

24 August 2018

File No: SSD 6471
Our Ref: R/2014/13/C

Andy Nixey
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Dear Andy,

**RE: ART GALLERY OF NSW EXPANSION PROJECT – SYDNEY MODERN –
SSD 6471 – RESPONSE TO SUBMISSIONS ADDENDUM REPORT**

Thank you for your correspondence dated 10 August 2018 which invites the City of Sydney (“the City”) to provide comment on the response to submissions addendum report.

The following changes to the proposal are noted in the addendum report:

- Rotation of the entry plaza and canopy;
- Revised canopy design;
- Retention of Joseph Beuys tree;
- Traffic layout changes including bus stop on Art Gallery Road and Lincoln Crescent pedestrian refuge;
- New lift access from Lincoln Crescent;
- Changes to landscaping including green wall plantings, landscaping to Art Gallery Road and land bridge.

The City provides the following comments in addition to the comments outlined in the City’s correspondence dated 14 May 2018 to be considered in the assessment of the proposal. Again, the City acknowledges the need for the Art Gallery to expand and is generally supportive of the concept of the Sydney Modern project. Aspects of the proposal have again been improved in this addendum, however as previously stated the project can be further developed to better integrate into the unique landscaped setting as envisaged in the competition winning scheme.

Several aspects of the described changes are unclear in terms of what is being proposed or amended as part of this addendum. It is not clear what changes are being made to the layout and configuration of the accessible parking, taxi zone and coach parking on the eastern side of Art Gallery Road on the architectural plans. It should be clarified whether the existing pedestrian crossing on Art Gallery Road is being removed as it is not shown on plans but not described as being removed. As noted previously, the removal of this crossing point is not supported. It is not clear how the new access lift from Lincoln Crescent would be accessed from Lincoln Crescent.

Design

The rotation of the entry canopy appears to improve the relationship to the existing gallery building.

The introduction of additional greening to the building is supported, however the City's previous comments on integrating the structure into the landscaped setting remain. The competition winning scheme incorporated more landscaping into the structure, particularly the canopies and roofs.

Pedestrian Access

Previous comments regarding the footpaths along the western side of Art Gallery Road remain applicable. Where the existing stairs towards the Domain are to be removed, ease of movement in a north – south direction along Art Gallery Road should be maintained in terms of levels and widths of the footpath.

The pedestrian links between lifts from Lincoln Avenue to the art garden will require a strong wayfinding strategy to be a legible accessible route.

Tree

The retention of the culturally significant tree planted by Joseph Beuys is strongly supported.

Contributions

The request for a 'blanket' exemption for the payment of all contributions under the Central Sydney Contributions Plan (Section 61 contributions) is not supported by the Plan. A detailed response to the itemised Section 61 contributions components outlined in the request is provided as an attachment to this letter.

Stormwater

The City does not agree to the request that the City's water quality management and flood planning requirements should not apply to the development. Comments are provided in response to the request as an attachment to this letter identifying concessions that may be considered in respect of the proposal.

Should you wish to speak with a Council officer about the above, please contact Shannon Rickersey, Senior Planner, on 9265 9333 or at srickersey@cityofsydney.nsw.gov.au.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'GJahn', with a stylized flourish at the end.

Graham Jahn AM
Director

City Planning | Development | Transport

ATTACHMENT A – FURTHER COMMENT

Section 61 Contributions

The following comments are provided in response to the itemised request for exemptions as listed in Table 2 of the Response to Submissions Addendum Report and the letter to Anthony Roberts MP dated 25 July 2018:

- The proposal for the **public art garden** (which involves a \$3.5 million expenditure on public art) to be a works-in-kind contribution does not meet the City's expectations for a material public benefit. The principal activity of the Art Gallery is for the display of NSW's art collection. Its core business is to allow the public to view art whether it be displayed in internal galleries or external gardens. The works-in-kind offer for a public art garden is not a public benefit over and above what would reasonably be expected from the state's art gallery. Furthermore, the City will not have involvement in the development of the garden, nor ownership of the art at completion. It is the City's responsibility to ensure that any contributions collected, including works-in-kind, are put towards community infrastructure so that the City can ensure its benefit in perpetuity. Given these reasons, the works-in-kind offer of the public art gallery in lieu of paying development contributions is not appropriate.
- The proposed **public domain improvements** to frontages of the site are not a public benefit over and above what would reasonably be expected of a development of this scale. The RTS Addendum notes that the proposed **smart poles** are exempt development. As such, they do not form part of the SSD application for which the exemptions are sought.
- The architectural plans do not demonstrate that the proposed **green roofs** meet the minimum 30% size criteria and other requirements for green roofs set out in the Plan to be eligible for an exemption.
- The **adaptive reuse of the heritage item** (the Domain Oil Tanks) is not consistent with the type of heritage works which may be eligible for an exemption under the Plan. The floor plans for the tanks shows that the north tank is to be converted to support services (eg. storage rooms, hot water heater, fire hydrant sprinkler pump room etc) while the south tank is to be converted to gallery space. Around 50% of the existing tanks are to be demolished to accommodate the support services, and this will result in a moderate adverse impact of the development on the heritage values of the oil tanks. Given this, the proposal does not represent development for the sole purpose of adaptive reuse of a heritage item, as required by the Plan.
- The proposed works to enhance the existing **through site link** between Woolloomooloo and the Sydney CBD does not meet the Plan's exemption criteria. Exemptions are provided for the provision of new through site links, not upgrades to existing ones.

The City is supportive of the following exemption requests which fit within the Plan's exemption criteria, ***subject to the provision of more detailed costings prepared by a Quantity Surveyor***:

- The proposed **roof top photovoltaic panels**, which are energy savings measures. It is noted that only the panels and any immediate connections from the panels to the building services are exempted.

- The proposed **water saving measures** (rainwater reuse and harbour heat rejection). Rather than providing an overall cost for water saving measures, the rainwater reuse / water storage works costs should be separated out from cost of the harbour heat rejection works. Then, further costing breakdowns are needed to clarify what has been included in the cost estimates to determine what may be eligible for an exemption. For the rainwater reuse costs, it is reasonable to include storing, pumping and piping costs to get water to cooling towers, and the cost of additional water storage on site for reuse. Cost associated with typical stormwater detention in terms of controlling peak stormwater flow/flood control should not be included.

Once the detailed costings for the energy and water saving measures have been determined, for those costs eligible for an exemption, the contributions payable may be reduced by subtracting the cost of the exempted works from the “development cost” as defined by the Plan. The 1% levy may then be applied to the reduced development cost.

Stormwater

A stormwater plan detailing the proposed location of the basement areas accessible from the Art Gallery Road building entrances has not been provided. The requirement of the Flood Planning Level (FPL) is to be at a minimum of 0.3m above the gutter invert adjacent to the site is still applicable/recommended. However, where it deems not feasible to set the entrances threshold for the basement areas accessed from the Art Gallery Road to be at 0.3m above the gutter invert adjacent to the site, consideration can be given to the FPL to be considered to be at a minimum of 200mm above the gutter invert adjacent to the site Subject to further assessment satisfactory addressing the following issues:

1. FPL is to be at a minimum of 300mm above the surrounding existing ground level within the subject site.
2. Adopt the recommendation made by the applicant's engineer including the following:
 - a) Surface grading away from doors, where possible. Strip drains to be provided in front of doors where grading away cannot be achieved.
 - b) Strip drains to be provided around building perimeter façade where local runoff may accumulate.
 - c) Internal threshold ramps of up to 150mm where levels permit (cannot be achieved at all door locations).
3. Diversion of the surface to the street, the rear of the subject property or in any other direction other than that in which it would naturally flow will not be permitted (i.e. change in catchments) .
4. Details, survey plan (Including but not limited to the kerb invert, top of kerb etc) is to be provided with the concept stormwater plan.

Stormwater Quality

As the Intention is to retain the existing land bridge subsoil cell drainage, pits and downpipes on the eastern distributor land bridge, and given that the As-built drawings indicate that landscaping above the land bridge provides approximately 0.5m of soil cover above the roof slab, and the subsoil flows are captured through a series of Atlantis drainage cells and on grade pits, consideration can be given to exclude the existing Eastern Distributor known as land bridge from MUSIC modelling.