



Inquiry into the Music and Arts Economy in NSW (14 September 2018 hearing)

Ben Marshall, Head of Contemporary Music, Sydney Opera House

Responses to Questions on Notice

Question 1

The ACTING CHAIR: *For how long will the Concert Hall be offline?*

Mr MARSHALL: *For two years.*

The ACTING CHAIR: *That issue has been raised with us during the inquiry, which is why I asked. You might like to take that on notice.*

Mr MARSHALL: *Yes, if I could.*

The ACTING CHAIR: *Get back to your director and advise us of the plans for the SSO.*

Mr MARSHALL: *Yes.*

The renewal of the Concert Hall is part of a package of capital works enabled by the NSW Government's \$202 million investment to ensure the Opera House continues to inspire generations of artists, audiences and visitors. The Concert Hall will be closed for 18 to 24 months from early 2020 for major upgrades to improve acoustics, accessibility, stage and backstage areas and theatre systems. These works will upgrade acoustic performance and equipment that has been surpassed by advancements in technology and maximise the Opera House's compliance with contemporary building codes and accessibility laws. It is vital the Opera House invests in new technology and systems to ensure the venue continues to meet orchestral and contemporary performance needs and the expectations of staff, resident companies, performers and audiences now and in the future.

The Hall is home to the Sydney Symphony Orchestra (SSO) and the Australian Chamber Orchestra. It also hosts the Opera House's own contemporary music and performance and talks and ideas programming and is a significant venue for hire by commercial producers, community groups and schools. We have been working very closely with the SSO to ensure the Renewal plans meet their needs for improved acoustics and accessibility. The Concert Hall is open for the next 16 months and we will work with our Resident Companies to make alternative arrangements and minimise the impact on performers, audiences and staff.

Question 2

The ACTING CHAIR: *Are you a unique venue, or do you have the same regulators as the pub up the road?*

Mr MARSHALL: *I believe we have the same regulators. It is the Environment Protection Authority [EPA]. We have our own DA and there is a set. In 2016 a new DA was signed for the Opera House to regulate noise on the forecourt and it is now a durational limit rather than an instantaneous limit.*

The Hon. JOHN GRAHAM: *I think it would be interesting to look at that on notice because that is not what the Committee has been told.*

Mr MARSHALL: *I could be wrong.*

The Sydney Opera House is a State, National and World heritage listed site and, as such, is subject to a range of State and Commonwealth planning and heritage instruments. In this way, regulation that applies to the Opera House is more extensive than most entertainment venues.

All development at the Opera House is declared to be State significant development in accordance with Part 2 and Schedule 2 of the *State Environmental Planning Policy (State and Regional Development) 2011* (SRD SEPP). In addition, the *State Environmental Planning Policy (State Significant Precincts) 2005* (SSP SEPP) provides exempt development provisions for minor development (including entertainment and events) within the Opera House precinct.

The NSW Minister for Planning is the consent authority for State Significant Development under the NSW *Environmental Planning and Assessment Act 1979*. For such development, an approval is also required from the Heritage Council under the *Heritage Act 1977* and (where there are potential impacts on National Heritage Values) an approval may also be required from the Commonwealth Minister for the Environment under the *Environment Protection and Biodiversity Conservation Act 1999*.

The Opera House's Forecourt has been used for public events and concerts for more than 40 years. Today, Forecourt events are regulated by development consent DA-445-10-2003 MOD 4 (2016) and the exempt development provisions of the SSP SEPP. These instruments control, amongst other things, the number of attendees, the duration and end time of the event, sound limits, lighting, pedestrian/crowd management and the type and positioning of infrastructure. In addition to the Department of Planning and Environment's regulatory role in relation to sound associated with outdoor events, the Environment Protection Authority (EPA) also has responsibilities and powers for managing noise from outdoor entertainment under the *Protection of the Environment Operations (POEO) Act 1997* and the *POEO (General) Regulation 2009*.