



# *Government Gazette*

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## **SPECIAL SUPPLEMENT**

### **HERITAGE ACT, 1977**

#### **DIRECTION PURSUANT TO SECTION 34(1)(a) TO LIST AN ITEM ON THE STATE HERITAGE REGISTER**

#### **Sydney Opera House**

#### **SHR No 1685**

In pursuance of Section 34(1)(a) of the Heritage Act, 1977, I, the Minister Assisting the Minister for Infrastructure and Planning (Planning Administration), having considered a recommendation of the Heritage Council of New South Wales, direct the Council to list the item of environmental heritage specified in Schedule "A" on the State Heritage Register. This listing shall apply to the curtilage or site of the item, being the land described in Schedule "B". The item shall be subject, in addition to the standard exemptions prepared by the Heritage Council, to the site specific exemptions described in Schedule "C".

DIANE BEAMER  
Minister Assisting the Minister for  
Infrastructure and Planning (Planning Administration)

Parramatta, 3<sup>rd</sup> Day of December 2003

#### **SCHEDULE "A"**

The item known as the Sydney Opera House, situated on the land described in Schedule "B".

#### **SCHEDULE "B"**

All those pieces or parcels of land known as Lot 5 DP 775888 and Lot 4 DP 787933 in Parish of St James, County of Cumberland shown edged heavy black on the plan catalogued HC 1918 in the office of the Heritage Council of New South Wales.

**SCHEDULE "C"****Site Specific Exemptions**

1. All development applications authorised or lodged before the gazettal date of the Sydney Opera House listing on the State Heritage Register. These are:
  - "Proposed use of the northern broadwalk of the Opera House for events for a period of five years" (DA444-2003).
  - "The use of the southern forecourt of the Opera House for events (being low, medium and high impact events) for a potential maximum of 134 days per year (for a maximum 31 events per annum) over a three year period" (DA445-10-2003).
2. The use of the roof/shells as a place from which to project broadcasts or fireworks, for limited periods and on infrequent occasions, where this has no adverse effect on fabric rated "some", "considerable" or "exceptional" significance in the CMP.
3. The use of the roof/shells as a medium for the projection of colour or imagery when confined to exceptional, non-commercial occasions of brief duration, and only where this has no adverse effect on fabric rated "some", "considerable" or "exceptional" significance in the CMP.
4. All maintenance that is consistent with the CMP.
5. All repainting in areas identified in the CMP as having "some", "considerable" or "exceptional" significance, that employs the same colour scheme as an earlier scheme and maintains the general character.
6. All painting that is consistent with the CMP in areas identified in the CMP as having "low" significance or as being intrusive.
7. All repairs consistent with the CMP. Subject to Sydney Opera House assessment for heritage significance, the repair (such as re-fixing and patching) or the replacement of missing, damaged or deteriorated fabric that is beyond further maintenance, which matches the existing fabric in appearance, material and method of affixing, where this does not involve damage to or the removal of other fabric graded "some", "considerable" or "exceptional" significance in the CMP
8. Subject to Sydney Opera House assessment for heritage significance, all improvements to the operational efficiency and all changes to the backstage infrastructure of performance venues (such as widening the loading door or updating flying systems) 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.
9. Subject to Sydney Opera House assessment for heritage significance, all improvements to update and maintain technology requirements for providing industry standard information technology, telecommunications infrastructure and technical infrastructure 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.

10. All internal and external design and fit-out 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.
  12. While all efforts should be made to minimise visual impacts, all temporary security arrangements consistent with current and future risk/threat assessments provided by State and/or Commonwealth security agencies or by recognised security consultants commissioned by Sydney Opera House and the NSW Police.
  13. All permanent security arrangements where these have no adverse effect on fabric rated of "some", "considerable" or "exceptional" significance in the CMP and do not obstruct views identified as significant in the CMP. (Where a Development Application is required the Heritage Council will determine the application as soon as possible, i.e. no more than 3 days after receipt of public submissions where these are required, 5 days if not required.)
  14. Development consent for temporary or permanent security works is not required under s57(1) of the Heritage Act where;
    - (a) Integrated development for which consent has been granted by the consent authority that is consistent with the general terms of proposed approval that have been provided to the consent authority by the Heritage Council, provided that all conditions included in the general terms of approval have been complied with;
    - (b) Integrated development for which the consent has been modified by the consent authority pursuant to s96 of the Environmental Planning and Assessment Act 1979 in a manner that is consistent with any comments provided by the Heritage Council to the consent authority.
- Note 1 "Integrated development" and consent authority" have the same meaning as in the EP&A Act 1979. "General terms of proposed approval" means the 'general terms of any approval proposed to be granted by the approval body in relation to the development', as used in Division 5 of Part 4 of the EP&A Act 1979.*
- Note 2 Integrated development that is exempt under 14 b) above is not subject to the requirements in s65A of the Act in relation to modification of existing approvals.*
15. All signage that conforms to a Signage Manual prepared by the Sydney Opera House Trust and endorsed by the Heritage Council.

16. All temporary signage and all permanent signage that conforms to current practices, is consistent with the CMP and does not obstruct views identified as significant in the CMP. This exemption to operate only until the implementation of a Signage Manual prepared by the Sydney Opera House Trust and endorsed by the Heritage Council within 12 months from the date of listing.
17. Minor changes and repairs to existing signage (such as replacing the poster in an illuminated box).
18. Removal of signage identified as intrusive or of low significance in the CMP.
19. All signage on and within lower concourse shop fronts, where this has no adverse effect on fabric rated "some", "considerable" or "exceptional" significance in the CMP and does not obstruct views identified as significant in the CMP. This exemption to operate only until the implementation of Signage Manual prepared by the Sydney Opera House Trust and endorsed by the Heritage Council within 12 months from the date of listing.
20. All temporary signage associated with temporary structures which is generally consistent with the CMP and where this has no adverse effect on fabric rated "some", "considerable" or "exceptional" significance in the CMP and does not obstruct views identified as significant in the CMP. This exemption to operate only until the implementation of a Signage Manual prepared by the Sydney Opera House Trust and endorsed by the Heritage Council within 12 months from the date of listing.
21. All semi-permanent plasma and flat screen displays for the purpose of promoting performances and sponsors, that are consistent with the CMP, 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. This exemption to operate only until the implementation of a Heritage Council-endorsed Signage Manual within 12 months from the date of listing.
22. Small long-stay structures to house on-line information, ticketing and banking services in interior and exterior spaces, that are consistent with the CMP, 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.
23. The full-time operation of the "Dolce Vita" refreshment vending carts at six agreed locations around the site plus the short-term operation of additional vending carts as required for short periods for special events. This exemption is in force until 2012 when the vending cart contract concludes and this exemption can be reviewed.

24. Temporary structures (including stages, fencing, portable lavatories, food and beverage services and small marquees to display sponsorships) associated with special performance events to be erected on the forecourt, broadwalk, podium stairs and podium platform where they have no adverse effect on fabric rated "some", "considerable" or "exceptional" significance in the CMP, minimise the impact on views identified as significant in the CMP and are consistent with the design terms of the CMP as far as possible. These structures may be erected for low, medium or high impact events with the following frequencies: a maximum of 12 low impact events per annum, each lasting a maximum of 2 days; a maximum of 9 medium impact events per annum, each lasting up to 11 days for a total maximum of 50 days per annum; and a maximum of 5 high impact events per annum each lasting up to 7 days for a total maximum of 25 days per annum.

*Definitions*

- *Low Impact:* minimal temporary infrastructure with limited visual impact.
  - *Medium Impact:* marked visual and/or site access impact during the event itself but the scale and nature of infrastructure minimises such impact outside the performance/event time.
  - *High Impact:* requires infrastructure that has a marked visual and/or site access impact both during and around the event (the use of high fencing and/or temporary audience seating for more than 24 hours automatically makes an event High Impact).
25. A covered temporary structure on the western side of the northern forecourt of a maximum size of 400 square metres, inclusive of support infrastructure, to remain erected for a maximum of 21 days at a time and with a total maximum of 45 days per annum for infrequent special occasions, and to be consistent with the design terms of the CMP as far as possible.
26. A covered "permanent temporary" structure on the eastern side of the northern broadwalk, consistent with the design terms of the CMP, of a maximum size of 192 square metres, which can be expanded by another 192 square metres to 384 square metres in total. This expanded functions area may be erected on 12 days per month, generally in 3 blocks of 4 days for a maximum of 144 days per annum, where support infrastructure such as kitchens and toilets are situated inside the shells of the Opera House.
27. A covered temporary structure on the forecourt, which accommodates the design terms of the CMP as far as possible, of a maximum size of 2,500 square metres to be erected up to 6 times per annum, for a maximum of 7 days at a time or 28 days overall per annum, including installation and removal periods, where all associated support infrastructure such as kitchens, refrigeration and toilets are included under the main structure, and the impact on views identified as significant in the CMP is minimised, and public access is maximised.

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