

## DESIGN 5

### A R C H I T E C T S

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#### **SYDNEY OPERA HOUSE**

#### **LOWER CONCOURSE SHADE COVERS, MINOR WORKS & USES**

#### **SSD-9794 APPROVAL – MODIFICATION 1**

#### **Heritage Impact Statement**

### **EXECUTIVE SUMMARY**

The works proposed in this SSD-9794 Mod 1 application enhance the continued use of the Lower Concourse as a covered pedestrian approach and access, with revised F&B and public lavatory facilities supporting the primary use of the Sydney Opera House, and its world, national and state heritage values.

The proposal generally aligns with the guidelines and policies in *Respecting the Vision, Sydney Opera House, a Conservation Management Plan* (CMP 4<sup>th</sup> edition) and is consistent with the Utzon Design Principles. None of the listed World, National or State Heritage values are adversely affected by this SSD-9794 Mod 1 proposal.

The quality of the experience of approach to the Opera House for patrons, users and visitors via the covered Lower Concourse will be improved with the works proposed, particularly the revisions to the design and configuration of the F&B facility at the northern end, to be known as the Lower Concourse Eatery and referred to as Venue 2 in LK drawings, including removal of the functionally and visually intrusive island bar and re-alignment of the main east wall, providing better visual flow and circulation, reinstating and strengthening the intent of the original 1980s design. The original open outdoor character of the Lower Concourse space is retained and respected, and its amenity improved by the proposed works.

The proposed works include reconfiguration of the entries to the public lavatories flanking the proposed Eatery, providing visibly open entry vestibules with out of hours security doors improving accessibility and amenity. This reconfiguration will create a relocated unisex DDA compliant accessible WC facility at the northern end of the concourse with its own compliant entry vestibule. All lavatory entry vestibules will be finished with Peter Hall's palette of external materials, further strengthening the visual clarity and unified identity of public facilities in this area.

The reconfiguration at this northern end will allow consolidation of the existing divided kitchen and back-of-house facilities for Venue 2 into a single F&B outlet. Servery counters for this eatery will be consolidated into a single opening, recessed from the realigned wall face to allow a queuing area. The proposed materials palette in all spaces visible to the public, shown on Luchetti Krell (LK) drawings DA.132 and 135, (developed with review and advice from the Sydney Opera House Trust's Design Advisory Panel (DAP)), should sit comfortably with the external natural materials palette established by Peter Hall for the Lower Concourse. This includes the reinstatement of louvered bronze door assemblies proposed for security door openings to entry vestibules for the public lavatories and accessible WC within the main perimeter wall.

To comply with CMP Policies 4.2 and 4.8, the materials palette within relocated and reconfigured Accessible WC should align with and repeat that already implemented in the adjacent Male and nearby Female lavatories that is based on research of Hall's original fitouts for the Lower Concourse. Refer to proposed Conditions below.

The design and materials palette of the proposed replacement outdoor island bar in the Opera Bar area (Venue 1) references the adjacent sea wall in its profile and the use of pink granite emphasises its relationship with its immediate context and setting, reinforcing its connection back to Peter Hall's original design and materials palette for this area and is supported.

The same pink granite is utilised in a variety of ways throughout the fitouts with different sheens to differentiate it from the already established highly polished finish on the main wall panels. None of these fitout elements extend beyond the original wall alignment, respecting the visual strength of this continuous wall line.

The original concrete mushroom columns are wherever possible exposed for their full height within front and back-of-house spaces, including within the entry vestibule to the relocated and reconfigured unisex accessible WC. Refinements to improve this are described in the proposed conditions below.

The impacts of this proposal are considered positive, however the following conditions are recommended:

**Conditions:**

1. The visibility of the proposed partially exposed mushroom columns, including their flared capitals, at the rear wall of the Eatery servery area (Venue 2) should be increased on the public side in consultation with the DAP and the heritage architect for review and approval before commencement of construction.
2. LK drawing DA-135 indicates the mushroom column on the east (rear) wall of the accessible WC entry vestibule is to be partially buried within the wall thickness, reducing its visual prominence. The face of the granite cladding on this wall should be set back as close as possible to the centreline of the column to ensure its full semi-circular profile remains fully visible as a key Hall element in this space. Revised detail to be provided to the heritage architect for review and approval before commencement of construction.
3. Where new walls or fittings abut the unpainted concrete mushroom columns, they should be separated by a detail that allows later removal without damage to the concrete surface. These junction details should be provided to the heritage architect for review and approval before works commence. There should be no fixings into these columns or their flared 'mushroom' heads.
4. Finishes within the proposed relocated and reconfigured accessible WC, particularly wall and floor tiling, should align with and match those implemented in 2021 within the adjacent Male and nearby Female lavatories that were based on research of Hall's original Fitouts for the Lower Concourse.
5. The sliding internal door separating the accessible WC space from its dedicated entry vestibule should be of frosted frameless glass. This will provide a level of visibility and safety that is appropriate in this facility, while remaining consistent with the material language of similar facilities elsewhere in the building.

6. Recommendations and comments made during design development by the DAP and provided to the heritage architect should be responded to by the design team and implemented in the final works.
7. Where possible, granite wall and floor panels should be salvaged and reused in the works in order to minimise the requirement for new or replacement of increasingly rare materials.
8. An audit should be carried out of original Lower Concourse bronze doors that have been removed or are to be removed as part of these works to ascertain if any may be suitable (dimensions, configuration and condition) for incorporation into the works proposed in this SSD Modification 1.
9. Ongoing compliance with the boundaries of the *Allocated Areas Food & Bev* (Lower Concourse), and development consent conditions should be regularly monitored and enforced by SOH.

We support this proposed SSD-9794 Mod 1 application and recommend its approval with the addition of the conditions numbered 1 to 9 set out above.

## 1.0 BACKGROUND

Design 5 – Architects have been engaged by Applejack Hospitality Services Pty Ltd (t/a Opera Bar), to provide heritage advice and prepare an assessment of the Heritage Impact (HIS) of minor changes within and adjacent to their food and beverage (F&B) areas on the Lower Concourse. Applejack’s leased areas include two separate F&B outlets, one to the south and another to the north. The southern outlet is referred to as the Lower Concourse Bar (Venue 1), while the northern outlet is referred to as the Lower Concourse Eatery (Venue 2). Both outlets have associated outdoor seating.

The works proposed in this SSD-9794 Mod 1 application include internal refurbishment of the Lower Concourse Bar (Venue 1), reconfiguration and refurbishment of the Lower Concourse Eatery (Venue 2), relocation and reconfiguration of the accessible bathroom (referred to in this report as ‘Accessible WC Facility’), and reconfiguration of entry vestibules to the existing Male and Female lavatory facilities.

The general scope of work referred to in this report is as follows:

- 1. Lower Concourse Bar (Venue 1) known as Opera Bar**
  - Refurbishment of internal bar and kitchen fitouts
  - Removal and replacement of existing external bar in similar location
- 2. Lower Concourse Eatery (Venue 2, adjacent spaces and facilities) previously known as House Canteen**
  - Removal of existing island bar encroaching onto the public walkway
  - Removal of existing kitchen and servery fitout and construction of reconfigured servery and kitchen with servery front within a single opening facing the walkway
  - Relocation of external face of the granite clad wall in northern part of Lower Concourse, between the intermediate stair to the Forecourt and the Visitor Centre, to the original 1988 wall alignment
  - Relocation and reconfiguration of accessible bathroom to northern end of lease area
  - Reinstatement of original bronze louvered doors to service areas and lavatory entry vestibules
  - Refurbishment of lavatory facility entry vestibules

A more detailed description of each proposal is given below in Section 4 of this report.

Design 5 prepared a Heritage Impact Statement (HIS) dated 29 January 2020 to accompany the original SSD application (SSD-9794), which was granted consent on 8 May 2020. A separate S60 and S65a application (HMS ID 9414) for the same works was granted approval on 5 May 2020. This HIS was revised on 31 March 2025 for an updated S60 submission, which was then granted approval on 6 June 2025.

Design 5 has been advising the Sydney Opera House Trust (SOHT) on heritage related issues since early 2004, and their founding director, Alan Croker, is the author of *Respecting The Vision, Sydney Opera House – a Conservation Management Plan*, Fourth Edition, SOHT July 2017 (referred to below as CMP 4th edition).

### **Background of the Lower Concourse and its associated uses**

The Lower Concourse (also known as Lower Forecourt) was part of the NSW Government's Bicentennial project for the Forecourt and was completed in 1988. It was designed by the NSW Government Architects Office under Andrew Andersons and in association with Peter Hall, the original architect for the Stage III completion of the Opera House. The Lower Concourse was intended to provide undercover access from the main southern entry to the site, as well as ancillary visitor services including food, beverage and retail in a manner which respected and enabled the uncluttered and open qualities of the Forecourt above.

Apart from providing undercover access, the Lower Concourse food and beverage outlets and their associated outdoor seating areas are major drawcards for tourists and residents alike and are destinations in themselves for patrons to deliberately take in the environment and enjoyment of experiencing the Sydney Opera House from the water's edge.

The lease for the Food and Beverage uses in the Lower Concourse are periodically retendered and when this lease came up for renewal in 2025, the successful tenderer was Applejack Hospitality Services Pty Ltd. The lease includes two F&B outlets, the main southern outlet, Venue 1, known as Opera Bar, and a smaller northern outlet, Venue 2, Lower Concourse Eatery, previously known as Opera Kitchen and most recently House Canteen. For cross referencing, the Luchetti Krell (LK) drawings of the SSD-9794 Mod 1 proposal, refer to the Lower Concourse Bar (Opera Bar) as Venue 1, and Lower Concourse Eatery as Venue 2.

## **2.0 PREVIOUS APPROVALS**

### **SSD-9794**

The approved SSD-9794 (8 May 2020) included stamped drawings prepared by H&E Architects. The works covered by the SSD included:

- extension and re-alignment of the northern section of the glazing line to Opera Bar
- refurbishment of back-of-house areas
- replacement and reconfiguration of external shade structures.

Apart from continued use for F&B and the shade structures, the approval did not include any works to the northern Opera Kitchen / House Canteen area.

The SSD consent conditions included the following:

#### **Condition B33**

*B33. 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 Certifier.*

The documents submitted with this SSD-9794 Modification Application include a relocated accessible bathroom with demonstrated compliance with Condition B33. This is discussed in greater detail in Section 4 of this report.

### Condition E11

E11. *The Applicant must conduct a review of the operational areas (including loose furniture and other infrastructure), including along the sea wall and main restaurant/bar areas, and revise this to minimise encroachments onto public walkways and improve access through the lower concourse. A report shall be produced, and a copy submitted to the Certifier, Planning Secretary, Council and Heritage NSW within six months of the date of this consent.*

This condition was satisfied via submission of a *Lower Concourse Operational Area Report* prepared by Sydney Opera House (SOH) dated 12 February 2021. In that report SOH proposed a substantially revised F&B operational lease area as well as timeframes for implementation, to align with policies and objectives in the CMP 4th edition, recommendations in the Design 5 HIS submitted with the SSD application, and Condition E11.

Section 4 of the SOH report, *Timeframes for implementation* states:

*The revised operational areas identified in this Report will be implemented:*

- *Prior to permitting an operator to change its loose furniture, fit-out or layouts at the Lower Concourse, and*
- *At the grant of any new leases following expiry or termination of the existing operations, and in the course of any public tender for the OB [Opera Bar] and OK [Opera Kitchen] leased premises.*

*The revised operational areas will reflect the approach outlined in this report, aligned with the recommendations of the HIS to minimise encroachments onto public walkways, improve access through the Lower Concourse and align to relevant CMP policies.*

The documents submitted with this SSD-9794 Modification Application include demonstrated compliance with the SOH *Lower Concourse Operational Area Report* and Condition E11.

## 3.0 BASIS OF ASSESSMENT

This Heritage Impact Statement (HIS) assesses proposed changes to the configuration of the northern F&B facility and adjacent public lavatory facilities, removal of the associated island bar, replacement of the external island bar associated with the Opera Bar facility, all not included in the approved SSD-9794 (8 May 2020). The assessment for the SSD-9794 Modification is made against relevant guidelines, policies and principles in the following documents:

- *Matters of National Environmental Significance – Significant Impact Guidelines 1.1*, EPBC Act 1999, Department of the Environment 2013
- *Respecting The Vision, Sydney Opera House – a Conservation Management Plan*, by Alan Croker. Fourth Edition, SOHT July 2017 (referred to below as CMP 4th edition)
- *Sydney Opera House, Utzon Design Principles*, SOHT May 2002 (referred to below as the UDP 2002)

The CMP 4th edition incorporates considerations of all heritage listings (World, National & State).

The *Management Plan for the Sydney Opera House* (prepared in 2005 as part of the bilateral agreement negotiations) references the CMP 3rd edition, (*Sydney Opera House, A Revised Plan for the Conservation of the Sydney Opera House and its Site*, by James Semple Kerr, third edition 2003) and the *Utzon Design Principles* and provides a framework for protection of the World and National Heritage values of the Sydney Opera House site and gives effect to the CMP. It was endorsed by the Heritage Division, Department of Planning & Environment (formerly the NSW Heritage Office). The Management Plan states that approval of actions in relation to the Sydney Opera House site may only be made in accordance with the Management Plan, which defers to the CMP 3rd edition for an assessment of heritage impact of proposals. Since this Bilateral Agreement was put in place, the CMP 4th edition has been formally endorsed by the Heritage Council of NSW on 2 August 2017, and now replaces the CMP 3rd edition. This heritage impact assessment uses the CMP 4th edition.

### 3.1 Methodology

This Heritage Impact Statement has been prepared in accordance with the principles and processes of the *Australia ICOMOS Burra Charter 2013*. The preparation of this Heritage Impact Statement also follows the process recommended in the NSW Heritage Manual, specifically the NSW Heritage Office guideline *Statements of Heritage Impact* (revised 2002), including consideration of alternative options and their impact.

### 3.2 Authorship of this HIS

This HIS has been prepared by Alan Croker and reviewed by Matthew Byrnes, both of Design 5 – Architects Pty Ltd.

### 3.3 Naming of spaces

The Lower Concourse has also been known as the Lower Forecourt. In this document, only the former is used.

The southern F&B outlet, Lower Concourse Bar (Venue 1), has long been known as Opera Bar. For the sake of clarity and consistency with lease documents and the Luchetti Krell (LK) drawings, the names *Lower Concourse Bar* and / or *Venue 1* are used in this report with *Opera Bar* used where this is appropriate.

The northern F&B outlet, Lower Concourse Eatery (Venue 2), has previously been known as ‘Opera Kitchen’ and more recently as ‘House Canteen’. For the sake of clarity and consistency with lease documents and the LK drawings, only the names *Lower Concourse Eatery* and / or *Venue 2* are used in this report.

The existing and proposed Accessible WC adjacent to Venue 2 is also referred to in the LK documents and this HIS as the DDA Facility / Amenity.

### 3.4 Documents reviewed

The following documents have been reviewed by the author in assessing this proposal.

#### **Lower Concourse Food and Beverage areas:**

Set of 9 drawings prepared by Sydney Opera House showing allocated areas for food and beverage (Lower Concourse Eatery and Opera Bar) revised issue dated 02/04/25.

**Drawings describing proposed works that are subject of the proposed SSD-9794 Modification 1 Application**, prepared on behalf of Applejack by Luchetti Krelle Interiors and reviewed for this HIS are as listed below. Note the set of drawings include those prepared by H&E Architects (prefixed 49HE001) that were stamped and approved 8 May 2025 as part of SSD-9794 (noted in red below).

The full set of drawings are as follows:

<i>Drawing No.</i>	<i>Title</i>	<i>Revision</i>	<i>Revision Date</i>	<i>Issue Notes</i>
DA.000	<i>Cover Page</i>	F	3/2/2026	<i>for Authority Approval</i>
DA.020	<i>Existing &amp; Demolition Plan - Site</i>	E	3/2/2026	<i>for Authority Approval</i>
DA.021	<i>Proposed Plan - Site</i>	F	12/1/2026	<i>for Authority Approval</i>
49HE001-1103	<i>General Arrangement Plan - Upper Concourse - Proposed</i>	E	30/7/2019	<b>Approved 8/5/2025</b>
49HE001-3100	<i>General Arrangement Elevation</i>	E	30/7/2019	<b>Approved 8/5/2025</b>

DA.100	<i>Existing &amp; Demolition Plan - Lwr Conc - Venue 1 - Opera</i>	E	3/2/2026	<i>for Authority Approval</i>
DA.101	<i>Proposed Plan - Lwr Conc - Venue 1 - Opera Bar</i>	D	3/2/2026	<i>for Authority Approval</i>
DA.102	<i>Sectional Elevations - Lwr Conc - Venue 1 - Opera Bar</i>	C	12/1/2026	<i>for Authority Approval</i>
DA.103	<i>Sectional Elevations - Lwr Conc - Venue 1 - Opera Bar</i>	C	12/1/2026	<i>for Authority Approval</i>
DA.104	<i>Perspectives - Lwr Conc - Venue 1 - Opera Bar</i>	C	12/1/2026	<i>for Authority Approval</i>
DA.130	<i>Existing &amp; Demolition - Lwr Conc – Venue 2 - Eatery</i>	D	12/1/2026	<i>for Authority Approval</i>
DA.131	<i>Proposed Plan - Lwr Conc - Venue 2 - Eatery</i>	D	12/1/2026	<i>for Authority Approval</i>
DA.132	<i>Sectional Elevations - Lwr Conc – Venue 2 - Eatery</i>	D	12/1/2026	<i>for Authority Approval</i>
49HE001-3220	<i>Detail Plan - Shade Structure</i>	E	30/7/2019	<b>Approved 8/5/2025</b>
49HE001-3221	<i>Shade Structure – Reflected Ceiling Plan</i>	E	30/7/2019	<b>Approved 8/5/2025</b>
49HE001-3225	<i>Detail Section - Shade Structure</i>	D	26/6/2019	<b>Approved 8/5/2025</b>
49HE001-3230	<i>Detail Elevation - Shade Structure</i>	C	26/6/2019	<b>Approved 8/5/2025</b>
49HE001-3231	<i>Detail Section - Shade Structure Services</i>	C	26/6/2019	<b>Approved 8/5/2025</b>
DA.135	<i>Proposed Plan - DDA Amenity</i>	C	3/2/2026	<i>for Authority Approval</i>

#### 4.0 BRIEF DESCRIPTION OF PROPOSALS

The SSD-9794 Modification Application (SSD-9794 Mod 1) includes work that was not included in the original SSD as these would be determined once a new lease had been agreed for the Lower Concourse Food and Beverage outlets (Venue 1 and Venue 2 on the drawings). The new lessee, Applejack Hospitality Services Pty Ltd, propose to re-badge the northern F&B outlet as the Lower Concourse Eatery (noted as Venue 2 on the LK drawings), while retaining the southern outlet as the Opera Bar (noted as Venue 1 on the LK drawings). Refer to Section 3.3 Naming of spaces above for clarification.

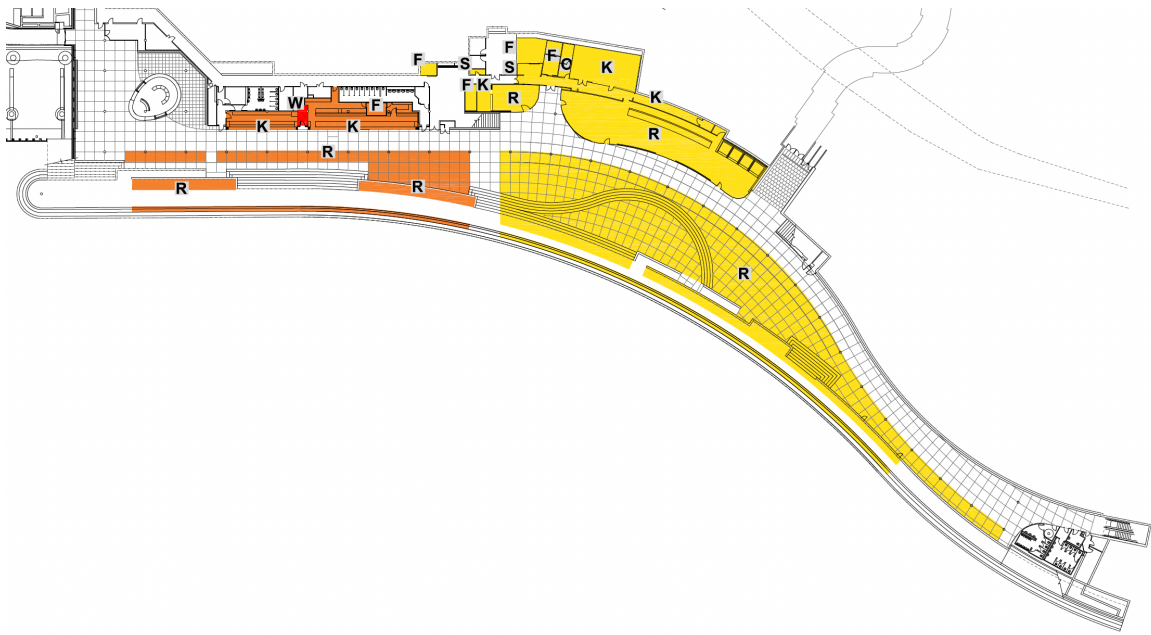
The proposed works are indicated on the LK drawings listed above.

The works are described briefly as follows:

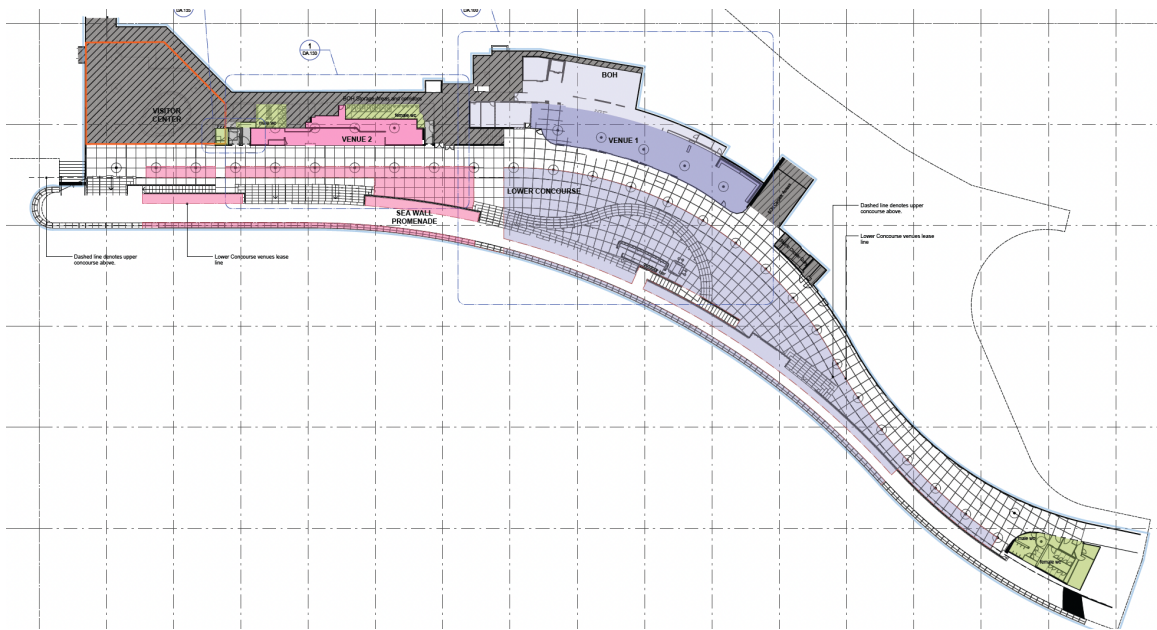
##### 4.1 Public Walkway

Since 1994 a series of long term contracts have been in place for the operation of the catering venues at the Sydney Opera House, including in the Lower Concourse where there has been a gradual narrowing of the covered public walkway to the Opera House, one of the principal functional objectives for the original Lower Concourse. As discussed in Section 2 of this report, Condition E11 of the SSD-9794 approval required this problem to be addressed and rectified. With submission of the *Lower Concourse Operational Area Report* prepared by Sydney Opera House (SOH) dated 12 February 2021, the lease boundaries across the Lower Concourse have been realigned to achieve this. The previous encroachments onto the public walkways, both the main covered walkway and the walkway along the seawall have been substantially reduced. In particular, the ‘operational areas’ along the covered walkway have been realigned to the eastern face of the main row of mushroom columns that define this walkway. Refer to Figure 1 below.

Applejack’s proposal complies with these revised boundaries, reinstating the original unobstructed width of the public walkway. Refer to Figure 2 below.



**Figure 1:** Extract from SOH drawing 97 BG 21530 Issue B 02/04/2025, showing revised *Allocated Areas Food & Bev* (Lower Concourse). Lower Concourse Eatery areas (Venue 2) shaded orange, Opera Bar areas (Venue 1) shaded yellow. Note these drawings do not reflect the changes to the Opera Bar wall realignment approved in SSD-9794, or the SSD modifications proposed in this current application.



**Figure 2:** Extract from LK drawing DA-021 showing proposed F&B use areas aligning with SOH drawing in Figure 1, including works approved in SSD-9794, and proposed modifications in this SSD-9794 Mod 1 application. Lower Concourse Eatery areas (Venue 2) shaded pink, and Opera Bar areas (Venue 1) shaded purple.

## 4.2 External wall realignment

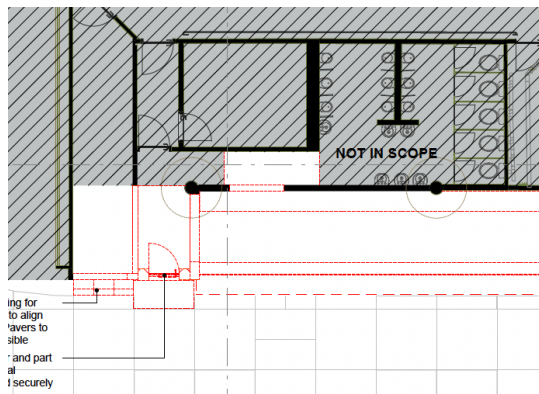
With the introduction of Opera Kitchen in 2014, (now proposed as *Lower Concourse Eatery*, shown in the LK drawings as Venue 2), the granite clad wall defining the eastern face of the public walkway was moved to its current position slightly further east, no longer aligning with the original granite clad wall to the south of Opera Kitchen as constructed in 1987-88. This was in part a response to the substantially increased encroachment of the operational F&B lease areas on the western side of the walkway. Evidence for this original alignment is visible in the granite floor paving, and on the ceiling.

The SSD-9794 Mod 1 proposes the alignment of this wall be moved back to its original location, reinstating the original continuous sweep of wall from the stair to the Forecourt between the Opera Bar and the Eatery, up to the Visitor Centre. This continuous sweep of wall, whether it be granite clad or glazed, was a key design feature of the original Lower Concourse designed by Peter Hall and his collaborators, completed in 1987-88. This realignment also affects the configuration of the Eatery itself, marginally increasing the depth of the servery area and allowing an indented queueing space.

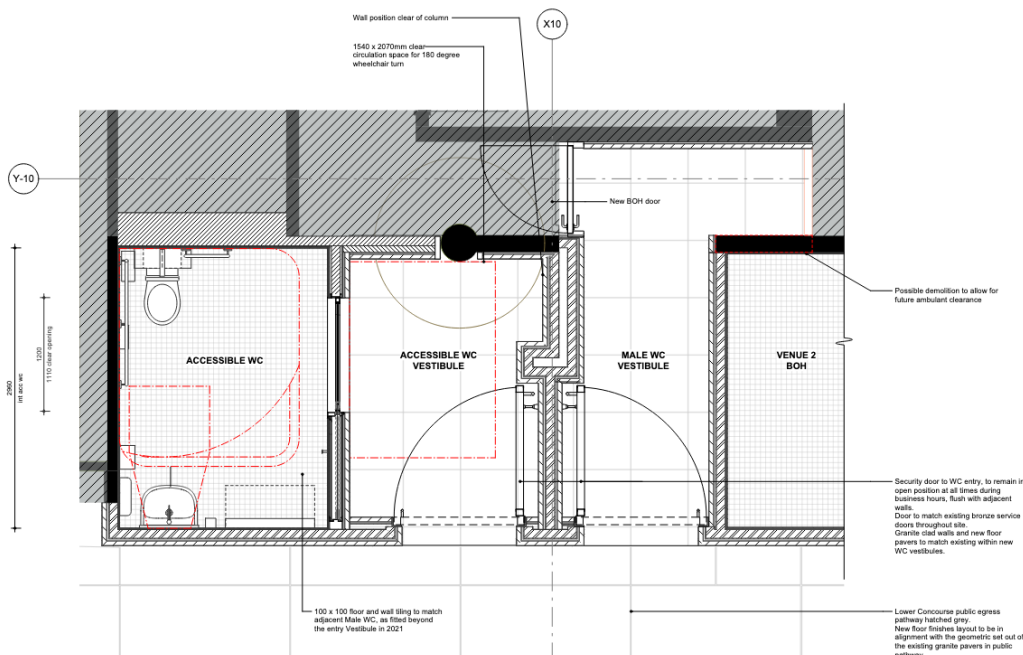
The polished pink granite wall panels will be salvaged and reinstated in this realignment, reconfigured where necessary to accommodate the relocated DDA facility and revised openings.

### 4.3 Lower Concourse Accessible WC and Male and Female WC entry vestibules

As noted in Section 2 of this report, the SSD approval required the existing accessible bathroom facility located approximately in the centre of the House Canteen fitout, to be made fully compliant. This SSD-9794 Mod 1 proposes to relocate the accessible bathroom to the northern end of the proposed Lower Concourse Eatery, immediately north of the existing Male facilities. Entry to the new DDA compliant facility from the public walkway will be via a new dedicated entry vestibule adjacent to the existing Male facilities. This new Accessible WC requires the relocation of the entry vestibule to the Male facilities slightly further south but no changes to the configuration of the Male WCs beyond the entry vestibule. Refer to Figures 3 and 4 below.



**Figure 3:** Extract from LK drawing DA-130 showing existing configuration and proposed extent of demolition (shown red) at the northern end of the Eatery (Venue 2) to accommodate the proposed DDA compliant facility and reconfigured entry vestibule into the Male lavatories.



**Figure 4:** Extract from LK drawing DA-135 showing proposed Accessible WC with associated vestibule, and reconfigured vestibule to the Male WCs. Note the alignment of new granite cladding on east wall in relation to mushroom column in the Accessible WC Vestibule. North is to the left of this page.

The existing frosted glass entry doors off the public walkway to the Male and Female facilities will be removed and replaced with a new outer security door to each entry vestibule (Accessible, Male and Female). These new doors will be a louvered bronze door assembly to match other original doors to service areas in the Lower Concourse. These bronze doors will remain in the open position and only closed after hours. Within each entry vestibule space, (now fully visible from the public walkway during opening hours) it is proposed to install new pink granite wall cladding and flooring to match the public walkway but with the flooring in a smaller panel size.

With the reinstatement of the original external wall alignment and the open entry vestibules, safer and more comfortable entry and exit from the lavatories will be achieved, including for any queueing during busy periods, while still maintaining visual privacy into the lavatory areas themselves.

Finishes within the new Accessible WC facility will be the same as those within other public WC facilities adjacent to the Eatery (Venue 2). For discussion on this refer to Section 7.2, particularly 7.2.1.4 of this HIS report.

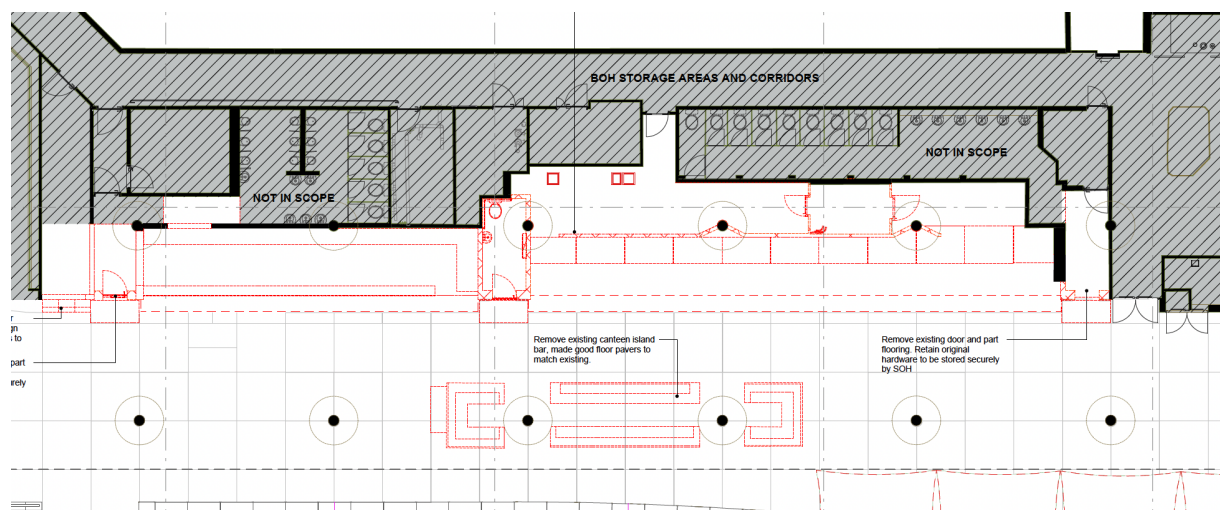
#### 4.4 Lower Concourse Eatery (Venue 2)

As a direct consequence of the revised operational area boundaries, eastern wall realignment, and relocation of the Accessible WC, the existing separate counter openings to the proposed Eatery (Venue 2) will be reconfigured and combined into a single opening, with the servery counters recessed sufficiently to permit patron queueing while minimising obstruction to the public walkway and improving public access.

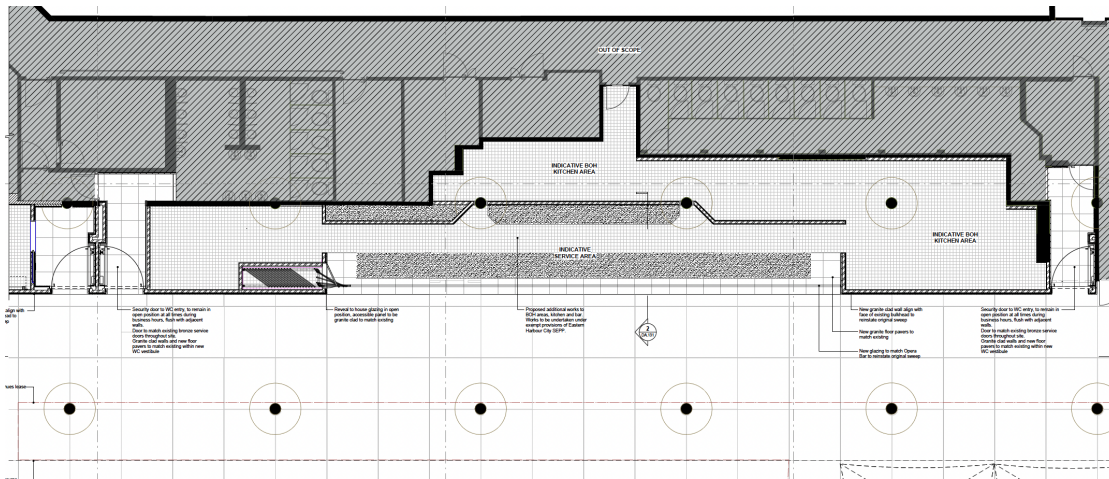
The proposed works within the Lower Concourse Eatery area (Venue 2) comprise the following:

- Removal of the island bar that presently obstructs the public walkway and repair of service penetrations and other damage to the granite flooring;
- Reconfiguration of openings and service counters on the realigned wall into a single central opening using pink granite cladding to more closely align with the original material palette;
- Central service counter and service openings to be recessed to allow patron queueing while minimising obstruction to the public walkway;
- Construction of sliding glass panelled enclosure of servery area for out of hours security, concealed behind granite wall cladding when open;
- Removal of existing kitchen fitout and reconfiguration as a single unified kitchen;
- Construction of a publicly visible tiled rear wall to the servery area configured to respond to the original concrete mushroom columns.

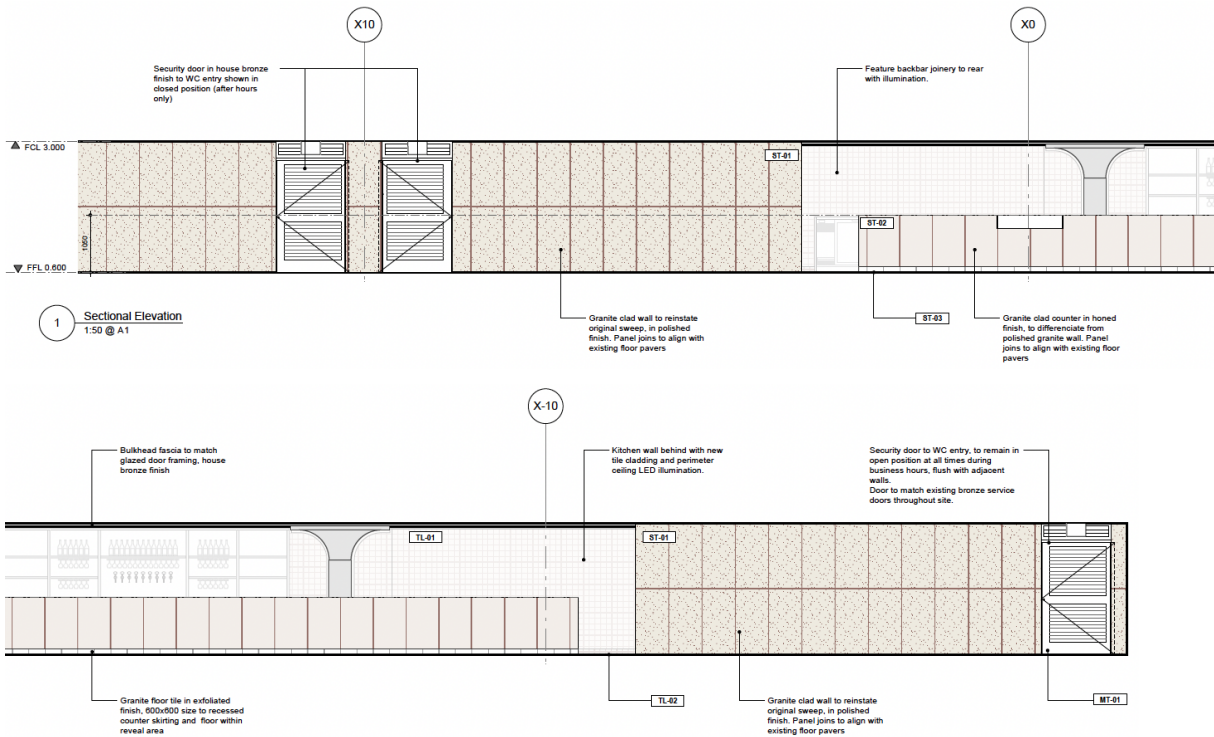
The discussion of impact of these works can be found in Sections 7.2 and 7.2.1.4 of this report



**Figure 5:** Extract from LK drawing DA-130 showing proposed extent of demolition of existing (shown red) for Venue 2 (Eatery) to accommodate the external wall realignment and walkway reinstatement, proposed DDA compliant facility (Accessible WC), lavatory entry lobbies, and reconfigured and combined F&B facility.



**Figure 6:** Extract from LK drawing DA-131 showing proposed new configuration for Venue 2 (Eatery), including new security doors and entry vestibules to lavatories and accessible WC.



**Figure 7:** Sectional elevation from LK drawing DA-132 (copied here in two parts) of east side of public walkway showing proposed new configuration of servery to Eatery (Venue 2) flanked by bronze doors to WC facilities.

#### 4.5 Opera Bar (Venue 1)

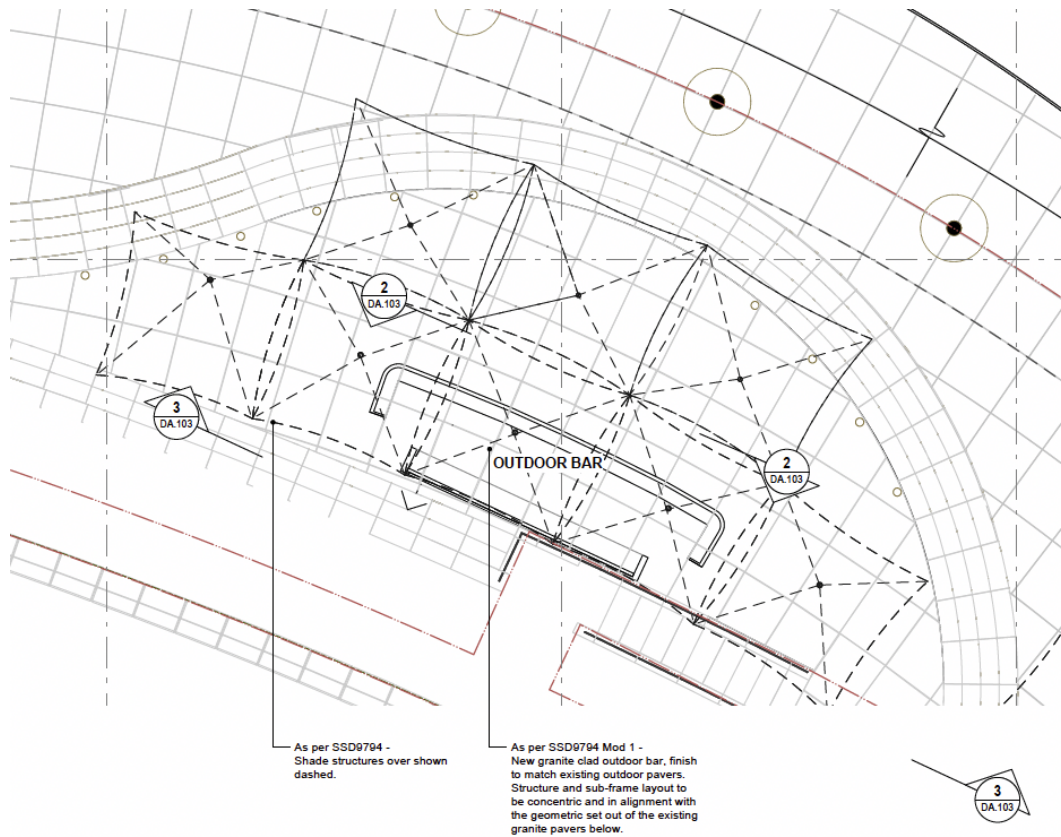
The realignment of the glass wall to Opera Bar and new shade structures are already approved under the SSD-9794 consent.

The works proposed in this SSD-9794 Mod 1 include only the following:

- Removal of the existing external timber clad island bar and replacement with a new bar of approximately the same size in a similar location. Refer to Figures 8 and 9 below.
- New bar to be clad in pink granite to better align with the original materials palette determined by Peter Hall. Bar profile will echo the concrete and granite profile of the adjacent seawall. Refer to Figure 10 below.



**Figure 8:** Extract from LK drawing DA-100 showing location and demolition of existing timber clad outdoor island bar (shown in red) as proposed in this SSD-9794 Mod 1 application. The existing umbrellas, shaded green, were previously approved for removal and replacement as part of SSD-9794.



**Figure 9:** Extract from LK drawing DA-101 showing proposed location and plan configuration of the new external island bar for Venue 1, Opera Bar.



**Figure 10:** Extract from LK drawing DA-104, showing the proposed east facing front of proposed external island bar for Venue 1, Opera Bar.

## 5.0 ISSUES & CONSIDERATION OF ALTERNATIVES

### 5.1 DDA compliant WC facility location

The present accessible WC does not achieve the required DDA compliance and opens directly onto the public walkway. A location at the south end of the proposed Eatery (Venue 2), immediately north of the existing Female facilities was considered. However, SOH noted there can be a long waiting queue for this facility which could effectively block access to a DDA compliant facility in this location. The northern end with a shared entry vestibule with the Male facilities was also explored, but following discussions with SOH, it was agreed to move the DDA facility further north to allow introduction of a separate fully compliant and dedicated entry vestibule to this facility.

### 5.2 Entry doors to public lavatory facilities

The original 1988 entry doors to the Lower Concourse lavatory facilities were heavy, framed louvered bronze doors matching those for service areas, fitted with closers to maintain privacy and aligned closely with the external face of the wall. They did not allow any visibility and their location did not provide an appropriate or respectful lobby or transition space for those entering or exiting these facilities. Their weight resulted in them being difficult to push open.

The existing frosted glass doors to the public lavatories date from the 2014 alterations to the Lower Concourse and provided a level of visibility for persons on the other side, thus making the entry and exit process somewhat safer. However, while they were easier to operate, they were not consistent with the original Peter Hall regime of louvered bronze doors used elsewhere in this area. Their material language was that of an internal door (first introduced as entry doors to bathroom and lavatory facilities in the 2009 Western Foyer works), not an external door.

The proposal in this SSD-9794 Mod 1 reinstates the original bronze louvered doors aligned close to the external face of the wall, but has them held in the open position during operational hours and fully closed and locked out of hours. During opening hours, the entry will lead directly into a vestibule space with linings and finishes that are consistent with the external public walkway. It is important that when closed, all of these doors have the same bronze frame and door configuration as well as the same setback from the external face of the granite clad wall.

## 6.0 HERITAGE LISTINGS & STATUTORY FRAMEWORK

### 6.1 Listings

The Sydney Opera House is listed on the following statutory registers:

- *World Heritage List (UNESCO), 2007*
- *National Heritage List (Australian Government), 2005*
- *State Heritage Register (NSW Government), 2003*
- *Sydney Local Environmental Plan 2012 (City of Sydney Council), 2000*

The Sydney Opera House is listed on the following non-statutory heritage registers:

- *National Register of Significant 20th Century Buildings (Australian Institute of Architects), 1990*
- *National Trust of Australia (NSW) Register, 1983*
- *Register of the National Estate (archived list with the Australian Heritage Council), 1980*

### 6.2 Statutory framework

Given the multiple heritage listings for the Sydney Opera House, the statutory framework for approvals for the Opera House is presently governed by the following legislation:

- Commonwealth: *Environment Protection and Biodiversity Conservation Act 1999 (EPBC Act)*
- State (Planning): *Environmental Planning and Assessment Act 1979 (EP&A Act)* and *State Environmental Planning Policy (State and Regional Development) 2011* and *State Environmental Planning Policy (State Significant Precincts) 2005*
- State (Planning): *Environmental Planning and Assessment Regulation 2000 (Regulation)*
- State (Planning): *State Environmental Planning Policy (Precincts–Eastern Harbour City) 2021 (SEPP–EHC)*
- State (Heritage): *Heritage Act 1977*

#### **Commonwealth: *Environment Protection and Biodiversity Conservation Act 1999 (EPBC Act)***

- Part 3, Division 1, identifies Commonwealth requirements relating to World Heritage properties and National Heritage places. Sydney Opera House is inscribed on the World Heritage List and included on the National Heritage List.
- Approval must be obtained from the Commonwealth Minister for the Environment for actions that are likely to have a significant impact on matters of national environmental significance (including National and World Heritage listed properties and sites) under the EPBC Act. The *Significant Impact Guidelines* definition is important here:  
*A 'significant impact' is an impact which is important, notable, or of consequence, having regard to its context or intensity. Whether or not an action is likely to have a significant impact depends upon the sensitivity, value, and quality of the environment which is impacted, and upon the intensity, duration, magnitude and geographic extent of the impacts.*
- Sydney Opera House should undertake a 'self-assessment' process to determine potential impacts of proposed actions and whether or not a referral to the Minister under the EPBC Act is required. The *Significant Impact Guidelines* definition of 'action' is important here:  
*'Action' is defined broadly in the EPBC Act and includes: a project, a development, an undertaking, an activity or a series of activities, or an alteration of any of these things.*  
*Actions include, but are not limited to: construction, expansion, alteration or demolition of buildings, structures, infrastructure or facilities; .....*  
*Actions encompass site preparation and construction, operation and maintenance, and closure and completion stages of a project, as well as alterations or modifications to existing infrastructure.*  
*An action may have both beneficial and adverse impacts on the environment, however only adverse impacts on matters of national environmental significance are relevant when determining whether approval is required under the EPBC Act.*

- The Sydney Opera House site was subject to a bilateral agreement between the Australian Government and the State of New South Wales made in 2005 pursuant to Section 45 of the EPBC Act however this expired in 2010. Under the terms of that agreement (Clause 8.1), an action taken at the Sydney Opera House site would not require the approval of the Commonwealth Minister for the Environment, Heritage and the Arts where:

*the taking of the action has been approved by the State of New South Wales or an agency of New South Wales in accordance with the Management Plan for the Sydney Opera House ...*

**State (Planning): *Environmental Planning and Assessment Act 1979 (EP&A Act) and State Environmental Planning Policy (Planning Systems) 2021***

- All development on land identified as being within the Sydney Opera House site is designated as State significant development (SSD) (Schedule 2 of the SEPP) that requires consent under the EP&A Act unless it is listed as exempt development under the SEPP-EHC or the Codes SEPP.
- The Minister for Planning is the consent authority for SSD.

**State (Planning): *Environmental Planning and Assessment Regulation 2000 (Regulation)***

- Clause 288 of the Regulation requires the consent authority to take into consideration the *Management Plan for the Sydney Opera House* (which was prepared in 2005 as part of the bilateral agreement negotiations) in relation to development on the Sydney Opera House site. The Management Plan references the CMP 3rd edition and the Utzon Design Principles 2002.
- The Management Plan provides a framework for protection of the World and National Heritage values of the Sydney Opera House site and has been endorsed by the Heritage Division, Department of Planning (formerly the NSW Heritage Office).
- The Management Plan states that approval of actions in relation to the Sydney Opera House site may only be made in accordance with the Management Plan, which defers to the CMP 3rd edition for an assessment of heritage impact of proposals.

**State (Planning): *State Environmental Planning Policy (Precincts–Eastern Harbour City) 2021 (SEPP-EHC)***

- The Opera House site is the focus of the Sydney Opera House Buffer Zone which is captured in SEPP-EHC and shown on the accompanying map (Sheet SBZ\_001).
- Part 1 of the SEPP-EHC addresses development within the Sydney Opera House buffer zone, but not on the Opera House site itself.
- Part 2 of the SEPP-EHC describes a range of development types that could be considered as exempt *if it is of minimal environmental impact and complies with the applicable requirements under this Part* (see clauses 4, 5 and 7; under Part 2 *Exempt development* that are relevant to this SSD-9794 Mod 1 application). These exemptions are copied below:

**4 Minor Repairs**

- (1) *Exempt development includes minor repairs, including the replacement of missing, damaged or deteriorated fabric that is beyond further maintenance.*
- (2) *Any such exempt development must comply with the following requirements–*
  - (a) *the repairs must not adversely affect the heritage significance of the Sydney Opera House,*
  - (b) *the repairs must match the existing fabric in appearance, material and method of affixing,*
  - (c) *the repairs must not involve damage or removal of other fabric graded 'some', 'considerable' or 'exceptional' significance in the CMP.*

## 5 Minor internal alterations and additions

- (1) Exempt development includes minor internal alterations including–
  - (a) minor building works and alterations to the backstage infrastructure and performance venues (such as widening doors or updating flying systems) for the purpose of improving the operational efficiency,
  - (b) minor works and fitout of new technology for telecommunications and technical purposes,
  - (c) replacement of doors, walls, ceiling or floor linings,
  - (d) renovation of bathrooms, kitchen and storage areas.
- (2) Any such exempt development must comply with the following requirements–
  - (a) the development must not adversely affect the heritage significance of the Sydney Opera House,
  - (a) any internal alterations must not affect the load-bearing capacity of any load-bearing component of the building,
  - (b) the development must have no adverse effect on fabric and spaces rated 'some', 'considerable' or 'exceptional' significance in the CMP.

## 7 Internal works and fitout of shops, restaurants, cafes and offices

- (1) Exempt development includes internal works and fitout of shops, restaurants, cafes and offices.
- (2) Any such exempt development must comply with the following requirements–
  - (a) the development must not adversely affect the heritage significance of the Sydney Opera House,
  - (b) the development must not involve significant changes to the external appearance of the building,
  - (c) the development must have no adverse effect on fabric and spaces rated 'some', 'considerable' or 'exceptional' significance in the CMP.

Note the reference to fabric rated 'some', 'considerable' or 'exceptional' refers to definitions in the CMP 3rd edition (2003) which has been replaced by CMP 4th edition (2017). The equivalent terms in the CMP 4th edition are 'moderate', 'high' or 'exceptional'. While fabric is not specifically given a significance rating in the CMP 4<sup>th</sup> edition, it is noted that the Lower Concourse itself, including all its facilities is ranked as having 'high' significance.

### State (Heritage): Heritage Act 1977

- An approval from the Heritage Council under section 60 of the Heritage Act is required for development on the Sydney Opera House site. Where the development has been approved as SSD, the approval under section 60 of the Heritage Act cannot be refused by the Heritage Council.

The State Heritage Register listing for the Sydney Opera House includes a number of Site-Specific Exemptions. Of these, *Exemption No.10* and *Exemption No. 11* are relevant to the current proposals and are copied below:

10. All internal and external design and fitout of shops and restaurants on the lower concourse / lower forecourt, including changes in the size and fabric of elements such as walls, doorways and windows, where these changes have no adverse effect on fabric rated 'some', 'considerable' or 'exceptional' significance in the CMP and do not obstruct views identified as significant in the CMP.
11. All changes to the size and shape of shop spaces on the lower concourse / lower forecourt, including that of the tour office and visitor centre, where these have no adverse effect on fabric rated 'some', 'considerable' or 'exceptional' significance in the CMP and do not obstruct views identified as significant in the CMP.

Note the reference to fabric rated 'some', 'considerable' or 'exceptional' refers to definitions in the CMP 3rd edition which has been replaced by CMP 4th edition since the exemptions were gazetted. The equivalent terms in the CMP 4th edition are 'moderate', 'high' or 'exceptional'. While fabric is not

specifically given a significance rating in the CMP 4<sup>th</sup> edition, it is noted that the Lower Concourse itself, including all its facilities is ranked as having 'high' significance.

In addition to the above Site-Specific Exemptions, there are a suite of Standard Exemptions under Section 57(1) of the Heritage Act that apply to all State Heritage listed sites except where these are modified by the Site-Specific Exemption. Relevant Standard Exemptions are copied below:

**STANDARD EXEMPTION 6:                      *Development endorsed by the Heritage Council or Director-General***

1. *Minor development specifically identified as exempt development which does not materially impact on heritage significance, by a conservation policy or strategy within a conservation management plan which has been endorsed by the Heritage Council of NSW or by a conservation management strategy endorsed by the Director-General does not require approval under subsection 57(1) of the Act.*
2. *A person proposing to do anything of the kind described in paragraph 1 must write to the Director-General and describe the proposed development. If the Director-General is satisfied that the proposed development meets the criteria set out in paragraph 1, the Director-General shall notify the applicant.*

**Guidelines**

*This standard exemption does not exempt development that is consistent with a conservation policy or strategy contained in an endorsed conservation management plan or interim conservation management strategy other than development that is specifically identified as exempt development in that conservation plan or strategy.*

**STANDARD EXEMPTION 7:                      *Minor Activities with little or no adverse impact on Heritage Significance***

1. *Anything which in the opinion of the Director-General is of a minor nature and will have little or no adverse impact on the heritage significance of the item does not require approval under subsection 57(1) of the Act.*
2. *A person proposing to do anything of the kind described in paragraph 1 must write to the Director-General and describe the proposed activity. If the Director-General is satisfied that the proposed activity meets the criteria set out in paragraph 1, the Director-General shall notify the applicant.*

**Guidelines**

*This standard exemption has the potential to relate to a wide range of minor development. In determining whether a proposed development is minor the Director may have regard to the context of the particular heritage item such as its size and setting. For instance a development may be considered to be minor in the context of Prospect Reservoir's 1200ha curtilage whereas a similar proposal affecting an item on a smaller site may not be considered to be minor.*

*In order to assess whether a proposal has an adverse affect on heritage significance it is necessary to submit a clear and concise statement of the item's heritage significance and an assessment of whether a proposal impacts on that significance.*

**STANDARD EXEMPTION 8:                      *Non-Significant Fabric***

1. *The following development does not require approval under subsection 57(1) of the Act, provided that the Director-General is satisfied that the criteria in (a) have been met and the person proposing to undertake the development has received a notice advising that the Director-General is satisfied:  
(a) the alteration of a building involving the construction or installation of new fabric or services or the removal of building fabric which will not adversely affect the heritage significance of the item.*
2. *A person proposing to do anything of the kind described in paragraph 1 must write to the Director-General and describe the proposed development. If the Director-General is satisfied that the proposed development meets the criteria set out in paragraph 1(a), the Director-General shall notify the applicant.*

### **Guidelines**

*In order to assess the level of significance of fabric it is necessary to submit a clear and concise statement of the item's heritage significance and to grade the fabric of the place in accordance with its association with or impact on that significance. It may not always be concluded that more recent fabric is of less or no heritage significance.*

### **Discussion and conclusion:**

The SSD-9794 Mod 1 application includes continued use of the Lower Concourse as a covered pedestrian approach and access, with F&B lease boundaries and functions supporting the primary use of the Sydney Opera House, and its world, national and state heritage values.

The proposal to remove the Venue 2 Island Bar and adjust the alignment of the external wall in the proposed northern Eatery section of the Lower Concourse and modify the configuration of openings, with associated granite paving and exterior finishes, could be considered as exempt under the above-mentioned site-specific Exemptions 10 and 11. The resultant impacts on original fabric in the Lower Concourse is assessed in Section 7 below in this HIS report.

It is noted the proposed relocation and configuration of the accessible bathroom is not covered by these Site-Specific Exemptions. However the impacts of this work are assessed in Section 7 below with recommendations to improve compliance with the CMP.

The proposal to remove the existing timber clad external island bar in Venue 1 (Opera Bar) and replace with a new granite clad bar of similar configuration slightly further north is also assessed in Section 7 below.

## **7.0 COMPLIANCE WITH RESPECTING THE VISION – SYDNEY OPERA HOUSE, A CONSERVATION MANAGEMENT PLAN (CMP 4TH EDITION)**

The CMP 4th edition, endorsed by the NSW Heritage Council in August 2017, has been used as the basis for the assessment of heritage impacts on the Sydney Opera House, its surroundings and fabric affected by the works described in this SSD-9794 Mod 1 application.

The CMP identifies and defines the significant values of the Sydney Opera House and then formulates policies framed to retain these values. The following discussion assesses the impact of the proposal in the same order as the CMP:

- Significant values,
- Overarching policies,
- Significant elements and components of the place, and
- Operational and management considerations.

### **7.1 CMP Section 3.1 STATEMENT OF SIGNIFICANCE Significant values – discussion of impact**

The following Statement of Significance from CMP 4th edition summarises the significant values of the place (emphasis in bold type added as it relates to this assessment):

*The Sydney Opera House is a masterpiece of 20th century architecture and a world renowned performing arts centre. It is universally valued for its unparalleled design, form and response to its setting; and its exceptional engineering achievements and technological innovations. It is an internationally recognised landmark, an architectural icon, a symbol of Sydney and Australia, and holds a unique place in the Australian psyche as a focus for national celebrations and events.*

*The design of the Sydney Opera House by Danish architect, Jørn Utzon, represents an extraordinary and inspired response to the peninsular setting in Sydney Harbour and the 1956 competition brief. Its spectacular quality as a monumental sculpture in the round, both by day and night, is enhanced by its relationship to the harbour and the city. The approach and arrival sequence, and the majestic quality of the public spaces, contained by powerful structural forms, provide an exceptional*

*experience for users and visitors. Utzon's vision created a truly remarkable place, a structure that elevates and celebrates the human experience of the performing arts, as well as of the place itself. These attributes are true to the original design and continue to be credibly expressed.*

*The Sydney Opera House is a work of human creative genius; a daring and visionary experiment that has had a seminal and enduring influence on the emergent architecture of the late 20th century. This vision utilised the plastic arts (three-dimensional works or effects from sculpting, modelling and moulding), geometry and technology to create a structure at the leading edge of human endeavour, at the very edge of the possible. Utzon's original design concept, his emphasis on innovation and his unique approach to building, gave impetus to a collective creativity of architects, engineers and builders. He inspired others to strive for and achieve excellence, particularly at this site.*

*The high-quality completion of the work by Sydney architects Hall, Todd & Littlemore, the technical support given by the internationally renowned engineering firm of Ove Arup & Partners, and the inventive contractor M.R. Hornibrook, helped make Utzon's vision a reality. In its construction and fabric, the Sydney Opera House reflects the contemporary philosophy of assembling and creating refined forms from prefabricated components. The Sydney Opera House retains a very high level of authenticity.*

*At national, state and local levels, the site has significant associations with important past events, activities and uses in the site's evolution, including Aboriginal and European contact. Indigenous cultural values associated with the Sydney Opera House site relate to both tangible remains (for example, potential surviving middens or other physical relics) as well as intangible meanings, associations, stories, memories and histories. The site has been used for cultural exchange and performance since at least the 1790s and is associated with a major meeting area and place for ceremony and corroboree at the adjacent Farm Cove. Bennelong Point is a place of early contact between local Aboriginal people and European settlers and takes its name from Bennelong, a Wangal man whose hut was provided by the Europeans and located on the western side of the point. Other significant historical associations include: defence (Governor Arthur Phillip's 1788 redoubt to convict architect Francis Greenway's Fort Macquarie, 1817–1901); picturesque planning (Governor Lachlan Macquarie to Utzon); and marine and urban transport and trade (overseas shipping and local ferry wharves, tram terminal and depot).*

***The Sydney Opera House has an almost mythological status as a cultural icon (then and now) arising from all the above, from the high public interest in its protracted and controversial development, and from its power to attract performers, patrons and visitors on a national and international level. As Australia's pre-eminent performing arts centre, it has the ability to encourage and inspire the pursuit of excellence and innovation in those who use it or are associated with it: all are inspired to achieve an outcome 'worthy of the Sydney Opera House'.***

*The inscription of the Sydney Opera House on the World Heritage List in 2007 recognises its Outstanding Universal Value.*

Those values noted above in bold type are relevant to the proposed changes to the Lower Concourse. Taking each of them separately, the following comments are made:

*The Sydney Opera House is a masterpiece of 20th century architecture and a world renowned performing arts centre. It is universally valued for its unparalleled design, form and response to its setting;*

**Comment:**

The SSD-9794 Mod 1 application includes works that support the primary use of the Sydney Opera House, and its world, national and state heritage values.

The proposed works will have no impact on the fabric and design of the Sydney Opera House as a masterpiece of 20th century architecture. Accessibility and visitor comfort will be improved on the Lower Concourse by these works. In addition, the consistency of the 1988 design and materials palette for the Lower Concourse will be strengthened by these works.

*The approach and arrival sequence, and the majestic quality of the public spaces, contained by powerful structural forms, provide an exceptional experience for users and visitors.*

**Comment:**

The works proposed in the SSD-9794 Mod 1 application will strengthen the design consistency, clarity and quality of this important covered pedestrian approach and access. Improved access to the Lower Concourse public bathroom facilities will lift the quality of these facilities and support the primary use of the Sydney Opera House.

The experience of approach to the Opera House along the covered Lower Concourse will be improved with the proposed design clarity and strengthening of the existing palette of materials, and removal of the intrusive island bar in the Eatery area (Venue 2), providing better visual flow and circulation. Improved amenity, functionality and visitor comfort should provide an improved experience for users and visitors to the site.

*The Sydney Opera House has an almost mythological status as a cultural icon (then and now) arising from all the above, from the high public interest in its protracted and controversial development, and from its power to attract performers, patrons and visitors on a national and international level.*

**Comment:**

The comments made above about other aspects of the Statement of Significance and impacts on the State Heritage Criteria apply equally here.

The Lower Concourse provides the only sheltered access to the Sydney Opera House, connecting East Circular Quay with the Covered Concourse and parking station. It incorporates food, beverage, retail outlets, the Visitor Centre and lavatories that support the primary function of the Sydney Opera House as a world-renowned centre for the performing arts. Visitors to performances often use the services provided before and after the shows.

The Opera Bar (Venue 1), Lower Concourse Eatery (Venue 2) and their associated outdoor seating areas are major drawcards and destinations in themselves for patrons, tourists and local residents alike to deliberately take in the environment and enjoy the experience of the Opera House from the water's edge.

The works proposed in the SSD-9794 Mod 1 application will strengthen the Opera House status as a cultural icon, available and accessible to a much broader public. These works will support its reputation at both a national and international level and *its power to attract artists, patrons and visitors on a national and international level.*

## **7.2 Compliance with CMP policies (CMP Section 4)**

It is clear from the Statement of Significance in the CMP 4th edition that the Sydney Opera House derives its significance primarily from its form (design, structure and construction), function and setting. These three components are interdependent and as each of them is crucial to this significance then each must be maintained to the highest level. These are discussed below within the framework of relevant discussion, policies and Tolerance for Change tables from the CMP 4th edition.

### **7.2.1 Overarching policies (CMP Sections 4.1 – 4.4)**

#### **7.2.1.1 CMP Section 4.1 THE PRIMACY OF JØRN UTZON'S VISION**

***Policy 1.1 – Protecting Utzon's masterpiece***

*All work on the Sydney Opera House must be carried out within the framework of the Utzon Design Principles published in 2002 and in accordance with this CMP.*

**Comment:**

The SSD-9794 Mod 1 application includes continued use of the Lower Concourse as a covered pedestrian approach and access, with F&B lease boundaries and functions supporting the primary use of the Sydney Opera House, and its world, national and state heritage values.

In summary, the proposed works in this application have been designed within the framework of *Utzon's Design Principles* and will not diminish the Utzon character and majesty of this space.

Refer also to section 8 of this report.

**Policy 1.2 – Utzon concepts** (relevant concepts bolded below)

*The following elements and qualities of the building are essential to Utzon's concept for the place and must be retained in accordance with the Utzon Design Principles and this CMP:*

- a. the visually free-standing sculptural form of the building in its setting as a counterpoint to the city, unobstructed by adjacent objects or structures;*
- b. the geometry and configuration of the three groups of shell roof structures and their tiled cladding;*
- c. the orientation and relationship between the three shell roof groupings, the Podium and platform below;*
- d. the open and uncluttered relationship between the Forecourt, Monumental Steps, Podium and Broadwalks;*
- e. the visually open relationship between the Podium and its setting, including the Bennelong Restaurant and foyers encircling the auditoria;*
- f. the sequence and intended qualities of approach and arrival spaces and experiences;***
- g. the natural palette of materials for exterior and related interior spaces;*
- h. the building's architecture, both externally and internally, formed by the honest expression of structure and materials;***
- i. the supporting structural systems throughout the building and their integrity as a reinforced concrete structure;*
- j. the utilisation of prefabricated components, strictly controlled in regard to geometry and quality, assembled to create structure, elements and spaces of the desired form;*
- k. harmony and uniformity resulting from application of a strict geometrical order and consistent forms;***
- l. containing all the processes of theatre and performance preparation out of public sight and within the Podium;*
- m. the interdependence of structure, form and fabric with function, all focused on enhancing the intellectual and emotional response of patrons, performers and visitors;*
- n. the primary function of the Sydney Opera House as a cultural venue that inspires and presents work of the highest quality in the performing arts.***

**Comment:**

The sequence and intended quality and experience of approach and arrival spaces are not adversely affected by the works proposed in the SSD-9794 1 application.

The Lower Concourse provides the only covered pedestrian approach to the Opera House and the change to the alignment of the eastern wall of the Eatery (Venue 2) will improve patron flow as well as visual clarity and consistency to this northern section of the concourse. These works are considered to result in positive impacts on this approach sequence. The adjustment of lease / operational boundaries has further strengthened the important function of the Lower Concourse as the primary covered approach to the building from the south.

The natural palette of exterior materials in the Lower Concourse will be retained and strengthened with these works, removing the detracting concrete counters in Venue 2 and replacing with a revised configuration in pink granite, and removing the functionally and visually intrusive island bar.

The use of the original materials palette in the new work will be honestly expressed and without artifice, consistent with this policy.

The existing pink granite wall and floor panels shown to be removed, should be salvaged and where possible reused in the re-aligned wall and reconfigured bathroom entry lobbies.

The proposed changes to the wall alignment, servery counter and bathroom / lavatory entries within and adjacent to Venue 2 all utilise prefabricated components, standardised production and design and deliver an outcome that generally conforms with this policy in regard to geometry and quality. Refer to Section 7.2 in this report.

The proposed changes to the Lower Concourse included in this SSD-9794 Mod 1 application, will remove the intrusive island bar, improve the design and amenity of the servery, (both presently associated with Venue 2), improve and visually clarify access to public lavatories, together providing improved visitor circulation and access as well as increased comfort and a less cluttered overall space for patrons and visitors, therefore enhancing the reputation of the Opera House as a performing arts centre.

The SSD-9794 Mod 1 works are in accordance with Utzon's concepts and this policy.

#### **7.2.1.2 CMP Section 4.2 IMPORTANCE OF SETTING**

##### ***Policy 2.1 – Landmark qualities***

*The status of the Sydney Opera House as an internationally acclaimed landmark arises directly from its freestanding sculptural form and silhouette, its siting, and open relationship with its setting when viewed from all angles and approaches. These must be protected for present and future generations in accordance with the Utzon Design Principles and this CMP.*

##### **Comment:**

The works described in the SSD-9794 Mod 1 application strengthen the continued use of the Lower Concourse as a covered pedestrian approach, with F&B lease boundaries and functions supporting the primary use of the Sydney Opera House, and its world, national and state heritage values.

##### ***Policy 2.3 – Protect setting***

*In addition to Policy 2.2, all agencies involved in assessing, planning or overseeing development proposals on or near Bennelong Point and nearby peninsulas and bays must give consideration to the creation, retention and recovery of the following views and vistas to and from the Sydney Opera House:*

*– Unencumbered exposure to the harbour on three sides, permitting views to the Opera House from all approaches and angles in 3 dimensions, and from neighbouring ridges and headlands, including:*

- the waters of the harbour;*
- Dawes Point;*
- Millers Point;*
- Observatory Hill;*
- Mrs Macquarie's Point;*
- Garden Island;*
- Fort Denison;*
- Bradley's Head;*
- Cremorne Point;*
- Kurraba Point;*
- Kirribilli;*
- Milson's Point;*
- McMahan's Point;*
- city buildings; and*
- the Harbour Bridge*

- open relationship with the Bennelong Precinct including the Botanic Gardens and the sandstone face of the Tarpeian Wall;
- vistas, progressively or suddenly enlarging to views, from The Rocks, the northern end of Circular Quay, East Circular Quay, Macquarie Street, the Botanic Gardens and the harbour.

*No development should compete with or diminish the prominence and distinctiveness of the form and silhouette of Sydney Opera House to these views and vistas. These objectives should be progressively incorporated into any relevant development strategies.*

**Comment:**

The works described in this SSD-9794 Mod 1 application will have no impact on the visual context and setting of the Sydney Opera House. They will support and strengthen the continued use of the Lower Concourse as a covered pedestrian approach, with F&B lease boundaries, clarity of side entries and functions all supporting visitor and patron enjoyment of the more immediate aspects of this setting.

**7.2.1.3 CMP Section 4.3 PROTECTING THE VALUES**

***Policy 3.2 – Primary use as performing arts centre***

*The Sydney Opera House must continue its primary use as a nationally significant performing arts centre and its importance as a tourist attraction be recognised. The building, its site and its setting must not accommodate, or be altered to accommodate, uses or events that will vitiate its significance, character or primary use.*

*A co-ordinated long-term plan for the use of spaces across the whole site must be implemented and periodically reviewed to address the above. This should be in the form of a comprehensive framework, such as the Strategic Building Plan 2001, with sufficient detail to understand the implications for every space.*

**Comment:**

Improvements to the functionality, access and comfort of the Lower Concourse F&B outlets, and adjacent bathroom facilities, important supporting facilities to the performing arts centre, is likely to support the value of the place as Sydney’s most popular tourist destination, a place to meet, socialise and experience the building, site and its setting.

The works described in this SSD-9794 Mod 1 application will strengthen and support the ongoing use of the Lower Concourse as a covered approach, for retail, food and beverage, improving its consistency with the original design intent of this facility to support the primary function of the place. These uses as well as the tours and ticketing facilities within the Visitor Centre have become so popular that the main circulation spaces and pathways are often difficult to navigate. These works should de-clutter and clarify these spaces and pathways, both visually and functionally, strengthening the primary use of the Sydney Opera House as a performing arts centre.

**7.2.1.4 CMP Section 4.4 UTZON, HALL & THE APPROACH TO CHANGE**

***CMP Section 4.4.2 Authenticity and Integrity***

***Policy 4.2 – Respecting Utzon and Hall***

*In order to retain, respect and potentially strengthen the authenticity and integrity of Utzon’s work and the contributions may by Hall et al in its completion, all future designers and decision makers must:*

- *comply with Policies 1.1, 1.2, 4.6, 4.7 and 4.8;*
- *avoid the introduction of their own design language and preconceptions, and defer to the original design regimes of Utzon and Hall, in that order;*
- *design new work to read as a subtle, respectful and sympathetic addition to the existing;*  
*and*
- *not alter or remove original design regimes or components based solely on contemporary changes in aesthetic taste and fashion.*

*Major change or removal of the design regimes of interiors not designed by Utzon are only possible in accordance with Policy 4.5 – Major Change.*

**Comment:**

Hall's work includes the Lower Concourse completed in 1988. The proposed works to the Lower Concourse described in this SSD-9794 Mod 1 application reverse some of the more recent works that have fragmented the strength and clarity of Hall's original design.

The proposed works generally recognise and respect Peter Hall's original design regime for the Lower Concourse. Where accessible to the public, or visible from the public domain, proposed reconfigurations and new materials are considered sympathetic to Hall's original work. Recommendations for further improvement / refinement to the design of works adjacent to the mushroom columns are included in discussion on Policy 7.17.

With regard to proposed finishes within the relocated and reconfigured accessible WC, minimal detail is provided in the documents reviewed. (Refer LK drawing DA-135). However, to comply with Policies 4.2 and 4.8 and thus site specific exemptions, the materials palette within this space should align with and repeat that already implemented in the adjacent Male and nearby Female lavatories in 2021. While the original Peter Hall regime of materials, particularly wall and floor tiling has been replaced on a number of occasions due to the intensity of use, the most recent works in these lavatory facilities, particularly the selection of wall and floor tiling, were based on research of Hall's original fitouts with modifications to improve maintenance and consistency with other facilities on the site.

It is understood the sliding internal door separating the accessible WC space from its dedicated entry vestibule is to be of frosted frameless glass. This is considered appropriate and is supported, providing a level of visibility and safety that is appropriate in this facility, while remaining consistent with the material language of similar facilities elsewhere in the building.

LK drawing DA-135 indicates the granite wall cladding on the east (rear) wall of the accessible WC entry vestibule is to be an additional thickness to new and existing walls either side of the mushroom column. This will visually reduce the prominence of this column, 'embedding' it into the wall thickness. The face of the granite cladding should be set back as close as possible to the centreline of the column to ensure it remains fully visible as a key Hall element in this space.

***CMP Section 4.4.6 Hall's Interiors***

***Policy 4.8 – Approach to change – Hall elements***

*Any adaptation or modest functional improvement, as described in Policy 4.4, to elements or interiors designed by Hall must retain or recover the character of his original design regimes with their coordinated detailing.*

**Comment:**

The proposed works recognise, respect and strengthen the design concepts, contribution and value of Peter Hall's work. They remove visual clutter and prioritise exposure and celebration of Hall's signature mushroom columns in publicly visible spaces wherever possible. Refer to discussion and recommendations above on Policy 4.2, and below on Policy 7.17, in relation to finishes and the relationship of new work to Hall's signature mushroom columns.

***CMP Section 4.4.12 Significance, tolerance and opportunities for change***

***Policy 4.11 – Significance, tolerance and opportunities for change***

*All elements of the Sydney Opera House are to be maintained, used and managed in accordance with their relative level of significance, defined in Section 3.3 Summary Schedule of Levels of Significance, and the identified tolerance and opportunities for change for their component parts.*

**Policy 4.12 – Levels of Significance – general policy (relevant extract only):**

*The following general policy statements have been formulated to guide changes and works at the place and may be supplemented by more detailed policies for each element, and guidance for change on each component in the Tolerance for Change and Opportunities for Change tables in this CMP. The levels of significance refer to Section 3.3, Summary Schedule of Levels of Significance, and are to be considered as part of this policy.*

**A Exceptional significance:**

*Alteration of grade A elements is not permitted unless otherwise mentioned in Section 4 of this CMP.*

*Maintenance, preservation and repair are permitted to ensure their ongoing function and to retain significance.*

*It is essential that the original design intent of the element is retained and respected.*

**B High significance:**

*Alteration of grade B elements is permissible only when this is necessary in order to retain or strengthen a grade A element or function, unless otherwise mentioned in Section 4 of this CMP.*

*It is essential that the original design intent of the element is retained or respected.*

Broadly the elements and areas listed below (following the main headings in the *Summary schedule of levels of significance* in Section 3.3 of the CMP 4th edition) will be potentially affected to varying degrees by the proposed works.

<b>Element</b>	<b>Level of significance</b>
<b>Sydney Opera House generally</b>	<b>A</b>
<ul style="list-style-type: none"><li>– Its form and fabric as an iconic architectural sculpture in the round in its harbour and urban setting;</li><li>– Its context and setting;</li><li>– It's function as a world-renowned centre for the performing arts;</li><li>– Original concept of sequential experiences on arrival, entry and circulation;</li><li>– Its complete assemblage comprising flat open Forecourt and Broadwalk surrounding a massive pink granite clad podium, with Monumental Steps ascending from Forecourt, supporting 3 groupings of soaring curved, ribbed concrete shells, white ceramic tiled roof shells, and their associated structural systems of unpainted folded, cranked and post-tensioned concrete beams and ribs.</li><li>– Planning hierarchy – front-of-house / back-of-house / support services – which manifests itself externally, internally, horizontally and vertically.</li></ul>	
<b>Exterior</b>	
<ul style="list-style-type: none"><li>• Lower Concourse</li></ul>	<b>B</b>
<ul style="list-style-type: none"><li>– Sheltered access to Sydney Opera House below western edge of Forecourt, connecting East Circular Quay with Covered Concourse and parking station, incorporating food, beverage and retail outlets, lavatories.</li></ul>	

Significance rankings referred to in this HIS are as used in the CMP 4th edition and are as follows:

A – Exceptional significance

B – High significance

C – Some significance

D – Little significance

Int – Intrusive element

Potential impacts on each element of the building arising from the works and changes proposed in the SSD-9794 Mod 1 application are complex, affecting both tangible and intangible aspects / values of the place. They cannot be considered in isolation.

The first sentence in the Statement of Significance in CMP 4th edition sums up the tension between the Opera House's tangible values that include the fabric of the building, and intangible values, including its primary use and purpose, and the human experience of this:

*The Sydney Opera House is a masterpiece of 20th century architecture and a world-renowned performing arts centre. Refer to discussion above.*

Potential impacts on both tangible and intangible values are discussed below in the context of the relevant conservation policies contained in CMP 4th edition. At the end of each discussion section the *Tolerance for Change* table from the CMP 4th edition sets out the components of each element with comments on the potential impacts arising from the current proposal. Any issues identified in the *Opportunities for Change* tables are also discussed.

### **Comment Sydney Opera House Generally:**

The Sydney Opera House generally is assessed as having grade A – Exceptional significance.

The proposed change to the alignment and configuration of the wall defining the exterior of the Eatery (Venue 2) and adjacent public lavatories will result in relatively minor but positive changes to the form and fabric of the Lower Concourse at the Opera House. These changes will not impact on the context or setting of the Opera House or its function as a world-renowned centre for the performing arts. There should be no adverse impacts on the original concept of sequential experiences.

### **Comment Lower Concourse:**

The Lower Concourse is assessed as having grade B – High Significance.

The continued use of the Lower Concourse as the only covered pedestrian approach for patrons and visitors, with ancillary food and beverage, ticketing, tours and retail facilities as well as public lavatories, supports the primary use of the Opera House as a performing arts centre. These uses will be visually and functionally enhanced by the proposed works.

Within the context of the already approved and revised F&B lease areas, (reinstating the original width of the covered public walkway), the public circulation within the northern section of the Lower Concourse will be slightly improved with the realignment of the eastern wall. Importantly the reinstatement of this original wall alignment will re-establish the pre c2014 configuration of the pink granite floor and give greater visual consistency of the granite clad wall alignment.

The relocation and reconfiguration of the accessible WC facility and the creation of open, dedicated entry vestibules to all three lavatories, lined with the same external materials as the walkway, will strengthen visual clarity and design consistency and improve circulation and safety around these entries.

Where possible, granite wall and floor panels should be salvaged and reused in the works in order to minimise the requirement for new or replacement of increasingly rare materials.

An audit should be carried out of original Lower Concourse bronze doors that have been removed or are to be removed as part of these works to ascertain if any may be suitable (dimensions, configuration and condition) for incorporation into the works proposed in this SSD modification.

The removal of the concrete island bar in the Eatery area (Venue 2) as part of the reinstatement of the walkway width, removes a major functional and visual encroachment into the space.

## 7.2.2 *The site & its fabric (CMP Sections 4.5 – 4.15)*

### 7.2.2.1 *CMP Section 4.6 EVENTS & USES EXTERNALLY*

#### *CMP Section 4.6.1 Events and uses generally*

##### ***Policy 6.3 Commercial leases and other uses***

*Commercial lessees and other operators across the site, including food and beverage, must be made aware of their responsibilities to retain, respect and protect the significant values of the place including its fabric.*

*No infrastructure, furniture or use should encroach onto or otherwise obstruct free use of public pedestrian routes. This includes the sheltered walkway and the waterside raised walkway on the Lower Concourse.*

#### **Comment:**

Condition E11 of the SSD-9794 approval required SOH to address this problem and review and revise the lease boundaries across the Lower Concourse to achieve this. This condition was satisfied via submission of a *Lower Concourse Operational Area Report* prepared by SOH dated 12 February 2021. In that report SOH proposed a substantially revised F&B operational lease area as well as timeframes for implementation to align with policies and objectives in the CMP 4th edition, recommendations in the Design 5 HIS submitted with the SSD application, and Condition E11. Refer to discussion in Section 4.1 above of this report.

Applejack's proposal complies with these revised boundaries, reinstating the original unobstructed width of the public walkway. The concrete island bar in the Eatery area (Venue 2) is the most substantial object / structure encroaching beyond the new lease boundary and into the walkway. It will be removed as part of the scope of works in this SSD-9794 Mod 1 application.

#### *CMP Section 4.6.7 Lower Concourse – Use*

#### **Comment:**

The SSD-9794 Mod 1 application includes continued use of the Lower Concourse as a covered pedestrian approach and access, with F&B lease boundaries and functions supporting the primary use of the Sydney Opera House, and its world, national and state heritage values.

There is no relevant policy regarding uses in this Lower Concourse section, however it is noted in the CMP 4th edition that food and beverage outlets "*have, in the past encroached on and restricted the use of pedestrian paths*". The works proposed in the SSD-9794 Mod 1 application will remove encroachments, specifically the concrete island bar, and reinstate the original width of the public walkway in the Lower Concourse providing sheltered pedestrian access to the Opera House. The works will also strengthen the function, amenity and patron experience of other important support uses in this area, particularly the F&B outlets and public lavatories.

The works will reconfigure entries to the public lavatories flanking the proposed Eatery, improving accessibility, amenity and out of hours security. This reconfiguration will create a unisex DDA compliant lavatory facility at the northern end of the concourse with its own entry lobby. This will allow the kitchen and back-of-house facilities for the former House Canteen to be consolidated into a single F&B outlet to be known as the Lower Concourse Eatery (referred to as Venue 2 in the LK drawings of the proposal). Servery counters for this eatery will be consolidated into a single opening, recessed from the realigned wall face to allow a queuing area.

#### *CMP Section 4.6.8 Exterior furniture*

##### ***Policy 6.8 Exterior furniture and objects***

*Design, selection and quality of exterior furniture, signage and other objects, including temporary installations and events, on any external area including the Covered (Vehicle) Concourse must:*

- *be appropriate for the Sydney Opera House standard of excellence;*
- *not use white or off-white, except for lettering on signage;*

- *avoid high reflectivity and harsh tonal contrasts with the natural palette of external materials;*
- *not use materials or fixings that will stain, degrade or otherwise impact on significant fabric;*

*External furniture and objects must be kept to a minimum and none should obscure the base of the roof shells, glass walls, structure of the Western Colonnade, or the base of the Podium.*

**Comment:**

The works associated with the SSD-9794 Mod 1 application, but not specifically included in it, comply with this policy in terms of materials, colours and finishes. These issues have been reviewed by SOHT's Design Advisory Panel (DAP) at various stages in the design process with materials and finishes refined to achieve a high level of compliance with this policy's objectives. Recommendations and comments provided by the DAP on this project have been reviewed by the author of this HIS and their full implementation is supported.

**7.2.2.2 CMP Section 4.7 CONSERVING THE EXTERIOR**

**CMP Section 4.7.7 Lower Concourse**

***Policy 7.17 Fitouts in Lower Concourse***

*Individual tenancy fitouts and associated furniture and other objects in this area must:*

- *accord with the Utzon Design Principles and sit comfortably with the hierarchy and palette of natural exterior materials used in the public spaces adjacent;*
- *retain and respect the Hall regime in accordance with Policy 4.8;*
- *retain the open outdoor character of the space and not intrude into or distract from views to and from the Sydney Opera House;*
- *not enclose in any way the open space and colonnaded area outside the line of existing enclosure defined by the continuous fronts;*
- *not attach to or obscure the unpainted mushroom columns;*
- *not attach to, obscure or visually interrupt the continuous sweep of the parapet spandrel to the Forecourt above;*
- *not compete with or visually fragment the consistent and unified regime of finishes and lighting;*
- *avoid white, off-white or black, or highly reflective surfaces; and*
- *not encroach on or otherwise restrict the pedestrian walkway area between the mushroom columns and the east wall, or along the seawall.*

**Comment:**

The proposed works included in the SSD-9794 Mod 1 application comply with every point in this policy. Considering the tenancy fitouts, specifically within Applejack's lease area:

- The materials and colour palette in all spaces visible to the public sit comfortably with the external natural materials palette established by Peter Hall for the Lower Concourse. This includes the louvered bronze doors proposed for openings within the main perimeter wall and the dark terracotta tiling within the Eatery servery area.
- They retain the open outdoor character of the space and do not intrude into or distract from views to or from the Opera House. Of particular note is the design and materials palette of the proposed replacement outdoor island bar in the Opera Bar area (Venue 1) – it references the adjacent sea wall in its profile and the use of pink granite emphasises its relationship with its immediate context and setting. Refer to Figure 10.
- The same pink granite is utilised in a variety of ways throughout the fitouts with different sheens to differentiate it from the already established highly polished finish on the main wall panels. None of these fitout elements extend beyond the original wall alignment, thus respecting the visual strength of this continuous wall line.
- The original concrete mushroom columns are wherever possible exposed for their full height within front and back-of-house spaces, including the relocated and reconfigured entry vestibule to the DDA compliant unisex lavatory (Accessible WC). Refer also to recommendations for further refinement below.

- Materials and finishes described in the LK documents indicate they will be consistent and unified across the Opera Bar (Venue 1) and Eatery (Venue 2) fitouts and respect the quality and finishes established by Peter Hall. There will be no white, off-white, black or highly reflective surfaces within externally visible spaces and areas.
- No encroachments are proposed into the main pedestrian walkway or the seawall promenade. On the contrary, existing encroachments will be removed.

The following recommendations are made in relation to the proposed configuration of walls abutting the concrete mushroom columns:

- Visibility of the mushroom columns within the Venue 2 servery area should be increased to reveal as much as possible of their full semi-circular profile, including the mushroom capitals.
- LK drawing DA-135 indicates the mushroom column on the east (rear) wall of the accessible entry vestibule is to be partially buried within the wall thickness, reducing its visual prominence. The face of the granite cladding on this wall should be set back as close as possible to the centreline of the column to ensure its full semi-circular profile remains fully visible as a key Hall element in this space.
- Where new walls abut the mushroom columns, they should be separated by a detail that allows later removal without damage to the concrete surface. These junction details should be provided to the heritage architect for review and approval before works commence.

The following recommendations are made in relation to the proposed fitout and finishes of the accessible WC facility, beyond the entry vestibule:

- To comply with Policies 4.2, 4.8 and 7.17, and thus site specific exemptions, the materials palette within the Accessible WC space should align with and repeat that already implemented in the adjacent Male and nearby Female lavatories. While the original Peter Hall regime of materials, particularly wall and floor tiling has been replaced on a number of occasions due to intensity of use, the most recent work in these facilities in 2021, particularly the selection of wall and floor tiling, was based on research of Hall's original fitouts with modifications to improve maintenance and consistency with other facilities on the site.
- The sliding internal door separating the accessible WC space from its dedicated entry vestibule should be of frosted frameless glass. This will provide a level of visibility and safety that is appropriate in this facility, while remaining consistent with the material language of similar facilities elsewhere in the building.

The following recommendation is made to ensure the primary use of the public walkways in the Lower Concourse remain unobstructed:

- Ongoing compliance with the boundaries of the *Allocated Areas Food & Bev* (Lower Concourse), should be regularly monitored and enforced by SOH.

The *Tolerance for Change* table for the *Lower Concourse* from the CMP 4th edition is included below. The added right-hand column provides further assessment of the proposal:

element: <b>Lower Concourse</b>  significance ranking <b>B</b>  Sheltered access to Sydney Opera House below western edge of Forecourt, connecting East Circular Quay with Covered Concourse and parking station, incorporating food and beverage outlets and lavatories  <b>selected components:</b>	<b>Tolerance for Change</b> 1 = Low tolerance 2 = Moderate tolerance 3 = High tolerance				<b>Further Considerations</b>	<b>Assessment / impact of proposal</b>
	Form	Fabric	Function	Location		
Seawall incorporating wave guard, and continuous precast granite seating and footpath clear of a obstructions	1	1	1	1	Form and configuration of seawall wave guard is important. Unobstructed pathway is important for visitor amenity and safety. Refer to discussion in Sections 4.7.7 and 4.7.10.	Not affected by proposal.

Paving, steps and walls of solid granite	2	2	1	2	Materials and their surface finish are successful and worth retaining. Refer to discussion in Section 4.7.7.	Not affected by proposal.
Seawall parapet of reconstituted pink granite incorporating seating bench	2	1	1	2	Materials and finish are consistent with Broadwalks and worth retaining. Refer to discussion and policies in Section 4.7.7.	Not affected by proposal.
Seawall footpath of granite setts	3	2	1	2	Material may require reappraisal to match repaved Forecourt, as same issues apply here. Refer to discussion and policies in Section 4.7.6. Refer to <i>Opportunities for Change</i> table.	Not affected by proposal.
Open bronze rail system to parapet edge of Forecourt revised to Jan Utzon design (completed 2010)	2	1	1	1	Bronze rail system to be considered for application in a modified form across other parts of the site. Refer to discussion and policies in Section 4.7.9.	Not affected by proposal.
Unpainted and unobscured concrete 'mushroom' columns	1	1	1	2	Unpainted finish and clarity of columns are important as structural expression is consistent with <i>Utzon Design Principles</i> . Care required to ensure that portable signage, furniture and other elements do not obscure or clutter these columns. Refer to discussion and policies in Sections 4.6.7, 4.6.8 and 4.7.7.	Visibility of columns within the fitout areas is prioritised and abutting walls locally configured to highlight them. This should be further enhanced by adjustments requested by the DAP and recommendations in this HIS.  Columns outside of the tenancy fitout areas are fully exposed with full visibility for pedestrians using the public walkway.  Positive impact.
Louvered circular ceiling lights	1	2	1	1	Retain as part of the original design regime by Hall (1988). Specially designed to provide spread of light with limited ceiling height. Refurbished 2005 with improved deflectors and stronger bulbs. Recessed fittings are not possible due to structure of slab. Refer to Policy 4.8 in Section 4.4.6.	Not affected by proposal.
Bronze-framed poster vitrines and doors	3	2	2	2	Use of bronze is important to maintain consistent use of metals externally across the site. Configuration can change.	Not affected by proposal.
Concept of commercial outlets (such as food and retail), lavatories, connecting passage to parking station, and escalators to Covered Concourse and East Circular Quay	2	2	1	2	Covered access passage for public is important. Ideal location for food and beverage, but must not obstruct undercover pedestrian passage or pathway at seawall. Vertical transport to Forecourt level at north and south ends essential. Refer to discussion in Section 4.6.7.	Covered access and visitor comfort are improved as part of this proposal.  Positive impact.
Visitor / welcome centre	3	3	2	2	Function is important but preferred in a location that does not encourage visitors to avoid principal approach via Forecourt and Monumental Steps.	Not affected by proposal.

Lavatories	3	3	1	3	Materials, particularly at entries, to be consistent with external materials palette.	<p>Entries to lavatories have been revised to create an open vestibule space, fitted out with the external materials palette, including bronze doors, changing to the existing internal palette beyond visibility from the public walkway.</p> <p>The relocated Accessible WC will have its own entry vestibule space fitted out in the same manner. The interior of this accessible WC, beyond the entry vestibule, should be finished with the same materials palette as the existing Male lavatory.</p> <p>Positive impact.</p>
Entry to Opera House carpark	3	2	1	3	Materials palette, colours and finishes should be consistent with Lower Concourse.	Not affected by proposal.
Floodlight pylon for the west surface of the Concert Hall and restaurant shells	2	3	1	2	One of a set of 3 pylons on this side. Coloured dark bronze to be as discreet as possible. Location determined by form of seawall.	Not affected by proposal.
Group of umbrellas, tables and chairs, and stainless steel bollards including on upper level adjacent to seawall – only where not obstructing pedestrian paths	3	3	2	2	Essential that these elements do not intrude into, or detract from key view lines across and from Forecourt. Colour, form, location and storage are important considerations. These elements must not protrude above parapet line or impede views to the roof shells from seawall walkway. Unobstructed public access and egress must be maintained. Refer to discussion and policies in Section 4.5, 4.6 and 4.7.7.	Changes to the umbrellas were approved in SSD-9794 and are not modified by this application.
Any furniture, shade structure, display / signage stand or barrier that intrudes onto undercover or other pedestrian paths, including along seawall walkway, or otherwise intrudes into or impedes important views	<b>Intrusive</b>				Modify, rearrange or remove offending components to achieve compliance with this CMP.	<p>All furniture and fittings that presently intrude beyond the recently revised lease boundaries and onto these main pedestrian paths are to be removed as part of the works proposed.</p> <p>Positive impact.</p>

### Opportunities for Change (OfC) table for the Lower Concourse:

Explore Opportunities – Lower Concourse	Comment	Assessment / impact of proposal
<p>Items listed as intrusive in TfC table above are opportunities for change.</p> <p>Additional opportunities listed below.</p>	<p>Generally, all changes must comply with the Utzon Design Principles and CMP, and may be subject to statutory approval.</p>	
<p>Revise lease boundaries and furniture layouts</p>	<p>Any changes or adjustments should improve free flow of pedestrians on main route and along seawall and reduce intrusive clutter. Refer to Section 4.6.7.</p>	<p>Lease boundaries have been revised and the Applejack proposal complies with these.</p> <p>Refer to Section 4.1 of this report and discussion above in relation to Policy 6.3.</p> <p>Positive impact</p>

Extend service and support functions under Forecourt	Refer to Sections 4.4.10, 4.7.6 and 4.7.7.	Not part of this proposal.
Revised entry from East Circular Quay	Consider extending covered access to sheltered / colonnaded path on East Circular Quay.	Not part of this proposal.
Smoother paving to ramp and raised seawall walk for improved accessibility and safety	Consider replacing rough granite setts with sawn finish to match Forecourt but with lower reflectivity.	Not part of this proposal.
Revised wall finishes	Reduce polish / reflectivity on granite wall panels to better align with Utzon's intended hierarchy of approach spaces and associated finishes.	Not part of this proposal.

## 7.2.3 Operations & Management (CMP Sections 4.16 – 4.20)

### 7.2.3.2 CMP Section 4.20 MANAGING THE PROCESS OF CHANGE

#### CMP Section 4.20.1 Use and compatibility

##### **Policy 20.1 Change of use of spaces**

*Proposed changes of use of any internal or external space should only be considered where they satisfy the following criteria:*

- *they relate to and support the primary use of the building and site as a performing arts centre;*
- *proposed use and location does not weaken, confuse or threaten original (1973) functional relationships;*
- *changes must have minimal impact on significant fabric and fitout;*
- *change is consistent with coordinated planning for the whole site in accordance with Policy 3.2.*

*A co-ordinated long-term plan for the use of spaces across the whole site should be prepared to guide the above.*

*Likewise, the selection and operation of commercial leases should support the primary function of the Sydney Opera House. Commercial imperatives must not conflict with or endanger the primary use of the place as a performing arts centre, or its presentation as a masterpiece of human creative genius.*

*In some instances, the expectations of lessees conflict with the ability of the available space to accommodate them. This puts strain on adjacent spaces and services, on management and, in some cases (such as the Lower Concourse), on the space available for the free passage of patrons and visitors. This can inhibit appreciation of the place and its primary use, and potentially impact on its significance.*

*The responsibility for drafting, implementing and monitoring leases lies with Sydney Opera House management and it is essential that they ensure lessees and hirers understand the significance and primary purpose of the Opera House. This should provide some interest or incentive for lessees and hirers to treat the place with care and respect, and would assist Opera House staff in their management.*

##### **Policy 20.2 Unacceptable uses**

*Uses are unacceptable if they:*

- *dilute or impede the primary use of the place as a performing arts centre;*
- *impair or invalidate the original concept of the designers of those elements of the place that are assessed as being of exceptional or high significance;*
- *degrade the character and quality of fabric, spaces and relationships;*
- *are likely to cause excessive wear and tear or disfigurement of significant fabric;*
- *encroach on public access routes, or otherwise impede the use, experience and appreciation of public spaces; and*
- *require alterations, additions and facilities that may result in any of the above.*

**Comment:**

It is proposed to continue the existing uses (food and beverage, retail, ticketing, tours and public lavatories) on the Lower Concourse. These uses are considered appropriate and compatible with the values of the Sydney Opera House and do not conflict with the primary use of the place as a performing art centre or its presentation as a masterpiece of human creative genius. Issues of encroachment onto main pedestrian access routes were noted in the SSD. Since then the F&B lease boundaries in the Lower Concourse have been revised to comply with the policies and objectives in the CMP 4th edition and the HIS that accompanied the original SSD.

The operator's proposal complies with these revised boundaries, considerably enhancing the functionality and amenity of both the pedestrian access routes and the Applejack tenancy areas.

The proposed works in the SSD-9794 Mod 1 application do not endanger or diminish Utzon's original concepts or those elements designed by Hall. The proposal will not degrade the character and quality of fabric or space of the Lower Concourse.

***Policy 20.3 Lease and Hire agreements***

*All lease and hire agreements on the Sydney Opera House site must be:*

- *developed in accordance with this CMP and the Utzon Design Principles, and in conjunction with heritage advice;*
- *clear that the lessee or hirer is responsible for damage and adverse impacts; and*
- *regularly monitored and audited for compliance by relevant management teams / portfolio within Sydney Opera House in consultation with Building portfolio.*

*Where problems arise or breaches occur, corrective actions must be taken.*

*All lessees and hirers are to be inducted about the significance and sensitivity of the Opera House and its site:*

- *during the tender process;*
- *at the commencement of their contract; and*
- *at regular intervals as required to keep their management and staff informed.*

**Comment:**

SOH should continue to regularly monitor compliance with lease and development consent conditions. Review and revise these conditions if circumstances require it.

***CMP Section 4.20.5 The Burra Charter******Policy 20.9 Burra Charter***

*All conservation (including maintenance and repair), future changes and development at the Sydney Opera House should be carried out in accordance with the Australia ICOMOS Charter for the Conservation of Places of Cultural Significance (Burra Charter) as revised in 2013 or later, including its associated Practice Notes and the Code on the Ethics of Co-existence.*

**Comment:**

All decisions thus far relating to the SSD-9794 Mod 1 works proposed within the Lower Concourse in this application have been in accordance with Burra Charter principles and processes. This should continue to the completion of the project.

**7.3 Conclusion re CMP compliance**

The works proposed in this SSD-9794 Mod 1 application enhance the continued use of the Lower Concourse as a covered pedestrian approach and access, with revised F&B and public lavatory facilities supporting the primary use of the Sydney Opera House, and its world, national and state heritage values.

The quality of the experience of approach to the Opera House for patrons, users and visitors via the covered Lower Concourse will be improved with the works proposed, particularly the revisions to the design and configuration of the F&B facility at the northern end, to be known as the Lower Concourse Eatery and referred to as Venue 2 in LK drawings, including removal of the functionally and visually intrusive island bar and re-alignment of the main east wall, providing better visual flow and circulation, reinstating and strengthening the intent of the original 1980s design. The original open outdoor character of the Lower Concourse space is retained and respected, and its amenity improved by the proposed works.

The proposed works include reconfiguration of the entries to the public lavatories flanking the proposed Eatery, providing visibly open entry vestibules with out of hours security doors improving accessibility and amenity. This reconfiguration will create a relocated unisex DDA compliant accessible WC facility at the northern end of the concourse with its own compliant entry vestibule. All lavatory entry vestibules will be finished with Peter Hall's palette of external materials, further strengthening the visual clarity and unified identity of public facilities in this area.

The reconfiguration at this northern end will allow consolidation of the existing divided kitchen and back-of-house facilities for Venue 2 into a single F&B outlet. Served counters for this eatery will be consolidated into a single opening, recessed from the realigned wall face to allow a queuing area. The proposed materials palette in all spaces visible to the public, should sit comfortably with the external natural materials palette established by Peter Hall for the Lower Concourse. This includes the reinstatement of louvered bronze door assemblies proposed for security door openings to entry vestibules for the public lavatories and accessible WC within the main perimeter wall.

With regard to the proposed relocated and reconfigured accessible WC, no details on finishes or fittings are provided in the documents reviewed. However, to comply with CMP Policies 4.2 and 4.8, the materials palette within this space should align with and repeat that already implemented in the adjacent Male and nearby Female lavatories that is based on research of Hall's original fitouts. Refer to proposed Conditions below.

The design and materials palette of the proposed replacement outdoor island bar in the Opera Bar area (Venue 1) references the adjacent sea wall in its profile and the use of pink granite emphasises its relationship with its immediate context and setting, reinforcing its connection back to Peter Hall's original design and materials palette for this area and is supported.

The same pink granite is utilised in a variety of ways throughout the fitouts with different sheens to differentiate it from the already established highly polished finish on the main wall panels. None of these fitout elements extend beyond the original wall alignment, respecting the visual strength of this continuous wall line.

The original concrete mushroom columns are wherever possible exposed for their full height within front and back-of-house spaces, including within the entry vestibule to the relocated and reconfigured unisex accessible WC. Refinements to improve this are described in the proposed conditions below.

The impacts of this proposal are considered positive, however the following conditions are recommended:

**Conditions:**

1. The visibility of the proposed partially exposed mushroom columns, including their flared capitals, at the rear wall of the Eatery server area (Venue 2) should be increased on the public side in consultation with the DAP and the heritage architect for review and approval before commencement of construction.
2. LK drawing DA-135 indicates the mushroom column on the east (rear) wall of the vestibule to the accessible WC is to be partially buried within the wall thickness, reducing its visual clarity and prominence. The face of the granite cladding on this wall should be set back as close as possible to the centreline of the column to ensure its full semi-circular profile remains fully visible as a key Hall element in this now public space. Revised detail to be provided to the heritage architect for review and approval before commencement of construction..

3. Where new walls or fittings about the unpainted concrete mushroom columns, they should be separated by a detail that allows later removal without damage to the concrete surface. These junction details should be provided to the heritage architect for review and approval before works commence. There should be no fixings into these columns or their flared 'mushroom' heads.
4. Finishes within the proposed relocated and reconfigured accessible WC, particularly wall and floor tiling, should align with and match those implemented in 2021 within the adjacent Male and nearby Female lavatories that were based on research of Hall's original Fitouts for the Lower Concourse.
5. The sliding internal door separating the accessible WC space from its dedicated entry vestibule should be of frosted frameless glass. This will provide a level of visibility and safety that is appropriate in this facility, while remaining consistent with the material language of similar facilities elsewhere in the building.
6. Recommendations and comments made during design development by the DAP and provided to the heritage architect should be responded to by the design team and implemented in the final works.
7. Where possible, granite wall and floor panels should be salvaged and reused in the works in order to minimise the requirement for new or replacement of increasingly rare materials.
8. An audit should be carried out of original Lower Concourse bronze doors that have been removed or are to be removed as part of these works to ascertain if any may be suitable (dimensions, configuration and condition) for incorporation into the works proposed in this SSD modification.
9. Ongoing compliance with the boundaries of the *Allocated Areas Food & Bev* (Lower Concourse), and development consent conditions should be regularly monitored and enforced by SOH.

## 8.0 COMPLIANCE WITH THE UTZON DESIGN PRINCIPLES

The *Utzon Design Principles* (UDP 2002) provide important guidance on the intended role of particular spaces and elements and on how they should be treated in the future.

The works proposed in this SSD-9794 Mod 1 application are important, but relatively contained in their extent and impact, all being located in the Lower Concourse, a facility designed by Peter Hall and completed in 1988. An assessment of the impact of these works against the UDP is discussed in Section 7.2 of this report, specifically in relation to *Policy 1.1 – Protecting Utzon's masterpiece*.

## 9.0 IMPACT ON STATE HERITAGE VALUES

### 9.1 State Heritage Register criteria

The Sydney Opera House is listed on the SHR for meeting all its listing criteria (a)-(g). The values of the Sydney Opera House that meet the SHR criteria are set out in full in the NSW Heritage Database, available online at:

<http://www.environment.nsw.gov.au/heritageapp/ViewHeritageItemDetails.aspx?ID=5054880>

The extracts from the SHR values, under each of the criteria below, summarise and draw attention to those aspects of significance that are relevant to the assessment of heritage impact of works proposed in this SSD-9794 Mod 1 application for the Lower Concourse. Design 5's assessment of heritage impact is summarised at the end of this section.

**SHR criterion a) Historical significance**

*An item is important in the course, or pattern, of NSW's cultural or natural history.*

Relevant key values from SHR values:

- "... a modern architectural masterpiece, recognised internationally as a symbol of Sydney and Australia, ..."

**Comment:**

The works proposed in this SSD-9794 Mod 1 application will have no adverse visual or functional impacts on the significant architectural qualities of the Opera House or the ability of the Opera House to be recognised as a modern architectural masterpiece. On the contrary, the impacts will only be positive.

**SHR criterion b) Associative significance**

*An item has strong or special association with the life or works of a person, or group of persons, of importance in NSW's cultural or natural history.*

Relevant key values from SHR values:

- none relevant

**Comment:**

There are no significant associative values from the SHR listing that are impacted by this proposal. It is noted that Peter Hall is not mentioned under this Criteria.

**SHR criterion c) Aesthetic significance**

*An item is important in demonstrating aesthetic characteristics and/or a high degree of creative or technical achievement in NSW.*

Relevant key values from SHR values:

- "... exceptional aesthetic significance because of its quality as a monumental sculpture in the round, both day and night, and because of the appropriateness of its design to its setting and the picturesque quality of the setting."
- "Its public spaces and promenades have a majestic quality endowed by powerful structural forms and enhanced by vistas to the harbour and the city."

**Comment:**

The works proposed in this SSD-9794 Mod 1 application will have no negative impact on the aesthetic significance of the Lower Concourse or the Sydney Opera House itself, its setting or its ability to be read as a monumental sculpture in the round.

Aesthetically the proposed will allow for improved visitor circulation, amenity and visibility along the Lower Concourse space.

**SHR criterion d) Social significance**

*An item has strong or special association with a particular community or cultural group in NSW for social, cultural or spiritual reasons.*

Relevant key values from SHR values:

- "... an internationally recognised symbol of Sydney, one of Australia's leading tourist attractions and a focal point for community events. It is also widely admired by Sydneysiders, and can be seen to contribute importantly to the sense of place in the Sydney CBD."
- "As a world-class performing arts centre, the Sydney Opera House has enhanced the cultural vitality of the nation. It has also hosted many "everyday" cultural activities as well as providing free public access to its harbour-side Broadwalk."
- "Of the 85,000 people estimated to visit each week in 2003, about a quarter came for performance-related reasons while the rest came to experience the building and its environment. In offering this remarkable accessibility to a broad public, Sydney Opera House can be seen to be fulfilling Cahill's hope that it would be "a monument to democratic nationhood"."

**Comment:**

The Lower Concourse provides sheltered access to the Sydney Opera House below the western edge of the Forecourt, connecting East Circular Quay with the Covered Concourse and parking station and incorporates food, beverage, retail outlets, the Visitor Centre and lavatories. All of these support the primary function of the Sydney Opera House as a world-renowned centre for the performing arts. Visitors to performances often use the services provided before and after the shows. As food and beverage outlets, Opera Bar (referred to as Venue 1 on the LK drawings), Lower Concourse Eatery (referred to as Venue 2 on the drawings) and their associated outdoor seating areas are major drawcards for tourists and residents alike, and destinations in themselves for patrons to take in the environment and enjoyment of experiencing the Sydney Opera House from the water's edge.

The works proposed in this SSD-9794 Mod 1 application will improve visual orientation and circulation along the undercover walkway and improve legibility and amenity of the entries to the lavatory facilities at this northern end of the concourse.

A space for socialising, the existing Lower Concourse F&B venues and the associated public facilities contribute to the cultural vitality of the city and the improvements proposed should enhance the experience of the Opera House as an internationally recognised symbol of Sydney.

**SHR criterion e) Research potential**

*An item has potential to yield information that will contribute to an understanding of NSW's cultural or natural history.*

Relevant key values from SHR values:

- none relevant

**Comment:**

There are no significant research potential values from the SHR listing impacted by this proposal.

**SHR criterion f) Rarity**

*An item possesses uncommon, rare or endangered aspects of NSW's cultural or natural history.*

Relevant key values from SHR values:

- "The Sydney Opera House has significance for its rarity as a twentieth century architectural masterpiece sited on a prominent peninsular in Sydney Harbour."
- "It is an exceptional landscape (and seascape) monument because of its quality as a sculpture in the round, both day and night, and because of the appropriateness of its design to its setting and the picturesque quality of the setting."
- "It is also unique in so far as it has become an internationally recognised symbol of Sydney and Australia, which is also widely admired by local citizens."

**Comment:**

The ability of the Sydney Opera House, (as an exceptional architectural monument in response to its harbour setting and its quality as a sculpture in the round), to attract visitors and performers from all over the world will be enhanced with the works proposed in this SSD-9794 Mod 1 application by the improved amenity, accessibility and patron comfort offered by the proposed works.

**SHR criterion g) Representativeness**

*An item is important in demonstrating the principal characteristics of a class of NSW's cultural or natural places; or cultural or natural environments.*

Relevant key values from SHR values:

- "It is outstanding because of its innovative design appropriate both to its entertainment functions and to its harbour-side setting, and because of the esteem in which it is held in Australia and internationally."
- "As an icon of modern architecture it combines an expressive, sculptural freedom of form with the precise technology of the machine age."

## Comment:

The ability of the Sydney Opera House to attract visitors and performers from all over the world should be enhanced by these works. Supporting F&B venues and public facilities in the Lower Concourse need to reflect the outstanding and innovative design standards of the Opera House itself. The works will provide improved consistency with Peter Hall's original design intent for this concourse. The improved design quality, amenity and experience of these facilities should enhance public and patron esteem for the Opera House.

## 9.2 Summary assessment of heritage impact on State Heritage values

In summary, the works proposed in this SSD-9794 Mod 1 application for the F&B venues and associated public facilities on the Lower Concourse will have no adverse impacts on the significant architectural or aesthetic qualities of the Opera House.

Accessibility, visitor circulation and amenity will be improved with the removal of the island bar unit at the northern end, reinstatement of the original wall alignment around the new Eatery facility (Venue 2), and relocation of the accessible WC and reconfiguration of lavatory entry vestibules.

The revised design and configuration for the northern F&B venue (Lower Concourse Eatery – Venue 2), the replacement of the external bar at Opera Bar (Venue 1, and the reconfigured lavatory entries all substantially strengthen the design quality and materials palette alignment with Peter Hall's original design.

## 10.0 IMPACT ON NATIONAL HERITAGE VALUES

### 10.1 National Heritage Values – Summary Statement of Significance

The Sydney Opera House was included on the National Heritage List in July 2005 (Listing No. 105738). The National Heritage values of the Sydney Opera House are protected under the Australian Government's Environment Protection and Biodiversity Act 1999.

The following is the Summary Statement of Significance of the National Heritage values of the Sydney Opera House. *Emphasis added* on aspects of significance relevant to the assessment of heritage impact of the works in this current application.

*The Sydney Opera House, constructed between 1957 and 1973, is a masterpiece of modern architectural design, engineering and construction technology in Australia. It exhibits the creative genius of its designer, the Danish architect Jørn Utzon and the contributions to its successful completion by the engineering firm Ove Arup and Partners, the building contractors M.R. Hornibrook, and the architects Hall, Todd and Littlemore. It is an exceptional creative and technical achievement in the national history of building design and construction in Australia.*

*Since its completion the Sydney Opera House has attracted world wide acclaim for its distinctive design, enhanced by its prominent location on Bennelong Point within a superb harbour setting. With its soaring white roof shells set above a massive podium, the Sydney Opera House is a monumental urban sculpture, internationally acclaimed as an architectural icon of the twentieth century. Its many national and international awards reflect its pivotal place in the national story of creative and technical achievement in Australia. The challenges involved in executing Utzon's design inspired innovative technical and creative solutions that were groundbreaking in the history of architectural design and building construction in Australia, particularly the roof shells that were based on the geometry of the sphere and demonstrated the extraordinary creative potential of the assembly of prefabricated, repeated components.*

*The interior spaces also reflect the creative genius of Utzon and his successors, Todd, Hall and Littlemore, who completed the building after Utzon's departure from the project in 1966.*

*The Sydney Opera House is the most widely recognised building in Australia, and is cherished as a national icon and world-class performing arts centre. It represents an enduring symbol of modern Sydney and Australia, both nationally and internationally, reflecting changing social attitudes towards Australian cultural life in the decades after World War II. The Sydney Opera House has played a seminal role in the development of Australia's performing arts, enhancing the cultural vitality of the nation. It continually attracts nationally and internationally acclaimed performers, and is a mecca for visitors from around Australia and overseas.*

*The peninsula on which the Sydney Opera House now stands has a special association with Bennelong, an Aboriginal man who became a prominent and influential figure in the early colony and played a significant role in mediating interactions between Aboriginal people and early settlers.*

**Comment:**

The works proposed in this SSD-9794 Mod 1 application will have no negative impact on the Nationally significant values expressed in this Summary Statement of Significance.

The assessment in this HIS concludes the works proposed will strengthen the use, amenity and design consistency of the Lower Concourse, Peter Hall's significance 1980s addition to Utzon's masterpiece.

## 10.2 National Heritage criteria

The Sydney Opera House is registered on the National Heritage List for meeting its listing criteria A, B, E, F, G and H.

The values of the Sydney Opera House that meet the National Heritage criteria are set out in full in Appendix B of the CMP 4th edition and also in the listing of the Sydney Opera House on the National Heritage List, available at <http://www.deh.gov.au/cgi-bin/ahdb/search.pl>

The extracts from the National Heritage values, under each of the criteria below, summarise and draw attention to those aspects of significance that are relevant to the assessment of heritage impact of this suite of projects. Design 5's assessment of heritage impact is summarised at the end of this section.

### NHL criterion (a) Events, Processes

*The place has outstanding heritage value to the nation because of the place's importance in the course, or pattern, of Australia's natural or cultural history.*

Relevant key values from National Heritage values:

- "a monumental sculpture in the round, and its inspired design solution in response to its prominent setting on Bennelong Point in Sydney Harbour"

**Comment:**

The works proposed in this SSD-9794 Mod 1 application will have no negative impact on this Nationally significant value.

### NHL criterion (b) Rarity

*The place has outstanding heritage value to the nation because of the place's possession of uncommon, rare or endangered aspects of Australia's natural or cultural history.*

Relevant key values from National Heritage values:

- "the Sydney Opera House is a cultural icon"
- "distinctive sail-like concrete shell roofs standing boldly upon a massive granite-faced platform, located prominently on the Sydney Harbour foreshore"

**Comment:**

The works proposed in this SSD-9794 Mod 1 application will have no negative impact on this Nationally significant value.

**NHL criterion (e) Aesthetic characteristics**

*The place has outstanding heritage value to the nation because of the place's importance in exhibiting particular aesthetic characteristics valued by a community or cultural group.*

Relevant key values from National Heritage values:

- "Its landmark qualities are enhanced by the building's juxtaposition with Sydney Harbour, its relationship with the Sydney Harbour Bridge, the garden landscape of Bennelong Ridge, the sandstone cliff face of Tarpeian Rock, and the vistas and views to and from The Rocks, Circular Quay, East Circular Quay, Macquarie Street, the Botanic Gardens and the harbour"
- "The building's ability to emotionally move people and invoke a strong aesthetic response is enhanced by the experience of approaching, entering and moving around the building and surrounds. The public promenades including the Forecourt, Broadwalk, and podium platform and steps contribute to the majestic qualities of the place. The large forecourt and sweeping podium steps prepare the visitor for the majestic quality..."

**Comment:**

The works proposed in this SSD-9794 Mod 1 application will have no negative impact on this Nationally significant value.

The proposed works will enhance the function, amenity, enjoyment and experience of the Lower Concourse as the only covered approach to the Opera House from the main southern entry, with associated F&B facilities and public amenities.

**NHL criterion (f) Creative or technical achievement**

*The place has outstanding heritage value to the nation because of the place's importance in demonstrating a high degree of creative or technical achievement at a particular period.*

Relevant key values from National Heritage values:

- "finished in natural materials, textures and colours"
- "the creation of sensory experiences to bring pleasure to the building's users, particularly the experience of approaching"
- "It epitomizes the extraordinary creative potential of the assembly of prefabricated, repeated components"

**Comment:**

The works proposed in this SSD-9794 Mod 1 application will have no negative impact on this Nationally significant value.

The proposed works will strengthen the external palette of materials, textures and colours selected by Utzon and implemented by Hall, particularly in the 1980s Lower Concourse area.

**NHL criterion (g) Social value**

*The place has outstanding heritage value to the nation because of the place's strong or special association with a particular community or cultural group for social, cultural or spiritual reasons.*

Relevant key values from National Heritage values:

- "building's role as a cultural icon is also derived from the numerous performances conducted there (100,000 since 1973), and the place's role as a focal point for community events. The Sydney Opera House is a mecca for both Australian and international visitors to Sydney, attracting over 100 million visitors since the opening in 1973."

**Comment:**

The works proposed in this SSD-9794 Mod 1 application will have no negative impact on this Nationally significant value.

On the contrary, the proposed works will strengthen the design consistency, function and amenity of this intensely popular part of the Opera House site, while clarifying and prioritising its role as the only covered access to the building for patrons and visitors.

### **NHL criterion (h) Significant people**

*The place has outstanding heritage value to the nation because of the place's special association with the life or works of a person, or group of persons, of importance in Australia's natural or cultural history.*

Relevant key values from National Heritage values:

- “The Sydney Opera House is directly associated with Jørn Utzon”
- “The peninsula on which the Sydney Opera House now stands has a special association with Bennelong”

#### **Comment:**

The works proposed in this SSD-9794 Mod 1 application will have no negative impact on this Nationally significant value.

Interestingly, Peter Hall is not specifically mentioned under this criterion. Clearly an oversight.

### **10.3 Summary assessment of heritage impact on National Heritage values**

The works proposed in this SSD-9794 Mod 1 application will have no negative impact on any of the Nationally significant values of the Sydney Opera House.

On the contrary, the proposed works in the Lower Concourse will strengthen the design consistency, function and amenity of this intensely popular part of the Opera House site, while clarifying and prioritising its role as the only covered access to the building for patrons and visitors. The works will also strengthen the external palette of materials, textures and colours selected by Utzon and implemented by Hall, particularly in this 1980s Lower Concourse area.

### **10.4 Summary assessment of heritage impact on National Heritage values according to the National Heritage significant impact criteria**

The *Significant impact criteria* for a National Heritage place, as stated in the *Significant Impact Guidelines* are as follows:

*An action is likely to have a significant impact on the National Heritage values of a National Heritage place if there is a real chance or possibility that it will cause:*

- *one or more of the National Heritage values to be lost*
- *one or more of the National Heritage values to be degraded or damaged, or*
- *one or more of the National Heritage values to be notably altered, modified, obscured or diminished.*

#### **Comment:**

The actions proposed in this SSD-9794 Mod 1 application will have no negative or significant impact on any of the Nationally significant values of the Sydney Opera House. They will not cause any of the National Heritage values to be lost, degraded, damaged, altered, modified, obscured or diminished.

## **11.0 IMPACT ON WORLD HERITAGE VALUES**

In 2007, the Sydney Opera House was inscribed on UNESCO's World Heritage List (WHL) for its Outstanding Universal Value (OUV) and as a “masterpiece of human creative genius” under criterion (i) of the Operational guidelines for the implementation of the World Heritage Convention.

The World Heritage List inscription for the Sydney Opera House is included below. The highlighted text draws attention to those aspects of significance that are relevant to the assessment of heritage impact for the proposed Lower Concourse improvement works.

### **Outstanding Universal Values**

*The Sydney Opera House constitutes a masterpiece of 20th century architecture.*

*Its significance is based on its unparalleled design and construction; its exceptional engineering achievements and technological innovation and its position as a world-famous icon of architecture. It is a daring and visionary experiment that has had an enduring influence on the emergent architecture of the late 20th century. Utzon's original design concept and his unique approach to building gave impetus to a collective creativity of architects, engineers and builders. Ove Arup's engineering achievements helped make Utzon's vision a reality. The design represents an extraordinary interpretation and response to the setting in Sydney Harbour. The Sydney Opera House is also of outstanding universal value for its achievements in structural engineering and building technology. The building is a great artistic monument and an icon, accessible to society at large.*

### **Criterion (i)**

*The Sydney Opera House is a great architectural work of the 20th century. It represents multiple strands of creativity, both in architectural form and structural design, a great urban sculpture carefully set in a remarkable waterscape and a world famous iconic building. All elements necessary to express the values of the Sydney Opera House are included within the boundaries of the nominated area and buffer zone.*

*This ensures the complete representation of its significance as an architectural object of great beauty in its waterscape setting. The Sydney Opera House continues to perform its function as a world-class performing arts centre. The Conservation Plan specifies the need to balance the roles of the building as an architectural monument and as a state of the art performing centre, thus retaining its authenticity of use and function. Attention given to retaining the building's authenticity culminated with the Conservation Plan and the Utzon Design Principles.*

## **11.1 Summary assessment of impact on World Heritage values according to the World Heritage significant impact criteria**

The Significant impact criteria stated in the Significant Impact Guidelines are as follows:

*An action is likely to have a significant impact on the World Heritage values of a declared World Heritage property if there is a real chance or possibility that it will cause:*

- *one or more of the World Heritage values to be lost*
- *one or more of the World Heritage values to be degraded or damaged, or*
- *one or more of the World Heritage values to be notably altered, modified, obscured or diminished.*

### **Comment:**

This HIS concludes that the actions proposed in this SSD-9794 Mod 1 application will have no negative or significant impact on any of the World Heritage values of the Sydney Opera House. They will not cause any of the World Heritage values to be lost, degraded, damaged, altered, modified, obscured or diminished.



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13th February 2026