

Art Gallery of New South Wales Expansion: Sydney Modern

Response to Submissions—Heritage

Report prepared for the Art Gallery of NSW

April 2018



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Report Register



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1.0 Introduction

This Response to Submissions report (RTS) has been prepared to supplement the Heritage Impact Statement (HIS), March 2018, prepared by GML Heritage Pty Ltd (GML) for the Art Gallery of NSW Expansion Project—Sydney Modern. It responds to and addresses submissions made by state agencies (the Department of Planning and Environment, Office of Environment and Heritage and the Heritage Council) where they relate to potential heritage impacts. Elton Consulting and Architectus (planning) have addressed public submissions received in its supplementary report.

The Art Gallery of NSW Expansion Project—Sydney Modern comprises the revitalisation of the Art Gallery of NSW and the construction of a new landmark gallery building adjacent to the Phillip Precinct of the Domain. The project is the strategic vision and masterplan presented by the Art Gallery of NSW in 2013 to transform the place into an art museum for the twenty-first century.

The proposal has been subject to the State Significant Development (SSD) Application process and a HIS was prepared by GML and submitted with the SSD Application in November 2017. The November 2017 HIS assessed the potential impacts of the proposed Art Gallery of NSW Expansion Project on heritage items, conservation areas, Aboriginal archaeology and historical archaeology, including the proposed seawater heat exchange system along the Woolloomooloo foreshore. It was included in the Environmental Impact Statement (EIS) for the project and was exhibited for public and agency review.

During exhibition, state agency submissions on the proposal were received by the Department of Planning and Environment, the Office of Environment and Heritage and the Heritage Council. These submissions included requests for further detail of the proposal and further information to more fully understand heritage impacts as well as requests for design amendment to mitigate potential heritage impacts. GML has now revised the heritage impact assessment and prepared a March 2018 HIS report so that it assesses the modified DA drawing package and the landscape DA package (issued 6 April 2018).

1.1 Design Changes and Evolution

The design of the Sydney Modern has been amended to both address the range of issues raised in the submissions and to accommodate the evolution of the design. The design has evolved due to the further definition of the project and its functional requirements and in response to issues raised in submissions. This has resulted in a preferred project design. The key changes are set out in Section 2.0.

Many of the heritage issues raised in submissions have been addressed by the design amendments in the preferred project design. Other issues have been addressed by further assessment and additional information given in new, discrete reports and future studies—notably Aboriginal cultural heritage and maritime archaeology have been addressed separately.

1.2 Heritage Impacts

The March 2018 HIS has been prepared to assess the potential heritage impacts of the revised project design. This RTS Heritage report should be read in conjunction with the Response to Submissions (planning) report (Architectus), other supporting reports prepared in the RTS phase and the revised HIS. This RTS report does not directly assess heritage impacts of the preferred project design which is done in the HIS; it is a summary of responses to the submissions received that relate to heritage matters.

2.0 Design Changes in Response to Submissions

Design changes in response to evolution of the project and issues raised in submissions principally include changes in:

- building design;
- landscaping; and
- traffic and transport.

These changes are summarised in the sections below.

2.1 Building Design

- Entry Plaza Canopy has been rotated to south-east, and has increased setback from Art Gallery Road.
- Changes to Entry Plaza canopy including replacement of roof materials with ceramic fretting, and creation of an aperture (opening) in the roof to allow landscape and artworks underneath.
- Change to Entry Plaza layout with insertion of landscape elements including trees, artworks and amenities.
- Photovoltaic array is clustered on the Entry Pavilion roof and increased in area to 1,538sqm.
- Lowering the height of the roof of Gallery 2 adjacent to Art Gallery Road and in front of Woolloomooloo Gate through a reduction in internal ceiling heights in one corner to a consistent 5.5 metres.
- Change to external materials of the building including use of natural stone and rammed earth.
- Entry to plant room of sea water heat exchange system to be elevated above ground.

Overall, changes to the building design have resulted in minor improvements to the obstruction of views along Art Gallery Road, a slight rationalising of the new building's size and orientation and more detail provided in regards to its connectivity to the surrounding landscape.

2.2 Landscaping

- A more than threefold increase in the area of green roofs (from 572 to 1761sqm).
- Publicly accessible area of roof terraces (during opening hours) will be increased.
- Addition of soft landscaping to top of stepped fuel bunker wall at Lincoln Crescent.
- Minor changes to landscaping, including planting low-scale vegetation along Art Gallery Road and realignment of footpaths to follow desire lines.

- Relocation and transplanting of tree identification no. 1363, a high value tree that is currently located in front of the existing Gallery.
- Retention of 9 trees on land bridge.
- Increase in proposed compensatory tree planting from 265 to 273 trees.
- Interpretation of the footprint of the 1920s low curved sandstone walls in new paving and reuse of materials.

Overall, changes to the landscape design result in an increase to the landscaped areas of the site, particularly in the form of the rooftop terraces and an increase in compensatory planting. This results in an improved landscaping and greenspace outcome from a heritage point of view.

2.3 Traffic and Transport

- Changes to public domain and traffic arrangement layout along Art Gallery Road, including deletion of the majority of the proposed works on the western side.
- The bus stop is being relocated from the southern end of the existing Gallery on Art Gallery Road to the front of the new Gallery building.
- Maintaining existing pedestrian crossing over Art Gallery Road in front of existing gallery, and replace steps from Domain to Art Gallery Road with new ramp.
- Deletion of the proposed pedestrian crossing to the south of the existing gallery. The existing pedestrian crossing in front of the existing building will be retained.
- Relocation of bicycle parking further north along Art Gallery Road.
- Relocation of the loading dock roller shutter further inside the building envelope to minimise traffic queuing on Lincoln Crescent.
- Removal of proposed light vehicle turning bay at the intersection of Art Gallery Road and Mrs Macquaries Road.

Changes to the original State Significant Development Application (SSDA) submitted scheme to resolve the traffic and transport issues raised by the relevant state agencies result in improved pedestrian safety and traffic management outcomes, as well as the retention of an important approach to the principal forecourt of the existing Gallery building via the steps opposite.

3.0 Key Heritage Issues

3.1 Public Submissions—Summary of Issues

The key issues raised in the submissions in relation to heritage are:

1. Consideration of the size and setbacks of the proposed entry plaza roof canopy.
2. Consideration of the extent of works to the former naval fuel bunker.
3. Information on the extent of public access to the proposed landscaped roofs.
4. Provision of further information on the reflectivity and external colours of the proposed structures.
5. Information on details of the proposed structures within the former fuel bunker.
6. Provision of further information on the extent of works to the stone steps on the western side of Art Gallery Road opposite the 1902 portico.
7. Provision of further information on interpretation of the footprint of the 1920s low curved sandstone walls in the new paving and re-use of materials.
8. Provision of further information on methods to ensure the existing Art Gallery of NSW (AGNSW) entry remains the main entry to the Gallery, including details of the conservation strategies referred to in section 6.7 of the EIS.

3.1.1 Size and Setbacks of Plaza Canopy

Consideration of the size and setbacks of the proposed entry plaza roof canopy.

The updated proposal adopts alterations to the siting of the entry plaza and roof canopy, including an increased setback by approximately 4.4m on Art Gallery Road from the previous version of the design. The entry plaza has been pushed slightly further to the southeast, opening up the connection between the principal forecourt of the new building and the classical façade of the existing Gallery building and its entry plaza to the north. This connectivity will be further emphasised by the use of a common landscape surface finish and landscape elements, serving to draw a visual and hierarchical connection between two equally important arrival zones.

The slight rotation of the entry plaza southeast results in a greater connection between the old and new buildings, rather than the plaza sitting 'in front' of both buildings in views north and south along Art Gallery Road. This is considered a more cohesive design outcome, preferable to further increasing the separation of the two buildings and entry plaza between. A closer, more subservient massing relationship for the design enables the visual and physical relationship required to maintain the two entrance forecourts as equal and interconnected.

The reduction in prominence, siting and size of the entry plaza and roof reduces the impacts of the new addition on the existing gallery and 1902 portico particularly from the western elevation to Art Gallery Road. The entry plaza roofline in the updated proposal dips lower than previously proposed beneath the Vernon façade's main cornice line, retaining an adequate reading of the existing building when viewed

from the Woolloomooloo Gate. The slim columns and partially transparent roof material (white fritted glass) provide an open-air space from which the architecture of both buildings can be appreciated.

Though sizeable, the entry plaza will provide the amenity and accessibility currently limited at the front of the existing building by virtue of its significant classical design that provides only limited shelter from weather within its columned portico. Its primary function, as a meeting place, a place of arrival and a place of rest, planning and preparation, demands a size which will cater to a capacity befitting this primary purpose. Planting and considered 'greening' of the entry plaza will link it to the Phillip Precinct of the Domain to the west and draw visitors through to the revitalised land bridge precinct.

Refer to the Visual Impact Assessment report revised by Cloustone in March 2018.

3.1.2 Works to the Former Naval Fuel Bunker

Consideration of the extent of works to the former naval fuel bunker.

The former fuel bunkers, constructed of concrete with pre-cast concrete columns in a regular 4m grid and constructed during World War II, are significant elements on the site. In the updated proposal they perform a dual purpose of providing a new gallery space and new back-of-house and workshop spaces.

Gallery 8, set within the southernmost fuel bunker, will be accessed via a spiral staircase on LL2, forming a dramatic entrance for visitors to descend and explore the new gallery space. Minimal intervention and a light touch form the approach for the refurbishment and restoration of this space. No change or decrease to the 6.7m ceiling height is proposed. The raw concrete finish of the ceiling is proposed to be retained.

Further engineering and structural advice is required to determine what additional support is required for the new galleries above this space; however, retention of original fabric is a priority and if necessary the original columns would be supplemented with new columns rather than replaced.

The central wall dividing the tanks is to be retained almost in full, with only one new penetration to access the two spaces and meet fire regulations. The approach in the northern bunker will be to retain as much significant fabric and as many spatial elements as possible while adapting the space to provide back-of-house facilities. The existing fuel bunker floors, walls, columns, and roof will be retained (transparent protective finishes may be applied).

The adaptive re-use of the northern tank and installation of a staff entrance and loading dock to Lincoln Crescent will require the removal of the existing pillars within the north tank, partial removal of internal and external walls, and demolition of the associated pumphouse and substation.

The pumphouse is required to be removed to facilitate the proposed loading dock. There is no other suitable position for the new loading dock that avoids impacting on the external fuel bunker wall expression to Lincoln Crescent. The pumphouse has been stripped internally of its equipment and no longer functions. Further details on its internal condition are unknown. Recording of the pumphouse should be undertaken prior to its removal and further mitigation requirements are outlined in Section 7.0 of the HIS report.

3.1.3 Public Access to the Landscaped Roofs

Information on the extent of public access to the proposed landscaped roofs.

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Detailed information on the extent of publicly accessible space, and the nature and design of those spaces, is available in the SSDA State Significant Development Application Landscape Architecture Report prepared by McGregor Coxall, revised in March 2018. Notably, the total area of rooftop gardens has increased by 572m² since the SSDA lodgement. The proposal now includes 1,761m² of green roof gardens across four pavilion roofs.

In total, the proposed publicly accessible terraces which form part of the building (open during gallery opening hours only) comprises 1,896m² of roof space over three pavilion roofs.

In total 64.9% of the total site area is made up of 24/7 publicly accessible open space, being 14,963m² (excluding the rooftop terraces and courtyard which will be accessible during Gallery opening hours). The entry plaza totals 1,371m² of publicly accessible space, and allows for congregation, rest and general use by the public round the clock.

3.1.4 Material Reflectivity and External Colours

Provision of further information on the reflectivity and external colours of the proposed structures.

The updated proposal includes further details on the exterior finishes of the Sydney Modern building, included in the Architectural Design Report. The approach to the materiality of the new building remains centred on employing high quality finishes, which will stand in contrast with the existing AGNSW building whilst complementing the beauty of the surrounding landscape through the qualities of lightness, transparency and permeability. Reflectivity will be minimised through the considered design of coloured and opaque finishes.

The external finishes of the Sydney Modern building comprise a pared-back palette of warm earth coloured aggregated concrete, reconstituted stone and glass. Both the coloured concrete aggregate and the reconstituted stone reference, take inspiration from and, where possible, re-use the naturally occurring soil profiles, sandstone cliffs and escarpments and existing bedrock which form the landscape of the Sydney Modern site. Externally and internally, bespoke panels and clear sheltered glass enclosures will softly reflect and facilitate views of the surrounding environment whilst harsh cool tones and bright whites will be minimised.

Considered planting at roof and terrace levels will emphasise and lengthen the connections between overlapping pavilions and place the new building sympathetically within the surrounding landscape setting. Warm earth coloured aggregate at roof level will be a predominant feature from within the Gallery through the many vistas allowed by the lightness and transparency of clear glass enclosures. Transparent glass wraps around the public areas and opaque stone cladding wraps the Gallery volumes. The terraces and contemplative gardens which encircle the pavilions continue and build upon the naturally occurring materials palette and create intimate garden spaces accessed and enjoyed within the larger architectural experience.

The curved glass material chosen for the roof of the entry plaza is intended to be 'soft' in appearance, forming rhythmic waves with neutral colouring.

The project will comply with the DoP's standard requirements regarding reflectivity of building materiality. Light reflectivity from building materials used on façades will be compliant with the relevant conditions so as not to create potential glare for pedestrians and occupants and a hazard to motorists.

3.1.5 Structures within the Former Fuel Bunker

Information on details of the proposed structures within the former fuel bunker.

See item 3.1.2 above.

3.1.6 Works to the Existing Steps West of Art Gallery Road

Provision of further information on the extent of works to the stone steps on the western side of Art Gallery Road opposite the 1902 portico.

The updated proposal includes a rationalised landscape scheme for the front of the existing building and its significant Vernon façade. The updated proposal builds on the principles of maintaining the strong axial and ceremonial link to the Gallery through the Domain towards Macquarie Street, preserves the integrity of the curved carriageway and minimises additional clutter and intrusion in the principal forecourt. The revised design retains the Art Gallery Road pedestrian crossing and the key entry pathway from the Domain, which is a positive change from the previous design.

The centreline of the base of the AGNSW portico stone steps has been used as a reference plane for the treatment of the stone steps across Art Gallery Road. The existing stone steps are proposed to be removed and their location regraded and levelled out to be consistent with the principal forecourt and thus strengthen the link through to this space and enhance the approach view from this point. New, lengthened steps would be added running parallel to the path, inviting pedestrian traffic from the grassed areas of the Domain. The 1997 sphinxes framing the existing steps would be retained and relocated within this area so as to still act as entrance pylons.

These aspects of the revised proposal reinforce the significant, principal axial approach to the Vernon portico from the western side of Art Gallery Road and represent a positive heritage outcome for the existing Gallery building.

3.1.7 Interpretation of the Sandstone Dwarf Walls

Provision of further information on interpretation of the footprint of the 1920s low curved sandstone walls in the new paving and re-use of materials.

Whilst the updated proposal minimises interventions in the front of the existing building and its significant Vernon façade, the removal of part of the low stone walls at their northernmost and southernmost ends remains part of the design. The alignment of the wall will be interpreted in the paving using a contrasting style of surface finishes determined to be complementary to the warmth of the Vernon façade and cohesive with the landscaped surface proposed in the new scheme.

The elements of the sandstone from the end of the wall, which will be removed, are to be re-used to construct a section of the wall along the carriageway at the opposite end, adjacent to the portico. The wall will reinforce the carriageway design and will assist in managing pedestrian flow around the Vernon façade. The newel/end bollards will be restored to the ends/junctions of the earlier design.

3.1.8 Retention of Prominence of AGNSW Main Entry

Provision of further information on methods to ensure the existing AGNSW entry remains the main entry to the Gallery including details of the conservation strategies referred to in section 6.7 of the EIS.

The GML HIS has stated that the continuation of the AGNSW in its historic location within the Royal Botanic Garden and Domain (RBGD) constitutes a positive heritage outcome for the site, the institution and the existing building. This continuation is made sustainable and 'future proofed' by the construction of a state-of-the-art expansion to the gallery; however, this must be tempered by a consideration of the potential impacts of spatially splitting the institution and presenting two entrance options and two exhibition offerings to the public.

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The characteristic projecting classical portico of the Vernon building is retained and will be counterpointed by the new recessed entrance of the Sydney Modern. These opposing approaches to their entrances mean that the Vernon building remains a principal entrance of the Gallery and will retain its prominence when viewed from the south, north and west.

The AGNSW will implement the following strategies to ensure that the existing building is not relegated to secondary status after the expansion is complete:

- A comprehensive, whole of site wayfinding strategy will be developed and implemented for the project. The wayfinding strategy will integrate with both the existing and new buildings, taking its cues from the materiality and siting of both to adequately and accessibly inform visitors. It will guide and direct visitors to both entrances equally and emphasise the equally important offerings of both wings. Where necessary, staff should be on hand in both forecourts to answer queries and explain the entrance configuration to the public.
- The whole of site wayfinding strategy will be integrated with the interpretation plan to be developed and implemented at the site. The interpretation plan should tell the story, amongst other stories, of the Gallery's evolution on the site, its growth and development as an institution and the seminal role it has played fostering and displaying the arts in NSW. Where possible, the old wing should be interpreted from within the spaces of the new, particularly at points where key vistas direct the eye back towards the original Gallery.
- Through careful programming, exhibition design, internal collections planning and artwork rotation, the AGNSW will ensure an equal spread of historic and contemporary art, Indigenous art, Asian art and international exhibitions are displayed across both buildings, thus continuing to draw adequate visitation and public participation into all areas of the institution.
- Guided tours and visitor information pamphlets and online material should bridge both buildings at all times. Public programs should be structured to ensure a spread of movement across the site—ie a talk associated with an exhibition held in the Old Courts could be held in the new wing, and vice versa.
- Landscaping linkages between the principal forecourt and the entry plaza should be further refined, detailed and where relevant linked to permanent high-quality wayfinding and signage.
- Public art and sculpture should aim to activate and add interest to the existing building as well as the new.
- The Conservation Management Plan for the existing Gallery building should be completed, and any priority works or strategies identified within it carried out in accordance with expert heritage recommendations. Subsequent to the completion of the new extension it is imperative that conservation and design integrity play a day to day role in the management of the place. A comprehensive, up-to-date CMP will provide for the future care of historic elements onsite which require ongoing monitoring and upkeep.
- Remediation, maintenance, removal of intrusive elements and restoration at the original Gallery building should remain of the highest priority at the place, as befitting the beloved and significant nature of the space. Decisions should be carried out in accordance with *The Burra Charter: the Australia ICOMOS Charter for Places of Cultural Significance, 2013* (the Burra Charter), and in line with best practice conservation techniques.

- Judicious pruning and maintenance of trees within the Domain should be undertaken at intervals to retain and recover significant views to the Vernon façade of the AGNSW. Provisions for this should be included in the updated management documents for the RBGD.

4.0 Heritage Council Issues

4.1 Overview

The Heritage Council submission to the SSD Application related to the following issues:

- conversion of open space;
- proposed entry to the extension competing with the existing Gallery entry in the 1902 WL Vernon portico;
- proposed entry plaza roof;
- proposed alterations to the existing Gallery setback to Art Gallery Road;
- adaptive re-use of the southern half of the former 1940s Navy Fuel Bunker (Fuel Tanks), as a gallery;
- demolition of the northern half of the former 1940s Navy Fuel Bunker (Fuel Tanks), its pumphouse and part of the stepped retaining wall;
- the character and setting of the eastern part of the Domain and significant views;
- damage due to vibration during construction;
- trees and vegetation; and
- maritime archaeology.

4.1.1 Conversion of Open Space

At least ½ of the proposed landscaped roofs should be freely accessible by the community (at least during the day).

In total, 25.1% of the proposal comprises publicly accessible roof terraces over two levels (1,896m²).

The total area of rooftop gardens has increased by 572m² since the SSDA lodgement. The proposal now includes 1,761m² of green roof gardens across four pavilion roofs.

4.1.2 Retention of Prominence of AGNSW Main Entry

There is a potential risk of the proposed entry to the extension competing with the existing gallery entry in the 1902 WL Vernon portico.

A plan showing both the existing and proposed buildings is to be submitted to the satisfaction of the Heritage Council of NSW or its delegate to confirm the retention of the current front entry as the main entry.

The two buildings are discrete buildings with discrete entrances to each of them. The current front entry to the AGNSW main gallery will remain. The updated proposal has been revised in a number of ways which maintain the 1902 WL Vernon portico as an equal primary entrance, including the described improvements to the steps on the western side of Art Gallery Road and the cohesive linking of paved

surfacing between the new entry plaza and existing principal forecourt. The proposal includes retention and enhancement of the existing pedestrian crossing opposite the existing Gallery on Art Gallery Road.

See item 3.1.6 above.

4.1.3 Entry Plaza Canopy

Despite the fact that the proposed entry plaza roof will be lower than the AGNSW's main cornice, its visibility along Art Gallery Road should be substantially reduced so the new roof does not compete with the existing building and its portico, and is clearly subservient to the existing gallery and the 1902 portico.

This may be achieved either:

- by setting the roof behind the Art Gallery façade; and/or
- by increasing the separation between the proposed entry plaza roof and the Art Gallery.

See item 3.1.1 above.

4.1.4 Alterations to Art Gallery Road Forecourt

The footprint of the 1920s low carriageway walls is to be interpreted in the new paving.

The sandstone from the low wall is to be salvaged, reused and interpreted within the proposed development in order to interpret the layout and materials of the former 1920s low wall that edged the semicircular carriageway.

Whilst the updated proposal minimises interventions in the front of the existing building and its significant Vernon façade, the removal of part of the low stone walls at their northernmost and southernmost ends remains part of the design. The alignment of the wall will be interpreted in the paving using a contrasting style of surface finishes determined to be complementary to the warmth of the Vernon façade and cohesive with the landscaped surface proposed in the new scheme.

The elements of the sandstone from the end of the wall, which will be removed, are to be re-used to construct a section of the wall along the carriageway at the opposite end, adjacent to the portico. The wall will reinforce the carriageway design and will assist in managing pedestrian flow around the Vernon façade. The newel/end bollards will be restored to the ends/junctions of the earlier design.

4.1.5 Gallery Adaptation of the Southern Fuel Tank

The design of proposed structures in the former 1940s Navy Fuel Bunker (Fuel Tanks), such as new structural supports or bracing for the building above, the ramp, stair and any services, electrical and mechanical, should be lightweight and complement the character of the significant Navy Fuel Bunker (Fuel Tanks).

See item 3.1.2 above.

4.1.6 Demolition of the Northern Fuel Tank, Pumphouse and Wall

The proposal should be amended to retain a substantial section of the Fuel Tanks' interior including the rooftop access hatches, concrete columns, the concrete wall dividing the tanks into two, the connecting pipe as well as the pumphouse, pump room and amenities building. The finalised design for both the

Fuel Tanks should be submitted to the satisfaction of the Heritage Council of NSW or its delegate prior to the issue of the construction certificate.

See item 3.1.2 above.

4.1.7 Character and Setting of Eastern Domain

Highly reflective surfaces, large areas of unshaded glass and bright white finishes should be avoided. External colours should be subdued and take inspiration from the colours of the locality, that is Sydney sandstone.

See item 3.1.4 above.

4.1.8 Construction Impacts

A heritage specific dilapidation survey and report for significant elements, materials and finishes in the existing Gallery building and site (including the forecourt sculptures) is to be prepared prior to commencement of the works. The construction management plan for the development is to identify and include these significant elements, materials and finishes so that they are protected and not damaged during the work.

The finalised construction management plan for the development should be submitted to the satisfaction of the Heritage Council of NSW or its delegate for review prior to the issue of the construction certificate.

A construction management plan will be prepared for the project, and heritage advice will be provided in the formulation of policies and mitigation measures to prevent damage to the current Gallery building during the construction period.

4.1.9 Trees and Vegetation

Significant plants and trees are to be adequately protected during the works from potential damage. Protection systems must ensure historic plants are not damaged or removed.

A tree protection plan will be developed in accordance with the relevant Australian standards as per the standard SSD condition of consent for this issue. Construction will be carried out in accordance with the tree protection plan.

4.1.10 Maritime Archaeology

The Heritage Council has also requested the submission of a detailed Maritime Archaeological Assessment and Research Design and Excavation Methodology.

A desktop Maritime Archaeological Assessment has been undertaken by David Nutley of Comber Consultants (see Attachment A). It concluded that the path of the proposed seawater heat exchange pipeline has potential to impact on cultural material dating from the usage of the adjacent foreshores, wharves and bathing pavilions that represent themes of commerce, defence, health services and recreation.

The recommendations of the desktop study are as follows:

- A site inspection, including a dive survey, incorporating video and/or still photography, should be undertaken prior to finalisation of the path map of the intake and outflow pipes to assess the

seawall and impact of the pipelines where they pass through that wall and to identify the location and potential significance of any potential relics lying on the bed of the bay.

- The consultant maritime archaeologist should be contacted once the proposed method has been chosen for laying the pipes to determine the scheduling for a dive inspection of the site prior to the installation of the pipes.
- If the pipeline is to be laid in a trench, arrangements should be made for an archaeological diver to inspect the site during the trenching or immediately upon completion of trenching (dependent on the trenching method being adopted) but prior to the installation of the pipes.
- If any relics are found during trenching, work must cease in that area and advice should be sought from the archaeologist.
- The AGNSW should facilitate appropriate materials conservation for any items recovered as a result of the trenching as well as archival documentation, appropriate conservation and storage.

In addition, the maritime archaeologist would be invited to advise on the methods and extent of the recommended detailed seabed survey.

5.0 Aboriginal Cultural Heritage

The Office of Environment and Heritage (OEH) notes that a due diligence Aboriginal heritage assessment was undertaken for the proposal. This is inconsistent with the Secretary's Environmental Assessment Requirements (SEARs) issued on 8 June 2016. Due diligence is not a substitute for undertaking an Aboriginal cultural heritage assessment. Due diligence is a legal defence against harm under the *National Parks and Wildlife Act 1974* (NSW) and is inadequate to assess the impacts of the proposed development on the Aboriginal archaeological and cultural heritage value of the subject land. OEH recommends that a full Aboriginal cultural heritage assessment be prepared consistent with the SEARs.

A combined Aboriginal Cultural Heritage Assessment (ACHAR) and Aboriginal Technical Report (ATR) is currently under preparation. Aboriginal community consultation, undertaken in accordance with the OEH guidelines, is also being completed as part of the process.

This work is being undertaken in accordance with the following OEH guidelines:

- *Guide to investigating, assessing and reporting on Aboriginal cultural heritage in NSW*, 2011;
- *Aboriginal cultural heritage consultation requirements for proponents*, 2010; and
- *Code of Practice for Archaeological Investigations of Aboriginal Objects in NSW*, 2010.

The final report will be provided to the DoP.

6.0 Royal Botanic Gardens and Domain Trust Act Alignment

6.1 Overview

Given the moderate heritage impacts on the Domain, it is useful to also assess and demonstrate how the project aligns with the objects of the *Royal Botanic Gardens and Domain Trust Act 1980* (NSW) (RBGDT Act). Clause 7 of the RBGDT Act 1980 No. 19 provides that:

(1) The principal objects of the Trust are:

(a) to maintain and improve the Trust lands, the National Herbarium and the collections of living and preserved plant life owned by the Trust,

(b) to increase and disseminate knowledge with respect to the plant life of Australia, and of New South Wales, and

(c) to encourage the use and enjoyment of the Trust lands by the public by promoting and increasing the educational, historical, cultural and recreational value of those lands.

(2) When acting in pursuance of its objects, the Trust shall give particular emphasis to encouraging and advancing the study of systematic botany, and to plant conservation.

The HIS submitted by GML in November 2017 confirmed that the proposal is in broad alignment with the objects of the RBGDT Act. Impacts that have been identified for the project are in some way mitigated by the fact that the new use of the site incorporates an art gallery, art and sculpture garden and landscaped terraces. These uses are complementary and compatible with the RBGDT Act, and the new gallery extension will sit within the gardens, thus adding to and enriching their educational, historical, cultural and recreational value.

The AGNSW Expansion Project— Sydney Modern has adopted a strategic approach to aligning the new development with the objects of the Act and, in particular, the moderate heritage impact on the Domain heritage item.

As outlined in the HIS, the overall moderate adverse impacts to the heritage listed Domain are brought about through the net loss of open space, resulting from the construction of a major cultural institution to the north of the existing gallery, the removal of three and relocation of four trees of identified significance, the loss of open space, interruption of significant views and adaptation of the Domain Oil Tanks.

The adaptation of the Domain Oil Tanks is also aligned with the Act. The RBGDT Act provides expressly for the leasing and use of the oil tanks in its clause 20A (2) (b).

Where round-the-clock publicly accessible open space has been lost, enclosed or otherwise converted into enclosed built space, the cultural and recreational value of those lands has been converted to a different yet equally important educational, historical, cultural and recreational use. The particular form and focus of public use is changed and converted to a more specialised purpose (that of an art gallery) but that use is also an important public good, which can coexist in a complementary and compatible way alongside the RBG and the Domain.

There are substantial opportunities for the project to become further aligned with the RBGDT Act and for a closer relationship to be formed between the two major public institutions entrusted with the site.

GML Heritage

The land bridge area over the Cahill Expressway is not subject to the RBGDT Act.

Strategies that will facilitate realisation of the project and also bring about closer alignment with the RBGDT Act are summarised below.

6.1.1 The Lands

Object (a)—Maintain and improve the Trust lands.

The preferred project design improves the Trust lands. The proposed building is situated predominantly over the oil tank land, and will include landscaped roofs, accessible roof terraces and courtyards. The remainder of the site will be dedicated to enhanced landscaping and a pedestrian path network.

The activation of the site area through the development of the new Art Gallery extension building would be an improvement in this location, and would result in an overall increase in patronage to this area of the Domain.

6.1.2 The Living Plant Collection

Object (a)—Maintain and improve the collection of living plant life.

Whilst the proposal results in the removal of 131 trees, it supplements this with the planting of 274 new trees and the establishment of 14,963m² of publicly accessible space of landscape-like amenity.

Utmost care will be taken in the design of the building and its services systems during construction and in the specification of materials and their required maintenance to mitigate adverse impacts on living plant life.

An endemic ecological community on site will be partially reinstated by the proposal. Sydney Sandstone Woodland, incorporating plant life associated with the Governor's Domain, forms part of the landscape plans for the site.

6.1.3 The Preserved Plant Collection

Object (a)—Maintain and improve the collection of preserved plant life.

Although the project has no express provision for the preservation of the Trust's preserved plant life, there remains potential for co-located storage and curatorial display of preserved plant life if agreeable to both Trusts.

6.1.4 Knowledge of Plant Life and its Dissemination

Object (b)—Increase knowledge with respect to the plant life of Australia, and of New South Wales.

Object (b)—Disseminate knowledge with respect to the plant life of Australia, and of New South Wales.

The programming of the project's facilities has no express provision to increase knowledge with respect to the plant life of Australia or New South Wales. However, the variety of facilities and settings envisaged would provide forums for interdisciplinary knowledge sharing of art, botany, horticulture, landscape management and geoscience.

Identification and interpretative signage for key trees and other plants will be developed in consultation with the RBGD Trust, as identified in the EIS.

6.1.5 Public Use and Enjoyment of Lands

Object (c)—To encourage the use and enjoyment of the Trust lands by the public by promoting and increasing the educational, historical, cultural and recreational value of those lands.

Promoting and Increasing Educational Value

- The project would increase access to the Gallery's collection.
- The project would promote and increase the educational value of the Trust lands with respect to art, architecture, landscape, science and sustainability.

Promoting and Increasing Historic Value

- Heritage interpretation of historic values would be integrated into the art (both commissioned and from the existing collection), architecture and setting.

Promoting and Increasing Cultural Value

- The project will promote and increase the cultural value of the Art Gallery of New South Wales as the state's premier facility for the visual arts.
- The project will restore, interpret and make publicly accessible an important heritage component of the RBG and Domain via the adaptive re-use of the southernmost fuel bunker and its conversion into a publicly accessible gallery (Gallery 8).
- The Gallery and project team will work with Aboriginal groups and people to understand, preserve, promote and increase the cultural value of the land and promote to all visitors—both domestic and international—an understanding of that cultural value.

Promoting and Increasing Recreational Value

- The project will promote and increase the recreational value of the land not only by increasing accessibility to the Gallery's collection but also by the quality and variety of new settings in and around the project site in which recreation may be taken.

7.0 Conclusion

The amendments to the design of the Art Gallery of NSW Expansion Project—Sydney Modern address the range of issues raised in the submissions and accommodate the evolution of the design. The design has evolved due to the further definition of the project and its functional requirements and in response to issues raised in submissions.

- Overall, changes to the building design have resulted in minor improvements to the obstruction of views along Art Gallery Road, a slight rationalising of the new building's size and orientation and the provision of more detail in regards to its connectivity to the surrounding landscape.
- Overall, changes to the landscape design result in an increase to the landscaped areas of the site, particularly in the form of the rooftop terraces and gardens, and an increase in compensatory planting. This results in an improved landscaping and greenspace outcome from a heritage point of view.
- Changes to the original SSDA submitted scheme to resolve the traffic and transport issues raised by the relevant state agencies result in improved pedestrian safety and traffic management outcomes, as well as the retention of an important approach to the principal forecourt of the existing Gallery building via the steps opposite.

The changes, as referred to in this report and in the March 2018 HIS, have resulted in a preferred project design. Whilst they do not mitigate the project's heritage impacts completely, they result in some marked improvements relating to heritage impacts at a detailed level within the design.