

Secretary's Environmental Assessment Requirements

Schedule 2 of the Environmental Planning and Assessment Regulation 2000

Section 78A(8A) of the *Environmental Planning and Assessment Act 1979*

Application Number	SSD 6471
Proposal Name	Sydney Modern
Location	Art Gallery Road, Art Gallery of NSW, Sydney
Applicant	Art Gallery of NSW Trust
Date of Issue	21 May 2014
General Requirements	<p>The Environmental Impact Statement (EIS) must address the <i>Environmental Planning and Assessment Act 1979</i> and meet the minimum form and content requirements in clauses 6 and 7 of Schedule 2 of the Environmental Planning and Assessment Regulation 2000.</p> <p>Notwithstanding the issues specified below, the EIS must include an environmental risk assessment to identify the potential environmental impacts associated with the development.</p> <p>Where relevant, the assessment of the key issues below, and any other significant issues identified in the assessment, must include:</p> <ul style="list-style-type: none"> • Adequate baseline data. • Consideration of potential cumulative impacts due to other development in the vicinity. • Measures to avoid, minimise, and if necessary, offset the predicted impacts, including detailed contingency plans for managing significant risks to the environment. <p>The EIS must be accompanied by a report from a qualified quantity surveyor providing:</p> <ul style="list-style-type: none"> • A detailed calculation of the capital investment value (as defined in clause 3 of the Environmental Planning and Assessment Regulation 2000) of the proposal, including details of all assumptions and components from which the CIV calculation is derived. • An estimate of the jobs that will be created by the development. • Certification that the information provided is accurate at the date of preparation.
Key Issues	<p>The EIS must address the following specific matters:</p> <p>1. Statutory and Strategic Context</p> <p>Demonstrate that the application will comply with the requirements set out in the following provisions:</p> <ul style="list-style-type: none"> • Address the relevant statutory provisions applying to the site, contained in the relevant EPIs, including: • <i>State Environmental Planning Policy (State and Regional Development) 2011</i>; • <i>State Environmental Planning Policy 55 - Remediation of Land</i>; • <i>State Environmental Planning Policy (Infrastructure) 2007</i>; • <i>State Environmental Planning Policy No.64 – Advertising & Signage</i>; • <i>Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005</i>; and • <i>Sydney Local Environmental Plan 2012</i>.

→ *Permissibility*

Detail the nature and extent of any prohibitions that apply to the development.

→ *Development Standards*

Identify compliance with the development standards applying to the site.

- Address the relevant planning provisions, goals and strategic objectives in the following:
 - NSW 2021;
 - Draft Metropolitan Plan for Sydney to 2031;
 - City of Sydney Competitive Design Policy;
 - Draft Master Plan for the Royal Botanic Garden and Domain;
 - Conservation Management Plan for The Royal Botanic Garden and Domain;
 - Draft Sydney City Sub-Regional Strategy;
 - Planning Guidelines for Walking & Cycling;
 - Sydney City Centre Access Strategy; and
 - Sydney's Cycling Future.

2. Design Excellence, Built Form, Urban Design and Land Use

- Outline the design process leading to the proposal and justify the suitability of the site for the proposed expansion of the Art Gallery, including alternatives considered.
- Outline and address any comments provided by the design selection panel.
- Demonstrate design excellence with specific consideration to the site's landscape/horticultural character and heritage, its layout, setbacks, architectural design, materials, articulation and detailing, amenity, views and vistas, open spaces and public domain, connectivity and street activation.
- Address the height, bulk and scale of the proposed development within the context of the locality and its surrounds.
- Provide a table identifying the proposed development's different land uses, including a floor-by-floor breakdown of GFA, total GFA and site coverage.
- A visual impact assessment is to be provided to identify the visual changes and impacts on the site and its surrounds when viewed from key vantage points (see plans and documents section).

3. Amenity

- Address and outline design principles incorporated into the development in terms of sunlight/overshadowing, natural ventilation, wind impacts, reflectively, visual and acoustic privacy, and safety and security.
- The design principles incorporated into the development must also ensure that The Royal Botanic Garden and Domain's (RBGD) high level of environmental amenity is preserved.

4. Ecologically Sustainable Development (ESD)

- Detail how ESD principles (as defined in clause 7(40) of Schedule 2 of the EP&A Regulation 2000) will be incorporated in the design, construction and ongoing phases of the development.
- Outline resource, energy and water efficiency initiatives, including the use of sustainable technologies and/or renewable energy.
- Provide an integrated Water Management Plan including alternative water supply, proposed end uses of potable and non-potable water, water sensitive urban design and water conservation measures.

5. Landscape Character, Public Domain and Public Access

- Address the potential impacts on the landscape character and use of publicly accessible green space of the RBGD, and outline measures to

mitigate/offset these impacts.

- Identify proposed streetscape, open space, public domain and key pedestrian linkages with and between other public domain spaces, existing and proposed Art Gallery of NSW buildings and surrounding areas.
- Identify important sight lines and visual connectivity to and through the site.
- Identify event management and opportunities for passive recreation.
- Outline specific design features:
 - Footpaths and pavements, roads and/or rights of carriageways;
 - Materials and finishes;
 - Public art;
 - Furniture and fixtures;
 - Street lighting, pedestrian lighting and feature lighting;
 - Edges, screens and fences;
 - Walls, embankments and mounds;
 - Steps, ramps, vehicle crossings, decks and pathways;
 - Services where affected, utility poles, and service pits;
 - Civil and stormwater infrastructure;
 - Tree planting;
 - Mass planting beds, planter boxes and individual plantings; and
 - Bicycle parking.

6. Transport, Traffic, Car Parking and Access

- The EIS shall include a Traffic Impact Assessment that:
 - Evaluates daily and peak traffic movements likely to be generated by the development (construction and operation), including peak traffic movements during special events;
 - Models and assesses the performance of key intersections providing access to the site, and any upgrades (road/intersections) required as a consequence of the development;
 - Evaluates the cumulative impacts and potential conflict with traffic movements generated by existing uses, including the RBGD;
 - Identifies pedestrian and cycle connections/circulation and required upgrades to meet the likely future demand within the precinct and connections to the external networks, particularly the cycle network identified in the Sydney City Centre Access Strategy;
 - Outlines existing public transport services and opportunities for greater usage for workers and visitors;
 - Details sustainable travel initiatives for workers and visitors, particularly for the provision of end-of-trip facilities;
 - Details existing and proposed vehicular access and car parking arrangements for workers and visitors (cars, coaches/buses & taxi ranks), including compliance with parking codes and Australian Standards;
 - Details access arrangements for emergency and service vehicles; and
 - In relation to construction traffic:
 - assess and detail the impacts on the Cahill Expressway to ensure the development does not adversely impact on its safe and efficient movement;
 - outline anticipated truck movements to and from the site;
 - outline car parking and work zones for construction traffic; and
 - outline access arrangements for workers to/from the site, emergency vehicles and service vehicle movements.

→ *Relevant Policies and Guidelines*

- *Guide to Traffic Generating Development*
- *EIS Guidelines – Road and Related Facilities (DoPI)*
- *NSW Planning Guidelines for Walking and Cycling.*

7. Heritage and Aboriginal Heritage

- Prepare a statement of heritage impact which identifies:
 - All heritage items (state and local) including built heritage, landscapes and archaeology, and detailed mapping of these items, and why the items and site(s) are of heritage significance;
 - What impact the proposed works will have on their significance including;
 - The heritage significance of the RBGD and Art Gallery;
 - The loss of parkland for the purpose of extending the Art Gallery;
 - The RBGD oil tanks;
 - Changing the current boundaries of the RBGD and, in particular, shifting the Art Gallery's main entrance away from its current position; and
 - The RBGD's social significance.
- Prepare an archaeological assessment of the likely impacts of the proposal on any Aboriginal cultural heritage, European cultural heritage and other archaeological items and outline proposed mitigation and conservation measures.
- Prepare an interpretation strategy that includes the provision for interpretation of any archaeological resources uncovered during the works.

→ Relevant Policies and Guidelines

- *Conservation Management Plan for The Royal Botanic Garden and Domain*
- *NSW Heritage Manual*
- *Draft Guidelines for Aboriginal Cultural Heritage Impact Assessment and Community Consultation 2005*
- *Aboriginal Cultural Heritage Consultation Requirements for Proponents 2010*

8. Contamination

- Demonstrate compliance with the requirements of SEPP 55.
- If remediation works are required, the EIS must include a Remedial Action Plan (RAP). The RAP must be prepared in accordance with the contaminated land planning guidelines under section 145C of the *Environmental Planning and Assessment Act 1979* and relevant guidelines produced or approved under section 105 of the *Contaminated Land Management Act 1997*.
- The RAP must be accompanied by a Site Audit Statement prepared by a NSW EPA accredited site auditor certifying that the site is suitable for the proposed use(s).

→ Relevant Policies and Guidelines

- *Managing Land Contamination, Planning Guidelines, SEPP 55 – Remediation of Land 1998*.
- Guidelines produced or approved under section 105 of the *Contaminated Land Management Act 1997*.

9. Flora and Fauna

- Where relevant, address the impacts on flora and fauna, including (if applicable) known and potentially occurring threatened species, populations and endangered ecological communities and their habitats.

10. Infrastructure

- Detail any infrastructure proposed to service the development and demonstrate that the site can be suitably serviced.
- Detail the existing infrastructure on site, and identify any possible impacts on infrastructure (particularly on the Cahill Expressway/Eastern Distributor) arising from the construction of the proposed building.

- Where the proposed works affect existing infrastructure, the application should detail any mitigation works proposed, including service relocations.
- Prepare an Infrastructure Management Plan. The applicant shall provide information on the required water and waste water services, electricity and gas and any augmentation of Sydney Water and RMS infrastructure that may be required for the proposed development.

11. Air, Noise and Odour

- Address potential air quality, noise and odour impacts, in particular during the construction and operation of the development and appropriate mitigation measures.

→ *Relevant Policies and Guidelines*

- *NSW Industrial Noise Policy (EPA)*
- *Interim Construction Noise Guideline 2009 (EPA)*
- *Assessing Vibration: A Technical Guideline 2006*
- *NSW Road Noise Policy (DECCW 2011)*
- *Development Near Rail Corridors and Busy Roads (DoPI)*

12. Drainage and Stormwater

- Prepare a Stormwater and Drainage Assessment to assess the impacts of the proposal on surface and groundwater hydrology and quality.
- Identify appropriate water quality management measures focussing on the management of the impacts from the proposed works.
- Prepare a Water Management Plan. This should include stormwater and wastewater management, including any re-use and disposal requirements, demonstration of water sensitive urban design and any water conservation measures.

13. Sediment, Erosion and Dust Controls

- Identify measures and procedures to minimise and manage the generation and off-site transmission of sediment, dust and particles.

→ *Relevant Policies and Guidelines*

- *Managing Urban Stormwater – Soils & Construction 4th Edition (Landcom)*
- *Approved Methods for the Modelling and Assessment of Air Pollutants in NSW (EPA)*

14. Waste

- Assess the waste impacts and their management during construction and operation. Consideration should also be given to the assessment and management of any acid sulfate soil and potential acid sulfate soil.

→ *Relevant Policies and Guidelines*

- *Waste Classification Guidelines Part 1: Classifying Waste 2009*
- *Waste Classification Guidelines Part 4: Acid Sulfate Soils (EPA)*
- *Acid Sulfate Soils Manual 1996 (ASSMAC)*
- *Waste Avoidance and Resource Recovery Act 2001*

15. Land Ownership

- Identify and outline how lands will be transferred, owned and managed.

16. Staging

- Details regarding the staging of the proposed development.

	17. Contributions <ul style="list-style-type: none"> • Address any relevant contribution requirements
Consultation	<p>During the preparation of the EIS, you must consult with the relevant local, State or Commonwealth Government authorities, service providers, community groups and affected landowners.</p> <p>In particular you must consult with:</p> <ul style="list-style-type: none"> • The Royal Botanic and Domain Trust; • City of Sydney Council; • Roads and Maritime Services; • Transport for NSW; • Heritage Council; • Sydney Water; • Local heritage group/s; and • Local Aboriginal Land Council and relevant stakeholders.
Further consultation after 2 years	<p>If you do not lodge a development application and EIS for the development within 2 years of the issue date of these SEARs, you must consult further with the Secretary in relation to the preparation of the EIS.</p>
References	<p>The assessment of the key issues listed above must take into account relevant guidelines, policies, and plans as identified. While not exhaustive, the following attachment contains a list of some of the guidelines, policies, and plans that may be relevant to the environmental assessment of this proposal.</p>

Plans & Documents

Plans and Documents

The following plans and relevant documentation shall be submitted;

1. An **existing site survey plan** drawn at an appropriate scale illustrating:
 - the location of the land, boundary measurements, area (sqm) and north point;
 - the existing levels of the land in relation to buildings and roads;
 - location and height of existing structures on the site;
 - location and height of adjacent buildings and private open space; and
 - all levels to be to Australian Height Datum (AHD).
2. A **locality/context plan** drawn at an appropriate scale should be submitted indicating:
 - significant local features such as parks, community facilities and open space and heritage items;
 - the location and uses of existing buildings, shopping and employment areas; and
 - traffic and road patterns, pedestrian routes and public transport nodes.
3. **Drawings** at an appropriate scale illustrating:
 - the location of any existing building envelopes or structures on the land in relation to the boundaries of the land and any development on adjoining land;
 - detailed plans, sections and elevations of the development;
 - the height (AHD) of the proposed development in relation to the land; and
 - any changes that will be made to the level of the land by excavation, filling or otherwise.
4. **Landscape plan** illustrating treatment of open space areas on the site.
5. **3D modelling** and a physical model of the proposed modifications shall be prepared in accordance with City of Sydney's requirements.
6. **Shadow diagrams** showing solar access to the site and surrounding areas at summer solstice (Dec 21), winter solstice (June 21) and the equinox (March 21 and September 21) at 9.00 am, 12.00 midday and 3.00 pm.

7. Visual Impact Assessment:

The visual impact assessment, including focal lengths, must be done in accordance with Land and Environment Court requirements.

Visual assessment methodology

- The consultant's methodology should be explicit. This may include a flow-chart indicating how the analysis is to be undertaken, or a narrative description of the proposed sequence of activities.
- As part of the methodology, the consultant should provide, and explain, criteria for assessment relevant to the site, local context and proposed built form and public domain outcomes. A rationale should be provided for the choice of criteria. Criteria must include reference to the planning framework.
- Visual catchment should be defined and explained (see below).
- An assessment matrix should be produced including number of viewers, period of view, distance of view, location of viewer to determine potential visual impact - i.e. high, medium or low.

Visual catchment

- Potential visual catchments and view locations, including contours (areas from which the development is visible) should be identified. This must include, but is not limited to, numerous key locations with the RBGD, Macquarie Street, Cahill Expressway, Art Gallery Road, Mrs Macquarie Road, Lincoln Crescent, Cowper Wharf Roadway, Woolloomooloo Bay and Victoria Street.
- Categories of views (e.g. from the water, from public open space, from key streets, from main buildings and from key heritage items) should be defined.
- Photos are required for representative view categories, plotted on a map.

	<p>Visual material</p> <ul style="list-style-type: none"> • Reference to be made to site analysis. • Provide key plan indicating where viewpoints are located and narrative explaining why these have been selected. • The modified and approved built form should be illustrated in the context of the visual catchment to enable assessment of the visual impact. • The location of cross-sections should be clearly shown on a key plan and the choice of positions explained. The cross sections should be shown in the context of the visual catchment. • Vertical exaggeration should provide an accurate rather than 'flattened' impression of buildings in the context of the visual catchment. • A key plan must be provided for photomontages. In addition, the choice of locations should be explained. Photomontages should be provided for close as well as distant views. • Assessment must benchmark against the existing situation with the proposed plans. • Photomontages to be provided for key viewpoints from all directions, and from several positions within the visual catchment. • As above, support visual evidence such as cross sections to be drawn to realistic scales and shown in context. • A comparison of 'before', 'approved' and 'proposed' is fundamental to a visual impact assessment, therefore the visual impact assessment (A3 in size) should be undertaken using human eye focal lengths (50mm at 35mm FX format and 46° angle of view) from long range, medium range and short range positions so that they can be assessed with respect to visibility, visual absorption capacity and visual impact rating.
Documents to be submitted	<ul style="list-style-type: none"> • 1 hard copy and 1 electronic copy of all the documents and plans for the Test of Adequacy; • 10 hard copies of the documents (once the application has been determined adequate); • 10 hard copies of the plans in full colour at A3 and 2 hard copies of the plans in full colour at A0 or A1 (whichever is to scale); • 3 copies of photomontage boards at A0 in size illustrating the key visual/design elements of the proposal; and • 10 copies of all the documentation and plans on CD-ROM (PDF format) not exceeding 5Mb in size.