 2020
	B 25. Evidence and details of the engagement of a nominated heritage consultant in accordance with condition B24 shall be submitted to the Planning Secretary and Council, prior to the certification of Crown Building Works.	Compliant	Notified DAWE 30 January 2020
	B 29. Prior to the certification of Crown Building Works, a photographic archival record of all areas undergoing works, including the removal of theatre machinery equipment, air conditioning cannon port openings and plant, and existing acoustic reflectors, and identification of any significant pieces for interpretation, must be prepared in accordance with the document How to Prepare Archival Records by the Heritage Council of NSW, and submitted to the Heritage Council and the Department.	Compliant	Archival record sent to DCCEEW 30 November 2022.



	D4. <i>Prior to occupation or commencement of use, the Applicant shall provide a report to the Planning Secretary and the Heritage Council prepared by the Nominated Heritage Consultant certifying all heritage works have been carried out in accordance with the relevant terms of this consent outlined in condition A2.</i>	Not applicable	As noted above, reports were sent to DCCEEW 15 July 2022.
	E7. <i>Within one year of the completion of works, the Applicant shall submit to the Heritage Council for approval an updated Conservation Management Plan for the Opera House, which is to address, inter alia, the "at rest" mode developed for the Concert Hall. A copy shall be provided to the Planning Secretary.</i>	Not applicable	As noted above, revision of the CMP is underway.
5)	The approval holder must notify the Department in writing of the date of commencement of the action within 10 business days after the date of commencement of the action.	Compliant	DAWE notified by letter 5 March 2020.
6)	The approval holder must maintain accurate and complete compliance records.	Compliant	Annual EPBC compliance reports, and SSD 8663 Compliance Reports (copies available on request)
7)	If the Department makes a request in writing, the approval holder must provide electronic copies of compliance records to the Department within the timeframe specified in the request.	Not applicable	None requested.
8)	The approval holder must prepare a compliance report for each 12 month period following the date of commencement of the action, or otherwise in accordance with an annual date that has been agreed to in writing by the Minister. The approval holder must: <ul style="list-style-type: none"> <li>a. publish each compliance report on the website within 60 business days following the relevant 12 month period;</li> <li>b. notify the Department by email that a compliance report has been published on the website and provide the weblink for the compliance report within five business days of the date of publication;</li> <li>c. keep all compliance reports publicly available on the website until this approval expires;</li> <li>d. exclude or redact sensitive ecological data from compliance reports published on the website; and</li> <li>e. where any sensitive ecological data has been excluded from the version published, submit the full compliance report to the Department within 5 business days of publication.</li> </ul>	Compliant	This report. Refer <a href="https://www.sydneyoperahouse.com/general/corporate-information/planning-approvals/compliance-report-guidelines.html">EPBC Act Approval</a> (https://www.sydneyoperahouse.com/general/corporate-information/planning-approvals/compliance-report-guidelines.html)
9)	The approval holder must notify the Department in writing of any: incident; non-compliance with the conditions; or non-compliance with the commitments made in plans. The notification must be given as soon as practicable, and no later than two business days after becoming aware of the incident or non-compliance. The notification must specify: <ul style="list-style-type: none"> <li>a. any condition which is or may be in breach;</li> <li>b. a short description of the incident and/or non-compliance; and</li> <li>c. the location (including co-ordinates), date, and time of the incident and/or non-compliance.</li> </ul> In the event the exact information cannot be provided, provide the best information available.	Compliant	
10)	The approval holder must provide to the Department the details of any incident or non-compliance with the conditions or commitments made in plans as soon as practicable and no later than 10 business days after becoming aware of the incident or non-compliance, specifying: <ul style="list-style-type: none"> <li>a. any corrective action or investigation which the approval holder has already taken or intends to take in the immediate future;</li> <li>b. the potential impacts of the incident or non-compliance; and</li> <li>c. the method and timing of any remedial action that will be undertaken by the approval holder.</li> </ul>	Not applicable	
11)	The approval holder must ensure that independent audits of compliance with the conditions are conducted as requested in writing by the Minister.	Not applicable	None requested
12)	For each independent audit, the approval holder must: <ul style="list-style-type: none"> <li>a. provide the name and qualifications of the independent auditor and the draft audit criteria to the Department;</li> <li>b. only commence the independent audit once the audit criteria have been approved in writing by the Department; and</li> <li>c. submit an audit report to the Department within the timeframe specified in the approved audit criteria.</li> </ul>	Not applicable	

13)	The approval holder must publish the audit report on the website within 10 business days of receiving the Department's approval of the audit report and keep the audit report published on the website until the end date of this approval.	Not applicable	
14)	Within 30 days after the completion of the action, the approval holder must notify the Department in writing and provide completion data.	Compliant	Notification of completion sent to the DCCEEW 30 November 2022.



## **6. Non-compliances**

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Nil.

## **7. New Environmental Risks**

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No new environmental risks to report.

## Appendix 1 - EPBC 2017/7955 Approval

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**APPROVAL**

**Sydney Opera House Building Renewal Program – Concert Hall and associated works, NSW (EPBC 2017/7955)**

This decision is made under sections 130(1) and 133(1) of the *Environment Protection and Biodiversity Conservation Act 1999 (Cth)*. Note that section 134(1A) of the **EPBC Act** applies to this approval, which provides in general terms that if the approval holder authorises another person to undertake any part of the action, the approval holder must take all reasonable steps to ensure that the other person is informed of any conditions attached to this approval, and that the other person complies with any such condition.

**Details**

<b>Person to whom the approval is granted (approval holder)</b>	Sydney Opera House Trust
<b>ABN of approval holder</b>	69 712 101 035
<b>Action</b>	To undertake various projects relating to the Concert Hall (excluding Rehearsal Rooms 1 and 2) and Creative Learning Centre of the Sydney Opera House, NSW.  [See EPBC Act referral 2017/7955 and requests for variations accepted on 24 August 2017 and 13 June 2018].

**Approval decision**

My decisions on whether or not to approve the taking of the action for the purposes of each controlling provision for the action are as follows.

**Controlling Provisions**

<b>World Heritage values of a World Heritage property</b>	
Section 12	Approve
Section 15A	Approve
<b>National Heritage values of a National heritage place</b>	
Section 15B	Approve
Section 15C	Approve

***Period for which the approval has effect***

This approval has effect until 5 February 2025.

**Decision-maker**

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***Name and position***

Louise Vickery  
Assistant Secretary  
Environment Approvals and Wildlife Trade Branch  
Department of the Environment and Energy

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***Signature***

*Louise Vickery*

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***Date of decision***

21 / 01 / 2020

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**Conditions of approval**

This approval is subject to the conditions under the EPBC Act as set out in ANNEXURE A.

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## ANNEXURE A – CONDITIONS OF APPROVAL

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### Part A – Conditions specific to the action

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1. To minimise the impacts of the action on **protected matters**, the approval holder must comply with conditions A25, B17-19, B24-B25, B29, C16-C17, C38, D4 and E7 of the **NSW development consent**, as in force or existing from time to time, where those conditions relate to avoiding, mitigating, offsetting, managing, recording, or reporting on impacts to **protected matters**.
2. To minimise the impacts of the action on **protected matters**, the approval holder must notify the **Department** in writing of any proposed changes to the **NSW development consent** for which condition 1 applies within 10 **business days** of such a change being approved by the **NSW Government**.
3. To mitigate the impacts of the action on **protected matters**, the approval holder must, during **construction**:
  - i. Display information about the evolution of the design and fabric of the building as a result of the action, in publicly accessible areas.
  - ii. Provide for permanent information accessible through the Sydney Opera House **website** as an online archival record of the building and the renewal program.
4. To manage the impacts of the action on **protected matters**, the approval holder must provide copies of the documents required by conditions A25, B19, B25, B29, D4, and E7 of the **NSW development consent** to the **Department** for information.

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### Part B – Standard administrative conditions

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#### Notification of date of commencement of the action

5. The approval holder must notify the **Department** in writing of the date of **commencement of the action** within 10 **business days** after the date of **commencement of the action**.

#### Compliance records

6. The approval holder must maintain accurate and complete **compliance records**.
7. If the **Department** makes a request in writing, the approval holder must provide electronic copies of **compliance records** to the **Department** within the timeframe specified in the request.

**Note:** **Compliance records** may be subject to audit by the **Department** or an independent auditor in accordance with section 458 of the **EPBC Act**, and or used to verify compliance with the conditions. Summaries of the result of an audit may be published on the **Department's** website or through the general media.

#### Annual compliance reporting

8. The approval holder must prepare a **compliance report** for each 12 month period following the date of **commencement of the action**, or otherwise in accordance with an annual date that has been agreed to in writing by the **Minister**. The approval holder must:
  - a. publish each **compliance report** on the **website** within 60 **business days** following the relevant 12 month period;
  - b. notify the **Department** by email that a **compliance report** has been published on the **website** and provide the weblink for the **compliance report** within five **business days** of the date of publication;
  - c. keep all **compliance reports** publicly available on the **website** until this approval expires;
  - d. exclude or redact **sensitive ecological data** from **compliance reports** published on the **website**; and

- e. where any **sensitive ecological data** has been excluded from the version published, submit the full **compliance report** to the **Department** within 5 **business days** of publication.

**Note:** Compliance reports may be published on the **Department's** website.

### Reporting non-compliance

9. The approval holder must notify the **Department** in writing of any: **incident**; non-compliance with the conditions; or non-compliance with the commitments made in **plans**. The notification must be given as soon as practicable, and no later than two **business days** after becoming aware of the **incident** or non-compliance. The notification must specify:
  - a. any condition which is or may be in breach;
  - b. a short description of the **incident** and/or non-compliance; and
  - c. the location (including co-ordinates), date, and time of the **incident** and/or non-compliance. In the event the exact information cannot be provided, provide the best information available.
10. The approval holder must provide to the **Department** the details of any **incident** or non-compliance with the conditions or commitments made in **plans** as soon as practicable and no later than 10 **business days** after becoming aware of the **incident** or non-compliance, specifying:
  - a. any corrective action or investigation which the approval holder has already taken or intends to take in the immediate future;
  - b. the potential impacts of the **incident** or non-compliance; and
  - c. the method and timing of any remedial action that will be undertaken by the approval holder.

### Independent audit

11. The approval holder must ensure that **independent audits** of compliance with the conditions are conducted as requested in writing by the **Minister**.
12. For each **independent audit**, the approval holder must:
  - a. provide the name and qualifications of the independent auditor and the draft audit criteria to the **Department**;
  - b. only commence the **independent audit** once the audit criteria have been approved in writing by the **Department**; and
  - c. submit an audit report to the **Department** within the timeframe specified in the approved audit criteria.
13. The approval holder must publish the audit report on the **website** within 10 **business days** of receiving the **Department's** approval of the audit report and keep the audit report published on the **website** until the end date of this approval.

### Completion of the action

14. Within 30 days after the **completion of the action**, the approval holder must notify the **Department** in writing and provide **completion data**.

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## Part C - Definitions

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In these conditions, except where contrary intention is expressed, the following definitions are used:

**Business day** means a day that is not a Saturday, a Sunday or a public holiday in the state or territory of the action.



**Commencement of the action** means the first instance of any specified activity associated with the action including **construction** of any infrastructure. **Commencement of the action** does not include minor physical disturbance necessary to:

- i. install signage and /or temporary fencing to prevent unapproved use of the project area; and
- ii. install temporary site facilities for persons undertaking pre-commencement activities so long as these are located where they have no impact on the **protected matters**.

**Completion data** means an environmental report clearly detailing how the conditions of this approval have been met.

**Completion of the action** means all specified activities associated with the action have permanently ceased.

**Compliance records** means all documentation or other material in whatever form required to demonstrate compliance with the conditions of approval in the approval holder's possession or that are within the approval holder's power to obtain lawfully.

**Compliance reports** means written reports:

- i. providing accurate and complete details of compliance, **incidents**, and non-compliance with the conditions; and
- ii. consistent with the **Department's Annual Compliance Report Guidelines (2014)**.

**Construction** means the erection of a building or structure that is or is to be fixed to the ground and wholly or partially fabricated on-site; the alteration, maintenance, repair or demolition of any building or structure; preliminary site preparation work which involves breaking of the ground (including pile driving); the laying of pipes and other prefabricated materials in the ground, and any associated excavation work; but excluding the installation of temporary fences and signage.

**Department** means the Australian Government agency responsible for administering the **EPBC Act**.

**EPBC Act** means the *Environment Protection and Biodiversity Conservation Act 1999 (Cth)*.

**Incident** means any event which has the potential to, or does, impact on any **protected matter(s)**.

**Independent audit:** means an audit conducted by an independent and **suitably qualified person** as detailed in the *Environment Protection and Biodiversity Conservation Act 1999 Independent Audit and Audit Report Guidelines (2019)*.

**Minister** means the Australian Government Minister administering the **EPBC Act** including any delegate thereof.

**NSW development consent** means the conditions of consent for project SSD 8663 approved on 12 December 2019 under the *Environmental Planning and Assessment Act 1979 (NSW)*.

**NSW Government** means the relevant NSW agency responsible for administering the *Environmental Planning and Assessment Act 1979 (NSW)*.

**Protected matters** means the heritage values of the Sydney Opera House, the World Heritage property and National Heritage place protected under the provisions under Part 3 of the **EPBC Act** for which this approval has effect.

**Suitably qualified person** means a person who has professional qualifications, training, skills and/or experience related to the nominated subject matter and can give authoritative independent assessment, advice and analysis on performance relative to the subject matter using the relevant protocols, standards, methods and/or literature.

**Website** means a set of related web pages located under a single domain name attributed to the approval holder and available to the public.



## Appendix 2 -SSD 8663 Consent

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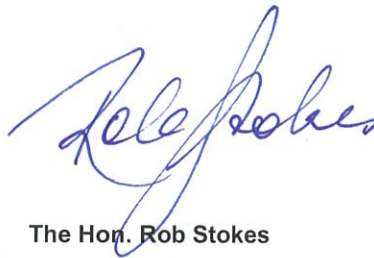
# Development Consent

## Section 4.38 of the Environmental Planning and Assessment Act 1979

I approve the Development Application referred to in Schedule 1, subject to the conditions specified in Schedule 2.

These conditions are required to:

- prevent, minimise, or offset adverse environmental impacts;
- set standards and performance measures for acceptable environmental performance;
- require regular monitoring and reporting; and
- provide for the ongoing environmental management of the development



**The Hon. Rob Stokes**  
**Minister for Planning and Public Spaces**

Sydney

*12<sup>th</sup> December,*

2019

File: EF19/5207

### SCHEDULE 1

<b>Application Number:</b>	SSD 8663
<b>Applicant:</b>	Sydney Opera House Trust
<b>Consent Authority:</b>	Minister for Planning and Public Spaces
<b>Site:</b>	2 Circular Quay East, Bennelong Point, Sydney (Lot 5 in DP 775888 and Lot 4 in DP 787933)
<b>Development:</b>	Upgrade to the Concert Hall and new Creative Learning Centre at the Sydney Opera House.

## DEFINITIONS

<b>Accredited Certifier</b>	The holder of a certificate of accreditation as an accredited certifier under the <i>Building Professionals Act 2005</i> acting in relation to matters to which the accreditation applies
<b>Applicant</b>	Sydney Opera House Trust, or any person carrying out any development to which this consent applies
<b>BCA</b>	Building Code of Australia
<b>BC Act</b>	<i>Biodiversity Conservation Act 2016</i>
<b>CEMP</b>	Construction Environmental Management Plan
<b>Certifier</b>	A council or an accredited certifier or a person qualified to conduct a Certification of Crown Building works
<b>Conditions of this consent</b>	Conditions contained in Schedule 2 of this document
<b>Construction</b>	The demolition and removal of buildings or works, the carrying out of works for the purpose of the development, including bulk earthworks, and erection of buildings and other infrastructure permitted by this consent
<b>Council</b>	City of Sydney Council
<b>Crown Building Works Certificate</b>	Certification of Crown building works under section 6.28 of the EP&A Act
<b>Day</b>	The period from 7 am to 6 pm on Monday to Saturday, and 8 am to 6 pm on Sundays and Public Holidays
<b>Demolition</b>	The deconstruction and removal of buildings, sheds and other structures on the site
<b>Department</b>	NSW Department of Planning, Industry and Environment
<b>Development</b>	The development described in the EIS and Response to Submissions and subsequent documentation, including the works and activities comprising the Sydney Opera House Concert Hall upgrade and new Creative Learning Centre, as modified by the conditions of this consent
<b>EIS</b>	The Environmental Impact Statement titled 'Environmental Impact Statement, State Significant Development Application SSD 8663, Sydney Opera House Building Renewal Concert Hall and Creative Learning Centre', prepared by Keylan Consulting Pty Ltd dated October 2018, and accompanying appendices submitted with the application for consent for the development, including any additional information provided by the Applicant in support of the application
<b>ENM</b>	Excavated Natural Material
<b>Environment</b>	Includes all aspects of the surroundings of humans, whether affecting any human as an individual or in his or her social groupings
<b>EPA</b>	NSW Environment Protection Authority
<b>EP&amp;A Act</b>	<i>Environmental Planning and Assessment Act 1979</i>
<b>EP&amp;A Regulation</b>	<i>Environmental Planning and Assessment Regulation 2000</i>
<b>EPL</b>	Environment Protection Licence under the POEO Act
<b>Feasible</b>	Means what is possible and practical in the circumstances
<b>Heritage Division</b>	Heritage Division of the Department of Premier and Cabinet (former Heritage Division of the Office of Environment and Heritage)
<b>Heritage Council</b>	Heritage Council of NSW
<b>Incident</b>	An occurrence or set of circumstances that causes or threatens to cause material harm and which may or may not be or cause a non-compliance Note: "material harm" is defined in this consent
<b>Land</b>	Has the same meaning as the definition of the term in section 1.4 of the EP&A Act
<b>Material harm</b>	Is harm that: <ul style="list-style-type: none"> <li>• involves actual or potential harm to the health or safety of human beings or to the environment that is not trivial, or</li> </ul>

	<ul style="list-style-type: none"> <li>• results in actual or potential loss or property damage of an amount, or amounts in aggregate, exceeding \$10,000, (such loss includes the reasonable costs and expenses that would be incurred in taking all reasonable and practicable measures to prevent, mitigate or make good harm to the environment)</li> </ul>
<b>Minister</b>	NSW Minister for Planning and Public Spaces (or delegate)
<b>Non-compliance</b>	An occurrence, set of circumstances or development that is a breach of this consent
<b>Operation</b>	The carrying out of the approved purpose of the development upon completion of construction
<b>PA</b>	Means a planning agreement within the meaning of the term in section 7.4 of the EP&A Act
<b>Planning Secretary</b>	Planning Secretary under the EP&A Act, or nominee
<b>POEO Act</b>	<i>Protection of the Environment Operations Act 1997</i>
<b>Reasonable</b>	Means applying judgement in arriving at a decision, taking into account: mitigation benefits, costs of mitigation versus benefits provided, community views, and the nature and extent of potential improvements
<b>Response to submissions</b>	The Applicant's response to issues raised in submissions received in relation to the application for consent for the development under the EP&A Act
<b>Response to Submissions (RtS)</b>	Response to Submissions titled 'Response to Submissions – Sydney Opera House, Concert Hall Upgrade and New Creative learning Centre (SSD 8663)', prepared by Keylan Consulting Pty Ltd dated 21 January 2019, and accompanying appendices
<b>Revised Response to Submissions (RRtS)</b>	Revised Response to Submissions titled 'Response to Heritage Council Submission on the Sydney Opera House Building Renewal Program – Concert Hall Upgrade and new Creative Learning Centre (SSD 8663)', prepared by the Sydney Opera House Trust dated 4 July 2019, and accompanying appendices
<b>Supplementary Revised Response to Submissions (RRtS)</b>	Supplementary Revised Response to Submissions titled: <ul style="list-style-type: none"> <li>• 'Response to City of Sydney Response to the Sydney Opera House Response to Submissions for the SOH Building Renewal Program – Concert Hall Upgrade and new Creative Learning Centre (SSD 8663)', prepared by the Sydney Opera House Trust dated 28 August 2019</li> <li>• 'SOH Building Renewal Program – Concert Hall Upgrade and new Creative Learning Centre (SSD 8663) Response to Heritage Council Response to Sydney Opera House Response to Submissions', prepared by the Sydney Opera House Trust dated 10 September 2019.</li> </ul>
<b>SOH</b>	Sydney Opera House
<b>SSD</b>	State Significant Development
<b>Subject Site</b>	Land referred to in Schedule 1
<b>TfNSW</b>	Transport for NSW
<b>TfNSW (RMS)</b>	Transport for NSW (Roads and Maritime Services)

**SCHEDULE 2**  
**PART A ADMINISTRATIVE CONDITIONS**

**OBLIGATION TO MINIMISE HARM TO THE ENVIRONMENT**

A1. In addition to meeting the specific performance measures and criteria in this consent, all reasonable and feasible measures must be implemented to prevent, and if prevention is not reasonable and feasible, minimise, any material harm to the environment that may result from the construction and operation of the development, and any rehabilitation required under this consent.

**TERMS OF CONSENT**

- A2. The development may only be carried out:
- (a) in compliance with the conditions of this consent;
  - (b) in accordance with all written directions of the Planning Secretary;
  - (c) in accordance with the EIS, Response to Submissions, Revised Response to Submissions and Supplementary Revised Response to Submissions;
  - (d) in accordance with the management and mitigation measures.

<b>Works to the Concert Hall</b>			
<b>Architectural Drawings prepared ARM Architecture</b>			
<b>Sheet No.</b>	<b>Revision</b>	<b>Name of Plan</b>	<b>Date</b>
DA000	F	Cover Sheet & Architectural Drawing Schedule	05/08/2019
DA0100	F	Location Plan	05/08/2019
DA0301	D	Internal Materials Finishes Schedule pages 1 – 19	05/10/2018
DA0302	D	External Materials & Finishes Schedule pages 1 – 4	05/10/2018
DA0310	F	Door Schedule	05/08/2019
DA0320	F	Signage Schedule	05/08/2019
DA0410	F	Wall Types Schedule	05/08/2019
DA0411	F	Floor Types Schedule	05/08/2019
DA0412	F	Ceiling Types Schedule	05/08/2019
DA0703	F	Demolition Plan – Ground Level +12	05/08/2019
DA0705	F	Demolition Plan – Level 1 +30	05/08/2019
DA0706	F	Demolition Plan – Level 2 +42	05/08/2019
DA0707	F	Demolition Plan – Level 3 +51	05/08/2019
DA0708	F	Demolition Plan – Level 4 +61	05/08/2019
DA0709	F	Demolition Plan – Level 5 +70	05/08/2019
DA0710	F	Demolition Plan – Level 6 +85	05/08/2019
DA0711	F	Demolition Plan – Level 7 +100	05/08/2019
DA0712	F	Demolition Plan – Level 7A	05/08/2019

DA0713	F	Demolition Plan – Level 8 +115	05/08/2019
DA0714	F	Demolition Plan – Level 9 +130	05/08/2019
DA0715	F	Demolition Plan – Level 10 +140	05/08/2019
DA0725	F	Demolition Reflected Ceiling Plan – Level 1 +30	05/08/2019
DA0726	F	Demolition Reflected Ceiling Plan – Level 2 +42	05/08/2019
DA0727	F	Demolition Reflected Ceiling Plan – Level 3 +51	05/08/2019
DA0729	F	Demolition Reflected Ceiling Plan – Level 5 +70	05/08/2019
DA0730	F	Demolition Reflected Ceiling Plan – Level 6 +85	05/08/2019
DA0731	F	Demolition Reflected Ceiling Plan – Level 7 +100	05/08/2019
DA0800	F	Demolition Section A-A	05/08/2019
DA0801	F	Demolition Section B-B	05/08/2019
DA0802	F	Demolition Section C-C	05/08/2019
DA1203	F	General Arrangement – Floor Plan – Ground Level +12	05/08/2019
DA1205	F	General Arrangement – Floor Plan – Level 1 +30	05/08/2019
DA1206	F	General Arrangement – Floor Plan – Level 2 +42	05/08/2019
DA1207	F	General Arrangement – Floor Plan – Level 3 +51	05/08/2019
DA1208	F	General Arrangement – Floor Plan – Level 4 +61	05/08/2019
DA1209	F	General Arrangement – Floor Plan – Level 5 +70	05/08/2019
DA1210	F	General Arrangement – Floor Plan – Level 6 +85	05/08/2019
DA1211	F	General Arrangement – Floor Plan – Level 7 +100	05/08/2019
DA1212	F	General Arrangement – Floor Plan – Level 7A	05/08/2019
DA1213	F	General Arrangement – Floor Plan – Level 8 +115	05/08/2019
DA1214	F	General Arrangement – Floor Plan – Level 9 +130	05/08/2019
DA1215	F	General Arrangement – Floor Plan – Level 10 +140	05/08/2019
DA1503	F	Reflected Ceiling Plan – Ground Level +12	05/08/2019
DA1505	F	Reflected Ceiling Plan – Level 1 +30	05/08/2019
DA1506	F	Reflected Ceiling Plan – Level 2 +42	05/08/2019
DA1507	F	Reflected Ceiling Plan – Level 3 +51	05/08/2019
DA1509	F	Reflected Ceiling Plan – Level 5 +70	05/08/2019
DA1510	F	Reflected Ceiling Plan – Level 6 +85	05/08/2019

DA1511	F	Reflected Ceiling Plan – Level 7 +100	05/08/2019
DA1513	F	Reflected Ceiling Plan – Level 8 +115	05/08/2019
DA1514	F	Reflected Ceiling Plan – Level 9 +130	05/08/2019
DA2102	F	Elevation – East	05/08/2019
DA2103	F	Elevation - West	05/08/2019
DA3000	F	Section A-A	05/08/2019
DA3001	F	Section B-B	05/08/2019
DA3002	F	Section C-C	05/08/2019
DA3150	F	Sections – Stage	05/08/2019
DA3151	F	Detail Section – Stage Portal Frame	05/08/2019
DA5010	F	Detail Area – Stairs – Level 1	05/08/2019
DA5020	F	Detail Area – Stairs – Level 2	05/08/2019
DA5030	F	Detail Area – Stairs – Level 3	05/08/2019
DA5120	F	Detail Plans 1 – Lift 30	05/08/2019
DA5121	F	Detail Plans 2 – Lift 30	05/08/2019
DA5122	F	Detail RCPS – Lift 30	05/08/2019
DA5123	F	Detail Elevation 1 – Lift 30	05/08/2019
DA5124	F	Detail Elevation 2 – Lift 30	05/08/2019
DA5126	F	Detail Area – Sections – Lift 30	05/08/2019
DA5210	F	Detail Area – Dressing Room 58 L1-02 – Level 1 +30	05/08/2019
DA5211	F	Detail Area – Male Performer Amenities L1-AM-02 & Unisex Accessible WC L1-05	05/08/2019
DA5214	F	Detail Area – Dressing Room 75 L1-AM-10, Bath L1-AM-11 & Access Bath L1-AM-12 – Level 1 +30	05/08/2019
DA5215	F	Detail Area – Dressing Room 76 L1-AM-07 & Access Bath L1-AM-08 – Level 1 +30	05/08/2019
DA5220	F	Detail Area – Amenities – Level 2	05/08/2019
DA5230	F	Detail Area – Unisex Access L3-01 & L3-02 – Level 3 +51	05/08/2019
DA5310	F	Detail Plan – Orchestra Assembly Room L1-OA-01 – Level 1 +30	05/08/2019
DA5311	F	Detail RCP – Orchestra Assembly Room L1-OA-01 – Level 1 +30	05/08/2019
DA5312	F	Interior Elevations 1 – Orchestra Assembly Room L1-OA-01 – Level 1 +30	05/08/2019
DA5313	F	Interior Elevations 2 – Orchestra Assembly Room L1-OA-01 – Level 1 +30	05/08/2019



DA5320	F	Detail Area – Auditorium Stage – Level 2 +42	05/08/2019
DA5321	F	Detail Plan – Ante Room, Prompt & Opposite Prompt – Level 2 +42	05/08/2019
DA5322	F	Detail RCP – Ante Room, Prompt & Opposite Prompt – Level 2 +42	05/08/2019
DA5323	F	Interior Elevations - Ante Room, Prompt & Opposite Prompt – Level 2 +42	05/08/2019
DA5324	F	Detail Section – Ante Room – Level 2	05/08/2019
DA5325	F	Detail Plans – East Passageway – Level 2 +42	05/08/2019
DA5326	F	Interior Elevations – East Passageway – Level 2 +42	05/08/2019
DA5327	F	Details Sections – East Passageway – Level 2 +42	05/08/2019
DA5328	F	Detail Area – Stalls Seating – Level 2 +42	05/08/2019
DA5329	F	Detail Plan and RCP – Accessible Theatre Entries – Level 2 +42	05/08/2019
DA5330	F	Interior Elevations – Accessible Theatre Entries – Level 2 +42	05/08/2019
DA5331	F	Detail Area – Timber Acoustic Diffusion Panels – Box Fronts	05/08/2019
DA5332	F	Detail Area – Timber Acoustic Diffusion Panels – Western CH Peripheral Walls	05/08/2019
DA5333	F	Detail Area – Timber Acoustic Diffusion Panels – Eastern CH Peripheral Walls	05/08/2019
DA5334	F	Detail Plans – Acoustic Diffusion & Absorption – Stage Surround, Upper and Lower Circles	05/08/2019
DA5335	F	Detail Elevations – Acoustic Diffusion & Absorption – Stage Surround, Upper & Lower Circles	05/08/2019
DA5340	F	Detail Area – Upper Circle and Choir Stalls Seating	05/08/2019
DA5341	F	Detail Area – Circle Box Seating – Level 4	05/08/2019
DA5343	F	Detail Elevations – FCU Timber Panels	05/08/2019
DA5350	F	Detail Elevations – East Canon Port Gallery – Level 5 & 6	05/08/2019
DA5351	F	Detail Elevations – West Canon Port Gallery – Level 5 & 6	05/08/2019
DA5360	F	Detail Area – Acoustic Reflectors – Set Out – Level 6	05/08/2019
DA5361	F	Details – Acoustic Reflectors – Level 6	05/08/2019
DA5370	F	Detail Area – Acoustic Drapes – Typical Layout – Crown	05/08/2019
DA5371	F	Detail Area – Acoustic Drapes – Typical Layout	05/08/2019
DA5372	F	Detail RCP – Concert Hall 1	05/08/2019
DA5373	F	Detail RCP – Concert Hall 2	05/08/2019
DA5374	F	Detail Plan – Tech Zone	05/08/2019

DA5375	F	Detail RCP – Concert Hall 3	05/08/2019
DA5376	F	Detail RCP – Tech Zone	05/08/2019
DA5377	F	Detail Area – Tech Zone – East & West Access Doors	05/08/2019
DA5378	F	Detail RCP – Concert Hall – Crown	05/08/2019
DA5380	F	Detail Area – Portal Frame – Level 4	05/08/2019
DA5400	F	Detail Area – Dressing Room and Locker Room Joinery	05/08/2019
DA5510	F	Detail Area – Entry L1 – Platform Lift 37 – Level 1 +30	05/08/2019
DA5511	F	Detail Area – Rack Room L1-RR-01 – Level 1	05/08/2019
DA5512	F	Detail Area – Airlock L1-AM-13 & Store L1-ST-01 – Level 1 +30	05/08/2019
DA5513	F	Detail Area – Locker Room L1-LR-01 – Level 1 +30	05/08/2019
DA5530	F	Detail Area – West Rack Room L3-06 & East Rack Room L3-05 – Level 3 +51	05/08/2019
DA5560	F	Detail Area – Concert Hall Above Ceiling Fire Egress	05/08/2019
DA5600	F	Detail Area – Balustrades and Handrails 1 – Northern Foyer	05/08/2019
DA5601	F	Detail Area – Balustrades and Handrails 2 – Northern Foyer	05/08/2019
DA5602	F	Detail Area – Balustrades and Handrails 3 – Eastern Foyer	05/08/2019
DA5603	F	Detail Area – Balustrades and Handrails 4 – Western Foyer	05/08/2019
DA5604	F	Detail Area – Balustrade and Handrails 5 – Concert Hall	05/08/2019

### Works to the Creative Learning Centre

#### Architectural Drawings prepared Tonkin Zulaikha Greer Architects

Drawing No.	Revision	Name of Plan	Date
A-0001	A	Site Location Plan	09/08/2016
A-0101	B	Demolition Ground Floor Plan (+12)	17/11/2017
A-1001	C	Proposed Ground Floor Plan (+12)	17/11/2017
A-1201	B	Demolition Ground Floor RCP (+12)	17/11/2019
A-1202	B	Proposed Ground RCP (+12)	17/11/2019
A-2001	B	Sections 1	17/11/2017
A-2002	B	Sections 2	17/11/2017
A-2003	B	Sections 3	17/11/2017

A-2101	B	Detail Section	17/11/2017
A-3001	C	External Elevations	17/11/2017
A-9001	C	Finishes and Product Info	13/12/2017

- A3. Consistent with the requirements in this consent, the Planning Secretary may make written directions to the Applicant in relation to:
- (a) the content of any strategy, study, system, plan, program, review, audit, notification, report or correspondence submitted under or otherwise made in relation to this consent, including those that are required to be, and have been, approved by the Planning Secretary; and
  - (b) the implementation of any actions or measures contained in any such document referred to in **condition A3(a)**.
- A4. The conditions of this consent and directions of the Planning Secretary prevail to the extent of any inconsistency, ambiguity or conflict between them and a document listed in **condition A2(c)**. In the event of an inconsistency, ambiguity or conflict between any of the documents listed in **condition A2(c)**, the most recent document prevails to the extent of the inconsistency, ambiguity or conflict.

#### **LAPSING OF APPROVAL**

- A5. This consent will lapse five years from the date of the consent unless the works associated with the development have physically commenced.

#### **LIMITS ON CONSENT**

- A6. This consent does not approve works to rehearsal rooms 1 and 2.

#### **PRESCRIBED CONDITIONS**

- A7. The Applicant must comply with all relevant prescribed conditions of development consent under Part 6, Division 8A of the EP&A Regulation.

#### **LONG SERVICE LEVY**

- A8. For work costing \$25,000 or more, a Long Service Levy must be paid. For further information please contact the Long Service Payments Corporation on their Helpline 13 1441.

#### **LEGAL NOTICES**

- A9. Any advice or notice to the consent authority must be served on the Planning Secretary.

#### **EVIDENCE OF CONSULTATION**

- A10. Where conditions of this consent require consultation with an identified party, the Applicant must:
- (a) consult with the relevant party prior to submitting the subject document to the Planning Secretary for approval; and
  - (b) provide details of the consultation undertaken including:
    - (i) the outcome of that consultation, matters resolved and unresolved; and
    - (ii) details of any disagreement remaining between the party consulted and the Applicant and how the Applicant has addressed the matters not resolved.

#### **DEVELOPMENT EXPENSES**

- A11. It is the responsibility of the Applicant to meet all expenses incurred in undertaking the development, including expenses incurred in complying with conditions imposed under this approval.

#### **APPLICABILITY OF GUIDELINES**

- A12. References in the conditions of this consent to any guideline, protocol, Australian Standard or policy are to such guidelines, protocols, Standards or policies in the form they are in as at the date of this consent.
- A13. However, consistent with the conditions of this consent and without altering any limits or criteria in this consent, the Planning Secretary may, when issuing directions under this consent in respect of ongoing monitoring and management obligations, require compliance with an updated or revised version of such a guideline, protocol, Standard or policy, or a replacement of them.

## STRUCTURAL ADEQUACY

A14. All new buildings and structures, and any alterations or additions to existing buildings and structures, that are part of the development, must be constructed in accordance with the relevant requirements of the BCA.

### Notes:

- Under Part 6 of the EP&A Act, the Applicant is required to obtain construction certificates for the proposed building works.
- Part 8 of the EP&A Regulation sets out the requirements for the certification of the development.

## OPERATION OF PLANT AND EQUIPMENT

A15. All plant and equipment used on site, or to monitor the performance of the development must be:

- (a) maintained in a proper and efficient condition; and
- (b) operated in a proper and efficient manner.

## MONITORING AND ENVIRONMENTAL AUDITS

A16. Any condition of this consent that requires the carrying out of monitoring or an environmental audit, whether directly or by way of a plan, strategy or program, is taken to be a condition requiring monitoring or an environmental audit under Division 9.4 of Part 9 of the EP&A Act. This includes conditions in respect of incident notification, reporting and response, non-compliance notification and independent environmental auditing.

**Note:** For the purposes of this condition, as set out in the EP&A Act, "monitoring" is monitoring of the development to provide data on compliance with the consent or on the environmental impact of the development, and an "environmental audit" is a periodic or particular documented evaluation of the development to provide information on compliance with the consent or the environmental management or impact of the development.

## INCIDENT NOTIFICATION, REPORTING AND RESPONSE

A17. The Department must be notified in writing to [compliance@planning.nsw.gov.au](mailto:compliance@planning.nsw.gov.au) immediately after the Applicant becomes aware of an incident. The notification must identify the development (including the development application number and the name of the development if it has one), and set out the location and nature of the incident.

A18. Subsequent notification must be given and reports submitted in accordance with the requirements set out in Appendix 1.

## NON-COMPLIANCE NOTIFICATION

A19. The Department must be notified in writing to [compliance@planning.nsw.gov.au](mailto:compliance@planning.nsw.gov.au) within seven days after the Applicant becomes aware of any non-compliance. The Certifying Authority must also notify the Department in writing to [compliance@planning.nsw.gov.au](mailto:compliance@planning.nsw.gov.au) within seven days after they identify any non-compliance.

A20. The notification must identify the development and the application number for it, set out the condition of consent that the development is non-compliant with, the way in which it does not comply and the reasons for the non-compliance (if known) and what actions have been, or will be, undertaken to address the non-compliance.

A21. A non-compliance which has been notified as an incident does not need to also be notified as a non-compliance.

## REVISION OF STRATEGIES, PLANS AND PROGRAMS

A22. Within three months of:

- (a) the submission of a compliance report under **condition B8** and **B10**;
- (b) the submission of an incident report under **condition A17**;
- (c) the submission of an Independent Audit under **condition B12**;
- (d) the approval of any modification of the conditions of this consent; or
- (e) the issue of a direction of the Planning Secretary under **condition A2** which requires a review,

A23. the strategies, plans and programs required under this consent must be reviewed, and the Department must be notified in writing that a review is being carried out.

A24. If necessary to either improve the environmental performance of the development, cater for a modification or comply with a direction, the strategies, plans and programs required under this consent must be revised, to the satisfaction of the Planning Secretary. Where revisions are required, the revised document must be submitted to the Planning Secretary for approval within six weeks of the review.

**Note:** This is to ensure strategies, plans and programs are updated on a regular basis and to incorporate any recommended measures to improve the environmental performance of the development.

## INTERPRETATION STRATEGY

A25. Within 12 months of the commencement of the works, the Applicant shall submit to the Department a new Interpretation Strategy for the works approved as part of this consent. The Interpretation Strategy shall be prepared

in consultation with the nominated heritage consultant (**condition B24**) and Heritage Council (or delegate), and shall address the areas to be modified by the proposed works and the alterations that have occurred.

A copy must be submitted to the Secretary and Certifying Authority. The works outlined in the Heritage Interpretation Strategy must be completed within one year of the completion of works.



## PART B PRIOR TO THE COMMENCEMENT OF WORKS

### CROWN BUILDING WORK

- B1. Crown building work cannot be commenced unless the Crown Building work is certified by or on behalf of the Crown to comply with the technical provisions of the State's building laws in force as at:
- (a) the date of the invitation for tenders to carry out Crown building work; or
  - (b) in the absence of tenders, the date on which the Crown building work commences.

### NOTIFICATION OF COMMENCEMENT

- B2. The Department must be notified in writing of the dates of commencement of physical work and operation at least 48 hours before those dates.
- B3. If the construction or operation of the development is to be staged, the Department must be notified in writing at least 48 hours before the commencement of each stage, of the date of commencement and the development to be carried out in that stage.

### EXTERNAL WALLS AND CLADDING

- B4. The external walls of all buildings including additions to existing buildings must comply with the relevant requirements of the BCA.
- B5. Before the commencement of works and occupation or commencement of the use, the Applicant must provide the Certifying Authority with documented evidence that the products and systems proposed for use or used in the construction of external walls including finishes and claddings such as synthetic or aluminium composite panels comply with the requirements of the BCA.
- B6. The Applicant must provide a copy of the documentation given to the Certifying Authority to the Planning Secretary within seven days after the Certifying Authority accepts it.

### ACCESS TO INFORMATION

- B7. At least 48 hours before the commencement of construction until the completion of all works under this consent, or such other time as agreed by the Planning Secretary, the Applicant must:
- (a) make the following information and documents (as they are obtained or approved) publicly available on its website:
    - (i) the documents referred to in **condition A2** of this consent;
    - (ii) all current statutory approvals for the development;
    - (iii) all approved strategies, plans and programs required under the conditions of this consent;
    - (iv) regular reporting on the environmental performance of the development in accordance with the reporting arrangements in any plans or programs approved under the conditions of this consent;
    - (v) a comprehensive summary of the monitoring results of the development, reported in accordance with the specifications in any conditions of this consent, or any approved plans and programs;
    - (vi) a summary of the current stage and progress of the development;
    - (vii) contact details to enquire about the development or to make a complaint;
    - (viii) a complaints register, updated monthly;
    - (ix) audit reports prepared as part of any independent environmental audit of the development and the Applicant's response to the recommendations in any audit report;
    - (x) any other matter required by the Planning Secretary; and
  - (b) keep such information up to date, to the satisfaction of the Planning Secretary.

### COMPLIANCE REPORTING

- B8. A Pre-Construction Compliance Report must be prepared for the development, and submitted to the Certifying Authority for approval before the commencement of construction. A copy of the endorsed compliance report must be provided to the Department at [compliance@planning.nsw.gov.au](mailto:compliance@planning.nsw.gov.au) before the commencement of construction.
- B9. The Pre-Construction Compliance Report must include:
- (a) details of how the terms of this consent that must be addressed before the commencement of construction have been complied with; and
  - (b) the expected commencement date for construction.
- B10. Construction Compliance Reports must be submitted to the Department at [compliance@planning.nsw.gov.au](mailto:compliance@planning.nsw.gov.au) for information every six months from the date of the commencement of construction, for the duration of construction. The Construction Compliance Reports must provide details on the compliance performance of the development for the preceding six months and must be submitted within one month following the end of each six-month period for the duration of construction of the development, or such other timeframe as required by the Planning Secretary.

- B11. The Construction Compliance Reports must include:
- (a) a results summary and analysis of environmental monitoring;
  - (b) the number of any complaints received, including a summary of main areas of complaint, action taken, response given and proposed strategies for reducing the recurrence of such complaints;
  - (c) details of any review of the CEMP and the Environmental Management Strategy and associated sub-plans as a result of construction carried out during the reporting period;
  - (d) a register of any modifications undertaken and their status;
  - (e) results of any independent environmental audits and details of any actions taken in response to the recommendations of an audit;
  - (f) a summary of all incidents notified in accordance with this consent; and
  - (g) any other matter relating to compliance with the terms of this consent or requested by the Planning Secretary.

#### **INDEPENDENT ENVIRONMENTAL AUDIT**

- B12. No later than one month before the commencement of construction or within another timeframe agreed with the Planning Secretary, a program of independent environmental audits must be prepared for the development in accordance with *AS/NZS ISO 19011-2014: Guidelines for Auditing Management Systems* (Standards Australia, 2014) and submitted to the Planning Secretary for information.
- B13. The scope of each audit must be defined in the program. The program must ensure that environmental performance of the development in relation to each compliance requirement that forms the audit scope is assessed at least once in each audit cycle.
- B14. The environmental audit program prepared and submitted to the Planning Secretary in accordance with conditions B12 and B13 above must be implemented and complied with for the duration of the development.
- B15. All independent environmental audits of the development must be conducted by a suitably qualified, experienced and independent team of experts and be documented in an audit report which:
- (a) assesses the environmental performance of the development, and its effects on the surrounding environment including the community;
  - (b) assesses whether the development is complying with the terms of this consent;
  - (c) reviews the adequacy of any document required under this consent; and
  - (d) recommends measures or actions to improve the environmental performance of the development, and improvements to any document required under this consent.
- B16. Within three months of commencing an Independent Environmental Audit, or within another timeframe agreed by the Planning Secretary, a copy of the audit report must be submitted to the Planning Secretary, and any other NSW agency that requests it, together with a response to any recommendations contained in the audit report, and a timetable for the implementation of the recommendations. The recommendations must be implemented to the satisfaction of the Planning Secretary.

**Note:** *The audit team must be led by a suitably qualified auditor and include experts in any fields specified by the Planning Secretary.*

#### **REQUIREMENTS FOR SECTION 60 APPROVAL UNDER HERITAGE ACT 1977**

- B17. 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.
- B18. As part of the Section 60 application under the *Heritage Act 1977*, the Applicant is to further resolve the design of the following:
- (a) the final finishes for the passageway and south wall of the Caves area;
  - (b) northern foyer lift, including the detail of the extension of the two cranked beams connecting to the new lift;
  - (c) handrails and the 'kit of parts';
  - (d) the final colour and design of the over-stage reflectors, to be prototyped in situ in the Concert Hall and approved by the Opera House's Conservation Council, Design Advisory Panel, and heritage architect;
  - (e) clarification of the extent of removal of box fronts including the rear wall of side boxes, rear wall of stalls and upper and lower circles to understand whether samples of 1973 box fronts can be retained in situ and if new panels can overlay original materials and forms, and clarification of the final detail design of the laminated brushbox panels;
  - (f) clarification on the extent of the original bronze guard rail proposed to be removed to make way for accessible seating and retention of this, where possible;
  - (g) details of the construction methodology for the sidewall reflector panels and acoustic drape mechanisms;



- (h) details of the final speaker system;
- (i) air conditioning cannon port openings, including a full-sized mock-up to be assembled before these works commence;
- (j) details of the penetrations in the Concert Hall ceiling;
- (k) reconfiguration of the side foyers;
- (l) final finishes to be used in the anteroom and orchestra assembly room;
- (m) the Creative Learning Centre ramp and doors at the entry from the western broadwalk;
- (n) concrete finishes throughout the various areas of the proposal, subject to the endorsement of the Heritage Architect, in consultation with the Design Advisory Panel (DAP), Conservation Council (CC) and Heritage Council delegate;
- (o) significance assessments of equipment proposed to be removed to determine what pieces will be retained in the Sydney Opera House's collections;
- (p) fixtures and fittings in dressing room facilities to determine retention, reuse and incorporation of significant elements into new areas.

B19. A copy of the Heritage Council's approval and additional information required above must be submitted to the Planning Secretary and Council for information.

#### **BUILDING CODE OF AUSTRALIA (BCA) COMPLIANCE**

- B20. The proposed works must comply with the applicable performance requirements of the BCA to achieve and maintain acceptable standards of structural sufficiency, safety (including fire safety), health and amenity for the ongoing benefit of the community. Compliance with the performance requirements can only be achieved by:
- (a) complying with the deemed to satisfy provisions; or
  - (b) formulating an alternative solution which:
    - (i) complies with the performance requirements; or
    - (ii) is shown to be at least equivalent to the deemed to satisfy provision; or
    - (iii) a combination of (a) and (b).

#### **STRUCTURAL DETAILS**

- B21. Prior to the commencement of works, the Applicant must submit to the Certifying Authority and Heritage Council, the relevant structural drawings prepared and signed by a suitably qualified practising Structural Engineer that demonstrates compliance with:
- (a) the relevant clauses of the BCA; and
  - (b) the development consent.

#### **COMPLIANCE**

- B22. The Applicant must ensure that all of its employees, contractors (and their sub-contractors) are made aware of, and are instructed to comply with, the conditions of this consent relevant to activities they carry out in respect of the development.

#### **COMPLAINTS AND ENQUIRIES PROCEDURE**

- B23. Prior to the commencement of construction works, or as otherwise agreed by the Planning Secretary, the following must be made available for community enquiries and complaints for the duration of construction:
- (a) a 1300 24-hour telephone number(s) on which complaints and enquiries about the carrying out of any works may be registered;
  - (b) a postal address to which written complaints and enquiries may be sent; and
  - (c) an email address to which electronic complaints and enquiries may be transmitted.

The Applicant shall forward to Council and the Department a 24-hour telephone number to be operated for the duration of the construction works.

#### **HERITAGE**

- B24. Prior to the commencement of works, a suitably qualified and experienced heritage consultant must be nominated for this project. The nominated heritage consultant must inspect the demolition and removal of material to ensure there is no unapproved removal of significant fabric or elements, provide input into the detailed design, provide heritage information to be imparted to all tradespeople during site inductions, and oversee the works to minimise impacts to heritage values. The nominated heritage consultant must be satisfied that all work has been carried out in accordance with the conditions of this consent.

- B25. Evidence and details of the engagement of a nominated heritage consultant in accordance with **condition B24** shall be submitted to the Planning Secretary and Council, prior to the certification of Crown Building Works.

#### CONTAMINATION

- B26. Prior to the commencement of any works (including demolition), a hazardous material survey must be undertaken. The survey must provide an **Unexpected Contamination Finds Protocol (UFP)**, prepared by a suitably qualified and experienced expert, shall be submitted to the satisfaction of the Certifying Authority.
- B27. The Applicant shall prepare and implement appropriate project specific procedures for identifying and dealing with unexpected finds of site contamination (including asbestos and lead-based paint materials). This shall include any notification requirements to SafeWork NSW concerning the handling and removal of any asbestos.
- B28. Prior to the commencement of any work, the Applicant is required to satisfy the requirements of the *Protection of the Environment Operations (Waste) Regulation 2014* with particular reference to Part 7 'asbestos wastes'.

#### ARCHIVAL RECORDING

- B29. Prior to the certification of Crown Building Works, a photographic archival record of all areas undergoing works, including the removal of theatre machinery equipment, air conditioning cannon port openings and plant, and existing acoustic reflectors, and identification of any significant pieces for interpretation, must be prepared in accordance with the document *How to Prepare Archival Records* by the Heritage Council of NSW, and submitted to the Heritage Council and the Department.

#### ECOLOGICALLY SUSTAINABLE DEVELOPMENT (ESD)

- B30. The building must incorporate all design, operation and construction measures as identified in the Sustainable Design Report – Building Renewal Projects – Concert Hall and Creative Learning Centre (SSD 8663), prepared by Cundall, dated 24 April 2018. Details demonstrating compliance are to be submitted to the Certifying Authority prior to the commencement of works.

#### CONSTRUCTION ENVIRONMENTAL MANAGEMENT PLAN

- B31. Prior to the commencement of works, the Applicant shall prepare and implement a **Construction Environmental Management Plan (CEMP)** for the development and be submitted to the Certifying Authority. The **CEMP** must:
- (a) describe the relevant stages and phases of construction including work program outlining relevant timeframes for each stage/phase;
  - (b) describe all activities to be undertaken on the site during site establishment and construction of the development;
  - (c) clearly outline the stages/phases of construction that require ongoing environmental management monitoring and reporting;
  - (d) detail statutory and other obligations that the Applicant is required to fulfil during site establishment and construction, including approvals, consultations and agreements required from authorities and other stakeholders, and key legislation and policies;
  - (e) be prepared in consultation with the Council, EPA, TfNSW and TfNSW (RMS) and include specific consideration of measures to address any requirements of these agencies during site establishment and construction;
  - (f) describe the roles and responsibilities for all relevant employees involved in the site establishment and construction of the works;
  - (g) detail how the environmental performance of the site preparation and construction works will be monitored, and what actions will be taken to address identified potential environmental impacts, including but not limited to noise, traffic and air impacts;
  - (h) document and incorporate all relevant environmental management plans, control plans, studies and monitoring programs required under this part of the consent;
  - (i) include arrangements for community consultation and complaints handling procedures during construction;
  - (j) address air quality management through the preparation of a **Construction Air Quality Management Plan (CAQMP)**, prepared by a suitable qualified person, which includes the monitoring and management of air quality and dust (including dust emissions on the site and dust emissions from the site) to protect the amenity of the neighbourhood;
  - (k) address the management of water quality, including, where relevant, mitigation measures such as 'wet-vacuuming';
  - (l) address the management of erosion and sediment control to ensure that sediment and other materials are not tracked onto the roadway by vehicles leaving the Subject Site; and
  - (m) address the management of construction waste.

In the event of any inconsistency between the consent and the **CEMP**, the consent shall prevail.

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

#### **WASTE MANAGEMENT PLAN**

- B32. Prior to the certification of Crown Building Works, a **Waste Management Plan (WMP)** shall be prepared and submitted to the Certifying Authority. The WMP shall:
- (a) demonstrate that an appropriate area will be provided within the premises for the storage of garbage bins and recycling containers and all waste and recyclable material generated by the works;
  - (b) provide details demonstrating compliance with the relevant legislation, the SOH Asbestos Risk Management Plan and the SOH Hazardous Materials Action Plan, particularly with regard to the removal of asbestos and hazardous waste, the method of containment and control of emission of fibres to the air;
  - (c) require that all waste generated during the project is assessed, classified and managed in accordance with the EPA's brochure entitled "Know your responsibilities: managing waste from construction sites" and the EPA's "Waste Classification Guidelines Part 1: Classifying Waste";
  - (d) require that the body of any vehicle or trailer used to transport waste or excavation spoil from the Subject Site, is covered before leaving the Subject Site to prevent any spill, or escape of any dust, waste, or spoil from the vehicle or trailer; and
  - (e) require that mud, splatter, dust and other material likely to fall from or be cast off the wheels, underside or body of any vehicle, trailer or motorised plant leaving the Subject Site, is removed before the vehicle, trailer or motorised plant leaves the Subject Site.
  - (f) require that concrete waste and rinse water are not disposed on the site and are prevented from entering Sydney Harbour.

#### **CONSTRUCTION PEDESTRIAN AND TRAFFIC MANAGEMENT SUB-PLAN**

- B33. Prior to the commencement of works, a **Construction Pedestrian and Traffic Management Sub-Plan (CPTMP)** prepared by a suitably qualified person shall be submitted to the Certifying Authority. The **CPTMP** should be prepared in consultation with the CBD Coordination Office, TfNSW, TfNSW (RMS) and Council.

The Plan must include detailed measures for workers and other measures that would be implemented to minimise the impact of the development on the safety and capacity of the surrounding road network, minimise truck movements to and from the site as far as practicable during the peak periods of this consent. In addition, the **CPTMP** shall address, but not be limited to, the following matters:

- (a) location of the proposed work zone(s);
- (b) location of any crane(s);
- (c) haulage routes;
- (d) construction vehicle access arrangements;
- (e) proposed construction hours;
- (f) estimated number of construction vehicle movements and detail of vehicle types, noting vehicle movements are to be minimised during peak periods;
- (g) details of construction activities and timing of these activities;
- (h) consultation strategy for liaison with surrounding stakeholders;
- (i) any potential impacts to general traffic, cyclists, pedestrians and bus services within the vicinity of the site from construction vehicles during the construction works;
- (j) cumulative construction impacts of projects including Sydney Light Rail Project, Sydney Metro City and Southwest and surrounding developments. Existing CPTMPs for developments within or around the development site should be referenced in the **CPTMP** to ensure coordination of work activities are managed to minimise impacts on the road network; and
- (k) should any impacts be identified, the duration of the impacts and measures proposed to mitigate any associated general traffic, public transport, pedestrian and cyclist impacts must be clearly identified and included in the **CPTMP**.

The Applicant shall provide the builder's direct contact number to small businesses adjoining or impacted by the construction work and the Transport Management Centre and Sydney Coordination Office within TfNSW to resolve issues relating to traffic, freight, servicing and pedestrian access during construction in real time. The Applicant is responsible for ensuring the builder's direct contact number is current during any stage of construction.

A copy of the final **CPTMP**, is to be endorsed by the CBD Coordination Office prior to the commencement of works.

## CONSTRUCTION NOISE AND VIBRATION MANAGEMENT PLAN

- B34. Prior to the commencement of work, a **Construction Noise and Vibration Management Plan (CNVMP)** prepared by a suitably qualified person shall be submitted to the Certifying Authority. The **CNVMP** shall address (but not be limited to):
- (a) the EPA's *Interim Construction Noise Guideline*;
  - (b) identify nearby sensitive receivers and land uses;
  - (c) identify the noise management levels for the project;
  - (d) identify the construction methodology and equipment to be used and the key sources of noise and vibration;
  - (e) details of all reasonable and feasible management and mitigation measures to be implemented to minimise construction noise and vibration, including consideration of the practicability of the use of audible movement alarms of a type that would minimise noise impacts on surrounding sensitive receivers, without compromising safety;
  - (f) be consistent with and incorporate all relevant recommendations and noise and vibration mitigation measures outlined in the 'Noise Impact Assessment' Rev B, prepared by Arup, dated 20 December 2018 and 'Draft Construction Management Plan – Sydney Opera House Concert Hall and Creative Learning Centre DA3 – SSD8663' Version 3.1 prepared by the Sydney Opera House Trust, dated August 2018;
  - (g) ensure all potentially impacted sensitive receivers are informed by letterbox drops prior to the commencement of construction of the nature of works to be carried out, the expected noise levels and duration, as well as contact details for a construction community liaison officer; and
  - (h) include a suitable proactive construction noise and vibration monitoring program which aims to ensure the construction noise and vibration criteria in this consent are not exceeded.

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

## ACCESS FOR PEOPLE WITH DISABILITIES

- B35. Access and facilities for people with disabilities must be designed in accordance with the BCA. Prior to the commencement of works, a certificate certifying compliance with this condition from an appropriately qualified person must be provided to the Certifying Authority.

## MECHANICAL VENTILATION

- B36. The premises must be ventilated in accordance with the BCA and AS1668.1 and AS1668.2.
- B37. Details of any mechanical ventilation and/or air conditioning system complying with AS1668.1, AS1668.2, the BCA and relevant Australian Standards must be prepared by a suitably qualified person certified and certified in accordance with Clause A2.2(a)(iii) of the BCA, to the Certifying Authority prior to the commencement of the relevant works.

## MECHANICAL PLANT NOISE MITIGATION

- B38. Details of noise mitigation measures for all mechanical plant are to be detailed on the construction drawings. Certification from an appropriately qualified acoustic engineer that the proposed measures will achieve compliance with the requirements of the NSW Noise Policy for Industry is required to be submitted to the Certifying Authority prior to the commencement of works.

## SANITARY FACILITIES FOR DISABLED PERSONS

- B39. The Applicant shall ensure that the provision of sanitary facilities for disabled persons complies with Section F2.4 of the BCA. Prior to the commencement of works, a certificate certifying compliance with this condition from an appropriately qualified person must be provided to the Certifying Authority.

## PART C DURING CONSTRUCTION

### DEMOLITION

- C1. Demolition work must comply with *Australian Standard AS 2601-2001* The demolition of structures (Standards Australia, 2001). The work plans required by AS 2601-2001 must be accompanied by a written statement from a suitably qualified person that the proposals contained in the work plan comply with the safety requirements of the Standard. The work plans and the statement of compliance must be submitted to the Certifying Authority before the commencement of works.

### HOURS OF CONSTRUCTION

- C2. Construction, including the delivery of materials to and from the site, may only be carried out between the following hours:
- (a) between 7.00 am and 6.00 pm, Mondays to Fridays inclusive; and
  - (b) between 8.00 am and 1.00 pm, Saturdays.
- C3. No work may be carried out on Sundays or public holidays.
- C4. Activities may be undertaken outside of these hours where:
- (a) the works are internal and undertaken within the wholly enclosed building; or
  - (b) the delivery and removal of vehicles, plant or materials is via the underground loading dock within the Subject Site (in which case it may be undertaken on a 24-hours-a-day, 7-days-a-week basis during the construction of the development); or
  - (c) the delivery and removal of vehicles, plant or materials (not via the underground loading dock under **condition C4(b)**) is required outside these hours by the Police or other public authorities, or it is determined that it would be hazardous to the general public (i.e. tourists, patrons or events in the forecourt/boardwalks), provided it is undertaken outside scheduled performance times at the Sydney Opera House (including not within 30 minutes before or after scheduled performances); or
  - (d) required in an emergency to avoid the loss of life, damage to property or to prevent environmental harm.
- C5. Monthly notification of activities identified in **condition C4** must be given to affected residents before undertaking the activities or as soon as is practical afterwards.
- C6. Rock breaking, rock hammering, sheet piling, pile driving and similar activities may only be carried out between the following hours:
- (a) 9.00 am to 12.00 pm, Monday to Friday;
  - (b) 2.00 pm to 5.00 pm Monday to Friday; and
  - (c) 9.00 am to 12.00 pm, Saturday.

### IMPLEMENTATION OF MANAGEMENT PLANS

- C7. The Applicant shall ensure that the requirements of all environmental management sub-plans required by Part B of this consent are implemented during construction.

### CONSTRUCTION NOISE AND VIBRATION MANAGEMENT

- C8. The development must be constructed with the aim of achieving the construction noise management levels detailed in the *Interim Construction Noise Guideline* (Department of Environment and Climate Change, 2009). All feasible and reasonable noise mitigation measures shall be implemented and any activities that could exceed the construction noise management levels shall be identified and managed in accordance with the **CEMP** and **CNVMP**.
- C9. Any noise generated during the construction of the development must not be offensive noise within the meaning of the *Protection of the Environment Operations Act, 1997* or exceed approved noise limits for the Subject Site.
- C10. Heavy vehicles and oversized vehicles must not queue or idle on Macquarie Street awaiting access to the Subject Site.
- C11. The Applicant must schedule intra-day 'respite periods' for construction activities predicted to result in noise levels in excess of the "highly noise affected" levels, including the addition of 5 dB to the predicted levels for those activities identified in the *Interim Construction Noise Guideline* as being particularly annoying to noise sensitive receivers.
- C12. If the noise from a construction activity is substantially tonal or impulsive in nature (as described in the NSW Noise Policy for Industry), 5 dB(A) must be added to the measured construction noise level when comparing the measured noise with the construction noise management levels
- C13. Vibration caused by construction at any residence or structure outside the subject site must be limited to:
- (a) for structural damage vibration to buildings (excluding heritage buildings), *British Standard BS 7385 Part 2-1993 Evaluation and Measurement for Vibration in Buildings*;

- (b) for structural damage vibration to heritage buildings, *German Standard DIN 4150 Part 3 Structural Vibration in Buildings Effects on Structure*; and
- (c) for human exposure to vibration, the evaluation criteria presented in *British Standard BS 6472- Guide to Evaluate Human Exposure to Vibration in Buildings (1Hz to 80 Hz)* for low probability of adverse comment.

These limits apply unless otherwise outlined in the **CNVMP**.

#### **SITE PROTECTION AND WORKS**

- C14. Significant building fabric and building elements are to be protected during the works from potential damage. Protection systems must ensure historic fabric is not damaged or removed.
- C15. The installation of new services shall be carried out in such a manner as to minimise damage to, or removal of, significant fabric.

#### **SALVAGE OF SIGNIFICANT BUILDING FABRIC**

- C16. Significant building fabric and elements approved to be removed are to be carefully removed, catalogued, safely stored and able to be readily reinstated.

#### **RE-USE OF EXISTING SEATING**

- C17. To avoid unnecessary wastage, as much of the removed seating as possible is to be used in the new position.

#### **WASTE CLASSIFICATION**

- C18. The Applicant must ensure that all waste generated by the development is classified in accordance with the EPA's *Waste Classification Guidelines 2009* and disposed of at a facility that may lawfully accept that waste.

#### **ASBESTOS AND HAZARDOUS WASTE REMOVAL**

- C19. Hazardous and/or industrial waste arising from the demolition activities must be removed and/or transported in accordance with the requirements of SafeWork NSW.

#### **ACOUSTIC DESIGN**

- C20. The proposed alterations must not affect the existing acoustic integrity of the building in relation to the control of noise emissions from the premises.
- C21. No additional equipment may be installed or changes made to the acoustic design unless certified by a suitably qualified acoustic consultant that the equipment will not increase noise emissions from building.

#### **SAFEWORK NSW REQUIREMENTS**

- C22. To protect the safety of work personnel and the public, the work site shall be adequately secured to prevent access by unauthorised personnel, and work shall be conducted at all times in accordance with relevant SafeWork NSW requirements.

#### **GROUNDWATER**

- C23. The Applicant is required to ensure untreated groundwater is not discharged to Sydney Harbour as a result of any excavation for the project, including any excavation into the bedrock associated with the new lift core.

#### **HOARDING/FENCING REQUIREMENTS**

- C24. The following hoarding requirements must be complied with:
  - (a) no third-party advertising is permitted to be displayed on the subject hoarding/fencing; and
  - (b) the removal of all graffiti from any construction hoarding/fencing or the like within the construction area within 48 hours of its application.

#### **COVERING OF LOADS**

- C25. All vehicles involved in the excavation and/or demolition process and departing from the property with materials, spoil or loose matter must have their loads fully covered before entering the public roadway.

#### **VEHICLE CLEANSING**

- C26. Prior to the commencement of work, suitable measures are to be implemented to ensure that sediment and other materials are not tracked onto the roadway by vehicles leaving the site. It is an offence to allow, permit or cause materials to pollute or be placed in a position from which they may pollute waters.

#### **WASTE MANAGEMENT**

- C27. Notwithstanding the **Waste Management Plan** referred to in **Condition B32**, the Applicant must ensure that:

- (a) construction waste should be managed generally in accordance with the EPA's brochure entitled "Know your responsibilities: managing waste from construction sites" and the EPA's *Waste Classification Guidelines Part 1: Classifying Waste 2009*;
- (b) all waste generated by the development is treated and/or disposed of at a facility that has sufficient capacity to and may lawfully accept that waste;
- (c) waste (including litter, debris or other matter) is not caused or permitted to enter the waters of Sydney Harbour;
- (d) any vehicle used to transport waste or excavation spoil from the site is covered before leaving the premises;
- (e) the wheels of any vehicle, trailer or mobilised plant leaving the site and cleaned of debris prior to leaving the premises; and
- (f) concrete waste and rinse water are not disposed of on the site and are not caused or permitted to enter the waters of Sydney Harbour.

#### **STOCKPILE MANAGEMENT**

C28. The Applicant must ensure that:

- (a) stockpiles do not exceed 4 metres in height;
- (b) stockpiles are constructed and maintained to prevent cross contamination; and
- (c) suitable erosion and sediment controls are in place for stockpiles.

#### **DUST CONTROL MEASURES**

C29. Adequate measures shall be taken to prevent dust from affecting the amenity of the neighbourhood during construction. In particular, the following measures should be adopted:

- (a) physical barriers shall be erected at right angles to the prevailing wind direction or shall be placed around or over dust sources to prevent wind or activity from generating dust emissions;
- (b) earthworks and scheduling activities shall be managed to coincide with the next stage of development to minimise the amount of time the site is left cut or exposed;
- (c) all materials shall be stored or stockpiled at suitable locations and stockpiles shall be maintained at manageable sizes which allow them to be covered, if necessary, to control emissions of dust and/or VOCs/odour;
- (d) the surface should be dampened slightly to prevent dust from becoming airborne but should not be wet to the extent that run-off occurs;
- (e) all vehicles carrying spoil or rubble to or from the site shall at all times be covered to prevent the escape of dust or other material;
- (f) all equipment wheels shall be washed before exiting the site using manual or automated sprayers and drive-through washing bays;
- (g) gates shall be closed between vehicle movements and shall be fitted with shade cloth; and
- (h) cleaning of footpaths and roadways shall be carried out regularly.

#### **NO OBSTRUCTION OF THE PUBLIC WAY**

C30. The public way must not be obstructed by any materials, vehicles, refuse skips or the like, under any circumstances. Non-compliance with this requirement will result in the issue of a notice by the Planning Secretary to stop all work on site.

#### **DAMAGE TO THE PUBLIC WAY**

C31. Any damage to the public way, including trees, footpaths, kerbs, gutters, road carriageway and the like, must immediately be made safe and functional by the Applicant.

#### **CONTACT TELEPHONE NUMBER**

C32. The Applicant shall ensure that the 24-hour contact telephone number is continually attended by a person with authority over the works for the duration of the development.

#### **WATER QUALITY**

C33. All works should be undertaken in a manner that ensures the protection of the water quality objectives and environmental values for Sydney Harbour estuarine waters in accordance with the following guideline documents:

- (a) NSW Water Quality Objectives; and
- (b) The Australian and New Zealand Guidelines for Fresh and Marine Water Quality (2000) for the environmental values under the ANZECC guidelines.



#### **APPROVED PLANS TO BE ON-SITE**

- C34. A copy of the approved and certified plans, specifications and documents incorporating conditions of approval and certification shall be kept on the Site at all times and shall be readily available to any officer of the Department, Council or the Certifying Authority.

#### **SITE NOTICE**

- C35. A site notice(s) shall be prominently displayed at the boundaries of the Site for the purposes of informing the public of project details including, but not limited to the details of the Builder, Certifying Authority and Structural Engineer. The notice(s) is to satisfy all but not be limited to, the following requirements:
- (a) the notice is to be able to be read by the general public;
  - (b) the notice is to be rigid, durable and weatherproof and is to be displayed throughout the works period;
  - (c) the approved hours of work, the name of the site/project manager, the responsible managing company (if any), its address and 24-hour contact phone number for any inquiries, including construction/noise complaint are to be displayed on the site notice; and
  - (d) the notice(s) is to be mounted at eye level on the perimeter hoardings/fencing and is to state that unauthorised entry to the Site is not permitted.

#### **BUNDING**

- C36. The Applicant shall store all chemicals, fuels and oils used on-site in appropriately banded areas in accordance with the requirements of all relevant Australian Standards, EPL requirements (if active) and/or EPA's *Storing and Handling Liquids: Environmental Protection – Participants Handbook*.

#### **SELECTION OF APPROPRIATE TRADESPEOPLE**

- C37. All work to, or affecting, significant fabric shall be carried out by suitably qualified tradespersons with practical experience in construction, conservation, and restoration of similar heritage structures, materials and construction methods.

#### **NOMINATED HERITAGE CONSULTANT**

- C38. The Nominated Heritage Consultant is to regularly inspect the site and provide ongoing advice to the contractor representative undertaking the works for the duration of construction to ensure that there is no unapproved removal of elements, significant fabric is not damaged and that all work is being carried out in accordance with the conditions of this consent.

#### **SITE CONTAMINATION ISSUES DURING CONSTRUCTION**

- C39. Should any new information come to light during demolition or construction works which has the potential to alter previous conclusions about site contamination then the Applicant must be immediately notified and works must cease. Works must not recommence on site until the consultation is made with the Department.

## PART D PRIOR TO OCCUPATION OR COMMENCEMENT OF USE

### PROTECTION OF PUBLIC INFRASTRUCTURE

- D1. Unless the Applicant and the applicable authority agree otherwise, the Applicant must:
- (a) repair, or pay the full costs associated with repairing, any public infrastructure that is damaged by carrying out the development; and
  - (b) relocate, or pay the full costs associated with relocating any infrastructure that needs to be relocated as a result of the development.

### FIRE SAFETY CERTIFICATION

- D2. Prior to occupation or commencement of the use, a **Fire Safety Certificate** shall be obtained for all the Essential Fire or Other Safety Measures forming part of this consent. A copy of the Fire Safety Certificate must be submitted to the relevant authority and be prominently displayed in the building.

### STRUCTURAL INSPECTION CERTIFICATE

- D3. A **Structural Inspection Certificate** or a **Compliance Certificate** must be submitted to the satisfaction of the Certifying Authority prior to the occupation or commencement of the use. A copy of the Certificate with an electronic set of final drawings (contact approval authority for specific electronic format) shall be submitted to the approval authority and the Council after:
- (a) the site has been periodically inspected and the Certifier is satisfied that the structural works is deemed to comply with the final design drawings; and
  - (b) the drawings listed on the Inspection Certificate have been checked with those listed on the final Design Certificate/s.

### NOMINATED HERITAGE CONSULTANT

- D4. Prior to occupation or commencement of use, the Applicant shall provide a report to the Planning Secretary and the Heritage Council prepared by the Nominated Heritage Consultant certifying all heritage works have been carried out in accordance with the relevant terms of this consent outlined in **condition A2**.

### ECOLOGICALLY SUSTAINABLE DEVELOPMENT

- D5. Prior to the occupation or commencement of the use, evidence shall be submitted to the Certifying Authority demonstrating compliance with the recommendations and principles highlighted within the Sustainable Design Report – Building Renewal Projects – Concert Hall and Creative Learning Centre (SSD 8663), prepared by Cundall, dated 24 April 2018 (see **condition B30**).

### SANITARY FACILITIES FOR DISABLED PERSONS

- D6. Prior to the occupation or commencement of the use, details must be provided to the Certifying Authority demonstrating that the provision of sanitary facilities for disabled persons within the premises complies with Section F2.4 of the BCA and **condition B39**.

### WASTE AND RECYCLING COLLECTION

- D7. Prior to the occupation or commencement of the use, the building owner must ensure that there is a contract with a licensed contractor for the removal of all trade waste. No garbage is to be placed on the public way e.g. the roadways, footpaths, plazas, and reserves at any time.

### ACOUSTIC COMPLIANCE

- D8. Prior to the occupation or commencement of the use, evidence shall be submitted to the Certifying Authority demonstrating compliance with all noise mitigation measures required under **condition B38** and to ensure the development achieves compliance with the requirements of the NSW Noise Policy for Industry and other guidelines applicable to the development.

### MECHANICAL VENTILATION

- D9. Following completion, installation and testing of all the mechanical ventilation systems, the Applicant shall provide evidence to the satisfaction of the Certifying Authority, prior to the occupation or commencement of the use, that the installation and performance of the mechanical systems complies with:
- (a) the BCA;
  - (b) *Australian Standard AS1668* and other relevant codes;
  - (c) the development consent and any relevant modifications; and,
  - (d) any dispensation granted by the New South Wales Fire Brigade.

## **PART E POST OCCUPATION OR DURING USE**

### **ANNUAL FIRE SAFETY CERTIFICATE**

- E1. The owner of the building shall certify to Council or the relevant authority every year that the essential services installed in the building for the purposes of fire safety have been inspected and at the time of inspection are capable of operating to the required minimum standard. This purpose of this condition is to ensure that there is adequate safety of persons in the building in the event of fire and for the prevention of fire, the suppression of fire and the prevention of spread of fire.

### **CREATIVE LEARNING CENTRE – USE**

- E2. The Creative Learning Centre is not to be used for private events or functions, unless associated with performances and events in the Opera House venues. When the Creative Learning Centre is in use for performances and events associated with Opera House venues, the doors must remain closed after 8 pm.

### **CREATIVE LEARNING CENTRE – HOURS OF OPERATION**

- E3. The hours of operation of the Creative Learning Centre are as follows:
- (a) 7.00 am to 1.30 am seven-days-a-week for use relating to performances and events associated with Opera House venues; and
  - (b) 24-hours-a-day, 7-days-a-week for use relating to the Children, Families and Creative Learning Program.

### **CREATIVE LEARNING CENTRE – MAXIMUM PATRON CAPACITY**

- E4. The maximum number of persons (including staff, patrons and performers) permitted in the Creative Learning Centre at any one time is 150 persons.
- E5. Management is responsible for ensuring the number of patrons in the premises does not exceed the approved capacity.

### **WASTE MANAGEMENT**

- E6. The Applicant is required to identify and implement feasible and reasonable opportunities for the re-use and recycling of waste, including food waste.

### **CONSERVATION MANAGEMENT PLAN**

- E7. Within one year of the completion of works, the Applicant shall submit to the Heritage Council for approval an updated Conservation Management Plan for the Opera House, which is to address, inter alia, the "at rest" mode developed for the Concert Hall. A copy shall be provided to the Planning Secretary.

### **ACOUSTIC COMPLIANCE**

- E8. The Applicant shall ensure the use of the premises is consistent with and incorporates all relevant recommendations and noise and vibration mitigation measures outlined in the 'Noise Impact Assessment' Rev B, prepared by Arup, dated 20 December 2018.

### **NOISE MONITORING**

- E9. If directed by the Planning Secretary as per **condition A3**, the Proponent shall undertake noise monitoring to determine impacts on receivers. At the discretion of the Planning Secretary, suitable attenuation measures may be required to be implemented to minimise impacts.

## ADVISORY NOTES

### APPEALS

AN1. The Applicant has the right to appeal to the Land and Environment Court in the manner set out in the EP&A Act and the EP&A Regulation.

### OTHER APPROVALS AND PERMITS

AN2. The Applicant shall apply to Council or the relevant authority for all necessary permits including temporary structures, crane permits, road opening permits, hoarding or scaffolding permits, footpath occupation permits and/or any other approvals under Section 68 (Approvals) of the *Local Government Act 1993* or Section 138 of the *Roads Act, 1993*.

### RESPONSIBILITY FOR OTHER CONSENTS / AGREEMENTS

AN3. The Applicant is solely responsible for ensuring that all additional consents and agreements are obtained from other authorities, as relevant.

### REQUIREMENTS OF PUBLIC AUTHORITIES

AN4. Public authorities (e.g. Ausgrid, Sydney Water, Telstra Australia, AGL, etc.) may have requirements in regard to the connection to, relocation or adjustment of services affected by the construction of the development.

### TEMPORARY STRUCTURES

AN5. An approval under State Environmental Planning Policy (Miscellaneous Consent Provisions) 2007 must be obtained from the Authority for the erection of the temporary structures. The application must be supported by a report detailing compliance with the provisions of the BCA.

AN6. Structural certification from an appropriately qualified practicing structural engineer must be submitted to the Authority with the application under State Environmental Planning Policy (Miscellaneous Consent Provisions) 2007 to certify the structural adequacy of the design of the temporary structures.

### DISABILITY DISCRIMINATION ACT

AN7. This application has been assessed in accordance with the EP&A Act. No guarantee is given that the proposal complies with the *Disability Discrimination Act 1992*. The Applicant/owner is responsible to ensure compliance with this and other anti-discrimination legislation. The *Disability Discrimination Act 1992* covers disabilities not catered for in the minimum standards called up in the BCA which references *AS 1428.1 - Design for Access and Mobility*. AS1428 Parts 2, 3 & 4 provides the most comprehensive technical guidance under the *Disability Discrimination Act 1992* currently available in Australia.

### USE OF MOBILE CRANES

AN8. The Applicant shall obtain all necessary permits required for the use of mobile cranes on or surrounding the site, prior to the commencement of works. In particular, the following matters shall be complied with to the satisfaction of the Certifying Authority:

- (a) (For special operations including the delivery of materials, hoisting of plant and equipment and erection and dismantling of on-site tower cranes which warrant the on-street use of mobile cranes, permits must be obtained from Council:
  - (i) at least 48 hours prior to the works for partial road closures which, in the opinion of Council will create minimal traffic disruptions; and
  - (ii) at least 4 weeks prior to the works for full road closures and partial road closures which, in the opinion of Council, will create significant traffic disruptions.
- (b) The use of mobile cranes must comply with the approved hours of construction and shall not be delivered to the site prior to 7 am without the prior approval of the relevant authority.

### ROADS ACT 1993

AN9. A separate approval under Section 138 of the *Roads Act 1993* is required to undertake any of the following:

- (c) erect a structure or carry out a work in, on or over a public road;
- (d) dig up or disturb the surface of a public road;
- (e) remove or interfere with a structure, work or tree on a public road;
- (f) pump water into a public road from any land adjoining the road; or
- (g) connect a road (whether public or private) to a classified road.

### COMMONWEALTH ENVIRONMENT PROTECTION AND BIODIVERSITY CONSERVATION ACT 1999

AN10. On 17 July 2017, the Commonwealth Department of Environment and Energy determined that the proposed works are a controlled action. Consequently, approval of the works under the *Commonwealth Environment Protection and*

*Biodiversity Conservation Act 1999* is required and must be sought from the Commonwealth Department of Environment and Energy.

#### **BUILDING PLAN APPROVAL**

AN11. You must have your building plans stamped and approved before any construction is commenced. Approval is needed because construction/building works may affect Sydney Water's assets (e.g. water, sewer and stormwater mains).

For further assistance please telephone 13 20 92 or refer to the Building over or next to assets page on the Sydney Water website (see plumbing, building and developing then building over or next to assets).

#### **WORKS AND SIGNPOSTING**

AN12. All costs associated with signposting for any kerbside parking restrictions and traffic management measures associated with the development shall be borne by the developer.

#### **ASBESTOS REMOVAL**

AN13. All excavation works involving the removal and disposal of asbestos must only be undertaken by contractors who hold a current SafeWork NSW Asbestos or "Demolition Licence" and a current SafeWork "Class 2 (Restricted) Asbestos Licence and removal must be carried out in accordance with NOHSC: "Code of Practice for the Safe Removal of Asbestos".

**END OF ADVISORY NOTES**

## APPENDIX 1 INCIDENT NOTIFICATION AND REPORTING REQUIREMENTS

### WRITTEN INCIDENT NOTIFICATION REQUIREMENTS

1. A written incident notification addressing the requirements set out below must be emailed to the Department at the following address: [compliance@planning.nsw.gov.au](mailto:compliance@planning.nsw.gov.au) within seven days after the Applicant becomes aware of an incident. Notification is required to be given under this condition even if the Applicant fails to give the notification required under **condition A19** or, having given such notification, subsequently forms the view that an incident has not occurred.
2. Written notification of an incident must:
  - a. identify the development and application number;
  - b. provide details of the incident (date, time, location, a brief description of what occurred and why it is classified as an incident);
  - c. identify how the incident was detected;
  - d. identify when the applicant became aware of the incident;
  - e. identify any actual or potential non-compliance with conditions of consent;
  - f. describe what immediate steps were taken in relation to the incident;
  - g. identify further action(s) that will be taken in relation to the incident; and
  - h. identify a project contact for further communication regarding the incident.
3. Within 30 days of the date on which the incident occurred or as otherwise agreed to by the Planning Secretary, the Applicant must provide the Planning Secretary and any relevant public authorities (as determined by the Planning Secretary) with a detailed report on the incident addressing all requirements below, and such further reports as may be requested.
4. The Incident Report must include:
  - a. a summary of the incident;
  - b. outcomes of an incident investigation, including identification of the cause of the incident;
  - c. details of the corrective and preventative actions that have been, or will be, implemented to address the incident and prevent recurrence; and
  - d. details of any communication with other stakeholders regarding the incident.

## Appendix 3 - Letter of Completion Notification to DEE

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30 November 2022

The Secretary  
Department of Climate Change, Energy, the Environment and Water  
GPO Box 787  
CANBERRA ACT 2601

Attention: EPBC Monitoring

EPBC Ref: 2017/7955

Dear Secretary

**Notification of Completion of the Action**  
**Sydney Opera House Building Renewal Program – Concert Hall and associated works**

In accordance with Condition 14 of the Approval (2017/7955) we hereby notify that the works associated with the action have been completed.

The Concert Hall was officially re-opened on 20 July 2022, however defect rectification works have been ongoing until now.

In support of this completion notice, Sydney Opera House has provided a final Annual Report for the action. A copy of the report is attached.

Yours sincerely,

Ian  
Cashen

Digitally signed by  
Ian Cashen  
Date: 2022.11.30  
14:20:34 +11'00'

Ian Cashen  
Executive Director, Building, Safety & Security