

PART 5. PROTECTION AND MANAGEMENT OF THE PROPERTY







5.A OWNERSHIP

The Sydney Opera House is publicly owned by the State Government of New South Wales. The administration and management of the property are vested with the Sydney Opera House Trust under the *Sydney Opera House Trust Act 1961* (NSW).

5.B PROTECTIVE DESIGNATION

Legislation and associated instruments have been established across national and state levels to ensure the comprehensive conservation and management of the heritage values of the Sydney Opera House. An overview table is provided below and detailed information is provided in Part 5.C.

Levels of government	Legislation and instruments	Policy and planning documents
Australian Government	<ul style="list-style-type: none"> • <i>Environment Protection and Biodiversity Conservation Act 1999</i> • <i>Australian Heritage Council Act 2003</i> 	
New South Wales Government	<ul style="list-style-type: none"> • <i>Environmental Planning and Assessment Act 1979</i> • <i>State Environmental Planning Policy (Major Projects) 2005</i> • <i>Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005</i> (Harbour REP) • <i>Sydney Opera House Trust Act 1961</i> • <i>Heritage Act 1977</i> 	<ul style="list-style-type: none"> • <i>Management plan for the Sydney Opera House 2005</i> • <i>Sydney Opera House: a plan for the conservation of the Sydney Opera House and its site 2003</i> • <i>Sydney Opera House Utzon design principles 2002</i> • <i>Minimum standards of maintenance and repair</i> • <i>State agency heritage guide</i>

Table 5.1 Legislation for managing the heritage values of the Sydney Opera House (including its site and the proposed buffer zone)

Regulatory designations

The Sydney Opera House and its site are protected by being listed on statutory heritage registers at all levels of government. These registers include specific provisions for managing the heritage values of the property:

- The Sydney Opera House was included in the National Heritage List on 12 July 2005 under the *Environment Protection and Biodiversity Conservation Act 1999* (Australian Heritage Database Place ID 105738).
- The Sydney Opera House was inscribed on the State Heritage Register of New South Wales on 3 December 2003 under the *Heritage Act 1977* (Heritage Item No. 1685).
- A buffer zone is proposed to protect the setting of the Sydney Opera House that will be managed through the *Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005* ('Harbour REP'). This is discussed in Part 5.D.

In line with best practice, extensive public consultation was undertaken for each heritage listing. The implementation of this regulatory framework is discussed in Part 5.C.

Other listings

On 21 October 1980 the Sydney Opera House was included in the Register of the National Estate which was established under the *Australian Heritage Commission Act 1975* and now maintained under the *Australian Heritage Council Act 2003* (Australian Heritage Database Place ID 2353).

The Sydney Opera House is included as a heritage item on the *Sydney Local Environmental Plan 2005* (CSI no. 1064, 2 East Circular Quay) enacted under the *Environmental Planning and Assessment Act 1979*.

The Sydney Opera House is listed on several other non-statutory heritage registers that indicate the esteem in which it is held within and outside Australia:

- Royal Australian Institute of Architects' Register of Significant Australian 20th Century Architecture, inscribed on 31 August 1990 (No. 4702929)
- National Trust of Australia (New South Wales) Register, listed on 21 November 1983 (No. 6088)
- International Working Party for Documentation and Conservation of Buildings, Sites and Neighbourhoods of the Modern Movement (DOCOMOMO) Register, formally listed by the Australian Working Party of DOCOMOMO on the Register in 2000
- DOCOMOMO International Advisory Report to ICOMOS entitled *The Modern Movement and the World Heritage List 1997* includes the Sydney Opera House on the list of modern buildings and sites suggested for the World Heritage List.

5.C MEANS OF IMPLEMENTING PROTECTIVE MEASURES

The heritage values of the Sydney Opera House, including its proposed buffer zone, are safeguarded through a robust protection and management regime. This includes a wide range of measures provided under planning and heritage legislation and policies of both the Australian Government and the New South Wales Government.

Australian Government legislation

Australia provides a high level of legal protection to its National Heritage and World Heritage properties. The *Environment Protection and Biodiversity Conservation Act 1999* established the National Heritage List to recognise and protect places of outstanding heritage value to the nation. The Sydney Opera House is a National Heritage place (see Part 5.B). In the event that the Sydney Opera House is inscribed on the World Heritage List, it will become a World Heritage property protected under the provisions of the *Environment Protection and Biodiversity Conservation Act 1999*. Any proposed action (for example, a development proposal) to be taken inside or outside the boundaries of a National Heritage place or a declared World Heritage property that may have a significant impact on these heritage values is prohibited without the approval of the Minister for the Environment and Heritage. The legislation requires that actions that may have a significant impact on National Heritage or World Heritage values must be subject to a rigorous assessment and approval process. The Minister makes the final decision on whether or not to approve the action.

Australia's obligations under the World Heritage Convention are reflected in the provisions of the *Environment Protection and Biodiversity Conservation Act 1999*. The Australian World Heritage management principles contained in this legislation promote a nationally consistent standard for the management of Australian World Heritage properties. Under the legislation the Australian Government may, through a bilateral agreement, delegate responsibility for conducting impact assessments and deciding whether to grant approval for any actions or proposals to a state or territory government. In 2005 the Australian Government and the New South Wales Government entered into a bilateral agreement for the Sydney Opera House. The agreement declares that actions approved by the New South Wales Government, in accordance with a bilaterally accredited management plan, do not require approval by the Australian Government Minister. The *Management plan for the Sydney Opera House 2005* that has been accredited under this legislation is discussed in Part 5.E.

The Australian Heritage Council was established under the *Australian Heritage Council Act 2003* and appointed by the Minister for the Environment and Heritage. The council is an independent body of heritage experts that provides advice to the Minister on a range of heritage matters. It provides advice on the conservation and protection of places on the National Heritage List including monitoring their condition. The council also provides advice on national policies relating to heritage issues.

New South Wales Government legislation

The *Environmental Planning and Assessment Act 1979* provides for the proper management, development and conservation of the natural and built environment in New South Wales. The legislation requires that proposals comply with relevant planning controls and are environmentally and socially sustainable according to their nature and scale. Before a proposal can be undertaken on the Sydney Opera House site it is subject to rigorous assessment by qualified planners, urban designers and heritage experts. This process involves consultation with the public and interested parties and identifies all likely impacts. Approval cannot be granted unless there has been an assessment and consideration of the impacts of the proposed action or proposal on the heritage values of the Sydney Opera House. If approved, the proposal may be subject to conditions of approval to ensure that the heritage values are conserved and protected. These conditions are monitored and enforced (see Part 5.D). Civil and criminal proceedings for a breach of any approval may be taken before a local court or the New South Wales Land and Environment Court.

The *Heritage Act 1977* provides protection for places of natural and cultural heritage significance. It provides for the listing of heritage items or places on the State Heritage Register and the making of orders for their protection. The Sydney Opera House is listed as a heritage place (see Part 5.B). Any development application for the property must be considered for approval by the New South Wales Heritage Council. In addition, the *Minimum standards of maintenance and repair*, created under the legislation, require that the Sydney Opera House site is kept to a mandatory standard of care and maintenance. The property is also subject to guidelines that regulate heritage items owned by New South Wales Government agencies under the legislation. The *State agency heritage guide* sets standards for the day-to-day care of places owned by New South Wales Government agencies and establishes the integration of heritage matters into overall asset management.

Offences

Australian Government and New South Wales Government legislation have provisions to impose financial penalties or imprisonment for actions that may have an adverse impact on the heritage values of the Sydney Opera House. The *Environment Protection and Biodiversity Conservation Act 1999* contains substantial penalties for civil and criminal offences that apply when the provisions of the Act that protect the heritage values of a World Heritage property or a National Heritage place are contravened. Penalties that may be imposed include civil penalties of up to A\$550 000 for individuals or A\$5.5 million for a body corporate; and criminal penalties of up to A\$46 200 and/or seven years imprisonment for an individual and A\$231 000 for a corporation. In addition the Minister for the Environment and Heritage, or persons or organisations who satisfy certain statutory requirements, can apply for an injunction to restrain a person who may be about to take such an action. The *Heritage Act 1977* outlines penalties for convicted third parties including fines of over A\$1 million and imprisonment for up to six months. The *Sydney Opera House Trust Act 1961* provides penalties including imprisonment ranging from two to seven years for convicted third parties.

5.D EXISTING PLANS RELATED TO MUNICIPALITY AND REGION IN WHICH THE PROPOSED PROPERTY IS LOCATED

A number of environmental planning instruments provide further protection and management of the heritage values of a listed property. The management of these instruments is the responsibility of the New South Wales Department of Planning in consultation with other relevant state agencies including the New South Wales Heritage Office. Contact information is detailed in Parts 8.A and 8.C.

Statutory plans

State Environmental Planning Policy (Major Projects) 2005 (NSW)

The policy identifies the Sydney Opera House as a 'state significant site'. All activities on the site are given a high level of consideration and assessment under the *Environmental Planning and Assessment Act 1979*. Activities cannot proceed without the consent of the Minister for Planning.



5.2

Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005 (NSW) (Harbour REP)

The Harbour REP contains principles and provisions for planning for the Sydney Harbour Catchment including the Sydney Opera House site (called the Foreshores and Waterways Area). Under the provisions for this area, the Minister for Planning is required to consider a range of matters such as ecology and environmental protection, protection and enhancement of views, public access and preserving the scenic quality of the foreshores and waterways. The Harbour REP also includes the waterway abutting the Sydney Opera House.

Proposed buffer zone: management of the setting of the Sydney Opera House

In the event that the Sydney Opera House is inscribed on the World Heritage List, a buffer zone will come into force by an amendment to the Harbour REP. The buffer zone will be subject to additional planning rules and provisions aimed at further protecting the World Heritage values of the property. The Minister for Planning will be required to ensure that any development within the buffer zone satisfies certain criteria for consideration before granting consent under the Harbour REP.

Figure 5.2 The Sydney Opera House, aerial view illustrating the relationship with the harbour, 2005

To be approved, a development will need to preserve the World Heritage values of the Sydney Opera House; to preserve views and vistas between the property and other public places within the buffer zone; and to avoid any diminution of the Sydney Opera House when viewed from other public places within that zone. Any proposed development within the buffer zone would need to address these matters in its application. A copy of the Harbour REP and a copy of the exhibited draft amendment (buffer zone) are included as supporting documentation to this nomination.

5.E PROPERTY MANAGEMENT PLAN OR OTHER MANAGEMENT SYSTEM

Management plan for the Sydney Opera House 2005

The *Management plan for the Sydney Opera House 2005* was prepared by the New South Wales Government in consultation with the Australian Government as part of the bilateral agreement under the *Environment Protection and Biodiversity Conservation Act 1999*. Full consultation with interested parties and the general public was carried out during the development of the plan. The plan sets out the environmental impact assessment and approval requirements and the management arrangements that operate to protect the National Heritage and World Heritage values of the property. The plan includes the Conservation Plan (SOH) and the Utzon Design Principles—two documents that are described in more detail below (see also Part 4). Together these three documents provide the policy framework for the conservation and management of the Sydney Opera House.

The plan draws on a range of other documents that collectively underpin the total asset management and protection strategy of the Sydney Opera House. These include strategic building plans; strategic asset maintenance plans; a building standards manual; building asset strategy plans; emergency plans; security plans and policies; and a crisis management plan. These documents represent a cohesive strategy to conserve the heritage values of the property and maintain its reputation as a leading performing arts centre. They are reviewed and updated regularly. Arrangements to support the total asset management and protection strategy of the Sydney Opera House are detailed in Part 6.A.

The plan provides a complete framework to protect and conserve the heritage significance of the Sydney Opera House. It sets out the role of the Conservation Plan (SOH) and the Utzon Design Principles in the context of the various levels/jurisdictions of legislative control. The plan provides a link between these practical documents and the legislation. It provides a sound basis for decision-making in relation to any future development and evolution, modification and change, as well as for the day-to-day management of the property including minor management proposals. All management decisions must be carried out in accordance with the plan. A copy of the plan is included as supporting documentation to this nomination.



5.3

Sydney Opera House: a plan for the conservation of the Sydney Opera House and its site 2003 (Conservation Plan (SOH))

The Conservation Plan (SOH) is a highly effective management tool for the property. It provides sound and comprehensive guidance for the management of the Sydney Opera House. The plan identifies the heritage significance of the site, assesses the levels of heritage significance to be assigned to the various elements of the site and its fabric, contains detailed policies to manage the heritage values, gives guidance on managing any necessary change or upgrade in

a way which retains and respects these values, and identifies procedures for the monitoring and review of these processes. Issues are addressed that are relevant to the short- and long-term management and maintenance of the property including its function and its fabric. Each set of policies begins with the broad principles, specific policies then being identified for areas where detailed consideration is necessary.

The Conservation Plan (SOH) is consistent with international best practice and has been successfully implemented. It identifies the consideration of heritage values as central to the design, management and maintenance of the property. The Sydney Opera House Trust has engaged the services of a specialist heritage consultant to provide advice and comment, as well as assistance with all matters where there are heritage implications (see also Part 5.G). The Conservation Plan (SOH) is included as supporting documentation as Appendix A of the *Management plan for the Sydney Opera House 2005*.

The Sydney Opera House Utzon design principles 2002 (Utzon Design Principles)

The Utzon Design Principles are a record of Utzon's vision for the building and its setting and his views about its future. As a reference document that explains the design principles of the building it provides a framework within which the building and site may evolve and develop to meet the changing demands of this major performing arts centre, while conserving the heritage values of the site and retaining its authenticity. The Utzon Design Principles are included as supporting documentation as Appendix B of the *Management plan for the Sydney Opera House 2005*.

Figure 5.3 The Conservation Plan (SOH), 2003



5.F SOURCES AND LEVELS OF FINANCE

The Sydney Opera House is financed from a number of different sources. The administration and maintenance of the Sydney Opera House and its operations are funded by New South Wales Government grants, earned income from the provision of facilities and services by the Sydney Opera House, corporate sponsorship and philanthropy. An annual endowment for the operations of the Sydney Opera House Trust is provided by the New South Wales Ministry for the Arts. In the financial year 2005–06 this endowment totalled A\$14.3 million. The ministry also funds ongoing building and maintenance requirements. In 2005–06 these funds totalled A\$19.6 million. Capital funding may also be provided by the New South Wales Ministry for the Arts, on a project-by-project basis. In 2005–06 these funds totalled A\$7.1 million. In addition, the Australian Government may provide financial assistance for the identification, promotion, protection or conservation of a National Heritage place through initiative or incentive programs.



5.4

5.G SOURCES OF EXPERTISE AND TRAINING IN CONSERVATION AND MANAGEMENT TECHNIQUES

The Sydney Opera House Trust is in the privileged position of managing the property with policies developed by Australia's most respected conservation consultant, James Semple Kerr, (the Conservation Plan (SOH)), and with the benefit of the principles set down by the building's creator, Jørn Utzon, (the Utzon Design Principles).

The Sydney Opera House Trust established a conservation council in 1996 to provide specialist advice about issues of heritage significance. The Sydney Opera House Conservation Council includes representatives from the Sydney Opera House Trust, the New South Wales Government Architect's office, eminent government and private sector specialists with recognised expertise in architecture, heritage and conservation, engineering and performing arts, and the Sydney Opera House's executive management. Their key responsibilities are to conduct annual inspections and review significant works, the Conservation Plan (SOH) and expenditures.

Maintenance, day-to-day operations and strategic planning all draw on a range of expertise to assess the heritage implications of proposed activities. Considerable 'in-house' expertise and experience has been accumulated, particularly in the professional and technical areas. This knowledge has been passed on to new staff. Where appropriate, new and existing staff undertake training in the heritage values of the property and their protection. Heritage expertise and appropriate training are provided from various other sources which are outlined as followed.

Figure 5.4 The Sydney Opera House Trust Conservation Council, 2005



5.5

- An on-site heritage consultant provides advice on the development of maintenance techniques for concrete, bronze and other significant materials.
- Heritage architects provide advice on a wide range of issues from asset maintenance strategies to heritage impact assessments for capital works.
- Building fabric and services consultants and contractors have expertise in heritage buildings.
- The New South Wales Heritage Office provides advice and acts as a conduit to specialist expert services in conservation and management techniques as well as training.
- The Australian Government Department of the Environment and Heritage provides advice on the identification, promotion, protection and conservation of National Heritage places and World Heritage properties.

5.H VISITOR FACILITIES AND STATISTICS

It is estimated that over four million people visit the Sydney Opera House site annually. Over one million of these visitors attend more than 1700 live performances per annum, making it one of the world's busiest performing arts venues. The Sydney Opera House site also functions as a grand public gathering place and is host to a variety of function-specific facilities as well as general services. The large public events of New Year's Eve attract around 10 000 people to the site to celebrate and watch the fireworks which are broadcast internationally. The exterior of the building is accessible to the public at all times. During the day, guided tours of the interior regularly attract large numbers of international and national tourists as well as Australian school children. Tours are available daily which explain the building's history and architecture.

Figure 5.5 Guided tours are conducted by the Sydney Opera House Trust.



5.6

Venues

There are eight primary venues at the Sydney Opera House. These are the Concert Hall (maximum seating capacity 2679); the Opera Theatre (maximum seating capacity 1507); the Drama Theatre (maximum seating capacity 544); the Playhouse (maximum seating capacity 398); the Studio (seating capacity from 220–318); the Exhibition Hall (maximum standing capacity up to 300); the Utzon Room (a multi-purpose venue, maximum capacity 270 people); and the forecourt (an open air venue south of the shells which can accommodate up to 6000 people).

Restaurants

There are a variety of restaurants, cafés and bars on the site catering to a diversity of experiences from fine dining to casual outdoor eating. These food and beverage outlets serve over two million customers each year.

Shopping

Retail shops at the Sydney Opera House sell gifts, souvenirs and Sydney Opera House officially licensed products. These retail outlets serve an estimated 200 000 customers each year.

Accessibility

The exterior areas of the Sydney Opera House site are accessible at all times. The Sydney Opera House building is open daily except for Christmas Day and Good Friday. The internal performance spaces are accessible for performances and tours. Public transport (bus, ferry, taxi and train) is available within a short walking distance. A free shuttle service operates between Circular Quay and the Sydney Opera House for elderly and less mobile visitors. An underground car park accommodates 1200 cars with covered pedestrian access to the lower concourse.

Figure 5.6 The Sydney Opera House web site includes a virtual tour.

The Sydney Opera House has an access plan designed to improve provision of barrier-free access to the building, to the site and to services. The plan includes key goals and specific projects in the areas of physical access, promotion of community attitudes, training of staff and information about services. Recent work done under the plan includes the following:

- A series of access audits was undertaken (in 1997, 1999 and 2000) to establish the needs of customers with disabilities and older people, and to assist in identifying impediments to access.
- Access training is conducted for managers, supervisors and front of house usher staff.
- Accessible furniture was introduced as a Sydney Opera House standard in various staff work areas (1999).
- A free wheelchair-accessible bus was introduced to transport elderly and less mobile visitors between Circular Quay and the Sydney Opera House (2004).
- Accessible toilet facilities were installed adjacent to the box office foyer (2004) and the western foyers (2000).

5.1 POLICIES AND PROGRAMS RELATED TO THE PRESENTATION AND PROMOTION OF THE PROPERTY

The Sydney Opera House conducts a program of organised tours that include the foyers, theatres and other venues, technical backstage areas and dressing rooms for around 250 000 tourists each year. The most popular guided tour includes an overview of the Sydney Opera House, its history, the unique architecture, recent developments and an insight into the culture of the performing arts at the Sydney Opera House. In late 2004 the Museum of Sydney scheduled a major exhibition about Utzon and the evolution of the Sydney Opera House entitled *The studio of Jørn Utzon*.

The Sydney Opera House web site <<http://www.sydneyoperahouse.com>> contains information about administration and management of the Sydney Opera House, the building, performances, tours and current events. Close to 30 per cent of all tickets are now sold via the internet and a growing number of international visitors make bookings at Sydney Opera House online before leaving their home country. Web site visitors can take a virtual tour of the building and its site.

5.J STAFFING LEVELS (PROFESSIONAL, TECHNICAL, MAINTENANCE)

A range of professional, technical and maintenance staff are employed at the Sydney Opera House on permanent, temporary and casual contracts. The total number of staff was 654 as at 28 February 2005, comprising 305 permanent and 349 casual/temporary staff. This figure does not include the staff, performers or crew of resident or visiting companies. The occupational breakdown of staff is outlined below.

Occupational category	Number of staff
Executive	7
Administration	189
Trades (electricians, fitters, building engineers)	42
Technical (staging, lighting and sound/audiovisual)	168
Customer service	229
Occupational health and safety	19
Total	654

Table 5.2 Sydney Opera House staff as at 28 February 2005